

ORDINANCE NUMBER O- 21114 (NEW SERIES)

Item #58a
8/6/19

DATE OF FINAL PASSAGE AUG 09 2019

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 9.5, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 59.5.0404; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 6 BY AMENDING SECTION 112.0603; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 113.0103; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 2 BY AMENDING SECTIONS 126.0203 AND 126.0205; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5 BY AMENDING SECTION 126.0503; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 7 BY AMENDING SECTION 126.0704 AND REPEALING SECTION 126.0714; AMENDING CHAPTER 12, ARTICLE 8, DIVISION 3 BY AMENDING SECTION 128.0310; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 5 BY AMENDING SECTION 129.0504; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 7 BY AMENDING SECTION 129.0710; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 131.0112; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 131.0422, AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTIONS 131.0504, 131.0522, 131.0540, AND 131.0556; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 131.0622; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY AMENDING SECTIONS 141.0302, 141.0307, AND 141.0313, AND BY ADDING NEW SECTIONS 141.0309 AND 141.0315; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 141.0406; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6 BY AMENDING SECTIONS 141.0617 AND 141.0625; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 4 BY AMENDING SECTIONS 142.0403, 142.0405, 142.0407, 142.0411, AND 142.0412; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTION 142.0525; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 6 BY AMENDING SECTIONS 142.0610 AND 142.0640; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 9 BY AMENDING SECTION 142.0910; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 12 BY AMENDING SECTION 142.1235, AND BY ADDING NEW

SECTION 142.1293; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 143.0111; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 3 BY AMENDING SECTION 143.0302; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 4 BY AMENDING SECTION 143.0402; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 7 BY AMENDING SECTION 143.0720; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 9 BY AMENDING SECTIONS 143.0915 AND 143.0920; AMENDING CHAPTER 14, ARTICLE 4, DIVISION 2 BY AMENDING SECTIONS 144.0211 AND 144.0240; AMENDING CHAPTER 14, ARTICLE 5, DIVISION 31 BY REPEALING SECTIONS 145.3110 AND 145.3111; AMENDING CHAPTER 15, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 151.0103; AMENDING CHAPTER 15, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 151.0401; AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 BY AMENDING SECTIONS 156.0302, 156.0304, 156.0305, 156.0307, 156.0308, 156.0309, 156.0310, 156.0313, 156.0314, AND 156.0315, AND AMENDING FIGURE B AND FIGURE D; AMENDING CHAPTER 15, ARTICLE 7, DIVISION 3 BY AMENDING SECTION 157.0304; AMENDING CHAPTER 15, ARTICLE 7, DIVISION 4 BY AMENDING SECTION 157.0401, AND AMENDING CHAPTER 15, ARTICLE 9, DIVISION 2 BY AMENDING SECTION 159.0211, ALL RELATED TO THE 12TH UPDATE TO THE SAN DIEGO LAND DEVELOPMENT CODE.

WHEREAS, the 12th update to the Land Development Code and San Diego Municipal Code is part of the code monitoring program directed by the Mayor and City Council; and

WHEREAS, the code updates are intended 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 53 issues included in the 12th update that are divided into the following issue categories: appeals, zoning, the Downtown Planned District Ordinance, landscaping, and minor corrections; and

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 the San Diego County Regional Airport Authority; NOW, THEREFORE,

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

Section 1. That Chapter 5, Article 9.5, Division 4 of the San Diego Municipal Code is amended by amending section 59.5.0404, to read as follows:

§59.5.0404 Construction Noise

- (a) It shall be unlawful for any person, between the hours of 7:00 p.m. of any day and 7:00 a.m. of the following day, or on legal holidays as specified in Section 21.0104 of the San Diego Municipal Code, with exception of Columbus Day and Washington's Birthday, or on Sundays, to erect, construct, demolish, excavate for, alter or repair any building or structure in such a manner as to create disturbing, excessive or offensive noise unless a permit has been applied for and granted beforehand by the Noise Abatement and Control Administrator. In granting such permit, the Administrator shall consider whether the construction noise in the vicinity of the proposed work site would be less objectionable at night than during the daytime because of different population densities or different neighboring activities; whether obstruction and interference with traffic particularly on streets of major importance, would be less objectionable at

night than during the daytime; whether the type of work to be performed emits noises at such a low level as to not cause significant disturbances in the vicinity of the work site; the character and nature of the neighborhood of the proposed work site; whether great economic hardship would occur if the work were spread over a longer time; whether proposed night work is in the general public interest; and he shall prescribe such conditions, working times, types of construction equipment to be used, and permissible noise levels as he deems to be required in the public interest.

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

Section 2. That Chapter 11, Article 2, Division 6 of the San Diego Municipal Code is amended by amending section 112.0603, to read as follows:

§112.0603 Process CIP-Two Appeal Hearing

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

(a) [No change in text.]

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

(c) through (f) [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 *Grade, proposed* (See *proposed grade*) [No change in text.]

Grading means any earthwork that involves *grubbing, excavation, embanking, or filling*.

Gross floor area through *Penthouse* [No change in text.]

Permanent supportive housing means housing with no limit on length of stay that is occupied by the *target population*, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community. *Permanent supportive housing* may provide mental health support and counseling, as well as other services needed to support *families* and individuals with independent living.

Permit holder through *Shared parking* [No change in text.]

Shopkeeper unit means a *dwelling unit* with both living quarters and commercial space where the commercial use is located on the ground *floor* and operated by the resident of the *dwelling unit*.

Side street through *Targeted ownership household* [No change in text.]

Target population means persons, including *disabled persons* and *families*, who are homeless or individuals and *families* currently residing in *permanent supportive housing* if the individual or family was homeless when approved for tenancy in the *permanent supportive housing* project in which they currently reside.

Temporary event through Yard [No change in text.]

Section 4. That Chapter 12, Article 6, Division 2 of the San Diego Municipal Code is amended by amending sections 126.0203 and 126.0205, to read as follows:

§126.0203 When a Neighborhood Use Permit Is Required

- (a) An application for the following uses in certain zones may require a Neighborhood Use Permit. To determine whether a Neighborhood Use Permit is required in a particular zone, refer to the applicable Use Regulation Table in Chapter 13:
- Artisan Food and Beverage Producer
 - Automobile service stations
 - Bed and breakfast establishments (under circumstances described in Section 141.0603)
 - Boarding kennels/pet day care facilities
 - Community gardens
 - Comprehensive *sign* plans
 - Eating and drinking establishments abutting residential zones (under circumstances described in Section 141.0607)
 - Employee housing
 - Home occupations (under circumstances described in Section 141.0308)
 - Interim ground *floor residential* use
 - Neighborhood identification *signs*
 - Parking facilities as a primary use
 - Pushcarts

Recycling facilities (under circumstances described in Section 141.0620)

Revolving projecting signs

Sidewalk cafes that deviate from the requirements of Section 141.0621(a)

Signs with automatic changing copy

Temporary construction storage yards located off-site

Theater *marquees*

Urgent care facilities

Veterinary clinics and animal hospitals

Wireless communication facilities (under certain circumstances described in Section 141.0420)

(b) [No change in text.]

§126.0205 Findings for Neighborhood Use Permit Approval

A Neighborhood Use Permit may be approved or conditionally approved only if the decision maker makes the following *findings*:

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

(c) Supplemental *Findings* – Interim Ground *floor residential*

An application for a Neighborhood Use Permit for interim ground *floor residential* uses may be approved or conditionally approved only if the decision maker makes the following *findings*:

- (1) The proposed *development* is physically suitable for *residential* use and located within an existing vacant commercial space that has been vacant for a minimum of six consecutive months.
- (2) The ground *floor* height complies with Section 131.0548.

Section 5. That Chapter 12, Article 6, Division 5 of the San Diego Municipal Code is amended by amending section 126.0503, to read as follows:

§126.0503 Exemption from a Site Development Permit

Development consistent with the affordable housing, in-fill projects, and/or sustainable buildings regulations in Section 143.0915 that requires a Site Development Permit in accordance with Section 126.0502 may be permitted in accordance with a Neighborhood Development Permit decided in accordance with Process Two, provided the *findings* in Section 126.0404(a) and all applicable supplemental *findings* in Section 126.0505(b) through (m) are made. In the event that a deviation is requested, the supplemental *findings* in Section 126.0404(f) shall also be requested.

Section 6. That Chapter 12, Article 6, Division 7 of the San Diego Municipal Code is amended by amending section 126.0704 and repealing section 126.0714, to read as follows:

§126.0704 Exemptions from a Coastal Development Permit

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

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

(i) Any improvement to a *single dwelling unit* that constitutes part of a “single-family residential building” as defined in title 14, section 13250(a) of the California Code of Regulations and that does not require a coastal development permit pursuant to title 14, section 13250(b) of the California Code of Regulations.

Section 7. That Chapter 12, Article 8, Division 3 of the San Diego Municipal Code is amended by amending section 128.0310, to read as follows:

§128.0310 Draft or Final Environmental Document Distribution and Availability

An environmental document consisting of all information required by CEQA and the State CEQA Guidelines and any other information the Planning Director may add shall be distributed for review according to CEQA and the State CEQA Guidelines, and the following:

(a) Environmental Document Distribution to the Public

The Planning Director shall post an environmental document to the City's web page prior to an advisory body making a recommendation required by law or the date that the decision maker considers approval.

(b) Environmental Document Distribution to an Advisory Body

An advisory body required by law to make a recommendation on a project shall consider the environmental document in draft or final form.

(c) Final Environmental Document Distribution to the Decision Maker

A decision maker required to consider approval of a project shall consider the environmental document in final form.

(d) Final Environmental Document Distribution to Public Agencies

The Planning Director shall provide a final environmental document to any public agency that commented on the draft environmental document, consistent with CEQA.

(e) Comment on Final Environmental Document

The intent of distributing the final environmental document is to provide other public agencies, the public, and the decision makers the opportunity to review the final environmental document prior to a decision being made on the project. No comments will be solicited and no written responses to comments on final environmental documents are required to be prepared.

Section 8. That Chapter 12, Article 9, Division 5 of the San Diego Municipal Code is amended by amending section 129.0504, to read as follows:

§129.0504 How to Apply for a Demolition/Removal Permit

An application for a Demolition/Removal Permit shall be submitted in accordance with Sections 112.0102 and 129.0105.

- (a) [No change in text.]
- (b) The Building Official may waive the Demolition/Removal Permit fees, and bond, public liability, and damage insurance fees for demolition of a *structure* that is two *stories* or less in height and has been declared by a government authority to be unsafe or a *public nuisance*. A copy of the letter of declaration from the government authority must be presented when applying for the Demolition/Removal Permit. Workers' compensation insurance requirements still apply even if fees are waived.

Section 9. 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) [No change in text.]
- (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)(6), except for the following:
 - (1) through (4) [No change in text.]
 - (5) Community entry *signs* in accordance with Section 141.1101.
- (c) through (d) [No change in text.]

Section 10. That Chapter 13, Article 1, Division 1 of the San Diego Municipal Code is amended by amending section 131.0112, to read as follows:

§131.0112 Descriptions of Use Categories and Subcategories

- (a) The following are descriptions of each use category and subcategory found in the Use Regulations Tables of each base zone. These descriptions shall be used to classify specific uses into use subcategories for the purpose of determining applicable use regulations, in accordance with Section 131.0110. A description of separately regulated uses is located in Section 131.0112(b).
 - (1) through (2) [No change in text.]
 - (3) Residential Use Category

This category includes uses that provide living accommodations for one or more persons. The residential subcategories are:

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

(E) *Shopkeeper unit* — *shopkeeper unit* has the same meaning as in San Diego Municipal Code Section 113.0103.

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

(b) [No change in text.]

Section 11. That Chapter 13, Article 1, Division 2 of the San Diego Municipal Code is amended by amending section 131.0222, 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 ⁽¹⁾ -
	3rd >>	1-	2-	1-	1-	1-
	4th >>	1	1	1	1	2
Open Space through Residential, Separately Regulated Residential Uses, Home Occupations [No change in text.]		[No change in text.]				
Interim Ground <i>Floor Residential</i>		-	-	-	-	-
<i>Junior Units</i> through Live/work Quarters [No change in text.]		[No change in text.]				
<i>Permanent Supportive Housing</i>		-	-	-	-	-
Residential Care 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 131-02B [No change in text.]

Section 12. That Chapter 13, Article 1, Division 3 of the San Diego Municipal Code is amended by amending section 131.0322, 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 >>	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.]			
Interim Ground <i>Floor Residential</i>		-		-	
<i>Junior Units</i> through Live/Work Quarters [No change in text.]		[No change in text.]			
<i>Permanent Supportive Housing</i>		-		-	
Residential Care Facilities through <i>Signs, Separately Regulated Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]			

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

Section 13. That Chapter 13, Article 1, Division 4 of the San Diego Municipal Code is amended by amending section 131.0422, 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, Separately Regulated Residential Uses, Home Occupations [No change in text.]	[No change in text.]																								
Interim Ground <i>Floor Residential</i>	-	-												-		-									
<i>Junior Units</i> through Live/Work Quarters [No change in text.]	[No change in text.]																								
<i>Permanent Supportive Housing</i>	-	-												-		-									
Residential Care 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.]											
Interim Ground <i>Floor Residential</i>		-			-			-			-		-
Junior Units through Live/Work Quarters [No change in text.]		[No change in text.]											
Permanent Supportive Housing		L			L			L			L		L
Residential Care Facilities through 7 or more persons [No change in text.]		[No change in text.]											

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	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
Transitional Housing:													
6 or fewer persons		P			P			P			P		-
7 or more persons		L			L			L			L		-
Watchkeeper Quarters through <i>Signs</i> , Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]		[No change in text.]											

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

Section 14. That Chapter 13, Article 1, Division 5 of the San Diego Municipal Code is amended by amending sections 131.0504, 131.0522, 131.0540, and 131.0556, to read as follows:

§131.0504 Purpose of the CO (Commercial--Office) Zones

- (a) [No change in text.]
- (b) The CO zones are differentiated based on the uses and development scale allowed as follows:
 - (1) [No change in text.]
 - (2) The following zones allow limited residential *development*:
 - CO-2-1 is intended to accommodate office uses with a neighborhood scale and orientation
 - CO-2-2 is intended to accommodate office uses that serve as an employment center
 - (3) [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																	
	1 st & 2 nd >> 3 rd >> 4 th >>	CN ⁽¹⁾ -						CR-		CO-						CV-		CP-	
		1-						1-	2-	1-		2-		3-		1-	1-		
		1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2	1
Open Space through Residential, Separately Regulated Residential Uses , Home Occupations [No change in text.]		[No change in text.]																	
Interim Ground <i>Floor Residential</i>		N ⁽¹⁸⁾						N ⁽¹⁸⁾	-	N ⁽¹⁸⁾		-	N ⁽¹⁸⁾		N ⁽¹⁸⁾	N ⁽¹⁸⁾	-		
<i>Junior Units</i> through Live/Work Quarters [No change in text.]		[No change in text.]																	
<i>Permanent Supportive Housing</i>		L						L	L	L		L	L	L	L	L	L		
Residential Care Facilities through 7 or More Persons [No change in text.]		[No change in text.]																	
Transitional Housing:																			
6 or Fewer Persons		p ⁽²⁾						P	-	P		- P	P	p ⁽²⁾		-			
7 or More Persons		L ⁽²⁾						L	-	L		L	L	L ⁽²⁾		-			
Watchkeeper Quarters through Signs , Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]		[No change in text.]																	

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																																						
	1st & 2nd >>	CC-																																						
	3rd >>	1-		2-		3-			4-			5-																												
	4th >>	1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5	6													
Open Space through Residential, Separately Regulated Residential Uses, Home Occupations [No change in text.]		[No change in text.]																																						
Interim Ground <i>Floor Residential</i>		N ⁽¹⁸⁾		-		N ⁽¹⁸⁾			N ⁽¹⁸⁾			N ⁽¹⁸⁾																												
<i>Junior Units</i> through Live/Work Quarters [No change in text.]		[No change in text.]																																						
<i>Permanent Supportive Housing</i>		L		L		L			L			L																												
Residential Care Facilities through 7 or More Persons [No change in text.]		[No change in text.]																																						
Transitional Housing:																																								
6 or Fewer Persons		P		-		P			P			P																												
7 or More Persons		L		-		L			L			L																												
Watchkeeper Quarters through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]																																						

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

§131.0540 Maximum Permitted Residential Density and Other Residential Regulations

The following regulations apply to residential *development* within commercial zones where indicated in Table 131-05B:

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

(c) Ground *Floor* Restrictions.

- (1) Residential use and residential parking are prohibited on the ground *floor* in the front half of the *lot*, except in the CC-3-4, CC-3-5, CC-3-6, CC-3-7, CC-3-8, CC-3-9, CC-4-4, CC-4-5, CC-4-6, CC-5-4, CC-5-5, CC-5-6, CN-1-6, CO-3-1, and CV-1-2 zones, where these uses are prohibited on the ground *floor* in the front 30 feet of the lot as shown in Diagram 131-05A. In the CN-1-6 and

CO-3-1 zones, residential use and residential parking are limited to 70 percent of the *street frontage* along the front *property line*.

Interim ground *floor residential* uses may be permitted with a Neighborhood Use Permit in accordance with Section 141.0309.

Diagram 131-05A

Ground Floor Restriction

[No change in text.]

(2) [No change in text.]

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

§131.0556 Parking Lot Orientation

In all zones where the parking lot orientation regulation applies, as indicated in Table 131-05D or 131-05E, proposed *development* with greater than 100,000 square feet of *gross floor area* and more than one *street frontage* shall locate no more than 50 percent of the *vehicular use area* between the longest *street frontage* providing public access to the *premises* and a building or buildings.

Diagram 131-05G

Parking Lot Orientation Restriction

[No change in text.]

Section 15. That Chapter 13, Article 1, Division 6 of the San Diego Municipal Code is amended by amending section 131.0622, to read as follows:

§131.0622 Use Regulations Table for Industrial Zones

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

Legend for Table 131-06B

[No change in text.]

Table 131-06B
Use Regulations Table for Industrial Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd > >	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
Open Space through Residential, Separately Regulated Residential Uses, Home Occupations [No change in text.]	[No change in text.]										
Interim Ground <i>Floor Residential</i>	-	-	-	-	-	-	-	-	-	-	-
<i>Junior Units</i> through Live/Work Quarters [No change in text.]	[No change in text.]										
<i>Permanent Supportive Housing</i>	-	-	-	-	-	-	-	-	-	-	-
Residential Care Facilities through Commercial Services, Financial Institutions [No change in text.]	[No change in text.]										
Funeral & Mortuary Services	-	-	-	-	P ¹⁹	P	-	P	-	-	-
Instructional Studios through <i>Signs</i> , Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]										

Footnotes for Table 131-06B

¹ through ¹⁸ [No change in text.]

¹⁹ Funeral & Mortuary Services are not permitted within *floodplains* located in the Coastal Overlay Zone.

Section 16. That Chapter 14, Article 1, Division 3 of the San Diego Municipal Code is amended by amending sections 141.0302, 141.0307, and 141.0313, and by adding new sections 141.0309 and 141.0315, to read as follows:

§141.0302 Companion Units and Junior Units

Companion units and *junior units* are each permitted as a limited use in accordance with Process One in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) and Chapter 15, Article 1, Division 4 (General and Supplemental Regulations), subject to the following regulations.

(a) *Companion Units*

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

(3) The *gross floor area* of the *companion unit* shall be included in the *floor area ratio* for the *premises*. The *gross floor area* for an attached *companion unit* shall not exceed 50 percent of the existing or proposed habitable *dwelling unit*. A maximum increase of 1,200 square feet is allowed for an attached or detached *companion unit*.

(4) [No change in text.]

(5) A permitted garage or non-habitable *accessory structure* that is converted to a *companion unit* may maintain the existing *setbacks*.

(6) A *companion unit* may encroach within the interior side and rear yard *setbacks* up to the *property line* subject to the following:

(A) The structure shall not encroach more than a maximum of 30 feet in length;

(B) [No change in text.]

(7) Parking for the entire *premises* shall be brought into compliance with Chapter 14, Article 2, Division 5 (Parking Regulations) and with Section 141.0302, except as otherwise indicated herein by the zone.

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

(D) Required off-street parking for a *companion unit* shall not exceed one parking space per unit.

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

- (b) [No change in text.]
- (c) Only one *companion unit* or *junior unit* is permitted on a *premises*. Guest quarters and non-habitable structures shall be permitted in addition to the *companion unit* or *junior unit*.
- (d) *Companion units* are not subject to Section 131.0450.
- (e) A *companion unit* or *junior unit* shall not be used for a rental term of less than 30 consecutive days.

§141.0307 Guest Quarters or Habitable Accessory Buildings

Guest quarters or habitable *accessory buildings* are attached or detached accessory living quarters developed of habitable construction, and located on a *lot* with a *single dwelling unit* that do not provide complete, independent living facilities and do not have direct access to the primary *dwelling unit*. Guest quarters or habitable *accessory buildings* are solely for the use of the occupants of the primary *dwelling unit* or their guests or employees.

Guest quarters or habitable *accessory buildings* may be permitted accessory to a *single dwelling unit* as a limited use in accordance with Process One in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) through (h) [No change in text.]
- (i) Occupancy of a *premises* containing guest quarters or habitable *accessory buildings* shall be subject to the following:
 - (1) [No change in text.]

- (2) Before a Building Permit is issued for a guest quarters or habitable *accessory building*, the *record owner* shall submit a signed agreement with the City that neither the primary *dwelling unit* nor the guest quarters or habitable *accessory building* shall be sold or conveyed separately. The City will provide the agreement to the County Recorder for recordation.

- (3) [No change in text.]

§141.0309 Interim Ground Floor Residential

Residential *development* within commercial zones is permitted only when a commercial *structure* exists on the *premises* or is a part of the proposed *development*. Residential use is restricted on the ground *floor* in accordance with Section 131.0540. Interim ground *floor residential* may be permitted within existing commercial space 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 the following regulations:

- (a) The *applicant* shall provide evidence to the decision maker that the *development* site is within a commercial space that has been vacant for more than six consecutive months.
- (b) The change of a *development* site from commercial to residential use shall be in compliance with the California Building Code and California Fire Code for the residential use at the time of the conversion.
- (c) The Neighborhood Use Permit shall expire no later than 10 years from the date of issuance.

- (d) No additional parking is required for interim ground *floor* residential use.
- (e) The decision maker shall make the findings in Section 126.0205(a) through (d).

§141.0313 Transitional Housing Facilities

Transitional housing facilities offer residential accommodations for a specified period of time, mental health support and counseling services, and other support services to prepare *families* and individuals for independent living. Transitional housing facilities do not include drug or alcohol in-house treatment or rehabilitation facilities, work furlough or probationary residential facilities, or emergency shelters.

Transitional housing facilities are permitted as a limited use in zones indicated with an “L” and may be permitted with a Conditional Use Permit decided in accordance with Process Five, in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the regulations below. Section 112.0509(b) requiring a Planning Commission recommendation for Process Five applications shall not be applicable to transitional housing facilities.

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

- (h) The name and emergency contact phone number of an operator or manager shall be posted outside the facility in a location visible to the public from the *public right-of-way* in character size at least two inches in height.

- (i) On-site supervision of the *premises* shall be provided at all times. At least one staff member shall be located on the *premises* 24 hours per day.
- (j) The *applicant* shall provide the City with a Description of Services and Property Management Plan to the satisfaction of the City Manager. Should any change to the proposed Description of Services and Property Management Plan occur after project construction, the project owner or manager shall provide the City with an updated plan within 90 days of the change. The Description of Services and Property Management Plan shall include all of the following:
 - (1) Information regarding the supportive services that will be provided on-site or off-site to those residing on the *premises*, including:
 - (A) A description of the services to be provided;
 - (B) The location where the services will be provided;
 - (C) The name of the person or entity that will provide the services;
 - (D) The funding source for the services; and
 - (E) The number of employees.
 - (2) Information regarding how the property will be managed, including:
 - (A) A plan to minimize loitering in the vicinity of the facility;
and
 - (B) A litter control plan to provide for the removal of litter in the vicinity of the facility on a regular basis.

§141.0315 Permanent Supportive Housing

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

- (a) *Permanent supportive housing* units within the *development* shall have a recorded affordability restriction for no less than 55 years.
- (b) The name and emergency contact phone number of an operator or property manager shall be posted on the *premises* in a location visible to the public from the *public right-of-way* in character size at least two inches in height.
- (c) On-site supervision of the *premises* shall be provided at all times. At least one staff member of the operator or project manager shall be located on the *premises* 24 hours per day.
- (d) The *applicant* shall provide the City with a Description of Services and Property Management Plan to the satisfaction of the City Manager. Should any change to the proposed Description of Services and Property Management Plan occur after project construction, the project owner or manager shall provide the City with an updated plan within 90 days of the change. The Description of Services and Property Management Plan shall include all of the following:
 - (1) Information regarding the supportive services that will be provided on-site or off-site to those residing on the *premises*, including:
 - (A) A description of the services to be provided;

- (B) The location where the services will be provided;
 - (C) The name of the person or entity that will provide the services;
 - (D) The funding source for the services; and
 - (E) The number of employees.
- (2) Information regarding how the property will be managed, including:
- (A) A plan to minimize loitering in the vicinity of the facility; and
 - (B) A litter control plan to provide for the removal of litter in the vicinity of the facility on a regular basis.

Section 17. That Chapter 14, Article 1, Division 4 of the San Diego Municipal Code is amended by amending section 141.0406, to read as follows:

§141.0406 Correctional Placement Centers

Correctional placement centers, including work furlough and probationary residential facilities, may be permitted with a Conditional Use Permit decided in accordance with Process Four in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) through (p) [No change in text]

Table 141-04A

Excludable Offenses

[No change in text.]

Section 18. That Chapter 14, Article 1, Division 6 of the San Diego Municipal Code is amended by amending sections 141.0617 and 141.0625, to read as follows:

§141.0617 Private Clubs, Lodges, and Fraternal Organizations

Private clubs, lodges, and fraternal organizations are associations of persons, whether incorporated or unincorporated, for the promotion of some common social, cultural, educational, religious, or recreational objective. This use does not include *churches* or any group whose primary objective is a business customarily carried on for a profit.

Private clubs, lodges, and fraternal organizations may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

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

(e) Private clubs, lodges, and fraternal organizations are not permitted on a *premises* that is identified as Prime Industrial Land in a *land use plan* or within *floodplains* located in the Coastal Overlay Zone.

§141.0625 Veterinary Clinics and Animal Hospitals

Veterinary clinics and animal hospitals are permitted as a limited use in the zones indicated with an “L” and 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 the following regulations.

(a) [No change in text.]

(b) Limited Use Regulations

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

(4) Deviations from Section 141.0625(b) may be permitted with a
Neighborhood Use Permit decided in accordance with Process
Two.

(c) [No change in text.]

Section 19. That Chapter 14, Article 2, Division 4 of the San Diego Municipal Code is amended by amending sections 142.0403, 142.0405, 142.0407, 142.0411, and 142.0412, to read as follows:

§142.0403 General Planting and Irrigation Requirements

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

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

(c) Irrigation Requirements

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

(3) Irrigation systems shall meet the following design requirements:

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

(D) Automatic irrigation controllers utilizing evapotranspiration
or soil moisture sensor data using non-volatile memory is
required for irrigation scheduling.

(d) [No change in text.]

§142.0405 Additional Yard Planting Area and Point Requirements

- (a) [No change in text.]
- (b) Additional residential *yard* requirements:
 - (1) *Street Yard*
 - (A) Up to 10 percent of the required *street yard* planting area located outside the *vehicular use area* for *multiple dwelling unit residential development* may consist of enhanced *hardscape*.
 - (B) Planting area in the *public right-of-way* is not counted towards fulfillment of the required *street yard* planting area.
 - (2) [No change in text.]
- (c) Additional commercial *yard* and *large retail establishment* requirements:
 - (1) All of the required *street yard* planting area located outside the *vehicular use area* for commercial zones or commercial development except for auto service stations, may consist of enhanced *hardscape*. This does not include the minimum planting area required for trees and the planting area necessary to provide for healthy plant growth.
 - (2) through (4) [No change in text.]
- (d) Additional industrial *yard* and *large retail establishment* requirements:

- (1) Facade Planting Area. A 10-foot wide facade planting area shall be provided abutting the *street wall* for at least 50 percent of the length of the *street wall*.

The facade planting area shall be planted with a combination of trees and shrubs that achieves 0.5 points per square foot. Trees within this area must have a typical growth rate that can achieve a height of at least 20 feet within 8 years of being planted. Shrubs at maturity shall achieve a minimum height of 4 feet. In lieu of meeting the facade planting area and point requirements, the *applicant* may place a minimum 6-foot-high solid wall between the *setback line* and the front of the *structure* that shall extend along the full width of the property, except at access points. The *applicant* shall provide tree plantings equal to one half of the required facade area planting points between the wall and the building *street wall*.

- (2) Where loading docks are located along more than 25 percent of the *street wall* length, all *street yard* plant points shall be increased to 0.1 per square foot of *street yard* area.
- (3) For industrial uses in industrial zones, a planting area of at least 5 feet wide shall be provided within the *remaining yard*. This area shall be measured perpendicularly to the *property lines* adjacent to the *remaining yard* and shall abut the *property line*. The required planting points shall be replaced within this 5-foot wide area.

§142.0407 Additional Vehicular Use Area Requirements

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

(d) Landscaped areas may be counted toward the required planting area if they comply with the following:

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

(3) The planting area complies with Section 142.0560(h)(5) for off-street parking spaces overhanging a raised curb or wheel stop.

(e) [No change in text.]

§142.0411 Revegetation and Erosion Control

(a) Permanent Revegetation. All graded, disturbed, or eroded areas that will not be permanently paved or covered by structures shall be permanently revegetated and irrigated as shown in Table 142-04F and in accordance with the standards in the Land Development Manual.

**Table 142-04F
Permanent Revegetation and Irrigation Requirements**

Location of Disturbed Area	Slope of Disturbed Area	Required Irrigation System	Required Revegetation or Erosion Control
Within 100 feet of areas with native or naturalized vegetation	Slope height of 15 feet or less	Automatic, above grade, temporary irrigation system	Native or naturalized ground cover consisting of rooted cuttings or hydroseed mix
	4:1 or greater with a slope height over 15 feet	Automatic, above grade, temporary irrigation system	Native or naturalized ground cover consisting of rooted cuttings or hydroseed mix, and native or naturalized trees and shrubs (minimum 1 gallon size) planted at a minimum rate of one plant per 100 square feet of disturbed area

100 feet or further from areas with native or naturalized vegetation	Less than 4:1 (4 horizontal feet to 1 vertical foot)	Automatic, below grade, permanent irrigation system	Hydroseed, mulch, or equivalent
	4:1 or greater with a slope height of 15 feet or less	Automatic, below grade, permanent irrigation system	Drought tolerant groundcover consisting of rooted cuttings or hydroseed mix
	4:1 or greater with a slope height over 15 feet	Automatic, below grade, permanent irrigation system	Drought tolerant groundcover consisting of rooted cuttings or hydroseed mix, and drought tolerant trees and shrubs (minimum 1 gallon size) planted at a minimum rate of one plant per 100 square feet of disturbed area

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

§142.0412 Brush Management

Brush management is required in all base zones on publicly or privately owned *premises* that are within 100 feet of a *structure* and contain native or naturalized vegetation.

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

(c) The width of Zone One and Zone Two shall not exceed 100 feet and shall meet the width requirements in Table 142-04H unless modified based on existing conditions pursuant to Section 142.0412(i) and the following:

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

(3) Zone Two brush management is not permitted in areas designated for habitat mitigation per Section III of the Biology Guidelines in the Land Development Manual.

Table 142-04H

Brush Management Zone Width Requirements

[No change in text.]

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

(g) Zone One Requirements

(1) [No change in text.]

(2) Zone One shall contain no habitable *structures*, *structures* that are directly attached to habitable *structures*, or other combustible construction that provides a means for transmitting fire to the habitable *structures*. *Structures* such as *fences*, walls, palapas, play structures, and non-habitable gazebos that are located within brush management Zone One shall be of noncombustible, one hour fire-rated Type IV or heavy timber construction as defined in the California Building Code.

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

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

Section 20. That Chapter 14, Article 2, Division 5 of the San Diego Municipal Code is amended by amending section 142.0525, to read as follows:

§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</i>	Automobile Spaces Required Per Dwelling Unit (Unless Otherwise Indicated)				Motorcycle Spaces Required Per Dwelling Unit	Bicycle ⁽⁵⁾ Spaces Required Per Dwelling Unit
	Basic ⁽¹⁾	Transit Area ⁽²⁾	Parking Standards Transit Priority Area ⁽⁹⁾	Parking Impact ⁽⁴⁾		
Studio up to 400 square feet	1.25	1.0	0	1.5	0.05	0.3
1 bedroom or studio over 400 square feet	1.5	1.25	0	1.75	0.1	0.4
2 bedrooms	2.0	1.75	0	2.25	0.1	0.5
3-4 bedrooms	2.25	2.0	0	2.5	0.1	0.6
5+ bedrooms	2.25	2.0	0	(See footnote 6)	0.2	1.0
Affordable Housing dwelling units regulated by Section 142.0527	N/A	N/A	0	0.25 beyond that required in Section 142.0527	(See footnote 3)	(See footnote 3)
<i>Condominium conversion</i> ⁽⁸⁾						
1 bedroom or studio over 400 Square feet	1.0	0.75	0	1.25	N/A	N/A
2 bedrooms	1.25	1.0	0	1.5	N/A	N/A
3 + bedrooms	1.5	1.25	0	1.75	N/A	N/A
Rooming house	1.0 per tenant	0.75 per tenant	0.75 per tenant	1.0 per tenant	0.05 per tenant	0.30 per tenant
Boarder & Lodger Accommodations	1.0 per two boarders or lodgers	1.0 per two boarders or lodgers	1.0 per two boarders or lodgers	1.0 per two boarders or lodgers, except 1.0 per boarder or lodger in beach impact area	N/A	N/A
Residential care facility (6 or fewer persons)	1 per 3 beds or per permit	1 per 4 beds or per permit	1 per 4 beds or per permit	1 per 3 beds or per permit	N/A	N/A
Small lot subdivision in accordance with Section 143.0365						
Studio up to 400 square feet	1.25	1.0	1.0	1.5	N/A	N/A
1 bedroom or studio over 400 square feet	1.5	1.25	1.25	1.75	N/A	N/A
2+ bedrooms	2.0	1.75	1.75	2.25	N/A	N/A
Transitional Housing Facilities	1 per on-site employee	0	0	0	N/A	N/A

<i>Multiple Dwelling Unit Type and Related and Accessory Uses</i>	Automobile Spaces Required Per Dwelling Unit (Unless Otherwise Indicated)				Motorcycle Spaces Required Per Dwelling Unit	Bicycle⁽⁵⁾ Spaces Required Per Dwelling Unit
	Basic ⁽¹⁾	Transit Area ⁽²⁾	Parking Standards Transit Priority Area⁽⁹⁾	Parking Impact⁽⁴⁾		
(6 or fewer persons)						
Transitional Housing Facilities (7 or more persons)	1 per on-site employee	0	0	0	N/A	N/A
Permanent Supportive Housing	1 per on-site employee	0	0	0	N/A	N/A
Continuing Care Retirement Communities						
<i>Dwelling units</i>	1.0	0.75	0.75	1.25	N/A	N/A
Convalescent and memory care rooms	1.0 per 3 beds	1.0 per 3 beds	1.0 per 3 beds	1.0 per 3 beds	N/A	N/A
Employees	1 per peak shift	0.75 per peak shift	0.75 per peak shift	1.25 per peak shift	See Section 142.0530(f)	See Section 142.0530(e)
<i>Accessory uses (spaces per square feet⁽⁷⁾)</i>	Retail Sales: 2.5 per 1,000 Eating and Drinking Estb.: 5 per 1,000	Retail Sales: 2.5 per 1,000 Eating and Drinking Estb.: 5 per 1,000	Retail Sales: 2.5 per 1,000 Eating and Drinking Estb.: 5 per 1,000	Retail Sales: 2.5 per 1,000 Eating and Drinking Estb.: 5 per 1,000	N/A	N/A

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

Section 21. That Chapter 14, Article 2, Division 6 of the San Diego Municipal Code is amended by amending sections 142.0610 and 142.0640, to read as follows:

§142.0610 When Public Improvements May Be Required Incidental to a Building Permit

- (a) Except as provided in Sections 142.0610(b), 142.0610(d), and 142.0611, no *structure* shall be erected or enlarged, and no Building Permit shall be issued, for any *lot* unless the *streets* and *alleys* abutting the *premises* have been dedicated and improved along the abutting frontage to the prevailing standards of the City of San Diego. *Street* improvements shall include

street trees, curbs, gutters, sidewalks, and half-width paving. *Alley* improvements shall consist of full-width paving.

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

(d) When the *development* involves a park or recreation facility where a public school district has a joint use agreement with the City to use that park or recreation facility and the public school district provides *public improvements* to that park or recreation facility to the satisfaction of the City Engineer, a Building Permit may be issued.

§142.0640 Impact Fees for Financing Public Facilities

(a) [No change in text.]

(b) Payment of Fees

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

upon the issuance of a Building Permit, or *construction permit*, as applicable, and may include an automatic increase consistent with Section 142.0640(c).

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

Section 22. That Chapter 14, Article 2, Division 9 of the San Diego Municipal Code is amended by amending section 142.0910, to read as follows:

§142.0910 Mechanical and Utility Equipment Screening Regulations

(a) Except when located in the RE, RS, RX, and RT zones, the following equipment and appurtenances shall be screened from public view and be architecturally integrated with the primary building on the *premises*:

- (1) Mechanical equipment
- (2) Tanks
- (3) Ducts
- (4) Elevator enclosures
- (5) Cooling towers
- (6) Mechanical ventilators
- (7) Air conditioners
- (8) Other similar appurtenances

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

Section 23. That Chapter 14, Article 2, Division 12 of the San Diego Municipal Code is amended by amending section 142.1235 and by adding new section 142.1293, to read as follows:

§142.1235 Roof Signs in Commercial and Industrial Zones

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

- (a) One *roof sign* shall be permitted per *premises*. A *roof sign* is permitted only in lieu of a permissible ground or *projecting sign*. *Roof signs* may be located only on *premises* with accessible *street frontage*. *Roof signs* are not permitted on buildings with high-rise building identification *wall signs* as described in Section 142.1250.

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

§142.1293 Old Town San Diego Planned District Sign Regulations

The *sign* regulations in Chapter 15, Article 16 shall apply to all *signs* in the Old Town San Diego Planned District, as designated on Map Drawing No. C-993, excluding *signs* within Presidio Regional Park in the Presidio Sub-District. *Signs* within Presidio Regional Park in the Presidio Sub-District shall comply with the *sign* regulations in Chapter 14, Article 2, Division 12.

Section 24. That Chapter 14, Article 3, Division 1 of the San Diego Municipal Code is amended by amending section 143.0111, to read as follows:

§143.0111 Limited Exceptions from Environmentally Sensitive Lands Regulations

The following *development* activities require a Neighborhood Development Permit or Site Development Permit in accordance with Table 143-01A, but the applicable development regulations are modified as indicated:

- (a) [No change in text.]
- (b) Zone Two brush management activity is exempt from the *steep hillside* development area regulations in Section 143.0142(a) if the brush management is the minimum necessary to comply with City fire codes and no *grading* occurs in the brush management area. Within the Coastal

Overlay Zone, all brush management within 30 feet of a primary *structure* shall be subject to the Steep Hillside Regulations for development within the Coastal Overlay Zone pursuant to Section 143.0142(a)(4).

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

Section 25. That Chapter 14, Article 3, Division 3 of the San Diego Municipal Code is amended by amending section 143.0302, 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**

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process
Affordable housing, in-fill projects, and sustainable buildings projects with deviations through <i>Condominium Conversions</i> with Deviations from Development Regulations [No change in text.]	[No change in text.]	[No change in text.]
Clairemont Mesa Height Limit Overlay Zone [No change in text.]	[No change in text.]	[No change in text.]

Section 26. That Chapter 14, Article 3, Division 4 of the San Diego Municipal Code is amended by amending section 143.0402, 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</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process⁽¹⁾
Residential <i>development</i> requesting deviations from applicable zone regulations ⁽²⁾ 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.]	[No change in text.]
<i>Multiple dwelling unit development</i> requesting increased <i>density</i> where increased <i>density</i> is expressly provided for in the adopted <i>land use plan</i> ⁽³⁾	[No change in text.]	[No change in text.]
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.]	[No change in text.]

Footnotes for Table 143-04A

¹ through ² [No change in text.]

³ A *development* that is affordable housing, an in-fill project, and/or a sustainable building as described in Section 143.0915 may be permitted with a Neighborhood Development Permit in accordance with Process Two subject to all applicable regulations identified in Table 143-04A.

⁴ [No change in text.]

Section 27. That Chapter 14, Article 3, Division 7 of the San Diego Municipal Code is amended by amending section 143.0720, to read as follows:

§143.0720 Density Bonus in Exchange for Affordable Housing Units

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

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

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

(6) For *development* meeting the criteria in Sections 143.0720(c)(1), 143.0720(c)(2), 143.0720(d)(2), or 143.0720(f), where an *applicant* has not requested an incentive or waiver to exceed the maximum *structure height* or *setbacks* of the base zone, an additional *density* bonus of 10 percent of the pre-*density* bonus *dwelling units* shall be granted, provided that *development* of the additional *density* does not cause the need for an incentive, waiver, or deviation to exceed the maximum *structure height* or *setbacks* of the base zone. For *development* meeting the same criteria within the Centre City Planned District, the *density* bonus shall apply to the maximum allowable *floor area ratio* applicable to the *development* consistent with Section 156.0309(e).

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

(j) For purposes of this Division, *density* bonus means an increase in *density* in accordance with Section 113.0222(c) beyond the otherwise maximum

allowable *density*; or, if elected by the *applicant*, a lesser percentage of *density* or no increase in *density*.

Section 28. That Chapter 14, Article 3, Division 9 of the San Diego Municipal Code is amended by amending sections 143.0915 and 143.0920, to read as follows:

§143.0915 When Supplemental Neighborhood Development Permit Regulations Apply for Affordable Housing, In-Fill Projects, and Sustainable Buildings

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

- (a) [No change in text.]
- (b) In-fill projects, which is any of the following:
 - (1) through (2) [No change in text.]
 - (3) Residential *development* in accordance with Planned Development Permit Section 143.0402, subject to all applicable supplemental regulations identified in Table 143-04A, where a *multiple dwelling unit development* with *density* greater than the *density* identified in an adopted *land use plan* is proposed.
 - (4) [No change in text.]
- (c) [No change in text.]

§143.0920 Affordable Housing, In-Fill Projects, and Sustainable Buildings Deviations

Development identified in Section 143.0915 may be permitted with a Neighborhood Development Permit decided in accordance with Process Two, except as provided in Section 143.0920(d), for the following:

- (a) *Development* that proposes deviations from applicable Land Development Code regulations, provided that the *findings* in Section 126.0404(a), the

supplemental *findings* in Section 126.0404(f), and all applicable supplemental *findings* in Section 126.0505(b) through (m) are made.

- (b) *Development* located within *environmentally sensitive lands* in accordance with Section 143.0110, Table 143-01A, including *development* which may potentially impact *steep hillsides* where alternative compliance is requested in accordance with Section 143.0515, provided that the *findings* in Sections 126.0404(a) and (b), are made. In the event an *environmentally sensitive lands* deviation is requested, the supplemental *findings* in Section 126.0404(c) shall also be made.
- (c) *Multiple dwelling unit development*, in accordance with Planned Development Permit Section 143.0402, Table 143-04A, with *density* greater than the *density* identified in an adopted *land use plan*, provided that the *findings* in Section 126.0404(a) and (g) are made.
- (d) [No change in text.]

Section 29. That Chapter 14, Article 4, Division 2 of the San Diego Municipal Code is amended by amending sections 144.0211 and 144.0240, to read as follows:

§144.0211 Lot Design Requirements for Tentative Maps

The proposed *subdivision* lots shall be designed as follows:

- (a) All *lots* shall have frontage on a *street* that is open to and usable by vehicular traffic or shall have direct vehicular access to the *street* or other access to a dedicated public *street* approved by the City Engineer;
 - (1) Two or fewer *dwelling units* shall have a minimum 15-foot-wide direct vehicular access.

- (2) More than two *dwelling units* shall have a minimum 20-foot-wide direct vehicular access.

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

§144.0240 Utilities Requirements for Tentative Maps

Where utilities already exist, new *subdivisions* shall be designed so that the utilities are in proper locations or else provide for their reconstruction in locations approved by the utility agencies concerned.

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

- (c) Street lights shall be provided in accordance with the standards established in the Street Design Manual of the Land Development Manual.

Residential *subdivisions* containing four *dwelling units* or less are exempt from the *subdivision* requirement to install a new street light.

Section 30. That Chapter 14, Article 5, Division 31 of the San Diego Municipal Code is amended by repealing sections 145.3110 and 145.3111.

Section 31. 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) The applicable zoning regulations in a planned district are those included in the planned district and any Land Development Code zoning regulations expressly incorporated into that planned district. Planned district regulations shall supersede any zoning regulations in the Land Development Code that are inconsistent or not expressly incorporated into the planned district regulations, except as follows:

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

(4) Transitional housing facilities and *permanent supportive housing* shall be permitted as a Process One limited use in accordance with Section 141.0313 and Section 141.0315 in all planned district zones that permit transitional housing facilities as a conditional use.

(b) [No change in text.]

Section 32. That Chapter 15, Article 1, Division 4 of the San Diego Municipal Code is amended by amending section 151.0401, to read as follows:

§151.0401 Uses Permitted in the Planned Districts

(a) [No change in text.]

(b) The permit process for a separately regulated use shall be determined in accordance with applicable planned district use regulations, with the exception of transitional housing facilities and *permanent supportive housing*, which shall be permitted in accordance with Section 141.0313 and Section 141.0315 in all planned district zones that permit transitional housing facilities as a conditional use.

(c) [No change in text.]

(d) In case of conflict between Section 151.0401 and regulations for a planned district, the planned district regulations shall apply, with the exception of transitional housing facilities and *permanent supportive housing*, which shall be permitted in accordance with Section 151.0401.

Section 33. That Chapter 15, Article 6, Division 3 of the San Diego Municipal Code is amended by amending sections 156.0302, 156.0304, 156.0305, 156.0307, 156.0308, 156.0309, 156.0310, 156.0313, 156.0314, and 156.0315, and amending Figure B and Figure D, to read as follows:

§156.0302 Definitions

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

Active commercial uses mean commercial uses that are accessible to the general public, that generate walk-in clientele, and that contribute to a high level of pedestrian activity. *Active commercial uses* include retail shops, eating and drinking establishments, commercial recreation and entertainment, personal and convenience services, financial institutions, cultural institutions, and galleries.

Active commercial uses are listed in Table 156.0308-A as being permitted on *Main Streets*.

Alternative Interim Uses through *Public open space* [No change in text.]

Pushcart through *Setback* [No change in text.]

Stepback through *Urban open space* [No change in text.]

§156.0304 Administration and Permits

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

(d) City Facilities Exemption

City of San Diego *Capital Improvement Program Projects*, including fire stations, police department facilities, and *structures* within *public open space* areas, shall be exempt from the requirement to obtain a *development permit* with the exception of Coastal Development Permits and Site Development Permits for *historical resources*. These projects shall be presented to the officially recognized community planning group as an informational item prior to a decision being made on the project.

§156.0305 Rules of Calculation and Measurement

The Rules of Measurement provided in Chapter 11, Article 3, Division 2 of this Code shall apply to the Centre City Planned District.

- (a) When this Division cites *lot* areas for regulatory purposes, such *lot* areas shall be approximate and reflect the following examples:
 - (1) Single *lot* of record = 5,000 square feet, plus or minus ten percent.
 - (2) Two *lots* of record = 10,000 square feet, plus or minus ten percent.
- (b) *Gross floor area* shall be calculated in accordance with Section 113.0234, with the following modifications:
 - (1) Underground parking *structures* count as *gross floor area* where, at any point, the vertical distance from final *proposed grade* to the finished *floor* elevation immediately above is more than 3 feet, 6 inches.

- (2) Phantom *floors*, as defined in Section 113.0234(b)(4) shall not count as *gross floor area* in either residential or commercial buildings.
- (3) *Roof decks* shall not be counted as *gross floor area* pursuant to Section 113.0234(b)(5) unless the perimeter walls enclosing the area exceed 6 feet in height for non-transparent materials or 8 feet for transparent materials.
- (4) Notwithstanding Section 113.0234(d)(2), interior modifications involving the addition of actual *floor area* count as *gross floor area* except where:
 - (A) The addition is within the *structural envelope* of a building for which building permits were issued prior to May 3, 2006; or
 - (B) The addition consists of a mezzanine that is within the *structural envelope* of a building and is less than one-half of the *floor area* immediately below.
- (5) Mechanical *penthouses* do not count against *gross floor area* when architecturally integrated into the overall building design.

§156.0307 Land Use Districts

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

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

(a) Base Districts

The purpose of each base district is as follows:

- (1) Core (C). This district serves as a high-intensity office and employment center. The district operates as a center of regional importance and as a primary hub for businesses, communications, offices, and *hotels* with fewer restrictions on building bulk and *tower* separation than in other districts. *Mixed-use development* shall be accommodated as an important component of the area's vitality. Retail, educational, entertainment, residential, civic, governmental, and *cultural uses* are permitted. Within the C District, a minimum of 40 percent of the ground-floor *street frontage* shall contain commercial uses.
- (2) Neighborhood Mixed-Use Center (NC). This district ensures *development* of distinctive centers around plazas, parks, and *main streets* that provide a focus to the neighborhoods by supporting a mix of residential and non-residential *developments* that contain *active commercial uses* on the ground floor along *Main Streets*. A broad array of compatible uses, including retail, eating and drinking establishments, residential, office, educational, indoor recreation, and *cultural uses* are permitted. Building volume

restrictions apply to allow sunlight to reach *streets* and public spaces, and design standards seek to establish pedestrian-oriented *development*.

- (3) [No change in text.]
- (4) Ballpark Mixed-Use (BP). This district accommodates *mixed-use developments* that support major sporting facilities and visitor attractions. A broad array of other uses are also permitted, including eating and drinking establishments, *hotels*, offices, research and development facilities, *cultural institutions*, residential uses, live/work spaces, and parking facilities.
- (5) Waterfront/Marine (WM). This district permits a range of maritime-related uses, including ocean related industry, major tourist and local visitor attractions, trade, office, eating and drinking establishments, retail, parking facilities, *cultural institutions*, and *hotels*.
- (6) Mixed Commercial (MC). This district accommodates a diverse array of uses, including residential, artist studios, live/work spaces, *hotels*, offices, research and development, and retail. Commercial and service uses, including light industrial and repair, warehousing and distribution, transportation, and communication services that are essential for the livelihood of businesses and residents of the downtown area are also permitted.

- (7) Residential Emphasis (RE). This district accommodates primarily residential *development*. Small-scale businesses, offices, services, and ground-floor *active commercial uses* are allowed, subject to size and area limitations.

Within the RE District, at least 80 percent of the *gross floor area* must be occupied by residential uses. Non-residential uses may occupy no more than 20 percent of the *gross floor area*. Small *lots* of 5,000 square feet or less may apply for a deviation to the percentage requirements of the RE District through the Conditional Use Permit process.

- (8) Industrial (I). This district permits a range of industrial uses, including light manufacturing, transportation services, repair and storage, and energy-generation facilities.
- (9) Transportation (T). This district accommodates uses related to trolley, passenger and freight rail operations, maintenance and repair, and associated activities.
- (10) Convention Center/Visitor (CC). This district provides an area for convention centers, *hotels*, and parks and open spaces for visitor uses.
- (11) Public/Civic (PC). This district provides a center for government, civic uses, *cultural institutions*, educational facilities, and public and support services, and it accommodates residential uses. Within

the PC District, a minimum of 40 percent of the ground-*floor street frontage* shall contain commercial uses.

(12) [No change in text.]

(b) Overlay Districts

The following Overlay Districts apply as illustrated in Figures C, D, and F:

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

(4) *Commercial Street Overlay (CS)*. On *commercial streets*, a minimum of 60 percent of the ground-*floor street frontage* shall contain commercial uses. This requirement shall only apply along the east side of Park Boulevard. Uses appropriate for *commercial streets* are identified in Table 156-0308-A, under *Main Street/Commercial Street* overlays. *Alternative Interim Uses* may be permitted pursuant to Section 156.0315(e).

(5) [No change in text.]

(6) *Employment Overlay (E)*. To ensure adequate opportunities for employment based commercial uses, at least 50 percent of the *gross floor area* within each *development* in this overlay district shall be dedicated to *employment uses* such as professional office, education, *cultural uses*, retail, *hotel*, or similar commercial uses. Residential uses in this district shall not exceed 50 percent of the *gross floor area* within any *development*. The 50 percent residential limitation may be exceeded through the Affordable

Housing Regulations of Chapter 14, Article 3, Division 7.

Development approved through an *OPA* or *DDA* may phase *development* build-out, allowing non-employment phases to precede employment phases, subject to strict performance standards established by set timeframes for *employment use* construction plan completion, plan submittal, and other requirements to ensure timely completion. In order to meet the 50 percent *employment use* requirement, a *development* may not include any employment area for which building permits have been obtained and construction commenced before May 3, 2006. In the E District, existing *floor* area dedicated to *employment use* or similar commercial use shall not be converted to any non-*employment use*. Uses appropriate for the E overlay are identified in Table 156-0308-A, under Employment Overlay.

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

(11) *Main Street* Overlay (MS). On designated *main streets*, a minimum of 80 percent of the ground-*floor street frontage* shall contain *active commercial uses*. Those uses which are appropriate for locations along *main streets* are identified in Table 156-0308-A, under *Main Street/Commercial Street* overlays. On *lots* of 10,000 square feet or less, the percentage of *active commercial uses* may be reduced to 50 percent of the *street frontage*. *Alternative Interim Uses* may be permitted pursuant to Section 156.0315(e).

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

§156.0308 Base District Use Regulations

(a) [No change in text.]

(b) *Previously Conforming Land Uses and Structures*

Land uses and *structures* that were legally established under previous regulations but that do not conform to the land use regulations of this Article may continue to exist and operate pursuant to Chapter 12, Article 7, Division 1 of the Land Development Code, with the exception that the *gross floor area of previously conforming* uses and *structures* may be expanded up to 100 percent through a Neighborhood Use Permit. Within the Residential Emphasis District, *previously conforming* uses may be placed next to conforming commercial uses without complying with the 80 percent residential land use requirement for new *development*.

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS														
	LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS = Commercial Street; E = Employment Overlay													
Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Public Park/ Plaza/Open Space	P	P	P	P	P	P	P	P	P	P	P	P		
Agriculture	--	--	--	--	--	--	--	--	--	--	--	--		
Community Gardens	P	P	P	P	--	P	P	--	--	P	P	--	§141.0203	
Residential¹														
Group Living	L	L	L	L	--	L	L	--	--	L	--	--		
Multiple Dwelling Units	P	P	P	P	--	P	P	--	--	P	--	--		
Shopkeeper Units	P	P	P	P	--	P	P ²	--	--	P	--	--		
Live/Work Quarters	P	P	P	P	--	P	P	--	--	P	--	--	§141.0311	
Separately Regulated Residential Uses														
Continuing Care Retirement Communities	C	C	C	C	--	C	C	--	--	C	--	--	§141.0303	
Fraternities, Sororities and Dormitories	N	N	N	N	--	N	N	--	--	N	--	--	§141.0305 (c)-(e)	
Home Occupations	P	P	P	P	--	P	P	--	--	P	--	--	§141.0308	
Senior Housing	C	C	C	C	--	C	C	--	--	C	--	--	§156.0309 (e)(1)	
Living Units	P	P	P	P	--	P	P	--	--	P	--	--	§156.0315(b)	
Residential Care Facilities	C	C	C	C	--	C	C	--	--	C	--	--	§141.0312	
Transitional Housing	L	L	L	L	--	L	L	--	--	L	--	--	§141.0313	
Permanent Supportive Housing	L	L	L	L	--	L	L	--	--	L	--	--	§141.0315	
Separately Regulated Institutional Uses														
Assembly Uses including Places of Religious Assembly	P	P	P	P	P	P	C	--	--	P	--	P		CS
Communication Antennas														
Minor Telecommunication Facility	L	L	L	L	L	L	L	L	L	L	C	L	§141.0420	
Major Telecommunication Facility	C	C	C	C	C	C	C	C	C	C	C	C	§141.0420	
Satellite Antennas	L/ C	L/ C	L/ C	L/ C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	§141.0405	

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Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Correctional Placement Centers	C	--	--	--	--	C	--	--	--	C	--	--	§141.0406	
<i>Cultural Institutions</i>	P	P	P	P	P	P	C ⁹	--	--	P	P	P		MS, CS, E
Educational Facilities	P	P	P	P	P	P	C ⁹	--	--	P	--	P		CS, E
Energy Generation & Distribution Stations	C	C	C	C	C	C	--	C	C	C	--	C	§141.0408	
Exhibit Halls & Conventional Facilities	--	--	--	--	--	C	--	C	C	C	--	P		E
<i>Historical Buildings Occupied by Uses Not Otherwise Allowed</i>	C	C	C	C	C	C	C	C	C	C	C	C	§156.0315(d)	
Homeless Facilities ⁶	C	--	C	C	--	C	--	--	--	C	--	--	§141.0412 §156.0315(e)	
Hospitals, 24-hour Emergency Clinics, Intermediate Care Facilities, and Nursing Facilities	P	C	P	P	--	P	--	--	--	P	--	P		CS, E
Major Transmission, Relay or Communication Switching Station	C	--	C	C	--	C	--	C	C	--	--	--	§141.0416	
<i>Social Service Institutions</i>	C	--	C	C	--	C	--	--	--	C	--	--	§156.0315(e)	CS
Retail Sales	P	P	P	P	P	P	P	P	--	P	--	P	§156.0307(a), (b) & Figure C	MS, CS, E
Separately Regulated Retail Sales Uses														
<i>Marijuana Outlets</i>	--	--	--	--	C	--	--	C	C	--	--	C	§141.0504	
Off-Site Alcohol Beverage Sales	C	C	C	C	C	C	--	--	--	C	C	C	§156.0315 (b)(1)	MC, CS, E
Commercial Services														
Animal Grooming & Veterinary Offices	P	P	P	P	P	P	P	--	--	P	--	--		CS, E
Assembly & Entertainment	P	P	P	P	P	P	--	--	--	P	P	P		CS, E
<i>With Live Entertainment</i>	N/ C	N/ C	N/ C	N/ C	N/ C	N/ C	--	--	--	N/ C	N/ C	N/ C	§156.0315(c)	

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS															
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Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	CC ⁷	Additional Regulations	<i>MS/CS & E Overlays</i>	
With Outdoor Use Area	N	N	N	N	N	N	--	--	--	N	N	N			
Building Services	P	P	P	P	P	P	--	--	--	P	--	--			CS, E
Business Support	P	P	P	P	P	P	P	--	--	P	--	P			CS, E
Eating & Drinking Establishments															
<i>Bona-Fide Eating Establishments</i>	P	P	P	P	P	P	P	--	--	P	P	P	§156.0315(a)		MS, CS, E
<i>Brewpubs</i>	P	P	P	P	P	P	P	--	--	P	P	P	§156.0315 (b)(2)		MS, CS, E
<i>Non-Bona Fide Eating Establishments w/ Alcohol</i>	N	N	N	N	N	N	--	--	--	N	--	N	§156.0315 (a)		MS, CS, E
<i>Brewery Tasting Rooms</i>	C	C	C	C	C	C	C	--	--	C	--	C	§156.0315 (b)(4)		MS, CS, E
<i>Brewpub Tasting Rooms</i>	N	N	N	N	N	N	N	--	--	N	--	N	§156.0315 (b)(3)		MS, CS, E
With Outdoor Use Area	N	N	N	N	N	N	N	--	--	N	P	N			
With Live Entertainment	L/ N/ C	L/ N/ C	L/ N/ C	L/ N/ C	L/ N/ C	L/ N/ C	--	--	--	L/ N/ C	--	L/ N/ C	§156.0315(c)		
<i>Mobile Food Trucks</i>	L	L ¹¹	L	L	L	L	L	L	L	L	L	L	§123.0601-0606		
Financial Institutions	P	P	P	P	P	P	P	--	--	P	--	P			MS, CS, E
Funeral & Mortuary Services	P	--	P	--	--	P	--	--	--	--	--	--			CS, E
Maintenance & Repair	P	P	P	P	P	P	P	P	P	P	--	P			CS, E
Off-Site Services	P	P	P	P	P	P	--	P	--	--	--	P			
Personal Services	P	P	P	P	P	P	P	--	--	P	--	P			MS, CS, E
Radio & Television Studios	P	P	P	P	P	P	P	--	--	P	--	P			CS, E
Visitor Accommodations															
<i>Hotels and Motels</i>	P	P ³	P	P	P	P	--	--	--	P	--	P			CS, E
Separately Regulated Commercial Service Uses															

	Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS													
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Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Animal Hospitals & Kennels	N	--	N	N	--	N	N	--	--	--	--	--	§141.0604 (b)(1) §141.0625	CS, E
<i>Bed & Breakfast Establishments</i>	P	P	P	P	--	P	P	--	--	P	--	--		CS
Child Care Facilities	P	P	P	P	P	P	P	--	--	P	--	P		CS, E
Instructional Studios	P	P	P	P	P	P	P	--	--	P	--	P		MS, CS, E
<i>Outdoor Activities</i>	N/ C	N/ C	N/ C	N/ C	N/ C	N/ C	N/ C	--	--	N/ C	N/ C	N/ C	§156.0315(d)	MS, CS
Parking Facilities (structure or surface) ⁸	C	C	C	C	C	C	C	C	C	C	C	C	§156.0313	CS
Private Clubs, Lodges and Fraternal Organizations	P	P	P	P	P	P	P	--	--	P	--	P		
<i>Pushcarts</i>	L/ N	L/ N	L/ N	L/ N	L/ N	L/ N	--	--	L/ N	L/ N	L/ N	L/ N	§141.0619	
<i>Recycling Facilities</i>														
Drop-Off Facilities	L	L	L	L	L	L	L	L	L	L	--	L	§141.0620(b)	
Reverse Vending Machines	L	L	L	L	L	L	L	L	L	L	--	L	§141.0620(c)	
Large Collection Facilities and Processing Facilities	--	--	--	--	--	C	--	C	C	--	--	--	§141.0620(e)	
Small Collection Facilities	L	L	L	L	L	L	L	L	L	L	--	L	§141.0620(d)	
Small and Large Processing Facilities	--	--	--	--	--	C	--	C	C	--	--	--	§141.0620(f)	
Sidewalk Cafes ¹⁰	L/ N	L/ N	L/ N	L/ N	L/ N	L/ N	L/ N	--	--	L/ N	L/ N	L/ N	§141.0621	
<i>SRO Hotels</i>	P	P ³	P	P	--	P	P	--	--	--	--	--	§143.0510- §143.0590	
Offices	P	P	P	P	P	P	P	--	--	P	--	P		CS, E

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS														
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Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Vehicle & Vehicular Equipment Sales & Service														
Personal Vehicle Sales & Rental Offices	P	P	P	P	P	P	--	P	--	P	--	P		CS, E
All Other Vehicle & Vehicular Equipment Sales & Services	--	--	--	--	--	C	--	C	C	--	--	--		
Separately Regulated Vehicle & Vehicular Equipment & Service Uses														
Automobile Service Stations	--	--	C	C	C	C	--	C	C	--	--	--	\$141.0801	
Wholesale, Distribution & Storage														
Moving & Storage Facilities	L ⁴	--	L ⁴	L ⁴	P	P	--	P	P	--	--	--		
Warehouses & Wholesale Distribution	L ⁴	--	L ⁴	L ⁴	P	P	--	P	P	--	--	--		
Separately Regulated Wholesale, Distribution & Storage Uses														
Temporary Construction Yards	N	N	N	N	N	N	N	N	N	N	--	N		
Industrial														
Heavy Manufacturing	--	--	--	--	--	--	--	C	--	--	--	--		
Light Manufacturing	P	--	P	P	P	P	--	P	P	--	--	--		
Marine Industry	--	--	--	--	--	C	--	C	--	--	--	--		
Research & Development	P	--	P	P	--	P	--	P	P	--	--	--		E
Testing Labs	-	-	-	-	-	-	-	-	-	-	-	-		
Trucking and Transportation Terminals	--	--	--	--	--	C	--	C	C	--	--	--		
Separately Regulated Industrial Uses														
Marijuana Production Facilities	-	-	-	-	-	-	-	-	-	-	-	-		
Signs														
Allowable Signs	P	P	P	P	P	P	P	P	P	P	P	P	\$142.1201 \$142.1292 \$156.0314	

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS														
LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS = Commercial Street; E = Employment Overlay														
Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Separately Regulated Signs Uses														
Community Entry or Neighborhood Identification Signs	N	N	N	C	N	N	N	N	N	N	N	N	§141.1101 §141.1104	
Reallocation of Sign Area Allowance	N	N	N	C	N	N	N	N	N	N	N	N	§141.1103	
Revolving Projecting Signs	N	N	N	C	N	N	N	N	N	N	N	N	§141.1104	
Automatic Changing Copy	N	N	N	C	N	N	N	N	N	N	N	N	§141.1105	
Theater Marquees	N	N	N	C	N	N	N	--	--	N	N	N	§141.1106	
Other Use Requirements														
Temporary Uses and Structures	L	L	L	L	L	L	L	L	L	L	L	L	§123.0401	

Footnotes for Table 156-0308-A

¹ through ⁹ [No change in text.]

¹⁰ Sidewalk cafes permitted pursuant to Section 141.0621 may reduce the continuous pavement walkway clearance to a minimum of four feet when the face-of-curb to *property line* distance is twelve feet or less.

¹¹ Not permitted in the NC Zone in the Little Italy Neighborhood of the Downtown Community Plan Area.

§156.0309 FAR Regulations and TDRs

(a) Base Minimum and Maximum FARs

The minimum and maximum *base FARs* for each site within the Centre City Planned District are illustrated in Figure H; these *FARs* set parameters for the general bulk and intensity of *development*. All *development* proposals must meet the minimum *FAR* specified in Figure H with the exception of *capital improvement program projects* or *development* limited by the *density/intensity* limits under the safety zones

of the San Diego International Airport – Lindberg Field Airport Land Use Compatibility Plan.

(b) [No change in text.]

(c) *Development Permit FAR*

The approval and recordation of a *development permit* establishes the distribution of *gross floor area* within the *development*. The *development* may consist of one or more individually-owned *lots*, but the permitted *FAR* for any individual *lots* remain subject to the *FAR* limits within the *development* boundaries as defined by the *development permit*.

(d) [No change in text.]

(e) *FAR Bonuses*

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

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

TABLE 156-0309-A: <i>FAR BONUS</i>	
Public Benefit/ <i>Development</i> Amenity	<i>FAR Bonus</i> (to be added to maximum <i>Base FAR</i>)
Affordable Housing	See (1) below
<i>Urban Open Space</i> 10% of site 20% of site	See (2) below 1.0 2.0
Three- <i>bedroom</i> units	5% of total units 0.5/1.0 – See (3) below 10% of total units 1.0/2.0 – See (3) below
<i>Eco-Roofs</i>	Up to 1.0 – See (4) below
<i>Employment Uses</i>	See (5) below
Public Parking	See (6) below
<i>FAR Payment Bonus Program</i>	See (7) below and Figure J
Green Building	Up to 2.0 – See (8) below

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

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

- (A) [No change in text.]
- (B) *Development* may provide either rental or for-sale affordable units, regardless of whether the market rate units

within the *development* are for rent or sale. *Development* under these provisions shall be subject to the following requirements in addition to those in Chapter 14, Article 3, Division 7:

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

(iv) Affordable housing units are not required to be distributed vertically throughout *floors* in high-rise *development*.

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

(A) [No change in text.]

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

(C) *CC&Rs* shall be recorded on the property providing for the *development* and on-going maintenance of the *urban open space* area to City standards in perpetuity. These provisions of the *CC&Rs* shall be approved by the City Manager and the City Attorney's Office.

- (3) Three-*Bedroom* Units. To encourage larger *dwelling units* and accommodate larger *families, developments* that provide three-*bedroom* units comprising a minimum of 10 percent of the total amount of residential *dwelling units* within the *development* shall be entitled to a *FAR bonus*, subject to the following criteria:
- (A) [No change in text.]
 - (B) Each *bedroom* in the *dwelling unit* used to earn the *FAR bonus* shall contain a minimum of 70 square feet, with additional area for an enclosed closet;
 - (C) *CC&Rs* shall be recorded on the property ensuring the number of *bedrooms* in the units used to earn the *FAR bonus* shall not be reduced;
 - (D) *Development* providing at least 50 percent of the *gross floor area* for residential use may earn a *FAR bonus* of 0.5 or 1.0; and
 - (E) *Development* providing at least 80 percent of the *gross floor area* for residential use may earn a *FAR bonus* of 1.0 or 2.0.
- (4) through (5) [No change in text.]
- (6) Public Parking. One square foot of *FAR bonus* may be earned for every square foot of below *grade* parking area made permanently available for public use. A public parking easement shall be

executed for such facilities, with restrictions and covenants
acceptable to City Manager and the City Attorney's Office.

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

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

§156.0310 Development Regulations

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

(i) *Capital Improvement Program Projects*

Structures for Capital Improvement Program Projects are not required to
comply with the requirements of Sections 156.0310(a)-(g).

**§156.0313 Parking, Loading, Traffic and Transportation Demand Management
Standards**

(a) [No change in text.]

**TABLE 156-0313-A
RESIDENTIAL OFF-STREET PARKING SPACE REQUIREMENTS**

Use Category	Minimum		Maximum		Notes
<i>Dwelling units including Permanent Supportive Housing</i>	0		1 space per <i>dwelling unit</i>		See Section 156.0313(a)(1) for bicycle storage requirements
<i>Living Units</i>	Market rate unit	0	Market rate unit	0.5 spaces per unit	Maximum parking shall be based on the occupancy/rent restriction applied to the specific unit
	50% AMI	0	50% AMI	0.2 spaces per unit	
	At or below 40% AMI	0	At or below 40% AMI	0	
<i>Group Living</i>	0		0.1 spaces per room		
<i>Live/Work or Shopkeeper Unit</i>	0		1 space per unit		
<i>Residential Care Facilities</i>	0		1 space per every ten beds		

Use Category	Minimum	Maximum	Notes
<i>Transitional Housing Facilities</i>	0	1 space per every 6 beds and 1 space per on-site employee	

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

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

TABLE 156-0313-C**NORTH EMBARCADERO OFF-STREET PARKING REQUIREMENTS**

Use Category	Minimum		Maximum		Notes
<i>Dwelling units including Permanent Supportive Housing</i>	0		1 space per <i>dwelling unit</i>		
<i>Living Units & Single Room Occupancy Hotel Rooms</i>	Market rate unit	0	Market rate unit	0.5 spaces per unit	Maximum parking shall be based on the occupancy or rent restriction applied to the specific unit
	50% AMI	0	50% AMI	0.2 spaces per unit	
	At or below 40% AMI	0	At or below 40% AMI	0	
<i>Group Living</i>	0		0.1 spaces per room		
<i>Live/Work or Shopkeeper Unit</i>	0		1 space per unit		
<i>Residential Care Facilities</i>	0		1 space per every ten beds		
<i>Transitional Housing Facilities</i>	0		1 space per every 6 beds and 1 space per on-site employee		
<i>Office</i>	2 spaces per 1,000 square feet				
<i>Hotel</i>	0.5 spaces per room				
<i>Warehouse & Storage</i>	1 space per 10,000 square feet				
<i>Retail</i>	2.5 spaces per 1,000 square feet				
<i>Restaurant</i>	5.0 spaces per 1,000 square feet				

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

§156.0314 Sign Regulations

(a) *Sign Regulations*

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

(4) *Ballpark Mixed-Use District Signs*

All *development* proposals within the area bounded by J Street, Seventh Avenue, Tenth Avenue, Park Boulevard, and Harbor Drive (including *PETCO Park*, *Outfield Park*, and *mixed-use developments* directly adjacent thereto) shall include a comprehensive *sign* plan. All comprehensive *sign* plans for *PETCO Park*, *Outfield Park*, and *mixed-use developments* directly adjacent thereto shall be processed in accordance with Process Four.

All other *signs* within the Ballpark Mixed-Use District shall comply with the *sign* regulations in Chapter 14, Article 2, Division 12 of this Code. *Signs* that do not comply with all the *sign* regulation requirements may be approved with a comprehensive *sign* plan in accordance with Process Two. All comprehensive *sign* plans shall be consistent with the following objectives:

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

§156.0315 Separately Regulated Uses

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

(f) *Living Units.*

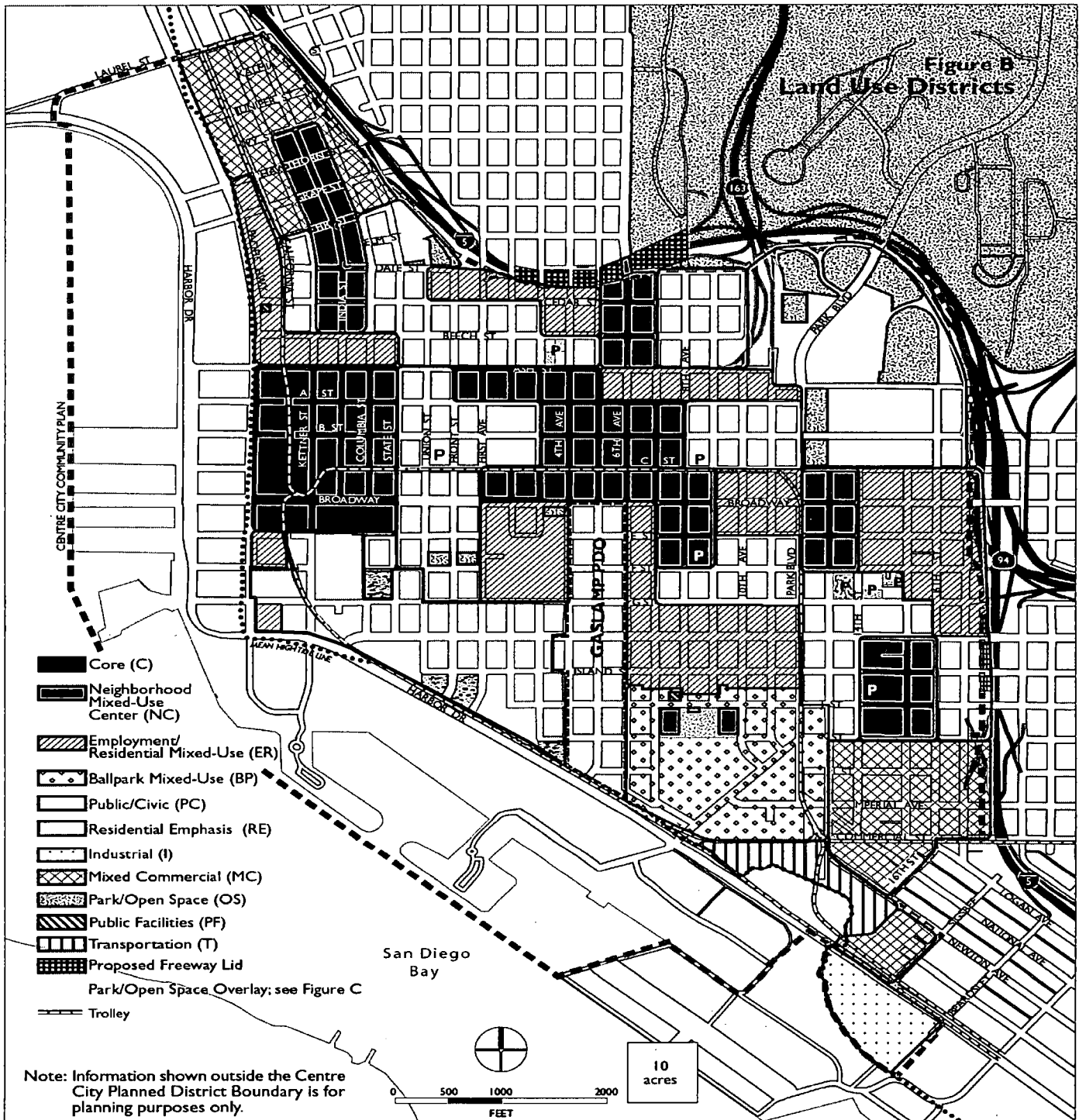
Living unit developments are permitted in the zones indicated in Table

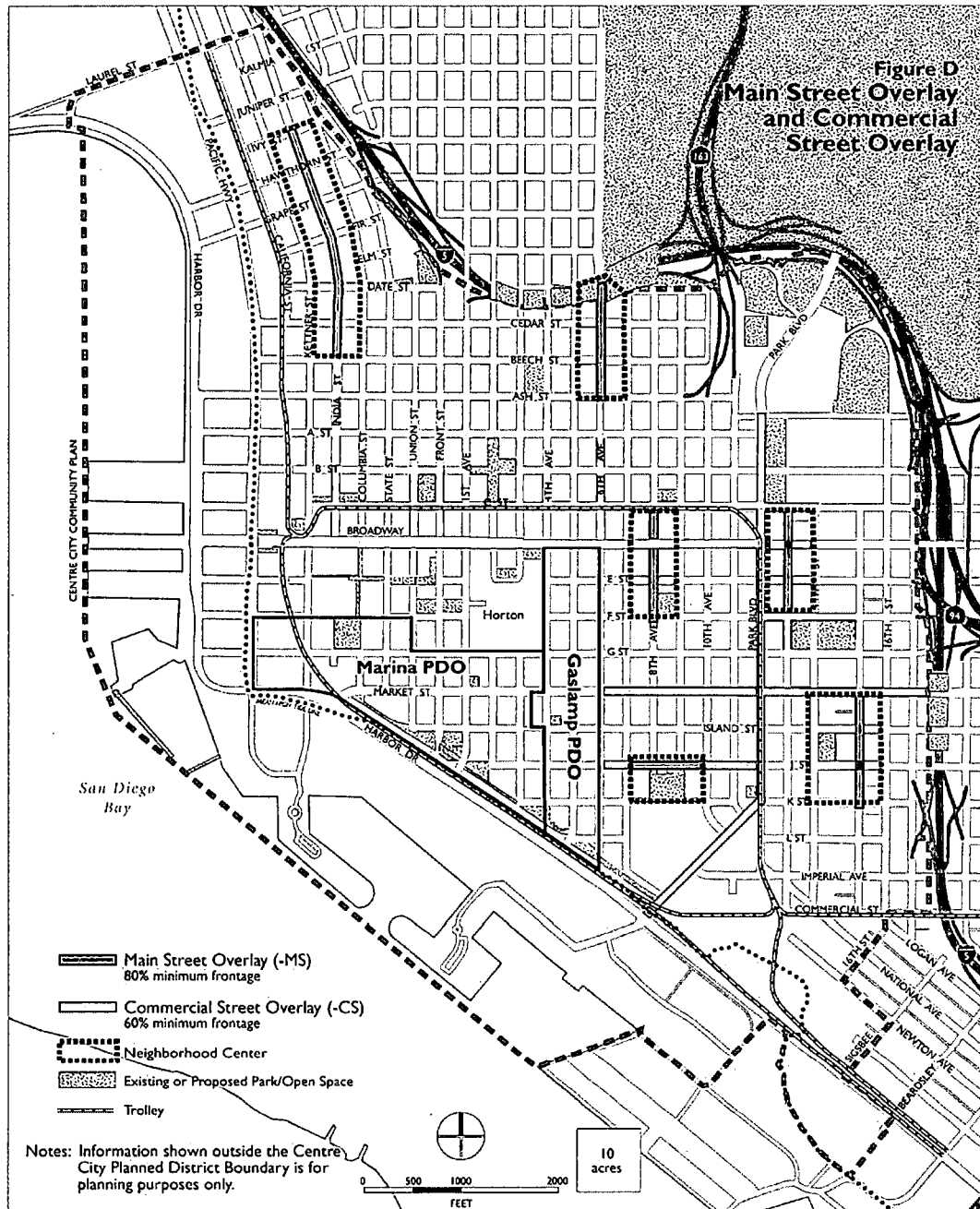
156-0308-A subject to the following regulations:

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

(13) *Living unit developments* are not required to comply with the
residential *development* requirements of Section 156.0310(g).

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





Section 34. That Chapter 15, Article 7, Division 4 of the San Diego Municipal Code is amended by amending section 157.0304, to read as follows:

§157.0304 Permitted Uses

Notwithstanding the uses allowed in Chapter 15, Article 1, Divisions 1 and 4, no building or improvement or portion thereof shall be used except as permitted by this Division. Permitted ground floor uses in the Gaslamp Quarter Planned District are limited to active commercial uses such as restaurants and retail of consumer goods and services. No single user or business shall occupy more than 10,000 square feet on the ground floor of a building except as provided in Section 157.0305(d).

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

(c) Permitted Specialized Uses on Any Floor

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

(5) transitional housing facilities, which are permitted as a Limited Use in accordance with Section 141.0313.

(6) *permanent supportive housing*, which is permitted as a Limited Use in accordance with Section 141.0315.

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

Section 35. That Chapter 15, Article 7, Division 4 of the San Diego Municipal Code is amended by amending section 157.0401, to read as follows:

§157.0401 Off-Street Parking Requirements

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

TABLE 157-0401-A: OFF-STREET PARKING REQUIREMENTS			
Use Category	Minimum	Maximum	Notes
Office	1.5 spaces per 1,000 sf	N/A	Projects containing less than 50,000 square feet of office space are exempt.
Commercial/Retail	1.5 spaces per 1,000 sf	N/A	Projects containing less than 30,000 square feet of commercial/retail space are exempt.
Hotel	0.3 spaces per room	N/A	Projects containing less than 25 guest rooms are exempt.
<i>Dwelling Units including Permanent Supportive Housing</i>	0	1.0	

Section 36. That Chapter 15, Article 9, Division 2 of the San Diego Municipal Code is amended by amending section 159.0211, to read as follows:

§159.0211 Uses Permitted with a Special Permit

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

(d) Hotel/Motel Development (Including Timeshares)

Hotel and motel and timeshare development may be permitted in Zones 1, 2 and 3 only, subject to a Special Use Permit if all the following findings can be made:

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

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

Section 37. 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 38. 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 Miramar, Gillespie Field, Montgomery Field, and Brown Field Airports (collectively, Airports), this Ordinance shall take effect and be in force on the thirtieth day from and after the finding of consistency, or on the thirtieth day from and after its final passage, whichever is later, 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, the California Department of Transportation, Division of Aeronautics, and the airport operators for the Airports. 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 a final decision to overrule a determination of inconsistency shall require a two-thirds vote.

That if the City Council makes a final decision to overrule a determination of inconsistency, this Ordinance shall take effect and be in force on the thirtieth day from and after that final decision, 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.

Section 39. 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.

Section 40. That Ordinances O-2020-1, O-2020-5, O-2020-6, and O-2020-9 have been or will be considered by the City Council which amend San Diego Municipal Code sections also amended by this Ordinance; therefore, the City Clerk, with the written approval and concurrence of the City Attorney, is authorized to reconcile the numbering of sections and placement of text

within these sections upon the final passage of the Ordinances, without further action by the City Council, pursuant to San Diego Charter section 275.

APPROVED: MARA W. ELLIOTT, City Attorney

By



Noah J. Brazier
Deputy City Attorney

NJB:als

07/03/2019

07/15/2019 Cor. Copy

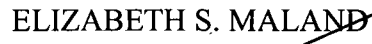
07/29/2019 Rev. Copy

09/03/2019 Rev. Cor.

Or.Dept: Planning Dept.

Doc. No.: 1994725_6

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of AUG 06 2019.



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

DATE: September 3, 2019

TO: Elizabeth Maland, City Clerk

FROM: Noah J. Brazier, Deputy City Attorney

SUBJECT: Item 332 – Sub-item A – 12th Update (Phase One) to the City's Municipal Code and Local Coastal Program - Council Meeting of July 23, 2019

On July 23, 2019, the City Council heard Item 332: 12th Update (Phase One) to the City's Municipal Code and Local Coastal Program and approved Ordinance No. O-21114.

This Memorandum and Revised Corrected Ordinance O-2020-2 are submitted to correct some discrepancies and clerical errors made on the following SDMC sections listed below:

Section 126.0205

(a) through (b) [No change in text.]
(d) was replaced by (c)

Section 156.0304

(a) through (c) [No change in text.]
(i) was replaced by (d)

Table 156-0308-A:

Clean:

Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Public Park/ Plaza/Open Space	P	P	P	P	P	P	P	P	P	P	P	P		
Agriculture	--	--	--	--	--	--	--	--	--	--	--	--		
Community Gardens	P	P	P	P	--	P	P	--	P	P	P	--	§141.0203	

Strikeout:

Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Public Park/ Plaza/Open Space	P	P	P	P	P	P	P	P	P	P	L	P	P		
Agriculture	--	--	--	--	--	--	--	--	--	--	--	--	--		
Community Gardens	P	P	P	P	--	P	P	--	P	P	--	P	--	\$123.0601- 0606, \$141.0203	

Clean:

Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Separately Regulated Retail Sales Uses														
Marijuana Outlets	--	--	--	--	C	--	--	C	C	--	--	C	\$141.0504	

Strikeout:

Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Separately Regulated Retail Sales Uses															
Marijuana Outlets	-	-	-	-	C	-	-	C	C	-	-	-	C	\$141.0504	

Clean:

Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Child Care Facilities	P	P	P	P	P	P	P	--	--	P	--	P		CS, E

Strikeout:

Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Child Care Facilities	P	P	P	P	P	P	P	--	--	P	L	--	P		CS, E

Clean:

Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Research & Development	P	--	P	P	--	P	--	P	P	--	--	--		E

Elizabeth Maland, City Clerk

September 3, 2019

Page 3

Strikeout:

Use Categories/ Subcategories	C	NC	ER	BP	WM7	MC	RE	I7	T7	PC	PF10	OS	CC7	Additional Regulations	MS/CS & E Overlays
Research & Development	P	--	P	P	--	P	--	P	P	--	--	--	--		E

Section 1511.0401

This section was deleted from the caption, clean, strikeout, and digest ordinance.

NJB:als

Doc. No.: 2111950

within these sections upon the final passage of the Ordinances, without further action by the City Council, pursuant to San Diego Charter section 275.

APPROVED: MARA W. ELLIOTT, City Attorney

By



Noah J. Brazier
Deputy City Attorney

NJB:als

07/03/2019

07/15/2019 Cor. Copy

07/29/2019 Rev. Copy

Or.Dept: Planning Dept.

Doc. No.: 1994725_5

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of AUG 06 2019.

ELIZABETH S. MALAND
City Clerk

By



Deputy City Clerk

Approved: _____

8/9/19
(date)



KEVIN L. FAULCONER, Mayor

Vetoed: _____

(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 9.5, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 59.5.0404; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 6 BY AMENDING SECTION 112.0603; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 113.0103; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 2 BY AMENDING SECTIONS 126.0203 AND 126.0205; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5 BY AMENDING SECTION 126.0503; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 7 BY AMENDING SECTION 126.0704 AND REPEALING SECTION 126.0714; AMENDING CHAPTER 12, ARTICLE 8, DIVISION 3 BY AMENDING SECTION 128.0310; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 5 BY AMENDING SECTION 129.0504; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 7 BY AMENDING SECTION 129.0710; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 131.0112; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 131.0422, AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTIONS 131.0504, 131.0522, 131.0540, AND 131.0556; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 131.0622; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY AMENDING SECTIONS 141.0302, 141.0307, AND 141.0313, AND BY ADDING NEW SECTIONS 141.0309 AND 141.0315; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 141.0406; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6 BY AMENDING SECTIONS 141.0617 AND 141.0625; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 4 BY AMENDING SECTIONS 142.0403, 142.0405, 142.0407, 142.0411, AND 142.0412; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTION 142.0525; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 6 BY AMENDING SECTIONS

142.0610 AND 142.0640; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 9 BY AMENDING SECTION 142.0910; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 12 BY AMENDING SECTION 142.1235, AND BY ADDING NEW SECTION 142.1293; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 143.0111; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 3 BY AMENDING SECTION 143.0302; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 4 BY AMENDING SECTION 143.0402; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 7 BY AMENDING SECTION 143.0720; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 9 BY AMENDING SECTIONS 143.0915 AND 143.0920; AMENDING CHAPTER 14, ARTICLE 4, DIVISION 2 BY AMENDING SECTIONS 144.0211 AND 144.0240; AMENDING CHAPTER 14, ARTICLE 5, DIVISION 31 BY REPEALING SECTIONS 145.3110 AND 145.3111; AMENDING CHAPTER 15, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 151.0103; AMENDING CHAPTER 15, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 151.0401; AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 BY AMENDING SECTIONS 156.0302, 156.0304, 156.0305, 156.0307, 156.0308, 156.0309, 156.0310, 156.0313, 156.0314, AND 156.0315, AND AMENDING FIGURE B AND FIGURE D; AMENDING CHAPTER 15, ARTICLE 7, DIVISION 3 BY AMENDING SECTION 157.0304; AMENDING CHAPTER 15, ARTICLE 7, DIVISION 4 BY AMENDING SECTION 157.0401, AND AMENDING CHAPTER 15, ARTICLE 9, DIVISION 2 BY AMENDING SECTION 159.0211, ALL RELATED TO THE 12TH UPDATE TO THE SAN DIEGO LAND DEVELOPMENT CODE.

§59.5.0404 Construction Noise

- (a) It shall be unlawful for any person, between the hours of 7:00 p.m. of any day and 7:00 a.m. of the following day, or on legal holidays as specified in Section ~~21.04~~ 21.0104 of the San Diego Municipal Code, with exception of Columbus Day and Washington's Birthday, or on Sundays, to erect, construct, demolish, excavate for, alter or repair any building or structure in such a manner as to create disturbing, excessive or offensive noise unless a permit has been applied for and granted beforehand by the Noise

Abatement and Control Administrator. In granting such permit, the Administrator shall consider whether the construction noise in the vicinity of the proposed work site would be less objectionable at night than during the daytime because of different population densities or different neighboring activities; whether obstruction and interference with traffic particularly on streets of major importance, would be less objectionable at night than during the daytime; whether the type of work to be performed emits noises at such a low level as to not cause significant disturbances in the vicinity of the work site; the character and nature of the neighborhood of the proposed work site; whether great economic hardship would occur if the work were spread over a longer time; whether proposed night work is in the general public interest; and he shall prescribe such conditions, working times, types of construction equipment to be used, and permissible noise levels as he deems to be required in the public interest.

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

§112.0603 Process CIP-Two Appeal Hearing

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

(a) [No change in text.]

(b) Request for a Process CIP-Two Appeal Hearing. A Process CIP-Two decision may be appealed by filing an application for a Process CIP-Two appeal hearing with the City Clerk no later than ~~42~~ 10 *business days* after the *decision date*.

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

§113.0103 Definitions

Abutting property through Grade, proposed (See *proposed grade*) [No change in text.]

Grading means any earthwork that involves *grubbing*, ~~excavating~~, excavation, embanking, or *filling*.

Gross floor area through Penthouse [No change in text.]

Permanent supportive housing means housing with no limit on length of stay that is occupied by the *target population*, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community. *Permanent supportive housing* may provide mental health support and counseling, as well as other services needed to support *families* and individuals with independent living.

Permit holder through Shared parking [No change in text.]

Shopkeeper unit means a *dwelling unit* with both living quarters and commercial space ~~that meet all occupancy separation requirements of the California Building Code~~, where the commercial use is located on the ground *floor* and operated by the resident of the *dwelling unit*.

Side street through Targeted ownership household [No change in text.]

Target population means persons, including *disabled persons* and *families*, who are homeless or individuals and *families* currently residing in *permanent supportive housing* if the individual or family was homeless when approved for tenancy in the *permanent supportive housing* project in which they currently reside.

Temporary event through Yard [No change in text.]

§126.0203 When a Neighborhood Use Permit Is Required

- (a) An application for the following uses in certain zones may require a Neighborhood Use Permit. To determine whether a Neighborhood Use Permit is required in a particular zone, refer to the applicable Use Regulation Table in Chapter 13:
- Artisan Food and Beverage Producer
 - Automobile service stations
 - Bed and breakfast establishments (under circumstances described in Section 141.0603)
 - Boarding kennels/pet day care facilities
 - Community gardens
 - Comprehensive *sign* plans
 - Eating and drinking establishments abutting residential zones (under circumstances described in Section 141.0607)
 - Employee housing
 - Home occupations (under circumstances described in Section 141.0308)
 - Interim ground floor residential use
 - Neighborhood identification *signs*
 - Parking facilities as a primary use
 - Pushcarts
 - Recycling facilities (under circumstances described in Section 141.0620)
 - Revolving projecting signs
 - Sidewalk cafes that deviate from the requirements of Section 141.0621(a)

Signs with automatic changing copy

Temporary construction storage yards located off-site

Theater *marquees*

Urgent care facilities

Veterinary clinics and animal hospitals

Wireless communication facilities (under certain circumstances described in Section 141.0420)

(b) [No change in text.]

§126.0205 Findings for Neighborhood Use Permit Approval

A Neighborhood Use Permit may be approved or conditionally approved only if the decision maker makes the following *findings*:

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

(c) Supplemental Findings – Interim Ground floor residential

An application for a Neighborhood Use Permit for interim ground floor residential uses may be approved or conditionally approved only if the decision maker makes the following findings:

(1) The proposed development is physically suitable for residential use and located within an existing vacant commercial space that has been vacant for a minimum of six consecutive months.

(2) The ground floor height complies with Section 131.0548.

§126.0503 Exemption from a Site Development Permit

Development consistent with the affordable housing, in-fill projects, and/or sustainable buildings regulations in Section 143.0915 that requires a Site

Development Permit in accordance with Section 126.0502 may be permitted in

accordance with a Neighborhood Development Permit decided in accordance with Process Two, provided the *findings* in Section 126.0404(a) and all applicable supplemental findings in Section 126.0505(b) through (m) are made. In the event that a deviation is requested, the supplemental *findings* in Section 126.0404(f) shall also be requested.

§126.0704 Exemptions from a Coastal Development Permit

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

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

- (i) Any improvement to a *single dwelling unit* that constitutes part of a “single-family residential building” as defined in title 14, section 13250(a) of the California Administrative Code of Regulations, Title 14, section 13250(a) and that does not require a coastal development permit pursuant to title 14, section 13250(b) of the California Administrative Code of Regulations Title 24, section 13250(b).

§126.0714 ~~Maintaining Utilization of a Coastal Development Permit~~

~~Continued utilization of a Coastal Development Permit issued by the City shall be in accordance with Section 126.0109.~~

§128.0310 Draft or Final Environmental Document Distribution and Availability

An environmental document consisting of all information required by CEQA and the State CEQA Guidelines and any other information the Planning Director may add shall be distributed for review according to CEQA and the State CEQA Guidelines, and the following:

- (a) Environmental Document Distribution to the Public

The Planning Director shall ~~make~~ post an environmental document available to the public by posting it to the City's web page at least 14 calendar days prior to the earlier of the date that an advisory body ~~makes~~ making a recommendation required by law or the date that the decision maker considers approval.

(b) Environmental Document Distribution to an Advisory Body

An advisory body required by law to make a recommendation on a project prior to a decision maker's consideration of the project's environmental document shall consider the environmental document in draft or final form. The draft or final environmental document shall be distributed to the advisory body 14 calendar days prior to the scheduled date of recommendation.

(c) Final Environmental Document Distribution to the Decision Maker

A decision maker required to consider approval of an environmental document a project shall consider the environmental document in final form. The final environmental document shall be distributed to the decision maker at least 14 calendar days prior to the scheduled date of decision.

(d) Failure to provide this 14 calendar day review period shall not be treated as a procedural defect and shall not preclude discretionary action on the project.

(e)(d) Final Environmental Impact Report Document Distribution to Public Agencies

The Planning Director shall provide a final ~~EIR~~ environmental document to any public agency that commented on the draft environmental document, consistent with CEQA.

~~(f)~~(e) Comment on Final Environmental Document

The intent of distributing the final environmental document is to provide other public agencies, the public, and the decision makers the opportunity to review the final environmental document prior to a decision being made on the project. No comments will be solicited and no written responses to comments on final environmental documents are required to be prepared.

§129.0504 How to Apply for a Demolition/Removal Permit

An application for a Demolition/Removal Permit shall be submitted in accordance with Sections 112.0102 and 129.0105.

- (a) [No change in text.]
- (b) The Building Official may waive the Demolition/Removal Permit fees, and bond, public liability, and damage insurance fees for demolition of a *structure* that is two *stories* or less in height and has been declared by a government authority to be unsafe or a *public nuisance*. A copy of the letter of declaration from the government authority must be presented when applying for the Demolition/Removal Permit. Workers' compensation insurance requirements still apply even if fees are waived.

§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) [No change in text.]
- (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 sSection 126.0502(d)(6), except for the following:
 - (1) through (4) [No change in text.]
 - (5) Community entry signs in accordance with Section 141.1101.
- (c) through (d) [No change in text.]

§131.0112 Descriptions of Use Categories and Subcategories

- (a) The following are descriptions of each use category and subcategory found in the Use Regulations Tables of each base zone. These descriptions shall be used to classify specific uses into use subcategories for the purpose of determining applicable use regulations, in accordance with Section 131.0110. A description of separately regulated uses is located in Section 131.0112(b).
 - (1) through (2) [No change in text.]
 - (3) Residential Use Category

This category includes uses that provide living accommodations for one or more persons. The residential subcategories are:
 - (A) through (D) [No change in text.]

(E) Shopkeeper unit — shopkeeper unit has the same meaning as in San Diego Municipal Code Section 113.0103.

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

(b) [No change in text.]

§131.0222 Use Regulations Table for Open Space Zones

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

Legend for Table 131-02B

[No change in text.]

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

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st & 2nd >>	OP-		OC-	OR ⁽¹⁾ -		OF ⁽¹¹⁾ -
	3rd >>	1-	2-	1-	1-		1-
	4th >>	1	1	1	1	2	1
Open Space through Residential, Separately Regulated Residential Uses, Home Occupations [No change in text.]		[No change in text.]					
<u>Interim Ground Floor Residential</u>		=	=	=	=	=	
Junior Units through Live/work Quarters [No change in text.]		[No change in text.]					
<u>Permanent Supportive Housing</u>		=	=	=	=	=	
Residential Care Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]					

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

§131.0322 Use Regulations Table for Agricultural Zones

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

Legend for Table 131-03B

[No change in text.]

Table 131-03B
Use Regulations Table for Agricultural Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Open Space through Residential, Separately Regulated Residential Uses, Home Occupations [No change in text.]		[No change in text.]			
<u>Interim Ground Floor Residential</u>		=		=	
Junior Units through Live/Work Quarters [No change in text.]		[No change in text.]			
<u>Permanent Supportive Housing</u>		=		=	
Residential Care 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.]

§131.0422 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, Separately Regulated Residential Uses, Home Occupations [No change in text.]		[No change in text.]																							
Interim Ground Floor Residential		=			=														=		=				
Junior Units through Live/Work Quarters [No change in text.]		[No change in text.]																							
Permanent Supportive Housing		=			=														=		=				

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	
Residential Care Facilities through Signs , Separately Regulated Signs Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]																								

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	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.]											
<u>Interim Ground Floor Residential</u>		=			=			=			=		=
Junior Units through Live/Work Quarters [No change in text.]		[No change in text.]											
<u>Permanent Supportive Housing</u>		<u>L</u>			<u>L</u>			<u>L</u>			<u>L</u>		<u>L</u>
Residential Care Facilities through 7 or more persons [No change in text.]		[No change in text.]											
Transitional Housing:													
6 or fewer persons		P			P			P			P		-
7 or more persons		€ <u>L</u>			€ <u>L</u>			€ <u>L</u>			€ <u>L</u>		-
Watchkeeper Quarters through Signs , Separately Regulated Signs Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]											

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

§131.0504 Purpose of the CO (Commercial—Office) Zones

- (a) [No change in text.]
- (b) The CO zones are differentiated based on the uses and development scale allowed as follows:

- (1) [No change in text.]
- (2) The following zones ~~prohibit~~ allow limited residential development:
- CO-2-1 is intended to accommodate office uses with a neighborhood scale and orientation
 - CO-2-2 is intended to accommodate office uses that serve as an employment center
- (3) [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																			
	1 st & 2 nd >>	CN ⁽¹⁾ -						CR-		CO-						CV-		CP-			
	3 rd >>	1-						1-	2-	1-	2-		3-		1-	1-					
	4 th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2	1		
Open Space through Residential, Separately Regulated Residential Uses, Home Occupations [No change in text.]		[No change in text.]																			
<u>Interim Ground Floor Residential</u>		<u>N⁽¹⁸⁾</u>						<u>N⁽¹⁸⁾</u>		=		<u>N⁽¹⁸⁾</u>		=		<u>N⁽¹⁸⁾</u>		<u>N⁽¹⁸⁾</u>		=	
Junior Units through Live/Work Quarters [No change in text.]		[No change in text.]																			
<u>Permanent Supportive Housing</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>	
Residential Care Facilities through 7 or More Persons [No change in text.]		[No change in text.]																			
Transitional Housing:																					
6 or Fewer Persons		P ⁽²⁾						P		-		P		- <u>P</u>		P		P ⁽²⁾		-	

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																	
	1 st & 2 nd >>	CN ⁽¹⁾ -						CR-		CO-						CV-		CP-	
	3 rd >>	1-						1-	2-	1-	2-		3-		1-	2-	1-		
	4 th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2	1
7 or More Persons		CL ⁽²⁾						CL	-	CL	- L		CL	CL ⁽²⁾	-				
Watchkeeper Quarters through Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]		[No change in text.]																	

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																									
	1st & 2nd >>	CC-																									
	3rd >>	1-		2-		3-		4-		5-																	
	4th >>	1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5	6
Open Space through Residential, Separately Regulated Residential Uses, Home Occupations [No change in text.]		[No change in text.]																									
<u>Interim Ground Floor Residential</u>		N ⁽¹⁸⁾		-		N ⁽¹⁸⁾		N ⁽¹⁸⁾		N ⁽¹⁸⁾																	
<i>Junior Units</i> through Live/Work Quarters [No change in text.]		[No change in text.]																									
<u>Permanent Supportive Housing</u>		L		L		L		L		L		L		L		L		L		L		L		L		L	
Residential Care Facilities through 7 or More Persons [No change in text.]		[No change in text.]																									
Transitional Housing:																											
6 or Fewer Persons		P		-		P		P		P		P		P		P		P		P		P		P		P	
7 or More Persons		CL		-		CL		CL		CL		CL		CL		CL		CL		CL		CL		CL		CL	
Watchkeeper Quarters through Signs, Separately Regulated Signs Uses, Theater Marquee s [No change in text.]		[No change in text.]																									

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

§131.0540 Maximum Permitted Residential Density and Other Residential Regulations

The following regulations apply to residential *development* within commercial zones where indicated in Table 131-05B:

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

(c) Ground *Floor* Restrictions.

- (1) Residential use and residential parking are prohibited on the ground *floor* in the front half of the *lot*, except in the CC-3-4, CC-3-5, CC-3-6, CC-3-7, CC-3-8, CC-3-9, CC-4-4, CC-4-5, CC-4-6, CC-5-4, CC-5-5, CC-5-6, CN-1-6, CO-3-1, and CV-1-2 zones, where these uses are prohibited on the ground *floor* in the front 30 feet of the lot as shown in Diagram 131-05A. In the CN-1-6 and CO-3-1 zones, residential use and residential parking are limited to 70 percent of the *street frontage* along the front *property line*. Interim ground *floor* residential uses may be permitted with a Neighborhood Use Permit in accordance with Section 141.0309.

Diagram 131-05A

Ground Floor Restriction

[No change in text.]

- (2) [No change in text.]

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

§131.0556 Parking Lot Orientation

In all zones where the parking lot orientation regulation applies, as indicated in Table 131-05D or 131-05E, proposed *development* with greater than ~~50,000~~ 100,000 square feet of *gross floor area* and more than one *street frontage* shall locate no more than 50 percent of the *vehicular use area* between the longest *street frontage* providing public access to the *premises* and a building or buildings.

Diagram 131-05G

Parking Lot Orientation Restriction

[No change in text.]

§131.0622 Use Regulations Table for Industrial Zones

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

Legend for Table 131-06B

[No change in text.]

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

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd>>	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
Open Space through Residential, Separately Regulated Residential Uses, Home Occupations [No change in text.]	[No change in text.]										
<u>Interim Ground Floor Residential</u>	=	=	=	=	=	=	=	=	=	=	=
<i>Junior Units</i> through Live/Work Quarters [No change in text.]	[No change in text.]										
<u>Permanent Supportive Housing</u>	=	=	=	=	=	=	=	=	=	=	=
Residential Care Facilities through Commercial Services, Financial Institutions [No change in text.]	[No change in text.]										
Funeral & Mortuary Services	-	-	-	-	P ¹⁹	P	-	P	-	-	-
Instructional Studios through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]										

Footnotes for Table 131-06B

¹ through ¹⁸ [No change in text.]

¹⁹ Funeral & Mortuary Services are not permitted within floodplains located in the Coastal Overlay Zone.

§141.0302 Companion Units and Junior Units

Companion units and *junior units* are each permitted as a limited use in accordance with Process One in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) and Chapter 15, Article 1, Division 4 (General and Supplemental Regulations), subject to the following regulations.

(a) *Companion Units*

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

(3) The *gross floor area* of the *companion unit* shall be included in the *floor area ratio* for the *premises*. The *gross floor area* for an attached *companion unit* shall not exceed 50 percent of the existing or proposed habitable *dwelling unit*. A maximum increase of 1,200 square feet is allowed for an attached or detached *companion unit*.

(4) [No change in text.]

(5) A permitted garage or non-habitable *accessory structure* that is converted to a *companion unit* may maintain the existing ~~setbacks~~ if the setbacks are determined to be in compliance with the current ~~California Building Code and California Fire Code at the time of the conversion~~ setbacks.

(6) A *companion unit* may encroach within the interior side and rear yard *setbacks* up to the *property line* subject to the following:

(A) ~~A one-story~~ The structure shall not encroach more than a maximum of 30 feet in length;

(B) [No change in text.]

(7) Parking for the entire *premises* shall be brought into compliance with Chapter 14, Article 2, Division 5 (Parking Regulations) and with this sSection 141.0302, except as otherwise indicated herein by the zone.

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

(D) Required ~~*off-street parking space(s)*~~ off-street parking for a *companion unit* shall ~~be provided at a ratio of 0.5 parking space per bedroom, with a minimum requirement of one parking space per companion unit~~ not exceed one parking space per unit.

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

(b) [No change in text.]

(c) Only one *companion unit* or *junior unit* is permitted on a *premises*. Guest quarters and non-habitable structures shall be permitted in addition to the *companion unit* or *junior unit*. ~~All structures shall comply with building spacing requirements in accordance with Section 131.0450.~~

(d) ~~A companion unit or junior unit shall not be used for a rental term of less than 30 consecutive days.~~ Companion units are not subject to Section 131.0450.

(e) A companion unit or junior unit shall not be used for a rental term of less than 30 consecutive days.

§141.0307 Guest Quarters or Habitable Accessory Buildings

Guest quarters or habitable *accessory buildings* are attached or detached accessory living quarters developed of habitable construction, and located on a *lot*

with a *single dwelling unit* that do not provide complete, independent living facilities and do not have direct access to the primary *dwelling unit*. Guest quarters or habitable *accessory buildings* are solely for the use of the occupants of the primary *dwelling unit* or their guests or employees.

Guest quarters or habitable *accessory buildings* may be permitted accessory to a *single dwelling unit* as a limited use in accordance with Process One in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

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

(i) Occupancy of a *premises* containing guest quarters or habitable *accessory buildings* shall be subject to the following:

(1) [No change in text.]

(2) Before a Building Permit is issued for a guest quarters or habitable *accessory building*, the *record owner* shall submit a signed agreement with the City ~~that specifies that the guest quarters or habitable accessory building shall not be used as, or converted to, a companion unit or any other dwelling unit. The agreement shall include a stipulation~~ that neither the primary *dwelling unit* nor the guest quarters or habitable *accessory building* shall be sold or conveyed separately. The City will provide the agreement to the County Recorder for recordation.

(3) [No change in text.]

§141.0309 **Interim Ground Floor Residential**

Residential development within commercial zones is permitted only when a commercial structure exists on the premises or is a part of the proposed development. Residential use is restricted on the ground floor in accordance with Section 131.0540. Interim ground floor residential may be permitted within existing commercial space 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 the following regulations:

- (a) The applicant shall provide evidence to the decision maker that the development site is within a commercial space that has been vacant for more than six consecutive months.
- (b) The change of a development site from commercial to residential use shall be in compliance with the California Building Code and California Fire Code for the residential use at the time of the conversion.
- (c) The Neighborhood Use Permit shall expire no later than 10 years from the date of issuance.
- (d) No additional parking is required for interim ground floor residential use.
- (e) The decision maker shall make the findings in Section 126.0205(a) through (d).

§141.0313 **Transitional Housing Facilities**

Transitional housing facilities offer residential accommodations for a specified period of time, mental health support and counseling services, and other support services to prepare *families* and individuals for independent living. Transitional

housing facilities do not include drug or alcohol in-house treatment or rehabilitation facilities, work furlough or probationary residential facilities, or emergency shelters.

Transitional housing ~~may be permitted~~ facilities are permitted as a limited use in zones indicated with an “L” and may be permitted with a Conditional Use Permit decided in accordance with Process Five, in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations below. Section 112.0509(b) requiring a Planning Commission recommendation for Process Five applications shall not be applicable to transitional housing facilities.

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

(h) ~~The facility shall provide at least one off-street parking space for each employee and one off-street parking space for every seven beds.~~

~~Additional parking may be required by the decision maker. The name and emergency contact phone number of an operator or manager shall be posted outside the facility in a location visible to the public from the public right-of-way in character size at least two inches in height.~~

(i) ~~Conversion of an existing garage or reduction in the amount of off-street parking to provide a transitional housing facility is not permitted. On-site supervision of the premises shall be provided at all times. At least one staff member shall be located on the premises 24 hours per day.~~

(j) The applicant shall provide the City with a Description of Services and Property Management Plan to the satisfaction of the City Manager. Should

any change to the proposed Description of Services and Property Management Plan occur after project construction, the project owner or manager shall provide the City with an updated plan within 90 days of the change. The Description of Services and Property Management Plan shall include all of the following:

- (1) Information regarding the supportive services that will be provided on-site or off-site to those residing on the premises, including:
 - (A) A description of the services to be provided;
 - (B) The location where the services will be provided;
 - (C) The name of the person or entity that will provide the services;
 - (D) The funding source for the services; and
 - (E) The number of employees.
- (2) Information regarding how the property will be managed, including:
 - (A) A plan to minimize loitering in the vicinity of the facility;
and
 - (B) A litter control plan to provide for the removal of litter in the vicinity of the facility on a regular basis.

§141.0315 Permanent Supportive Housing

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

- (a) Permanent supportive housing units within the development shall have a recorded affordability restriction for no less than 55 years.
- (b) The name and emergency contact phone number of an operator or property manager shall be posted on the premises in a location visible to the public from the public right-of-way in character size at least two inches in height.
- (c) On-site supervision of the premises shall be provided at all times. At least one staff member of the operator or project manager shall be located on the premises 24 hours per day.
- (d) The applicant shall provide the City with a Description of Services and Property Management Plan to the satisfaction of the City Manager. Should any change to the proposed Description of Services and Property Management Plan occur after project construction, the project owner or manager shall provide the City with an updated plan within 90 days of the change. The Description of Services and Property Management Plan shall include all of the following:
 - (1) Information regarding the supportive services that will be provided on-site or off-site to those residing on the premises, including:
 - (A) A description of the services to be provided;
 - (B) The location where the services will be provided;
 - (C) The name of the person or entity that will provide the services;
 - (D) The funding source for the services; and

- (E) The number of employees.
- (2) Information regarding how the property will be managed,
including:
 - (A) A plan to minimize loitering in the vicinity of the facility;
and
 - (B) A litter control plan to provide for the removal of litter in
the vicinity of the facility on a regular basis.

§141.0406 Correctional Placement Centers

Correctional placement centers, including work furlough and probationary residential facilities, may be permitted with a Conditional Use Permit decided in accordance with Process Four in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) through (p) [No change in text]

Table 141-04A

Excludable Offenses

[No change in text.]

§141.0617 Private Clubs, Lodges, and Fraternal Organizations

Private clubs, lodges, and fraternal organizations are associations of persons, whether incorporated or unincorporated, for the promotion of some common social, cultural, educational, religious, or recreational objective. This use does not include *churches* or any group whose primary objective is a business customarily carried on for a profit.

Private clubs, lodges, and fraternal organizations may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

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

(e) Private clubs, lodges, and fraternal organizations are not permitted on a *premises* that is identified as Prime Industrial Land in a *land use plan* or within floodplains located in the Coastal Overlay Zone.

§141.0625 Veterinary Clinics and Animal Hospitals

Veterinary clinics and animal hospitals are permitted as a limited use in the zones indicated with an “L” and 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 the following regulations.

(a) [No change in text.]

(b) Limited Use Regulations

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

(4) Deviations from Section 141.0625(a)(b) may be permitted with a Neighborhood Use Permit decided in accordance with Process Two.

(c) [No change in text.]

§142.0403 General Planting and Irrigation Requirements

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

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

(c) Irrigation Requirements

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

(3) Irrigation systems shall meet the following design requirements:

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

(D) ~~An approved rain sensor shutoff device is required for all systems and a moisture sensing device that regulates the irrigation system for all lawn areas is required.~~ Automatic irrigation controllers utilizing evapotranspiration or soil moisture sensor data using non-volatile memory is required for irrigation scheduling.

(d) [No change in text.]

§142.0405 Additional Yard Planting Area and Point Requirements

(a) [No change in text.]

(b) Additional residential *yard* requirements:

(1) *Street Yard*

(A) ~~A minimum separation of 5 feet shall be maintained between driveway edges located in the *street yard*.~~

~~(B)~~(A) Up to 10 percent of the required *street yard* planting area located outside the *vehicular use area* for *multiple dwelling unit* residential *development* may consist of enhanced hardscape ~~or unattached unit pavers~~.

~~(C)~~(B) Planting area in the *public right-of-way* is not counted towards fulfillment of the required *street yard* planting area.

(2) [No change in text.]

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

(1) All of the required *street yard* planting area located outside the *vehicular use area* for commercial zones or commercial development except for auto service stations, may consist of enhanced hardscape ~~or unattached unit pavers~~. This does not include the minimum planting area required for trees and the planting area necessary to provide for healthy plant growth.

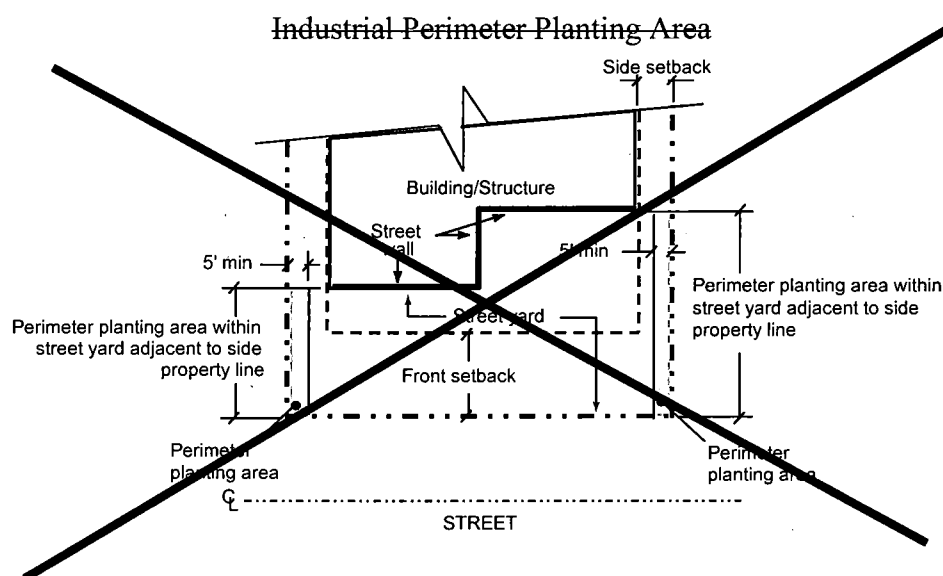
(2) through (4) [No change in text.]

(d) Additional industrial *yard* and *large retail establishment* requirements:

~~(1) Perimeter Planting Area. Within the *street yard* for industrial zones or industrial *development*, a 5-foot-wide perimeter planting area adjacent to each side *property line*, as shown in Diagram 142-04B, shall be provided for the full depth of the *street yard* except where vehicular access (maximum 25 feet) and pedestrian access (maximum 6 feet) points cross perpendicular to a side *property*~~

~~line. This planting area shall be planted with a combination of trees and shrubs that achieves 0.2 points per square foot of the required area. Where loading docks are placed along more than 25 percent of the *street wall* length in the IL and IH zones, the perimeter planting area points required shall be increased to 0.5 points per square foot of area.~~

Diagram 142-04B



~~(2)(1) Facade Planting Area. Within the *street yard*, a A 10-foot wide facade planting area, as shown in Diagram 142-04C, shall be provided that abuts abutting the *street wall* and is for at least equal to 50 percent of the length as determined by adding the lines connecting the outermost points of the structure along the street wall as shown in Diagram 142-04D, and that has a width of at least 9 feet measured perpendicularly to the building. This requirement shall apply to large retail establishments of the *street wall*.~~

Diagram 142-04C

Industrial Facade Planting Areas

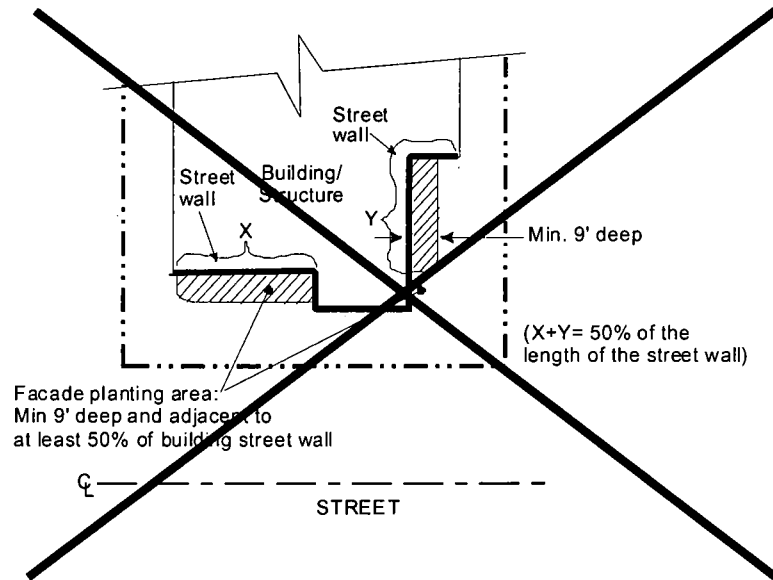
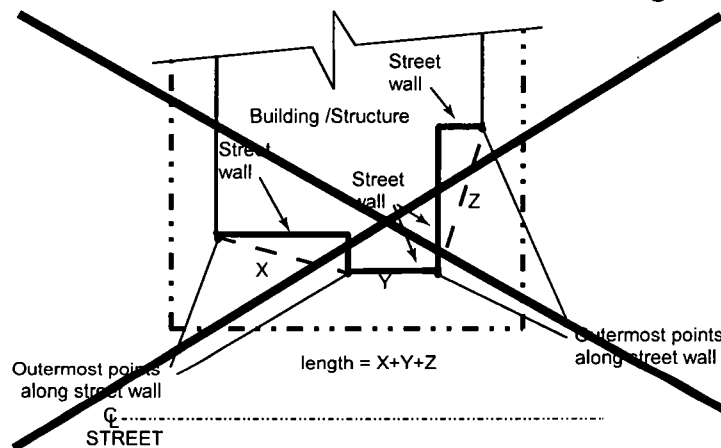


Diagram 142-04D

Industrial Facade Area Street Wall Length



The facade planting area shall be planted with a combination of trees and shrubs that achieves 0.5 points per square foot. Trees within this area must have a typical growth rate that can achieve a height of at least 20 feet within 8 years of being planted. Shrubs at maturity shall achieve a minimum height of 4 feet. In lieu of

meeting the facade planting area and point requirements, the
applicant may ~~do one of the following:~~

(A) ~~Increase the required perimeter planting area width to 10
feet and the required *street yard* plant points to 0.1; or~~

(B) ~~P~~place a minimum 6-foot-high solid wall between the
setback line and the front of the *structure* that shall extend
along the full width of the property, except at access points.
The *applicant* shall provide tree plantings equal to one half
of the required facade area planting points between the wall
and the building ~~street wall~~ street wall.

~~(3)~~(2) Where loading docks are located along more than 25 percent of the
street wall length, all *street yard* plant points shall be increased to
0.1 per square foot of *street yard* area.

~~(4)~~(3) For industrial uses in industrial zones, a planting area of at least 5
feet wide shall be provided within the *remaining yard*. This area
shall be measured perpendicularly to the *property lines* adjacent to
the *remaining yard* and shall abut the *property line*. The required
planting points shall be replaced within this 5 ~~feet~~ foot wide area.

§142.0407 Additional Vehicular Use Area Requirements

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

(d) Landscaped areas may be counted toward the required planting area if
they comply with the following:

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

- (3) The planting area complies with Section 142.0560(h)(5) for off-street parking spaces overhanging a raised curb or wheel stop.

- (e) [No change in text.]

§142.0411 Revegetation and Erosion Control

- (a) Permanent Revegetation. All graded, disturbed, or eroded areas that will not be permanently paved or covered by structures shall be permanently revegetated and irrigated as shown in Table 142-04F and in accordance with the standards in the Land Development Manual.

**Table 142-04F
Permanent Revegetation and Irrigation Requirements**

Location of Disturbed Area	Slope of Disturbed Area	Required Irrigation Irrigation System	Required Revegetation or Erosion Control
Within 100 feet of areas with native or naturalized vegetation	Less than 4:1 (4 horizontal feet to 1 vertical foot)	Automatic, above grade, temporary irrigation system	Native or naturalized hydroseed mix
	4:1 or greater with a slope <u>Slope</u> height of 15 feet or less	Automatic, above grade, temporary irrigation system	Native or naturalized ground cover consisting of rooted cuttings or hydroseed mix
	4:1 or greater with a slope height over 15 feet	Automatic, above grade, temporary irrigation system	Native or naturalized ground cover consisting of rooted cuttings or hydroseed mix, and native or naturalized trees and shrubs (minimum 1 gallon size) planted at a minimum rate of one plant per 100 square feet of disturbed area

Location of Disturbed Area	Slope of Disturbed Area	Required Irrigation <u>Irrigation</u> System	Required Revegetation or Erosion Control
100 feet or further from areas with native or naturalized vegetation	Less than 4:1 (4 horizontal feet to 1 vertical foot)	Automatic, below grade, permanent <u>irrigation</u> system or automatic, above grade, temporary irrigation system	Hydroseed, mulch, or equivalent
	4:1 or greater with a slope height of 15 feet or less	Automatic, below grade, permanent irrigation system	Drought tolerant groundcover consisting of rooted cuttings or hydroseed mix
	4:1 or greater with a slope height over 15 feet	Automatic, below grade, permanent irrigation system	Drought tolerant groundcover consisting of rooted cuttings or hydroseed mix, and drought tolerant trees and shrubs (minimum 1 gallon size) planted at a minimum rate of one plant per 100 square feet of disturbed area

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

§142.0412 Brush Management

Brush management is required in all base zones on publicly or privately owned *premises* that are within 100 feet of a *structure* and contain native or naturalized vegetation.

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

(c) The width of Zone One and Zone Two shall not exceed 100 feet and shall meet the width requirements in Table 142-04H unless modified based on existing conditions pursuant to Section 142.0412(i) and the following:

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

(3) Zone Two brush management is not permitted in areas designated for habitat mitigation per Section III of the Biology Guidelines in the Land Development Manual.

Table 142-04H

Brush Management Zone Width Requirements

[No change in text.]

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

(g) Zone One Requirements

(1) [No change in text.]

(2) Zone One shall contain no habitable *structures*, *structures* that are directly attached to habitable *structures*, or other combustible construction that provides a means for transmitting fire to the habitable *structures*. *Structures* such as *fences*, walls, palapas, play structures, and non-habitable gazebos that are located within brush management Zone One shall be of noncombustible, one hour fire-rated ~~or~~ Type IV or heavy timber construction as defined in the California Building Code.

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

(h) through (o) [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</i>	Automobile Spaces Required Per Dwelling Unit (Unless Otherwise Indicated)				Motorcycle Spaces Required Per Dwelling Unit	Bicycle⁽⁵⁾ Spaces Required Per Dwelling Unit
	Basic ⁽¹⁾	Transit Area ⁽²⁾	Parking Standards Transit Priority Area⁽⁹⁾	Parking Impact⁽⁴⁾		
Studio up to 400 square feet	1.25	1.0	0	1.5	0.05	0.3
1 bedroom or studio over 400 square feet	1.5	1.25	0	1.75	0.1	0.4
2 bedrooms	2.0	1.75	0	2.25	0.1	0.5
3-4 bedrooms	2.25	2.0	0	2.5	0.1	0.6
5+ bedrooms	2.25	2.0	0	(See footnote 6)	0.2	1.0
Affordable Housing dwelling units regulated by Section 142.0527	N/A	N/A	0	0.25 beyond that required in Section 142.0527	(See footnote 3)	(See footnote 3)
Condominium conversion⁽⁸⁾						
1 bedroom or studio over 400 Square feet	1.0	0.75	0	1.25	N/A	N/A
2 bedrooms	1.25	1.0	0	1.5	N/A	N/A
3 + bedrooms	1.5	1.25	0	1.75	N/A	N/A
Rooming house	1.0 per tenant	0.75 per tenant	0.75 per tenant	1.0 per tenant	0.05 per tenant	0.30 per tenant
Boarder & Lodger Accommodations	1.0 per two boarders or lodgers	1.0 per two boarders or lodgers	1.0 per two boarders or lodgers	1.0 per two boarders or lodgers, except 1.0 per boarder or lodger in beach impact area	N/A	N/A
Residential care facility (6 or fewer persons)	1 per 3 beds or per permit	1 per 4 beds or per permit	1 per 4 beds or per permit	1 per 3 beds or per permit	N/A	N/A
Small lot subdivision in accordance with Section 143.0365						
Studio up to 400 square feet	1.25	1.0	1.0	1.5	N/A	N/A
1 bedroom or studio over 400 square feet	1.5	1.25	1.25	1.75	N/A	N/A
2+ bedrooms	2.0	1.75	1.75	2.25	N/A	N/A

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 ⁽⁵⁾ Spaces Required Per Dwelling Unit
	Basic ⁽¹⁾	Transit Area ⁽²⁾	Parking Standards Transit Priority Area ⁽⁹⁾	Parking Impact ⁽⁴⁾		
Transitional Housing Facilities (6 or fewer persons)	1 per 3 beds or per permit 1 per on-site employee	1 per 4 beds or per permit 0	1 per 4 beds or per permit 0	1 per 3 beds or per permit 0	N/A	N/A
Transitional Housing Facilities (7 or more persons)	1 per on-site employee	0	0	0	N/A	N/A
Permanent Supportive Housing	1 per on-site employee	0	0	0	N/A	N/A
Continuing Care Retirement Communities						
	1.0	0.75	0.75	1.25	N/A	N/A
	1.0 per 3 beds	1.0 per 3 beds	1.0 per 3 beds	1.0 per 3 beds	N/A	N/A
	1 per peak shift	0.75 per peak shift	0.75 per peak shift	1.25 per peak shift	See Section 142.0530(f)	See Section 142.0530(e)
Accessory uses (spaces per square feet⁽⁷⁾)	Retail Sales: 2.5 per 1,000 Eating and Drinking Estb.: 5 per 1,000	Retail Sales: 2.5 per 1,000 Eating and Drinking Estb.: 5 per 1,000	Retail Sales: 2.5 per 1,000 Eating and Drinking Estb.: 5 per 1,000	Retail Sales: 2.5 per 1,000 Eating and Drinking Estb.: 5 per 1,000	N/A	N/A

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

§142.0610 When Public Improvements May Be Required Incidental to a Building Permit

- (a) Except as provided in Sections 142.0610(b), 142.0610(d), and 142.0611, no *structure* shall be erected or enlarged, and no Building Permit shall be issued, for any *lot* unless the *streets* and *alleys* abutting the *premises* have been dedicated and improved along the abutting frontage to the prevailing standards of the City of San Diego. *Street* improvements shall include

street trees, curbs, gutters, sidewalks, and half-width paving. *Alley* improvements shall consist of full-width paving.

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

(d) When the *development* involves a park or recreation facility where a public school district has a joint use agreement with the City to use that park or recreation facility and the public school district provides *public improvements* to that park or recreation facility to the satisfaction of the City Engineer, a Building Permit may be issued.

§142.0640 Impact Fees for Financing Public Facilities

(a) [No change in text.]

(b) Payment of Fees

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

applicable, and may include an automatic increase consistent with Section 142.0640(c).

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

§142.0910 Mechanical and Utility Equipment Screening Regulations

(a) Except when located in the RE, RS, RX, and RT zones, the following equipment and appurtenances shall be ~~contained within a completely enclosed structure that is~~ screened from public view and be architecturally integrated with the primary building on the *premises*:

- (1) Mechanical equipment
- (2) Tanks
- (3) Ducts
- (4) Elevator enclosures
- (5) Cooling towers
- (6) Mechanical ventilators
- (7) Air conditioners
- (8) Other similar appurtenances

~~The top and sides of the enclosing structure may include grillwork, louvers, and latticework.~~

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

§142.1235 Roof Signs in Commercial and Industrial Zones

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

(a) One *roof sign* shall be permitted per *premises*. ~~Roof signs are~~ A roof sign is permitted only in lieu of a permissible ground or *projecting signs*. *Roof*

signs may be located only on *premises* with accessible *street frontage*.

Roof signs are not permitted on buildings with high-rise building

identification *wall signs* as described in Section 142.1250.

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

§142.1293 **Old Town San Diego Planned District Sign Regulations**

The *sign* regulations in Chapter 15, Article 16 shall apply to all *signs* in the Old Town San Diego Planned District, as designated on Map Drawing No. C-993, excluding *signs* within Presidio Regional Park in the Presidio Sub-District. *Signs* within Presidio Regional Park in the Presidio Sub-District shall comply with the *sign* regulations in Chapter 14, Article 2, Division 12.

§143.0111 **Limited Exceptions from Environmentally Sensitive Lands Regulations**

The following *development* activities require a Neighborhood Development Permit or Site Development Permit in accordance with Table 143-01A, but the applicable development regulations are modified as indicated:

(a) [No change in text.]

(b) ~~Brush~~ Zone Two brush management activity is exempt from all the steep hillside development area regulations in Section 143.0142(a) if the brush management is the minimum necessary to comply with City fire codes and no *grading* occurs in the brush management area. Within the Coastal Overlay Zone, all brush management within 30 feet of a primary *structure* shall be subject to the Steep Hillside Regulations for development within the Coastal Overlay Zone pursuant to Section 143.0142(a)(4).

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

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

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

Legend for Table 143-03A

[No change in text.]

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

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process
Affordable housing, in-fill projects, and sustainable buildings projects with deviations through <i>Condominium Conversions</i> with Deviations from Development Regulations [No change in text.]	[No change in text.]	[No change in text.]
<i>Multiple Dwelling Unit Development</i> in RM Zones Involving <i>Lot Consolidation</i> and Exceeds Number of Units Indicated in Table 126-05A	143.0303, 143.0305, 143.0310, 143.0375, 143.0380	SDP/Process Three
Clairemont Mesa Height Limit Overlay Zone [No change in text.]	[No change in text.]	[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⁽¹⁾
Residential <i>development</i> requesting deviations from applicable zone regulations ⁽²⁾ 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.]	[No change in text.]
<i>Multiple dwelling unit development</i> requesting <u>increased density</u> greater than the <u>where increased density is expressly provided for in the identified</u> in an adopted <i>land use plan</i> ⁽³⁾	[No change in text.]	[No change in text.]
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.]	[No change in text.]

Footnotes for Table 143-04A

¹ through ² [No change in text.]

³ A *development* that is affordable housing, an in-fill project, and/or a sustainable building as described in Section 143.0915 may be permitted with a Neighborhood Development Permit in accordance with Process Two subject to all applicable regulations identified in Table 143-04A.

⁴ [No change in text.]

§143.0720 Density Bonus in Exchange for Affordable Housing Units

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

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

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

- (6) For *development* meeting the criteria in Sections 143.0720(c)(1), 143.0720(c)(2), 143.0720(d)(2), or 143.0720(f), where an *applicant* has not requested an incentive or waiver to exceed the maximum *structure height* or *setbacks* of the base zone, an additional *density* bonus of 10 percent of the pre-*density* bonus *dwelling units* shall be granted, provided that *development* of the additional *density* does not cause the need for an incentive, waiver, or deviation to exceed the maximum *structure height* or *setbacks* of the base zone. For *development* meeting the same criteria within the Centre City Planned District, the *density* bonus shall apply to the maximum allowable *floor area ratio* applicable to the *development* consistent with Section 156.0309(e).

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

- (i) For purposes of this Division, *density* bonus means an increase in *density* in accordance with Section 113.0222(c) beyond the otherwise maximum allowable *density*; or, if elected by the *applicant*, a lesser percentage of *density* or no increase in *density*.

§143.0915 When Supplemental Neighborhood Development Permit Regulations Apply for Affordable Housing, In-Fill Projects, and Sustainable Buildings

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

- (a) [No change in text.]
- (b) In-fill projects, which is any of the following:
- (1) through (2) [No change in text.]

(3) Residential *development* in accordance with Planned Development Permit Section 143.0402, subject to all applicable supplemental regulations identified in Table 143-04A, where a *multiple dwelling unit development* with *density* greater than the *density* identified in an adopted *land use plan* is proposed.

(4) [No change in text.]

(c) [No change in text.]

§143.0920 Affordable Housing, In-Fill Projects, and Sustainable Buildings Deviations

Development identified in Section 143.0915 may be permitted with a Neighborhood Development Permit decided in accordance with Process Two, except as provided in Section 143.0920(d), for the following:

- (a) *Development* that proposes deviations from applicable Land Development Code regulations, provided that the *findings* in Section ~~126.0505(a)~~ and 126.0404(a), the supplemental *findings* in Section 126.0404(f), and all applicable supplemental findings in Section 126.0505(b) through (m) are made.
- (b) *Development* located within *environmentally sensitive lands* in accordance with Section 143.0110, Table 143-01A, including *development* which may potentially impact *steep hillsides* where alternative compliance is requested in accordance with Section 143.0515, provided that the *findings* in Sections 126.0404(a) and (b), are made. In the event an *environmentally sensitive lands* deviation is requested, the supplemental *findings* in Section 126.0404(c) shall also be made.

- (c) *Multiple dwelling unit development*, in accordance with Planned Development Permit Section 143.0402, Table 143-04A, with *density* greater than the *density* identified in an adopted *land use plan*, provided that the *findings* in Section 126.0404(a) and (g) are made.
- (d) [No change in text.]

§144.0211 Lot Design Requirements for Tentative Maps

The proposed *subdivision* lots shall be designed as follows:

- (a) All *lots* shall have frontage on a *street* that is open to and usable by vehicular traffic or shall have a ~~minimum 15-foot-wide~~ direct vehicular access to the *street* or other access to a dedicated public *street* approved by the City Engineer;
 - (1) Two or fewer *dwelling units* shall have a minimum 15-foot-wide direct vehicular access.
 - (2) More than two *dwelling units* shall have a minimum 20-foot-wide direct vehicular access.
- (b) through (d) [No change in text.]

§144.0240 Utilities Requirements for Tentative Maps

Where utilities already exist, new *subdivisions* shall be designed so that the utilities are in proper locations or else provide for their reconstruction in locations approved by the utility agencies concerned.

- (a) through (b) [No change in text.]
- (c) Street lights shall be provided in accordance with ~~policies adopted the City Council and~~ the standards established in the Street Design Manual of the

Land Development Manual. Residential subdivisions containing four dwelling units or less are exempt from the subdivision requirement to install a new street light.

§145.3110 Minimum Front, Side, and Rear Yard Setbacks for Swimming Pools

- (a) This section applies to any outdoor swimming pool.
- (b) Setback requirements for swimming pools shall be measured perpendicular from the property line to the water's edge.
- (c) Swimming pools that project 3 feet or less above grade shall be located at least 3 feet from all front, side, and rear property lines.
- (d) Swimming pools that project more than 3 feet above grade shall be located at least 4 feet from all rear property lines, and the distance from front and side property lines specified in Chapter 13, Article 1 (Base Zones), for front and side yard clearances for the zone in which the pool is located, but in no case less than 3 feet and shall comply with front and side yard setback requirements for the applicable zone, and shall not be allowed less than 3 feet from the property line in any zone.
- (e) All heating, filtering, pumping, and accessory equipment constructed after the effective date of this ordinance shall be subject to a 4 foot side and rear yard requirement.
- (f) All heating, filtering, pumping, and accessory equipment used in connection with a swimming pool, if located entirely below the finished grade of the site and provided with a permanent, durable, protective cover, need not observe the front, side, or rear yard requirements.

~~§145.3111~~ Lot Coverage

- (a) ~~This section applies to any outdoor swimming pool.~~
- (b) ~~Swimming pools shall not be considered residential structures for purposes of computing lot coverage as set forth in Section 113.0240.~~

§151.0103 Applicable Regulations

- (a) The applicable zoning regulations in a planned district are those included in the planned district and any Land Development Code zoning regulations expressly incorporated into that planned district. Planned district regulations shall supersede any zoning regulations in the Land Development Code that are inconsistent or not expressly incorporated into the planned district regulations, except as follows:

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

- (4) Transitional housing facilities and permanent supportive housing shall be permitted as a Process One limited use in accordance with Section 141.0313 and Section 141.0315 in all planned district zones that permit transitional housing facilities as a conditional use.

- (b) [No change in text.]

§151.0401 Uses Permitted in the Planned Districts

- (a) [No change in text.]
- (b) The permit process for a separately regulated use shall be determined in accordance with applicable planned district use regulations, with the exception of transitional housing facilities and permanent supportive

housing, which shall be permitted in accordance with Section 141.0313 and Section 141.0315 in all planned district zones that permit transitional housing facilities as a conditional use.

- (c) [No change in text.]
- (d) In case of conflict between Section 151.0401 and regulations for a planned district, the planned district regulations shall apply, with the exception of transitional housing facilities and permanent supportive housing, which shall be permitted in accordance with Section 151.0401.

§156.0302 Definitions

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

Active commercial uses mean commercial uses that are accessible to the general public, that generate walk-in clientele, and that contribute to a high level of pedestrian activity. *Active commercial uses* include retail shops, ~~restaurants, bars, theaters and the performing arts,~~ eating and drinking establishments, commercial recreation and entertainment, personal and convenience services, ~~hotel lobbies,~~ ~~banks, travel agencies, airline ticket agencies, child care services, libraries,~~ ~~museums,~~ financial institutions, cultural institutions, and galleries. *Active commercial uses* are listed in Table 156.0308-A as being permitted on Main Streets.

Alternative Interim Uses through Public open space [No change in text.]

~~*Public safety facility* means a facility operated by the City of San Diego or its agent that is utilized for public safety and emergency services, including police and fire protection.~~

~~*Pushcart through Setback* [No change in text.]~~

~~*Shopkeeper unit* means a unit with both living quarters and commercial space that meets all occupancy separation requirements of the Building Code.~~

~~*Stepback through Urban open space* [No change in text.]~~

§156.0304 Administration and Permits

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

(d) City Facilities Exemption

City of San Diego Capital Improvement Program Projects, including fire stations, police department facilities, and structures within public open space areas, shall be exempt from the requirement to obtain a development permit with the exception of Coastal Development Permits and Site Development Permits for historical resources. These projects shall be presented to the officially recognized community planning group as an informational item prior to a decision being made on the project.

§156.0305 Rules of Calculation and Measurement

The Rules of Measurement provided in Chapter 11, Article 3, Division 2 of this Code shall apply to the Centre City Planned District. ~~*Gross floor area* shall be calculated in accordance with Section 113.0234, with the following modifications:~~

(a) When this Division cites *lot* areas for regulatory purposes, such *lot* areas shall be approximate and reflect the following examples:

(1) Single *lot* of record = 5,000 square feet, plus or minus ten percent.

(2) Two *lots* of record = 10,000 square feet, plus or minus ten percent.

(b) Gross floor area shall be calculated in accordance with Section 113.0234, with the following modifications:

~~(a)~~(1) Underground parking *structures* count as *gross floor area* where, at any point, the vertical distance from final ~~proposed~~ proposed *grade* to the finished *floor* elevation immediately above is more than 3 feet, 6 inches.

~~(b)~~(2) Phantom *floors*, as defined in Section 113.0234(b)(4) shall not count as *gross floor area* in either residential or commercial buildings.

~~(c)~~(3) *Roof decks* shall not be counted as *gross floor area* pursuant to Section 113.0234(b)(5) unless the perimeter walls enclosing the area exceed 6 feet in height for non-transparent materials or 8 feet for transparent materials.

~~(d)~~(4) Notwithstanding Section 113.0234(d)(2), interior modifications involving the addition of actual *floor* area count as *gross floor area* except where:

~~(1)~~(A) The addition is within the *structural envelope* of a building for which building permits were issued prior to May 3, 2006; or

~~(2)~~(B) The addition consists of a mezzanine that is within the *structural envelope* of a building and is less than one-half of the *floor* area immediately below.

~~(e)~~(5) Mechanical *penthouses* do not count against *gross floor area* when architecturally integrated into the overall building design.

§156.0307 Land Use Districts

Twelve land use districts, shown in Figure B, define geographic areas that are subject to specific land use classifications. In addition, twelve overlay districts, shown in Figures C, D, and F, establish areas where additional requirements apply. Permitted land use classifications within each land use district are shown on Table 156-0308-A. Specific requirements for minimum ~~and maximum~~ percentages of *active commercial uses* and commercial uses on the ground-*floor* along *street frontages* are provided.

(a) Base Districts

The purpose of each base district is as follows:

- (1) Core (C). This district serves as a high-intensity office and employment center. The district operates as a center of regional importance and as a primary hub for businesses, communications, offices, and *hotels* with fewer restrictions on building bulk and *tower* separation than in other districts. *Mixed-use development* shall be accommodated as an important component of the area's vitality. Retail, educational, entertainment, residential, civic, governmental, and *cultural uses* are permitted. Within the C

District, a minimum of 40 percent of the ground-*floor street frontage* shall contain ~~active commercial uses~~ commercial uses.

- (2) Neighborhood Mixed-Use Center (NC). This district ensures *development* of distinctive centers around plazas, parks, and *main streets* that provide a focus to the neighborhoods by supporting a mix of residential and non-residential *developments* that contain *active commercial uses* on the ground *floor* along Main Streets.

A broad array of compatible uses, including retail, eating and drinking establishments, residential, office, educational, indoor recreation, and *cultural uses* are permitted. Building volume restrictions apply to allow sunlight to reach *streets* and public spaces, and design standards seek to establish pedestrian-oriented *development*. ~~Within the NC District, a minimum of 40 percent of the ground-floor frontage facing onto a public street or public open space (except for Outfield Park) shall contain active commercial uses. Alternative Interim Uses may be permitted pursuant to Section 156.0315(e).~~

- (3) [No change in text.]
- (4) Ballpark Mixed-Use (BP). This district accommodates *mixed-use developments* that support major sporting facilities and visitor attractions. A broad array of other uses are also permitted, including eating and drinking establishments, *hotels*, offices, research and development facilities, *cultural institutions*,

residential uses, live/work spaces, and parking facilities. ~~Within the BP District, a minimum of 40 percent of the ground floor street frontage shall contain active commercial uses.~~

- (5) Waterfront/Marine (WM). This district permits a range of maritime-related uses, including ocean related industry, major tourist and local visitor attractions, trade, office, eating and drinking establishments, retail, parking facilities, *cultural institutions*, and *hotels*. ~~Within the WM District, a minimum of 20 percent and a maximum of 50 percent of the ground floor street frontage shall contain active commercial uses.~~
- (6) Mixed Commercial (MC). This district accommodates a diverse array of uses, including residential, artist studios, live/work spaces, *hotels*, offices, research and development, and retail. Commercial and service uses, including light industrial and repair, warehousing and distribution, transportation, and communication services that are essential for the livelihood of businesses and residents of the downtown area are also permitted. ~~Within the MC District, up to 100 percent of the ground floor street frontage may be active commercial uses.~~
- (7) Residential Emphasis (RE). This district accommodates primarily residential *development*. Small-scale businesses, offices, services, and ground-floor *active commercial uses* are allowed, subject to size and area limitations.

Within the RE District, at least 80 percent of the *gross floor area* must be occupied by residential uses. Non-residential uses may occupy no more than 20 percent of the *gross floor area*. Small *lots* of 5,000 square feet or less may apply for a deviation to the percentage requirements of the RE District through the Conditional Use Permit process. ~~*Floor area dedicated to active commercial uses to satisfy the requirements of either the Main Street or Commercial Street overlay districts shall not be counted against the maximum non-residential percentage of gross floor area.*~~

- (8) Industrial (I). This district permits a range of industrial uses, including light manufacturing, transportation services, repair and storage, and energy-generation facilities. ~~*Within the I District, no more than 20 percent of the ground floor street frontage may be active commercial uses.*~~
- (9) Transportation (T). This district accommodates uses related to trolley, passenger and freight rail operations, maintenance and repair, and associated activities. ~~*Within the T District, no more than 20 percent of the ground floor street frontage may be active commercial uses.*~~
- (10) Convention Center/Visitor (CC). This district provides an area for convention centers, *hotels*, and parks and open spaces for visitor uses. ~~*Within the CC District, a minimum of 20 percent and a*~~

maximum of 40 percent of the ground ~~floor street frontage~~ shall contain ~~active commercial uses~~.

- (11) Public/Civic (PC). This district provides a center for government, civic uses, *cultural institutions*, educational facilities, and public and support services, and it accommodates residential uses. Within the PC District, a minimum of 40 percent of the ground ~~floor street frontage~~ shall contain ~~active commercial uses~~ commercial uses.

- (12) [No change in text.]

- (13) Public Facilities (PF). This district is intended to accommodate one or more existing or proposed ~~public safety facilities~~. ~~Mixed-use developments are allowed within this district provided the public safety facility is located within the development.~~

(b) Overlay Districts

The following Overlay Districts apply as illustrated in Figures C, D, and F:

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

- (4) *Commercial Street* Overlay (CS). On *commercial streets*, a minimum of 60 percent of the ground ~~floor street frontage~~ shall contain ~~active commercial uses~~ commercial uses. Along This requirement shall only apply along the west east side of Park Boulevard, a minimum of 40 percent of the ground ~~floor street frontage~~ shall contain ~~active commercial uses~~. Uses appropriate for *commercial streets* are identified in Table 156-0308-A, under *Main*

Street/Commercial Street overlays. *Alternative Interim Uses* may be permitted pursuant to Section 156.0315(e).

- (5) [No change in text.]
- (6) Employment Overlay (E). To ensure adequate opportunities for employment based commercial uses, at least 50 percent of the *gross floor area* within each *development* in this overlay district shall be dedicated to *employment uses* such as professional office, education, *cultural uses*, retail, *hotel*, or similar commercial uses. Residential uses in this district shall not exceed 50 percent of the *gross floor area*, ~~counted against the base FAR as illustrated in Figure H,~~ within any *development*. The 50 percent residential limitation may be exceeded through the Affordable Housing Regulations of Chapter 14, Article 3, Division 7. *Development* approved through an *OPA* or *DDA* may phase *development* build-out, allowing non-employment phases to precede employment phases, subject to strict performance standards established by set timeframes for *employment use* construction plan completion, plan submittal, and other requirements to ensure timely completion. In order to meet the 50 percent *employment use* requirement, a *development* may not include any employment area for which building permits have been obtained and construction commenced before May 3, 2006. In the E District, existing *floor area* dedicated to *employment use* or similar commercial use shall not be

converted to any non-*employment use*. Uses appropriate for the E overlay are identified in Table 156-0308-A, under Employment Overlay.

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

(11) *Main Street Overlay (MS)*. On designated *main streets*, a minimum of 80 percent of the ground-floor *street frontage* shall contain *active commercial uses*. Those uses which are appropriate for locations along *main streets* are identified in Table 156-0308-A, under *Main Street/Commercial Street* overlays. On lots of 10,000 square feet or less, the percentage of active commercial uses may be reduced to 50 percent of the street frontage. *Alternative Interim Uses* may be permitted pursuant to Section 156.0315(e).

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

§156.0308 Base District Use Regulations

(a) [No change in text.]

(b) *Previously Conforming Land Uses and Structures*

Land uses and *structures* that were legally established under previous regulations but that do not conform to the land use regulations of this Article may continue to exist and operate pursuant to Chapter 12, Article 7, Division 1 of the Land Development Code, with the exception that the *gross floor area of previously conforming uses and structures* may be expanded up to 100 percent through a Neighborhood Use Permit. Within the Residential Emphasis District, previously conforming uses may be

placed next to conforming commercial uses without complying with the
80 percent residential land use requirement for new development.

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS															
LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay															
Use Categories/ Subcategories	C	NC	ER	BP	WM ₇	MC	RE	I ⁷	T ⁷	PC	PF ⁴⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Public Park/ Plaza/Open Space	P	P	P	P	P	P	P	P	P	P	L	P	P		
Agriculture	--	--	--	--	--	--	--	--	--	--	--	--	--		
Community Gardens	P	P	P	P	--	P	P	--	--	P	--	P	--	§123.0601- 0606, §141.0203	
Residential¹															
Group Living	L	L	L	L	--	L	L	--	--	L	L	--	--		
Multiple Dwelling Units	P	P	P	P	--	P	P	--	--	P	L	--	--		
Shopkeeper Units	P	P	P	P	--	P	P ²	--	--	P	L	--	--		
Live/Work Quarters	P	P	P	P	--	P	P	--	--	P	L	--	--	§141.0311	
Separately Regulated Residential Uses															
Continuing Care Retirement Communities	C	C	C	C	--	C	C	--	--	C	C	--	--	§141.0303	
Fraternities, Sororities and Dormitories	N	N	N	N	--	N	N	--	--	N	N	--	--	§141.0305 (c)-(e)	
Home Occupations	P	P	P	P	--	P	P	--	--	P	L	--	--	§141.0308	
Senior Housings	C	C	C	C	--	C	C	--	--	C	C	--	--	§156.0309 (e)(1)	
Living Units	P	P	P	P	--	P	P	--	--	P	L	--	--	§156.0315(b)	
Residential Care Facilities	C	C	C	C	--	C	C	--	--	C	L	--	--	§141.0312	
Transitional Housing	C _L	C _L	C _L	C _L	--	C _L	C _L	--	--	C _L	C	--	--	§141.0313	
Permanent Supportive Housing	L	L	L	L	--	L	L	--	--	L	--	--	--	§141.0315	
Institutional															
Public Safety Facilities	P	P	P	P	P	P	P	P	P	P	L	P	P		MS, CS, E
Separately Regulated Institutional Uses															

	Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS															
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Use Categories/ Subcategories	C	NC	ER	BP	WM ₇	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays	
Assembly Uses, including Places of Religious Assembly	P	P	P	P	P	P	C	--	--	P	L	--	P		CS	
Communication Antennas																
Minor Telecommunication Facility	L	L	L	L	L	L	N	L	L	L	L	C	L	§141.0420		
Major Telecommunication Facility	C	C	C	C	C	C	C	C	C	C	L	C	C	§141.0420		
Satellite Antennas	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	§141.0405		
Correctional Placement Centers	C	--	--	--	--	C	--	--	--	C	--	--	--	§141.0406		
Cultural Institutions	P	P	P	P	P	P	C ⁹	--	--	P	L	P	P		MS,CS, E	
Educational Facilities	P	P	P	P	P	P	C ⁹	--	--	P	L	--	P		CS,E	
Energy Generation & Distribution Stations	C	C	C	C	C	C	--	C	C	C	--	--	C	§141.0408		
Exhibit Halls & Convention Facilities	--	--	--	--	--	C	--	C	C	C	L	--	P		E	
Historical Buildings Occupied by Uses Not Otherwise Allowed	C	C	C	C	C	C	C	C	C	C	C	C	C	§156.0315(d)		
Homeless Facilities ⁶	C	--	C	C	--	C	--	--	--	C	C	--	--	§141.0412 §156.0315(e)		
Hospitals, 24-hour Emergency Clinics, Intermediate Care Facilities, and Nursing Facilities	P	C	P	P	--	P	--	--	--	P	L	--	P		CS, E	
Major Transmission, Relay or Communication Switching Station	C	--	C	C	--	C	--	C	C	--	--	--	--	§141.0416		
Social Service Institutions	C	--	C	C	--	C	--	--	--	C	C	--	--	§156.0315(e)	CS	
Retail Sales	P	P	P	P	P	P	P	P	--	P	L	--	P	§156.0307 (a), (b) & Figure C	MS, CS, E	

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS															
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Use Categories/ Subcategories	C	NC	ER	BP	WM ₇	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Separately Regulated Retail Sales Uses															
<i>Marijuana Outlets</i>	-	-	-	-	C	-	-	C	C	-	-	-	C	§141.0504	
<u>Off-Site Alcohol Beverage Sales</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	--	--	--	<u>C</u>		<u>C</u>	<u>C</u>	<u>§156.0315 (b)(1)</u>	<u>MC, CS, E</u>
Commercial Services															
Animal Grooming & Veterinary Offices	P	P	P	P	P	P	P	--	--	P	--	--	--		CS, E
Assembly & Entertainment	P	P	P	P	P	P	--	--	--	P	L	P	P		CS, E
With Live Entertainment	N/ C	N/ C	N/ C	N/ C	N/ C	N/ C	--	--	--	N/ C	N/ C	N/ C	N/ C	§156.0315(c)	
With Outdoor Use Area	N	N	N	N	N	N	--	--	--	N	N	N	N		
Building Services	P	P	P	P	P	P	--	--	--	P	--	--	--		CS, E
Business Support	P	P	P	P	P	P	P	--	--	P	--	--	P		CS, E
Eating & Drinking Establishments															
<i>Bona-Fide Eating Establishments</i>	P	P	P	P	P	P	P	--	--	P	L	P	P	§156.0315(a)	MS, CS, E
<i>Brewpubs</i>	P	P	P	P	P	P	P	--	--	P	P	P	P	§156.0315 (b)(2)	<u>MS, CS, E</u>
Non-Bona Fide Eating Establishments w/Alcohol	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	--	--	--	<u>N</u>	<u>C</u>	--	<u>N</u>	§156.0315(a)	MS, CS, E
<i>Brewery Tasting Rooms</i>	C	C	C	C	C	C	C	--	--	C	C	--	C	§156.0315 (b)(4)	<u>MS, CS, E</u>
<i>Brewpub Tasting Rooms</i>	N	N	N	N	N	N	N	--	--	N	N	--	N	§156.0315 (b)(3)	<u>MS, CS, E</u>
With Outdoor Use Area	N	N	N	N	N	N	N	--	--	N	N	P	N		MS, CS, E
With Live Entertainment	L/ N/ C	L/ N/ C	L/ N/ C	L/ N/ C	L/ N/ C	L/ N/ C	--	--	--	L/ N/ C	L/ N/ C	--	L/ N/ C	§156.0315(c)	MS, CS, E

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS																
LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay																
Use Categories/ Subcategories	C	NC	ER	BP	WM ₇	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays	
<i>Mobile Food Trucks</i>	L	L ¹²¹¹	L	L	L	L	L	L	L	L	L	L	L	<u>§123.0601-0606</u>		
Financial Institutions	P	P	P	P	P	P	P	--	--	P	L	--	P		MS, CS, E	
Funeral & Mortuary Services	P	--	P	--	--	P	--	--	--	--	--	--	--		CS, E	
Maintenance & Repair	P	P	P	P	P	P	P	P	P	P	L	--	P		CS, E	
Off-Site Services	P	P	P	P	P	P	--	P	--	--	--	--	P			
Personal Services	P	P	P	P	P	P	P	--	--	P	--	--	P		MS, CS, E	
Radio & Television Studios	P	P	P	P	P	P	P	--	--	P	--	--	P		CS, E	
Visitor Accommodations																
<i>Hotels and Motels</i>	P	P ³	P	P	P	P	--	--	--	P	L	--	P		CS, E	
Separately Regulated Commercial Service Uses																
Animal Hospitals & Kennels	N	--	N	N	--	N	N	--	--	--	--	--	--	§141.0604 (b)(1) §141.0625	CS, E	
<i>Bed & Breakfast Establishments</i>	P	P	P	P	--	P	P	--	--	P	L	--	--		CS	
Child Care Facilities	P	P	P	P	P	P	P	--	--	P	L	--	P		CS, E	
Instructional Studios	P	P	P	P	P	P	P	--	--	P	L	--	P		MS, CS, E	
<i>Outdoor Activities</i>	N/ C	N/ C	N/ C	N/ C	N/ C	N/ C	N/ C	--	--	N/ C	N/ C	N/ C	N/ C	§156.0315(d)	MS, CS	
Parking Facilities (structure or surface) ⁸	C	C	C	C	C	C	C	C	C	C	C	C	C	§156.0313	MS, CS	
Private Clubs, Lodges and Fraternal Organizations	P	P	P	P	P	P	P	--	--	P	L	--	P			
<i>Pushcarts</i>	L/N	L/N	L/N	L/N	L/N	L/N	--	--	L/N	L/N	L/N	L/N	L/N	§141.0619		
<i>Recycling Facilities</i>																
Drop-Off Facilities	L	L	L	L	L	L	L	L	L	L	--	--	L	§141.0620(b)		

	Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS															
	LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay															
Use Categories/ Subcategories	C	NC	ER	BP	WM ₇	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays	
Reverse Vending Machines	L	L	L	L	L	L	L	L	L	L	--	--	L	§141.0620(c)		
Large Collection Facilities and Processing Facilities	--	--	--	--	--	C	--	C	C	--	--	--	--	§141.0620(e)		
Small Collection Facilities	L	L	L	L	L	L	L	L	L	L	--	--	L	§141.0620(d)		
Small and Large Processing Facilities	--	--	--	--	--	C	--	C	C	--	--	--	--	§141.0620(f)		
Sidewalk Cafes ^{11,10}	L/ N	L/ N	L/ N	L/ N	L/ N	L/ N	L/ N	--	--	L/ N	L/ N	L/ N	L/ N	§141.0621		
SRO Hotels	P	P ³	P	P	--	P	P	--	--	--	--	--	--	§143.0510 - §143.0590		
Offices	P	P	P	P	P	P	P	--	--	P	L	--	P		CS, E	
Vehicle & Vehicular Equipment Sales & Service																
Personal Vehicle Sales & Rental Offices	P	P	P	P	P	P	--	P	--	P	--	--	P		CS, E	
All Other Vehicle & Vehicular Equipment Sales & Services	--	--	--	--	--	C	--	C	C	--	--	--	--			
Separately Regulated Vehicle & Vehicle Equipment & Service Uses																
Automobile Service Stations	--	--	C	C	C	C	--	C	C	--	--	--	--	§141.0801		
Wholesale, Distribution & Storage																
Moving & Storage Facilities	L ⁴	--	L ⁴	L ⁴	P	P	--	P	P	--	--	--	--			
Warehouses & Wholesale Distribution	L ⁴	--	L ⁴	L ⁴	P	P	--	P	P	--	--	--	--			
Separately Regulated Wholesale, Distribution & Storage Uses																
Temporary Construction Yards	N	N	N	N	N	N	N	N	N	N	N	--	N			

	Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS															
	LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay															
Use Categories/ Subcategories	C	NC	ER	BP	WM ₇	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays	
Industrial																
Heavy Manufacturing	--	--	--	--	--	--	--	C	--	--	--	--	--			
Light Manufacturing	P	--	P	P	P	P	--	P	P	--	--	--	--			
Marine Industry	--	--	--	--	--	C	--	C	--	--	--	--	--			
Research & Development	P	--	P	P	--	P	--	P	P	--	--	--	--		E	
Testing Labs	-	-	-	-	-	-	-	-	-	-	-	-	-			
Trucking and Transportation Terminals	--	--	--	--	--	C	--	C	C	--	--	--	--			
Separately Regulated Industrial Uses																
Marijuana Production Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-			
Signs																
Allowable Signs	P	P	P	P	P	P	P	P	P	P	L	P	P	§142.1201 §142.1292 §156.0314		
Separately Regulated Sign Uses																
Community Entry or Neighborhood Identification Signs	N	N	N	C	N	N	N	N	N	N	N	N	N	§141.1101 §141.1104		
Reallocation of Sign Area Allowance	N	N	N	C	N	N	N	N	N	N	N	N	N	§141.1103		
Revolving Projecting Signs	N	N	N	C	N	N	N	N	N	N	N	N	N	§141.1104		
Automatic Changing Copy	N	N	N	C	N	N	N	N	N	N	N	N	N	§141.1105		
Theater Marquees <i>Marquees</i>	N	N	N	C	N	N	N	--	--	N	N	N	N	§141.1106		
Other Use Requirements																
Temporary Uses and Structures	L	L	L	L	L	L	L	L	L	L	L	L	L	§123.0401		

Footnotes for Table 156-0308-A¹ through ⁹ [No change in text.]

- ¹⁰ All uses listed in Table 156-0308-A as a Limited Use, permitted with a Neighborhood Use Permit, or permitted with a Conditional Use Permit may only be permitted within a *mixed-use development* containing a *public safety facility*.
- ¹¹ Sidewalk cafes permitted pursuant to Section 141.0621 may reduce the continuous pavement walkway clearance to a minimum of four feet when the face-of-curb to *property line* distance is twelve feet or less.
- ¹² Not permitted in the NC Zone in the Little Italy Neighborhood of the Downtown Community Plan Area.

TABLE 156-0308-B: MINIMUM AND MAXIMUM PERMITTED *ACTIVE COMMERCIAL USE*¹

Land Use District or Land Use Overlay	Minimum Required <i>Ground-Floor Street Frontage for Active Commercial Use</i>	Maximum Permitted <i>Ground-Floor Street Frontage for Active Commercial Use</i> ^{1,3}
Parcels located in the Main Streets (MS) Overlay, in any Land Use District	80 percent	100 percent
Parcels located in the Commercial Streets (CS) Overlay, in any Land Use District ²	60 percent	100 percent
Core (C)	40 percent	100 percent
Neighborhood Mixed-Use Center (NC)	40 percent	100 percent
Ballpark Mixed-Use (BP)	40 percent	100 percent
Employment/Residential Mixed-Use (ER)	None	100 percent
Waterfront/Marine (WM)	20 percent	50 percent
Mixed Commercial (MC)	None	100 percent
Residential Emphasis (RE)	None	100 percent
Convention Center/Visitor (CC)	20 percent	50 percent
Public/Civic (PC)	40 percent	100 percent
Park/Open Space (OS)	None	None
Industrial (I)	None	20 percent
Transportation (T)	None	None

1 Any parcel of 10,000 square feet or fewer is exempt from the minimum and maximum set forth in this table except for those sites on *main streets* or *commercial streets* with a 50-foot *street frontage* or more, in which case, that frontage is required to provide 50 percent of the frontage in *active commercial uses*.

2 Along the west side of Park Boulevard, a minimum of 40 percent of the *ground-floor street frontage* shall contain *active commercial uses*.

3 The maximum permitted *ground-floor street frontage* shall not result in less than 20 feet of storefront.

§156.0309 FAR Regulations and TDRs

(a) Base Minimum and Maximum *FARs*

The minimum and maximum *base FARs* for each site within the Centre City Planned District are illustrated in Figure H; these *FARs* set parameters for the general bulk and intensity of *development*. All *development* proposals must meet the minimum *FAR* specified in Figure H with the exception of capital improvement program projects or development limited by the density/intensity limits under the safety zones of the San Diego International Airport – Lindberg Field Airport Land Use Compatibility Plan.

(b) [No change in text.]

(c) *Development Permit FAR*

The approval and recordation of a *development permit* establishes the distribution of *gross floor area* within the *development*. The ~~developer~~ *development* may ~~subdivide the property into individual ownerships,~~ consist of one or more individually-owned lots, but the permitted *FAR* for any ~~subdivided units~~ individual lots remain subject to the *FAR* limits within the *development* boundaries as defined by the *development permit*.

(d) [No change in text.]

(e) *FAR Bonuses*

Development may exceed the maximum *base FAR* for the site established by Figure H if the *applicant* provides certain public benefits or *development amenities*. Table 156-0309-A shows the maximum amount of *FAR bonus* that may be earned by providing benefits or amenities, and

Figure J shows the maximum *FAR bonus* that may be purchased for a site through the *FAR* Payment Bonus Program (exclusive of bonuses for affordable housing as described in Section 156.0309(e)(1)). *Applicants* utilizing the *FAR bonus* program shall have *CC&Rs* recorded on the property, ensuring that the benefits or amenities provided to earn the bonus are maintained in perpetuity, or in the case of affordable housing, for the duration specified in Section 156.0309(e)(1)(B)(iv).

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

TABLE 156-0309-A: <i>FAR BONUS</i>	
Public Benefit/ <i>Development</i> Amenity	<i>FAR Bonus</i> (to be added to maximum <i>Base FAR</i>)
Affordable Housing	See (1) below
<i>Urban Open Space</i> 10% of site 20% of site	See (2) below 0.5 <u>1.0</u> 1.0 <u>2.0</u>
Three-bedroom units	<u>5% of total units</u> 0.5/ <u>1.0</u> – See (3) below <u>10% of total units</u> 1.0/ <u>2.0</u> – See (3) below
<i>Eco-Roofs</i>	Up to 1.0 – See (4) below
<i>Employment Uses</i>	See (5) below
Public Parking	See (6) below
<i>FAR</i> Payment Bonus Program	Up to 2.0 – See (7) below <u>and Figure J</u>
Green Building	Up to 2.0 – See (8) below

- (1) Affordable Housing. An *applicant* proposing a residential *development* that is entitled to a *density* bonus pursuant to Chapter 14, Article 3, Division 7 of the Land Development Code may

increase the permitted *FAR* as specified below, except as set forth in Section 143.0720(i)(7).

In compliance with the State Density Bonus Law (California Government Code Sections 65915 through 65918), *applicants* may earn *FAR bonus* subject to the following:

- (A) [No change in text.]
- (B) ~~Development providing affordable housing utilizing the *FAR bonus* provisions in Table 156-0309-B~~ may provide either rental or for-sale affordable units, regardless of whether the market rate units within the *development* are for rent or sale. *Development* under these provisions shall be subject to the following requirements in addition to those in Chapter 14, Article 3, Division 7:
 - (i) through (iii) [No change in text.]
 - (iv) ~~The affordable housing units provided in the *development* which qualify for the *FAR bonus* shall be restricted for a minimum of 55 years for rental units and 45 years for for sale units.~~
 - (v) ~~The affordable housing units provided in the *development* which qualify for the *FAR bonus* shall be subject to income and rental rates/sales price requirements to qualify as affordable units under State Density Bonus Law (California Government Code Sections 65915 through 65918).~~

(vi)(iv) Affordable housing units are not required to be distributed vertically throughout *floors* in high-rise development.

TABLE 156-0309-B: FAR BONUSES (%)			
% Restricted Units in Base (Pre-Bonus) FAR	Very Low-Income Rental & For-Sale (0—50% AMI) (Restricted for at least 55 years)	Low-Income Rental & For-Sale (51%—80% AMI) (Restricted for at least 55 years)	Moderate For-Sale (81%—120% AMI) (Restricted for at least 45 years)
5	22	10	10
6	24	15	15
7	26	20	20
8	29	25	25
9	32	30	30
10 or more	35	35	35

- (2) *Urban Open Space*. Applicants that reserve a portion of their site for the development of public urban open space (~~public park or plaza~~) may qualify for a FAR bonus of 0.5 1.0 or 1.0 2.0, as specified in Table 156-0309-A, subject to the following criteria:
- (A) [No change in text.]
- (B) The *urban open space* shall be open to the general public at least between the hours of 6:00 a.m. and 10:00 p.m. every day. The ~~open space~~ urban open space area shall have signs indicating that the public is welcome and the hours of closure, if applicable.

- (C) *CC&Rs* shall be recorded on the property providing for the *development* and on-going maintenance of the ~~open space~~ urban open space area to City standards in perpetuity.

These provisions of the *CC&Rs* shall be approved by the City Manager and the City Attorney's Office.

- (3) *Three-Bedroom Units*. To encourage larger *dwelling units* and accommodate larger *families, developments* that provide three-*bedroom* units comprising a minimum of 10 percent of the total amount of residential *dwelling units* within the *development* shall be entitled to a *FAR bonus*, subject to the following criteria:

(A) [No change in text.]

~~(B)~~ Each ~~three-bedroom dwelling unit~~ used to earn the *FAR bonus* shall not exceed 1,300 square feet;

~~(C)~~(B) Each *bedroom* in the *dwelling unit* used to earn the *FAR bonus* shall contain a minimum of 70 square feet, with additional area for an enclosed closet;

~~(D)~~(C) *CC&Rs* shall be recorded on the property ensuring the number of *bedrooms* in the units used to earn the *FAR bonus* shall not be reduced;

~~(E)~~(D) *Development* providing at least 50 percent of the *gross floor area* for residential use may earn a *FAR bonus* of 0.5 or 1.0; and

~~(F)~~(E) *Development* providing at least 80 percent of the *gross floor area* for residential use may earn a *FAR bonus* of 1.0 or 2.0.

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

(6) Public Parking. One square foot of *FAR bonus* may be earned for every square foot of below grade parking area made permanently available for public use. A public parking easement shall be executed for such facilities, with restrictions and covenants acceptable to City Manager and the City Attorney's Office.

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

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

§156.0310 Development Regulations

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

(i) *Capital Improvement Program Projects*

Structures for Capital Improvement Program Projects are not required to comply with the requirements of Sections 156.0310(a)-(g).

§156.0313 Parking, Loading, Traffic and Transportation Demand Management Standards

(a) [No change in text.]

TABLE 156-0313-A
RESIDENTIAL OFF-STREET PARKING SPACE REQUIREMENTS

Use Category	Minimum		Maximum		Notes
<i>Dwelling units including <u>Permanent Supportive Housing</u></i>	0		1 space per <i>dwelling unit</i>		See Section 156.0313(a)(1) for bicycle storage requirements.
<i>Living Units</i>	Market rate unit	0	Market rate unit	0.5 spaces per unit	Maximum parking shall be based on the occupancy/rent restriction applied to the specific unit.
	50% AMI	0	50% AMI	0.2 spaces per unit	
	At or below 40% AMI	0	At or below 40% AMI	0	
<i>Group Living</i>	0		0.1 spaces per room		
<i>Live/Work or Shopkeeper Unit</i>	0		1 space per unit		
<i>Residential Care Facilities</i>	0		1 space per every ten beds		
<i>Transitional Housing Facilities</i>	Shall be determined through Conditional Use Permit review. 0		Shall be determined through Conditional Use Permit review. <u>1 space per every 6 beds and 1 space per on-site employee</u>		The intent of this provision is to accommodate requests for reduction in parking requirements.

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

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

TABLE 156-0313-C
NORTH EMBARCADERO OFF-STREET PARKING REQUIREMENTS

Use Category	Minimum		Maximum		Notes
<i>Dwelling units including Permanent Supportive Housing</i>	0		1 space per dwelling unit		
<i>Living Units & Single Room Occupancy Hotel Rooms</i>	Market rate unit	0	Market rate unit	0.5 spaces per unit	Maximum parking shall be based on the occupancy or rent restriction applied to the specific unit.
	50% AMI	0	50% AMI	0.2 spaces per unit	
	At or below 40% AMI	0	At or below 40% AMI	0	
<i>Group Living</i>	0		0.1 spaces per room		
<i>Live/Work or Shopkeeper Unit</i>	0		1 space per unit		
<i>Residential Care Facilities</i>	0		1 space per every ten beds		
<i>Transitional Housing Facilities</i>	Shall be determined through Conditional Use Permit review. <u>0</u>		Shall be determined through Conditional Use Permit review. <u>1 space per every 6 beds and 1 space per on-site employee</u>		The intent of this provision is to accommodate requests for reduction in parking requirements.
Office	2 spaces per 1,000 square feet				
Hotel	0.5 spaces per room				
Warehouse & Storage	1 space per 10,000 square feet				
Retail	2.5 spaces per 1,000 square feet				
Restaurant	5.0 spaces per 1,000 square feet				

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

§156.0314 Sign Regulations(a) *Sign Regulations*

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

(4) Ballpark Mixed-Use District *Signs*

All *development* proposals within the area bounded by J Street, Seventh Avenue, Tenth Avenue, Park Boulevard, and Harbor Drive (including *PETCO Park*, *Outfield Park*, and *mixed-use developments* directly adjacent thereto) shall include a comprehensive *sign* plan. All comprehensive *sign* plans for *PETCO Park*, *Outfield Park*, and *mixed-use developments* directly adjacent thereto shall be processed in accordance with Process ~~Five~~ Four.

All other *signs* within the Ballpark Mixed-Use District shall comply with the *sign* regulations in Chapter 14, Article 2, Division 12 of this Code. *Signs* that do not comply with all the *sign regulation* requirements of the ~~Land Development Code~~ may be approved with a comprehensive *sign* plan in accordance with Process Two. All comprehensive *sign* plans (~~except *sign* plans for *PETCO Park*, *Outfield Park* and *mixed-use development* directly adjacent thereto~~) within the Ballpark Mixed-Use District, may be approved, conditionally approved, or denied by ~~Civic San Diego~~ a ~~Hearing Officer in accordance with Section 112.0505 (Process Three)~~ and such *sign* plans shall be consistent with the following objectives:

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

§156.0315 Separately Regulated Uses

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

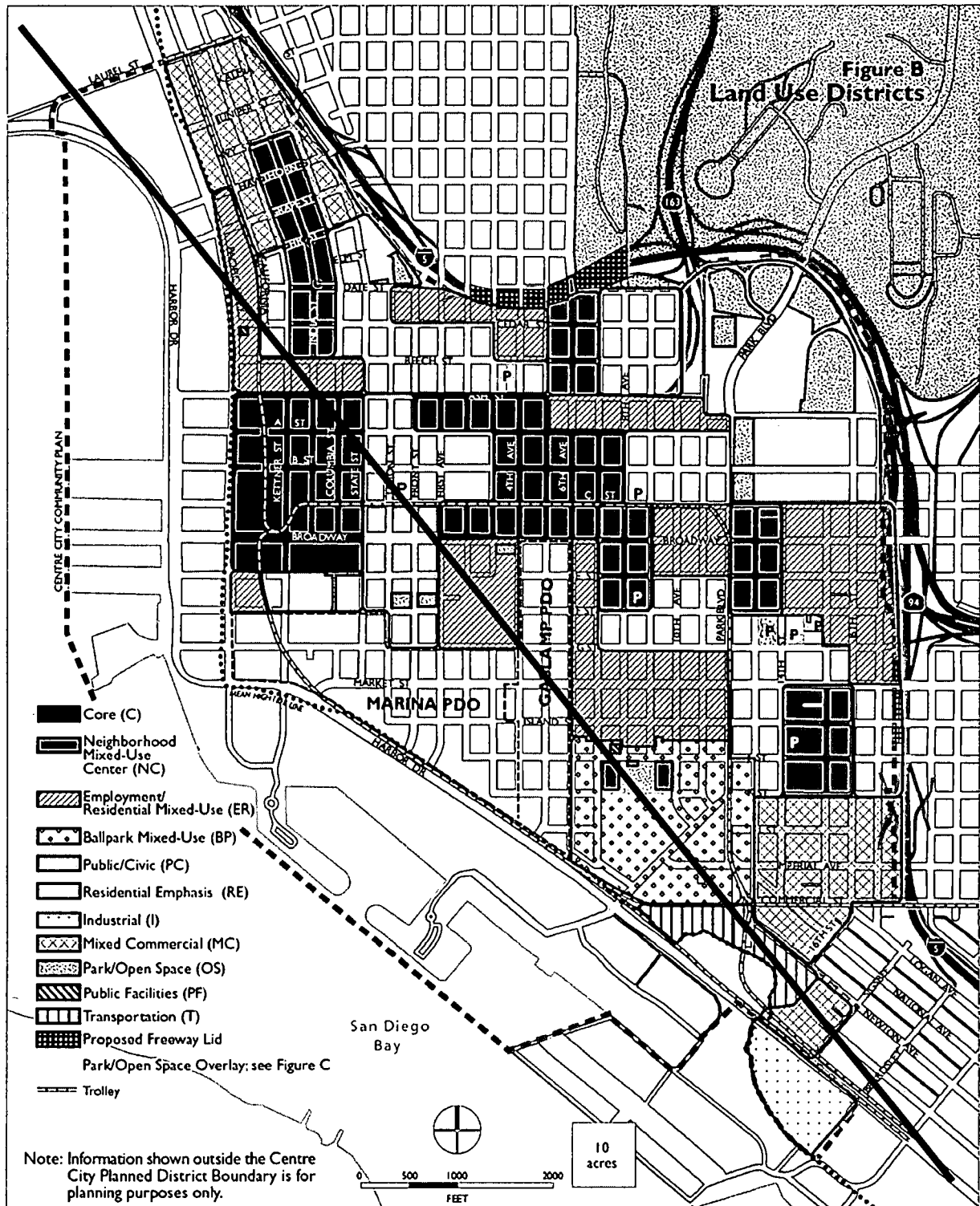
(f) *Living Units.*

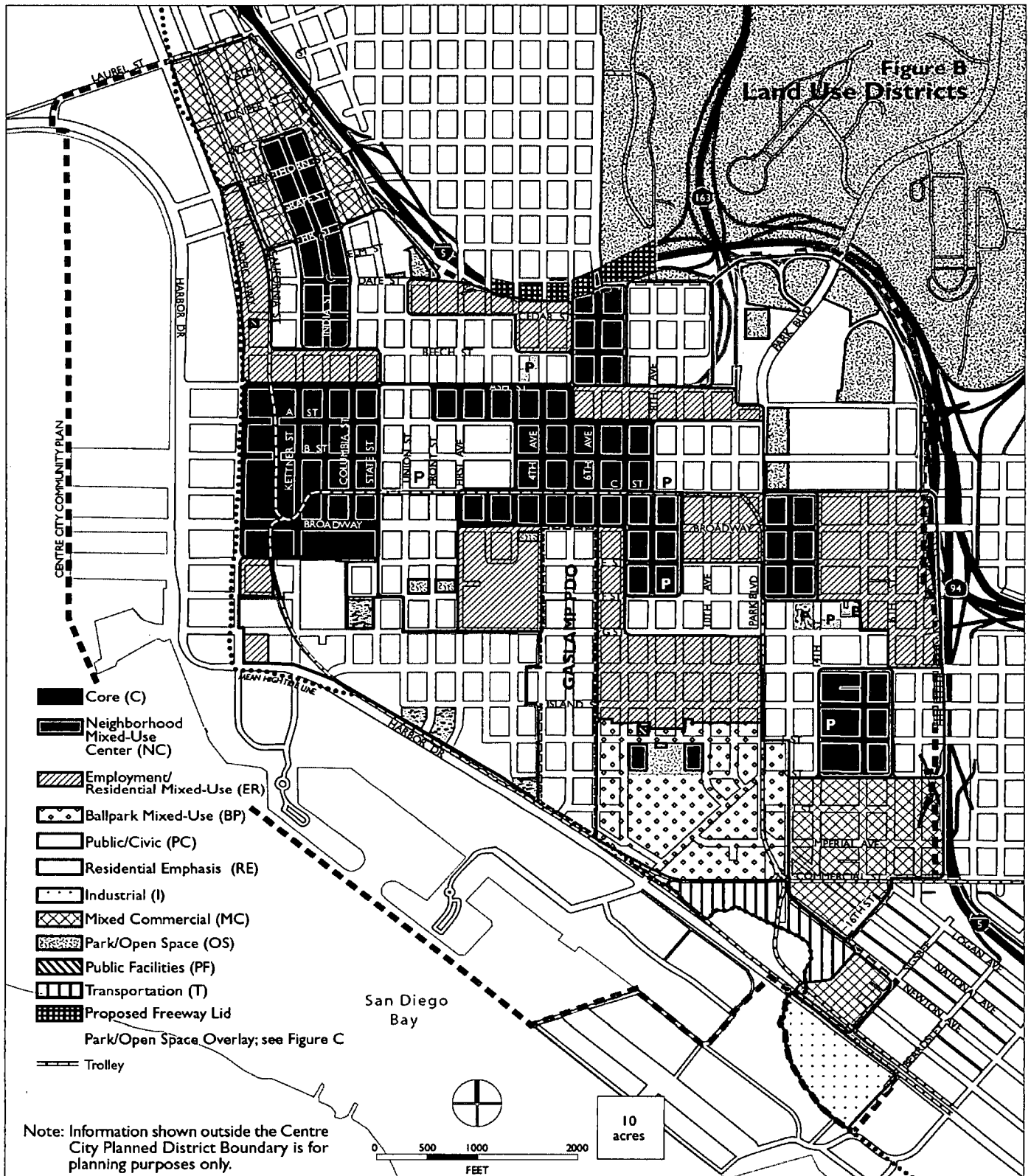
Living unit developments are permitted in the zones indicated in Table 156-0308-A subject to the following regulations:

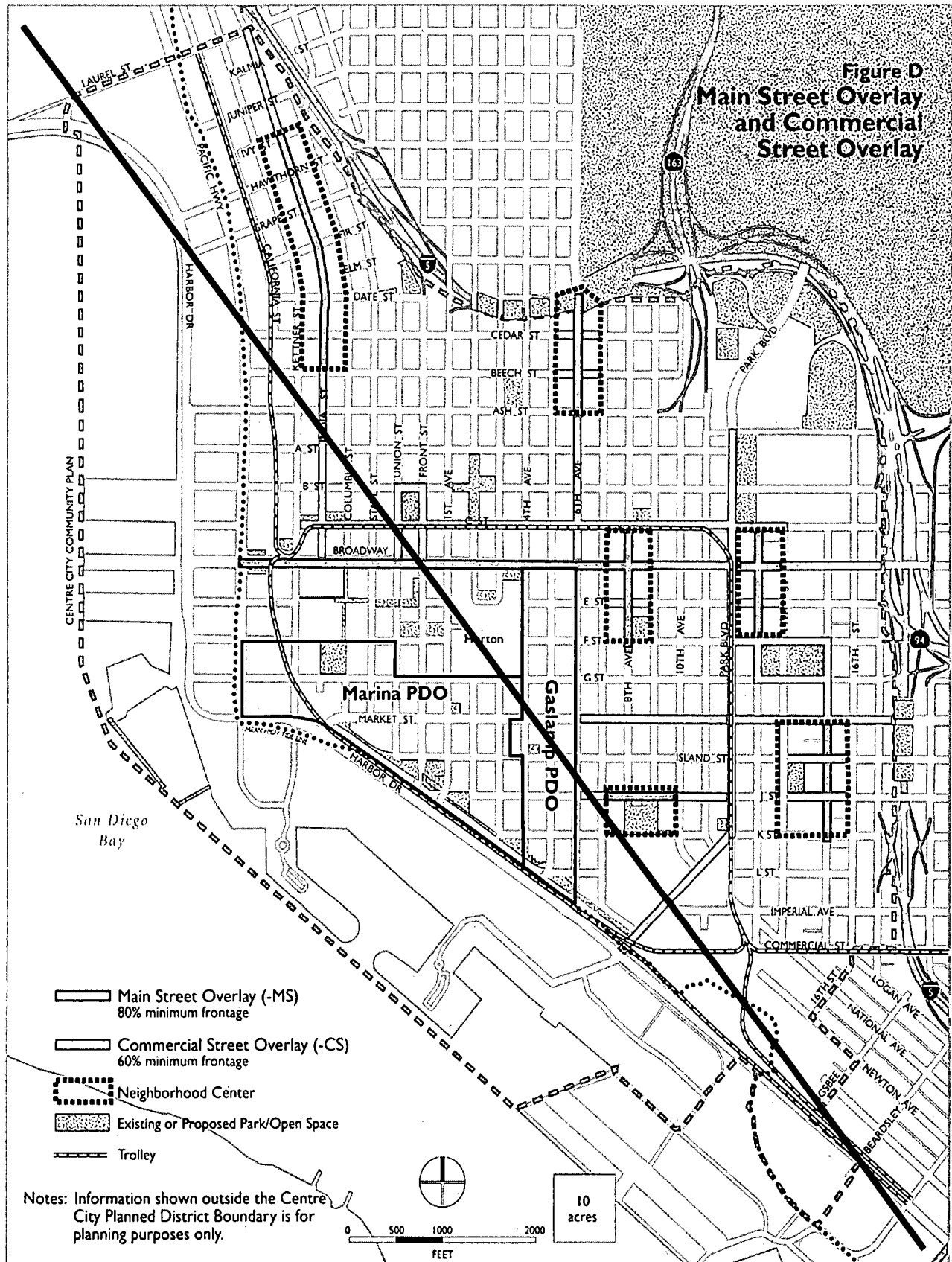
(1) through (12) [No change in text.]

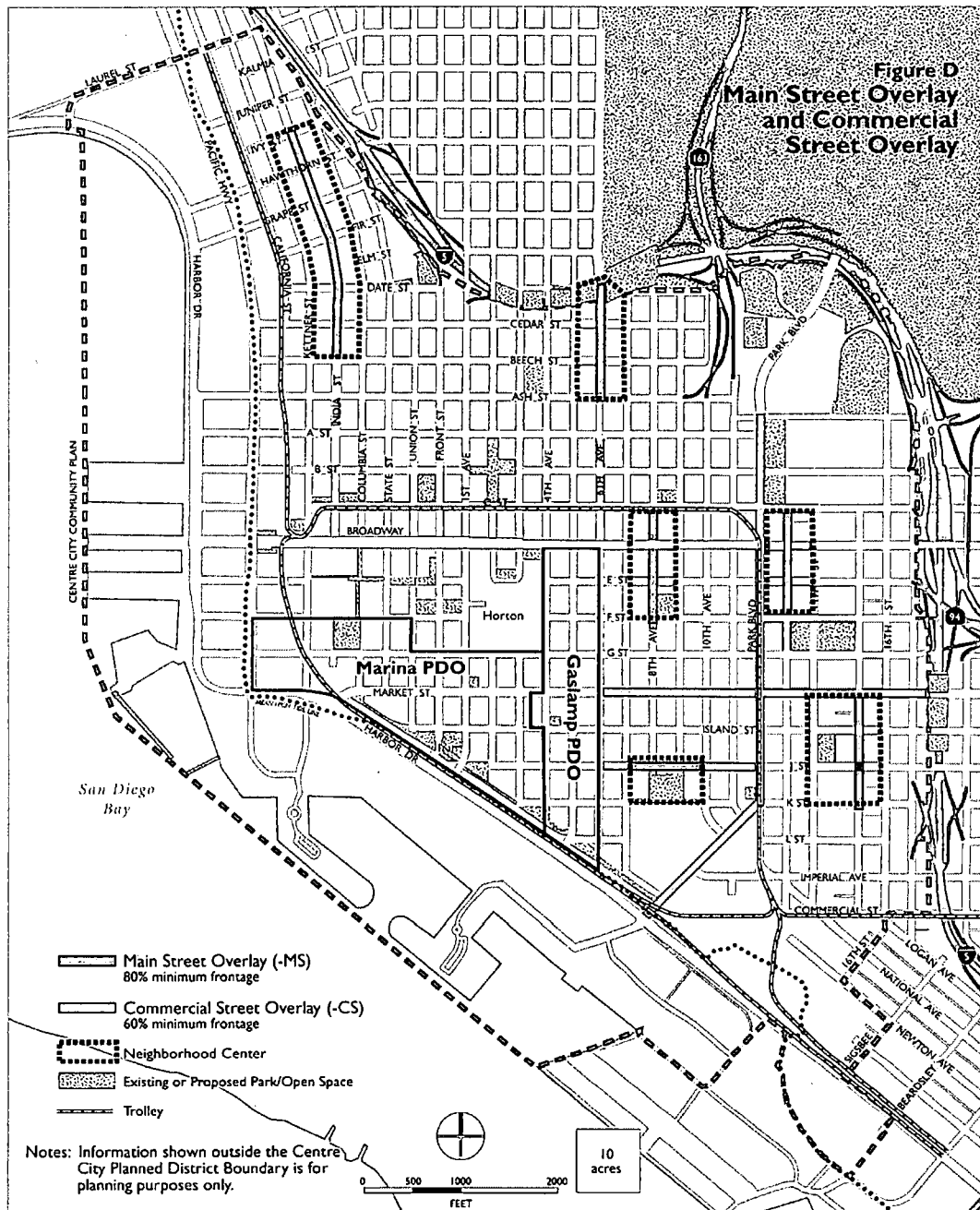
(13) *Living unit developments are not required to comply with the residential development requirements of Section 156.0310(g).*

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









§157.0304 Permitted Uses

Notwithstanding the uses allowed in Chapter 15, Article 1, Divisions 1 and 4, no building or improvement or portion thereof shall be used except as permitted by this Division. Permitted ground floor uses in the Gaslamp Quarter Planned District are limited to active commercial uses such as restaurants and retail of consumer goods and services. No single user or business shall occupy more than 10,000 square feet on the ground floor of a building except as provided in Section 157.0305(d).

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

(c) Permitted Specialized Uses on Any Floor

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

(5) transitional housing facilities, which are permitted as a Limited Use in accordance with Section 141.0313.

(6) permanent supportive housing, which is permitted as a Limited Use in accordance with Section 141.0315.

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

§157.0401 Off-Street Parking Requirements

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

TABLE 157-0401-A: OFF-STREET PARKING REQUIREMENTS			
Use Category	Minimum	Maximum	Notes
Office	1.5 spaces per 1,000 sf	N/A	Projects containing less than 50,000 square feet of office space are exempt.
Commercial/Retail	1.5 spaces per 1,000 sf	N/A	Projects containing less than 30,000 square feet of commercial/retail space are exempt.
Hotel	0.3 spaces per room	N/A	Projects containing less than 25 guest rooms are exempt.
<i>Dwelling Units including Permanent Supportive Housing</i>	0	1.0	

§159.0211 Uses Permitted with a Special Permit

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

(d) Hotel/Motel Development (Including Timeshares)

Hotel and motel and timeshare development may be permitted in Zones 1, 2 and 3 only, subject to a Special Use Permit if all the following findings can be made:

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

(3) ~~The total number of new hotel/motel rooms and timeshares in any Zone shall not exceed the amounts indicated in Table 159-02A.~~

Table 159-02A
Hotel/Motel Development

Maximum Development Allowed Per Zone⁽¹⁾		
Zone 1	Existing Units (Oct., 1984)	203
	ADDITIONAL UNITS PERMITTED ⁽²⁾	41
Zone 2	Existing Units (Oct., 1984)	-30
	ADDITIONAL UNITS PERMITTED ⁽²⁾	-6
Zone 3	Existing Units (Oct., 1984)	207
	ADDITIONAL UNITS PERMITTED ⁽²⁾	-41
Zone 4	NO ADDITIONAL UNITS PERMITTED	
Zone 5	NO ADDITIONAL UNITS PERMITTED	
Zone 6	NO ADDITIONAL UNITS PERMITTED	

Footnotes for Table 159-02A

- ¹ Denotes that existing Hotel/Motel units include those existing within the La Jolla Planned District Zone plus units existing within any adjacent RV Zone.
- ² Denotes that additional units permitted represent a 20 percent increase over existing units, as of October, 1984 for that zone.

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

NJB:als
07/03/2019
07/15/2019 Cor. Copy
07/29/2019 Rev. Copy
09/03/2019 Rev. Cor.
Or.Dept: Planning Dept.
Doc. No.: 1949445_9

Passed by the Council of The City of San Diego on AUG 06 2019, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<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"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage AUG 09 2019.

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 Connie Patterson, 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

JUL 23 2019

, and on AUG 09 2019.

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 Connie Patterson Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21114