

ORDINANCE NUMBER O- **21118** (NEW SERIES)

DATE OF FINAL PASSAGE **SEP 12 2019**

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 6, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 126.0402; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5 BY AMENDING SECTION 126.0502; AMENDING CHAPTER 13, ARTICLE 1, BY ADDING NEW DIVISION 7, TITLED MIXED-USE BASE ZONES, SECTIONS 131.0701, 131.0702, 131.0703, 131.0704, 131.0706, 131.0707, 131.0708, 131.0709, 131.0710, 131.0711, 131.0712, 131.0713, 131.0714, 131.0715, 131.0716, 131.0717, AND 131.0718; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTION 142.0530; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 3 BY AMENDING SECTION 143.0302; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 7 BY AMENDING SECTION 143.0720; AND AMENDING CHAPTER 15, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 151.0103, RELATING TO MIXED-USE ZONES.

WHEREAS, to implement the *Housing SD* Initiative, the General Plan and the Climate Action Plan (CAP), the Planning Department initiated an amendment to the City's base zone regulations with the following goals in mind: (1) to implement the CAP and housing goals; (2) to streamline the development process; (3) to protect employment sectors and keep up with employment and housing trends; (4) to allow for additional mixing of uses within transit priority areas; (5) to create zones that allow rather than mandate uses; and (5) to transition to floor area ratio (FAR) for calculating residential density; and

WHEREAS, over the past few years, staff has noticed an increased interest in building mixed-use projects in various parts of the City; and

WHEREAS, many of these projects needed flexibility in development requirements to achieve project goals and were required to go through a discretionary process such as a Planned

Development Permit; this was especially evident in Mission Valley, where wrap buildings and modified Type III buildings have been introduced; and

WHEREAS, new zones are intended to create certainty through streamlining the process, allowing a mix of uses and flexibility with design; and

WHEREAS, the new zones are intended to be applied in transit priority areas, where mixed-use development does not currently exist and additional discretionary actions are required to meet the project goals; and

WHEREAS, zones could also be applied in areas that currently do not have a strong street grid system with defined primary and secondary frontages, walkable blocks and connections to transit; NOW, THEREFORE,

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

Section 1. That Chapter 12, Article 6, Division 4 of the San Diego Municipal Code is amended by amending section 126.0402, to read as follows:

§126.0402 When a Neighborhood Development Permit Is Required

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

(k) A Neighborhood Development Permit is required for *development* of a *large retail establishment* of 50,000 or more square feet *gross floor area* in all commercial, industrial, and mixed-use zones, and in all planned districts, except the Centre City Planned District.

(l) [No change in text.]

(m) A Neighborhood Development Permit is required for *development* of a *wireless communication facility* with an equipment enclosure that exceeds 250 square feet as described in Section 141.0420(e)(3), or that includes

equipment enclosures not placed underground as described in Section 141.0420(g)(2).

- (n) A Neighborhood Development Permit is required for *development* proposing to count tandem parking spaces as two parking spaces towards the off-street parking requirement as described in Section 132.0905(a)(5).

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

- (q) A Neighborhood Development Permit is required for *development* that proposes deviations to the development regulations within the mixed-use zones. A Neighborhood Development Permit may not be used to request deviations listed in Section 131.0710(c).

Section 2. That Chapter 12, Article 6, Division 5 of the San Diego Municipal Code is amended by amending section 126.0502, to read as follows:

§126.0502 When a Site Development Permit is Required

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

- (d) A Site Development Permit decided in accordance with Process Four is required for the following types of *development*.

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

- (7) *Development of a large retail establishment of 100,000 or more square feet gross floor area in all commercial, industrial, and mixed-use zones, and in all planned districts.*

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

Section 3. That Chapter 13, Article 1, of the San Diego Municipal Code by is amended adding new Division 7, titled Mixed-Use Base Zones, sections 131.0701, 131.0702, 131.0703,

131.0704, 131.0706, 131.0707, 131.0708, 131.0709, 131.0710, 131.0711, 131.0712, 131.0713, 131.0714, 131.0715, 131.0716, 131.0717, and 131.0718, to read as follows:

Chapter 13: Zones

Article 1: Base Zones

Division 7: Mixed-Use Base Zones

§131.0701 Purpose and Intent

The purpose of the mixed-use zones is to provide housing and jobs near commercial centers and corridors to reduce dependency on the automobile, to promote access to transit and multi-model transportation systems, and to provide for a walkable, pedestrian-oriented setting, including infill of existing *development*. The intent of these regulations is to create a mix of uses and provide distinct regulations for *density*, activation, and articulation that encourages pedestrian activity within *transit priority areas*. These zones are intended to accommodate small to large-scale horizontal or vertical mixed-use *development*, while maintaining connectivity to transit and promoting the livability and vitality of the *development*.

§131.0702 Definitions

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

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

Paseo means a pedestrian access way connecting *streets*, *plazas*, *alleys*, *public parks*, and other existing and future public spaces abutting or within a *premises*.

All buildings abutting a *paseo* shall have active building frontages along the *paseo*. A *paseo* shall have *signs* visible from the adjacent *public right-of-way* stating that the *paseo* is open to the public.

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

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

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

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

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

secondary use can be non-residential or residential. If the *secondary use* is non-residential, it must be a different non-residential use than the *primary use*.

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

§131.0706 Use Regulations of Mixed-Use Zones

The purpose and intent of the mixed-use zones is to allow a varied mix of uses that reduce the dependency on automobiles and promote transit accessibility and walkability.

The regulations in Section 131.0707 apply in the mixed-use zones where indicated in Table 131-07A.

- (a) The uses permitted in any mixed-use zone may be further limited by the following:
 - (1) Use limitations applicable to the Airport Land Use Compatibility Overlay Zone (Chapter 13, Article 2, Division 15);
 - (2) The presence of *environmentally sensitive lands*, pursuant to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations); or
 - (3) Any other applicable provision of the San Diego Municipal Code.
- (b) Within the mixed-use zones, no *structure* or improvement, or portion thereof, shall be constructed, established, or altered, nor shall any *premises* be used or maintained except for one or more of the purposes or activities listed in Table 131-07A. It is unlawful to establish, maintain, or use any

premises for any purpose or activity not listed in Sections 131.0706 and 131.0707.

- (c) All uses or activities permitted in the mixed-use zones shall be conducted entirely within an enclosed building unless the use or activity is traditionally conducted outdoors.
- (d) Temporary uses may be permitted in the mixed-use zones in accordance with Chapter 12, Article 3, Division 4, Temporary Use Permit Procedures.
- (e) For any use that cannot be readily classified, the City Manager shall determine the appropriate use category and use subcategory pursuant to Section 131.0110.

§131.0707 Use Regulations Table for Mixed-Use Zones

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

Legend for Table 131-07A

Symbol in Table 131-07A	Description of Symbol
P	Use or use category is permitted. Regulations pertaining to a specific use may be referenced.
L	Use is permitted with limitations, which may include location limitations or the requirement for a use or <i>development permit</i> . Regulations are in Chapter 14, Article 1 (Separately Regulated Use Regulations).
N	Neighborhood Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
C	Conditional Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
-	Use or use category is not permitted.

Table 131-07A
Use Regulations Table for Mixed-Use Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st >>	RMX			EMX		
	2nd >>	1	2	3	1	2	3
Open Space							
Active Recreation		P	P	P	P	P	P
Passive Recreation		P	P	P	P	P	P
Natural Resources Preservation		-	-	-	-	-	-
Park Maintenance Facilities		P	P	P	P	P	P
Agriculture							
Agricultural Processing		-	-	-	-	-	-
Aquaculture Facilities		P	P	P	P	P	P
Dairies		-	-	-	-	-	-
Horticulture Nurseries & Greenhouses		-	-	-	-	-	-
Raising & Harvesting of Crops		-	-	-	-	-	-
Raising, Maintaining & Keeping of Animals		-	-	-	-	-	-
Separately Regulated Agriculture Uses							
Agricultural Equipment Repair Shops		-	-	-	-	-	-
Commercial Stables		-	-	-	-	-	-
Community Gardens		L	L	L	L	L	L
Equestrian Show & Exhibition Facilities		-	-	-	-	-	-
Open Air Markets for the Sale of Agriculture-related Products & Flowers		-	-	-	-	-	-
Residential							
Mobilehome Parks		-	-	-	-	-	-
Multiple Dwelling Units		P	P	P	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾
Rooming House [See Section 131.0112 (a)(3)(A)]		P	P	P	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾
Shopkeeper Units		L	L	L	L ⁽¹⁾	L ⁽¹⁾	L ⁽¹⁾
Single Dwelling Units		-	-	-	-	-	-
Separately Regulated Residential Uses							
Boarder & Lodger Accommodations		P	P	P	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾
Companion Units		-	-	-	-	-	-
Continuing Care Retirement Communities		L	L	L	L	L	L

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st >>	RMX			EMX		
	2nd >>	1	2	3	1	2	3
Employee Housing:							
6 or Fewer Employees		N	N	N	L	L	L
12 or Fewer Employees		-	-	-	L	L	L
Greater than 12 Employees		-	-	-	C	C	C
Fraternities, Sororities and Student Dormitories		C	C	C	C	C	C
Garage, Yard, & Estate Sales		L	L	L	L	L	L
Guest Quarters		-	-	-	-	-	-
Home Occupations		L	L	L	L	L	L
<i>Junior Units</i>		-	-	-	-	-	-
Live/Work Quarters		L	L	L	L	L	L
Residential Care Facilities:							
6 or Fewer Persons		P	P	P	P	P	P
7 or More Persons		C	C	C	C	C	C
Transitional Housing:							
6 or Fewer Persons		P	P	P	P	P	P
7 or More Persons		C	C	C	C	C	C
Watchkeeper Quarters		-	-	-	L	L	L
Institutional							
Separately Regulated Institutional Uses							
Airports		-	-	-	-	-	-
Botanical Gardens & Arboretums		-	-	-	-	-	-
Cemeteries, Mausoleums, Crematories		-	-	-	-	-	-
Correctional Placement Centers		-	-	-	-	-	-
Educational Facilities:							
Kindergarten through Grade 12		L	L	L	L	L	L
Colleges / Universities		C	C	C	C	C	C
Vocational / Trade School		L	L	L	L	L	L
Electric Vehicle Charging Stations		L	L	L	L	L	L
Energy Generation & Distribution Facilities		C ⁽²⁾	C ⁽²⁾	C ⁽²⁾	C	C	C
Exhibit Halls & Convention Facilities		-	-	-	C	C	C
<i>Flood Control Facilities</i>		L	L	L	L	L	L
<i>Historical Buildings Used for Purposes Not Otherwise Allowed</i>		C ⁽²⁾	C ⁽²⁾	C ⁽²⁾	C	C	C

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st >>	RMX			EMX		
	2nd >>	1	2	3	1	2	3
Homeless Facilities:							
Congregate Meal Facilities		C	C	C	C	C	C
Emergency Shelters		C	C	C	C	C	C
Homeless Day Centers		C	C	C	C	C	C
Hospitals, Intermediate Care Facilities & Nursing Facilities		C	C	C	C	C	C
Interpretive Centers		C	C	C	C	C	C
Museums		C	C	C	C	C	C
Major Transmission, Relay, or Communications Switching Stations		L	L	L	L	L	L
Placemaking on Private Property		C	C	C	C	C	C
Satellite Antennas		L	L	L	L	L	L
Social Service Institutions		C	C	C	C	C	C
Solar Energy Systems		L	L	L	L	L	L
Wireless Communication Facility:							
Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a non-residential use		L	L	L	L	L	L
Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a residential use		N	N	N	N	N	N
Wireless communication facility in the public right-of-way with above ground equipment		C	C	C	C	C	C
Wireless communication facility outside the public right-of-way		L	L	L	L	L	L
Retail Sales							
Building Supplies & Equipment		P	P	P	P	P	P
Food, Beverages and Groceries		P	P	P	P	P	P
Consumer Goods, Furniture, Appliances, Equipment		P	P	P	P	P	P
Pets & Pet Supplies		P	P	P	P	P	P
Sundries, Pharmaceutical, & Convenience Sales		P	P	P	P	P	P
Wearing Apparel & Accessories		P	P	P	P	P	P

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st >>	RMX			EMX		
	2nd >>	1	2	3	1	2	3
Separately Regulated Retail Sales Uses							
Agriculture Related Supplies & Equipment		-	-	-	P	P	P
Alcoholic Beverage Outlets		C	C	C	L	L	L
Farmers' Markets							
Weekly Farmers' Markets		L	L	L	L	L	L
Daily Farmers' Market Stands		L	L	L	L	L	L
<i>Marijuana Outlets</i>		-	-	-	-	-	-
Plant Nurseries		P	P	P	P	P	P
Retail Farms		L	L	L	L	L	L
Retail Tasting Stores		L	L	L	L	L	L
Swap Meets & Other Large Outdoor Retail Facilities		-	-	-	-	-	-
Commercial Services							
Building Services		P	P	P	P	P	P
Business Support		P	P	P	P	P	P
Eating & Drinking Establishments		p ⁽⁴⁾	p ⁽⁴⁾	p ⁽⁴⁾	p ⁽⁴⁾	p ⁽⁴⁾	p ⁽⁴⁾
Financial Institutions		P	P	P	P	P	P
Funeral & Mortuary Services		-	-	-	P	P	P
Instructional Studios		P	P	P	P	P	P
Maintenance & Repair		-	-	-	P	P	P
Off-site Services		-	-	-	P	P	P
Personal Services		P	P	P	P	P	P
Radio & Television Studios		P	P	P	P	P	P
Tasting Rooms		p ⁽⁵⁾	p ⁽⁵⁾	p ⁽⁵⁾	p ⁽⁵⁾	p ⁽⁵⁾	p ⁽⁵⁾
Visitor Accommodations		P	P	P	P	P	P
Separately Regulated Commercial Services Uses							
Adult Entertainment Establishments:							
Adult Book Store		-	-	-	L	L	L
Adult Cabaret		-	-	-	L	L	L
Adult Drive-In Theater		-	-	-	L	L	L
Adult Mini-Motion Picture Theater		-	-	-	L	L	L
Adult Model Studio		-	-	-	L	L	L
Adult Motel		-	-	-	L	L	L
Adult Motion Picture Theater		-	-	-	L	L	L
Adult Peep Show Theater		-	-	-	L	L	L
Adult Theater		-	-	-	L	L	L

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st >>	RMX			EMX		
	2nd >>	1	2	3	1	2	3
Body Painting Studio		L	L	L	L	L	L
Massage Establishment		L	L	L	L	L	L
Sexual Encounter Establishment		L	L	L	L	L	L
Assembly and Entertainment Uses, Including Places of Religious Assembly		L ⁽²⁾	L ⁽²⁾	L ⁽²⁾	L ⁽²⁾	L ⁽²⁾	L ⁽²⁾
Bed & Breakfast Establishments:							
1-2 Guest Rooms		P	P	P	P	P	P
3-5 Guest Rooms		P	P	P	P	P	P
6+ Guest Rooms		P	P	P	P	P	P
Boarding Kennels/Pet Day Care		L	L	L	L	L	L
Camping Parks		-	-	-	-	-	-
<i>Child Care Facilities:</i>							
Child Care Centers		L	L	L	L	L	L
Large Family Child Care Homes		L	L	L	L	L	L
Small Family Child Care Homes		L	L	L	L	L	L
Eating and Drinking Establishments with a Drive-in or Drive-through Component		-	-	-	-	-	-
Fairgrounds		-	-	-	-	-	-
Golf Courses, Driving Ranges, and Pitch & Putt Courses		-	-	-	-	-	-
Helicopter Landing Facilities		-	-	-	C	C	C
Massage Establishments, Specialized Practice		P	P	P	P	P	P
Mobile Food Trucks		L	L	L	L	L	L
Nightclubs & Bars Over 5,000 Square Feet in Size		C	C	C	L	L	L
Parking Facilities as a <i>primary use</i> :							
Permanent Parking Facilities		-	-	-	-	-	-
Temporary Parking Facilities		-	-	-	-	-	-
Private Clubs, Lodges and Fraternal Organizations		P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P	P	P
Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size		C ⁽⁶⁾	C ⁽⁶⁾	C ⁽⁶⁾	C ⁽⁶⁾	C ⁽⁶⁾	C ⁽⁶⁾
Pushcarts:							
Pushcarts on Private Property		L	L	L	L	L	L
Pushcarts in <i>Public Right-of-Way</i>		N	N	N	N	N	N
Recycling Facilities:							
Large Collection Facility		-	-	-	-	-	-
Small Collection Facility		L	L	L	L	L	L

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st >>	RMX			EMX		
	2nd >>	1	2	3	1	2	3
Large Construction & Demolition Debris Recycling Facility		-	-	-	-	-	-
Small Construction & Demolition Debris Recycling Facility		-	-	-	-	-	-
Drop-off Facility		-	-	-	L	L	L
Green Materials Composting Facility		-	-	-	-	-	-
Mixed Organic Composting Facility		-	-	-	-	-	-
Large Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial & Industrial Traffic		-	-	-	-	-	-
Large Processing Facility Accepting All Types of Traffic		-	-	-	-	-	-
Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial & Industrial Traffic		-	-	-	-	-	-
Small Processing Facility Accepting All Types of Traffic		-	-	-	-	-	-
Reverse Vending Machines		L	L	L	L	L	L
Tire Processing Facility		-	-	-	-	-	-
Sidewalk Cafes		L	L	L	L	L	L
Sports Arenas & Stadiums		-	-	-	-	-	-
Theaters that are Outdoor or Over 5,000 Square Feet in Size		C	C	C	C	C	C
Urgent Care Facilities		P	P	P	P	P	P
Veterinary Clinics & Animal Hospitals		L	L	L	L	L	L
Zoological Parks		-	-	-	-	-	-
Offices							
Business & Professional		P	P	P	P	P	P
Government		P	P	P	P	P	P
Medical, Dental & Health Practitioner		P	P	P	P	P	P
Regional & Corporate Headquarters		P	P	P	P	P	P

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st >>	RMX			EMX		
	2nd >>	1	2	3	1	2	3
Separately Regulated Office Uses							
Real Estate Sales Offices & Model Homes		L	L	L	L	L	L
Sex Offender Treatment & Counseling		L	L	L	L	L	L
Vehicle & Vehicular Equipment Sales & Service		L	L	L	L	L	L
Commercial Vehicle Repair & Maintenance		-	-	-	P	P	P
Commercial Vehicle Sales & Rentals		-	-	-	P	P	P
Personal Vehicle Repair & Maintenance		-	-	-	P	P	P
Personal Vehicle Sales & Rentals		-	-	-	P	P	P
Vehicle Equipment & Supplies Sales & Rentals		P	P	P	P	P	P
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses							
Automobile Service Stations		-	-	N	N	N	N
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i>		-	-	C	C	C	C
Distribution and Storage							
Equipment & Materials Storage Yards		-	-	-	-	-	-
Moving & Storage Facilities		P	P	P	P	P	P
Distribution Facilities		-	-	-	P	P	P
Separately Regulated Distribution and Storage Uses							
Impound Storage Yards		-	-	-	-	-	-
Junk Yards		-	-	-	-	-	-
Temporary Construction Storage Yards Located Off-site		-	-	-	L	L	L
Industrial							
Heavy Manufacturing		-	-	-	-	-	-
Light Manufacturing		-	-	-	P ⁽³⁾	P ⁽³⁾	P ⁽³⁾
Marine Industry		-	-	-	-	-	-
Research & Development		P	P	P	P	P	P
Testing Labs		P	P	P	P	P	P
Trucking & Transportation Terminals		-	-	-	-	-	-
Separately Regulated Industrial Uses							

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st >>	RMX			EMX		
	2nd >>	1	2	3	1	2	3
Artisan Food and Beverage Producer		L	L	L	L	L	L
<i>Hazardous Waste</i> Research Facility		-	-	-	-	-	-
<i>Hazardous Waste</i> Treatment Facility		-	-	-	-	-	-
Marijuana Production Facilities		-	-	-	-	-	-
Marine Related Uses Within the Coastal Overlay Zone		-	-	-	C	C	C
Mining and Extractive Industries		-	-	-	-	-	-
Newspaper Publishing Plants		-	-	-	C	C	C
Processing & Packaging of Plant Products & Animal By-products Grown Off-premises		-	-	-	P	P	P
Very Heavy Industrial Uses		-	-	-	-	-	-
Wrecking & Dismantling of Motor Vehicles		-	-	-	-	-	-
Signs							
Allowable Signs		P ⁽⁷⁾	P ⁽⁷⁾	P ⁽⁷⁾	P ⁽⁷⁾	P ⁽⁷⁾	P ⁽⁷⁾
Separately Regulated Signs Uses							
Community Entry Signs		L	L	L	L	L	L
Neighborhood Identification Signs		N	N	N	N	N	N
Comprehensive Sign Program		N	N	N	N	N	N
Revolving Projecting Signs		N	N	N	N	N	N
Signs with Automatic Changing Copy		N	N	N	N	N	N
Theater Marquees		N	N	N	N	N	N

Footnotes for Table 131-07A

- ¹ Not allowed on sites designated as Prime Industrial Land in a *land use plan*.
- ² Not allowed within the Coastal Overlay Zone, except that assembly and entertainment uses may be incorporated as an *accessory use* to visitor accommodations.
- ³ Permitted in an enclosed space with up to 7,500 square feet of *gross floor area*; the use of more space requires a Conditional Use Permit. Activities that would require a permit from the Hazardous Materials Management Division of the County of San Diego or from the San Diego Air Pollution Control District require a Conditional Use Permit.
- ⁴ Eating and drinking establishments abutting an existing residential base zone shall operate only between 6:00 a.m. and 12:00 a.m.
- ⁵ Tasting rooms are only permitted as an *accessory use* to a beverage manufacturing plant or an artisan beverage producer.
- ⁶ The 40,000 square feet includes all indoor and outdoor areas that are devoted to the recreational use; it does not include customer parking areas.
- ⁷ All mixed-use zones shall use Category A within Section 142.1220.

§131.0708 Development Regulations of Mixed-Use Zones

The purpose and intent of the development regulations is to allow increased density and flexibility, while maintaining ground floor pedestrian orientation, connectivity and activation through design rather than use.

- (a) Within the mixed-use zones, no *structure* or improvement shall be constructed, established, or altered, nor shall any *premises* be used unless the *premises* complies with the regulations and standards in this Division and with any applicable development regulations in Chapter 13, Article 2 (Overlay Zones) and Chapter 14 (General and Supplemental Regulations).
- (b) A Neighborhood Development Permit or Site Development Permit is required for the types of *development* identified in Section 143.0302, Table 143-03A.
- (c) The regulations in this Division apply to all proposed *development* in the mixed-use base zones whether a permit or other approval is required, except where specifically identified.

§131.0709 Development Regulations Table for Mixed-Use Zones

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

Table 131-07B
Development Regulations for RMX and EMX Zones

Development Regulations	Zones					
	RMX-			EMX-		
	1	2	3	1	2	3
Minimum Lot Area (sf)	20,000					
Minimum Lot Dimensions	-					
Setback Requirements						
Min Front <i>Setback</i> (ft)	-	-	-	-	-	-
Max Front <i>Setback</i> (ft) ¹	20	20	20	20	20	20
Min Side & Rear <i>Setback</i> (ft)	-	-	-	-	-	-
Max Side & Rear <i>Setback</i> (ft)	-	-	-	-	-	-
Min <i>Street</i> side <i>Setback</i> (ft)	-	-	-	-	-	-
Max <i>Street</i> side <i>Setback</i> (ft) ¹	20	20	20	20	20	20
Maximum Floor Area Ratio ⁽³⁾	3.0	5.0	7.0	3.0	5.0	7.0
Maximum Structure Height (ft) ⁽²⁾	120	240	-	120	240	-
Minimum Ground-floor Height for Non-Residential Uses (ft)	13	13	13	13	13	13
Supplemental Regulations for RMX Zones [See Section 131.0712]	Applies			-	-	-
Building Frontage Activation, Articulation and Transparency [See Section 131.0713]	Applies					
Pedestrian Entrances and Connections [See Section 131.0714]	Applies					
Open Space Regulations for Residential Only [See Section 131.0715]	Applies					
Parking Design [See Section 131.0716]	Applies					
Supplemental Regulations for Premises Greater than Five Acres [See Section 131.0718]	Applies					
Loading Area Regulations [See Section 142.1001]	Applies					
Visibility Area [See Section 113.0273]	Applies					
Refuse and Recyclable Material Storage [See Section 142.0805]	Applies					
Storage Requirements for Residential Only [See Section 131.0454]	Applies					

Footnotes for Table 131-07B

- ¹ The maximum front and *street* side *setback* applies to 60 percent of one *street* or *front* side frontage for each building along the *street* or front side. The remaining 40 percent is not required to observe the maximum *setback* and may be located farther from the *property line*. Exceptions to the maximum front and *street* side *setbacks* can be made for *development* that includes a public plaza, *paseo*, linear park, or outdoor eating establishment where the *existing grade* slopes 20 percent or more, where the *development* is adjoining a freeway, or for phased projects where a future phase is demonstrated to implement the required maximum *setback*.

² See Section 131.0717 for buildings over 90 feet in height.

³ Underground or structured parking is exempt from *floor area ratio* calculation.

§131.0710 Deviations

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

- (a) *Development* that proposes deviations from applicable Land Development Code regulations, provided that the *findings* in Section 126.0404(a) are made.
- (b) *Development* located within *environmentally sensitive lands* in accordance with Section 143.0110, including *development* that may potentially impact *steep hillsides* where alternative compliance is requested in accordance with Section 143.0151, 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) A deviation may not be requested for the following:
 - (1) A deviation from the requirements of the Airport Approach Overlay Zone (Chapter 13, Article 2, Division 2).
 - (2) A deviation from the requirements of the Airport Environs Overlay Zone (Chapter 13, Article 2, Division 3).
 - (3) A deviation from the requirements of the Coastal Height Limit Overlay Zone (Chapter 13, Article 2, Division 5).

- (4) Within the Coastal Overlay Zone, a deviation from the requirements of the Parking Impact Overlay Zone (Chapter 13, Article 2, Division 8).
- (5) A deviation from the requirements of the Clairemont Mesa Height Limit Overlay Zone (Chapter 13, Article 2, Division 13).
- (6) A deviation from the requirements of the Airport Land Use Compatibility Overlay Zone (Chapter 13, Article 2, Division 15).
- (7) Within the Coastal Overlay Zone, a deviation from the requirements of the Environmentally Sensitive Lands Regulations (Chapter 14, Article 3, Division 1).
- (8) A deviation from the requirements of the Historical Resources Regulations (Chapter 14, Article 3, Division 2).

§131.0711 Phasing

For any *development* within the mixed-use zones that is proposed to be constructed in phases, the *applicant* shall submit a *development* phasing plan that specifies the chronology of *development*, including required land use components, *structures*, public facilities, and infrastructure. *Development* shall be phased so that supporting public facilities and infrastructure will be provided concurrently with the need and completed before occupancy of the *structures*.

§131.0712 Supplemental Regulations for RMX Zones

These regulations are intended to enable joint living and working opportunities and contribute to the vitality of mixed-use zones. The following regulations apply

to *development* within RMX zones where indicated in Table 131-07B, when the *primary use* and *secondary use* are both residential.

- (a) A minimum of 10 percent of the *structures'* ground *floor gross floor area ratio* shall be dedicated to facilitating home-based employment, excluding leasing offices, gyms, or community rooms. This requirement can be met by including one or more of the following:
 - (1) Live/work quarters in accordance with Section 141.0311;
 - (2) *Shopkeeper units*; or
 - (3) A minimum of 500 square feet to accommodate home-occupation amenities, shared resources, and facilities such as conference rooms or co-work spaces.
- (b) Each *dwelling unit* on the ground *floor* fronting a *public right-of-way* or a private drive shall have a separate ground *floor* entrance adjacent to the *public right-of-way*, or a path that leads directly to the *public right-of-way*.

§131.0713 Building Frontage Activation, Articulation and Transparency

The purpose and intent of these regulations is to create visual interest that enhances the pedestrian experience, assists in diminishing the overall mass of buildings, and creates variation from a pedestrian's perspective.

- (a) All buildings shall be oriented so that primary pedestrian entrances for each ground *floor* use are accessible from an abutting public sidewalk or pedestrian connection to a sidewalk. Where there is an internal pedestrian pathway or a plaza, the primary pedestrian entrance may be internal.

- (b) All buildings located on a *public right-of-way* and *building facades* that front a private drive, plaza, or other open space area in the *development* shall provide a minimum of two frontage activation elements from Table 131-07C.

Table 131-07C
Building Frontage Activation Elements

Activation Element	Amount- Minimums	Min Width	Min Depth
Commercial Storefront	None	None	None
Porches, Patios, Yards and/or Stoops	50% of the <i>building facade</i> at ground level or one for every 30 feet of frontage At least 30 square feet in total area	None	None
Vertical and/or Horizontal Off-Setting Planes	None	2 ft	2 ft
Balconies	30% of the <i>building facade</i> or one for every 30 feet of frontage	4 ft	6 ft
Arcades, Colonnades or Galleries	30% of the <i>building facade</i>	20 ft	10 ft
Awning, Canopy, Marquee, Sunshade or Trellis	50% of the <i>building facade</i> at ground level 15% for upper floor <i>building facades</i>	2 ft	2 ft
Roll up or Large Opening Doors	None, but still subject to transparency requirements	Greater than 5 ft	N/A
Plazas	See Section 131.0718(d)(7)	20 ft	N/A

Activation Element	Amount- Minimums	Min Width	Min Depth
<i>Paseos</i>	None	8 ft	N/A

- (c) The maximum length for the portion of a building located within 20 feet of a *street property line* is 100 feet, unless there is a recess or separation to break up the building mass.
- (d) A total of 50 percent of the *building facade* shall be offset by at least two feet in depth from the rest of the *building facade*.
- (e) For buildings exceeding eight *dwelling units*, at least 30 percent of the roof area shall have designs that vary and provide either vertical or horizontal relief from the remainder of the roof area.
- (f) Buildings at intersections with traffic signals shall include one of the following gateway or architectural features at the corner. These features may not exceed the height limit within the Coastal Overlay Zone or other height overlay zones.
 - (1) Rounded corner with vertical or horizontal projecting or exaggerated roof element;
 - (2) Corner plaza;
 - (3) Recessed entries;
 - (4) Variations in materials or color; or
 - (5) Roll up or large opening doors greater than five feet in width.
- (g) For non-residential uses, a minimum of 60 percent of the *street wall* area on the ground *floor* shall be transparent.

- (h) For residential uses, a minimum of 40 percent of *street wall* area on the ground *floor* shall be transparent.

Diagram 131-07A
Transparency Requirement for Non-Residential Uses



§131.0714 Pedestrian Entrances and Connections

The purpose and intent of these regulations is to provide a logical interconnected network for pedestrians to facilitate access to the *premises* and internal circulation within the *premises*, which must comply with all state and federal regulations regarding accessibility compliance.

- (a) Pedestrian Entrances. One pedestrian entrance is required for every 300 feet of *street frontage*. A minimum of one pedestrian entrance is required for each *premises*. Each pedestrian entrance shall be accessed from the *public right-of-way* at grade.
- (b) Pedestrian Paths. Pedestrian paths shall be provided in accordance with Section 131.0550.
- (c) Pedestrian Connections shall comply with the following:
 - (1) An internal connection system shall connect all primary entrances on the *premises* and provide connections to other areas of the *premises* used by building occupants, including parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities. For main entrances that are within 10 feet of a public sidewalk, pedestrian connections to public sidewalks may be substituted for internal connections;
 - (2) Direct pedestrian access shall be provided to adjacent *development*. If direct access to adjacent *development* is not possible due to existing *development*, connections shall be identified on the

development plans to allow future access at the time of
redevelopment of the adjacent property; and

- (3) Direct pedestrian connections shall be provided to transit stops
abutting the building.

§131.0715 Open Space Regulations for Residential Uses

The purpose and intent of these regulations is to provide a minimum amount of
private and common outdoor area for residents.

- (a) Private Exterior Open Space. Each *development* shall provide the
following private exterior open space.
 - (1) A minimum area of 36 square feet and a minimum dimension of
six feet in any direction of open space per *dwelling unit* is required.
 - (2) Private open space shall be provided on a balcony, patio, or roof
terrace for at least 50 percent of all *dwelling units*.
 - (3) Balconies shall be proportionately distributed throughout the
development in relationship to floor levels and sizes of the *dwelling
units*.
 - (4) Where private exterior open space is not provided at the quantity
required above, an equal amount of common exterior space in
addition to the requirements of Section 131.0715(b) shall be
provided.
- (b) Common Space. Each *development* shall provide the following common
space, either indoor or outdoor, at *grade*, podium level, or roof level.

- (1) A minimum of 30 square feet is required for each *dwelling unit*, or 40 square feet when a *dwelling unit* is bordered by three building walls exceeding a height of 15 feet.
 - (2) The common space may contain active or passive areas and a combination of hardscape and landscape features.
 - (3) A minimum of 10 percent of the common outdoor open space shall be landscaped.
 - (4) All common open space on the *premises*, including recreational facilities, shall be accessible to all occupants and be physically connected to other common open space areas on the *premises*.
 - (5) Amenities, such as tables, benches, trees, shrubs, planter boxes, garden plots, pet areas, spas, pools, play areas, plazas, roof-top patios, picnic areas, and open recreational facilities may be counted as common space.
- (c) Required private exterior open space or common space shall be surfaced with lawn, artificial turf, pavers, decking, or sport court paving use.

§131.0716 Parking Design

The purpose and intent of these regulations is to screen and conceal the *off-street parking spaces* from the *public right-of-way*.

- (a) At *grade off-street parking spaces* are prohibited within the front and *street yard*.
- (b) Up to 30 percent of the total amount of required parking for each use can be at *grade off-street parking spaces*, which shall be screened with

landscaping, wrapped buildings, or an architectural screen so they are not visible from the *public right-of-way*. If the *at grade off-street parking spaces* are screened with a building along all *street frontages*, up to 100 percent of the required parking may be at *grade off-street parking spaces*. Chain-link fencing around *at grade off-street parking spaces* is prohibited. Existing or required driveways, curb cuts, and access lanes provided for vehicular access, fire access, or pedestrian access to the parking area are exempt from the screening requirement.

- (c) If the longest frontage of an *off-street parking space* area existing as of [SEP 12 2019] is adjacent to a *freeway*, and there is *freeway* noise over 70 DBA CNEL, then Section 131.0716(a) - (b) do not apply. The *freeway* may be separated from the *off-street parking space* area frontage by a *public right-of-way*, a landscaped area, or both.

§131.0717 Bulk Standards for Buildings Over 90 Feet in Height

For purposes of this Section, bulk and scale are divided into the two main areas of the building base and the tower. Buildings over 90 feet in height shall adhere to the following requirements:

- (a) For the purposes of this Section, building base means the *structural envelope* located immediately above *existing grade*, *proposed grade*, or a *basement*. The maximum *lot coverage* for the building base shall be 100 percent. The maximum height of the building base shall be 90 feet.
- (b) The minimum height of the *street wall* shall be 30 feet.

- (c) A *street wall* shall be provided for 70 percent of the building frontage along the *public right-of-way*, with the following exceptions, which may be subtracted from the length of the frontage:
 - (A) Publicly or privately-owned plazas;
 - (B) Courtyard entrances up to 30 feet wide for residential uses;
 - (C) Recessed entrances up to a maximum of 25 feet in width and a maximum of 15 feet in depth; and
 - (D) Entries into interior or auto courts, or auto drop-offs may be allowed behind the required *street wall*.
 - (E) Areas where the *existing grade* of the *public right-of-way* differs from the building pad by more than two feet.
- (d) For the purposes of this Section, tower means the *structural envelope* located immediately above the building base to the top of the building.
 - (1) The maximum *lot coverage* of the tower shall be 75 percent.
 - (2) Within a single *development*, towers shall be separated by a minimum of 50 feet.

§131.0718 Supplemental Regulations for Premises Greater Than Five Acres

The purpose and intent of these regulations is to break down larger sites into approximately two-acre segments to enhance a sense of place; facilitate pedestrian circulation; reduce walking distances; improve connections to the *public right-of-way* or private drives, transit, and adjoining neighborhoods; and promote the livability and vitality of such *development*.

- (a) Connectivity. A minimum of one *paseo* and one bicycle access way into the *development* shall be provided for approximately every two acres of developable area, as shown in Diagram 131-07B. Two *paseos* are required on corner sites.
- (b) Pedestrian Paths. Pedestrian paths shall be provided in accordance with Section 131.0550.
- (c) Private Drives. For the purposes of this Section, a private drive is a nonpublic thoroughfare. Private drives shall connect *public rights-of-way* to multiple locations within a *development*. Where private drives are provided, they shall comply with the following:
 - (1) Private drives shall be designed to reduce conflicts between vehicles and pedestrian and bicycle circulation.
 - (2) Non-contiguous sidewalks shall be provided along both sides of private drives.
 - (3) The alignment of private drives shall be coordinated and connected to the *public right-of-way*, emphasizing interconnected *streets* and the ability to reach local destinations through multiple routes.
 - (4) The number of trees required for each private drive frontage shall be calculated at the average rate of one 24-inch box canopy tree for every 40 feet of private drive frontage. Tree spacing may be varied to accommodate site conditions or design considerations.

- (5) Trees shall be planted between the curb and the internal *street wall*.

Where there is no *street wall*, trees shall be located within 12 feet of the curb-line along the private drive frontage.

- (d) Pedestrian Circulation Space. The pedestrian circulation system shall be ungated and publicly accessible. The pedestrian circulation shall include three or more of the following features:

- (1) Artwork that is integrated with the design of the pedestrian circulation space. Qualifying artwork may not incorporate addresses, text or logos related to the adjacent building or tenants of such buildings. Artwork may satisfy the Civic Enhancement Allocation regulations, in accordance with Chapter 2, Article 6, Division 7.
- (2) Food service, including service in a retail space directly accessible from the major portion of the plaza or an open-air café.
- (3) Arcades. For the purposes of this Section, an arcade is a space located along a *street frontage* or an interior pathway or plaza that is free of obstructions. Driveways, parking spaces, passenger drop-offs, loading berths, or trash storage facilities are not permitted within an arcade. Arcades shall comply with the following:
 - (A) Minimum depth (ft.): 10
 - (B) Maximum depth (ft.): 15
 - (C) Minimum height (ft.): 12
 - (D) Maximum height (ft.): 30

- (4) Building entrance recess area. For the purposes of this Section, a building entrance recess area is a space adjoining a sidewalk for the entire length of the building entrance area that provides unobstructed access to a building lobby or ground *floor* use. It may overlap with an arcade. Building entrance recess areas shall comply with the following:
 - (A) Minimum width (ft.): 10
 - (B) Maximum width (ft.): 50
 - (C) Maximum height (ft.): 30
- (5) Sidewalk Widening. A sidewalk widening enlarges a pre-existing or required sidewalk by at least five additional feet, but no more than 10 additional feet, measured perpendicular to the *street*.
- (6) Pedestrian Through-block Connections. For the purposes of this Section, a pedestrian through-block connection is a paved, open or enclosed space providing unobstructed pedestrian access to a building entrance or lobby. Driveways, parking spaces, passenger drop-offs, loading berths, and trash storage facilities are not permitted within a pedestrian through-block connection. Pedestrian through-block connections shall comply with the following:
 - (A) Location: at least 150 feet from the intersection of two *streets*
 - (B) Minimum width (ft.): 10, which can include landscaping
 - (C) Maximum width (ft.): 20, which can include landscaping

- (7) Plazas. For the purposes of this Section, a plaza is an open space that adjoins or is visible from a *public right-of-way* or private drive. A plaza may be public or private and can include play areas, pedestrian pathways, seating area, game tables, performance areas, water features, useable lawn areas, paving, shrub beds, and plants in containers. Garage entrances, driveways, parking spaces, passenger drop-offs, loading berths, trash storage facilities, as well as the access or service for these facilities, are not permitted within a plaza.

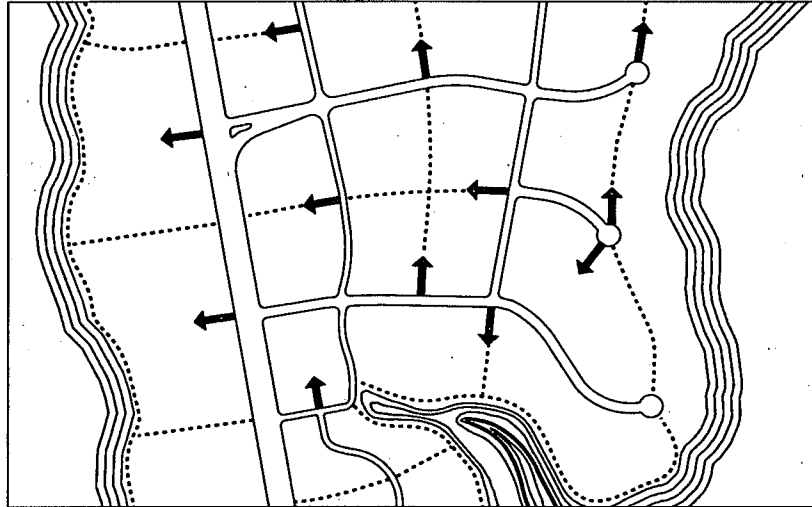
Plazas must comply with the following:

- (A) Minimum width (ft.): 40
- (B) Circulation paths within a plaza shall connect to all *streets* and building entrances that front the plaza.
- (C) A minimum of 50 percent of a plaza shall be free of obstructions.
- (D) Seating shall be provided by movable seating, fixed individual seats, benches with or without backs, and design feature seating, such as seat walls, ledges and seating steps.
- (E) Trees and Planting
 - (i) Four, 24-inch box canopy trees are required for plazas that are 6,000 square feet or less.
 - (ii) For each 1,000 square feet of plaza area over 6,000 square feet, an additional tree is required.

- (iii) Fifteen percent of the plaza area shall be comprised of plants. This can include hanging plants, beds with plants, or living walls.
- (F) Multi-Modal Parking.
 - (i) A combination of six parking spaces for bicycle or micro-mobility equipment shall be provided.
 - (ii) If the plaza is greater than 10,000 square feet, a combination of ten parking spaces for bicycle or micro-mobility devices shall be provided.
 - (iii) For the purposes of this Section, micro-mobility means a compact sized device designed for personal mobility with one or two passengers that is powered by a rechargeable electric battery. For example, micro-mobility devices include electric scooters, electric bicycles, or other similar sized personal compact devices.
- (G) Food services, including food service in a retail space, shall be directly accessible from the plaza.
- (H) Abutting Frontages. For residential uses fronting a plaza, at least 40 percent of the exterior walls facing the plaza shall be transparent or glazed.

Diagram 131-07B

Example of Connectivity for Premises Greater than Five Acres



LEGEND



Reduce block size through pedestrian and vehicular accessways. Provide a minimum of one pedestrian and one bicycle access way or one *paseo* into the *development* for every two acres of developable area.



A minimum of three pedestrian circulation space features per Section 131.0718(d).

Section 4. That Chapter 14, Article 2, Division 5 of the San Diego Municipal Code is amended by amending section 142.0530, to read as follows:

§142.0530 Nonresidential Uses — Parking Ratios

(a) Retail Sales, Commercial Services, and Mixed-Use Development.

Table 142-05E establishes the ratio of required parking spaces to building *floor* area in the commercial zones, industrial zones, mixed-use zones, and planned districts shown, for retail sales uses and for those commercial service uses that are not covered by Table 142-05F or 142-05G. Table 142-05E also establishes the required parking ratios for mixed-use developments in a single *structure* that include an allowed use from at

least two of the following use categories: (1) retail sales, (2) commercial services, and (3) offices.

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

Zone	Parking Spaces Required per 1,000 Square Feet of <i>Floor</i> Area Unless Otherwise Noted (<i>Floor</i> Area Includes <i>Gross Floor Area</i> plus Below Grade <i>Floor</i> Area and Excludes <i>Floor</i> Area Devoted to Parking)		
	Required Automobile Parking Spaces⁽¹⁾		
	Minimum Required Outside a <i>Transit Area</i> or <i>Transit Priority Area</i>	Minimum Required Within a <i>Transit Area</i> or <i>Transit Priority Area</i>⁽²⁾	Maximum Permitted
Commercial Zones			
CC-1-1 through Industrial Zones, IBT-1-1 [No change in text.]	[No change in text.]	[No change in text.]	[No change in text.]
Mixed-Use Zones			
RMX-1	1.5	1.0	5.5
RMX-2	1.5	1.0	5.5
RMX-3	1.5	1.0	5.5
EMX-1	1.5	1.0	5.5
EMX-2	1.5	1.0	5.5
EMX-3	1.5	1.0	5.5
Planned Districts			
Barrio Logan: Subdistrict B through West Lewis Street [No change in text.]	[No change in text.]	[No change in text.]	[No change in text.]

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

(b) [No change in text.]

Table 142-05F
Parking Ratios for Eating and Drinking Establishments

Zone	Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment⁽¹⁾ Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus Below Grade Floor Area and Excludes Floor Area Devoted to Parking)		
	Required Automobile Parking Spaces⁽²⁾		
	Minimum Required Outside a Transit Area or Transit Priority Area	Minimum Required Within a Transit Area or Transit Priority Area⁽³⁾	Maximum Permitted
Commercial Zones			
CC-1-1 through CV-1-2 [No change in text.]	[No change in text.]	[No change in text.]	[No change in text.]
Mixed-Use Zones			
RMX-1	1.5	1.0	5.5
RMX-2	1.5	1.0	5.5
RMX-3	1.5	1.0	5.5
EMX-1	1.5	1.0	5.5
EMX-2	1.5	1.0	5.5
EMX-3	1.5	1.0	5.5
Industrial Zones			
IH-1-1 through Planned Districts, West Lewis Street [No change in text.]	[No change in text.]	[No change in text.]	[No change in text.]

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

Section 5. 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	143.0910, 143.0915, 143.0920	NDP/Process Two
<i>Development of a large retail establishment of 50,000 or more square feet gross floor area in all commercial, industrial, and mixed-use zones, and in all planned districts, except the Centre City Planned District</i>	143.0303, 143.0305, 143.0355, 143.0375	NDP/Process Two
<i>Development of a large retail establishment of 100,000 or more square feet gross floor area in all commercial, industrial, and mixed-use zones, and in all planned districts</i>	143.0303, 143.0305, 143.0355, 143.0375	SDP/Process Four

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process
Site Containing <i>Environmentally Sensitive Lands</i>	143.0101-143.0160, 143.0303, 143.0305, 143.0350, 143.0375, 143.0380	NDP/Process Two or SDP/Process Three or Four
Any capital improvement program project on a Site Containing <i>Environmentally Sensitive Lands</i>	143.0101-143.0160, 143.0303, 143.0305, 143.0350, 143.0375, 143.0380	SDP/Process CIP-Two or SDP/Process CIP-Five
Any capital improvement program project on a Site Containing <i>Historical Resources</i>	143.0201, 143.0260, 143.0303, 143.0305, 143.0360, 143.0375, 143.0380	SDP/Process CIP-Two or SDP/Process CIP-Five
Site Containing <i>Historical Resources</i>	143.0201, 143.0240, 143.0260, 143.0303, 143.0305, 143.0360, 143.0375, 143.0380	NDP/Process Two or SDP/Process Four
<i>Fences or Retaining Walls</i> Exceeding the Permitted Height	143.0303, 143.0305, 142.0350, 143.0375	NDP/Process Two
Relocated Building Onto a Site With an Existing Building	143.0303, 143.0305, 143.0345, 143.0375	NDP/Process Two
Site with <i>Previously Conforming</i> Conditions	127.0102-127.0106, 143.0303, 143.0305, 143.0375	NDP/Process Two
Nonresidential <i>Development</i> Exceeding the Maximum Permitted Parking	142.0540(b), 143.0303, 143.0305, 143.0375	NDP/Process Two
Shared Parking for Uses Not Listed in Section 142.0545(c)	142.0545(b)(7), 143.0303, 143.0305, 143.0375	NDP/Process Two
Commercial <i>Development</i> With Tandem Parking	142.0555(b), 143.0303, 143.0305, 143.0375	NDP/Process Two
<i>Previously Conforming Parking</i> for a discontinued use	142.0510(d)(4), 143.0303, 143.0305, 143.0375	NDP/Process Two
<i>Mobilehome Parks</i> in RM Zones	143.0303, 143.0305, 143.0340, 143.0375	NDP/Process Two

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process
<i>Mobilehome Parks</i> in RS, RX Zones	143.0303, 143.0305, 143.0340, 143.0375	SDP/Process Three
Discontinuance of <i>Mobilehome Park</i>	143.0610-143.0640, 132.0701-132.0705, 143.0303, 143.0305, 143.0375	SDP/Process Three
Multiple Dwelling Unit <i>Development</i> that Varies from Minimum Parking Requirements	142.0525(b), 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
Nonresidential <i>Development</i> (With TDM Plan) that Varies from Minimum Parking Requirements	142.0525(b), 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
Community Plan Implementation Overlay Zone	132.1401-132.1405, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
Mission Trails Design District	132.1201-132.1205, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
<i>Development</i> of a small <i>lot subdivision</i> in accordance with Section 143.0365	143.0303, 143.0305, 143.0310, 143.0365, 143.0375	SDP/Process Three
<i>Development</i> Within the Urban Village Overlay Zone	132.1101-132.1110, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
<i>Public improvements</i> on More Than 3,000 Feet of Frontage or Where City Standards Do Not Apply	142.0601-142.0670, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
<i>Any capital improvement program project</i> on More Than 3,000 Feet of Frontage or Where City Standards Do Not Apply	142.0601-142.0670, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process CIP-Two

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process
Manufactured Slopes in Excess of 25% Gradient and 25 Feet in Height	142.0101-142.0149, 143.0303, 143.0305, 143.0375,143.0380	SDP/Process Three
<i>Condominium Conversions</i> with Deviations from Development Regulations	143.0303, 143.0305, 143.0360, 143.0375	SDP/Process Four
Clairemont Mesa Height Limit Overlay Zone	132.1301-132.1306, 143.0303, 143.0305, 143.0375,143.0380	SDP/Process Five

Section 6. 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.]

(11) For *development* in mixed-use zones, the maximum *density* identified in the adopted community plan land use map shall be used to calculate the *density* bonus as set forth in Table 143-07A or Table 143-07B. The allowed *density* bonus *dwelling units* shall not be counted towards the maximum allowed *floor area ratio* of the mixed-use zone or the percentage of the required *primary use* or secondary use, as that term is defined in Section 131.0702.

(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 7. 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 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) The following regulations apply in all planned districts:

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

(11) *Wireless communications facilities* regulations contained in Land Development Code section 141.0420.

(12) Land Development Code, Chapter 13, Article 1, Division 7 (Mixed-Use Base Zones).

Section 8. 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 9. 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 10. That the City Clerk is instructed to insert the effective date of this Ordinance in Section 131.0716, once known.

Section 11. 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 12. That Ordinances O-2020-1, O-2020-2, O-2020-6, and O-2020-9 have been recently considered by the City Council and will be considered by the City Council in the near future 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 Shannon M. Thomas

Shannon M. Thomas
Senior Deputy City Attorney

SMT:als
07/03/2019
09/18/2019 Cor. Copy
Or.Dept:Planning
Doc. No.: 2000755_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of
San Diego, at this meeting of SEP 10 2019.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

(PLEASE SEE ATTACHED MEMO AND SIGNATURE PAGE.)

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

MEMORANDUM

DATE: September 18, 2019

TO: Elizabeth Maland, City Clerk

FROM: Shannon M. Thomas

SUBJECT: Item No. 51 – O-2020-5 Mixed-Use Zones – Council Meeting of September 10, 2019

We are submitting a corrected copy of Ordinance No. O-2020-5 relating to Mixed-Use Zones adopted by the City Council on September 10, 2019, to reflect changes made to the following San Diego Municipal Code sections: 126.0402, 143.0302, 143.0720, and 151.0103 to be consistent with Ordinance No. O-2020-2 Rev. Copy (12th Update) and Ordinance No. O-2020-6 Cor. Copy (Wireless Communications Facilities), adopted by the City Council on August 6, 2019.

SMT:als
Doc. No.: 2174146

RECEIVED
CITY CLERK'S OFFICE
19 SEP 18 PM 2:23
SAN DIEGO, CALIF. WCA

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of SEP 10 2019.

ELIZABETH S. MALAND
City Clerk

By Linda Bruin
Deputy City Clerk

Approved: 9/12/19
(date)

Kevin L. Faulconer
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 12, ARTICLE 6, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 126.0402; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5 BY AMENDING SECTION 126.0502; AMENDING CHAPTER 13, ARTICLE 1, BY ADDING NEW DIVISION 7, TITLED MIXED-USE BASE ZONES, SECTIONS 131.0701, 131.0702, 131.0703, 131.0704, 131.0706, 131.0707, 131.0708, 131.0709, 131.0710, 131.0711, 131.0712, 131.0713, 131.0714, 131.0715, 131.0716, 131.0717, AND 131.0718; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTION 142.0530; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 3 BY AMENDING SECTION 143.0302; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 7 BY AMENDING SECTION 143.0720; AND AMENDING CHAPTER 15, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 151.0103, RELATING TO MIXED-USE ZONES.

§126.0402 When a Neighborhood Development Permit Is Required

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

(k) A Neighborhood Development Permit is required for *development* of a *large retail establishment* of 50,000 or more square feet *gross floor area* in all commercial, ~~and industrial, and mixed-use~~ zones, and in all planned districts, except the Centre City Planned District.

(l) [No change in text.]

(m) A Neighborhood Development Permit is required for *development* of a *wireless communication facility* with an equipment enclosure that exceeds 250 square feet as described in Section 141.0420(e)(3), or that includes

equipment enclosures not placed underground as described in Section 141.0420(g)(2).

- (n) A Neighborhood Development Permit is required for *development* proposing to count tandem parking spaces as two parking spaces towards the off-street parking requirement as described in Section 132.0905(a)(5).

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

- (q) A Neighborhood Development Permit is required for *development* that proposes deviations to the development regulations within the mixed-use zones. A Neighborhood Development Permit may not be used to request deviations listed in Section 131.0710(c).

§126.0502 When a Site Development Permit is Required

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

- (d) A Site Development Permit decided in accordance with Process Four is required for the following types of *development*.

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

- (7) *Development of a large retail establishment of 100,000 or more square feet gross floor area in all commercial, ~~and~~ industrial, and mixed-use zones, and in all planned districts.*

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

Chapter 13: Zones

Article 1: Base Zones

Division 7: Mixed-Use Base Zones

§131.0701 Purpose and Intent

The purpose of the mixed-use zones is to provide housing and jobs near commercial centers and corridors to reduce dependency on the automobile, to promote access to transit and multi-model transportation systems, and to provide for a walkable, pedestrian-oriented setting, including infill of existing development. The intent of these regulations is to create a mix of uses and provide distinct regulations for *density*, activation, and articulation that encourages pedestrian activity within *transit priority areas*. These zones are intended to accommodate small to large-scale horizontal or vertical mixed-use *development*, while maintaining connectivity to transit and promoting the livability and vitality of the *development*.

§131.0702 Definitions

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

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

Paseo means a pedestrian access way connecting *streets*, *plazas*, *alleys*, *public parks*, and other existing and future public spaces abutting or within a *premises*.

All buildings abutting a *paseo* shall have active building frontages along the *paseo*. A *paseo* shall have signs visible from the adjacent public right-of-way stating that the *paseo* is open to the public.

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

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

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

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

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

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

§131.0706 Use Regulations of Mixed-Use Zones

The purpose and intent of the mixed-use zones is to allow a varied mix of uses that reduce the dependency on automobiles and promote transit accessibility and walkability.

The regulations in Section 131.0707 apply in the mixed-use zones where indicated in Table 131-07A.

(a) The uses permitted in any mixed-use zone may be further limited by the following:

(1) Use limitations applicable to the Airport Land Use Compatibility Overlay Zone (Chapter 13, Article 2, Division 15);

(2) The presence of *environmentally sensitive lands*, pursuant to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations); or

(3) Any other applicable provision of the San Diego Municipal Code.

(b) Within the mixed-use zones, no *structure* or improvement, or portion thereof, shall be constructed, established, or altered, nor shall any *premises* be used or maintained except for one or more of the purposes or activities listed in Table 131-07A. It is unlawful to establish, maintain, or use any *premises* for any purpose or activity not listed in Sections 131.0706 and 131.0707.

(c) All uses or activities permitted in the mixed-use zones shall be conducted entirely within an enclosed building unless the use or activity is traditionally conducted outdoors.

- (d) Temporary uses may be permitted in the mixed-use zones in accordance with Chapter 12, Article 3, Division 4, Temporary Use Permit Procedures.
- (e) For any use that cannot be readily classified, the City Manager shall determine the appropriate use category and use subcategory pursuant to Section 131.0110.

§131.0707 Use Regulations Table for Mixed-Use Zones

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

Legend for Table 131-07A

<u>Symbol in Table 131-07A</u>	<u>Description of Symbol</u>
<u>P</u>	<u>Use or use category is permitted. Regulations pertaining to a specific use may be referenced.</u>
<u>L</u>	<u>Use is permitted with limitations, which may include location limitations or the requirement for a use or development permit. Regulations are in Chapter 14, Article 1 (Separately Regulated Use Regulations).</u>
<u>N</u>	<u>Neighborhood Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).</u>
<u>C</u>	<u>Conditional Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).</u>
<u>=</u>	<u>Use or use category is not permitted.</u>

Table 131-07A
Use Regulations Table for Mixed-Use Zones

<u>Use Categories/Subcategories</u> [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	<u>Zone Designator</u>	<u>Zones</u>					
	<u>1st >></u>	<u>RMX</u>			<u>EMX</u>		
	<u>2nd >></u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>1</u>	<u>2</u>	<u>3</u>
<u>Open Space</u>							
<u>Active Recreation</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Passive Recreation</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Natural Resources Preservation</u>		=	=	=	=	=	=
<u>Park Maintenance Facilities</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Agriculture</u>							
<u>Agricultural Processing</u>		=	=	=	=	=	=
<u>Aquaculture Facilities</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Dairies</u>		=	=	=	=	=	=
<u>Horticulture Nurseries & Greenhouses</u>		=	=	=	=	=	=
<u>Raising & Harvesting of Crops</u>		=	=	=	=	=	=
<u>Raising, Maintaining & Keeping of Animals</u>		=	=	=	=	=	=
<u>Separately Regulated Agriculture Uses</u>							
<u>Agricultural Equipment Repair Shops</u>		=	=	=	=	=	=
<u>Commercial Stables</u>		=	=	=	=	=	=
<u>Community Gardens</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Equestrian Show & Exhibition Facilities</u>		=	=	=	=	=	=
<u>Open Air Markets for the Sale of Agriculture-related Products & Flowers</u>		=	=	=	=	=	=
<u>Residential</u>							
<u>Mobilehome Parks</u>		=	=	=	=	=	=
<u>Multiple Dwelling Units</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>p⁽¹⁾</u>	<u>p⁽¹⁾</u>	<u>p⁽¹⁾</u>
<u>Rooming House</u> [See Section 131.0112 (a)(3)(A)]		<u>P</u>	<u>P</u>	<u>P</u>	<u>p⁽¹⁾</u>	<u>p⁽¹⁾</u>	<u>p⁽¹⁾</u>
<u>Shopkeeper Units</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L⁽¹⁾</u>	<u>L⁽¹⁾</u>	<u>L⁽¹⁾</u>
<u>Single Dwelling Units</u>		=	=	=	=	=	=
<u>Separately Regulated Residential Uses</u>							
<u>Boarder & Lodger Accommodations</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>p⁽¹⁾</u>	<u>p⁽¹⁾</u>	<u>p⁽¹⁾</u>
<u>Companion Units</u>		=	=	=	=	=	=
<u>Continuing Care Retirement Communities</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>

<u>Use Categories/Subcategories</u> [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	<u>Zone</u> <u>Designator</u>	<u>Zones</u>					
	1st >>	RMX			EMX		
		1	2	3	1	2	3
	2nd >>	1	2	3	1	2	3
<u>Employee Housing:</u>							
<u>6 or Fewer Employees</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>12 or Fewer Employees</u>		<u>=</u>	<u>=</u>	<u>=</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Greater than 12 Employees</u>		<u>=</u>	<u>=</u>	<u>=</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Fraternities, Sororities and Student Dormitories</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Garage, Yard, & Estate Sales</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Guest Quarters</u>		<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>
<u>Home Occupations</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Junior Units</u>		<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>
<u>Live/Work Quarters</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Residential Care Facilities:</u>							
<u>6 or Fewer Persons</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>7 or More Persons</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Transitional Housing:</u>							
<u>6 or Fewer Persons</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>7 or More Persons</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Watchkeeper Quarters</u>		<u>=</u>	<u>=</u>	<u>=</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Institutional</u>							
<u>Separately Regulated Institutional Uses</u>							
<u>Airports</u>		<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>
<u>Botanical Gardens & Arboretums</u>		<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>
<u>Cemeteries, Mausoleums, Crematories</u>		<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>
<u>Correctional Placement Centers</u>		<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>
<u>Educational Facilities:</u>							
<u>Kindergarten through Grade 12</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Colleges / Universities</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Vocational / Trade School</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Electric Vehicle Charging Stations</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Energy Generation & Distribution Facilities</u>		<u>C⁽²⁾</u>	<u>C⁽²⁾</u>	<u>C⁽²⁾</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Exhibit Halls & Convention Facilities</u>		<u>=</u>	<u>=</u>	<u>=</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Flood Control Facilities</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Historical Buildings Used for Purposes Not Otherwise Allowed</u>		<u>C⁽²⁾</u>	<u>C⁽²⁾</u>	<u>C⁽²⁾</u>	<u>C</u>	<u>C</u>	<u>C</u>

<u>Use Categories/Subcategories</u> [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	<u>Zone Designator</u>	<u>Zones</u>					
	<u>1st >></u>	<u>RMX</u>			<u>EMX</u>		
	<u>2nd >></u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>1</u>	<u>2</u>	<u>3</u>
<u>Homeless Facilities:</u>							
<u>Congregate Meal Facilities</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Emergency Shelters</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Homeless Day Centers</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Hospitals, Intermediate Care Facilities & Nursing Facilities</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Interpretive Centers</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Museums</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Major Transmission, Relay, or Communications Switching Stations</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Placemaking on Private Property</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Satellite Antennas</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Social Service Institutions</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Solar Energy Systems</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Wireless Communication Facility:</u>							
<u>Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a non-residential use</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a residential use</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Wireless communication facility in the public right-of-way with above ground equipment</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Wireless communication facility outside the public right-of-way</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Retail Sales</u>							
<u>Building Supplies & Equipment</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Food, Beverages and Groceries</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Consumer Goods, Furniture, Appliances, Equipment</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Pets & Pet Supplies</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Sundries, Pharmaceutical, & Convenience Sales</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Wearing Apparel & Accessories</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

<u>Use Categories/Subcategories</u> [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	<u>Zone</u> <u>Designator</u>	<u>Zones</u>					
	<u>1st >></u>	<u>RMX</u>			<u>EMX</u>		
	<u>2nd >></u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>1</u>	<u>2</u>	<u>3</u>
<u>Separately Regulated Retail Sales Uses</u>							
<u>Agriculture Related Supplies & Equipment</u>		=	=	=	P	P	P
<u>Alcoholic Beverage Outlets</u>		C	C	C	L	L	L
<u>Farmers' Markets</u>							
<u>Weekly Farmers' Markets</u>		L	L	L	L	L	L
<u>Daily Farmers' Market Stands</u>		L	L	L	L	L	L
<u>Marijuana Outlets</u>		=	=	=	=	=	=
<u>Plant Nurseries</u>		P	P	P	P	P	P
<u>Retail Farms</u>		L	L	L	L	L	L
<u>Retail Tasting Stores</u>		L	L	L	L	L	L
<u>Swap Meets & Other Large Outdoor Retail Facilities</u>		=	=	=	=	=	=
<u>Commercial Services</u>							
<u>Building Services</u>		P	P	P	P	P	P
<u>Business Support</u>		P	P	P	P	P	P
<u>Eating & Drinking Establishments</u>		p ⁽⁴⁾	p ⁽⁴⁾	p ⁽⁴⁾	p ⁽⁴⁾	p ⁽⁴⁾	p ⁽⁴⁾
<u>Financial Institutions</u>		P	P	P	P	P	P
<u>Funeral & Mortuary Services</u>		=	=	=	P	P	P
<u>Instructional Studios</u>		P	P	P	P	P	P
<u>Maintenance & Repair</u>		=	=	=	P	P	P
<u>Off-site Services</u>		=	=	=	P	P	P
<u>Personal Services</u>		P	P	P	P	P	P
<u>Radio & Television Studios</u>		P	P	P	P	P	P
<u>Tasting Rooms</u>		p ⁽⁵⁾	p ⁽⁵⁾	p ⁽⁵⁾	p ⁽⁵⁾	p ⁽⁵⁾	p ⁽⁵⁾
<u>Visitor Accommodations</u>		P	P	P	P	P	P
<u>Separately Regulated Commercial Services Uses</u>							
<u>Adult Entertainment Establishments:</u>							
<u>Adult Book Store</u>		=	=	=	L	L	L
<u>Adult Cabaret</u>		=	=	=	L	L	L
<u>Adult Drive-In Theater</u>		=	=	=	L	L	L
<u>Adult Mini-Motion Picture Theater</u>		=	=	=	L	L	L
<u>Adult Model Studio</u>		=	=	=	L	L	L
<u>Adult Motel</u>		=	=	=	L	L	L
<u>Adult Motion Picture Theater</u>		=	=	=	L	L	L
<u>Adult Peep Show Theater</u>		=	=	=	L	L	L
<u>Adult Theater</u>		=	=	=	L	L	L

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	<u>1st >></u>	<u>RMX</u>			<u>EMX</u>		
	<u>2nd >></u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>1</u>	<u>2</u>	<u>3</u>
<u>Body Painting Studio</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Massage Establishment</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Sexual Encounter Establishment</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Assembly and Entertainment Uses, Including Places of Religious Assembly</u>		<u>L⁽²⁾</u>	<u>L⁽²⁾</u>	<u>L⁽²⁾</u>	<u>L⁽²⁾</u>	<u>L⁽²⁾</u>	<u>L⁽²⁾</u>
<u>Bed & Breakfast Establishments:</u>							
<u>1-2 Guest Rooms</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>3-5 Guest Rooms</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>6+ Guest Rooms</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Boarding Kennels/Pet Day Care</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Camping Parks</u>		<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>
<u>Child Care Facilities:</u>							
<u>Child Care Centers</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Large Family Child Care Homes</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Small Family Child Care Homes</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Eating and Drinking Establishments with a Drive-in or Drive-through Component</u>		<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>
<u>Fairgrounds</u>		<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>
<u>Golf Courses, Driving Ranges, and Pitch & Putt Courses</u>		<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>
<u>Helicopter Landing Facilities</u>		<u>=</u>	<u>=</u>	<u>=</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Massage Establishments, Specialized Practice</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Mobile Food Trucks</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Nightclubs & Bars Over 5,000 Square Feet in Size</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Parking Facilities as a <i>primary use</i>:</u>							
<u>Permanent Parking Facilities</u>		<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>
<u>Temporary Parking Facilities</u>		<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>
<u>Private Clubs, Lodges and Fraternal Organizations</u>		<u>P⁽²⁾</u>	<u>P⁽²⁾</u>	<u>P⁽²⁾</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size</u>		<u>C⁽⁶⁾</u>	<u>C⁽⁶⁾</u>	<u>C⁽⁶⁾</u>	<u>C⁽⁶⁾</u>	<u>C⁽⁶⁾</u>	<u>C⁽⁶⁾</u>
<u>Pushcarts:</u>							
<u>Pushcarts on Private Property</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Pushcarts in <i>Public Right-of-Way</i></u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Recycling Facilities:</u>							
<u>Large Collection Facility</u>		<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>
<u>Small Collection Facility</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>

<u>Use Categories/Subcategories</u> [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	<u>Zone</u> <u>Designator</u>	<u>Zones</u>					
	1st >>	<u>RMX</u>			<u>EMX</u>		
		<u>1</u>	<u>2</u>	<u>3</u>	<u>1</u>	<u>2</u>	<u>3</u>
	2nd >>						
<u>Large Construction & Demolition Debris Recycling Facility</u>		=	=	=	=	=	=
<u>Small Construction & Demolition Debris Recycling Facility</u>		=	=	=	=	=	=
<u>Drop-off Facility</u>		=	=	=	<u>L</u>	<u>L</u>	<u>L</u>
<u>Green Materials Composting Facility</u>		=	=	=	=	=	=
<u>Mixed Organic Composting Facility</u>		=	=	=	=	=	=
<u>Large Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial & Industrial Traffic</u>		=	=	=	=	=	=
<u>Large Processing Facility Accepting All Types of Traffic</u>		=	=	=	=	=	=
<u>Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial & Industrial Traffic</u>		=	=	=	=	=	=
<u>Small Processing Facility Accepting All Types of Traffic</u>		=	=	=	=	=	=
<u>Reverse Vending Machines</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Tire Processing Facility</u>		=	=	=	=	=	=
<u>Sidewalk Cafes</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Sports Arenas & Stadiums</u>		=	=	=	=	=	=
<u>Theaters that are Outdoor or Over 5,000 Square Feet in Size</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Urgent Care Facilities</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Veterinary Clinics & Animal Hospitals</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Zoological Parks</u>		=	=	=	=	=	=
<u>Offices</u>							
<u>Business & Professional</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Government</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Medical, Dental & Health Practitioner</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Regional & Corporate Headquarters</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

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	1st >>	<u>RMX</u>			<u>EMX</u>		
	2nd >>	<u>1</u>	<u>2</u>	<u>3</u>	<u>1</u>	<u>2</u>	<u>3</u>
<u>Separately Regulated Office Uses</u>							
<u>Real Estate Sales Offices & Model Homes</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Sex Offender Treatment & Counseling</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Vehicle & Vehicular Equipment Sales & Service</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Commercial Vehicle Repair & Maintenance</u>		=	=	=	<u>P</u>	<u>P</u>	<u>P</u>
<u>Commercial Vehicle Sales & Rentals</u>		=	=	=	<u>P</u>	<u>P</u>	<u>P</u>
<u>Personal Vehicle Repair & Maintenance</u>		=	=	=	<u>P</u>	<u>P</u>	<u>P</u>
<u>Personal Vehicle Sales & Rentals</u>		=	=	=	<u>P</u>	<u>P</u>	<u>P</u>
<u>Vehicle Equipment & Supplies Sales & Rentals</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses</u>							
<u>Automobile Service Stations</u>		=	=	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i></u>		=	=	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Distribution and Storage</u>							
<u>Equipment & Materials Storage Yards</u>		=	=	=	=	=	=
<u>Moving & Storage Facilities</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Distribution Facilities</u>		=	=	=	<u>P</u>	<u>P</u>	<u>P</u>
<u>Separately Regulated Distribution and Storage Uses</u>							
<u>Impound Storage Yards</u>		=	=	=	=	=	=
<u>Junk Yards</u>		=	=	=	=	=	=
<u>Temporary Construction Storage Yards Located Off-site</u>		=	=	=	<u>L</u>	<u>L</u>	<u>L</u>
<u>Industrial</u>							
<u>Heavy Manufacturing</u>		=	=	=	=	=	=
<u>Light Manufacturing</u>		=	=	=	<u>p⁽³⁾</u>	<u>p⁽³⁾</u>	<u>p⁽³⁾</u>
<u>Marine Industry</u>		=	=	=	=	=	=
<u>Research & Development</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Testing Labs</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Trucking & Transportation Terminals</u>		=	=	=	=	=	=

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	<u>1st >></u>	<u>RMX</u>			<u>EMX</u>		
	<u>2nd >></u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>1</u>	<u>2</u>	<u>3</u>
<u>Separately Regulated Industrial Uses</u>							
<u>Artisan Food and Beverage Producer</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Hazardous Waste Research Facility</u>		=	=	=	=	=	=
<u>Hazardous Waste Treatment Facility</u>		=	=	=	=	=	=
<u>Marijuana Production Facilities</u>		=	=	=	=	=	=
<u>Marine Related Uses Within the Coastal Overlay Zone</u>		=	=	=	<u>C</u>	<u>C</u>	<u>C</u>
<u>Mining and Extractive Industries</u>		=	=	=	=	=	=
<u>Newspaper Publishing Plants</u>		=	=	=	<u>C</u>	<u>C</u>	<u>C</u>
<u>Processing & Packaging of Plant Products & Animal By-products Grown Off-premises</u>		=	=	=	<u>P</u>	<u>P</u>	<u>P</u>
<u>Very Heavy Industrial Uses</u>		=	=	=	=	=	=
<u>Wrecking & Dismantling of Motor Vehicles</u>		=	=	=	=	=	=
<u>Signs</u>							
<u>Allowable Signs</u>		<u>p⁽⁷⁾</u>	<u>p⁽⁷⁾</u>	<u>p⁽⁷⁾</u>	<u>p⁽⁷⁾</u>	<u>p⁽⁷⁾</u>	<u>p⁽⁷⁾</u>
<u>Separately Regulated Signs Uses</u>							
<u>Community Entry Signs</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Neighborhood Identification Signs</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Comprehensive Sign Program</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Revolving Projecting Signs</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Signs with Automatic Changing Copy</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Theater Marquees</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

Footnotes for Table 131-07A

- ¹ Not allowed on sites designated as Prime Industrial Land in a land use plan.
- ² Not allowed within the Coastal Overlay Zone, except that assembly and entertainment uses may be incorporated as an accessory use to visitor accommodations.
- ³ Permitted in an enclosed space with up to 7,500 square feet of gross floor area; the use of more space requires a Conditional Use Permit. Activities that would require a permit from the Hazardous Materials Management Division of the County of San Diego or from the San Diego Air Pollution Control District require a Conditional Use Permit.
- ⁴ Eating and drinking establishments abutting an existing residential base zone shall operate only between 6:00 a.m. and 12:00 a.m.
- ⁵ Tasting rooms are only permitted as an accessory use to a beverage manufacturing plant or an artisan beverage producer.
- ⁶ The 40,000 square feet includes all indoor and outdoor areas that are devoted to the recreational use; it does not include customer parking areas.
- ⁷ All mixed-use zones shall use Category A within Section 142.1220.

§131.0708 **Development Regulations of Mixed-Use Zones**

The purpose and intent of the development regulations is to allow increased density and flexibility, while maintaining ground floor pedestrian orientation, connectivity and activation through design rather than use.

- (a) Within the mixed-use zones, no *structure* or improvement shall be constructed, established, or altered, nor shall any *premises* be used unless the *premises* complies with the regulations and standards in this Division and with any applicable development regulations in Chapter 13, Article 2 (Overlay Zones) and Chapter 14 (General and Supplemental Regulations).
- (b) A Neighborhood Development Permit or Site Development Permit is required for the types of *development* identified in Section 143.0302, Table 143-03A.
- (c) The regulations in this Division apply to all proposed *development* in the mixed-use base zones whether a permit or other approval is required, except where specifically identified.

§131.0709 **Development Regulations Table for Mixed-Use Zones**

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

Table 131-07B
Development Regulations for RMX and EMX Zones

<u>Development Regulations</u>	<u>Zones</u>					
	<u>RMX-</u>			<u>EMX-</u>		
	<u>1</u>	<u>2</u>	<u>3</u>	<u>1</u>	<u>2</u>	<u>3</u>
<u>Minimum Lot Area (sf)</u>	<u>20,000</u>					
<u>Minimum Lot Dimensions</u>	=					
<u>Setback Requirements</u>						
<u>Min Front Setback (ft)</u>	=	=	=	=	=	=
<u>Max Front Setback (ft)</u>¹	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>Min Side & Rear Setback (ft)</u>	=	=	=	=	=	=
<u>Max Side & Rear Setback (ft)</u>	=	=	=	=	=	=
<u>Min Street side Setback (ft)</u>	=	=	=	=	=	=
<u>Max Street side Setback (ft)</u>¹	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>Maximum Floor Area Ratio</u>⁽³⁾	<u>3.0</u>	<u>5.0</u>	<u>7.0</u>	<u>3.0</u>	<u>5.0</u>	<u>7.0</u>
<u>Maximum Structure Height (ft)</u>⁽²⁾	<u>120</u>	<u>240</u>	=	<u>120</u>	<u>240</u>	=
<u>Minimum Ground-floor Height for Non-Residential Uses (ft)</u>	<u>13</u>	<u>13</u>	<u>13</u>	<u>13</u>	<u>13</u>	<u>13</u>
<u>Supplemental Regulations for RMX Zones</u> [See Section 131.0712]	<u>Applies</u>			=	=	=
<u>Building Frontage Activation, Articulation and Transparency</u> [See Section 131.0713]	<u>Applies</u>					
<u>Pedestrian Entrances and Connections</u> [See Section 131.0714]	<u>Applies</u>					
<u>Open Space Regulations for Residential Only</u> [See Section 131.0715]	<u>Applies</u>					
<u>Parking Design</u> [See Section 131.0716]	<u>Applies</u>					
<u>Supplemental Regulations for Premises Greater than Five Acres</u> [See Section 131.0718]	<u>Applies</u>					
<u>Loading Area Regulations</u> [See Section 142.1001]	<u>Applies</u>					
<u>Visibility Area</u> [See Section 113.0273]	<u>Applies</u>					
<u>Refuse and Recyclable Material Storage</u> [See Section 142.0805]	<u>Applies</u>					
<u>Storage Requirements for Residential Only</u> [See Section 131.0454]	<u>Applies</u>					

Footnotes for Table 131-07B

- ¹ The maximum front and *street* side *setback* applies to 60 percent of one *street* or *front* side frontage for each building along the *street* or front side. The remaining 40 percent is not required to observe the maximum *setback* and may be located farther from the *property line*. Exceptions to the maximum front and *street* side *setbacks* can be made for *development* that includes a public plaza, *paseo*, linear park, or outdoor eating establishment where the *existing grade* slopes 20 percent or more, where the *development* is adjoining a freeway, or for phased projects where a future phase is demonstrated to implement the required maximum *setback*.
- ² See Section 131.0717 for buildings over 90 feet in height.
- ³ Underground or structured parking is exempt from *floor area ratio* calculation.

§131.0710 *Deviations*

Development that proposes deviations to the development regulations of this

Division may be permitted with a Neighborhood Development Permit decided in accordance with Process Two for the following:

- (a) *Development* that proposes deviations from applicable Land Development Code regulations, provided that the *findings* in Section 126.0404(a) are made.
- (b) *Development* located within *environmentally sensitive lands* in accordance with Section 143.0110, including *development* that may potentially impact *steep hillsides* where alternative compliance is requested in accordance with Section 143.0151, 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) A deviation may not be requested for the following:
 - (1) A deviation from the requirements of the Airport Approach Overlay Zone (Chapter 13, Article 2, Division 2).
 - (2) A deviation from the requirements of the Airport Environs Overlay Zone (Chapter 13, Article 2, Division 3).

- (3) A deviation from the requirements of the Coastal Height Limit Overlay Zone (Chapter 13, Article 2, Division 5).
- (4) Within the Coastal Overlay Zone, a deviation from the requirements of the Parking Impact Overlay Zone (Chapter 13, Article 2, Division 8).
- (5) A deviation from the requirements of the Clairemont Mesa Height Limit Overlay Zone (Chapter 13, Article 2, Division 13).
- (6) A deviation from the requirements of the Airport Land Use Compatibility Overlay Zone (Chapter 13, Article 2, Division 15).
- (7) Within the Coastal Overlay Zone, a deviation from the requirements of the Environmentally Sensitive Lands Regulations (Chapter 14, Article 3, Division 1).
- (8) A deviation from the requirements of the Historical Resources Regulations (Chapter 14, Article 3, Division 2).

§131.0711 **Phasing**

For any development within the mixed-use zones that is proposed to be constructed in phases, the applicant shall submit a development phasing plan that specifies the chronology of development, including required land use components, structures, public facilities, and infrastructure. Development shall be phased so that supporting public facilities and infrastructure will be provided concurrently with the need and completed before occupancy of the structures.

§131.0712 Supplemental Regulations for RMX Zones

These regulations are intended to enable joint living and working opportunities and contribute to the vitality of mixed-use zones. The following regulations apply to development within RMX zones where indicated in Table 131-07B, when the primary use and secondary use are both residential.

- (a) A minimum of 10 percent of the structures' ground floor gross floor area ratio shall be dedicated to facilitating home-based employment, excluding leasing offices, gyms, or community rooms. This requirement can be met by including one or more of the following:
- (1) Live/work quarters in accordance with Section 141.0311;
 - (2) Shopkeeper units; or
 - (3) A minimum of 500 square feet to accommodate home-occupation amenities, shared resources, and facilities such as conference rooms or co-work spaces.
- (b) Each dwelling unit on the ground floor fronting a public right-of-way or a private drive shall have a separate ground floor entrance adjacent to the public right-of-way, or a path that leads directly to the public right-of-way.

§131.0713 Building Frontage Activation, Articulation and Transparency

The purpose and intent of these regulations is to create visual interest that enhances the pedestrian experience, assists in diminishing the overall mass of buildings, and creates variation from a pedestrian's perspective.

- (a) All buildings shall be oriented so that primary pedestrian entrances for each ground floor use are accessible from an abutting public sidewalk or

pedestrian connection to a sidewalk. Where there is an internal pedestrian pathway or a plaza, the primary pedestrian entrance may be internal.

- (b) All buildings located on a *public right-of-way* and *building facades* that front a private drive, plaza, or other open space area in the *development* shall provide a minimum of two frontage activation elements from Table 131-07C.

Table 131-07C
Building Frontage Activation Elements

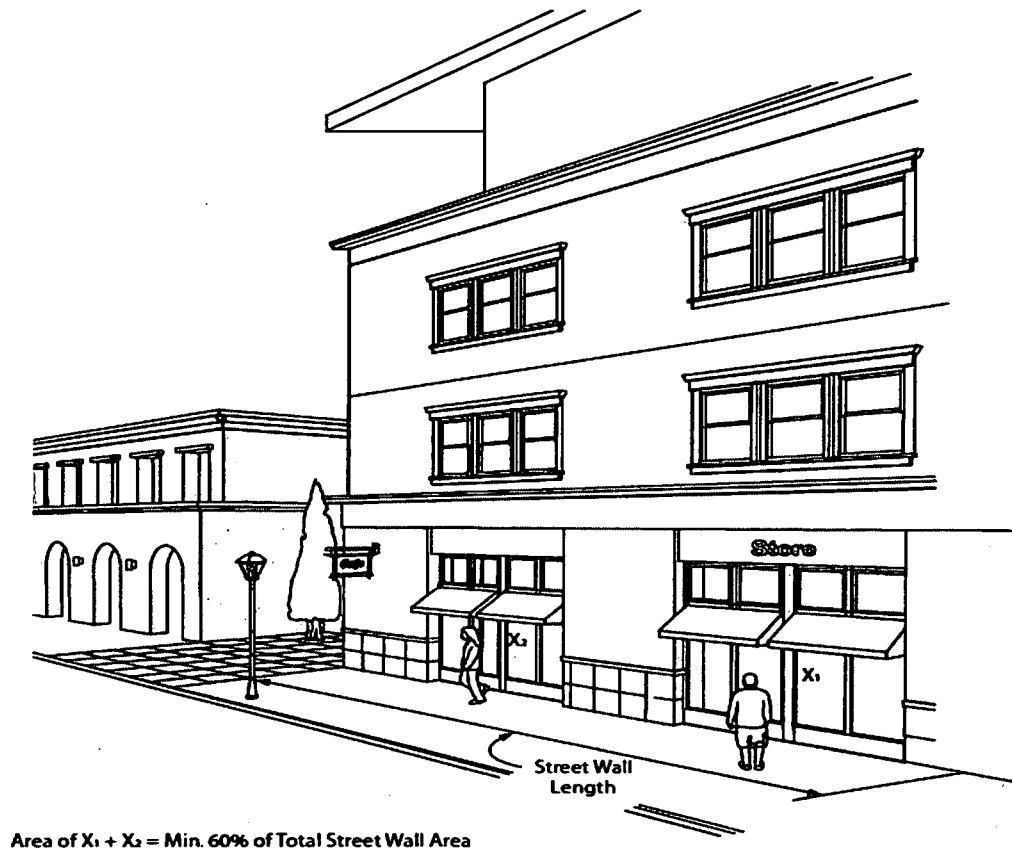
<u>Activation Element</u>	<u>Amount- Minimums</u>	<u>Min Width</u>	<u>Min Depth</u>
<u>Commercial Storefront</u>	<u>None</u>	<u>None</u>	<u>None</u>
<u>Porches, Patios, Yards and/or Stoops</u>	<u>50% of the <i>building facade</i> at ground level or one for every 30 feet of frontage</u> <u>At least 30 square feet in total area</u>	<u>None</u>	<u>None</u>
<u>Vertical and/or Horizontal Off-Setting Planes</u>	<u>None</u>	<u>2 ft</u>	<u>2 ft</u>
<u>Balconies</u>	<u>30% of the <i>building facade</i> or one for every 30 feet of frontage</u>	<u>4 ft</u>	<u>6 ft</u>
<u>Arcades, Colonnades or Galleries</u>	<u>30% of the <i>building facade</i></u>	<u>20 ft</u>	<u>10 ft</u>

<u>Activation Element</u>	<u>Amount- Minimums</u>	<u>Min Width</u>	<u>Min Depth</u>
<u>Awning, Canopy, Marquee, Sunshade or Trellis</u>	<u>50% of the building facade at ground level</u> <u>15% for upper floor building facades</u>	<u>2 ft</u>	<u>2 ft</u>
<u>Roll up or Large Opening Doors</u>	<u>None, but still subject to transparency requirements</u>	<u>Greater than 5 ft</u>	<u>N/A</u>
<u>Plazas</u>	<u>See Section 131.0718(d)(7)</u>	<u>20 ft</u>	<u>N/A</u>
<u>Paseos</u>	<u>None</u>	<u>8 ft</u>	<u>N/A</u>

- (c) The maximum length for the portion of a building located within 20 feet of a street property line is 100 feet, unless there is a recess or separation to break up the building mass.
- (d) A total of 50 percent of the building facade shall be offset by at least two feet in depth from the rest of the building facade.
- (e) For buildings exceeding eight dwelling units, at least 30 percent of the roof area shall have designs that vary and provide either vertical or horizontal relief from the remainder of the roof area.
- (f) Buildings at intersections with traffic signals shall include one of the following gateway or architectural features at the corner. These features may not exceed the height limit within the Coastal Overlay Zone or other height overlay zones.
- (1) Rounded corner with vertical or horizontal projecting or exaggerated roof element;
- (2) Corner plaza;

- (3) Recessed entries;
- (4) Variations in materials or color; or
- (5) Roll up or large opening doors greater than five feet in width.
- (g) For non-residential uses, a minimum of 60 percent of the *street wall* area on the *ground floor* shall be transparent.
- (h) For residential uses, a minimum of 40 percent of *street wall* area on the *ground floor* shall be transparent.

Diagram 131-07A
Transparency Requirement for Non-Residential Uses



§131.0714 Pedestrian Entrances and Connections

The purpose and intent of these regulations is to provide a logical interconnected network for pedestrians to facilitate access to the premises and internal circulation within the premises, which must comply with all state and federal regulations regarding accessibility compliance.

- (a) Pedestrian Entrances. One pedestrian entrance is required for every 300 feet of street frontage. A minimum of one pedestrian entrance is required for each premises. Each pedestrian entrance shall be accessed from the public right-of-way at grade.
- (b) Pedestrian Paths. Pedestrian paths shall be provided in accordance with Section 131.0550.
- (c) Pedestrian Connections shall comply with the following:

 - (1) An internal connection system shall connect all primary entrances on the premises and provide connections to other areas of the premises used by building occupants, including parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities. For main entrances that are within 10 feet of a public sidewalk, pedestrian connections to public sidewalks may be substituted for internal connections;
 - (2) Direct pedestrian access shall be provided to adjacent development. If direct access to adjacent development is not possible due to existing development, connections shall be identified on the development plans to allow future access at the time of redevelopment of the adjacent property; and

- (3) Direct pedestrian connections shall be provided to transit stops abutting the building.

§131.0715 Open Space Regulations for Residential Uses

The purpose and intent of these regulations is to provide a minimum amount of private and common outdoor area for residents.

- (a) Private Exterior Open Space. Each *development* shall provide the following private exterior open space.
- (1) A minimum area of 36 square feet and a minimum dimension of six feet in any direction of open space per *dwelling unit* is required.
 - (2) Private open space shall be provided on a balcony, patio, or roof terrace for at least 50 percent of all *dwelling units*.
 - (3) Balconies shall be proportionately distributed throughout the *development* in relationship to floor levels and sizes of the *dwelling units*.
 - (4) Where private exterior open space is not provided at the quantity required above, an equal amount of common exterior space in addition to the requirements of Section 131.0715(b) shall be provided.
- (b) Common Space. Each *development* shall provide the following common space, either indoor or outdoor, at *grade*, podium level, or roof level.
- (1) A minimum of 30 square feet is required for each *dwelling unit*, or 40 square feet when a *dwelling unit* is bordered by three building walls exceeding a height of 15 feet.

- (2) The common space may contain active or passive areas and a combination of hardscape and landscape features.
 - (3) A minimum of 10 percent of the common outdoor open space shall be landscaped.
 - (4) All common open space on the premises, including recreational facilities, shall be accessible to all occupants and be physically connected to other common open space areas on the premises.
 - (5) Amenities, such as tables, benches, trees, shrubs, planter boxes, garden plots, pet areas, spas, pools, play areas, plazas, roof-top patios, picnic areas, and open recreational facilities may be counted as common space.
- (c) Required private exterior open space or common space shall be surfaced with lawn, artificial turf, pavers, decking, or sport court paving.

§131.0716 Parking Design

The purpose and intent of these regulations is to screen and conceal the off-street parking spaces from the public right-of-way.

- (a) At grade off-street parking spaces are prohibited within the front and street yard.
- (b) Up to 30 percent of the total amount of required parking for each use can be at grade off-street parking spaces, which shall be screened with landscaping, wrapped buildings, or an architectural screen so they are not visible from the public right-of-way. If the at grade off-street parking spaces are screened with a building along all street frontages, up to 100 percent of the required parking may be at grade off-street parking spaces.

Chain-link fencing around at *grade off-street parking spaces* is prohibited.

Existing or required driveways, curb cuts, and access lanes provided for vehicular access, fire access, or pedestrian access to the parking area are exempt from the screening requirement.

- (c) If the longest frontage of an *off-street parking space* area existing as of [] is adjacent to a *freeway*, and there is *freeway* noise over 70 DBA CNEL, then Section 131.0716(a) - (b) do not apply. The *freeway* may be separated from the *off-street parking space* area frontage by a *public right-of-way*, a landscaped area, or both.

§131.0717 Bulk Standards for Buildings Over 90 Feet in Height

For purposes of this Section, bulk and scale are divided into the two main areas of the building base and the tower. Buildings over 90 feet in height shall adhere to the following requirements:

- (a) For the purposes of this Section, building base means the *structural envelope* located immediately above *existing grade*, *proposed grade*, or a *basement*. The maximum *lot coverage* for the building base shall be 100 percent. The maximum height of the building base shall be 90 feet.
- (b) The minimum height of the *street wall* shall be 30 feet.
- (c) A *street wall* shall be provided for 70 percent of the building frontage along the *public right-of-way*, with the following exceptions, which may be subtracted from the length of the frontage:
- (A) Publicly or privately-owned plazas;
- (B) Courtyard entrances up to 30 feet wide for residential uses;
- (C) Recessed entrances up to a maximum of 25 feet in width and a

maximum of 15 feet in depth; and

(D) Entries into interior or auto courts, or auto drop-offs may be allowed behind the required *street wall*.

(E) Areas where the *existing grade* of the *public right-of-way* differs from the building pad by more than two feet.

(d) For the purposes of this Section, tower means the *structural envelope* located immediately above the building base to the top of the building.

(1) The maximum *lot coverage* of the tower shall be 75 percent.

(2) Within a single *development*, towers shall be separated by a minimum of 50 feet.

§131.0718 Supplemental Regulations for Premises Greater Than Five Acres

The purpose and intent of these regulations is to break down larger sites into approximately two-acre segments to enhance a sense of place; facilitate pedestrian circulation; reduce walking distances; improve connections to the *public right-of-way* or private drives, transit, and adjoining neighborhoods; and promote the livability and vitality of such *development*.

(a) Connectivity. A minimum of one *paseo* and one bicycle access way into the *development* shall be provided for approximately every two acres of developable area, as shown in Diagram 131-07B. Two *paseos* are required on corner sites.

(b) Pedestrian Paths. Pedestrian paths shall be provided in accordance with Section 131.0550.

(c) Private Drives. For the purposes of this Section, a private drive is a nonpublic thoroughfare. Private drives shall connect *public rights-of-way*

to multiple locations within a *development*. Where private drives are provided, they shall comply with the following:

- (1) Private drives shall be designed to reduce conflicts between vehicles and pedestrian and bicycle circulation.
- (2) Non-contiguous sidewalks shall be provided along both sides of private drives.
- (3) The alignment of private drives shall be coordinated and connected to the *public right-of-way*, emphasizing interconnected *streets* and the ability to reach local destinations through multiple routes.
- (4) The number of trees required for each private drive frontage shall be calculated at the average rate of one 24-inch box canopy tree for every 40 feet of private drive frontage. Tree spacing may be varied to accommodate site conditions or design considerations.
- (5) Trees shall be planted between the curb and the internal *street wall*. Where there is no *street wall*, trees shall be located within 12 feet of the curb-line along the private drive frontage.

(d) Pedestrian Circulation Space. The pedestrian circulation system shall be ungated and publicly accessible. The pedestrian circulation shall include three or more of the following features:

- (1) Artwork that is integrated with the design of the pedestrian circulation space. Qualifying artwork may not incorporate addresses, text or logos related to the adjacent building or tenants of such buildings. Artwork may satisfy the Civic Enhancement

Allocation regulations, in accordance with Chapter 2, Article 6,
Division 7.

- (2) Food service, including service in a retail space directly accessible from the major portion of the plaza or an open-air café.
- (3) Arcades. For the purposes of this Section, an arcade is a space located along a *street frontage* or an interior pathway or plaza that is free of obstructions. Driveways, parking spaces, passenger drop-offs, loading berths, or trash storage facilities are not permitted within an arcade. Arcades shall comply with the following:
- (A) Minimum depth (ft.): 10
 - (B) Maximum depth (ft.): 15
 - (C) Minimum height (ft.): 12
 - (D) Maximum height (ft.): 30
- (4) Building entrance recess area. For the purposes of this Section, a building entrance recess area is a space adjoining a sidewalk for the entire length of the building entrance area that provides unobstructed access to a building lobby or ground *floor* use. It may overlap with an arcade. Building entrance recess areas shall comply with the following:
- (A) Minimum width (ft.): 10
 - (B) Maximum width (ft.): 50
 - (C) Maximum height (ft.): 30

- (5) Sidewalk Widening. A sidewalk widening enlarges a pre-existing or required sidewalk by at least five additional feet, but no more than 10 additional feet, measured perpendicular to the *street*.
- (6) Pedestrian Through-block Connections. For the purposes of this Section, a pedestrian through-block connection is a paved, open or enclosed space providing unobstructed pedestrian access to a building entrance or lobby. Driveways, parking spaces, passenger drop-offs, loading berths, and trash storage facilities are not permitted within a pedestrian through-block connection. Pedestrian through-block connections shall comply with the following:
- (A) Location: at least 150 feet from the intersection of two *streets*
- (B) Minimum width (ft.): 10, which can include landscaping
- (C) Maximum width (ft.): 20, which can include landscaping
- (7) Plazas. For the purposes of this Section, a plaza is an open space that adjoins or is visible from a *public right-of-way* or private drive. A plaza may be public or private and can include play areas, pedestrian pathways, seating area, game tables, performance areas, water features, useable lawn areas, paving, shrub beds, and plants in containers. Garage entrances, driveways, parking spaces, passenger drop-offs, loading berths, trash storage facilities, as well as the access or service for these facilities, are not permitted within a plaza.

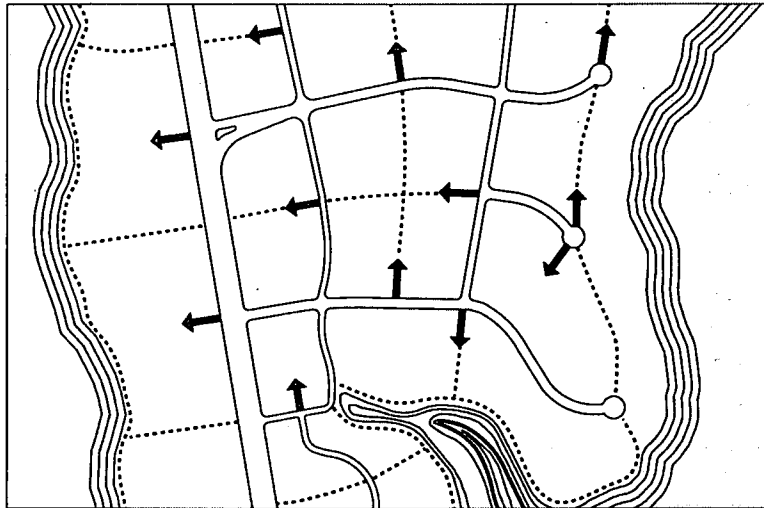
Plazas must comply with the following:

- (A) Minimum width (ft.): 40
- (B) Circulation paths within a plaza shall connect to all streets and building entrances that front the plaza.
- (C) A minimum of 50 percent of a plaza shall be free of obstructions.
- (D) Seating shall be provided by movable seating, fixed individual seats, benches with or without backs, and design feature seating, such as seat walls, ledges and seating steps.
- (E) Trees and Planting
 - (i) Four, 24-inch box canopy trees are required for plazas that are 6,000 square feet or less.
 - (ii) For each 1,000 square feet of plaza area over 6,000 square feet, an additional tree is required.
 - (iii) Fifteen percent of the plaza area shall be comprised of plants. This can include hanging plants, beds with plants, or living walls.
- (F) Multi-Modal Parking.
 - (i) A combination of six parking spaces for bicycle or micro-mobility equipment shall be provided.
 - (ii) If the plaza is greater than 10,000 square feet, a combination of ten parking spaces for bicycle or micro-mobility devices shall be provided.

- (iii) For the purposes of this Section, micro-mobility means a compact sized device designed for personal mobility with one or two passengers that is powered by a rechargeable electric battery. For example, micro-mobility devices include electric scooters, electric bicycles, or other similar sized personal compact devices.
- (G) Food services, including food service in a retail space, shall be directly accessible from the plaza.
- (H) Abutting Frontages. For residential uses fronting a plaza, at least 40 percent of the exterior walls facing the plaza shall be transparent or glazed.

Diagram 131-07B

Example of Connectivity for Premises Greater than Five Acres



LEGEND



Reduce block size through pedestrian and vehicular accessways. Provide a minimum of one pedestrian and one bicycle access way or one *paseo* into the *development* for every two acres of developable area.



A minimum of three pedestrian circulation space features per Section 131.0718(d).

§142.0530 Nonresidential Uses — Parking Ratios

- (a) Retail Sales, Commercial Services, and Mixed-Use Development.

Table 142-05E establishes the ratio of required parking spaces to building *floor area* in the commercial zones, industrial zones, and mixed-use zones, and planned districts shown, for retail sales uses and for those commercial service uses that are not covered by Table 142-05F or 142-05G. Table 142-05E also establishes the required parking ratios for mixed-use developments in a single *structure* that include an allowed use from at least two of the following use categories: (1) retail sales, (2) commercial services, and (3) offices.

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

Zone	Parking Spaces Required per 1,000 Square Feet of <i>Floor Area</i> Unless Otherwise Noted (<i>Floor Area</i> Includes <i>Gross Floor Area</i> plus Below Grade <i>Floor Area</i> and Excludes <i>Floor Area</i> Devoted to Parking)		
	Required Automobile Parking Spaces⁽¹⁾		
	Minimum Required Outside a <i>Transit Area</i> or <i>Transit Priority Area</i>	Minimum Required Within a <i>Transit Area</i> or <i>Transit Priority Area</i>⁽²⁾	Maximum Permitted
Commercial Zones			
CC-1-1 through Industrial Zones, IBT-1-1 [No change in text.]	[No change in text.]	[No change in text.]	[No change in text.]
<u>Mixed-Use Zones</u>			
<u>RMX-1</u>	<u>1.5</u>	<u>1.0</u>	<u>5.5</u>
<u>RMX-2</u>	<u>1.5</u>	<u>1.0</u>	<u>5.5</u>
<u>RMX-3</u>	<u>1.5</u>	<u>1.0</u>	<u>5.5</u>
<u>EMX-1</u>	<u>1.5</u>	<u>1.0</u>	<u>5.5</u>
<u>EMX-2</u>	<u>1.5</u>	<u>1.0</u>	<u>5.5</u>
<u>EMX-3</u>	<u>1.5</u>	<u>1.0</u>	<u>5.5</u>
Planned Districts			
Barrio Logan: Subdistrict B through West Lewis Street [No change in text.]	[No change in text.]	[No change in text.]	[No change in text.]

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

(b) [No change in text.]

Table 142-05F
Parking Ratios for Eating and Drinking Establishments

Zone	Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment⁽¹⁾ Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus Below Grade Floor Area and Excludes Floor Area Devoted to Parking)		
	Required Automobile Parking Spaces⁽²⁾		
	Minimum Required Outside a Transit Area or Transit Priority Area	Minimum Required Within a Transit Area or Transit Priority Area⁽³⁾	Maximum Permitted
Commercial Zones			
CC-1-1 through CV-1-2 [No change in text.]	[No change in text.]	[No change in text.]	[No change in text.]
<u>Mixed-Use Zones</u>			
<u>RMX-1</u>	<u>1.5</u>	<u>1.0</u>	<u>5.5</u>
<u>RMX-2</u>	<u>1.5</u>	<u>1.0</u>	<u>5.5</u>
<u>RMX-3</u>	<u>1.5</u>	<u>1.0</u>	<u>5.5</u>
<u>EMX-1</u>	<u>1.5</u>	<u>1.0</u>	<u>5.5</u>
<u>EMX-2</u>	<u>1.5</u>	<u>1.0</u>	<u>5.5</u>
<u>EMX-3</u>	<u>1.5</u>	<u>1.0</u>	<u>5.5</u>
Industrial Zones			
IH-1-1 through Planned Districts, West Lewis Street [No change in text.]	[No change in text.]	[No change in text.]	[No change in text.]

Footnotes for Table 142-05F [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	143.0910, 143.0915, 143.0920	NDP/Process Two
<i>Development of a large retail establishment of 50,000 or more square feet gross floor area in all commercial, <u>and industrial, zones, and mixed-use zones</u>, and in all planned districts, except the Centre City Planned District</i>	143.0303, 143.0305, 143.0355, 143.0375	NDP/Process Two
<i>Development of a large retail establishment of 100,000 or more square feet gross floor area in all commercial, <u>and industrial, zones, and mixed-use zones</u>, and in all planned districts</i>	143.0303, 143.0305, 143.0355, 143.0375	SDP/Process Four

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process
Site Containing <i>Environmentally Sensitive Lands</i>	143.0101-143.0160, 143.0303, 143.0305, 143.0350, 143.0375, 143.0380	NDP/Process Two or SDP/Process Three or Four
Any capital improvement program project on a Site Containing <i>Environmentally Sensitive Lands</i>	143.0101-143.0160, 143.0303, 143.0305, 143.0350, 143.0375, 143.0380	SDP/Process CIP-Two or SDP/Process CIP-Five
Any capital improvement program project on a Site Containing <i>Historical Resources</i>	143.0201, 143.0260, 143.0303, 143.0305, 143.0360, 143.0375, 143.0380	SDP/Process CIP-Two or SDP/Process CIP-Five
Site Containing <i>Historical Resources</i>	143.0201, 143.0240, 143.0260, 143.0303, 143.0305, 143.0360, 143.0375, 143.0380	NDP/Process Two or SDP/Process Four
<i>Fences or Retaining Walls</i> Exceeding the Permitted Height	143.0303, 143.0305, 142.0350, 143.0375	NDP/Process Two
Relocated Building Onto a Site With an Existing Building	143.0303, 143.0305, 143.0345, 143.0375	NDP/Process Two
Site with <i>Previously Conforming</i> Conditions	127.0102-127.0106, 143.0303, 143.0305, 143.0375	NDP/Process Two
Nonresidential <i>Development</i> Exceeding the Maximum Permitted Parking	142.0540(b), 143.0303, 143.0305, 143.0375	NDP/Process Two
Shared Parking for Uses Not Listed in Section 142.0545(c)	142.0545(b)(7), 143.0303, 143.0305, 143.0375	NDP/Process Two
Commercial <i>Development</i> With Tandem Parking	142.0555(b), 143.0303, 143.0305, 143.0375	NDP/Process Two
<i>Previously Conforming</i> Parking for a discontinued use	142.0510(d)(4), 143.0303, 143.0305, 143.0375	NDP/Process Two
<i>Mobilehome Parks</i> in RM Zones	143.0303, 143.0305, 143.0340, 143.0375	NDP/Process Two

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process
<i>Mobilehome Parks</i> in RS, RX Zones	143.0303, 143.0305, 143.0340, 143.0375	SDP/Process Three
Discontinuance of <i>Mobilehome Park</i>	143.0610-143.0640, 132.0701-132.0705, 143.0303, 143.0305, 143.0375	SDP/Process Three
Multiple Dwelling Unit <i>Development</i> that Varies from Minimum Parking Requirements	142.0525(b), 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
Nonresidential <i>Development</i> (With TDM Plan) that Varies from Minimum Parking Requirements	142.0525(b), 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
Community Plan Implementation Overlay Zone	132.1401-132.1405, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
Mission Trails Design District	132.1201-132.1205, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
<i>Development</i> of a small <i>lot subdivision</i> in accordance with Section 143.0365	143.0303, 143.0305, 143.0310, 143.0365, 143.0375	SDP/Process Three
<i>Development</i> Within the Urban Village Overlay Zone	132.1101-132.1110, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
<i>Public improvements</i> on More Than 3,000 Feet of Frontage or Where City Standards Do Not Apply	142.0601-142.0670, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
Any <i>capital improvement program project</i> on More Than 3,000 Feet of Frontage or Where City Standards Do Not Apply	142.0601-142.0670, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process CIP-Two

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process
Manufactured Slopes in Excess of 25% Gradient and 25 Feet in Height	142.0101-142.0149, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
<i>Condominium Conversions</i> with Deviations from Development Regulations	143.0303, 143.0305, 143.0360, 143.0375	SDP/Process Four
<i>Multiple Dwelling Unit Development</i> in RM Zones Involving Lot Consolidation and Exceeds Number of Units Indicated in Table 126-05A	143.0303, 143.0305, 143.0310, 143.0375, 143.0380	SDP/Process Three
Clairemont Mesa Height Limit Overlay Zone	132.1301-132.1306, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Five

§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.]

(11) For *development* in mixed-use zones, the maximum *density* identified in the adopted community plan land use map shall be used to calculate the *density* bonus as set forth in Table 143-07A or Table 143-07B. The allowed *density* bonus *dwelling units* shall not be counted towards the maximum allowed *floor area ratio* of the mixed-use zone or the percentage of the required *primary use* or *secondary use*, as that term is defined in Section 131.0702.

- (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*.

§151.0103 Applicable Regulations

- (a) The applicable zoning regulations in 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) The following regulations apply in all planned districts:

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

(11) *Wireless communications facilities* regulations contained in Land Development Code section 141.0420.

(12) Land Development Code, Chapter 13, Article 1, Division 7
(Mixed-Use Base Zones).

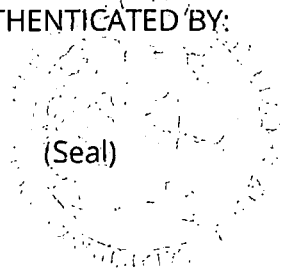
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07/03/2019
09/18/2019 Cor. Copy
Or.Dept: Planning
Doc. No.: 1998365_3

Passed by the Council of The City of San Diego on SEP 10 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 12 2019.

AUTHENTICATED BY:



(Seal)

KEVIN L. FAULCONER

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By *Linda Bruen*, Deputy

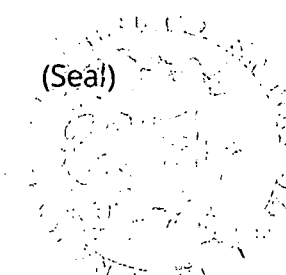
I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUL 29 2019

, and on

SEP 12 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 *Linda Bruen*, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21118