

ORDINANCE NUMBER O- 2023 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 07 2023

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 2, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 112.0302, 112.0303, AND 112.0304; BY AMENDING CHAPTER 11, ARTICLE 2, DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 112.0501; BY AMENDING CHAPTER 11, ARTICLE 2, DIVISION 6 BY AMENDING SECTIONS 112.0601 AND 112.0604; BY AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 113.0103; BY AMENDING CHAPTER 12, ARTICLE 5, DIVISION 9 BY AMENDING SECTION 125.0940; BY AMENDING CHAPTER 12, ARTICLE 6, DIVISION 1 BY AMENDING SECTION 126.0108; BY AMENDING CHAPTER 12, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 126.0303; BY AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5 BY AMENDING SECTION 126.0502; BY AMENDING CHAPTER 12, ARTICLE 6, DIVISION 7 BY AMENDING SECTIONS 126.0704, 126.0707, AND 126.0709; BY AMENDING CHAPTER 12, ARTICLE 8, DIVISION 3 BY AMENDING SECTION 128.0305; BY AMENDING CHAPTER 12, ARTICLE 9, DIVISION 7 BY AMENDING SECTION 129.0710; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTIONS 131.0422, 131.0431, AND 131.0443; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 131.0522; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTIONS 131.0620 AND 131.0622; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 7 BY AMENDING SECTIONS 131.0701, 131.0707, AND 131.0718; BY AMENDING CHAPTER 13, ARTICLE 2, DIVISION 4 BY AMENDING SECTIONS 132.0402 AND ADDING SECTION 132.0404; BY AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY AMENDING SECTIONS 141.0302 AND 141.0318; BY AMENDING CHAPTER 14, ARTICLE 1, DIVISION 4 BY AMENDING SECTIONS 141.0407, 141.0420, AND 141.0421, AND BY ADDING NEW SECTION 141.0422; BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 3 BY AMENDING SECTION 142.0305; BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 4 BY AMENDING SECTIONS

142.0402, 142.0403, 142.0404, 142.0405, 142.0407, 142.0412, AND 142.0413; BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTION 142.0560; BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 6 BY AMENDING SECTION 142.0640; BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 12 BY AMENDING SECTION 142.1250; BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 13 BY AMENDING SECTIONS 142.1305 AND 142.1307; BY AMENDING CHAPTER 14, ARTICLE 3, DIVISION 2 BY AMENDING SECTION 143.0212; BY AMENDING CHAPTER 14, ARTICLE 3, DIVISION 7 BY AMENDING SECTIONS 143.0720, 143.0740, 143.0742, 143.0744, 143.0745, AND 143.0746; BY AMENDING CHAPTER 14, ARTICLE 3, DIVISION 9 BY AMENDING SECTION 143.0915; BY AMENDING CHAPTER 14, ARTICLE 3, DIVISION 10 BY AMENDING SECTIONS 143.1001 AND 143.1002, RETITLING SECTION 143.1010, AND AMENDING SECTIONS 143.1015, 143.1020, AND 143.1025; BY AMENDING CHAPTER 14, ARTICLE 3, DIVISION 11 BY AMENDING SECTIONS 143.1102 AND 143.1103; BY AMENDING CHAPTER 14, ARTICLE 3, DIVISION 13 BY AMENDING SECTION 143.1310; BY AMENDING CHAPTER 15, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 151.0103; BY AMENDING CHAPTER 15, ARTICLE 3, DIVISION 3 BY AMENDING SECTION 153.0311; BY AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY AMENDING SECTIONS 155.0231, 155.0238, AND 155.0242; BY AMENDING CHAPTER 15, ARTICLE 13, DIVISION 3 BY AMENDING SECTION 1513.0304; AND BY AMENDING CHAPTER 15, ARTICLE 16, DIVISION 1 BY AMENDING SECTIONS 1516.0114 AND 1516.0119, RELATING TO THE 2022 LAND DEVELOPMENT CODE UPDATE.

WHEREAS, as part of the code monitoring program directed by the Mayor and City Council (Council), the City of San Diego annually reviews the Land Development Code which is part of the San Diego Municipal Code (Municipal Code); and

WHEREAS, the annual code updates are intended to simplify the land development regulations, make the Municipal Code regulations more adaptable, eliminate redundancies, and increase predictability in the application of the land development regulations; and

WHEREAS, the 2022 update to the Land Development Code (2022 Code Update) generally addresses the following issues: housing and housing incentives, environmentally sensitive lands, sustainable development areas, noticing, building heights, development impact fees, battery energy storage facilities, sea level rise acknowledgements, base zone regulations, landscape regulations, and corresponding amendments to the Carmel Valley, the Central Urbanized, Mission Beach, and Old Town Planned Districts; and

WHEREAS, one of the code amendments in this Ordinance provides a new definition of a Sustainable Development Area (SDA) for certain City created housing programs that currently use the geographic area defined as a Transit Priority Area; and

WHEREAS, the SDA is intended to align with the City's Climate Action Plan (CAP) goals to ensure the City's home development incentive programs have convenient access to high-quality transit and safe and enjoyable walking/rolling and biking options; and

WHEREAS, locating new homes near transit where people are more likely to have lower rates of vehicular traffic is a key component of Strategy 3: Mobility and Land Use, of the City's CAP; and

WHEREAS, Strategy 3: Mobility and Land Use, of the City's CAP, focuses on actions that support mode shift through mobility and land-use actions and policies to reduce emissions from transportation; and

WHEREAS, one of the amendments prohibits moving and storage facilities in premises identified as Prime Industrial Lands in an applicable land use plan to protect valuable industrial employment lands for base sector industries that include high-tech and bio-tech research and development and export industries. This change would not apply to prime industrial land in the Marine Corps Air Station Miramar Airport Land Use Compatibility Plan Accident Potential Zone; and

WHEREAS, the 2022 Code Update addresses 53 issues that are divided into the following categories: regulatory reforms, clarifications, corrections, compliance with state law and amendments to align the Municipal Code with the City's climate, equity, and housing goals; and

WHEREAS, staff has conducted extensive public outreach and analysis involving multiple stakeholder groups, City departments, and other governmental agencies on the 2022 Code Update; and

WHEREAS, the 2022 Code Update process is an extensive public process that typically involves input from the Community Planners Committee, Planning Commission, Council, California Coastal Commission, and the San Diego Regional Airport Authority; and

WHEREAS, the Office of the City Attorney has drafted this Ordinance based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

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

Section 1. That Chapter 11, Article 2, Division 3 of the San Diego Municipal Code is amended by amending sections 112.0302, 112.0303, and 112.0304, to read as follows:

**§112.0302 Notice by Mail**

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

(c) Alternative to Mailed Notice. If the number of tenants and owners to whom notice would be mailed in accordance with Section 112.0302(b) is greater than 1,000, notice may be given by placing a display advertisement of at least one eighth page in a newspaper of general circulation within the City in lieu of mailing, unless the noticing is required for a Coastal Development Permit.



(d) [No change in text.]

**§112.0303 Published Notice**

When the Land Development Code requires a Notice of Public Hearing to be published, the City shall submit the Notice of Public Hearing for publication in at least one newspaper of general circulation within the City. A published notice is effective on the date of publication.

**§112.0304 Posted Notice**

When this division requires a Notice of Application or a Notice of Future Decision to be posted, the *applicant* shall post the notice in the following manner.

(a) Placement of Notice. The *applicant* shall post copies of the Notice of Application or Notice of Future Decision along the *street frontage* of the property that is the subject of the application. The notices shall not be spaced more than 200 feet apart. No more than three notices are required for any property. If the *street frontage* is less than 200 feet, only one notice is required.

(1) The notice shall be printed in black ink on durable material that can withstand the elements to ensure that the text is legible for the duration of the posting requirement and located in a conspicuous place on the property abutting a *street*.

(2) The notice shall be six feet square in *sign* area, measuring two feet by three feet.

(3) *Signs* may be placed in commercial display windows, attached to perimeter fencing, or supported on posts not exceeding six feet in height from the ground level. If the property is surrounded by

*fences, walls, or hedges at or near the street property line,*  
additional height may be provided as necessary to ensure visibility  
of the *sign* from the *public right-of-way*.

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

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

Section 2. That Chapter 11, Article 2, Division 5 of the San Diego Municipal Code is amended by amending section 112.0501, to read as follows:

**§112.0501 Overview of Decision Process**

Application for permits, maps, or other matters shall be acted upon in accordance with one of the five decision processes established in this division and depicted on Diagram 112-05A, except that applications for *capital improvement program projects* shall be acted upon in accordance with Chapter 11, Article 2, Division 6 and Sections 112.0505 and 112.0506. The subject matter of the *development* application determines the process that shall be followed for each application. The provisions of Chapter 12 that pertain to each permit, map, or other matter describe the decision process in more detail. Diagram 112-05A is provided for convenience of reference only and does not define, describe, or limit the scope, meaning, or intent of any provision of the Land Development Code. This diagram describes the City of San Diego's processes only and does not describe other decision processes that may be required by other agencies, such as the State Coastal Commission.

**Diagram 112-05A  
Decision Process with Notices**

[No change in text.]

Section 3. That Chapter 11, Article 2, Division 6 of the San Diego Municipal Code is amended by amending sections 112.0601 and 112.0604, to read as follows:

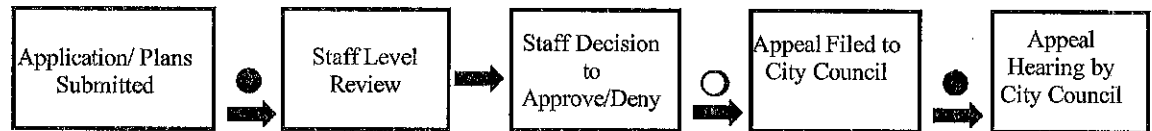
**112.0601 Overview of Decision Process**

Applications for *capital improvement program projects* or *public projects* requiring a Site Development Permit in accordance with the Environmentally Sensitive Lands Regulations and Historical Resources Regulations shall be acted upon in accordance with one of the decision processes established in this division and depicted on Diagram 112-06A. Applications for *capital improvement program projects* requiring a City-issued Coastal Development Permit in the *appealable area* of the Coastal Overlay Zone shall be made in accordance with Process Three, as set forth in Sections 112.0505 and 112.0506 and depicted on Diagram 112-06A. The subject matter of the *development* application determines the process that shall be followed for each application. The provisions of Chapter 12 that pertain to each permit, map, or other matter describe the decision process in more detail. Diagram 112-06A is provided for convenience of reference only and does not define, describe, or limit the scope, meaning, or intent of any provision of the Land Development Code. This diagram does not describe the decision processes that may be required by other agencies, such as the State Coastal Commission.

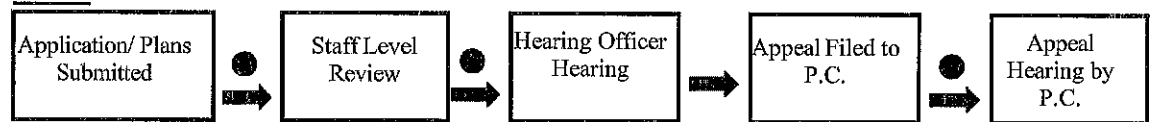
**Diagram 112-06A**

**Decision Processes for Capital Improvement Program Projects and Public Projects**

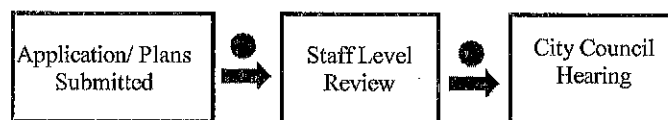
**PROCESS CIP/Public Project-Two**



**PROCESS CIP/Public Project-Three**



**PROCESS CIP/Public Project-Five**



**Key**

- Public Notice to all Property Owners, Tenants, Community Planning Groups within 300 feet of the *development*, and Anyone Requesting Notice
- Public Notice to Applicant, Community Planning Groups within 300 feet, and Anyone Requesting Notice

**§112.0604 Process CIP/Public Project - Five**

An application for a Site Development Permit for a *capital improvement program project* or a *public project* that deviates from the Historical Resources Regulations shall be acted upon in accordance with Process CIP/Public Project-Five. An application for a Process CIP/Public Project-Five decision may be approved, conditionally approved, or denied by the City Council. A Process CIP/Public Project-Five decision shall be made in the following manner.

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

Section 4. That Chapter 11, Article 3, Division 1 of the San Diego Municipal Code is amended by amending section 113.0103, to read as follows:

**§113.0103 Definitions**

*Abutting property* through *MSCP Subarea Plan* [No change in text.]

*Multiple dwelling unit* means two or more *dwelling units* on a single *lot*. The term does not include *Accessory Dwelling Units*, *Junior Accessory Dwelling Units*, or employee housing.

*Net building area* through *Surface mining* [No change in text.]

*Sustainable Development Area* means the area within a defined walking distance along a pedestrian path of travel from a *major transit stop* that is existing or planned, if the planned *major transit stop* is included in a transportation improvement program or applicable regional transportation plan, as follows:

- (a) Within Mobility Zones 1 and 3, as defined in Section 143.1103, the defined walking distance is 1.0 mile.
- (b) Within Mobility Zone 4, as defined in Section 143.1103, the defined walking distance is .75 mile.
- (c) For *parcels* located in Mobility Zone 4, in an area identified as a High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Opportunity Area, the defined walking distance is 1.0 mile.

In addition, an adopted specific plan prepared in accordance with section 122.0107(a), shall be within the *Sustainable Development Area* if the *Sustainable Development Area* is within a portion of the adopted specific plan.

*Target population* through *Wetland buffer* [No change in text.]

*Wetlands* are defined as areas which are characterized by any of the following conditions:

- (a) Lands outside the MHPA that contain Tier I Habitats, Tier II Habitats, Tier IIIA Habitats, or Tier IIIB Habitats;
- (b) Lands supporting species or subspecies listed as rare, endangered, or threatened under Section 670.2 or 670.5, Title 14, California Code of Regulations, or the Federal Endangered Species Act, Title 50, Code of Federal Regulations, Section 17.11 or 17.12, or candidate species under the California Code of Regulations; or
- (c) Lands containing habitats with Narrow Endemic Species as listed in the Biology Guidelines in the Land Development manual.
- (d) Lands containing habitats of covered species as listed in the Biology Guidelines in the Land Development Manual

It is intended for this definition to differentiate for the purposes of delineating *wetlands*, between naturally occurring *wetlands* and *wetlands* intentionally created by human actions, from areas with *wetlands* characteristics unintentionally resulting from human activities in historically non-wetland areas.

With the exception of *wetlands* created for the purpose of providing *wetland* habitat or resulting from human actions to create open waters or from the alteration of natural stream courses, areas demonstrating *wetland* characteristics, which are artificially created are not considered *wetlands* by this definition.

Taking into account regional precipitation cycles, all adopted scientific, regulator, and technological information available from the State and Federal resource

agencies shall be used for guidance on the identification of hydrophytic vegetation, hydric soils and *wetland* hydrology.

*Wireless communication facility* through *Yard* [No change in text.]

Section 5. That Chapter 12, Article 5, Division 9 of the San Diego Municipal Code is amended by amending section 125.0940, to read as follows:

**§125.0940 Decision Process for a Public Right-of-Way Vacation**

A decision on an application to vacate a *public right-of-way* shall be made in accordance with Process Five with the following exceptions to Process Five procedures:

- (a) The Notice of Public Hearing required by Section 112.0301(c) shall be distributed 14 calendar days before the date of the public hearing, and shall be published in a newspaper of general circulation for at least two successive weeks prior to the hearing in accordance with California Streets and Highways Code Section 8322. The Notice of Public Hearing shall be posted in accordance with California Streets and Highways Code Section 8323. Where the vacation of a *public right-of-way* occurs in conjunction with an application for a *tentative map*, notice in accordance with this section shall not be required
- (b) [No change in text.]

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

**§126.0108 Utilization of a Development Permit**

- (a) A *development permit* grants the *permit holder* 36 months to initiate utilization of the *development permit*. If utilization does not occur in

accordance with this Section with 36 months after the due date on which all rights of appeal have expired, and an application for an extension of time was not timely filed, the *development permit* shall be void.

*Development permits* issued for projects utilizing Type 1 construction as defined in Chapter 6 of the California Building Code shall be granted an additional 12 months to initiate utilization of the *development permit*.

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

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

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

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

(a) Conditional Use Permits Decided by Process Two

Battery energy storage facilities (under circumstances described in Section 141.0422)

*Cannabis outlet* (under circumstances described in Section 141.0504)

*Cannabis production facilities* (under circumstances described in Section 141.1004)

(b) Conditional use Permits Decided by Process Three

Agriculture equipment repair shops through Automobile service stations

[No change in text.]



Battery energy storage facilities (under circumstances described in  
Section 141.0422)

*Cannabis outlets through Wireless communication facilities* (under  
circumstances described in Section 141.0420) [No change in text.]

(c) Conditional Use Permits Decided by Process Four

Battery energy storage facilities (under circumstances described in  
Section 141.0422)

Botanical gardens and arboretums through Wrecking and dismantling of  
motor vehicles [No change in text.]

(d) [No change in text.]

Section 8. 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 (d) [No change in text.]

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

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

(4) *Development* within the Airport Land Use Compatibility Overlay  
Zone proposing deviations from the overlay zone requirements.

(5) [No change in text.]

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

Section 9. That Chapter 12, Article 6, Division 7 of the San Diego Municipal Code is  
amended by amending sections 126.0704, 126.0707, and 126.0709, to read as follows:

**§126.0704 Exemptions from a Coastal Development Permit**

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

- (a) Improvements to existing *structures*, including the construction of attached *Accessory Dwelling Units* and *Junior Accessory Dwelling Units* in accordance with Section 141.0302 are exempt, except if the improvements involve any of the following:
  - (1) Improvements to any *structure* if the *structure* or improvements are located: on a beach; in a *wetland*; stream; lake; seaward of the mean high tide line; or within 50 feet of a *coastal bluff edge*.
  - (2) through (8) [No change in text.]
- (b) through (j) [No change in text.]

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

- (a) [No change in text.]
- (b) A decision on an application for a City-issued Coastal Development Permit in the *appealable area* of the Coastal Overlay Zone shall be made in accordance with Process Three, as set forth in Sections 112.0505 and 112.0506, except a decision on an *Accessory Dwelling Unit* shall be made in accordance with Section 126.0707(a). The decision may be appealed to the Planning Commission in accordance with Section 112.0506.
- (c) A decision on an application for a City-issued Coastal Development Permit for a *capital improvement program project* or *public project* shall be made as follows:
  - (1) [No change in text.]

- (2) In the *appealable area* of the Coastal Overlay Zone, the decision shall be made in accordance with a Process Three as set forth in with Sections 112.0505 and 112.0506.

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

**§126.0709 Notice of Final City Action on a Coastal Development Permit**

- (a) Notice of Final City Action by Mail. No later than 5 *business days* after the date on which all rights of appeal have expired for a Coastal Development Permit or any amendment or extension of a Coastal Development Permit, the City Manager shall provide a Notice of Final City Action to the Coastal Commission and to any other person who has requested this notice. Notice may be provided by electronic mail.

(b) [No change in text.]

Section 10. That Chapter 12, Article 8, Division 3 of the San Diego Municipal Code is amended by amending section 128.0305, to read as follows:

**§128.0305 Public Notice of Draft Environmental Documents**

- (a) Notice of Availability of a Draft Environmental Document. When a draft environmental document has been prepared and is available for public review and comment, the City Manager shall prepare and distribute a Notice of Availability.

(1) [No change in text.]

(2) Distribution. The City Manager shall distribute the notice as follows:

- (A) By publishing the Notice of Availability one time in a newspaper of general circulation;

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

(3) [No change in text.]

(b) [No change in text.]

Section 11. That Chapter 12, Article 9, Division 7 of the San Diego Municipal Code is amended by amending section 129.0710, to read as follows:

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

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

(a) If the proposed *encroachment* involves construction of a privately-owned *structure* or facility into the *public right-of-way* dedicated for a *street* or an *alley*, and where the *applicant* is the *record owner* of the underlying fee title, a Neighborhood Development Permit is required in accordance with Section 126.0402(j) except for the following, which are subject to approval by the City Engineer in accordance with Process One:

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

(5) The *encroachment* is permitted under Section 141.0621 (Sidewalk Cafes, Streetaries, and Active Sidewalks).

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

(10) The *encroachment* is permitted under Section 141.0629 (Promenade).

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

Section 12. That Chapter 13, Article 1, Division 2 of the San Diego Municipal Code is amended by amending section 131.0222, to read as follows:

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

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

**Legend for Table 131-02B**

[No change in text.]

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

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones				
	1st & 2nd >>	OP-		OC-	OR <sup>(1)</sup> -	OF <sup>(11)</sup> -
	3rd >>	1-	2-	1-	1-	1-
	4th >>	1	1	1	1   2	1
<b>Open Space through Institutional, Separately Regulated Institutional Uses, Airports</b>		[No change in text.]				
Battery Energy Storage Facilities						
Small Scale (≤ 0.25 acre)		C	C	-	C	-
Medium Scale (0.25 acre < 1 acre)		-	-	-	-	-
Large Scale (>1 acre)		-	-	-	-	-
<b>Botanical Gardens &amp; Arboretums through <i>Signs</i>, Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i></b>		[No change in text.]				

**Footnotes for Table 131-02B**

<sup>1</sup> through <sup>11</sup> [No change in text.]

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

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

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

**Legend for Table 131-03B**

[No change in text.]

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

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>  3rd >>  4th >>	AG		AR	
		1-		1-	
		1	2	1	2
Open Space through Institutional, Separately Regulated Institutional Uses, Airports					
Institutional					
Battery Energy Storage Facilities					
Small Scale ( $\leq 0.25$ acre)		-		C	
Medium Scale ( $0.25 \text{ acre} < 1 \text{ acre}$ )		-		-	
Large Scale ( $>1 \text{ acre}$ )		-		-	
Botanical Gardens & Arboretums through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i>					

**Footnotes for Table 131-03B**

<sup>1</sup> through <sup>12</sup> [No change in text.]

Section 14. That Chapter 13, Article 1, Division 4 of the San Diego Municipal Code is amended by amending sections 131.0422, 131.0431, and 131.0443, to read as follows:

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

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

**Legend for Table 131-04B**

[No change in text.]

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

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																							
	1st & 2nd>>	RE-			RS-														RX-		RT-				
	3rd >>	1-			1-														1-		1-				
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	5
Open Space through Institutional, Separately Regulated Institutional Uses, Airports																									
Battery Energy Storage Facilities		[No change in text.]																							
Small Scale (≤ 0.25 acre)		L			L														L		L				
Medium Scale (0.25 acre < 1 acre)		C			C														C		C				
Large Scale (>1 acre)		C			C														C		C				
Botanical Gardens & Arboretums through Signs, Separately Regulated Signs Uses, Theater Marquees																									

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
<b>Open Space through Institutional, Separately Regulated Institutional Uses, Airports</b>													
Battery Energy Storage Facilities													
Small Scale ( $\leq 0.25$ acre)		L			L			L			L		L
Medium Scale ( $0.25 \text{ acre} < 1 \text{ acre}$ )		C			C			C			C		C
Large Scale ( $>1 \text{ acre}$ )		C			C			C			C		C
<b>Botanical Gardens &amp; Arboretums through Signs, Separately Regulated Signs Uses, Theater Marquees</b>													

**Footnotes for Table 131-04B**

<sup>1</sup> through <sup>10</sup> [No change in text.]

**§131.0431 Development Regulations Table for Residential Zones**

The following development regulations apply in the residential zones as shown in  
Tables 131-04C, 131-04D, 131-04E, 131-04F, and 131-04G.

(a) RE Zones

**Table 131-04C  
Development Regulations for RE Zones**

<b>Development Regulations</b> [See Section 131.0430 for Development Regulations of Residential Zones]	<b>Zone designator</b>	<b>Zones</b>		
	1st & 2nd >>	RE-		
	3rd >>	1-	1-	1-
	4th >>	1	2	3
<b>Max permitted <i>density</i></b> (DU per <i>lot</i> ) through <b>Min lot dimensions</b>		[No change in text.]		
<b>Setback requirements</b>				
Min Front <i>setback</i> (ft) [See Section 131.0443(a)(1)]		[ No change in text.]		
Min Side <i>setback</i> (ft) [See Section 131.0443(a)(4)] [Multiply number in table by actual <i>lot</i> width to calculate <i>setback</i> ]		.08	.08	.08
Min <i>Street</i> side <i>setback</i> (ft) [See Section 131.0443(a)(4)] [Multiply number in table by the actual <i>lot</i> width to calculate <i>setback</i> ]		.10	.10	.10
Min Rear <i>setback</i> (ft) [See Section 131.0443(a)(2)]		[ No change in text.]		
<b>Setback requirements for resubdivided corner lots</b> [See Section 113.0246(f)] through <b><i>Dwelling Unit Protection</i></b> <b>Regulations</b> [See Chapter 14, Article 3, Division 12]		[No change in text.]		

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

(e) RM Zones



**Table 131-04G**  
**Development Regulations for RM Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones					
	1st & 2nd >>	RM-					
	3rd >>	1-	1-	1-	2-	2-	2-
	4th >>	1	2	3	4	5	6
<b>Maximum permitted density<sup>(1),(2)</sup></b> (sf per DU) through <b>Max lot coverage</b>		[No change in text.]					
<b>Max floor area ratio</b>							
1 to 2 <i>dwelling units</i>		0.75	0.90	1.05	1.20 <sup>(29)</sup>	1.35	1.50
3 to 7 <i>dwelling units</i>		1.0 <sup>(39)</sup>	1.0	1.05	1.20 <sup>(38)</sup>	1.35	1.50
8 or more <i>dwelling units</i>		1.25 <sup>(39)</sup>	1.25	1.25 <sup>(39)</sup>	1.25 <sup>(39)</sup>	1.35	1.50
<b>Accessory uses and structures</b> [See Section 131.0448] through <b>Dwelling Unit Protection Regulations</b> [See Chapter 14, Article 3, Division 12]		[No change in text.]					

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designat	Zones					
	1st & 2nd >>	RM					
	3rd >>	3-	3-	3-	4-	4-	5
	4th >>	7	8	9	10	11	12
<b>Maximum permitted density<sup>(1),(2)</sup></b> (sf per DU) through <b>Dwelling Unit Protection Regulations</b> [See Chapter 14, Article 3, Division 12]		[No change in text.]					

Footnotes for Table 131-04G

<sup>1</sup> through <sup>37</sup> [No change in text.]

<sup>38</sup> With the Peninsula and Ocean Beach community plan areas, the maximum *floor area* ratio is 1.0.

<sup>39</sup> For *development* within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated as a *historical resource* consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum *floor area ratio* shall not increase.

#### §131.0443 Setback Requirements in Residential Zones

(a) *Setbacks* in RE and RS Zones

(1) [No change in text.]

(2) Rear *Setback* in all RE Zones and the RS-1-1, RS-1-2, RS-1-3, RS-1-4, RS-1-5, RS-1-6, RS-1-7 Zones

(A) The required rear *setback* is at least the dimension shown in Tables 131-04C and 131-04D, except as follows:

(i) through (ii) [No change in text]

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

(3) [No change in text.]

(4) Side and *Street Side Setbacks* in RE and RS Zones

For *lots* greater than 50 feet in width, the required side *setbacks* may be reallocated where the combined dimension of each side *setback* would meet or exceed the combined total required in Tables 131-04C and 131-04D, in which case side *setbacks* shall not be reduced to less than 4 feet, and *street side setbacks* shall not be reduced to less than 10 feet. Once a side *setback* is reallocated and established at a dimension less than the percentage indicated in Tables 131-04C and 131-04D, all additions to the *primary structure* thereafter shall maintain the established side *setback*.

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

Section 15. That Chapter 13, Article 1, Division 5 of the San Diego Municipal Code is amended by amending section 131.0522, to read as follows:

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

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

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

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

Use Categories/Subcategories  [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																	
	1st & 2nd >>	CN <sup>(1)</sup> -						CR-		CO-						CV-		CP-	
	3rd >>	1-						1-	2-	1-		2-		3-		1-		1-	
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2	1
Open Space through Institutional, Separately Regulated Institutional Uses, Airports																			
Battery Energy Storage Facilities																			
Small Scale (≤ 0.25 acre)		-						L	L	L	L	L	L	L	L	L	L	L	
Medium Scale (0.25 acre < 1 acre)		-						C	C	C	C	C	C	C	C	C	C	-	
Large Scale (>1 acre)		-						C	C	C	C	C	C	C	C	C	C	-	
Botanical Gardens & Arboretums through Signs, Separately Regulated Signs Uses, Theater Marquees		[No change in text.]																	

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																														
	1st & 2nd >>	CC-																														
	3rd >>	1-			2-			3-			4-			5-																		
	4th >>	1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5
Open Space through Institutional, Separately Regulated Institutional Uses, Airports																																
Battery Energy Storage Facilities																																
Small Scale (≤ 0.25 acre)		L			L			L			L			L																		
Medium Scale (0.25 acre < 1 acre)		C			C			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 & 2nd >>	CC-																														
	3rd >>	1-			2-					3-					4-					5-												
	4th >>	1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5
Large Scale (>1 acre)		C			C					C					C					C												
Botanical Gardens & Arboretums through Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i>																																

**Footnotes for Table 131-05B**

<sup>1</sup> through <sup>19</sup> [No change in text.]

Section 16. That Chapter 13, Article 1, Division 6 of the San Diego Municipal Code is amended by amending sections 131.0620 and 131.0622 to read as follows:

**§131.0620 Use Regulations of Industrial Zones**

The regulations of Section 131.0622 apply in the industrial zones where indicated in Table 131-06B.

(a) The uses permitted in any industrial zones may be further limited by the following:

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

(3) Use limitations applicable to Prime Industrial Land identified in Table 131-06B. An adopted *land use plan* may identify further use limitations.

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

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

**§131.0622 Use Regulations Table for Industrial Zones**

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

**Legend for Table 131-06B**

[No change in text.]

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

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
<b>Open Space through Institutional, Separately Regulated Institutional Uses, Airports</b>	[No change in text.]										
Battery Energy Storage Facilities											
Small Scale ( $\leq 0.25$ acre)	L	L	L	L	L	L	L	L	L	L	
Medium Scale (0.25 acre < 1 acre)	C	C	C	C	C	C	C	L	L	C	
Large Scale (>1 acre)	C	C	C	C	C	C	C	C	C	C	
Botanical Gardens & Arboretums through <b>Retail Sales, Food, Beverages and Groceries</b>											
Consumer Goods, Furniture, Appliances, Equipment	-	-	-	-	p <sup>(2,13)</sup>	p <sup>(13)</sup>	-	-	p <sup>(3,13)</sup>	p <sup>(22)</sup>	
Pets & Pet Supplies through Distribution and Storage, Equipment & Materials Storage Yards	[No change in text.]										
Moving & Storage Facilities	-	-	-	p <sup>(23)</sup>	p <sup>(23)</sup>	p <sup>(23)</sup>	p <sup>(23)</sup>	p <sup>(23)</sup>	p <sup>(23)</sup>	p <sup>(23)</sup>	-
Distribution Facilities through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i>	[No change in text.]										

**Footnotes for Table 131-06B**

<sup>1</sup> through <sup>21</sup> [No change in text.]

<sup>22</sup> A maximum of 10 percent of the *gross floor area* on the *premises* may be used for retail sales.

<sup>23</sup> Moving and Storage Facilities are prohibited where the applicable *land use plan* identifies the *premises* as Prime Industrial Lands. This is not applicable to *premises* located in the Marine Corps Air Station Miramar Airport Land Use Compatibility Plan Accident Potential Zone 1.

Section 17. That Chapter 13, Article 1, Division 7 of the San Diego Municipal Code is amended by amending sections 131.0701, 131.0707, and 131.0718, to read as follows:

**§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 *Sustainable Development 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*.

**§131.0707 Use Regulations Table for Mixed-Use Zones**

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

**Legend for Table 07A**

[No change in text.]

**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
<b>Open Space through Separately Regulated Residential Uses, <i>Boarder &amp; Lodger Accommodations</i></b>							
Continuing Care Retirement Communities		L	L	L	L <sup>(1,9)</sup>	L <sup>(1,9)</sup>	L <sup>(1,9)</sup>
Employee Housing:							
6 or Fewer Employees		N	N	N	L <sup>(1)</sup>	L <sup>(1)</sup>	L <sup>(1)</sup>
12 or Fewer Employees		-	-	-	L <sup>(1)</sup>	L <sup>(1)</sup>	L <sup>(1)</sup>
Greater than 12 Employees		-	-	-	C <sup>(1)</sup>	C <sup>(1)</sup>	C <sup>(1)</sup>
Fraternities, Sororities and Student Dormitories		C	C	C	C <sup>(1)</sup>	C <sup>(1)</sup>	C <sup>(1)</sup>
Garage, Yard, & Estate Sales through <i>Movable Tiny Houses</i>		[No change in text.]					
<i>Permanent Supportive Housing</i>		L	L	L	L <sup>(1)</sup>	L <sup>(1)</sup>	L <sup>(1)</sup>
Residential Care Facilities:							
6 or Fewer Persons		P	P	P	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>
7 or More Persons		C	C	C	C <sup>(1)</sup>	C <sup>(1)</sup>	C <sup>(1)</sup>
Transitional Housing:							
6 or Fewer Persons		P	P	P	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>
7 or More Persons		L	L	L	L <sup>(1)</sup>	L <sup>(1)</sup>	L <sup>(1)</sup>

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
Watchkeeper Quarters through <b>Institutional, Separately Regulated Institutional Uses, Airports</b> [No change in text.]		[No change in text.]					
Battery Energy Storage Facilities							
Small Scale ( $\leq 0.25$ acre)		L	L	L	L	L	L
Medium Scale ( $0.25 \text{ acre} < 1 \text{ acre}$ )		C	C	C	C	C	C
Large Scale ( $>1 \text{ acre}$ )		C	C	C	C	C	C
Botanical Gardens & Arboretums through <i>Wireless Communication Facility: Wireless communication facility outside the public right-of-way</i>		[No change in text.]					
<b>Retail Sales</b>							
<b>Building Supplies &amp; Equipment</b>		P <sup>(7)</sup>	P <sup>(7)</sup>	P <sup>(7)</sup>	P <sup>(7)</sup>	P <sup>(7)</sup>	P <sup>(7)</sup>
<b>Food, Beverages and Groceries</b>		P <sup>(7)</sup>	P <sup>(7)</sup>	P <sup>(7)</sup>	P <sup>(7)</sup>	P <sup>(7)</sup>	P <sup>(7)</sup>
<b>Consumer Goods, Furniture, Appliances, Equipment</b>		P <sup>(7)</sup>	P <sup>(7)</sup>	P <sup>(7)</sup>	P <sup>(7)</sup>	P <sup>(7)</sup>	P <sup>(7)</sup>
<b>Pets &amp; Pet Supplies</b>		P <sup>(7)</sup>	P <sup>(7)</sup>	P <sup>(7)</sup>	P <sup>(7)</sup>	P <sup>(7)</sup>	P <sup>(7)</sup>
<b>Sundries, Pharmaceutical, &amp; Convenience Sales</b>		P <sup>(7)</sup>	P <sup>(7)</sup>	P <sup>(7)</sup>	P <sup>(7)</sup>	P <sup>(7)</sup>	P <sup>(7)</sup>
<b>Wearing Apparel &amp; Accessories</b>		P <sup>(7)</sup>	P <sup>(7)</sup>	P <sup>(7)</sup>	P <sup>(7)</sup>	P <sup>(7)</sup>	P <sup>(7)</sup>
<b>Separately Regulated Retail Sales Uses through Commercial Services, Radio &amp; Television Studios</b>		[No change in text.]					
<b>Tasting Rooms</b>		P	P	P	P	P	P
<b>Visitor Accommodations through Separately Regulated Commercial Services Uses, Assembly and Entertainment Uses, Including Places of Religious Assembly</b>		[No change in text.]					
<b>Bed &amp; Breakfast Establishments:</b>							
1-2 Guest Rooms		P	P	P	P <sup>(1,9)</sup>	P <sup>(1,9)</sup>	P <sup>(1,9)</sup>
3-5 Guest Rooms		P	P	P	P <sup>(1,9)</sup>	P <sup>(1,9)</sup>	P <sup>(1,9)</sup>
6+ Guest Rooms		P	P	P	P <sup>(1,9)</sup>	P <sup>(1,9)</sup>	P <sup>(1,9)</sup>
Boarding Kennels/Pet Day Care through Private Clubs, Lodges and Fraternal Organizations		[No change in text.]					
Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size		C <sup>(5)</sup>	C <sup>(5)</sup>	C <sup>(5)</sup>	C <sup>(5)</sup>	C <sup>(5)</sup>	C <sup>(5)</sup>
Pushcarts through <b>Distribution and Storage, Equipment &amp; Materials Storage Yards</b> [No change in text.]							
<b>Moving &amp; Storage Facilities</b>		P <sup>(8)</sup>	P <sup>(8)</sup>	P <sup>(8)</sup>	P <sup>(9)</sup>	P <sup>(9)</sup>	P <sup>(9)</sup>

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
<b>Distribution Facilities</b>		-	-	-	P <sup>(9)</sup>	P <sup>(9)</sup>	P <sup>(9)</sup>
<b>Separately Regulated Distribution and Storage Uses through <i>Signs</i></b>		[No change in text.]					
<b>Allowable <i>Signs</i></b>		P <sup>(6)</sup>	P <sup>(6)</sup>	P <sup>(6)</sup>	P <sup>(6)</sup>	P <sup>(6)</sup>	P <sup>(6)</sup>
<b>Separately Regulated <i>Signs</i> Uses through Theater <i>Marquees</i></b>		[No change in text.]					

**Footnotes for Table 131-047**

<sup>1</sup> through <sup>4</sup> [No change in text.]

<sup>5</sup> 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.

<sup>6</sup> All mixed-use zones shall use Category A within Section 142.1220.

<sup>7</sup> *Development* of a large retail establishment is subject to Section 143.0302.

<sup>8</sup> Prohibited on sites designated as Prime Industrial Land in a *land use plan*.

<sup>9</sup> Not allowed on sites designated as Prime Industrial land – Flex in a *land use plan*.

**§131.0718 Supplemental Regulations for Premises Greater Than Five Acres**

The purpose and intent of these regulations is to break down sites larger than 5 acres into 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*. These requirements shall apply even in the event of the approval of a Lot Line Adjustment which reduces the size of the *premises* to less than 5 acres.

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

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



Section 18. That Chapter 13, Article 2, Division 4 of the San Diego Municipal Code is amended by amending section 132.0402 and adding section 132.0404, to read as follows:

**§132.0402 Where the Coastal Overlay Zone Applies**

- (a) [No change in text.]
- (b) Table 132-04A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone. Coastal Development Permit procedures are provided in Chapter 12, Article 6, Division 7.

**Table 132-04A  
Coastal Overlay Zone Applicability**

<b>Type of <i>Development</i> Proposal</b>	<b>Supplemental Development Regulations</b>	<b>Required Permit Type/ Decision Process</b>
(1) Coastal development that is categorically excluded pursuant to order of the Coastal commission or that is exempted by Section 126.0704 through (4) Coastal development, except a capital improvement program project or public project, in this overlay zone that is not exempt under (1) of this table or that is not in the area described in (2) of this table [No change in text.]	[No change in text.]	[No change in text.]
(5) <i>Coastal development for a capital improvement program project</i> in this overlay zone that is not exempt under (1) of this table or that is not in the area described in (2) of this table and is in the <i>appealable area</i> of this overlay zone	[No change in text.]	Coastal Development Permit/ Process-Three as set forth in Sections 112.0505 and 112.0506.

**Diagram 132-04A**

**Coastal Overlay Zone**

[No change in text.]

**§132.0404 Supplemental Regulations within Areas of Future Sea Level Rise**

- (a) Within the Coastal Overlay Zone, the following regulations apply to *dwelling units* constructed outside of *Special Flood Hazard Areas* and within an area of future sea level rise (within a 75-year horizon), as determined by the City Manager based on the most current sea level rise vulnerability maps:
  - (1) The *dwelling units* shall comply with the regulations in Section 143.0146(c) and if applicable, Section 143.0146(g). The *base flood elevation* utilized, and the applicability of Section 143.0146(g), shall be based on the *FIRM* Zone of the *Special Flood Hazard Area* in closest proximity to the *premises* on which the *dwelling unit* is proposed. The permit requirements of 143.0110(b) and other regulations of Chapter 14, Article 3, Division 1 do not apply unless the *premises* contains *Environmentally Sensitive Lands*.
    - (A) Hard shoreline armoring shall not be constructed to protect *dwelling units* from the effects of sea level rise.
    - (B) The *record owner* of the *dwelling unit* shall, in a form that is approved by the City Manager, acknowledge the following:
      - (i) The *dwelling unit* is located in an area of future sea level rise that may become hazardous in the future;
      - (ii) Sea level rise could render it difficult or impossible to provide public services to the *premises*;

- (iii) The boundary between public land (tidelands) and private land may shift with rising seas and the *development* approval does not permit encroachment onto public trust land;
  - (iv) Additional adaptation strategies may be required in the future to address sea level rise consistent with the Coastal Act and certified *Local Coastal Program*; and
  - (v) The *dwelling unit* may be required to be removed or relocated and the *premises* restored to City standards if it becomes unsafe; and
  - (vi) The *record owner* shall waive in writing any rights under Public Resources Code Section 30235 and related *Local Coastal Program* policies to any hard shoreline armoring to protect the *dwelling unit*.
- (C) The *record owner* of the *dwelling unit* shall provide written notice to all occupants of the *dwelling unit* of the provisions in Section 132.0404(a)(1)(B) upon occupancy.

Section 19. That Chapter 14, Article 1, Division 3 of the San Diego Municipal Code is amended by amending sections 141.0302 and 141.0318, to read as follows:

**§141.0302     *Accessory Dwelling Units and Junior Accessory Dwelling Units***

Section 141.0302 provides for the construction of *Accessory Dwelling Units (ADUs)* and *Junior Accessory Dwelling Units (JADUs)*, consistent with the requirements of state law, and is intended to encourage the construction of *ADUs*

and *JADUs* through several local regulatory provisions, including eliminating parking requirements for *ADUs* and *JADUs*, and providing an affordable housing bonus of one additional *ADU* for every deed-restricted affordable *ADU* constructed on the *premises*, as specified in the regulations below. *ADUs* are permitted in all zones allowing residential uses and *JADUs* are permitted in all Single Dwelling Unit Zones by-right as a limited use decided in accordance with Process One, indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) [No change in text.]
- (b) The following regulations are applicable to both *ADUs* and *JADUs*:
  - (1) [No change in text.]
  - (2) *Development* Regulations
    - (A) through (H) [No change in text.]
    - (I) *ADUs* and *JADUs* constructed within Areas of Future Sea Level Rise must comply with the regulations in Section 132.0404.
  - (3) through (4) [No change in text.]
- (c) In addition to the requirements in Section 141.0302(a), the following additional regulations are applicable to *ADUs*.
  - (1) [No change in text.]
  - (2) *Development* Regulations for *ADUs*
    - (A) through (E) [No change in text.]

- (F) The minimum *gross floor area* of an *ADU* shall not be less than 150 square feet. The maximum *gross floor area* of an *ADU* shall not exceed 1,200 square feet. An *ADU* constructed within an existing *dwelling unit* or *accessory structure* does not have a maximum *gross floor area* and may construct an additional 150 square feet for ingress and egress only.
- (G) *ADU Bonus for Affordable ADUs*. One additional *ADU* shall be permitted for every *ADU* on the *premises* that is set aside as affordable to *very low income* and *low income* households for a period of not less than 10 years, or as affordable to *moderate income* households for a period of not less than 15 years, guaranteed through a written agreement and a deed of trust securing the agreement, entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission.
- (i) There is no limit on the number of bonus *ADUs* within a *Sustainable Development Area*.
- (ii) One bonus *ADU* is permitted outside a *Sustainable Development Area*.
- (iii) [No change in text]

**Table 141-03A**

**Qualifying Criteria for Affordable *ADU* Bonus**

[No change in text.]

(d) [No change in text.]

**§141.0318 Movable Tiny Houses**

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

(a) *Development* Regulations

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

(12) *Moveable tiny houses* constructed within Areas of Future Sea

Level Rise must comply with the regulations in Section 132.0404.

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

Section 20. That Chapter 14, Article 1, Division 4 of the San Diego Municipal Code is amended by amending sections 141.0407, 141.0420, and 141.0421, and by adding new section 141.0422, to read as follows:

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

Educational facilities are facilities that are designed or used to provide specialized training or education. This section distinguishes between kindergarten to grade 12 schools, colleges and universities, and vocational schools and trade schools. Educational facilities are permitted by right in zones indicated with a “P”, as a limited use in the zones indicated with an “L”, and may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) [No change in text.]
- (b) Schools for Kindergarten to Grade 12
  - (1) through (2) [No change in text.]
  - (3) Limited use regulations. Schools for kindergarten to grade 12 are permitted as limited uses in zones indicated by an “L” subject to the following:
    - (A) Outside of a *Sustainable Development Area*, the facility design shall not accommodate more than 300 students, except that a new school may replace an existing school with current enrollment over 300 students if the result is no increase in the number of students.
    - (B) Within a *Sustainable Development Area*, the facility design shall not accommodate more than 600 students, except that a new school may replace an existing school with current enrollment over 600 students if the result is no increase in the number of students.
    - (C) through (D) [No change in text.]
  - (4) through (5) [No change in text.]
- (c) through (e) [No change in text.]

**§141.0420 Wireless Communication Facilities**

*Wireless communication facilities* shall comply with the approval process set forth in Section 141.0420(a) through (c) as applicable to the *development*. All *wireless communication facilities* are subject to the general regulations in Section 141.0420(d), the general design requirements in Section 141.0420(e) and the

*Wireless Communication Facilities* Guidelines in the Land Development Manual.

Section 141.0420 does not apply to amateur (HAM) radio communication facilities.

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

(g) Park Site Installations

The following additional design requirements apply to *wireless communication facilities* in parks within the City of San Diego:

(1) [No change in text.]

(2) If the proposed *wireless communication facility* would be located on dedicated parkland subject to San Diego Charter section 55, equipment enclosures shall be placed underground unless the Parks and Recreation Department Director, or their designee, determines that an above-ground equipment enclosure would not violate Charter section 55, and a Neighborhood Development Permit is granted in accordance with Section 126.0402.

**§141.0421 *Placemaking on Private Property***

*Placemaking* on private property is permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the following regulations:

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

(h) A *placemaking* project on a *premises* within a *transit priority area* that was a parking lot of a permitted eating and drinking establishment shall not include retail or commercial services uses except for outdoor dining



operating in association with the permitted eating and drinking  
establishment in accordance with Section 141.0628.

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

**§141.0422 Battery Energy Storage Facilities**

This section regulates utility-serving battery energy storage facilities which store energy within enclosed buildings or modular containers and then solely release the energy directly back to the electrical grid. Battery energy storage facilities do not include behind the meter battery installations that provide energy to the same *premises* on which they are located.

This section distinguishes between small-scale battery energy storage facilities with a *development* footprint of one-quarter acre or less, medium-scale battery energy storage facilities with a *development* footprint of more than one-quarter acre but less than one acre, and large-scale battery energy storage facilities with a *development* footprint of one acre or more. Battery energy storage facilities shall comply with the approval process set forth in Section 141.0422(a) through (c) as applicable to the *development*. All battery energy storage facilities are subject to the general regulations in Section 141.0422(d) and the general design requirements in Section 141.0422(e).

(a) Small-scale battery energy storage facilities

The following regulations apply to battery energy storage facilities with a *development* footprint of one-quarter acre or less.

(1) Limited Use Regulations

Small-scale battery energy storage facilities are permitted as a limited use decided in accordance with Process One in zones indicated by an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following:

- (A) In residential, commercial, and mixed-use base zones that permit residential *development*, battery energy storage facilities shall be limited to no more than 25 percent of the allowable *development* area and allowable *gross floor area*, unless the *premises* cannot be developed with residential uses due to site constraints, except for the presence of *environmentally sensitive lands*, beyond the applicant’s control, such as the presence of utilities, in which case the 25 percent limitation shall not apply.
- (B) In the IL (Industrial – Light) and IS (Industrial – Small Scale) Zones, battery energy storage facilities shall be limited to no more than 25 percent of the allowable *development* area and *gross floor area*, unless the *premises* cannot be developed with industrial uses due to site constraints except for the presence of *environmentally sensitive lands* beyond the *applicant’s* control, such as the presence of utilities, in which case the 25 percent limitation shall not apply.

(2) Conditional Use Permit Regulations

Small-scale battery energy storage facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three in zones indicated by a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following:

- (A) In the OP (Open Space – Park) Zone, battery energy storage facilities may be permitted only if they do not result in loss of any publicly accessible active or passive recreation area.
- (B) In the OR (Open Space – Residential) Zones, battery energy storage facilities may be permitted only in previously disturbed areas with existing electrical utility easements.

(b) Medium-scale battery energy storage facilities

The following regulations apply to battery energy storage facilities with a *development* footprint of more than one-quarter acre but less than one acre.

(1) Limited Use Regulations

Medium-scale battery energy storage facilities are permitted as a limited use decided in accordance with Process One in zones indicated by an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones).

(2) Conditional Use Permit Regulations

- (A) Medium-scale battery energy storage facilities may be permitted with a Conditional Use Permit decided in accordance with Process Two in industrial zones indicated by a “C” in the Use Regulations Tables in Chapter 13, Article 1, Division 6.
- (B) Medium-scale battery energy storage facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three in zones indicated by a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) as follows:
  - (i) In commercial base zones that do not permit residential *development*.
  - (ii) In residential, commercial, and mixed-use base zones that permit residential *development* if the *premises* cannot be developed with residential uses due to site constraints, except for the presence of *environmentally sensitive lands*, beyond the *applicant's* control, such as the presence of utilities.
- (c) Large-scale battery energy storage facilities  
The following regulations apply to battery energy storage facilities with a *development* footprint of one acre or more.
  - (1) Conditional Use Permit Regulations
    - (A) Large-scale battery energy storage facilities may be permitted with a Conditional Use Permit decided in

accordance with Process Three in industrial zones indicated by a “C” in the Use Regulations Tables in Chapter 13, Article 1, Division 6.

- (B) Large-scale battery energy storage facilities may be permitted with a Conditional Use Permit decided in accordance with Process Four in zones indicated by a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) as follows:

- (i) In commercial base zones that do not permit residential *development*.
- (ii) In residential, commercial, and mixed-use base zones that permit residential *development* if the *premises* cannot be developed with residential uses due to site constraints, except for the presence of *environmentally sensitive lands*, beyond the *applicant’s* control, such as the presence of utilities.

(d) General Regulations

The following regulations apply to all battery energy storage facilities regardless of their size.

(1) Use Regulations

The *premises* shall not contain a *child care facility* or *school*.

(2) Operational, Safety and Decommissioning Regulations

- (A) Every application shall provide the following documentation to the satisfaction of the Chief Building Official:
- (i) Demonstrating that the battery energy storage facility complies with all applicable requirements imposed by state or federal regulatory agencies; and
  - (ii) Identifying the facility type/application, total rated battery power capacity in kilowatts or megawatts, energy capacity in kilowatt-hours or megawatt-hours, storage duration, cycle life/lifetime, and type of battery chemistry.
- (B) The *applicant* shall submit and implement an emergency response plan for battery storage fire events and other emergency events consistent with state and national standards and regulations to the satisfaction of the Fire Marshal.
- (C) The *applicant* shall obtain all necessary construction permits to comply with applicable building, fire, mechanical, electrical, and plumbing codes, and state and federal laws.

- (D) The *applicant* shall comply with all applicable state and national standards and requirements for the design, construction, installation, commissioning, operation, maintenance, and decommissioning of the battery energy storage facility.
- (E) Battery energy storage facilities shall be maintained pursuant to title 24, part 9, of the California Fire Code, as amended, and be in good working order, free from trash, debris, and graffiti, and designed to discourage vandalism. The *permit holder* or *record owner* shall repair or replace any damaged walls, *fences*, landscaping, buildings, *structures*, and equipment within 30 calendar days of receipt of a written notification from the City Manager.
- (F) The *permit holder* or *record owner* shall remove and decommission the battery energy storage facility from the *premises* and restore the *premises* to the condition preceding the construction and installation of the battery energy storage facility, at the sole cost and expense of the *permit holder* or *record owner*, if any of the following circumstances exists:
  - (i) The permit authorizing the battery energy storage facility is revoked or expired and a new permit has not been obtained; or

- (ii) The City Manager determines that the battery energy storage facility or components of the battery energy storage facility are non-operational or no longer in use; or
  - (iii) The City Manager determines that the battery energy storage facility is a public nuisance; or
  - (iv) The Fire Code Official determines that the facility constitutes a distinct hazard to life or property.
- (G) The *applicant* shall submit a Hazard Mitigation Analysis when technologies are not specifically identified in title 24, part 9, of the California Fire Code or when more than one technology is provided in a room or enclosed area where there is a potential for adverse reactions between technologies.
- (3) Noise Regulations. Noise generated from battery energy storage facilities shall not exceed the noise limits for the zone as established in the Noise Abatement and Control Regulations (Chapter 5, Article 9.5, Division 4: Limits).
- (e) General Design Requirements

The following design requirements apply to all battery energy storage facilities regardless of their size.

  - (1) Overhead wires connecting the battery energy storage facility to an energy generation station or substation are not permitted, unless the *premises* containing the energy generation station or substation



immediately abuts the *premises* on which the battery energy storage facility is proposed and existing overhead connections are present on the *premises* containing the energy generation station or substation. Overhead wires shall not be permitted to cross other private property, public property, or *public right-of-way* to connect with an energy generation station or substation.

- (2) Access to a battery energy storage facility shall conform to title 24, part 9, of the California Fire Code and be as direct as possible from primary arterials and major streets and shall avoid residential streets unless no other feasible options exist. Shared access with an adjacent energy generation station or substation is permitted.
- (3) The *development* shall comply with the Street Tree and Public Right-of-Way Requirements in Section 142.0409.
- (4) All mechanical equipment and storage areas shall be located within an enclosed building or modular container, as follows:
  - (A) The building or modular container, or both, shall be located on the *premises* so that visibility from adjacent *public rights-of-way* or adjacent *development* that is not of a similar nature is minimized.
  - (B) Battery energy storage facilities located on the same *premises* as residential uses shall be located within an enclosed building that is designed to be architecturally consistent with the primary *structure*.

- (C) Mechanical equipment that supports the battery energy storage facility, such as HVAC equipment, may be located outside of a building or modular container, provided that the mechanical equipment is completely *screened* on all sides with a solid wall or *fence* that is painted or texturized to match the primary building on the *premises*, if one is present.
- (5) Battery energy storage facilities that are not located within a building shall be enclosed and *screened* from the *public right-of-way* and adjacent properties by walls or *fences* with a minimum height of 6 feet that incorporate finishes and architectural detailing that are consistent with any buildings on the *premises* or any applicable design standards. The walls or *fences* shall be *screened* by landscaping as follows:
  - (A) Along the *street frontage*, the walls or *fences* shall be *screened* from the *public right-of-way* with plant material that includes 24-inch box evergreen canopy form trees separated by a maximum distance of 30 feet; and
  - (B) Along the side and rear yards, the walls or *fences* shall be *screened* from adjacent properties by 10-foot wide landscape strips that include 24-inch box evergreen species separated by a maximum distance of 30 feet along the side and rear yards. For *premises* less than 10,000 square feet, the landscape strips may be reduced to 5-feet in width.

(6) Brush Management Regulations

(A) Battery energy storage facilities in High or Very High Fire Hazard Severity Zones shall meet the City's defensible space brush management regulations and landscape standards.

(i) If unable to meet the brush management regulations and landscape standards, the agent or owner shall be required to provide a technical report from a qualified engineer, specialist, laboratory, or fire safety organization acceptable to the Fire Code Official. The Fire Code Official is authorized to require design submittals to be prepared by and bear the stamp of a registered design professional, as defined in Title 24, Part 9, Chapter 2 of the California Fire Code. The technical report shall be reviewed by the Fire Code Official.

Section 21. That Chapter 14, Article 2, Division 3 of the San Diego Municipal Code is amended by amending section 142.0305, to read as follows:

**§142.0305 When Fence Regulations Apply**

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

**Table 142-03A**  
**Fence Regulations Applicability**

<b>TYPE OF DEVELOPMENT PROPOSAL</b>	<b>APPLICABLE REGULATIONS</b>	<b>REQUIRED PERMIT TYPE/ DECISION PROCESS</b>
Any <i>fence</i> with a height less than 7 feet	[No change in text.]	[No change in text.]
Any <i>fence</i> with a height of 7 feet or greater	[No change in text.]	[No change in text.]
Any <i>retaining wall</i> with a height less than 3 feet	[No change in text.]	[No change in text.]
Any <i>retaining wall</i> with a height of 3 feet or greater through Any <i>fence</i> or <i>retaining wall</i> located on <i>premises</i> that lies between the shoreline and the first public roadway, as designated on Map Drawing No. C-731.	[No change in text.]	[No change in text.]

Section 22. That Chapter 14, Article 2, Division 4 of the San Diego Municipal Code is amended by amending sections 142.0402, 142.0403, 142.0404, 142.0405, 142.0407, 142.0412, and 142.0413, to read as follows:

**§142.0402 When Landscape Regulations Apply**

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

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

Type of Development Proposal			Applicable Regulations
Column A	Column B	Column C <sup>(1)</sup>	
1. New <i>structures</i> that equal or exceed the <i>gross floor area</i> shown (Column B), and are proposing the type of <i>development</i> shown (Column C) through 4. New temporary parking and <i>vehicular use area</i> for four or more vehicles including access to the spaces, excluding parking for <i>single dwelling unit</i> uses on a <i>single lot</i> in <i>single dwelling unit</i> zones	[No change in text.]	[No change in text.]	[No change in text.]
5. Additions or modifications to existing permanent or temporary parking and <i>vehicular use area</i> .			[No change in text.]
6. <i>Single dwelling unit</i> residential use projects proposing private or <i>public rights-of-way</i>			[No change in text.]
7. Projects proposing slopes with gradients steeper than 4:1 (4 horizontal feet to 1 vertical foot) that are 5 feet or greater in height through 14. <i>Small Lot Subdivision</i>			[No change in text.]

**Footnote to Table 142-04A**

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

**§142.0403 General Planting and Irrigation Requirements**

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

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

(d) Planting Area Requirements

(1) Planting areas required by this division shall consist of the following:

- (A) [No change in text.]
- (B) Unattached unit pavers, or loose organic or inorganic materials;
- (C) *Hardscape* as limited by Sections 142.0405(b)(1) or 142.0405(c)(1).

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

**§142.0404 Street Yard and Remaining Yard/Common Open Space Planting Area and Point Requirements**

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

**Table 142-04C**  
**Street Yard and Remaining Yard/Common Open Space Planting**  
**Requirements**

<b>Type of Development Proposal <sup>(6)</sup></b>	<b>Type of Yard</b>	<b>Planting Area Required</b> (Percentage of total <i>yard</i> area unless otherwise noted below) <sup>(1)</sup>	<b>Plant Points Required<sup>(1)</sup></b>
<i>Multiple Dwelling Unit Residential Development, or Residential Components of Mixed-Use Development through Condominium Conversion</i>	[No change in text.]	[No change in text.]	[No change in text.]
<i>Small Lot Subdivision</i>	<i>Street Yard</i>	50% <sup>(5)</sup>	0.05 points per square foot of total <i>street yard</i> area
	<i>Remaining Yard/Common Open Space</i>	N/A	N/A
<i>Commercial Development, Industrial Development in Commercial Zones, or Commercial Component of Mixed-Use Development through Large retail establishments in any Industrial Zone</i>	[No change in text.]	[No change in text.]	[No change in text.]

**Footnotes to Table 142-04C**

<sup>1</sup> through <sup>6</sup> [No change in Text.]

**§142.0405 Additional Yard Planting Area and Point Requirements**

- (a) [No change in text]
- (b) Additional residential *yard* requirements:
  - (1) [No change in text.]
  - (2) *Remaining Yard/Common Open Space*
    - (A) [No change in text.]

(B) Residential *development* with five *dwelling units* or more shall be subject to one or more of the following:

- (i) A minimum of 30 percent of the total area within a 10-foot offset from the *structural envelope* of each residential *structure* shall be planting area and shall be planted at a rate of 0.05 points per square foot of area within each offset.
- (ii) Where common open space areas are provided in the form of plazas, paseos, or courtyard, 20 percent of each common open space area shall be planting area and shall be planted at a rate of 0.05 points per square foot of the total of each area.

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

**§142.0407 Additional Vehicular Use Area Requirements**

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

(c) Trees used in a *vehicular use area* shall be canopy form, standard trunk, evergreen species at a minimum 24-inch box size.

(d) [No change in text.]

(e) Shade *structures* or photovoltaic solar canopies used in lieu of the *vehicular use area* tree distribution requirement shall meet the following criteria:

(1) Shade *structures* or photovoltaic solar canopies shall:

- (A) Cover a minimum of 50 percent of each individual parking stall, or



- (B) Cover a minimum of 50 percent of each *vehicular use area* with no shade *structure* more than 15 feet from any parking stall.
- (2) For a *vehicular use area* located on the rooftop of parking *structures* or on *structural* podiums, shade *structures* with a maximum of 50 percent transparency or photovoltaic solar canopies may be provided.
- (3) For *vehicular use areas* at-grade, photovoltaic solar canopies may be provided.
- (4) Retrofits to existing at-grade *vehicular use areas* with photovoltaic solar canopies shall avoid, translocate, or replace existing trees to the satisfaction of the Development Services Department Director.
- (5) Placement of foundations and columns for shade *structures* or photovoltaic solar canopies may not reduce the minimum required depth of a parking stall.
- (f) Noncontiguous parking areas on a *premises* shall be calculated separately.

**§142.0412 Brush Management**

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

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

- (i) An *applicant* may request approval of alternative compliance for brush management if all of the following conditions exist:

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

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

**§142.0413 Water Conservation**

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

(c) Reclaimed Water. *Development* in areas where reclaimed water is available and suitable for irrigation shall provide for a dual water distribution system for all landscaped areas. Only reclaimed water shall be used for irrigation purposes where it is available.

(d) Model Water Efficient Landscape Regulations (MWELO).  
*Development* with a landscape area of 500 square feet or greater and rehabilitated landscape projects, as defined in California Code of Regulations section 491, with a landscape area of 2,500 square feet or greater shall be subject to the following pursuant to title 23, section 490.1 of the California Code of Regulations:

(1) Water Budget

(A) Maximum Applied Water Allowance (MAWA) water budget shall be calculated using the following formula:

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

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

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

**Legend for MAWA Water Budget Calculation Formula**

<b>Symbol</b>	<b>Meaning of Symbol</b>
ETo	Evapotranspiration (inches per year) <sup>(1)</sup>
0.62	Conversion factor to gallons
ETAF 0.55 for Residential Landscape Areas 0.45 for Non-Residential Landscape Areas	Evapotranspiration Adjustment Factor
LA	Landscape Area (square feet)
1-ETAF 0.45 for Residential Landscape Areas 0.55 for Non Residential Landscape Areas	Additional Evapotranspiration Adjustment Factor for Special Landscape Areas and Reclaimed Water
SLA	Special Landscape Area (square feet)

**Footnote for Table 142-04J**

<sup>1</sup> Refer to Appendix E of the Landscape Standards of the Land Development Manual for ETo Map and ETo Table by Community Planning Area.

(B) Estimated Total Water Use (ETWU), as calculated in  
Section 2.6 of the Landscape Standards of the Land  
Development Manual, shall not exceed the MAWA water  
budget.

(C) The irrigation system is required to be operated within the  
approved MAWA Water Budget.

(2) Water Meters

(A) Residential

- (i) Dedicated water meters or private submeters shall not be required for residential landscapes of less than 5,000 square feet.
  - (ii) Dedicated water meters or private submeters shall be required for irrigated landscapes of 5,000 square feet or greater.
- (B) Non-Residential
  - (i) Dedicated water meters or private submeters shall be required for irrigated landscapes of greater than 1,000 square feet and less than 5,000 square feet.
  - (ii) Dedicated water meters shall be required for irrigated landscapes greater than 5,000 square feet.
- (3) Soil Preparation, Mulch and Analysis
  - (A) An *applicant* subject to the MWELD per Section 142.0413(d) shall submit a Soil Management Report to the Development Services Department.
  - (B) Soil amendments shall be incorporated according to the recommendations of a Soil Management Report.
  - (C) Compost at a minimum of 4 cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of 6 inches into the soil.
    - (i) Soils with greater than 6 percent organic matter in the top 6 inches of soil are exempt from this requirement.

- (D) All required planting areas and all exposed soil areas without vegetation shall be covered with mulch to a minimum depth of 3 inches, excluding slopes.
- (E) Organic mulch materials made from recycled or post-consumer materials shall be required over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available within a 500 mile radius. Organic mulches are not required where prohibited by fuel modification plan guidelines or ordinances.

(4) Irrigation Audit

- (A) An *applicant* subject to the MWELO pursuant to Section 142.0413(d) shall conduct and submit to the City an irrigation audit consistent with Section 2.7 of the Landscape Standards of the Land Development Manual.
- (B) All irrigation audits shall be conducted by a professional authorized by the State to perform this work.
- (C) The irrigation audit shall certify that all plant material, irrigation systems, and landscape features have been installed and operate as reviewed by the City to be consistent with any applicable design guidelines; and shall be submitted to the City prior to Certificate of Occupancy or final inspection.

(5) Prescriptive Compliance

Pursuant to title 23, section 490.1 of the California Code of Regulations, an *applicant* with an aggregate landscape area of 2,500 square feet or less may alternatively comply with the WELO Regulation calculations, if the *applicant* demonstrates to the satisfaction of the Development Services Director that the landscape area for the *development* will comply with all of the following:

- (A) Incorporates compost at a rate of at least 4 cubic yards per 1,000 square feet to a total depth of 6 inches (unless contraindicated by results of Soil Management Report (as defined in in this section d(3)(A)).
- (B) Includes climate adapted plants that meet the following:
  - (i) All plant species are identified on the Water Use Classification of Landscape Species (WUCOLS) list as requiring little or no summer water and have an average plant factor of 0.3; and
  - (ii) The minimum plant area for the climate adapted plants is at least 75 percent of the total plant area for residential *development* or 100 percent for non-residential *development*. Plant areas used for edibles or areas where recycled water is used for irrigation may be excluded from the calculation of total plant area.

- (C) Incorporates a minimum 3-inch layer of mulch on all exposed soil surfaces of planting areas, except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.
- (D) Minimizes the use of turf as follows:
  - (i) Turf is not permitted for non-residential *development* or in *parkways* less than 10 feet wide, unless the *parkway* is adjacent to a parking strip and used to enter and exit vehicles and is irrigated by subsurface irrigation (or equivalent system that creates no overspray or runoff).
  - (ii) Turf for residential *development* landscape areas shall not exceed 25 percent of the landscape area and shall not be planted on sloped areas that exceed a slope of 1-foot vertical elevation change for every 4 feet horizontal length.
- (E) Provides an irrigation system that meets all of the following requirements:
  - (i) Includes an automatic irrigation controller that utilizes a rain sensor and evapotranspiration or soil moisture sensor data, and that does not lose programming data if in the event a primary power source is interrupted;

- (ii) Includes a pressure regulator to ensure the dynamic pressure of the system is within the manufacturer's recommended pressure range;
  - (iii) Includes manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) installed as close as possible to the point of connection to the water supply;
  - (iv) Includes irrigation sprinkler and emission devices that meet the State of California Landscape Irrigation Sprinkler and Emitter Standards;
  - (v) Includes subsurface irrigation (or equivalent system that produces no overspray or runoff) in any landscape areas less than 10 feet in width in any direction; and
  - (vi) Includes a private submeter for any non-residential *development* landscape areas that are 1,000 square feet or more in size.
- (F) Incorporates the following statement on the approved landscape plan set:
- This landscape plan meets the requirements of the Model Water Efficient Landscape Ordinance (MWELO) in accordance with state law and Land Development Code



Section 142.0413. Adherence to the MWEL0 is required,  
including compliance with the schedule of landscape and  
irrigation maintenance.

Section 23. That Chapter 14, Article 2, Division 5 of the San Diego Municipal Code is  
amended by amending section 142.0560, to read as follows:

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

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

(c) Minimum Dimensions for Automobile Parking Aisles. The minimum  
dimensions for automobile parking aisles at permitted angles for one-way  
and two-way circulation are shown in Table 142-05L and illustrated in  
Diagram 142-05B, except as provided in Section 142.0560(e) for certain  
pre-existing parking facilities.

**Table 142-05L  
Aisle Dimensions**

Angle Between Parking Space and Aisle	Minimum Required Aisle Width (feet)	
	One Way	Two Way
90° (perpendicular)	[No change in text.]	
75° through 0° (parallel)	[No change in text.]	

**Footnote for Table 142-05L**

<sup>1</sup> For narrow *lots* 100 feet or less in width, the minimum drive aisle may be reduced to 22 feet.

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

[No change in text.]

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

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

Section 24. That Chapter 14, Article 2, Division 6 of the San Diego Municipal Code is amended by amending section 142.0640, to read as follows:

**§142.0640 Development Impact Fees for Public Facilities and Spaces**

- (a) [No change in text.]
- (b) Development Impact Fees (as defined in California Government Code Section 66000) for applicable *development* shall be paid prior to requesting a final inspection. A final inspection shall not occur until the applicable DIFs are paid in areas where DIFs have been established by City Council resolution or ordinance. Notwithstanding the above, the City Manager may also require the payment of DIFs for *development* that would increase demand for public facilities and/or result in the need for new public facilities. DIFs shall not be required for inclusionary *dwelling units* provided pursuant to Chapter 14, Article 2, Division 13 if the *applicant* has satisfied all the requirements of Division 13 for inclusionary *dwelling units* on the same *premises* as the market-rate *dwelling units*. The DIF amount due shall be based upon the DIF schedule in effect when the *development* application was submitted, or the DIF schedule in effect when the fees are paid, whichever amount is lower, plus an automatic increase consistent with Section 142.0640(c), if applicable.

Exemptions:

- (1) *Accessory Dwelling Units, Junior Accessory Dwelling Units, moveable tiny houses*, and guest quarters are exempt from DIF except as follows:
  - (A) [No change in text.]

(B) *Accessory Dwelling Units* that are 750 or more square feet in *gross floor area* and are in excess of the first two *Accessory Dwelling Units* on a *premises* or are constructed in accordance with Section 143.1305(c)(1) shall be required to pay DIF at the *multiple dwelling unit rate*, which shall be scaled in accordance with Table 142-06A based upon the *Accessory Dwelling Unit* size, or shall be proportionate in relation to the square footage of the *primary dwelling unit* on the *premises* at the *multiple dwelling unit rate*, whichever results in the lower DIF. The DIF for the *Accessory Dwelling Unit* shall not exceed the DIF for the *primary dwelling unit*.

(C) [No change in text.]

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

(8) The first two *dwelling units* constructed in accordance with Chapter 14, Article 3, Division 13 shall be exempt from the requirement to pay DIF. The third and fourth *dwelling units* constructed in accordance with Chapter 14, Article 3, Division 13 shall be required to pay DIF, which shall be scaled in accordance with Table 142-06A, based upon the *dwelling unit* size.

**Table 142-06A**  
**Scaled Development Impact Fee Rate for Specific Residential Development**

[No change in text.]

- (9) *Development* that designs and constructs an onsite park that satisfies the *development's* park standard identified in the Parks Master Plan, shall not be subject to the requirement to pay the Citywide Park DIF, where the requirements set forth in San Diego Resolution R-313688 have been satisfied. *Development* that designs and constructs an onsite park that satisfies a portion of the *development's* parks standards shall be subject to a proportionate share credit of the DIF for the Citywide Park DIF where the requirements set forth in San Diego Resolution R-313688 have been satisfied. To be eligible for any exemption under this subsection, the following additional requirements shall apply:
- (A) [No change in text.]
  - (B) The park shall be designed and constructed in accordance with the City's Park Development Standard Terms and Conditions and Consultant's Guide to Park Design and Development to the satisfaction of the Parks and Recreation Director, or their designee;
  - (C) The park shall be publicly accessible in perpetuity to the Parks and Recreation Director, or their designee;
  - (D) If the *development* is receiving park credit for long-term maintenance in accordance with the Parks Master Plan, a maintenance agreement to maintain the park to the satisfaction of the Parks and Recreation Director, or their

designee, shall be recorded with the County Recorder prior to final inspection of the first Building Permit;

- (E) A performance bond and payment bond shall be provided for the design and construction of the park prior to the final inspection of the first *dwelling units* in the *development*, and no final inspection shall occur for the remaining 50 percent of the total *dwelling units* in the *development* until the park has been constructed to the satisfaction of the Parks and Recreation Director, or their designee; and

(F) [No change in text.]

(10) [No changes in text.]

(c) through (g) [No change in text]

Section 25. That Chapter 14, Article 2, Division 12 of the San Diego Municipal Code is amended by amending section 142.1250, to read as follows:

**§142.1250 Permanent Secondary Signs in Commercial and Industrial Zones**

(a) [No change in text]

**Table 142-12I  
Permanent Secondary Signs**

[No change in text.]

(b) High-Rise Building Identification *Wall Signs*

- (1) In *Sign Category A* only, building in excess of 100 feet in height shall be permitted additional *wall sign copy area* for building identification purposes subject to the following regulations.

(A) The high-rise building identification *wall sign* shall be

placed on a building at a minimum height of 100 feet,  
above the uppermost row of windows, and not within 2 feet  
of the top of a parapet wall.

(B) through (G) [No change in text.]

(2) [No change in text.]

**Table 142-12J**  
**High-Rise Building Identification Wall Sign Calculations**

[No change in text.]

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

Section 26. That Chapter 14, Article 2, Division 13 of the San Diego Municipal Code is amended by amending sections 142.1305 and 142.1307, to read as follows:

**§142.1305      Methods of Compliance**

(a)      The requirement to provide inclusionary *dwelling units* may be met in any of the following ways:

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

(3)      On different *premises* from the *development* that does not meet the locational criteria in Section 142.1305(a)(2) but lie within the City of San Diego, if the receiver site is within a *Sustainable Development Area* and in an area identified as a High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Opportunity Area, and the community planning area has less than five percent of its existing *dwelling units* as covenant-restricted *very low income, low income, or moderate income dwelling units*;

**Editor's Note:** The above language, added by Ordinance O-21432

(Feb. 23, 2022), was certified by the California Coastal Commission on August 10, 2022 and is effective in the Coastal Overlay Zone until the following language in Section 142.1305(a)(3) is certified by the California Coastal Commission.

- (2) On different *premises* from the *development* that does not meet the locational criteria in Section 142.1305(a)(2) but within the City of San Diego, if the receiver site is within a *Sustainable Development Area*, in an area identified as a High or Highest Resource California Tax Credit Allocation Committee Opportunity Area according to the most recent California State Treasurer TCAC/HCD Opportunity Area Maps, and less than five percent of the existing *dwelling units* in that community planning area are covenant-restricted to *very low income*, *low income*, or *moderate income* households.

**Editor's Note:** The above language, added by Ordinance O-21439

(March 11, 2022), is effective outside the Coastal Overlay Zone and is pending review and certification by the California Coastal Commission. If this language is certified by the California Coastal Commission, it will supersede the language above, added by Ordinance O-21432, and will be effective Citywide.

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

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

**§142.1307 Rehabilitation of Existing Dwelling Units, SRO Hotel Rooms, or Conversion of Guest Rooms**

- (a) The requirements of this Division may be satisfied by the rehabilitation of existing *dwelling units* for conversion to inclusionary *dwelling units* affordable to *very low income* households or *low income* households at a cost, including an allowance for utilities, that does not exceed 30 percent of 60 percent of *median income*, if the City Manager determines all of the following:
- (1) through (2) [No change in text.]
- (3) The rehabilitated *dwelling units* are located in an appropriate residential zone that can accommodate at least the number of rehabilitated *dwelling units* required by this Division, and if those rehabilitated *dwelling units* are located within a *Sustainable Development Area*, the number of *dwelling units* on the *premises* is at least 60 percent of the base *floor area ratio* or *density* designated by the zone in which the *premises* is located;
- (4) through (7) [No change in text.]
- (b) through (c) [No change in text.]
- (d) The requirements of this Division may be satisfied by the conversion of existing *guest rooms* in a *motel* or *hotel* located outside of the Coastal Overlay Zone to inclusionary *dwelling units* affordable to *very low income* households or *low income* households at a cost, including an allowance for utilities, that does not exceed 30 percent of 60 percent of *median income*, if the City Manager determines all of the following:



- (1) [No change in text.]
- (2) The *motel* or *hotel* is located in an appropriate residential zone that can accommodate at least the number of converted *guest rooms* required by this Division, and if the *motel* or *hotel* is located within a *Sustainable Development Area*, the number of *guest rooms* in the *motel* or *hotel* is at least 60 percent of the base *floor area ratio* or *density* designated by the zone in which the *motel* or *hotel* is located;

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

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

Section 27. That Chapter 14, Article 3, Division 2 of the San Diego Municipal Code is amended by amending section 143.0212, to read as follows:

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

- (a) The City Manager shall determine the need for a site-specific survey for the purposes of obtaining a *construction permit* or *development permit* for *development* proposed for any parcel containing a *structure* that is 45 or more years old and not located within any area identified as exempt in the Historical Resources Guidelines of the Land Development Manual or for any parcel identified as sensitive on the Historical Resource Sensitivity Maps. The following *development* shall be exempt from the requirements of Section 143.0212:

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

- (4) Construction or demolition of a swimming pool in a rear yard, except on a property that requires a survey in accordance with Section 143.0212(b).

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

Section 28. That Chapter 14, Article 3, Division 7 of the San Diego Municipal Code is amended by amending sections 143.0720, 143.0740, 143.0742, 143.0744, 143.0745, and 143.0746, to read as follows:

**§143.0720 Density Bonus in Exchange for Affordable Housing Units**

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

- (i) A *density* bonus agreement for a *development* within a *Sustainable Development Area* providing 100 percent of the total pre-*density* bonus and post-*density* bonus *dwelling units* as affordable to *very low income*, *low income*, and *moderate income* households shall utilize the following qualifying criteria:

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

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

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

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

- (7) For *development* providing at least 100 percent of the pre-*density* bonus *dwelling units* as affordable to *very low income*, *low income*, and *moderate income* households in accordance with Section 143.0720(h); or *development* within a *Sustainable Development Area* providing at least 100 percent of the total pre-*density* and

post-*density* bonus *dwelling units* as affordable to *very low income*, *low income*, and *moderate income* households in accordance with Section 143.0720(i), the *density* bonus shall be as follows:

(A) For *development* located outside of a *Sustainable Development Area*, the *density* bonus shall be 80 percent of the number of pre-*density* bonus *dwelling units* provided for *low income* or *very low income* households. This bonus does not apply to *development* consistent with Section 143.0720(i).

(B) For *development* located within a *Sustainable Development Area*, there shall be no limit on the number of *dwelling units* permitted.

(8) [No change in text.]

(9) For micro-unit *development* that provides five or more *dwelling units*; meets the criteria in Sections 143.0720(c)(1), 143.0720(c)(2), 143.0720(d)(1), 143.0720(d)(2), 143.0720(d)(3), 143.0720(e), or 143.0720(f); provides an average of no more than 600 square feet per *dwelling unit* with no *dwelling unit* exceeding 800 square feet; with a portion of the *lot* located within a *Sustainable Development Area*; and where the *premises* can be serviced by all required utilities, a *density* bonus of up to 100 percent of the pre-*density* bonus *dwelling units* shall be granted. The post-*density* bonus *dwelling units* shall be micro-units as

described above. For *development* meeting the same criteria within the Centre City Planned District Ordinance, the *development* must comply with Section 156.0309(d)(1)(C).

(10) through (15) [No change in text.]

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

**§143.0740 Incentives in Exchange for Affordable Housing Dwelling Units**

An *applicant* proposing *density* bonus shall be entitled to incentives as described in this Division for any *development* for which a written agreement and a deed of trust securing the agreement is entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission. The City shall process an incentive requested by an *applicant* as set forth in this section.

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

(e) For a *development* providing 100 percent of the pre-*density* bonus *dwelling units* as affordable to *very low income*, *low income*, and *moderate income* households in accordance with Section 143.0720(h); or *development* within a *Sustainable Development Area* providing 100 percent of the total pre-*density* and post-*density* bonus *dwelling units* as affordable to *very low income*, *low income*, and *moderate income* households in accordance with Section 143.0720(i), five incentives shall be available. If the *development* is located within a *Sustainable Development Area*, the *applicant* shall also receive a *structure height* increase of up to 3 additional *stories* or 33 feet.

(f) [No change in text.]

**Table 143-07A**  
**- Very Low Income Density Bonus Households**

[No change in text.]

**Footnotes for Table 143-07A**

- <sup>1</sup> For *development* containing 50 pre-density dwelling units or less, once this maximum is reached, an additional 25 percent *density* bonus and three incentives are allowed if an additional 10 percent of the pre-density bonus units are restricted in accordance with the provisions of this Division for households earning less than or equal to 120 percent of the area *median income*, as adjusted for household size, and the *development* is within a *Sustainable Development Area*.
- <sup>2</sup> Once this maximum is reached, an additional 25 percent *density* bonus and three incentives are allowed if an additional 10 percent of the pre-density bonus units are restricted in accordance with the provisions of this Division for households earning less than or equal to 120 percent of the area *median income*, as adjusted for household size, and the *development* is within a *Sustainable Development Area*.

**Table 143-07B**  
**Low Income Density Bonus Households**

[No change in text.]

**Footnotes for Table 143-07B**

- <sup>1</sup> For *development* containing 50 pre-density dwelling units or less, once this maximum is reached, an additional 25 percent *density* bonus and three incentives are allowed if an additional 10 percent of the pre-density bonus units are restricted in accordance with the provisions of this Division for households earning less than or equal to 120 percent of the area *median income*, as adjusted for household size, and the *development* is within a *Sustainable Development Area*.
- <sup>2</sup> Once this maximum is reached, an additional 25 percent *density* bonus and three incentives are allowed if an additional 10 percent of the pre-density bonus units are restricted in accordance with the provisions of this Division for households earning less than or equal to 120 percent of the area *median income*, as adjusted for household size, and the *development* is within a *Sustainable Development Area*.

**Table 143-07C**  
**Moderate Income Density Bonus Households**

[No change in text.]

**§143.0742 Incentives for Non-Residential Development**

The Employee Housing Incentive Program shall be implemented in accordance with this section. An *applicant* for non-residential *development* as defined in this section that contributes to the construction of affordable housing through the

payment of the Employee Housing Incentive Program Fee, as adopted by City Council Resolution, shall be entitled to receive incentives, as set forth below.

(a) Eligible Non-residential *Development*.

(1) The non-residential *development* shall be located within a  
*Sustainable Development Area*.

(2) [No change in text.]

(b) [No change in text.]

**§143.0744 Parking Ratios for Affordable Housing**

Upon the request of an *applicant* for a *development* meeting the criteria in Sections 143.0720(c), 143.0720(d), 143.0720(e), 143.0720(f), 143.0720(g), 143.0720(h), or 143.0720(j), the vehicular parking ratios in Table 143-07D, as may be applicable, or those set forth in Chapter 14, Article 2, Division 5, inclusive of disabled and guest parking, whichever is lower, shall apply. For purposes of this Division, a *development* may provide onsite parking through tandem parking or uncovered parking, but not through on-street parking or parking within a required front *yard setback*.

**Table 143-07D**  
**Parking Reduction for Proximity to Transit**

<b>Type of Development</b>	<b>Percent Affordable</b>	<b>Transit Requirement<sup>3</sup></b>	<b>Parking Ratio for Development<sup>1</sup></b>
Rental or for-sale development containing market rate and very low income, low income, and/or moderate income dwelling units <ul style="list-style-type: none"> <li>• Very low income</li> <li>• Low income</li> <li>• Moderate income</li> </ul>	[No change in text.]	The development is located within a Sustainable Development Area.	[No change in text.]
Rental housing <ul style="list-style-type: none"> <li>• Very low income, low income and moderate income</li> </ul>	[No change in text.]		[No change in text.]
Rental housing with an affordable housing cost to lower income senior citizens in accordance with California Civil Code Sections 51.3 and 51.12	[No change in text.]	[No change in text.]	[No change in text.]
Rental housing affordable to very low income and low income households that is either a special needs housing development as defined in California Health and Safety Code (CHSC) Section 51312 or a supportive housing development as defined in CHSC Section 50675.14	[No change in text.]	[No change in text.]	[No change in text.]

**Footnotes for Table 143-07D**

<sup>1</sup> through <sup>3</sup> [No change in text.]

**§143.0745 Locating Required Affordable Dwelling Units Off-site**

A *development* that complies with the Affordable Housing Regulations may provide all or a portion of the required affordable *dwelling units* off-site in accordance with the following:

- (a) through (b) [No change in text.]
- (c) Off-site affordable *dwelling units* that do not meet the locational criteria in Section 143.0745(a) may be located in an area where the receiver site is within a *Sustainable Development Area*, an area identified as a High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Opportunity Area, and less than five percent of the existing *dwelling units* in that community planning area are covenant-restricted to *very low income, low income, or moderate income* households.
- (d) through (g) [No change in text.]

**§143.0746 Affordable Housing in All Communities**

- (a) Affordable housing uses not otherwise allowed in High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Areas. Affordable housing may be permitted in High or Highest Resource CTCAC Areas in accordance with Process One on a *premises* located within a non-residential base zone that does not otherwise allow *multiple dwelling unit development*, subject to all of the following:
  - (1) [No change in text.]
  - (2) The *premises* is located within all of the following:
    - (A) A *Sustainable Development Area*;
    - (B) through (D) [no change in text.]



- (3) [No change in text.]
- (4) Residential *development* shall comply with the *development* regulations of the RM-2-5 zone with the exemption of *density*, *floor area ratio*, *lot area*, and *lot dimensions*.
- (5) through (7) [No change in text.]
- (b) Affordable housing may be permitted on a *premises* owned by a public agency or a qualified nonprofit corporation (consistent with Chapter 2 of the Municipal Code) in accordance with Process One on a *premises* located within a base zone that does not allow *multiple dwelling unit development*, subject to all of the following:
  - (1) through (4) [No change in text.]
  - (5) Residential *development* shall comply with the *development* regulations of the RM-2-5 zone which the exemption of *density*, *floor area ratio*, *lot area*, and *lot dimensions*.
  - (6) through (8) [No change in text.]

Section 29. That Chapter 14, Article 3, Division 9 of the San Diego Municipal Code is amended by amending sections 143.0915, to read as follows:

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

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

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

- (2) Residential or mixed-use *development* within a *Sustainable Development Area*.

- (c) [No change in text.]

Section 30. That Chapter 14, Article 3, Division 10 of the San Diego Municipal Code is amended by amending sections 143.1001, 143.1002, retitling section 143.1010, and amending sections 143.1015, 143.1020, and 143.1025, to read as follows:

**§143.1001 Purpose, Intent, and Definition**

- (a) Purpose. The purpose of these regulations is to provide a *floor area ratio-based density* bonus incentive program for *development* within *Sustainable Development Areas* that provides housing for *very low income, low income, or moderate income* households and provides neighborhood-serving infrastructure amenities. These regulations are intended to materially assist in providing adequate housing for all economic segments of the community; to provide a balance of housing opportunities within the City of San Diego with an emphasis on housing near transit; and to encourage use of mobility alternatives through the construction of neighborhood-serving infrastructure amenities. Investment in neighborhood-serving infrastructure that creates destinations and encourages walking, biking and use of transit, particularly within *Sustainable Development Areas*, is critical to the City's Climate Action Plan goal to reduce greenhouse gas emissions. These regulations do not implement California Government Code Section 65915 (State Density Bonus Law), which is implemented through San Diego Municipal Code Chapter 14, Article 3, Division 7.

- (b) Definitions. For the purposes of this Division, the following definitions shall apply:
- (1) [No change in text.]
  - (2) FAR Tier 2 means any *premises* where any portion of the *premises* is located in a regional or subregional employment area, as identified in the General Plan Economic Prosperity Element, or within a one-mile radius of any university campus that includes a medical center and is within a *Sustainable Development Area* that is located in a community planning area within Mobility Zone 3 as defined in Section 143.1103(a)(3).
  - (3) FAR Tier 3 means any *premises* where any portion of the *premises* is located in an area located within a *Sustainable Development Area* that is located in a community planning area within Mobility Zone 3 as defined in Section 143.1103(a)(3).
  - (4) FAR Tier 4 means any *premises* where any portion of the *premises* is located in an area located within a *Sustainable Development Area* that is located in a community planning area within Mobility Zone 4 as defined in Section 143.1103(a)(4).
  - (5) Community of Concern means a census tract that has been identified as having very low, low, or moderate access to opportunity as identified in the San Diego Climate Equity Index.

**§143.1002      Application of Complete Communities Housing Solutions Regulations**

(a)      At the request of the *applicant*, except as otherwise provided in Section 143.1030, the regulations in this Division shall apply to any *development* within a *Sustainable Development Area* where any portion of the *premises* contains zoning that is commercial, residential, or mixed-use and the *premises* is zoned to allow 20 *dwelling units* per acre or greater or has a *land use plan* designation that allows for 20 *dwelling units* per acre or greater and is within one quarter mile of a rail station, not including additional *dwelling units* permitted under this Division, if all of the following requirements are met:

(1)      The *development* includes *dwelling units* affordable to *very low income, low income, moderate income* households, in accordance with Section 143.1015(a)(1)-(3) or 143.1015(a)(4) and the following criteria.

(A) though (B) [No change in text.]

(C)      A portion of the total *dwelling units* in the *development* shall be reserved for *very low income, low income, or moderate-income* households, in accordance with Section 143.1015(a)(1)-(3) or 143.1015(a)(4).

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

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

**§143.1010      Incentives in Exchange for Sustainable Development Area Affordable Housing and Infrastructure Amenities**

[No change in text.]

**§143.1015 Required Provision of Affordable Dwelling Units**

- (a) In accordance with Section 143.1002(a)(1), an *applicant* requesting application of the regulations in this Division shall provide a written agreement to provide affordable *dwelling units*, entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission and secured by a deed of trust, that meets the following requirements:
- (1) Provides at least 15 percent of rental *dwelling units* in the *development*, excluding any additional *dwelling units* allowed under a *floor area ratio* bonus, for rent by *very low income* households at a cost, including an allowance for utilities, that does not exceed 30 percent of 50 percent of the area *median income*, as adjusted for household size.
- (2) through (3) [No change in text.]
- (4) As an alternative to the requirements in Sections 143.1015(a)(1)-(3) or 143.1015(a)(4), an *applicant* may provide at least 40 percent of rental *dwelling units* in the *development*, excluding any additional *dwelling units* allowed under a *floor area ratio* bonus, for rent by *very low income* households at a cost, including an allowance for utilities, that does not exceed 30 percent of 50 percent of the area *median income*, as adjusted for household size.
- (5) through (6) [No change in text.]

- (b) Nothing in this Division shall preclude an *applicant* from using affordable *dwelling units constructed* by another *applicant* to satisfy the requirements of this Division, including contracting with an affordable housing developer with experience obtaining tax-exempt bonds, low income housing tax credits, and other competitive sources of financing, upon approval by the San Diego Housing Commission.
- (c) [No change in text.]

**§143.1020 Required Provision of Infrastructure Amenities**

In accordance with Section 143.1002(a)(2), an *applicant* requesting application of the regulations in this Division shall provide infrastructure amenities as follows:

- (a) [No change in text.]
- (b) Public promenade alternative. In lieu of the fee described in Section 143.1020(a), *development* on a *premises* of at least 25,000 square feet with at least 200 linear feet of *street frontage* or on a separately-owned parcel within a *Sustainable Development Area* where the *development* is located and with an equivalent-sized *premises* of the *development* or larger with at least 200 linear feet of *street frontage*, may construct public amenities in the form of a public promenade.
  - (1) through (8) [No change in text.]

**§143.1025 Supplemental Development Regulations**

*Development* utilizing the regulations in this Division must comply with the following Supplemental Development Regulations and may not utilize the waivers provided in Section 143.1010(h) to deviate from the requirements in Section 143.1025.

- (a) Pedestrian Circulation Space. All *development* shall include the following pedestrian circulation improvements:
  - (1) [No change in text]
  - (2) Street trees. At least one, 24-inch box canopy form tree is required for each 20 feet of *street frontage*. The *street frontage* excludes curb cuts and required clearances for designated bus stops. The installed tree spacing and location may be varied to accommodate site conditions or design considerations.
  - (3) through (5) [ No change in text]
- (b) [No change in text.]
- (c) Standards for Buildings over 95 Feet in Height on *Premises* over 20,000 Square Feet in Area. For the purposes of Section 143.1025, bulk and scale are divided into two main areas of the building base and the tower. Buildings over 95 feet in height located on a *premises* over 20,000 square feet in area shall comply with the following requirements:
  - (1) For a *development* that includes one or more *structures* over 95 feet in height, or *development* which exceeds the height limit of the base zone, whichever is greater, a Neighborhood Development Permit decided in accordance with Process Two is required.
  - (2) through (6) [No change in text.]
- (d) through (e) [No change in text.]

Section 31. That Chapter 14, Article 3, Division 11 of the San Diego Municipal Code is amended by amending sections 143.1102 and 143.1103, to read as follows:

**§143.1102 When Mobility Choices Regulations Apply**

The Mobility Choices Regulations apply to any *development* for which a Building Permit is issued, except:

- (a) through (f) [No change in text.]
- (g) *Multiple dwelling unit development* within a *Sustainable Development Area* that provides the transportation amenities required by Section 142.0528; and
- (h) [No change in text.]

**§143.1103 Mobility Choices Requirements**

- (a) For the purposes of this Division, Mobility Zones shall be defined as follows:
  - (1) [No change in text.]
  - (2) Mobility Zone 2 means any *premises* located either partially or entirely in a *Sustainable Development Area*.
  - (3) [No change in text.]
  - (4) Mobility Zone 4 means any area within a community planning area with a VMT efficiency that is greater than 85 percent of the regional average for either resident VMT per capita or employee VMT, as determined by the City Manager.
  - (5) through (6) [No change in text.]
- (b) through (c) [No change in text.]

Section 32. That Chapter 14, Article 3, Division 13 of the San Diego Municipal Code is amended by amending section 143.1310, to read as follows:

**§143.1310 Construction of Multiple Dwelling Units in a Single Dwelling Unit Zone**

Up to two *dwelling units* may be permitted on a *premises* within a RS, RE, RX, RT or Planned District Zones that permits *single dwelling unit development*, but



not *multiple dwelling unit development*, in accordance with the following regulations:

- (a) The *development* regulations of the base zone in which the *premises* is located shall apply, except as specified in this section.
  - (1) through (2) [No change in text.]
  - (3) Parking Regulations
    - (A) Within a *Sustainable Development Area*, no *off-street parking spaces* are required.
    - (B) Outside of a *Sustainable Development Area*, *off-street parking spaces* shall be provided as follows:
      - (i) through (ii) [No change in text.]
  - (4) [No change in text]
  - (5) *Dwelling units* constructed within Areas of Future Sea Level Rise must comply with the regulations in Section 132.0404.
  - (6) [No change in text.]
- (b) [No change in text.]

Section 33. That Chapter 15, Article 1, Division 1 of the San Diego Municipal Code is amended by amending section 151.0103, to read as follows:

**§151.0103 Applicable Regulations**

- (a) [No change in text.]
- (b) The following regulations apply in all planned districts:
  - (1) through (3) [No change in text.]
  - (4) Solar energy systems regulations contained in Land Development Code Section 141.0418, electric vehicle charging station

regulations contained in Land Development Code Section 141.0419, and battery energy storage facilities regulations contained in Land Development Code Section 141.0422.

(5) through (13) [No change in text.]

Section 34. That Chapter 15, Article 3, Division 3 of the San Diego Municipal Code is amended by amending section 153.0311, to read as follows:

**§153.0311 Mixed-Use Center (MC)**

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

(c) Development Regulations

The development regulations of the CC-5-5 zone of Chapter 13, Article 1, Division 5 (Commercial Base Zones) shall apply, except as follows:

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

(3) Maximum Floor Area Ratio

The maximum floor area ratio is 1.2, except for development that consists of 8 to 10 dwelling units which shall be limited to a maximum floor area ratio of 1.25.

For development within a historic district or on a premises with a historical resource included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code the floor area ratio does not increase.

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

Section 35. That Chapter 15, Article 5, Division 2 of the San Diego Municipal Code is amended by amending sections 155.0231, 155.0238, and 155.0242, to read as follows:

**§155.0231 Exceptions to the Residential Zones Regulations within the Central Urbanized Planned District**

Table 131-04G, Development Regulations of RM Zones, shall apply with the following exceptions:

**Table 155-02A  
Floor Area Ratio Exceptions**

<b>Zones</b>	<b>RM-1-1</b>	<b>RM-1-2</b>	<b>RM-1-3</b>	<b>RM-2-4</b>	<b>RM-2-5</b>	<b>RM-2-6</b>
<i>Max floor area ratio<sup>1</sup></i>	0.1 <sup>1,2</sup>	0.65 <sup>1,2</sup>	0.75 <sup>1,2</sup>	0.90 <sup>1,2</sup>	1.10 <sup>2</sup>	1.30

**Footnotes for Table 155-02A**

- <sup>1</sup> For *development* that consist of 3 to 7 *dwelling units*, the maximum *floor area ratio* shall be 1.0. For *development* within a historic district or on a *premises* with a historical resource included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a *premises* that is designated as a *historical resource* consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum *floor area ratio* does not increase.
- <sup>2</sup> For *development* that consist of 8 to 10 *dwelling units*, the maximum *floor area ratio* shall be 1.25. For *development* within a historic district or on a *premises* with a historical resource included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a *premises* that is designated as a *historical resource* consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum *floor area ratio* does not increase.

**§155.0238 Use Regulations Table of CU Zones**

The uses allowed in the CU zones are shown in Table 155-02C.

**Legend for Table 155-02C**

[No change in text.]

**Table 155-02C**  
**Use Regulations Table for CU Zone**

Use Categories/Subcategories [See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	CU-									
	3rd >>	1-(1)		2-			3-				
	4th >>	1	2	3	4	5	3(2)(12)	6	7	8	
<b>Open Space through Industrial, Separately Regulated Industrial Uses</b>		[No change in text.]									
Artisan Food and Beverage Producer		-		L			L				
<i>Cannabis Production Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees</i>				[No change in text.]							

**Footnotes for Table 155-02C**<sup>1</sup> through <sup>13</sup> [No change in text.]**§155.0242 Development Regulations Table for CU Zones**

The following development regulations apply in each of the CU zones as shown in

Table 155-02D.

**Table 155-02D**  
**Development Regulations of CU Zones**

Development Regulations	Zone Designator	Zones							
	1st & 2nd >>	CU-							
	3rd >>	1-		2-	3-	2-		3-	
	4th >>	1 <sup>(1)</sup>	2 <sup>(1)</sup>	3	4	5	6	7	8
<b>Max residential density <sup>(2)</sup></b>		5,000	3,000	1,000	600	1,000	1,500	5,000	3,000
<b>Supplemental residential regulations <sup>(3)</sup></b>		applies	applies	applies	applies	applies	applies	applies	applies
<b>Lot area</b>									
Min (sf)		5,000	5,000	2,500	2,500	2,500	5,000	2,500	2,500
Max (ac)		0.3	0.3	-	-	-	-	-	-
<b>Lot dimensions</b>									
Min width (ft)		50	50	25	25	25	50	25	25
Min street frontage (ft)		-	-	25	25	25	50	25	25
Min depth (ft)		-	-	-	-	-	100	-	-
Max depth (ft)		-	-	-	-	-	150	-	-
<b>Setback Requirements</b>									
Min front setback (ft)		20 <sup>(4)</sup>	20 <sup>(4)</sup>	-	-	-	-	10	10
Max front setback (ft)		-	-	10 <sup>(5)</sup>	10 <sup>(5)</sup>	10 <sup>(5)</sup>	100 <sup>(5,6)</sup>	-	-

Development Regulations	Zone Designator	Zones							
	1st & 2nd >>	CU-							
	3rd >>	1-		2-	3-	2-		3-	
	4th >>	1 <sup>(1)</sup>	2 <sup>(1)</sup>	3	4	5	6	7	8
Min side setback (ft) Optional side setback (ft) [See Land Development Code Section 131.0543(b)]		10 0	10 0	10 0-	10 0	10 0	10 0	5 -	5 -
Side setback abutting residential (ft) [See Land Development Code Section 131.0543(c)]		applies	applies	applies	applies	applies	applies	applies	applies
Min street side setback (ft) Max street side setback (ft)		20 <sup>(4)</sup> -	20 <sup>(4)</sup> -	- 10 <sup>(5)</sup>	- 10 <sup>(5)</sup>	- 10 <sup>(5)</sup>	- -	10 -	10 -
Min rear setback (ft) Optional rear setback (ft) [See Land Development Code Section 131.0543(b)]		10 0	10 0	10 0	10 0	10 0	10 0	10 0	10 0

Development Regulations	Zone Designator	Zones							
	1st & 2nd >>	CU-							
	3rd >>	1-		2-	3-	2-		3-	
	4th >>	1 <sup>(1)</sup>	2 <sup>(1)</sup>	3	4	5	6	7	8
Rear <i>setback</i> abutting residential (ft) [See Land Development Code Section 131.0543(c)]		applies	applies	applies	applies	applies	applies	applies	applies
Max <i>structure height</i> (ft)		24 <sup>(7)</sup>	24 <sup>(7)</sup>	50	-	90	30	30	30
Min <i>lot coverage</i> (%)		-	-	-	35	35	-	-	-
Max <i>floor area ratio</i>		0.6 <sup>(8)(9)</sup>	0.6 <sup>(8)(9)</sup>	1.0 <sup>(9)</sup>	2.0	2.0	0.75 <sup>(8)(9)</sup>	0.5 <sup>(8)(9)</sup>	0.5 <sup>(8)(9)</sup>
Mixed use bonus/Min % to residential [See Land Development Code Section 131.0546(a)]		0.4/100	0.4/100	0.5/50	2.0/50	1.5/50	0.75/75	0.5/50	0.5/50
Pedestrian paths [See Land Development Code Section 131.0550]		applies	applies	applies	applies	applies	applies	applies	applies
Transparency [See Land Development Code Section 131.0552]		-	-	applies	applies	applies	-	applies	applies
Building articulation [See Land Development Code Section 131.0554]		applies	applies	applies	applies	applies	applies	applies	applies
Parking lot orientation [See Land Development Code Section 131.0556]		-	-	-	-	-	applies	-	-

**Footnotes for Table 155-02D**<sup>(1)</sup> through <sup>(7)</sup> [No change in text.]<sup>(8)</sup> For development that consist of 3 to 7 dwelling units, the maximum floor area ratio shall be 1.0. For development within a historic district or property included on the State Historic

Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a *premise* that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum *floor area ratio* does not increase.

- (9) For *development* that consist of 8 to 10 *dwelling units*, the maximum *floor area ratio* shall be 1.0. For *development* within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a *premise* that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum *floor area ratio* does not increase.

Section 36. That Chapter 15, Article 13, Division 3 of the San Diego Municipal Code is amended by amending section 1513.0304, to read as follows:

**§1513.0304 Property Development Regulations – Residential Subdistricts**

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

(g) *Floor Area Ratio*

- (1) The basic maximum *floor area ratio* shall be 1.1 for 1 to 7 *dwelling units*. The maximum *floor area ratio* shall be 1.25. for 8 to 10 *dwelling units*.

For *development* within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a *premises* that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum *floor area ratio* does not increase.

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

(h) [No change in text.]

Section 37. That Chapter 15, Article 16, Division 1 of the San Diego Municipal Code is amended by amending sections 1516.0114 and 1516.0119, to read as follows:

**§1516.0114 Development Regulations Table for Old Town San Diego Residential Zones**

**Table 1516-01C**  
**Development Regulations for OTR Zones**

Development Regulations	Zone Designator	Zones			
	1st & 2nd >>	OTRS-	OTRM-		
	3rd >>	1-	1-	2-	2-
	4th >>	1	1	1	2
<b>Max permitted density through Lot Coverage for sloping lots [See Section 1516.0132] [No change in text.]</b>		[No change in text.]			
<b>Max floor area ratio</b>		0.6	0.7 <sup>(5,6)</sup>	1.0 <sup>(6)</sup>	1.2 <sup>(4)(6)</sup>
<b>Max paving/hardscape through Visibility Area [See Section 113.0273] [No change in text.]</b>		[No change in text.]			

**Footnotes for Table 1516-01C**

<sup>1</sup> through <sup>4</sup> [No change in text.]

<sup>5</sup> For development that consist of 3 to 7 dwelling units, the maximum floor area ratio shall be 1.0. For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a premises that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum floor area ratio does not increase.

<sup>6</sup> For development that consist of 8 to 10 dwelling units, the maximum floor area ratio shall be 1.25. For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a premises that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum floor area ratio does not increase.

**§1516.0119 Development Regulations Table for Old Town San Diego Commercial Zones**

**Table 1516-01E**  
**Development Regulations for OTCC and OTMCR Zones**

Development Regulations	Zone	Zones								
	1st & 2nd >> 3rd >>	OTCC-						OTMCR-		
		1-	2-	2-	2-	3-	3-	1-		
		1	1	2	3	1	2	1	2	3
Max Permitted Residential Density <sup>(1)</sup> through Min Lot Coverage (%) <sup>(2)</sup>		[No change in text.]								
Max Floor Area Ratio		2.0	1.0 <sup>(3)</sup>	1.0 <sup>(3)</sup>	1.2 <sup>(3)</sup>	1.3	1.3	1.2 <sup>(3)</sup>	2.0	2.0
Floor Area Ratio Bonus for Residential Mixed Use [See Section 1516.0136]		--	0.2	0.2	0.2	--	--	--	0.2	1.0

Development Regulations	Zone	Zones								
	1st & 2nd >> 3rd >>	OTCC-						OTMCR-		
		1-	2-	2-	2-	3-	3-	1-		
		1	1	2	3	1	2	1	2	3
Minimum Floor Area Ratio for Residential Use [See Section 1516.0136]		--	0.2	0.2	0.2	--	--	--	--	0.2
Floor Area Ratio Bonus for Structured Parking [See Section 1516.0138]		[No change in text.]								
Ground-Floor Height through Visibility Area [See Section 113.0273]		[No change in text.]								

**Footnotes for Table 1516-01E**

<sup>1</sup> through <sup>2</sup> [No change in text.]

- <sup>3</sup> For development that consist of 3 to 7 dwelling units, the maximum floor area ratio shall be 1.0. For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a premises that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum floor area ratio does not increase.
- <sup>4</sup> For development that consist of 8 to 10 dwelling units, the maximum floor area ratio shall be 1.25. For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a premises that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum floor area ratio does not increase.

Section 38. 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 39. That this Ordinance shall take effect and be in force the sixtieth day from and after its final passage except that the provisions applicable inside the Coastal Overlay Zone and within the San Diego Regional Airport Authority regions.

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

Section 41. That if the SDCRAA finds this Ordinance consistent with the Airport Land Use Compatibility Plan(s) (ALUCPs) for MCAS Miramar, Montgomery Field, San Diego International Airport, and Brown Field Municipal Airport, this Ordinance shall take effect and be in force on the thirtieth day from and after the finding of consistency, except that the provisions



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

Section 42. That if the SDCRAA determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCP(s) for MCAS Miramar, Montgomery Field, San Diego International Airport, and Brown Field Municipal Airport, the Ordinance shall be submitted to the City Council for reconsideration.

Section 43. That if the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCP(s) for MCAS Miramar, Montgomery Field, San Diego International Airport, and Brown Field Municipal Airport, but that consistency is subject to proposed modifications, the City Council may amend this Ordinance to accept the proposed modifications, except that the provisions of this Ordinance as amended inside the Coastal Overlay Zone, which are subject to the 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 44. That a proposed decision by the City Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of a conditional consistency shall include the findings required pursuant to Public Utilities Code section 21670 and require a two-third 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 MCAS Miramar, Montgomery Field, San Diego International Airport, and Brown Field Municipal Airport. The City Council shall hold a second hearing not less than forty-five 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.

Section 45. 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 46. The language referenced in section 141.0302(b)(2)(I) of the strikeout version of this Ordinance was previously approved as an amendment under San Diego Ordinance O-214777 and is included in the 2022 Code Update, and that Ordinance along with San Diego Ordinances O-21254 and O-21439, have recently been considered by City Council with portions that have not been certified by the California Coastal Commission; therefore, the City Clerk, with the written approval and concurrence of the City Attorney, is authorized to reconcile the numbering sections and placement of text with the necessary sections upon the final passage of the ordinances, without further action by City Council, pursuant to San Diego Charter section 275.

Section 47. That no permits shall be issued for development that is inconsistent with the provisions of this Ordinance unless a deemed complete application for such permits is submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective. For the amendments associated with the new definition of a Sustainable Development Area, specifically section 113.0103 (only the addition of the definition of Sustainable Development Area), and sections 131.0701, 141.0302, 141.0407, 142.1305, 142.1307, 143.0720, 143.0740, 143.0742, 143.0744, 143.0745, 143.0746, 143.0915, 143.1001, 143.1002, 143.1010,

143.1020, 143.1102, 143.1103, and 143.1310, where the phrase "transit priority area" or "Transit Priority Area" is replaced with "Sustainable Development Area," and Industrial Base Zones: Prime Industrial Lands, specifically section 131.0620 and section 131.0622, no permits shall be issued for development that is inconsistent with the provisions of this Ordinance unless a deemed complete application for such permits is submitted to the City prior to 12 months from the date the applicable provisions of this Ordinance becomes effective.

APPROVED: MARA W. ELLIOTT, City Attorney

By

  
Shannon Christine Eckmeyer  
Deputy City Attorney

SCE:cm

September 22, 2022

February 8, 2023 COR. COPY

February 10, 2023 COR. COPY 2

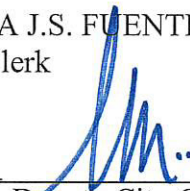
Or.Dept: Planning

Doc. No. 3095851\_3

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of FEB 28 2023.

DIANA J.S. FUENTES  
City Clerk

By

  
Deputy City Clerk

Approved:

3/6/23  
(date)

  
TODD GLORIA, Mayor

Vetoed:

(date)

TODD GLORIA, Mayor

(The date of final passage is March 7, 2023, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

**STRIKEOUT ORDINANCE**

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

**NEW LANGUAGE:** Double Underline

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

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

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 2, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 112.0302, 112.0303, AND 112.0304; BY AMENDING CHAPTER 11, ARTICLE 2, DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 112.0501; BY AMENDING CHAPTER 11, ARTICLE 2, DIVISION 6 BY AMENDING SECTIONS 112.0601 AND 112.0604; BY AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 113.0103; BY AMENDING CHAPTER 12, ARTICLE 5, DIVISION 9 BY AMENDING SECTION 125.0940; BY AMENDING CHAPTER 12, ARTICLE 6, DIVISION 1 BY AMENDING SECTION 126.0108; BY AMENDING CHAPTER 12, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 126.0303; BY AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5 BY AMENDING SECTION 126.0502; BY AMENDING CHAPTER 12, ARTICLE 6, DIVISION 7 BY AMENDING SECTIONS 126.0704, 126.0707, AND 126.0709; BY AMENDING CHAPTER 12, ARTICLE 8, DIVISION 3 BY AMENDING SECTION 128.0305; BY AMENDING CHAPTER 12, ARTICLE 9, DIVISION 7 BY AMENDING SECTION 129.0710; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTIONS 131.0422, 131.0431, AND 131.0443; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 131.0522; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTIONS 131.0620 AND 131.0622; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 7 BY AMENDING SECTIONS 131.0701, 131.0707, AND 131.0718; BY AMENDING CHAPTER 13, ARTICLE 2, DIVISION 4 BY AMENDING SECTIONS 132.0402 AND ADDING SECTION 132.0404; BY AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY AMENDING SECTIONS 141.0302 AND 141.0318; BY AMENDING CHAPTER 14, ARTICLE 1,

DIVISION 4 BY AMENDING SECTIONS 141.0407, 141.0420, AND 141.0421, AND BY ADDING NEW SECTION 141.0422; BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 3 BY AMENDING SECTION 142.0305; BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 4 BY AMENDING SECTIONS 142.0402, 142.0403, 142.0404, 142.0405, 142.0407, 142.0412, AND 142.0413; BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTION 142.0560; BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 6 BY AMENDING SECTION 142.0640; BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 12 BY AMENDING SECTION 142.1250; BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 13 BY AMENDING SECTIONS 142.1305 AND 142.1307; BY AMENDING CHAPTER 14, ARTICLE 3, DIVISION 2 BY AMENDING SECTION 143.0212; BY AMENDING CHAPTER 14, ARTICLE 3, DIVISION 7 BY AMENDING SECTIONS 143.0720, 143.0740, 143.0742, 143.0744, 143.0745, AND 143.0746; BY AMENDING CHAPTER 14, ARTICLE 3, DIVISION 9 BY AMENDING SECTION 143.0915; BY AMENDING CHAPTER 14, ARTICLE 3, DIVISION 10 BY AMENDING SECTIONS 143.1001 AND 143.1002, RETITLING SECTION 143.1010, AND AMENDING SECTIONS 143.1015, 143.1020, AND 143.1025; BY AMENDING CHAPTER 14, ARTICLE 3, DIVISION 11 BY AMENDING SECTIONS 143.1102 AND 143.1103; BY AMENDING CHAPTER 14, ARTICLE 3, DIVISION 13 BY AMENDING SECTION 143.1310; BY AMENDING CHAPTER 15, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 151.0103; BY AMENDING CHAPTER 15, ARTICLE 3, DIVISION 3 BY AMENDING SECTION 153.0311; BY AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY AMENDING SECTIONS 155.0231, 155.0238, AND 155.0242; BY AMENDING CHAPTER 15, ARTICLE 13, DIVISION 3 BY AMENDING SECTION 1513.0304; AND BY AMENDING CHAPTER 15, ARTICLE 16, DIVISION 1 BY AMENDING SECTIONS 1516.0114 AND 1516.0119, RELATING TO THE 2022 LAND DEVELOPMENT CODE UPDATE.

**§112.0302 Notice by Mail**

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

(c) Alternative to Mailed Notice. If the number of tenants and owners to whom notice would be mailed in accordance with Section 112.0302(b) is

greater than 1,000, notice may be given by placing a display advertisement of at least one eighth page in a newspaper of general daily-circulation within the City in lieu of mailing, unless the noticing is required for a Coastal Development Permit.

(d) [No change in text.]

**§112.0303 Published Notice**

When the Land Development Code requires a Notice of Public Hearing to be published, the City shall submit the Notice of Public Hearing for publication in at least one newspaper of general daily-circulation within the City. A published notice is effective on the date of publication.

**§112.0304 Posted Notice**

When this division requires a Notice of Application or a Notice of Future Decision to be posted, the *applicant* shall post the notice in the following manner.

- (a) Placement of Notice. The *applicant* shall post copies of the Notice of Application or Notice of Future Decision along the *street frontage* of the property that is the subject of the application. The notices shall not be spaced more than 200 feet apart. No more than three notices are required for any property. If the *street frontage* is less than 200 feet, only one notice is required.
- (1) The notice shall be printed in black ink on ~~foam-core board~~ durable material that can withstand the elements to ensure that the text is legible for the duration of the posting requirement and located in a

conspicuous place on the property abutting a ~~street~~*street* ~~not more than 10 feet inside the property line but no closer than five feet to a property line.~~

- (2) The notice shall be ~~12~~six feet square in *sign* area, measuring ~~three~~two feet by ~~four~~three feet.
- (3) *Signs* may be placed in commercial display windows, attached to perimeter fencing, or supported on ~~four-inch by four-inch~~ wood posts not exceeding six feet in height from the ground level. If the property is surrounded by *fences*, walls, or hedges at or near the *street property line*, additional height may be provided as necessary to ensure visibility of the *sign* from the *public right-of-way*.

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

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

#### **§112.0501 Overview of Decision Process**

Application for permits, maps, or other matters shall be acted upon in accordance with one of the five decision processes established in this division and depicted on Diagram 112-05A, except that applications for *capital improvement program projects* shall be acted upon in accordance with Chapter 11, Article 2, Division 6 and Sections 112.0505 and 112.0506. The subject matter of the *development* application determines the process that shall be followed for each application. The provisions of Chapter 12 that pertain to each permit, map, or other matter describe the decision process in more detail. Diagram 112-05A is provided for

convenience of reference only and does not define, describe, or limit the scope, meaning, or intent of any provision of the Land Development Code. This diagram describes the City of San Diego's processes only and does not describe other decision processes that may be required by other agencies, such as the State Coastal Commission.

**Diagram 112-05A**

**Decision Process with Notices**

[No change in text.]

**112.0601 Overview of Decision Process**

Applications for *capital improvement program projects* or *public projects* requiring a Site Development Permit in accordance with the Environmentally Sensitive Lands Regulations and Historical Resources Regulations ~~or a City-issued Coastal Development Permit~~ shall be acted upon in accordance with one of the ~~two~~ decision processes established in this division and depicted on Diagram 112-06A. Applications for *capital improvement program projects* requiring a City-issued Coastal Development Permit in the *appealable area* of the Coastal Overlay Zone shall be made in accordance with Process Three, as set forth in Sections 112.0505 and 112.0506 and depicted on Diagram 112-06A. The subject matter of the *development* application determines the process that shall be followed for each application. The provisions of Chapter 12 that pertain to each permit, map, or other matter describe the decision process in more detail. Diagram 112-06A is provided for convenience of reference only and does not define, describe, or limit the scope, meaning, or intent of any provision of the Land

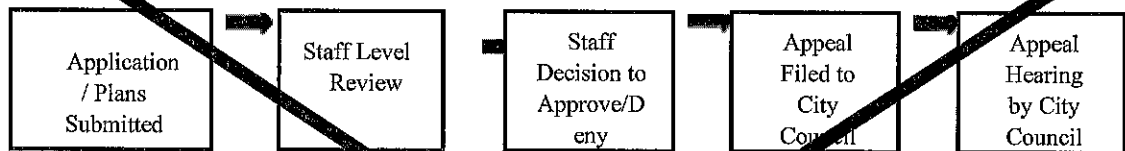


Development Code. This diagram does not describe the decision processes that may be required by other agencies, such as the State Coastal Commission.

Diagram 112-06A

**Decision Processes for Capital Improvement Program Projects and Public Projects**

**PROCESS CIP/Public Project-Two**



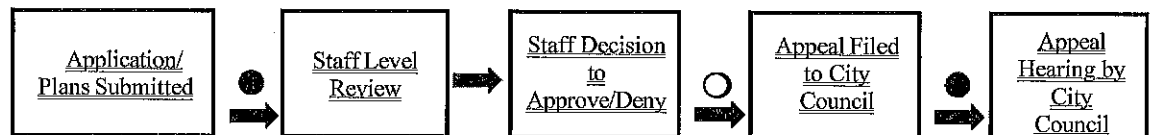
**PROCESS CIP/Public Project-Five**



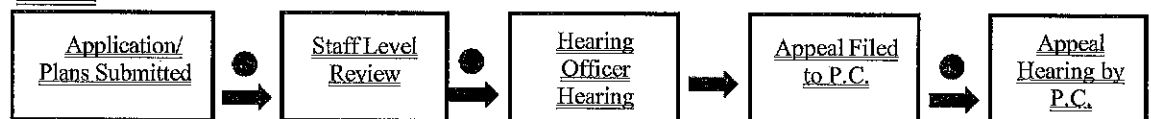
**Key**

- Public Notice to all Property Owners, Tenants, Community Planning Groups within 300 Feet of the *development*, and Anyone Requesting Notice
- Public Notice to Applicant, Community Planning Groups within 300 feet, and Anyone Requesting Notice

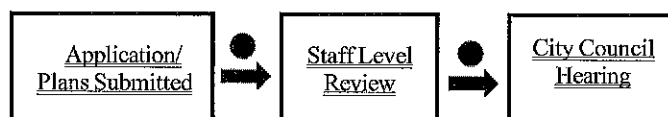
**PROCESS CIP/Public Project-Two**



**PROCESS CIP/Public Project-Three**



**PROCESS CIP/Public Project-Five**



**Key**

- Public Notice to all Property Owners, Tenants, Community Planning Groups within 300 feet of the *development*, and Anyone Requesting Notice
- Public Notice to Applicant, Community Planning Groups within 300 feet, and Anyone Requesting Notice

**§112.0604      Process CIP/Public Project - Five**

An application for a Site Development Permit for a *capital improvement program project* or a *public project* that deviates from the Historical Resources Regulations ~~or a City-issued Coastal Development Permit in the *appealable area* of the Coastal Overlay Zone,~~ shall be acted upon in accordance with Process CIP/Public Project-Five. An application for a Process CIP/Public Project-Five decision may be approved, conditionally approved, or denied by the City Council. A Process CIP/Public Project-Five decision shall be made in the following manner.

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

**§113.0103      Definitions**

*Abutting property* through *MSCP Subarea Plan* [No change in text.]

*Multiple dwelling unit* means two or more *dwelling units* on a single *lot*. The term does not include ~~companion units, junior units,~~ *Accessory Dwelling Units, Junior Accessory Dwelling Units,* or employee housing.

*Net building area* through *Surface mining* [No change in text.]

*Sustainable Development Area* means the area within a defined walking distance along a pedestrian path of travel from a *major transit stop* that is existing or planned, if the planned *major transit stop* is included in a transportation improvement program or applicable regional transportation plan, as follows:

- (a) Within Mobility Zones 1 and 3, as defined in Section 143.1103, the defined walking distance is 1.0 mile.
- (b) Within Mobility Zone 4, as defined in Section 143.1103, the defined walking distance is .75 mile.
- (c) For *parcels* located in Mobility Zone 4, in an area identified as a High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Opportunity Area, the defined walking distance is 1.0 mile.

In addition, an adopted specific plan prepared in accordance with section 122.0107(a), shall be within the *Sustainable Development Area* if the *Sustainable Development Area* is within a portion of the adopted specific plan.

*Target population through Wetland buffer* [No change in text.]

*Wetlands* are defined as areas which are characterized by any of the following conditions:

- ~~1.~~(a) Lands outside the MHPA that contain Tier I Habitats, Tier II Habitats, Tier IIIA Habitats, or Tier IIIB Habitats;
- ~~2.~~(b) Lands supporting species or subspecies listed as rare, endangered, or threatened under Section 670.2 or 670.5, Title 14, California Code of Regulations, or the Federal Endangered Species Act, Title 50, Code of Federal Regulations, Section 17.11 or 17.12, or candidate species under the California Code of Regulations; or
- ~~3.~~(c) Lands containing habitats with Narrow Endemic Species as listed in the Biology Guidelines in the Land Development manual.

4.(d) Lands containing habitats of covered species as listed in the Biology  
Guidelines in the Land Development Manual.

It is intended for this definition to differentiate for the purposes of delineating *wetlands*, between naturally occurring *wetlands* and *wetlands* intentionally created by human actions, from areas with *wetlands* characteristics unintentionally resulting from human activities in historically non-wetland areas. With the exception of *wetlands* created for the purpose of providing *wetland* habitat or resulting from human actions to create open waters or from the alteration of natural stream courses, areas demonstrating *wetland* characteristics, which are artificially created are not considered *wetlands* by this definition. Taking into account regional precipitation cycles, all adopted scientific, regulator, and technological information available from the State and Federal resource agencies shall be used for guidance on the identification of hydrophytic vegetation, hydric soils and *wetland* hydrology.

*Wireless communication facility* through *Yard* [No change in text.]

**§125.0940 Decision Process for a Public Right-of-Way Vacation**

A decision on an application to vacate a ~~public right-of-way~~ public right-of-way shall be made in accordance with Process Five with the following exceptions to Process Five procedures:

- (a) The Notice of Public Hearing required by Section 112.0301(c) shall be distributed 14 calendar days before the date of the public hearing, and shall be published in a newspaper of general ~~daily~~ circulation for at least two successive weeks prior to the hearing in accordance with California

Streets and Highways Code Section 8322. The Notice of Public Hearing shall be posted in accordance with California Streets and Highways Code Section 8323. Where the vacation of a *public right-of-way* occurs in conjunction with an application for a *tentative map*, notice in accordance with this section shall not be required

(b) [No change in text.]

**§126.0108 Utilization of a Development Permit**

(a) A *development permit* grants the *permit holder* 36 months to initiate utilization of the *development permit*. If utilization does not occur in accordance with this Section with 36 months after the due date on which all rights of appeal have expired, and an application for an extension of time was not timely filed, the *development permit* shall be void.

*Development permits issued for projects utilizing Type 1 construction as defined in Chapter 6 of the California Building Code shall be granted an additional 12 months to initiate utilization of the development permit.*

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

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

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

- (a) Conditional Use Permits Decided by Process Two

Battery energy storage facilities (under circumstances described in Section 141.0422)

*Cannabis outlet* (under circumstances described in Section 141.0504)

*Cannabis production facilities* (under circumstances described in Section 141.1004)

- (b) Conditional use Permits Decided by Process Three

Agriculture equipment repair shops through Automobile service stations

[No change in text.]

Battery energy storage facilities (under circumstances described in Section 141.0422)

*Cannabis outlets* through *Wireless communication facilities* (under circumstances described in Section 141.0420) [No change in text.]

- (c) Conditional Use Permits Decided by Process Four

Battery energy storage facilities (under circumstances described in Section 141.0422)

Botanical gardens and arboretums through Wrecking and dismantling of motor vehicles [No change in text.]

- (d) [No change in text.]

**§126.0502 When a Site Development Permit is Required**

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

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

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

(4) *Development* within the Airport Land Use Compatibility Overlay  
Zone proposing deviations from the overlay zone requirements, ~~or~~  
~~development that includes a rezone or land use plan approval.~~

(5) [No change in text.]

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

**§126.0704 Exemptions from a Coastal Development Permit**

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

(a) Improvements to existing *structures*, including the construction of  
attached *Accessory Dwelling Units* and *Junior Accessory Dwelling Units*  
in accordance with Section 141.0302 are exempt, except if the  
improvements involve any of the following:

(1) Improvements to any *structure* if the structure or improvements  
are located; on a beach; in a wetland; stream; lake; or seaward of  
the mean high tide line; where the structure or proposed  
improvements would encroach or within 50 feet of a coastal bluff  
edge.

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

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

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

(a) [No change in text.]

- (b) A decision on an application for a City-issued Coastal Development Permit in the *appealable area* of the Coastal Overlay Zone shall be made in accordance with Process Three, ~~except that a decision on a capital improvement program project or public project in the appealable area of the Coastal Overlay Zone shall be made in accordance with Section 126.0707(c) and as set forth in Sections 112.0505 and 112.0506, except a decision on a companion unit~~ an Accessory Dwelling Unit shall be made in accordance with Section 126.0707(a). The decision may be appealed to the Planning Commission in accordance with Section 112.0506.
- (c) A decision on an application for a City-issued Coastal Development Permit for a *capital improvement program project* or *public project* shall be made as follows:
- (1) [No change in text.]
  - (2) In the *appealable area* of the Coastal Overlay Zone, the decision shall be made in accordance with ~~Process CIP/Public Project Five~~ a Process Three as set forth in with Sections 112.0505 and 112.0506.
- (d) through (g) [No change in text.]

**§126.0709 Notice of Final City Action on a Coastal Development Permit**

- (a) Notice of Final City Action by Mail. No later than 5 *business days* after the date on which all rights of appeal have expired for a Coastal Development Permit or any amendment or extension of a Coastal Development Permit, the City Manager shall ~~mail~~ provide a Notice of



Final City Action to the Coastal Commission and to any other person who has requested this notice. Notice may be provided by electronic mail.

(b) [No change in text.]

**§128.0305 Public Notice of Draft Environmental Documents**

(a) Notice of Availability of a Draft Environmental Document. When a draft environmental document has been prepared and is available for public review and comment, the City Manager shall prepare and distribute a Notice of Availability.

(1) [No change in text.]

(2) Distribution. The City Manager shall distribute the notice as follows:

(A) By publishing the Notice of Availability one time in a newspaper of general daily-circulation;

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

(3) [No change in text.]

(b) [No change in text.]

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

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

- (a) If the proposed *encroachment* involves construction of a privately-owned *structure* or facility into the *public right-of-way* dedicated for a *street* or an *alley*, and where the *applicant* is the *record owner* of the underlying fee title, a Neighborhood Development Permit is required in accordance with Section 126.0402(j) except for the following, which are subject to approval by the City Engineer in accordance with Process One:

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

- (5) The *encroachment* is permitted under Section 141.0621 (Sidewalk Cafes, Streetaries, and Active Sidewalks).

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

- (10) The *encroachment* is permitted under Section 141.0629 (Promenade).

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

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

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

## **Legend for Table 131-02B**

[No change in text.]

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

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
		1st & 2nd >>		OP-		OC-	
	3rd >>	1-	2-	1-	1-	1-	1-
	4th >>	1	1	1	1	2	1
<b>Open Space through Institutional, Separately Regulated Institutional Uses, Airports</b>		[No change in text.]					
<u>Battery Energy Storage Facilities</u>							

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st & 2nd >>	OP-		OC-	OR <sup>(1)</sup> -		OF <sup>(11)</sup> -
	3rd >>	1-	2-	1-	1-		1-
	4th >>	1	1	1	1	2	1
		<u>C</u>	<u>C</u>	=	<u>C</u>		=
<u>Small Scale (&lt; 0.25 acre)</u>		=	=	=	=		=
<u>Medium Scale (0.25 acre &lt; 1 acre)</u>		=	=	=	=		=
<u>Large Scale (&gt;1 acre)</u>		=	=	=	=		=
Botanical Gardens & Arboretums through <b>Signs, Separately Regulated Signs Uses, Theater Marquees</b>		[No change in text.]					

**Footnotes for Table 131-02B**

<sup>1</sup> through <sup>11</sup> [No change in text.]

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

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

**Legend for Table 131-03B**

[No change in text.]

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

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Open Space through Institutional, Separately Regulated Institutional Uses, Airports					
Institutional					
Battery Energy Storage Facilities					
Small Scale (< 0.25 acre)		=		C	
Medium Scale (0.25 acre < 1 acre)		=		=	
Large Scale (>1 acre)		=		=	
Botanical Gardens & Arboretums through Signs, Separately Regulated Signs Uses, Theater Marquees					

**Footnotes for Table 131-03B**

<sup>1</sup> through <sup>12</sup> [No change in text.]

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

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

**Legend for Table 131-04B**

[No change in text.]

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

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																								
	1st & 2nd>>	RE-			RS-														RX-		RT-					
	3rd >>	1-			1-														1-		1-					
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	5	
Open Space through Institutional, Separately Regulated Institutional Uses, Airports																										
Battery Energy Storage Facilities		[No change in text.]																								
Small Scale (< 0.25 acre)		<u>L</u>			<u>L</u>														<u>L</u>		<u>L</u>					
Medium Scale (0.25 acre < 1 acre)		<u>C</u>			<u>C</u>														<u>C</u>		<u>C</u>					
Large Scale (>1 acre)		<u>C</u>			<u>C</u>														<u>C</u>		<u>C</u>					
Botanical Gardens & Arboretums through Signs, Separately Regulated Signs Uses, Theater Marquees																										

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
<b>Open Space through Institutional, Separately Regulated Institutional Uses, Airports</b>													

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
<u>Battery Energy Storage Facilities</u>													
<u>Small Scale (&lt; 0.25 acre)</u>		<u>L</u>			<u>L</u>			<u>L</u>			<u>L</u>		<u>L</u>
<u>Medium Scale (0.25 acre &lt; 1 acre)</u>		<u>C</u>			<u>C</u>			<u>C</u>			<u>C</u>		<u>C</u>
<u>Large Scale (&gt;1 acre)</u>		<u>C</u>			<u>C</u>			<u>C</u>			<u>C</u>		<u>C</u>
Botanical Gardens & Arboretums through <b>Signs, Separately Regulated Signs</b> <b>Uses, Theater Marquees</b>													

**Footnotes for Table 131-04B**

<sup>1</sup> through <sup>10</sup> [No change in text.]

**§131.0431 Development Regulations Table for Residential Zones**

The following development regulations apply in the residential zones as shown in  
Tables 131-04C, 131-04D, 131-04E, 131-04F, and 131-04G.

(a) RE Zones

**Table 131-04C  
Development Regulations for RE Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone designator	Zones		
	1st & 2nd >>	RE-		
	3rd >>	1-	1-	1-
	4th >>	1	2	3
<b>Max permitted density</b> (DU per lot) through <b>Min lot dimensions</b>		[No change in text.]		
<b>Setback requirements</b>				
Min Front setback (ft) [See Section 131.0443(a)(1) and (2)]		[ No change in text.]		
Min Side setback (ft) [See Section 131.0443(a)(3)(4)] [Multiply number in table by actual lot width to calculate setback]		20.08	20.08	20.08

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone designator	Zones		
	1st & 2nd >>	RE-		
	3rd >>	1-	1-	1-
	4th >>	1	2	3
Min <i>Street</i> side setback (ft) [See Section 131.0443(a)(3)(4)] [Multiply number in table by the actual lot width to calculate setback]		20.10	20.10	20.10
Min Rear setback (ft) [See Section 131.0443(a)(4)(2)]		[ No change in text.]		
Setback requirements for resubdivided corner lots [See Section 113.0246(f)] through <i>Dwelling Unit Protection Regulations</i> [See Chapter 14, Article 3, Division 12]		[No change in text.]		

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

(e) RM Zones

**Table 131-04G**  
**Development Regulations for RM Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones					
	1st & 2nd >>	RM-					
	3rd >>	1-	1-	1-	2-	2-	2-
	4th >>	1	2	3	4	5	6
Maximum permitted density <sup>(1),(2)</sup> (sf per DU) through Max lot coverage		[No change in text.]					
Max floor area ratio		0.75	0.90	1.05	1.20 <sup>(29)</sup>	1.35	1.50
1 to 2 dwelling units		0.75	0.90	1.05	1.20 <sup>(29)</sup>	1.35	1.50
3 to 7 dwelling units		1.0 <sup>(39)</sup>	1.0	1.05	1.20 <sup>(38)</sup>	1.35	1.50
8 or more dwelling units		1.25 <sup>(39)</sup>	1.25	1.25 <sup>(39)</sup>	1.25 <sup>(39)</sup>	1.35	1.50
Accessory uses and structures [See Section 131.0448] through <i>Dwelling Unit Protection Regulations</i> [See Chapter 14, Article 3, Division 12]		[No change in text.]					

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designat	Zones					
	1st & 2nd	RM					
	3rd >>	3-	3-	3-	4-	4-	5
	4th >>	7	8	9	10	11	12
Maximum permitted density <sup>(1),(2)</sup> (sf per DU) through <i>Dwelling Unit Protection</i> Regulations [See Chapter 14, Article 3, Division 12]		[No change in text.]					

**Footnotes for Table 131-04G**

<sup>1</sup> through <sup>37</sup> [No change in text.]

<sup>38</sup> With the Peninsula and Ocean Beach community plan areas, the maximum floor area ratio is 1.0.

<sup>39</sup> For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum floor area ratio shall not increase.

**§131.0443 Setback Requirements in Residential Zones**

(a) *Setbacks* in RE and RS Zones

(1) [No change in text.]

(2) Rear *Setback* in all RE Zones and the RS-1-1, RS-1-2, RS-1-3, RS-1-4, RS-1-5, RS-1-6, RS-1-7 Zones

(A) The required rear *setback* is at least the dimension shown in Tables 131-04C and 131-04D, except as follows:

(i) through (ii) [No change in text]

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

(3) [No change in text.]

(4) Side and Street Side Setbacks in RE and RS Zones

For lots greater than 50 feet in width, the required side setbacks may be reallocated where the combined dimension of each side setback would meet or exceed the combined total required in Tables 131-04C and 131-04D, in which case side setbacks shall not be reduced to less than 4 feet, and street side setbacks shall not be reduced to less than 10 feet. Once a side setback is reallocated and established at a dimension less than the percentage indicated in Tables 131-04C and 131-04D, all additions to the primary structure thereafter shall maintain the established side setback.

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

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

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

**Legend for Table 131-05B**

[No change in text.]

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

Use Categories/Subcategories  [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																	
	1st & 2nd >>	CN <sup>(1)</sup> -						CR-		CO-						CV-		CP-	
	3rd >>	1-						1-	2-	1-		2-		3-		1-		1-	
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2	1
Open Space through Institutional, Separately Regulated Institutional Uses, Airports																			
Battery Energy Storage Facilities																			
Small Scale (< 0.25 acre)		=						L	L	L	L	L	L	L	L	L	L	L	
Medium Scale (0.25 acre < 1 acre)		=						C	C	C	C	C	C	C	C	C	C	=	
Large Scale (>1 acre)		=						C	C	C	C	C	C	C	C	C	C	=	
Botanical Gardens & Arboretums through Signs, Separately Regulated Signs Uses,		[No change in text.]																	



Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																	
	1st & 2nd >>	CN <sup>(1)</sup> -						CR-		CO-						CV-		CP-	
	3rd >>	1-						1-	2-	1-	2-	3-	1-	2-	3-	1-	2-	1-	2-
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2	1
Theater <i>Marquees</i>																			

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																											
	1st & 2nd >>	CC-																											
	3rd >>	1-			2-			3-			4-			5-															
	4th >>	1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5	6		
<b>Open Space through Institutional, Separately Regulated Institutional Uses, Airports</b>																													
<u>Battery Energy Storage Facilities</u>																													
<u>Small Scale (&lt; 0.25 acre)</u>		<u>L</u>			<u>L</u>			<u>L</u>			<u>L</u>			<u>L</u>															
<u>Medium Scale (0.25 acre &lt; 1 acre)</u>		<u>C</u>			<u>C</u>			<u>C</u>			<u>C</u>			<u>C</u>															
<u>Large Scale (&gt;1 acre)</u>		<u>C</u>			<u>C</u>			<u>C</u>			<u>C</u>			<u>C</u>															
Botanical Gardens & Arboretums through <b>Separately Regulated Signs Uses</b> , Theater <i>Marquees</i>																													

**Footnotes for Table 131-05B**

<sup>1</sup> through <sup>19</sup> [No change in text.]

**§131.0620 Use Regulations of Industrial Zones**

The regulations of Section 131.0622 apply in the industrial zones where indicated in Table 131-06B.

(a) The uses permitted in any industrial zones may be further limited by the following:

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

(3) Use limitations applicable to Prime Industrial Land identified in an Table 131-06B. An adopted land use plan; may identify further use limitations.

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

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

**§131.0622 Use Regulations Table for Industrial Zones**

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

**Legend for Table 131-06B**

[No change in text.]

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

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
<b>Open Space through Institutional, Separately Regulated Institutional Uses, Airports</b>	[No change in text.]										
<b>Battery Energy Storage Facilities</b>											
Small Scale (<0.25 acre)	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	
Medium Scale (0.25 acre < 1 acre)	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>L</u>	<u>L</u>	<u>C</u>	
Large Scale (>1 acre)	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
Botanical Gardens & Arboretums through <b>Retail Sales, Food, Beverages and Groceries</b>	[No change in text.]										
<b>Consumer Goods, Furniture, Appliances, Equipment</b>	-	-	-	-	P <sup>(2,13)</sup>	P <sup>(13)</sup>		-	-	P <sup>(3,13)</sup>	P <sup>(22)</sup>
<b>Pets &amp; Pet Supplies through Distribution and Storage, Equipment &amp; Materials Storage Yards</b>	[No change in text.]										
<b>Moving &amp; Storage Facilities</b>	-	-	-		P <sup>(23)</sup>	P <sup>(23)</sup>	P <sup>(23)</sup>	P <sup>(23)</sup>	P <sup>(23)</sup>	P <sup>(23)</sup>	-
<b>Distribution Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees</b>	[No change in text.]										

**Footnotes for Table 131-06B**

<sup>1</sup>through <sup>21</sup>[No change in text.]

<sup>22</sup> A maximum of 10 percent of the gross floor area on the premises may be used for retail sales.

<sup>23</sup> Moving and Storage Facilities are prohibited where the applicable land use plan identifies the premises as Prime Industrial Lands. This is not applicable to premises located in the Marine Corps Air Station Miramar Airport Land Use Compatibility Plan Accident Potential Zone 1.

**§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-modal 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~~ Sustainable Development 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*.

**§131.0707 Use Regulations Table for Mixed-Use Zones**

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

**Legend for Table 07A**

[No change in text.]

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

Use Categories/Subcategories	Zone Designator	Zones					
	1st >>	RMX			EMX		
	2nd >>	1	2	3	1	2	3
Open Space through Separately Regulated Residential Uses, Boarder & Lodger Accommodations		[No change in text.]					
Continuing Care Retirement Communities		L	L	L	L <sup>(1.9)</sup>	L <sup>(1.9)</sup>	L <sup>(1.9)</sup>
Employee Housing:							

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st >>	RMX			EMX		
	2nd >>	1	2	3	1	2	3
6 or Fewer Employees		N	N	N	L <sup>(u)</sup>	L <sup>(u)</sup>	L <sup>(u)</sup>
12 or Fewer Employees		-	-	-	L <sup>(u)</sup>	L <sup>(u)</sup>	L <sup>(u)</sup>
Greater than 12 Employees		-	-	-	C <sup>(u)</sup>	C <sup>(u)</sup>	C <sup>(u)</sup>
Fraternities, Sororities and Student Dormitories		C	C	C	C <sup>(u)</sup>	C <sup>(u)</sup>	C <sup>(u)</sup>
Garage, Yard, & Estate Sales through <i>Movable Tiny Houses</i>		[No change in text.]					
<i>Permanent Supportive Housing</i>		L	L	L	L <sup>(u)</sup>	L <sup>(u)</sup>	L <sup>(u)</sup>
Residential Care Facilities:							
6 or Fewer Persons		P	P	P	P <sup>(u)</sup>	P <sup>(u)</sup>	P <sup>(u)</sup>
7 or More Persons		C	C	C	C <sup>(u)</sup>	C <sup>(u)</sup>	C <sup>(u)</sup>
Transitional Housing:							
6 or Fewer Persons		P	P	P	P <sup>(u)</sup>	P <sup>(u)</sup>	P <sup>(u)</sup>
7 or More Persons		L	L	L	L <sup>(u)</sup>	L <sup>(u)</sup>	L <sup>(u)</sup>
Watchkeeper Quarters through <b>Institutional, Separately Regulated Institutional Uses, Airports</b>		[No change in text.]					
<u>Battery Energy Storage Facilities</u>							
<u>Small Scale (&lt; 0.25 acre)</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Medium Scale (0.25 acre &lt; 1 acre)</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Large Scale (&gt;1 acre)</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Botanical Gardens & Arboretums through <i>Wireless Communication Facility: Wireless communication facility outside the public right-of-way</i>		[No change in text.]					
<b>Retail Sales</b>							
<b>Building Supplies &amp; Equipment</b>		p <sup>(8)(7)</sup>	p <sup>(8)(7)</sup>	p <sup>(8)(7)</sup>	p <sup>(8)(7)</sup>	p <sup>(8)(7)</sup>	p <sup>(8)(7)</sup>
<b>Food, Beverages and Groceries</b>		p <sup>(8)(7)</sup>	p <sup>(8)(7)</sup>	p <sup>(8)(7)</sup>	p <sup>(8)(7)</sup>	p <sup>(8)(7)</sup>	p <sup>(8)(7)</sup>
<b>Consumer Goods, Furniture, Appliances, Equipment</b>		p <sup>(8)(7)</sup>	p <sup>(8)(7)</sup>	p <sup>(8)(7)</sup>	p <sup>(8)(7)</sup>	p <sup>(8)(7)</sup>	p <sup>(8)(7)</sup>
<b>Pets &amp; Pet Supplies</b>		p <sup>(8)(7)</sup>	p <sup>(8)(7)</sup>	p <sup>(8)(7)</sup>	p <sup>(8)(7)</sup>	p <sup>(8)(7)</sup>	p <sup>(8)(7)</sup>
<b>Sundries, Pharmaceutical, &amp; Convenience Sales</b>		p <sup>(8)(7)</sup>	p <sup>(8)(7)</sup>	p <sup>(8)(7)</sup>	p <sup>(8)(7)</sup>	p <sup>(8)(7)</sup>	p <sup>(8)(7)</sup>
<b>Wearing Apparel &amp; Accessories</b>		p <sup>(8)(7)</sup>	p <sup>(8)(7)</sup>	p <sup>(8)(7)</sup>	p <sup>(8)(7)</sup>	p <sup>(8)(7)</sup>	p <sup>(8)(7)</sup>
<b>Separately Regulated Retail Sales Uses through Commercial Services, Radio &amp; Television Studios</b>		[No change in text.]					
<b>Tasting Rooms</b>		p <sup>(6)</sup>	p <sup>(6)</sup>	p <sup>(6)</sup>	p <sup>(6)</sup>	p <sup>(6)</sup>	p <sup>(6)</sup>
<b>Visitor Accommodations through Separately Regulated Commercial</b>		[No change in text.]					

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st >>	RMX			EMX		
	2nd >>	1	2	3	1	2	3
<b>Services Uses, Assembly and Entertainment Uses, Including Places of Religious Assembly</b>							
<b>Bed &amp; Breakfast Establishments:</b>							
1-2 Guest Rooms		P	P	P	P <sup>(1,9)</sup>	P <sup>(1,9)</sup>	P <sup>(1,9)</sup>
3-5 Guest Rooms		P	P	P	P <sup>(1,9)</sup>	P <sup>(1,9)</sup>	P <sup>(1,9)</sup>
6+ Guest Rooms		P	P	P	P <sup>(1,9)</sup>	P <sup>(1,9)</sup>	P <sup>(1,9)</sup>
Boarding Kennels/Pet Day Care through Private Clubs, Lodges and Fraternal Organizations		[No change in text.]					
Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size		C <sup>(6)(5)</sup>	C <sup>(6)(5)</sup>	C <sup>(6)(5)</sup>	C <sup>(6)(5)</sup>	C <sup>(6)(5)</sup>	C <sup>(6)(5)</sup>
Pushcarts through <b>Distribution and Storage, Equipment &amp; Materials Storage Yards</b>							
<b>Moving &amp; Storage Facilities</b>		P <sup>(8)</sup>	P <sup>(8)</sup>	P <sup>(8)</sup>	P <sup>(9)</sup>	P <sup>(9)</sup>	P <sup>(9)</sup>
<b>Distribution Facilities</b>		-	-	-	P <sup>(9)</sup>	P <sup>(9)</sup>	P <sup>(9)</sup>
<b>Separately Regulated Distribution and Storage Uses through Signs</b>		[No change in text.]					
<b>Allowable Signs</b>		P <sup>(7)(6)</sup>	P <sup>(7)(6)</sup>	P <sup>(7)(6)</sup>	P <sup>(7)(6)</sup>	P <sup>(7)(6)</sup>	P <sup>(7)(6)</sup>
<b>Separately Regulated Signs Uses through Theater Marquees</b>		[No change in text.]					

**Footnotes for Table 131-047**

<sup>1</sup> through <sup>4</sup> [No change in text.]

<sup>5</sup> ~~Tasting rooms are only permitted as an accessory use to a beverage manufacturing plant or an artisan beverage producer. a~~ 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.

<sup>6</sup> ~~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. All mixed-use zones shall use Category A within Section 142.1220.~~

<sup>7</sup> ~~All mixed-use zones shall use Category A within Section 142.1220. Development of a large retail establishment is subject to Section 143.0302.~~

<sup>8</sup> ~~Development of a large retail establishment is subject to Section 143.0302. Prohibited on sites designated as Prime Industrial Land in a land use plan.~~

<sup>9</sup> ~~Not allowed on sites designated as Prime Industrial land – Flex in a land use plan.~~

**§131.0718 Supplemental Regulations for Premises Greater Than Five Acres**

The purpose and intent of these regulations is to break down sites larger than

5 acres 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*. These requirements  
shall apply even in the event of the approval of a Lot Line Adjustment which  
reduces the size of the *premises* to less than 5 acres.

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

**§132.0402 Where the Coastal Overlay Zone Applies**

(a) [No change in text.]

(b) Table 132-04A shows the sections that contain the supplemental  
regulations and the type of permit required by this division, if any, for  
specific types of *development* proposals in this overlay zone. Coastal  
Development Permit procedures are provided in Chapter 12, Article 6,  
Division 7.

**Table 132-04A  
Coastal Overlay Zone Applicability**

<b>Type of Development Proposal</b>	<b>Supplemental Development Regulations</b>	<b>Required Permit Type/ Decision Process</b>
(1) <i>Coastal development</i> that is categorically excluded pursuant to order of the Coastal commission or that is exempted by Section 126.0704 through (4) <i>Coastal development</i> , except a <i>capital improvement program project</i> or <i>public project</i> , in this overlay zone that is not exempt under (1) of this table or that is not in the area described in (2) of this table [No change in text.]	[No change in text.]	[No change in text.]

Type of Development Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(5) <i>Coastal development for a capital improvement program project</i> in this overlay zone that is not exempt under (1) of this table or that is not in the area described in (2) of this table and is in the <i>appealable area</i> of this overlay zone [No change in text.]	[No change in text.]	Coastal Development Permit/ <del>Process CIP Five Process Three as</del> <u>set forth in Sections 112.0505 and 112.0506.</u>

**Diagram 132-04A**

**Coastal Overlay Zone**

[No change in text.]

**§132.0404 Supplemental Regulations within Areas of Future Sea Level Rise**

- (a) Within the Coastal Overlay Zone, the following regulations apply to dwelling units constructed outside of Special Flood Hazard Areas and within an area of future sea level rise (within a 75-year horizon), as determined by the City Manager based on the most current sea level rise vulnerability maps:
- (1) The dwelling units shall comply with the regulations in Section 143.0146(c) and if applicable, Section 143.0146(g). The base flood elevation utilized, and the applicability of Section 143.0146(g), shall be based on the FIRM Zone of the Special Flood Hazard Area in closest proximity to the premises on which the dwelling unit is proposed. The permit requirements of 143.0110(b) and other regulations of Chapter 14, Article 3, Division 1 do not apply unless the premises contains Environmentally Sensitive Lands.
- (A) Hard shoreline armoring shall not be constructed to protect dwelling units from the effects of sea level rise.

(B) The record owner of the dwelling unit shall, in a form that is approved by the City Manager, acknowledge the following:

- (i) The dwelling unit is located in an area of future sea level rise that may become hazardous in the future;
- (ii) Sea level rise could render it difficult or impossible to provide public services to the premises;
- (iii) The boundary between public land (tidelands) and private land may shift with rising seas and the development approval does not permit encroachment onto public trust land;
- (iv) Additional adaptation strategies may be required in the future to address sea level rise consistent with the Coastal Act and certified Local Coastal Program; and
- (v) The dwelling unit may be required to be removed or relocated and the premises restored to City standards if it becomes unsafe; and
- (vi) The record owner shall waive in writing any rights under Public Resources Code Section 30235 and related Local Coastal Program policies to any hard shoreline armoring to protect the dwelling unit.



- (C) The record owner of the dwelling unit shall provide written notice to all occupants of the dwelling unit of the provisions in Section 132.0404(a)(1)(B) upon occupancy.

**§141.0302 *Accessory Dwelling Units and Junior Accessory Dwelling Units***

Section 141.0302 provides for the construction of *Accessory Dwelling Units* (*ADUs*) and *Junior Accessory Dwelling Units* (*JADUs*), consistent with the requirements of state law, and is intended to encourage the construction of *ADUs* and *JADUs* through several local regulatory provisions, including eliminating parking requirements for *ADUs* and *JADUs*, and providing an affordable housing bonus of one additional *ADU* for every deed-restricted affordable *ADU* constructed on the *premises*, as specified in the regulations below. *ADUs* are permitted in all zones allowing residential uses and *JADUs* are permitted in all Single Dwelling Unit Zones by-right as a limited use decided in accordance with Process One, indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) [No change in text.]
- (b) The following regulations are applicable to both *ADUs* and *JADUs*:
- (1) [No change in text.]
- (2) *Development Regulations*
- (A) through (H) [No change in text.]
- (I) *ADUs* and *JADUs* constructed within Areas of Future Sea Level Rise must comply with the regulations in Section 132.0404.

~~Within the Coastal Overlay Zone, the following regulations apply to ADUs and JADUs constructed outside of Special Flood Hazard Areas and within an area of future sea level rise (with a 75-year horizon) as determined by the City Manager based on the Sea Level Rise Policy Guidance adopted by the California Coastal Commission, as it applies to residential development:~~

- (i) ~~The ADU or JADU shall comply with the regulations in Section 143.0146(e) and, if applicable, Section 143.0146(g). The base flood elevation utilized, and the applicability of Section 143.0146(g), shall be based on the FIRM Zone of the Special Flood Hazard Area in closest proximity to the premises on which the ADU or JADU is proposed. The permit requirements of 143.0110(b) and other regulations of Chapter 14, Article 3, Division 1 do not apply.~~
- (ii) ~~Hard shoreline armoring shall not be constructed to protect an ADU or JADU from the effects of coastal hazards, including, but not limited to, sea level rise.~~
- (iii) ~~The record owner of the ADU or JADU shall enter into an acknowledgement agreement with the City in a form that is approved by the City Attorney. The~~

~~agreement shall include the following~~  
~~acknowledgements and provisions: (1) that the ADU~~  
~~or JADU is located in an area of future sea level rise~~  
~~that may become hazardous in the future; (2) that~~  
~~sea level rise could render it difficult or impossible~~  
~~to provide services to the site; (3) that the boundary~~  
~~between public land (tidelands) and private land~~  
~~may shift with rising seas and the development~~  
~~approval does not permit encroachment onto public~~  
~~trust land; (4) that additional adaptation strategies~~  
~~may be required in the future to address sea level~~  
~~rise consistent with the Coastal Act and certified~~  
~~Local Coastal Program; (5) that the owner waives~~  
~~any rights under Coastal Action Section 30235 and~~  
~~related Local Coastal Program policies to hard~~  
~~shoreline armoring to protect the ADU or JADU;~~  
~~and (6) that the structure may be required to be~~  
~~removed or relocated and the site restored if it~~  
~~becomes unsafe.~~

- (iv) ~~The record owner of the ADU or JADU shall~~  
~~provide notice to all occupants of the ADU or JADU~~  
~~of the acknowledgements and provisions specified~~  
~~in Section 141.0302(b)(2)(I)(ii) and (iii). ADUs and~~

~~JADUs constructed within Areas of Future Sea  
Level Rise must comply with the regulations in  
Section 132.0404.~~

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

(c) In addition to the requirements in Section 141.0302(a), the following additional regulations are applicable to *ADUs*.

(1) [No change in text.]

(2) *Development Regulations for ADUs*

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

(F) The minimum *gross floor area* of an *ADU* shall not be less than 150 square feet. The maximum *gross floor area* of an *ADU* shall not exceed 1,200 square feet. An *ADU* constructed within an existing *dwelling unit* or *accessory structure* does not have a maximum gross floor area and may construct an additional 150 square feet for ingress and egress only.

(G) *ADU Bonus for Affordable ADUs*. One additional *ADU* shall be permitted for every *ADU* on the *premises* that is set aside as affordable to *very low income* and *low income* households for a period of not less than 10 years, or as affordable to moderate income households for a period of not less than 15 years, as guaranteed through a written agreement and a deed of trust securing the agreement,

entered into by the *applicant* and the President and Chief  
Executive Officer of the San Diego Housing Commission.

- (i) There is no limit on the number of bonus *ADUs*  
within a ~~*transit priority area*~~ *Sustainable*  
*Development Area*.
- (ii) One bonus *ADU* is permitted outside a ~~*transit*~~  
~~*priority area*~~ *Sustainable Development Area*.
- (iii) [No change in text]

**Table 141-03A**

**Qualifying Criteria for Affordable *ADU* Bonus**

[No change in text.]

- (d) [No change in text.]

**§141.0318 Movable Tiny Houses**

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

- (a) *Development* Regulations
  - (1) through (11) [No change in text.]
  - (12) *Moveable tiny houses* constructed within Areas of Future Sea  
Level Rise must comply with the regulations in Section 132.0404.
- (b) through (c) [No change in text.]

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

Educational facilities are facilities that are designed or used to provide specialized training or education. This section distinguishes between kindergarten to grade 12 schools, colleges and universities, and vocational schools and trade schools. Educational facilities are permitted by right in zones indicated with a "P", as a limited use in the zones indicated with an "L", and may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) [No change in text.]
- (b) Schools for Kindergarten to Grade 12
  - (1) through (2) [No change in text.]
  - (3) Limited use regulations. Schools for kindergarten to grade 12 are permitted as limited uses in zones indicated by an "L" subject to the following:
    - (A) Outside of a ~~Transit Priority Area~~ Sustainable Development Area, the facility design shall not accommodate more than 300 students, except that a new school may replace an existing school with current enrollment over 300 students if the result is no increase in the number of students.
    - (B) Within a ~~Transit Priority Area~~ Sustainable Development Area, the facility design shall not accommodate more than 600 students, except that a new school may replace an

existing school with current enrollment over 600 students if  
the result is no increase in the number of students.

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

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

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

**§141.0420 Wireless Communication Facilities**

*Wireless communication facilities* shall comply with the approval process set forth in Section 141.0420(a) through (c) as applicable to the *development*. All *wireless communication facilities* are subject to the general regulations in Section 141.0420(d), the general design requirements in Section 141.0420(e) and the *Wireless Communication Facilities* Guidelines in the Land Development Manual. Section 141.0420 does not apply to amateur (HAM) radio communication facilities.

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

**(g) Park Site Installations**

The following additional design requirements apply to *wireless communication facilities* in parks within the City of San Diego:

(1) [No change in text.]

(2) If the proposed *wireless communication facility* would be located on dedicated parkland subject to San Diego Charter section 55, equipment enclosures shall be placed underground unless the Parks and Recreation Department Director, or their designee, determines that an above-ground equipment enclosure would not violate

Charter section 55, and a Neighborhood Development Permit is  
granted in accordance with Section 126.0402.

**§141.0421     *Placemaking on Private Property***

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

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

(h) ~~*Placemaking on private property in Commercial Base Zones shall also be*~~  
~~subject to the following regulations:~~ *A placemaking project on a premises*  
*within a transit priority area that was a parking lot of a permitted eating*  
*and drinking establishment shall not include retail or commercial services*  
*uses except for outdoor dining operating in association with the permitted*  
*eating and drinking establishment in accordance with Section 141.0628.*

(1) ~~*A placemaking project on premises that are currently vacant shall*~~  
~~not include retail or commercial services uses except as accessory~~  
~~uses to serve the placemaking use, and shall not operate except~~  
~~between the hours of 7:00 a.m. and 10:00 p.m., unless a separate~~  
~~Temporary Use Permit is obtained.~~

(2) ~~*A placemaking project on a premises within a transit priority area*~~  
~~that was previously a parking lot of a permitted eating and drinking~~  
~~establishment shall not include retail or commercial services uses~~  
~~except outdoor dining operations associated with the permitted~~  
~~eating and drinking establishment. The hours of operation of the~~



~~outdoor operations shall be limited to the hours that the kitchen facilities of the associated eating and drinking establishment are open for meal ordering. Alcohol, food, or beverages shall not be served or permitted within the placemaking area after 10:00 p.m. Sunday through Thursday, and after 11:00 p.m. Friday through Saturday.~~

~~consisting of railings, fences, or a combination of railings and fences, and planter boxes that are 3 feet in height or less. Solid walls are not permitted.~~

~~barrier may be either permanently installed or moveable. If it is moveable, it shall be affixed to a sidewalk while the eating and drinking establishment is open for business.~~

(ii) ~~shatterproof glass or similar material may be used on top of the 3-foot barrier to enclose the eating and drinking area to minimize windy or cold climatic conditions. The height of the barrier plus the clear enclosure shall not exceed 5 feet. Barriers adjacent to parking stalls shall include reflective materials.~~

- (iii) ~~may be used in conjunction with an area for eating and drinking but shall not be used as a permanent roof or shelter over the area for eating and drinking.~~

(B) ■■

- (i) ~~la running slope and a cross slope that do not exceed 2 percent (1-unit vertical in 50 units horizontal).~~
- (ii) ~~area shall not be located on a raised platform or in a sunken area, unless an accessible ramp is provided in accordance with the California Building Code, or the Americans with Disabilities Act, whichever provides greater accessibility.~~
- (iii) ~~least one wheelchair accessible seating space shall be provided for every 20 seats, or portion thereof.~~
- (iv) ~~When multiple wheelchair accessible seating spaces are provided, they shall be reasonably distributed and integrated within the *placemaking* area.~~
- (v) ~~Wheelchair accessible seating spaces shall have a minimum unobstructed maneuverability dimension of 30 inches in width by 48 inches in depth.~~
- (vi) ~~Access to designated wheelchair seating spaces shall be provided through an accessible path with not less than 36 inches unobstructed width.~~

- (3) ~~Commercial Base Zone regulations for setbacks and minimum lot coverage shall not apply.~~

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

**§141.0422 Battery Energy Storage Facilities**

This section regulates utility-serving battery energy storage facilities which store energy within enclosed buildings or modular containers and then solely release the energy directly back to the electrical grid. Battery energy storage facilities do not include behind the meter battery installations that provide energy to the same premises on which they are located.

This section distinguishes between small-scale battery energy storage facilities with a *development* footprint of one-quarter acre or less, medium-scale battery energy storage facilities with a *development* footprint of more than one-quarter acre but less than one acre, and large-scale battery energy storage facilities with a *development* footprint of one acre or more. Battery energy storage facilities shall comply with the approval process set forth in Section 141.0422(a) through (c) as applicable to the *development*. All battery energy storage facilities are subject to the general regulations in Section 141.0422(d) and the general design requirements in Section 141.0422(e).

(a) Small-scale battery energy storage facilities

The following regulations apply to battery energy storage facilities with a *development* footprint of one-quarter acre or less.

(1) Limited Use Regulations

Small-scale battery energy storage facilities are permitted as a limited use decided in accordance with Process One in zones indicated by an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following:

- (A) In residential, commercial, and mixed-use base zones that permit residential *development*, battery energy storage facilities shall be limited to no more than 25 percent of the allowable *development* area and allowable *gross floor area*, unless the *premises* cannot be developed with residential uses due to site constraints, except for the presence of *environmentally sensitive lands*, beyond the applicant’s control, such as the presence of utilities, in which case the 25 percent limitation shall not apply.
- (B) In the IL (Industrial – Light) and IS (Industrial – Small Scale) Zones, battery energy storage facilities shall be limited to no more than 25 percent of the allowable *development* area and *gross floor area*, unless the *premises* cannot be developed with industrial uses due to site constraints, except for the presence of *environmentally sensitive lands*, beyond the *applicant’s* control, such as the presence of utilities, in which case the 25 percent limitation shall not apply.
- (2) Conditional Use Permit Regulations

Small-scale battery energy storage facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three in zones indicated by a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following:

(A) In the OP (Open Space – Park) Zone, battery energy storage facilities may be permitted only if they do not result in loss of any publicly accessible active or passive recreation area.

(B) In the OR (Open Space – Residential) Zones, battery energy storage facilities may be permitted only in previously disturbed areas with existing electrical utility easements.

(b) Medium-scale battery energy storage facilities

The following regulations apply to battery energy storage facilities with a development footprint of more than one-quarter acre but less than one acre.

(1) Limited Use Regulations

Medium-scale battery energy storage facilities are permitted as a limited use decided in accordance with Process One in zones indicated by an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones).

(2) Conditional Use Permit Regulations

- (A) Medium-scale battery energy storage facilities may be permitted with a Conditional Use Permit decided in accordance with Process Two in industrial zones indicated by a “C” in the Use Regulations Tables in Chapter 13, Article 1, Division 6.
- (B) Medium-scale battery energy storage facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three in zones indicated by a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) as follows:
- (i) In commercial base zones that do not permit residential development.
  - (ii) In residential, commercial, and mixed-use base zones that permit residential development if the premises cannot be developed with residential uses due to site constraints, except for the presence of environmentally sensitive lands, beyond the applicant’s control, such as the presence of utilities.
- (c) Large-scale battery energy storage facilities  
The following regulations apply to battery energy storage facilities with a development footprint of one acre or more.
- (1) Conditional Use Permit Regulations

(A) Large-scale battery energy storage facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three in industrial zones indicated by a "C" in the Use Regulations Tables in Chapter 13, Article 1, Division 6.

(B) Large-scale battery energy storage facilities may be permitted with a Conditional Use Permit decided in accordance with Process Four in zones indicated by a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) as follows:

- (i) In commercial base zones that do not permit residential development,
- (ii) In residential, commercial, and mixed-use base zones that permit residential development if the premises cannot be developed with residential uses due to site constraints, except for the presence of environmentally sensitive lands, beyond the applicant's control, such as the presence of utilities.

(d) General Regulations

The following regulations apply to all battery energy storage facilities regardless of their size.

(1) Use Regulations

The premises shall not contain a child care facility or school.

(2) Operational, Safety and Decommissioning Regulations

- (A) Every application shall provide the following documentation to the satisfaction of the Chief Building Official:
- (i) Demonstrating that the battery energy storage facility complies with all applicable requirements imposed by state or federal regulatory agencies; and
  - (ii) Identifying the facility type/application, total rated battery power capacity in kilowatts or megawatts, energy capacity in kilowatt-hours or megawatt-hours, storage duration, cycle life/lifetime, and type of battery chemistry.
- (B) The applicant shall submit and implement an emergency response plan for battery storage fire events and other emergency events consistent with state and national standards and regulations to the satisfaction of the Fire Marshal.
- (C) The applicant shall obtain all necessary construction permits to comply with applicable building, fire, mechanical, electrical, and plumbing codes, and state and federal laws.
- (D) The applicant shall comply with all applicable state and national standards and requirements for the design,



construction, installation, commissioning, operation, maintenance, and decommissioning of the battery energy storage facility.

- (E) Battery energy storage facilities shall be maintained pursuant to title 24, part 9, of the California Fire Code, as amended, and be in good working order, free from trash, debris, and graffiti, and designed to discourage vandalism. The permit holder or record owner shall repair or replace any damaged walls, fences, landscaping, buildings, structures, and equipment within 30 calendar days of receipt of a written notification from the City Manager.
- (F) The permit holder or record owner shall remove and decommission the battery energy storage facility from the premises and restore the premises to the condition preceding the construction and installation of the battery energy storage facility, at the sole cost and expense of the permit holder or record owner, if any of the following circumstances exists:
- (i) The permit authorizing the battery energy storage facility is revoked or expired and a new permit has not been obtained; or
  - (ii) The City Manager determines that the battery energy storage facility or components of the battery

energy storage facility are non-operational or no  
longer in use; or

(iii) The City Manager determines that the battery  
energy storage facility is a public nuisance; or

(iv) The Fire Code Official determines that the facility  
constitutes a distinct hazard to life or property.

(G) The applicant shall submit a Hazard Mitigation Analysis  
when technologies are not specifically identified in title 24,  
part 9, of the California Fire Code or when more than one  
technology is provided in a room or enclosed area where  
there is a potential for adverse reactions between  
technologies.

(3) Noise Regulations. Noise generated from battery energy storage  
facilities shall not exceed the noise limits for the zone as  
established in the Noise Abatement and Control Regulations  
(Chapter 5, Article 9.5, Division 4: Limits).

(e) General Design Requirements

The following design requirements apply to all battery energy storage  
facilities regardless of their size.

(1) Overhead wires connecting the battery energy storage facility to an  
energy generation station or substation are not permitted, unless  
the premises containing the energy generation station or substation  
immediately abuts the premises on which the battery energy

storage facility is proposed and existing overhead connections are present on the premises containing the energy generation station or substation. Overhead wires shall not be permitted to cross other private property, public property, or public right-of-way to connect with an energy generation station or substation.

- (2) Access to a battery energy storage facility shall conform to title 24, part 9, of the California Fire Code and be as direct as possible from primary arterials and major streets and shall avoid residential streets unless no other feasible options exist. Shared access with an adjacent energy generation station or substation is permitted.
- (3) The development shall comply with the Street Tree and Public Right-of-Way Requirements in Section 142.0409.
- (4) All mechanical equipment and storage areas shall be located within an enclosed building or modular container, as follows:

  - (A) The building or modular container, or both, shall be located on the premises so that visibility from adjacent public rights-of-way or adjacent development that is not of a similar nature is minimized.
  - (B) Battery energy storage facilities located on the same premises as residential uses shall be located within an enclosed building that is designed to be architecturally consistent with the primary structure.

(C) Mechanical equipment that supports the battery energy storage facility, such as HVAC equipment, may be located outside of a building or modular container, provided that the mechanical equipment is completely screened on all sides with a solid wall or fence that is painted or texturized to match the primary building on the premises, if one is present.

(5) Battery energy storage facilities that are not located within a building shall be enclosed and screened from the public right-of-way and adjacent properties by walls or fences with a minimum height of 6 feet that incorporate finishes and architectural detailing that are consistent with any buildings on the premises or any applicable design standards. The walls or fences shall be screened by landscaping as follows:

(A) Along the street frontage, the walls or fences shall be screened from the public right-of-way with plant material that includes 24-inch box evergreen canopy form trees separated by a maximum distance of 30 feet; and

(B) Along the side and rear yards, the walls or fences shall be screened from adjacent properties by 10-foot wide landscape strips that include 24-inch box evergreen species separated by a maximum distance of 30 feet along the side

and rear yards. For premises less than 10,000 square feet,  
the landscape strips may be reduced to 5-feet in width.

(6) Brush Management Regulations

(A) Battery energy storage facilities in High or Very High Fire  
Hazard Severity Zones shall meet the City's defensible  
space brush management regulations and landscape  
standards.

(i) If unable to meet the brush management regulations  
and landscape standards, the agent or owner shall be  
required to provide a technical report from a  
qualified engineer, specialist, laboratory, or fire  
safety organization acceptable to the Fire Code  
Official. The Fire Code Official is authorized to  
require design submittals to be prepared by and bear  
the stamp of a registered design professional, as  
defined in Title 24, Part 9, Chapter 2 of the  
California Fire Code. The technical report shall be  
reviewed by the Fire Code Official.

**§142.0305 When Fence Regulations Apply**

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

**Table 142-03A**  
**Fence Regulations Applicability**

<b>TYPE OF DEVELOPMENT PROPOSAL</b>	<b>APPLICABLE REGULATIONS</b>	<b>REQUIRED PERMIT TYPE/ DECISION PROCESS</b>
Any <i>fence</i> with a height less than 67 feet	[No change in text.]	[No change in text.]
Any <i>fence</i> with a height of 67 feet or greater	[No change in text.]	[No change in text.]
Any <i>retaining wall</i> with a height less than 3 feet	[No change in text.]	[No change in text.]
Any <i>retaining wall</i> with a height of 3 feet or greater through Any <i>fence</i> or <i>retaining wall</i> located on <i>premises</i> that lies between the shoreline and the first public roadway, as designated on Map Drawing No. C-731.	[No change in text.]	[No change in text.]

**§142.0402 When Landscape Regulations Apply**

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

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

Type of Development Proposal			Applicable Regulations
Column A	Column B	Column C <sup>(1)</sup>	
1. New <i>structures</i> that equal or exceed the <i>gross floor area</i> shown (Column B), and are proposing the type of <i>development</i> shown (Column C) through 4. New temporary parking and <i>vehicular use area</i> for four or more vehicles including access to the spaces, excluding parking for <i>single dwelling unit</i> uses on a single lot in <i>single dwelling unit</i> zones	[No change in text.]	[No change in text.]	[No change in text.]
5. Additions or modifications to existing permanent or temporary parking and <i>vehicular use area</i> that increase the number of parking spaces by four or more.			[No change in text.]
6. Single <i>dwelling unit</i> residential use projects proposing new private or <i>public rights-of-way</i>			[No change in text.]
7. Projects proposing slopes with gradients steeper than 4:1 (4 horizontal feet to 1 vertical foot) that are 5 feet or greater in height through 14. Small <i>Lot Subdivision</i>			[No change in text.]

**Footnote to Table 142-04A**

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

**§142.0403 General Planting and Irrigation Requirements**

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

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

(d) Planting Area Requirements

(1) Planting areas required by this division shall consist of the following:

- (A) [No change in text.]
- (B) Unattached unit pavers, or loose organic or inorganic materials~~;~~, ~~or hardscape;~~ or
- (C) ~~Built improvements including water features, overhead structures (such as gazebos, trellis structures, etc.), or fixed seating.~~ Hardscape as limited by Sections 142.0405(b)(1) or 142.0405(c)(1).

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

**§142.0404 Street Yard and Remaining Yard/Common Open Space Planting Area and Point Requirements**

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



**Table 142-04C**  
**Street Yard and Remaining Yard/Common Open Space Planting**  
**Requirements**

<b>Type of Development Proposal <sup>(6)</sup></b>	<b>Type of Yard</b>	<b>Planting Area Required</b> (Percentage of total <i>yard</i> area unless otherwise noted below) <sup>(1)</sup>	<b>Plant Points Required<sup>(1)</sup></b>
<i>Multiple Dwelling Unit Residential Development, or Residential Components of Mixed-Use Development through Condominium Conversion</i> [	[No change in text.]	[No change in text.]	[No change in text.]
Small <i>Lot Subdivision</i>	<i>Street Yard</i>	50% <sup>(5)</sup>	0.05 points per square foot of total <i>street yard</i> area
	<i>Remaining Yard/Common Open Space</i>	N/A	<u>N/A</u>
Commercial <i>Development, Industrial Development</i> in Commercial Zones, or Commercial Component of Mixed-Use <i>Development</i> through <i>Large retail establishments</i> in any Industrial Zone	[No change in text.]	[No change in text.]	[No change in text.]

**Footnotes to Table 142-04C**

<sup>1</sup> through <sup>6</sup> [No change in Text.]

**§142.0405 Additional Yard Planting Area and Point Requirements**

- (a) [No change in text]
- (b) Additional residential *yard* requirements:
  - (1) [No change in text.]
  - (2) *Remaining Yard/Common Open Space*
    - (A) [No change in text.]

(B) Residential *development* with five *dwelling units* or more

shall be subject to one or more of the following:

(i) A minimum of 30 percent of the ~~total-area~~ within a 10-foot offset from the *structural envelope* of each residential *structure* shall be planting area and shall be planted at a rate of 0.05 points per square foot of ~~total-area~~ within the each offset.

(ii) Where common open space areas are provided in the form of plazas, paseos, or courtyard, 20 percent of the ~~total~~ each common open space area shall be planting area and shall be planted at a rate of 0.05 points per square foot of the total of each area.

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

**§142.0407 Additional Vehicular Use Area Requirements**

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

(c) Trees used in a *vehicular use area* shall be canopy form, standard trunk, evergreen species at a minimum 24-inch box size.

(d) [No change in text.]

(e) ~~Solar mounted shade structures located above parking spaces within vehicular use areas shall cover a minimum of 50 percent of the exposed parking space.~~ Shade structures or photovoltaic solar canopies used in lieu of the vehicular use area tree distribution requirement shall meet the following criteria:

- (I) Shade *structures* or photovoltaic solar canopies shall:

  - (A) Cover a minimum of 50 percent of each individual parking stall, or
  - (B) Cover a minimum of 50 percent of each *vehicular use area* with no shade *structure* more than 15 feet from any parking stall.
- (2) For a *vehicular use area* located on the rooftop of parking *structures* or on *structural* podiums, shade *structures* with a maximum of 50 percent transparency or photovoltaic solar canopies may be provided.
- (3) For *vehicular use areas* at-grade, photovoltaic solar canopies may be provided.
- (4) Retrofits to existing at-grade *vehicular use areas* with photovoltaic solar canopies shall avoid, translocate, or replace existing trees to the satisfaction of the Development Services Department Director.
- (5) Placement of foundations and columns for shade *structures* or photovoltaic solar canopies may not reduce the minimum required depth of a parking stall.
- (f) Noncontiguous parking areas on a *premises* shall be calculated separately.

**§142.0412 Brush Management**

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

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

(i) An *applicant* may request approval of alternative compliance for brush management ~~in accordance with Process One~~ if all of the following conditions exist:

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

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

**§142.0413 Water Conservation**

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

(c) ~~Mulch Requirements. All required planting areas and all exposed soil areas without vegetation shall be covered with mulch to a minimum depth of 3 inches, excluding slopes.~~ Reclaimed Water. Development in areas where reclaimed water is available and suitable for irrigation shall provide for a dual water distribution system for all landscaped areas. Only reclaimed water shall be used for irrigation purposes where it is available.

(d) ~~Water Budget.~~

(1) ~~All new development with a landscape area of 500 square feet or greater and landscape rehabilitation projects with a landscape area of 2,500 square feet or greater shall be subject to a Maximum Applied Water Allowance (MAWA) Water Budget, except as provided in Section 142.0413(h).~~

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

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

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

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

**Legend for MAWA Water Budget Calculation Formula**

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

- (3) The irrigation system is required to be operated within the approved MAWA Water Budget.

- (4) ~~The Estimated Total Water Use (ETWU), as calculated in Section 2.6 of the Landscape Standards of the Land Development Manual shall not exceed the MAWA Water Budget as calculated in Section 142.0413(d)(2).~~

Model Water Efficient Landscape Regulations (MWELO).

Development with a landscape area of 500 square feet or greater and rehabilitated landscape projects, as defined in California Code of Regulations section 491, with a landscape area of 2,500 square feet or greater shall be subject to the following pursuant to title 23, section 490.1 of the California Code of Regulations:

(1) Water Budget

- (A) Maximum Applied Water Allowance (MAWA) water budget shall be calculated using the following formula:

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

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

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

Legend for MAWA Water Budget Calculation Formula

<u>Symbol</u>	<u>Meaning of Symbol</u>
<u>ETo</u>	<u>Evapotranspiration (inches per year)<sup>(1)</sup></u>
<u>0.62</u>	<u>Conversion factor to gallons</u>
<u>ETAF</u>	<u>Evapotranspiration Adjustment Factor</u>

<u>Symbol</u>	<u>Meaning of Symbol</u>
<u>0.55 for Residential Landscape Areas</u> <u>0.45 for Non-Residential Landscape Areas</u>	
<u>LA</u>	<u>Landscape Area (square feet)</u>
<u>1-ETAF</u> <u>0.45 for Residential Landscape Areas</u> <u>0.55 for Non Residential Landscape Areas</u>	<u>Additional Evapotranspiration Adjustment Factor for Special Landscape Areas and Reclaimed Water</u>
<u>SLA</u>	<u>Special Landscape Area (square feet)</u>

**Footnote for Table 142-04J**

<sup>1</sup> Refer to Appendix E of the Landscape Standards of the Land Development Manual for ETo Map and ETo Table by Community Planning Area.

(B) Estimated Total Water Use (ETWU), as calculated in Section 2.6 of the Landscape Standards of the Land Development Manual, shall not exceed the MAWA water budget.

(C) The irrigation system is required to be operated within the approved MAWA Water Budget.

(2) Water Meters

(A) Residential

(i) Dedicated water meters or private submeters shall not be required for residential landscapes of less than 5,000 square feet.

- (ii) Dedicated water meters or private submeters shall be required for irrigated landscapes of 5,000 square feet or greater.

(B) Non-Residential

- (i) Dedicated water meters or private submeters shall be required for irrigated landscapes of greater than 1,000 square feet and less than 5,000 square feet.
  - (ii) Dedicated water meters shall be required for irrigated landscapes greater than 5,000 square feet.

(3) Soil Preparation, Mulch and Analysis

- (A) An applicant subject to the MWELD per Section 142.0413(d) shall submit a Soil Management Report to the Development Services Department.
- (B) Soil amendments shall be incorporated according to the recommendations of a Soil Management Report.
- (C) Compost at a minimum of 4 cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of 6 inches into the soil.
  - (i) Soils with greater than 6 percent organic matter in the top 6 inches of soil are exempt from this requirement.



- (D) All required planting areas and all exposed soil areas without vegetation shall be covered with mulch to a minimum depth of 3 inches, excluding slopes.
- (E) Organic mulch materials made from recycled or post-consumer materials shall be required over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available within a 500 mile radius. Organic mulches are not required where prohibited by fuel modification plan guidelines or ordinances.

(4) Irrigation Audit

- (A) An applicant subject to the MWELD pursuant to Section 142.0413(d) shall conduct and submit to the City an irrigation audit consistent with Section 2.7 of the Landscape Standards of the Land Development Manual.
- (B) All irrigation audits shall be conducted by a professional authorized by the State to perform this work.
- (C) The irrigation audit shall certify that all plant material, irrigation systems, and landscape features have been installed and operate as reviewed by the City to be consistent with any applicable design guidelines; and shall be submitted to the City prior to Certificate of Occupancy or final inspection.

(5) Prescriptive Compliance

Pursuant to title 23, section 490.1 of the California Code of Regulations, an applicant with an aggregate landscape area of 2,500 square feet or less may alternatively comply with the WELO Regulation calculations, if the applicant demonstrates to the satisfaction of the Development Services Director that the landscape area for the development will comply with all of the following:

(A) Incorporates compost at a rate of at least 4 cubic yards per 1,000 square feet to a total depth of 6 inches (unless contraindicated by results of Soil Management Report (as defined in this section (d)(3)(A))).

(B) Includes climate adapted plants that meet the following:

(i) All plant species are identified on the Water Use Classification of Landscape Species (WUCOLS) list as requiring little or no summer water and have an average plant factor of 0.3; and

(ii) The minimum plant area for the climate adapted plants is at least 75 percent of the total plant area for residential development or 100 percent for non-residential development. Plant areas used for edibles

or areas where recycled water is used for irrigation  
may be excluded from the calculation of total plant  
area.

- (C) Incorporates a minimum 3-inch layer of mulch on all  
exposed soil surfaces of planting areas, except in turf areas,  
creeping or rooting groundcovers, or direct seeding  
applications where mulch is contraindicated.
- (D) Minimizes the use of turf as follows:
- (i) Turf is not permitted for non-residential  
development or in parkways less than 10 feet wide,  
unless the parkway is adjacent to a parking strip and  
used to enter and exit vehicles and is irrigated by  
subsurface irrigation (or equivalent system that  
creates no overspray or runoff).
- (ii) Turf for residential development landscape areas  
shall not exceed 25 percent of the landscape area  
and shall not be planted on sloped areas that exceed  
a slope of 1-foot vertical elevation change for every  
4 feet horizontal length.
- (E) Provides an irrigation system that meets all of the following  
requirements:
- (i) Includes an automatic irrigation controller that  
utilizes a rain sensor and evapotranspiration or soil

moisture sensor data, and that does not lose programming data if in the event a primary power source is interrupted;

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

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

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

(v) Includes subsurface irrigation (or equivalent system that produces no overspray or runoff) in any landscape areas less than 10 feet in width in any direction; and

(vi) Includes a private submeter for any non-residential development landscape areas that are 1,000 square feet or more in size.

(F) Incorporates the following statement on the approved landscape plan set:

This landscape plan meets the requirements of the Model  
Water Efficient Landscape Ordinance (MWELo) in  
accordance with state law and Land Development Code  
Section 142.0413. Adherence to the MWELo is required,  
including compliance with the schedule of landscape and  
irrigation maintenance.

(e) ~~Water Meters.~~

~~All new development with a landscape area equal to 500 square feet or  
greater and landscape rehabilitation projects with a landscape area of  
2,500 square feet or greater shall be subject to irrigation meter  
requirements as follows:~~

(1) ~~Residential.~~

(a) ~~Dedicated water meters private submeters shall not be  
required for residential landscapes less than 5,000 square  
feet.~~

(b) ~~Dedicated water meters or private submeters shall be  
required for irrigated landscapes of 5,000 square feet or  
greater.~~

(2) ~~Non-Residential.~~

(a) ~~Dedicated water meters or private submeters shall be  
required for irrigated landscapes between 1,000 and 5,000  
square feet.~~

- (b) Dedicated water meters shall be required for irrigated  
landscapes greater than 5,000 square feet.
- (f) Irrigation Audit. ~~An applicant~~ subject to the requirement for a MAWA  
Water Budget is required to conduct and submit to the City an irrigation  
audit consistent with Section 2.7 of the Landscape Standards of the Land  
Development Manual.
  - (1) All irrigation audits shall be conducted by a professional authorized  
by the State to perform this work.
  - (2) The irrigation audit shall certify that all plant material, irrigation  
systems, and landscape features have been installed and operate as  
approved by the City; and shall be submitted to the City prior to  
occupancy and use.
- (g) Reclaimed water. ~~Development~~ in areas where reclaimed water is available  
and suitable for irrigation shall provide for a dual water distribution system  
for all landscaped areas. Only reclaimed water shall be used for irrigation  
purposes where it is available.
- (h) Pursuant to state law (California Code of Regulations section 490.1), an  
~~applicant~~ with a project with an aggregate landscape area of 2,500 square  
feet or less may alternatively comply, if the ~~applicant~~ demonstrates, to the  
satisfaction of the Development Services Director, that the landscape area  
for the ~~development~~ will comply with all of the following instead of  
Section 142.0413(a) through (g):

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

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

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

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

- (A) ~~Includes an automatic irrigation controller that utilizes a  
rain sensor and evapotranspiration or soil moisture sensor  
data, and that does not lose programming data if in the  
event a primary power source is interrupted;~~
- (B) ~~Includes a pressure regulator to ensure the dynamic  
pressure of the system is within the manufacturer's  
recommended pressure range;~~
- (C) ~~Includes manual shut-off valves (such as a gate valve, ball  
valve, or butterfly valve) installed as close as possible to  
the point of connection to the water supply;~~
- (D) ~~Includes irrigation sprinkler and emission devices that meet  
the State of California Landscape Irrigation Sprinkler and  
Emitter Standards;~~



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

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

- (a) through (b) [No change in text.]
- (c)      Minimum Dimensions for Automobile Parking Aisles. The minimum dimensions for automobile parking aisles at permitted angles for one-way and two-way circulation are shown in Table 142-05L and illustrated in Diagram 142-05B, except as provided in Section 142.0560(e) for certain pre-existing parking facilities.

**Table 142-05L  
Aisle Dimensions**

Angle Between Parking Space and Aisle	Minimum Required Aisle Width (feet)	
	One Way	Two Way
90° (perpendicular)	[No change in text.]	
75° through 0° (parallel)	[No change in text.]	

**Footnote for Table 142-05L**

- <sup>1</sup> For narrow *lots* ~~50~~100 feet or less in width, the minimum drive aisle may be reduced to 22 feet.

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

[No change in text.]

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

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

**§142.0640 Development Impact Fees for Public Facilities and Spaces**

- (a) [No change in text.]
- (b) Development Impact Fees (as defined in California Government Code Section 66000) for applicable *development* shall be paid prior to requesting a final inspection. A final inspection shall not occur until the applicable DIFs are paid in areas where DIFs have been established by City Council resolution or ordinance. Notwithstanding the above, the City Manager may also require the payment of DIFs for *development* that would increase demand for public facilities and/or result in the need for new public facilities. DIFs shall not be required for inclusionary *dwelling units* provided pursuant to Chapter 14, Article 2, Division 13 if the *applicant* has satisfied all the requirements of Division 13 for inclusionary

*dwelling units* on the same *premises* as the market-rate *dwelling units*. The DIF amount due shall be based upon the DIF schedule in effect when the ~~Building Permit was issued~~development application was submitted, or the DIF schedule in effect when the fees are paid, whichever amount is lower, plus an automatic increase consistent with Section 142.0640(c), if applicable.

Exemptions:

- (1) *Accessory Dwelling Units, Junior Accessory Dwelling Units, moveable tiny houses*, and guest quarters are exempt from DIF except as follows:
  - (A) [No change in text.]
  - (B) *Accessory Dwelling Units* that are 750 or more square feet in *gross floor area* and are in excess of the first two *Accessory Dwelling Units* on a *premises* or are constructed in accordance with Section 143.1305(c)(1) shall be required to pay DIF at the *multiple dwelling unit rate*, which shall be scaled in accordance with ~~Resolution No. R-313688,~~ adopting the Citywide Park Development Impact Fee and ~~with~~ Table 142-06A based upon the *Accessory Dwelling Unit* size, or shall be proportionate in relation to the square footage of the *primary dwelling unit* on the *premises* at the *multiple dwelling unit rate*, whichever results in the lower

DIF. The DIF for the *Accessory Dwelling Unit* shall not exceed the DIF for the primary *dwelling unit*.

(C) [No change in text.]

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

- (8) The first two *dwelling units* constructed in accordance with Chapter 14, Article 3, Division 13 shall be exempt from the requirement to pay DIF. The ~~second~~ third and ~~third~~ fourth *dwelling units* constructed in accordance with Chapter 14, Article 3, Division 13 shall be required to pay DIF, which shall be scaled in accordance with ~~Resolution No. R-313688, adopting the Citywide Park Development Impact Fee and Table 142-06A, based upon the~~ *dwelling unit size*.

**Table 142-06A**  
**Scaled Development Impact Fee Rate for Specific Residential Development**

[No change in text.]

- (9) *Development* that designs and constructs an onsite park that satisfies the *development's* park standard identified in the Parks Master Plan, shall not be subject to the requirement to pay the Citywide Park DIF, where the requirements set forth in San Diego Resolution R-313688 have been satisfied. *Development* that designs and constructs an onsite park that satisfies a portion of the *development's* parks standards shall be subject to a proportionate share credit of the DIF for the Citywide Park DIF where the

requirements set forth in San Diego Resolution R-313688 have been satisfied. To be eligible for any exemption under this subsection, the following additional requirements shall apply:

- (A) [No change in text.]
- (B) The park shall be designed and constructed in accordance with the City's Park Development Standard Terms and Conditions and Consultant's Guide to Park Design and Development to the satisfaction of the Parks and Recreation Director, or their designee;
- (C) The park shall be publicly accessible in perpetuity to the Parks and Recreation Director, or their designee;
- (D) If the *development* is receiving park credit for long-term maintenance in accordance with the Parks Master Plan, a maintenance agreement to maintain the park to the satisfaction of the Parks and Recreation Director, or their designee, shall be recorded with the County Recorder prior to final inspection of the first Building Permit;
- (E) A performance bond and payment bond shall be provided for the design and construction of the park prior to the ~~issuance~~ final inspection of the first ~~Building Permit~~ for ~~any dwelling units~~ in the *development*, and no final inspection shall occur for the remaining 50 percent of the total *dwelling units* in the *development* until the park has

been constructed to the satisfaction of the Parks and  
Recreation Director, or their designee; and

(F) [No change in text.]

(10) [No changes in text.]

(c) through (g) [No change in text]

**§142.1250 Permanent Secondary Signs in Commercial and Industrial Zones**

(a) [No change in text]

**Table 142-12I  
Permanent Secondary Signs**

[No change in text.]

(b) High-Rise Building Identification *Wall Signs*

(1) In *Sign Category A* only, building in excess of 100 feet in height shall be permitted additional *wall sign copy area* for building identification purposes subject to the following regulations.

(A) The high-rise building identification *wall sign* shall be placed on a building at a minimum height of 100 feet, above the uppermost row of windows, and not within 5-2 feet of the top of a parapet wall.

(B) through (G) [No change in text.]

(2) [No change in text.]

**Table 142-12J  
High-Rise Building Identification Wall Sign Calculations**

[No change in text.]

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

**§142.1305 Methods of Compliance**

- (a) The requirement to provide inclusionary *dwelling units* may be met in any of the following ways:

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

- (3) On different *premises* from the *development* that does not meet the locational criteria in Section 142.1305(a)(2) but lie within the City of San Diego, if the receiver site is within a ~~*transit priority area*~~ *Sustainable Development Area* and in an area identified as a High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Opportunity Area, and the community planning area has less than five percent of its existing *dwelling units* as covenant-restricted *very low income, low income, or moderate income dwelling units*;

**Editor's Note:** The above language, added by Ordinance O-21432 (Feb. 23, 2022), was certified by the California Coastal Commission on August 10, 2022 and is effective in the Coastal Overlay Zone until the following language in Section 142.1305(a)(3) is certified by the California Coastal Commission.

- (2) On different *premises* from the *development* that does not meet the locational criteria in Section 142.1305(a)(2) but within the City of San Diego, if the receiver site is within a ~~*transit priority area*~~ *Sustainable Development Area*, in an area identified as a High or Highest Resource California Tax Credit Allocation Committee

Opportunity Area according to the most recent California State Treasurer TCAC/HCD Opportunity Area Maps, and less than five percent of the existing *dwelling units* in that community planning area are covenant-restricted to *very low income*, *low income*, or *moderate income* households.

**Editor's Note:** The above language, added by Ordinance O-21439 (March 11, 2022), is effective outside the Coastal Overlay Zone and is pending review and certification by the California Coastal Commission. If this language is certified by the California Coastal Commission, it will supersede the language above, added by Ordinance O-21432, and will be effective Citywide.

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

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

**§142.1307      Rehabilitation of Existing Dwelling Units, SRO Hotel Rooms, or Conversion of Guest Rooms**

- (a)      The requirements of this Division may be satisfied by the rehabilitation of existing *dwelling units* for conversion to inclusionary *dwelling units* affordable to *very low income* households or *low income* households at a cost, including an allowance for utilities, that does not exceed 30 percent of 60 percent of *median income*, if the City Manager determines all of the following:

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



- (3) The rehabilitated *dwelling units* are located in an appropriate residential zone that can accommodate at least the number of rehabilitated *dwelling units* required by this Division, and if those rehabilitated *dwelling units* are located within a ~~*Transit Priority Area*~~ *Sustainable Development Area*, the number of *dwelling units* on the *premises* is at least 60 percent of the base *floor area ratio* or *density* designated by the zone in which the *premises* is located;

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

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

- (d) The requirements of this Division may be satisfied by the conversion of existing *guest rooms* in a *motel* or *hotel* located outside of the Coastal Overlay Zone to inclusionary *dwelling units* affordable to *very low income* households or *low income* households at a cost, including an allowance for utilities, that does not exceed 30 percent of 60 percent of *median income*, if the City Manager determines all of the following:

- (1) [No change in text.]
- (2) The *motel* or *hotel* is located in an appropriate residential zone that can accommodate at least the number of converted *guest rooms* required by this Division, and if the *motel* or *hotel* is located within a ~~*Transit Priority Area*~~ *Sustainable Development Area*, the number of *guest rooms* in the *motel* or *hotel* is at least 60 percent of the base *floor area ratio* or *density* designated by the zone in which the *motel* or *hotel* is located;

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

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

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

- (a)      The City Manager shall determine the need for a site-specific survey for the purposes of obtaining a *construction permit* or *development permit* for *development* proposed for any parcel containing a *structure* that is 45 or more years old and not located within any area identified as exempt in the Historical Resources Guidelines of the Land Development Manual or for any parcel identified as sensitive on the Historical Resource Sensitivity Maps. The following *development* shall be exempt from the requirements of Section 143.0212:

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

- (4)      Construction or demolition of a swimming pool in a rear *yard*, except on a property that requires a survey in accordance with Section 143.0212(b).

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

**§143.0720      Density Bonus in Exchange for Affordable Housing Units**

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

- (i)      A *density* bonus agreement for a *development* within a ~~*transit priority area*~~ *Sustainable Development Area* providing 100 percent of the total pre-*density* bonus and post-*density* bonus *dwelling units* as affordable to *very low income, low income, and moderate income* households shall utilize the following qualifying criteria:

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

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

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

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

(7) For *development* providing at least 100 percent of the pre-*density* bonus *dwelling units* as affordable to *very low income*, *low income*, and *moderate income* households in accordance with Section 143.0720(h); or *development* within a ~~*transit priority area*~~ *Sustainable Development Area* providing at least 100 percent of the total pre-*density* and post-*density* bonus *dwelling units* as affordable to *very low income*, *low income*, and *moderate income* households in accordance with Section 143.0720(i), the *density* bonus shall be as follows:

(A) For *development* located outside of a ~~*transit priority area*~~ *Sustainable Development Area*, the *density* bonus shall be 80 percent of the number of pre-*density* bonus *dwelling* units provided for *low income* or *very low income* households. This bonus does not apply to *development* consistent with Section 143.0720(i).

(B) For *development* located within a ~~*transit priority area*~~ *Sustainable Development Area*, there shall be no limit on the number of *dwelling units* permitted.

- (8) [No change in text.]
- (9) For micro-unit *development* that provides five or more *dwelling units*; meets the criteria in Sections 143.0720(c)(1), 143.0720(c)(2), 143.0720(d)(1), 143.0720(d)(2), 143.0720(d)(3), 143.0720(e), or 143.0720(f); provides an average of no more than 600 square feet per *dwelling unit* with no *dwelling unit* exceeding 800 square feet; with a portion of the *lot* located within a ~~*Transit Priority Area*~~ *Sustainable Development Area*; and where the *premises* can be serviced by all required utilities, a *density* bonus of up to 100 percent of the pre-*density* bonus *dwelling units* shall be granted. The post-*density* bonus *dwelling units* shall be micro-units as described above. For *development* meeting the same criteria within the Centre City Planned District Ordinance, the *development* must comply with Section 156.0309(ed)(1)(C).

(10) through (15) [No change in text.]

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

**§143.0740 Incentives in Exchange for Affordable Housing Dwelling Units**

An *applicant* proposing *density* bonus shall be entitled to incentives as described in this Division for any *development* for which a written agreement and a deed of trust securing the agreement is entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission. The City shall process an incentive requested by an *applicant* as set forth in this section.

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

- (e) For a *development* providing 100 percent of the pre-density bonus *dwelling units* as affordable to *very low income*, *low income*,<sub>2</sub> and *moderate income* households in accordance with Section 143.0720(h); or *development* within a ~~*transit priority area*~~ *Sustainable Development Area* providing 100 percent of the total pre-density and post-density bonus *dwelling units* as affordable to *very low income*, *low income*, and *moderate income* households in accordance with Section 143.0720(i), five incentives shall be available. If the *development* is located within a ~~*transit priority area*~~ *Sustainable Development Area*, the *applicant* shall also receive a *structure height* increase of up to 3 additional *stories* or 33 feet.
- (f) [No change in text.]

**Table 143-07A**  
**Very Low Income Density Bonus Households**

[No change in text.]

**Footnotes for Table 143-07A**

- <sup>1</sup> For *development* containing 50 pre-density *dwelling units* or less, once this maximum is reached, an additional 25 percent *density* bonus and three incentives are allowed if an additional 10 percent of the pre-density bonus units are restricted in accordance with the provisions of this Division for households earning less than or equal to 120 percent of the area ~~*median income*~~ *median income*, as adjusted for household size, and the *development* is within a ~~*transit priority area*~~ *Sustainable Development Area*.
- <sup>2</sup> Once this maximum is reached, an additional 25 percent *density* bonus and three incentives are allowed if an additional 10 percent of the pre-density bonus units are restricted in accordance with the provisions of this Division for households earning less than or equal to 120 percent of the area ~~*median income*~~ *median income*, as adjusted for household size, and the *development* is within a ~~*transit priority area*~~ *Sustainable Development Area*.

**Table 143-07B**  
**Low Income Density Bonus Households**

[No change in text.]

**Footnotes for Table 143-07B**

- <sup>1</sup> For *development* containing 50 pre-density *dwelling units* or less, once this maximum is reached, an additional 25 percent *density* bonus and three incentives are allowed if an additional 10 percent of the pre-density bonus units are restricted in accordance with the

provisions of this Division for households earning less than or equal to 120 percent of the area ~~median income~~ median income, as adjusted for household size, and the *development* is within a ~~transit priority area~~ Sustainable Development Area.

- <sup>2</sup> Once this maximum is reached, an additional 25 percent *density* bonus and three incentives are allowed if an additional 10 percent of the pre-*density* bonus units are restricted in accordance with the provisions of this Division for households earning less than or equal to 120 percent of the area ~~median income~~ median income, as adjusted for household size, and the *development* is within a ~~transit priority area~~ Sustainable Development Area.

**Table 143-07C**  
**Moderate Income Density Bonus Households**

[No change in text.]

**§143.0742 Incentives for Non-Residential Development**

The Employee Housing Incentive Program shall be implemented in accordance with this section. An *applicant* for non-residential *development* as defined in this section that contributes to the construction of affordable housing through the payment of the Employee Housing Incentive Program Fee, as adopted by City Council Resolution, shall be entitled to receive incentives, as set forth below.

- (a) Eligible Non-residential *Development*.
- (1) The non-residential *development* shall be located within a ~~transit priority area~~ Sustainable Development Area.
- (2) [No change in text.]
- (b) [No change in text.]

**§143.0744 Parking Ratios for Affordable Housing**

Upon the request of an *applicant* for a *development* meeting the criteria in Sections 143.0720(c), 143.0720(d), 143.0720(e), 143.0720(f), 143.0720(g), 143.0720(h), or 143.0720(j), the vehicular parking ratios in Table 143-07D, as may be applicable, or those set forth in Chapter 14, Article 2, Division 5, inclusive of disabled and guest parking, whichever is lower, shall

apply. For purposes of this Division, a ~~development~~ development may provide onsite parking through tandem parking or uncovered parking, but not through on-street parking or parking within a required front yard setback yard setback.

**Table 143-07D**  
**Parking Reduction for Proximity to Transit**

Type of <i>Development</i>	Percent Affordable	Transit Requirement <sup>3</sup>	Parking Ratio for <i>Development</i> <sup>1</sup>
Rental or for-sale <i>development</i> containing market rate and very low income, low income <sub>2</sub> and/or moderate income dwelling units <ul style="list-style-type: none"> <li>• Very low income</li> <li>• Low income</li> <li>• Moderate income</li> </ul>	[No change in text.]	The <i>development</i> is located within a transit priority area <u>Sustainable Development Area</u> .	[No change in text.]
Rental housing <ul style="list-style-type: none"> <li>• Very low income, low income <del>and</del> <u>and</u> moderate income</li> </ul>	[No change in text.]		[No change in text.]
Rental housing with an affordable housing cost to lower income senior citizens in accordance with California Civil Code Sections 51.3 and 51.12	[No change in text.]	[No change in text.]	[No change in text.]
Rental housing affordable to very low income and low income households that is either a special needs housing <i>development</i> as defined in California Health and Safety Code (CHSC) Section 51312 or a supportive housing <i>development</i> as defined	[No change in text.]	[No change in text.]	[No change in text.]

Type of <i>Development</i>	Percent Affordable	Transit Requirement <sup>3</sup>	Parking Ratio for <i>Development</i> <sup>1</sup>
in CHSC Section 50675.14			

Footnotes for Table 143-07D

<sup>1</sup> through <sup>3</sup> [No change in text.]

**§143.0745 Locating Required Affordable Dwelling Units Off-site**

A *development* that complies with the Affordable Housing Regulations may provide all or a portion of the required affordable *dwelling units* off-site in accordance with the following:

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

(c) Off-site affordable *dwelling units* that do not meet the locational criteria in Section 143.0745(a) may be located in an area where the receiver site is within a ~~*transit priority area*~~ *Sustainable Development Area*, an area identified as a High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Opportunity Area, and less than five percent of the existing *dwelling units* in that community planning area are covenant-restricted to *very low income*, *low income*, or *moderate income* households.

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

**§143.0746 Affordable Housing in All Communities**

(a) Affordable housing uses not otherwise allowed in High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Areas. Affordable housing may be permitted in High or Highest Resource ~~California Tax Credit Allocation Committee~~ CTCAC Areas in accordance



with Process One on a *premises* located within a non-residential base zone that does not otherwise allow *multiple dwelling unit development*, subject to all of the following:

- (1) [No change in text.]
  - (2) The *premises* is located within all of the following:
    - (A) A ~~transit priority area~~ Sustainable Development Area;
    - (B) through (D) [no change in text.]
  - (3) [No change in text.]
  - (4) Residential *development* shall comply with the *development* regulations of the RM-2-5 zone with the exemption of *density*, *floor area ratio*, *lot area*, and *lot dimensions* ~~which shall comply with the base zone.~~
  - (5) through (7) [No change in text.]
- (b) Affordable housing may be permitted on a *premises* owned by a public agency or a qualified nonprofit corporation (consistent with Chapter 2 of the Municipal Code) in accordance with Process One on a *premises* located within a base zone that does not allow *multiple dwelling unit development*, subject to all of the following:
- (1) through (4) [No change in text.]
  - (5) Residential *development* shall comply with the *development* regulations of the RM-2-5 zone which the exemption of *density*, *floor area ratio*, *lot area*, and *lot dimensions* ~~which shall comply with the base zone.~~

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

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

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

- (a) [No change in text.]
- (b) In-fill projects, which is any of the following:
  - (1) [No change in text.]
  - (2) Residential or mixed-use *development*; ~~where all or a portion of the premises is located within a Transit Priority Area~~ Sustainable Development Area.
- (c) [No change in text.]

**§143.1001 Purpose, Intent, and Definition**

- (a) Purpose. The purpose of these regulations is to provide a *floor area ratio*-based *density* bonus incentive program for *development* within ~~Transit Priority Areas~~ Sustainable Development Areas that provides housing for *very low income*, *low income*, or *moderate income* households and provides neighborhood-serving infrastructure amenities. These regulations are intended to materially assist in providing adequate housing for all economic segments of the community; to provide a balance of housing opportunities within the City of San Diego with an emphasis on housing near transit; and to encourage use of mobility alternatives through the construction of neighborhood-serving infrastructure amenities.
- Investment in neighborhood-serving infrastructure that creates destinations and encourages walking, biking and use of transit, particularly within

~~*Transit Priority Areas*~~ *Sustainable Development Areas*, is critical to the

City's Climate Action Plan goal to reduce greenhouse gas emissions.

These regulations do not implement California Government Code Section 65915 (State Density Bonus Law), which is implemented through San Diego Municipal Code Chapter 14, Article 3, Division 7.

(b) Definitions. For the purposes of this Division, the following definitions shall apply:

- (1) [No change in text.]
- (2) FAR Tier 2 means any *premises* where any portion of the *premises* is located in a regional or subregional employment area, as identified in the General Plan Economic Prosperity Element, or within a one-mile radius of any university campus that includes a medical center and is within a ~~*Transit Priority Area*~~ *Sustainable Development Area* that is located in a community planning area within Mobility Zone 3 as defined in Section 143.1103(a)(3).
- (3) FAR Tier 3 means any *premises* where any portion of the *premises* is located in an area located within a ~~*Transit Priority Area*~~ *Sustainable Development Area* that is located in a community planning area within Mobility Zone 3 as defined in Section 143.1103(a)(3).

- (4) FAR Tier 4 means any *premises* where any portion of the *premises* is located in an area located within a ~~*Transit Priority Area*~~ *Sustainable Development Area* that is located in a community planning area within Mobility Zone 4 as defined in Section 143.1103(a)(4).
- (5) Community of Concern means a census tract that has been identified as having very low, ~~or low,~~ or moderate access to opportunity as identified in the San Diego Climate Equity Index.

**§143.1002 Application of Complete Communities Housing Solutions Regulations**

- (a) At the request of the *applicant*, except as otherwise provided in Section 143.1030, the regulations in this Division shall apply to any *development* within a ~~*Transit Priority Area*~~ *Sustainable Development Area* where any portion of the *premises* contains zoning that is commercial, residential, or mixed-use and the *premises* is zoned that allows for 20 dwelling units per acre or greater or has a ~~land-use plan~~ land use plan designation that allows for 20 *dwelling units* per acre or greater and is within one quarter mile of a rail station, not including additional ~~units~~ dwelling units permitted under this Division, if all of the following requirements are met:
- (1) The *development* includes *dwelling units* affordable to *very low income, low income, or moderate income* households, in accordance with Section 143.1015(a)(1)-(3) or 143.1015(a)(4) and the following criteria.
- (A) though (B) [No change in text.]

- (C) A portion of the total *dwelling units* in the *development* shall be reserved for *very low income*, *low income*, or *moderate-income* households, in accordance with Section 143.1015(a)(1)-(3) or 143.1015(a)(4).

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

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

**§143.1010 Incentives in Exchange for Transit Priority Area Sustainable Development Area Affordable Housing and Infrastructure Amenities**

[No change in text.]

**§143.1015 Required Provision of Affordable Dwelling Units**

- (a) In accordance with Section 143.1002(a)(1), an *applicant* requesting application of the regulations in this Division shall provide a written agreement to provide affordable *dwelling units*, entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission and secured by a deed of trust, that meets the following requirements:
- (1) Provides at least 15 percent of rental *dwelling units* in the *development*, excluding any additional *dwelling units* allowed under a *floor area ratio* bonus, for rent by *very low income* households at a cost, including an allowance for utilities, that does not exceed 30 percent of 50 percent of the area *median income*, as adjusted for household size.
- (2) through (3) [No change in text.]

(4) As an alternative to the requirements in Sections 143.1015(a)-(1)-(3) or 143.1015(a)(4), an *applicant* may provide at least 40 percent of rental *dwelling units* in the *development*, excluding any additional *dwelling units* allowed under a *floor area ratio* bonus, for rent by very low income households at a cost, including an allowance for utilities, that does not exceed 30 percent of 50 percent of the area *median income*, as adjusted for household size.

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

(b) Nothing in this Division shall preclude an *applicant* from using affordable *dwelling units constructed* by another *applicant* to satisfy the requirements of this Division, including contracting with an affordable housing developer with experience obtaining tax-exempt bonds, low income housing tax credits, and other competitive sources of financing, upon approval by the San Diego Housing Commission. ~~pursuant to the standards set forth in the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual on file with the San Diego Housing Commission.~~

(c) [No change in text.]

**§143.1020 Required Provision of Infrastructure Amenities**

In accordance with Section 143.1002(a)(2), an *applicant* requesting application of the regulations in this Division shall provide infrastructure amenities as follows:

(a) [No change in text.]

- (b) Public promenade alternative. In lieu of the fee described in Section 143.1020(a), *development* on a *premises* of at least 25,000 square feet in ~~area or larger~~ with at least 200 linear feet of *street frontage* or on a separately-owned parcel within a ~~*Transit Priority Area*~~ *Sustainable Development Area* where the *development* is located and with an equivalent-sized *premises* of the *development* or larger with at least 200 linear feet of *street frontage*, may construct public amenities in the form of a public promenade.

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

**§143.1025 Supplemental Development Regulations**

*Development* utilizing the regulations in this Division must comply with the following Supplemental Development Regulations and may not utilize the waivers provided in Section 143.1010(h) to deviate from the requirements in Section 143.1025.

- (a) Pedestrian Circulation Space. All *development* shall include the following pedestrian circulation improvements:

(1) [No change in text]

- (2) Street trees. At least one, 24-inch box canopy form tree is required for each 20 feet of *street frontage*. The *street frontage* excludes curb cuts and required clearances for designated bus stops. The ~~trees shall be placed on each side of the sidewalk where feasible.~~  
The installed tree spacing and location may be varied to accommodate site conditions or design considerations.

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

(b) [No change in text.]

(c) Standards for Buildings over 95 Feet in Height on *Premises* over 20,000 Square Feet in Area. For the purposes of Section 143.1025, bulk and scale are divided into two main areas of the building base and the tower. Buildings over 95 feet in height located on a *premises* over 20,000 square feet in area shall comply with the following requirements:

(1) For a *development* that includes one or more *structures* over 95 feet in height, or *development* which exceeds the height limit of the base zone, whichever is greater, a Neighborhood Development Permit decided in accordance with Process Two is required.

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

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

~~(f) Climate Action Plan (CAP) Consistency Checklist Requirements. To ensure consistency with the City's CAP, all *development* shall comply with each of the measures identified in Step 1 of the CAP Consistency Checklist.~~

**§143.1102 When Mobility Choices Regulations Apply**

The Mobility Choices Regulations apply to any *development* for which a Building Permit is issued, except:

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



- (g) ~~Multi-family residential~~ Multiple dwelling unit development in a Transit Priority Area within a Sustainable Development Area that provides the transportation amenities required by Section 142.0528; and
- (h) [No change in text.]

**§143.1103 Mobility Choices Requirements**

- (a) For the purposes of this Division, Mobility Zones shall be defined as follows:
  - (1) [No change in text.]
  - (2) Mobility Zone 2 means any *premises* located either partially or entirely in a ~~Transit Priority Area~~ Sustainable Development Area.
  - (3) [No change in text.]
  - (4) Mobility Zone 4 means any area not located within Mobility Zone 1, Mobility Zone 2, or Mobility Zone 3, within a community planning area with a VMT efficiency that is greater than 85 percent of the regional average for either resident VMT per capita or employee VMT, as determined by the City Manager.
  - (5) through (6) [No change in text.]
- (b) through (c) [No change in text.]

**§143.1310 Construction of Multiple Dwelling Units in a Single Dwelling Unit Zone**

Up to two *dwelling units* may be permitted on a *premises* within a RS, RE, RX, RT ~~and or~~ Planned District Zones that permits *single dwelling unit development*, but not *multiple dwelling unit development*, in accordance with the following regulations:

- (a) The *development* regulations of the base zone in which the *premises* is located shall apply, except as specified in this section.

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

(3) Parking Regulations

(A) Within a ~~transit priority area~~ Sustainable Development Area, no off-street parking spaces are required.

(B) Outside of a ~~transit priority area~~ Sustainable Development Area, off-street parking spaces shall be provided as follows:

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

(4) [No change in text]

(5) Supplemental Regulations within Areas of Future Sea Level Rise  
Dwelling units constructed within Areas of Future Sea Level Rise must comply with the regulations in Section 132.0404.

(A) ~~Within the Coastal Overlay Zone, the following regulations apply to dwelling units constructed outside of Special Flood Hazard Areas and within an area of future sea level rise (within a 75-year horizon) as determined by the City Manager based on the most current sea level rise vulnerability maps:~~

(i) ~~The dwelling units shall comply with the regulations in Section 143.0146(c) and if applicable, Section 143.0146(g). The base flood elevation utilized, and the applicability of Section 143.0146(g), shall be based on the FIRM Zone of the Special Flood~~

~~Hazard Area~~ in closest proximity to the ~~premises~~ on which the ~~dwelling unit~~ is proposed. The permit requirements of 143.0110(b) and other regulations of Chapter 14, Article 3, Division 1 do not apply.

- (ii) Hard shoreline armoring shall not be constructed to protect ~~dwelling units~~ from the effects of sea level rise.
- (iii) The ~~record owner~~ of the ~~dwelling unit~~ shall, in a form that is approved by the City, acknowledge the following: (1) that the ~~dwelling unit~~ is located in an area of future sea level rise that may become hazardous in the future; (2) that sea level rise could render it difficult or impossible to provide services to the ~~premises~~; (3) that the boundary between public land (tidelands) and private land may shift with rising seas and the ~~development~~ approval does not permit encroachment onto public trust land; (4) that additional adaptation strategies may be required in the future to address sea level rise consistent with the Coastal Act and certified *Local Coastal Program*; and (5) that the ~~dwelling unit~~ may be required to be removed or relocated and the site restored if it becomes unsafe; and further the ~~record~~

~~owner shall waive any rights under Coastal Act~~

~~Section 30235 and related Local Coastal Program~~

~~policies to any hard shoreline armoring to protect~~

~~the dwelling unit.~~

- (iv) ~~The record owner of the dwelling unit shall provide~~  
~~notice to all occupants, upon occupancy, of the~~  
~~dwelling unit of the provisions in Section~~  
~~143.1310(a)(5)(A)(iii).~~

(6) [No change in text.]

(b) [No change in text.]

**§151.0103 Applicable Regulations**

(a) [No change in text.]

(b) The following regulations apply in all planned districts:

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

(4) Solar energy systems regulations ~~and contained in Land~~

Development Code Section 141.0418, electric vehicle charging

station regulations contained in Land Development Code Section

~~141.0418 and Section 141.0419~~, and battery energy storage

facilities regulations contained in Land Development Code Section

141.0422.

(5) through (13) [No change in text.]

**§153.0311 Mixed-Use Center (MC)**

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

(c) Development Regulations

The development regulations of the CC-5-5 zone of Chapter 13, Article 1, Division 5 (Commercial Base Zones) shall apply, except as follows:

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

(3) Maximum Floor Area Ratio

The maximum floor area ratio is 1.2, except for development that consists of 8 to 10 dwelling units which shall be limited to a maximum floor area ratio of 1.25.

For development within a historic district or on a premises with a historical resource included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code the floor area ratio does not increase.

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

**§155.0231 Exceptions to the Residential Zones Regulations within the Central Urbanized Planned District**

Table 131-04G, Development Regulations of RM Zones, shall apply with the following exceptions:

**Table 155-02A  
Floor Area Ratio Exceptions**

<b>Zones</b>	<b>RM-1-1</b>	<b>RM-1-2</b>	<b>RM-1-3</b>	<b>RM-2-4</b>	<b>RM-2-5</b>	<b>RM-2-6</b>
Max <i>floor area ratio</i> <sup>1</sup>	0.55 <sup>1,2</sup>	0.65 <sup>1,2</sup>	0.75 <sup>1,2</sup>	0.90 <sup>1,2</sup>	1.10 <sup>2</sup>	1.30

**Footnotes for Table 155-02A**

- <sup>1</sup> For development that consist of 3 to 7 dwelling units, the maximum floor area ratio shall be 1.0. For development within a historic district or on a premises with a historical resource included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a premises that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum floor area ratio does not increase.
- <sup>2</sup> For development that consist of 8 to 10 dwelling units, the maximum floor area ratio shall be 1.25. For development within a historic district or on a premises with a historical resource included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a premises that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum floor area ratio does not increase.

**§155.0238 Use Regulations Table of CU Zones**

The uses allowed in the CU zones are shown in Table 155-02C.

**Legend for Table 155-02C**

[No change in text.]

**Table 155-02C**  
**Use Regulations Table for CU Zone**

Use Categories/Subcategories [See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	CU-									
	3rd >>	1-(1)		2-			3-				
	4th >>	1	2	3	4	5	3(2)(12)	6	7	8	
<b>Open Space through Industrial, Separately Regulated Industrial Uses</b>		[No change in text.]									
<u>Artisan Food and Beverage Producer</u>		-		<u>L</u>			<u>L</u>				
<i>Cannabis Production Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees</i>				[No change in text.]							

**Footnotes for Table 155-02C**

<sup>1</sup> through <sup>13</sup> [No change in text.]

**§155.0242 Development Regulations Table for CU Zones**

The following development regulations apply in each of the CU zones as shown in  
Table 155-02D.

**Table 155-02D**  
**Development Regulations of CU Zones**

Development Regulations	Zone Designator	Zones							
	1st & 2nd >>	CU-							
	3rd >>	1-		2-	3-	2-		3-	
	4th >>	1 <sup>(1)</sup>	2 <sup>(1)</sup>	3	4	5	6	7	8
Max residential density <del>density</del> <sup>(2)</sup>		5,000	3,000	1,000	600	1,000	1,500	5,000	3,000
Supplemental residential regulations <sup>(3)</sup>		applies	applies	applies	applies	applies	applies	applies	applies
Lot-Lot area									
Min (sf)		5,000	5,000	2,500	2,500	2,500	5,000	2,500	2,500
Max (ac)		0.3	0.3	-	-	-	-	-	-
Lot-Lot dimensions									
Min width (ft)		50	50	25	25	25	50	25	25
Min <del>street</del> frontage (ft)		-	-	25	25	25	50	25	25
Min depth (ft)		-	-	-	-	-	100	-	-
Max depth (ft)				-	-	-	150	-	-
Setback-Setback Requirements									
Min front setback <del>(setback)</del> (ft)		20 <sup>(4)</sup>	20 <sup>(4)</sup>	-	-	-	-	10	10
Max front setback <del>(setback)</del> (ft)		-	-	10 <sup>(5)</sup>	10 <sup>(5)</sup>	10 <sup>(5)</sup>	100 <sup>(5,6)</sup>	-	-
Min side setback <del>(setback)</del> (ft)		10	10	10	10	10	10	5	5
Optional side setback <del>(setback)</del> (ft)		0	0	0-	0	0	0	-	-
[See Land Development Code Section 131.0543(b)]									
Side setback <del>(setback)</del> abutting residential (ft) [See Land Development Code Section 131.0543(c)]		applies	applies	applies	applies	applies	applies	applies	applies
Min <del>street</del> <del>street</del> side setback <del>(setback)</del> (ft)		20 <sup>(4)</sup>	20 <sup>(4)</sup>	-	-	-	-	10	10
Max <del>street</del> <del>street</del> side setback <del>(setback)</del> (ft)		-	-	10 <sup>(5)</sup>	10 <sup>(5)</sup>	10 <sup>(5)</sup>	-	-	-
Min rear setback <del>(setback)</del> (ft)		10	10	10	10	10	10	10	10
Optional rear setback <del>(setback)</del> (ft)		0	0	0	0	0	0	0	0
[See Land Development Code Section 131.0543(b)]									

Development Regulations	Zone Designator	Zones							
	1st & 2nd >>	CU-							
	3rd >>	1-		2-	3-	2-		3-	
	4th >>	1 <sup>(1)</sup>	2 <sup>(1)</sup>	3	4	5	6	7	8
	Rear setback <u>setback</u> abutting residential (ft) [See Land Development Code Section 131.0543(c)]	applies	applies	applies	applies	applies	applies	applies	applies

Development Regulations	Zone Designator	Zones								
	1st & 2nd >>	CU-								
	3rd >>	1-		2-	3-	2-		3-		
	4th >>	1 <sup>(1)</sup>	2 <sup>(1)</sup>	3	4	5	6	7	8	
<del>Max structure height</del> <b>structure height</b> (ft)		24 <sup>(7)</sup>	24 <sup>(7)</sup>	50	-	90	30	30	30	
<del>Min lot</del> <b>lot</b> coverage (%)		-	-	-	35	35	-	-	-	
<del>Max floor-area ratio</del> <b>floor area ratio</b>		0.6 <sup>(8)(9)</sup>	0.6 <sup>(8)(9)</sup>	1.0 <sup>(9)</sup>	2.0	2.0	0.75 <sup>(8)(9)</sup>	0.5 <sup>(8)(9)</sup>	0.5 <sup>(8)(9)</sup>	
Mixed use bonus/Min % to residential [See Land Development Code Section 131.0546(a)]		0.4/100	0.4/100	0.5/50	2.0/50	1.5/50	0.75/75	0.5/50	0.5/50	
<b>Pedestrian paths</b> [See Land Development Code Section 131.0550]		applies	applies	applies	applies	applies	applies	applies	applies	
<b>Transparency</b> [See Land Development Code Section 131.0552]		-	-	applies	applies	applies	-	applies	applies	
<b>Building articulation</b> [See Land Development Code Section 131.0554]		applies	applies	applies	applies	applies	applies	applies	applies	
<b>Parking lot orientation</b> [See Land Development Code Section 131.0556]		-	-	-	-	-	applies	-	-	

**Footnotes for Table 155-02D**

<sup>(1)</sup> through <sup>(7)</sup> [No change in text.]

<sup>(8)</sup> For development that consist of 3 to 7 dwelling units, the maximum floor area ratio shall be 1.0. For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a premise that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum floor area ratio does not increase.

<sup>(9)</sup> For development that consist of 8 to 10 dwelling units, the maximum floor area ratio shall be 1.0. For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a premise that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum floor area ratio does not increase.

**§1513.0304 Property Development Regulations – Residential Subdistricts**

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

(g) *Floor Area Ratio*

(1) The basic maximum *floor area ratio* shall be 1.1 for 1 to

7 dwelling units. The maximum floor area ratio shall be 1.25 for

8 to 10 dwelling units.



For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a premises that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum floor area ratio does not increase.

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

(h) [No change in text.]

**§-1516.0114 Development Regulations Table for Old Town San Diego Residential Zones**

**Table 1516-01C  
Development Regulations for OTR Zones**

Development Regulations	Zone Designator	Zones			
	1st & 2nd>>	OTRS-	OTRM-		
	3rd >>	1-	1-	2-	2-
	4th >>	1	1	1	2
<b>Max permitted density through Lot Coverage for sloping lots [See Section 1516.0132] [No change in text.]</b>	[No change in text.]				
<b>Max floor area ratio</b>	0.6	0.7 <sup>(5,6)</sup>	1.0 <sup>(6)</sup>	1.2 <sup>(4)(6)</sup>	
<b>Max paving/hardscape through Visibility Area [See Section 113.0273] [No change in text.]</b>	[No change in text.]				

**Footnotes for Table 1516-01C**

<sup>1</sup> through <sup>4</sup> [No change in text.]

<sup>5</sup> For development that consist of 3 to 7 dwelling units, the maximum floor area ratio shall be 1.0. For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a premises that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum floor area ratio does not increase.

<sup>6</sup> For development that consist of 8 to 10 dwelling units, the maximum floor area ratio shall be 1.25. For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a premises that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum floor area ratio does not increase.

§-1516.0119 Development Regulations Table for Old Town San Diego Commercial Zones

**Table 1516-01E**  
**Development Regulations for OTCC and OTMCR Zones**

Development Regulations	Zone	Zones								
	1st & 2nd >> 3rd >>	OTCC-						OTMCR-		
		1-	2-	2-	2-	3-	3-	1-		
		1	1	2	3	1	2	1	2	3
<b>Max Permitted Residential Density<sup>(1)</sup> through Min Lot Coverage (%)<sup>(2)</sup></b>		[No change in text.]								
<b>Max Floor Area Ratio</b>		2.0	1.0 <sup>(3)</sup>	1.0 <sup>(3)</sup>	1.2 <sup>(3)</sup>	1.3	1.3	1.2 <sup>(3)</sup>	2.0	2.0
Floor Area Ratio Bonus for Residential Mixed Use [See Section 1516.0136]		--	0.2	0.2	0.2	--	--	--	0.2	1.0
Minimum Floor Area Ratio for Residential Use [See Section 1516.0136]		--	0.2	0.2	0.2	--	--	--	--	0.2
Floor Area Ratio Bonus for Structured Parking [See Section 1516.0138]		[No change in text.]								
<b>Ground-Floor Height through Visibility Area [See Section 113.0273]</b>		[No change in text.]								

**Footnotes for Table 1516-01E**

<sup>1</sup> through <sup>2</sup> [No change in text.]

<sup>3</sup> For development that consist of 3 to 7 dwelling units, the maximum floor area ratio shall be 1.0. For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a premises that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum floor area ratio does not increase.

<sup>4</sup> For development that consist of 8 to 10 dwelling units, the maximum floor area ratio shall be 1.25. For development within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a premises that is designated as a historical resource consistent with Chapter 12, Article 3, Division 2 of the San Diego Municipal Code, the maximum floor area ratio does not increase.

SCE:cm  
September 22, 2022  
February 8, 2023 COR. COPY  
February 10, 2023 COR. COPY 2  
Or.Dept: Planning  
Doc. No. 3095853\_3

Passed by the Council of The City of San Diego on February 28, 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 07 2023.

AUTHENTICATED BY:

(Seal)

TODD GLORIA

Mayor of The City of San Diego, California.

DIANA J. S. FUENTES

City Clerk of The City of San Diego, California.

By [Signature], 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

February 14, 2023, and on MAR 07 2023.

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)

DIANA J. S. FUENTES

City Clerk of The City of San Diego, California.

By [Signature], Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 31013