# Article 7: Previously Conforming Premises and Uses

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

## Division 1: General Review Procedures for Previously Conforming Premises and Uses

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

### §127.0101 Purpose of Procedures for Previously Conforming Premises and Uses

The purpose of these procedures is to establish a review process for the *development*, maintenance, and operation of *previously conforming premises* and uses. Because of changes in the City's zones and zoning regulations over the years, many *structures* that were built, or uses that were established, in compliance with the applicable regulations at the time of their *development* no longer comply with existing regulations. In order to clarify this status, and to avoid confusion with illegal premises and uses, the term "*previously conforming*" is used to describe these situations and has the same meaning as "*nonconforming*". The intent of these procedures is to allow certain, potentially compatible, *previously conforming premises* and uses, subject to special regulations and conditions, unless the *previously conforming premises* or uses adversely impact the public health, safety, or welfare. *(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

### §127.0102 General Rules for Previously Conforming Premises and Uses

The following general rules apply to all *previously conforming premises* and uses:

(a) *Previously conforming premises* or uses must have been established in compliance with all permit requirements and must have been lawful until a change in the applicable zoning regulations made the *premises* or uses *previously conforming*.

(b) The property owner or person asserting *previously conforming* rights for a *premises* or use has the burden to provide the City Manager with sufficient documentation to establish the existence of the *previously conforming premises* or use.

(c) *Previously conforming premises* and uses that comply with the provisions of this Division may continue to exist and operate unless termination in accordance with an amortization period is otherwise required in the San Diego Municipal Code or by ordinance.

(d) Sale or transfer of the property or change of ownership does not terminate rights to the *previously conforming premises* or use, unless the owner agrees to such a condition as part of a permit or administrative or judicial order.

(e) *Development* involving *previously conforming premises* and uses is subject to all other regulations and any *development permits* that may otherwise be required by the Land Development Code. The decision process shown in Table 127-01A and described in Sections 127.0103 through 127.0109 pertains only to the review required for the aspects of a proposed *development* that may have *previously conforming* status.

(f) None of the *previously conforming* regulations in this Division grant any deviation from the height regulations of Section 132.0505 (Coastal Height Limit Overlay Zone), Section 132.1305 (Clairemont Mesa Height Limit Overlay Zone), or any other height limit overlay zone. Proposed *development* in overlay zones is also subject to the regulations of those overlay zones.

(g) If a *previously conforming premises* or use is brought into conformance by a change in use or new *development*, the *previously conforming* status is terminated and the *premises* or use cannot revert to a *previously conforming* status. A temporary discontinuance of operations in accordance with Section 127.0108(d) does not bring the *previously conforming* use into conformance or terminate the *previously conforming* status. See Section 127.0108 for additional regulations regarding discontinuance of *previously conforming* uses.

(h) Regulations for *premises* that have *previously conforming* parking are found in Section 142.0510(d).

(i) Regulations for *premises* that have *previously conforming* landscaping are set forth in Section 142.0410.

(j) Regulations for *premises* in the Airport Land Use Compatibility Overlay Zone that were legally established in an airport influence area prior to adoption of an Airport Land Use Compatibility Plan, or amendment thereto, are located in Section 132.1535.

(k) The regulations applicable to *development* involving *previously conforming* uses shall not apply to *multiple dwelling unit development* in a *single dwelling unit* zone that is *previously conforming* as to *density*.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*
*(Amended 10-25-2011 by O-20047 N.S.; effective 1-1-2012.)*
*(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)*
*(Amended 7-2-2013 by O-20268 N.S.; effective 8-2-2013.)*
*(Amended 5-5-2015 by O-20482 N.S.; effective 6-4-2015.)*

## §127.0103 Decision Process for Previously Conforming Premises and Previously Conforming Uses

The decision process for approval of proposed *development* or activity varies based on the *previously conforming* aspects of the *development*, as shown in Table 127-01A. If the proposed *development* includes more than one *previously conforming* aspect, all corresponding regulations, as described in Sections 127.0104 through 127.0109, apply.

**Table 127-01A**
**Decision Process for Previously Conforming Premises and Uses**[1]

| Type of *Development* Proposal | Process One Approval Required | Process Two Approval Required |
|---|---|---|
| Maintenance, repair, alteration or replacement in accordance with Section 127.0104 | | |
| Of a *previously conforming structural envelope* | If a Coastal Development Permit is not required pursuant to Section 126.0704(b) | If a Coastal Development Permit is required pursuant to Section 126.0704(b) |
| Of a *structure* on a *premises* with *previously conforming density* | | |
| Of a *structure* containing a *previously conforming* use | If removal of less than 50 percent of the exterior walls of a *structure* containing a *previously conforming* use | If removal of 50 percent or more of the exterior walls of a *structure* containing a *previously conforming* use |
| Reconstruction (following fire, natural disaster, act of the public enemy) in accordance with Section 127.0105 | | |
| Of a *previously conforming structural envelope* | If the new *structure* would not exceed *the gross floor area* or *height* of the destroyed *structure* by more than 10 percent and the *structure* would be located in substantially the same location as the destroyed *structure* or in a location that would reduce the level of non-conformity | If the new *structure* would exceed the *gross floor area* or *height* of the destroyed *structure* by more than 10 percent or the *structure* would be located in a substantially different location as the destroyed *structure* that would not reduce the level of non-conformity |
| Of a *structure* on a *premises* with *previously conforming density* | | |
| Of a residential *structure* with a *previously conforming* use | | |
| Of a non-residential *structure* with a *previously conforming* use and resumption of the use | If less than 50 percent of the *structure's* exterior walls were destroyed | If 50 percent or more of the *structure's* exterior walls were destroyed |

| **Type of *Development* Proposal** | **Process One Approval Required** | **Process Two Approval Required** |
|---|---|---|
| Expansion/enlargement in accordance with Sections 127.0106 and 127.0109 | | |
| Of a *previously conforming structural envelope* | If new construction conforms with current *development* regulations for *setbacks*, *floor area ratio*, and *structure height* and does not increase the level of non-conformity; or the expansion or enlargement is necessary to incorporate required public exits or fire walls to bring a *multiple dwelling unit development* or non-residential *development structure* into compliance with the California Building Code or Fire Code | If proposed *development* in the *setback* meets the criteria specified in Section 127.0106(b) |
| Of a *structure* on a *premises* with *previously conforming density* | | |
| Of a *previously conforming* use | N/A | If an increase in floor area to a *previously conforming* use (up to a maximum of 20 percent expansion of *gross floor area* of the existing *structure* or up to the maximum *floor area ratio* of the underlying base zone, whichever is less) |
| Change in use of *previously conforming* uses in accordance with Section 127.0107 | | |
| | If a change to another *previously conforming* use within the same use category | N/A |
| Resumption of a *previously conforming* use after a temporary discontinuance in accordance with Section 127.0108(d) | | |
| | If resumption of a *previously conforming* use within two years after discontinuance | If resumption of a *previously conforming* use after two or more years after discontinuance |

**Footnote to Table 127-01A**

[1] *Development* that does not meet the criteria for a Process One or Process Two approval shall comply with all current regulations and the *previously conforming* aspect of the *premises* shall terminate.

*(Amended 6-12-2001 by O-18948 N.S.; effective 12-12-2001.)*
*(Amended 6-15-2007 by O-19624 N.S.; effective 7-15-2007.)*
*(Retitled to "Decision Process for Previously Conforming Premises and Previously Conforming Uses" and amended 5-5-2015 by O-20482 N.S.; effective 6-4-2015.)*

## §127.0104 Maintenance, Repair, Alteration, or Replacement of Previously Conforming Structures

(a) Maintenance, repair, alteration, or replacement of a *structure* with a *previously conforming structural envelope* is permitted in accordance with Process One, unless the proposed *development* otherwise requires a Coastal Development Permit pursuant to Section 126.0704(b).

(b) Maintenance, repair, alteration, or replacement of a *structure* with a *previously conforming structural envelope* for proposed *development* that requires a Coastal Development Permit pursuant to Section 126.0704(b) requires a Neighborhood Development Permit decided in accordance with Process Two.

(c) Maintenance, repair, alteration, or replacement of a *dwelling unit* or *multiple dwelling unit structure*, that makes the *premises previously conforming* for *density*, is permitted in accordance with Process One, unless the proposed *development* otherwise requires a Coastal Development Permit.

(d) Maintenance, repair, alteration, or replacement of a non-residential *structure* containing a *previously conforming* use is permitted in accordance with Process One if the proposed *development* would retain 50 percent or more of the exterior walls of the *previously conforming structure*. If the proposed *development* would retain less than 50 percent of the exterior walls of the *previously conforming structure*, the proposed *development* requires a Neighborhood Development Permit decided in accordance with Process Two. The calculation of exterior walls shall be measured in accordance with Section 127.0111.

(e) In the Coastal Overlay Zone, the *previously conforming* status for a *structure* located on a *premises* that contains or abuts a *coastal beach* or a *coastal bluff edge* shall terminate upon:

(1) destruction, demolition, or removal of 50 percent or more of the *structure's* exterior walls, on a cumulative basis, which is any destruction, demolition, or removal that has occurred on or after October 13, 2016, which shall be measured in accordance with Section 127.0111, and for which the *applicant* shall provide sufficient evidence of the nature and extent of the cumulative changes at the time of application for any *construction permit* to rebut a presumption that the *development* is not entitled to *previously conforming* status, or

(2) destruction, demolition, or removal of 50 percent or more of the capacity of the lateral or vertical load resisting system of the *previously conforming structure*, as determined by the Building Official.

Upon termination, the development standards applicable to new *structures* shall then apply to the entire *structure*.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*
*(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)*
*(Retitled to "Maintenance, Repair, Alteration, or Replacement of Previously Conforming Structures" and amended 5-5-2015 by O-20482 N.S.; effective 6-4-2015.)*
*(Amended 7-19-2016 by O-20672 N.S.; effective 10-6-2016.)*

## §127.0105 Reconstruction Following Fire, Natural Disaster, or Act of the Public Enemy

(a) The reconstruction provisions of Section 127.0105 apply only to the reconstruction of a *previously conforming structure* destroyed, in whole or in part, as a result of fire, natural disaster, or act of the public enemy, that met one or more of the following conditions prior to the event that caused the destruction:

(1) The *structure* had a *previously conforming structural envelope*;

(2) The *structure* was a *dwelling unit*, or a *structure* that included a *dwelling unit* or *dwelling units*, that made the *premises previously conforming* for *density*; or

(3) The *structure* contained a *previously conforming* use.

(b) Reconstruction of any *previously conforming structure* described in Section 127.0105(a) is permitted in accordance with Process One as follows:

(1) Reconstruction of a non-residential *structure* containing a *previously conforming* use and resumption of the use where less than 50 percent of the *structure's* exterior walls were destroyed; or

(2) Reconstruction of a *structure* with a *previously conforming structural envelope* or a *structure* that makes the *premises previously conforming* for *density* where:

(A) The new *structure* would neither exceed the *gross floor area* nor the *structure height* of the destroyed *structure* by more than 10 percent; and

(B) The new *structur*e would be located in substantially the same location as the destroyed *structure* or in a location that would reduce the non-conformity regarding *structural envelope* or *density*.

However, reconstruction of *previously conforming density* shall not exceed the number of *dwelling units* that existed prior to the event that caused the destruction.

(c) Reconstruction of any *previously conforming structure* described in Section 127.0105(a) requires a Neighborhood Development Permit decided in accordance with Process Two if the proposed *development* does not meet the criteria for Process One approval in Section 127.0105(b).

(d) In the Coastal Overlay Zone, the *previously conforming* status for a *structure* located on a *premises* that contains or abuts a *coastal beach* or a *coastal bluff edge* shall terminate upon:

(1) destruction, demolition, or removal of 50 percent or more of the *structure's* exterior walls, on a cumulative basis, which is any destruction, demolition, or removal that has occurred on or after October 13, 2016, which shall be measured in accordance with Section 127.0111, and for which the *applicant* shall provide sufficient evidence of the nature and extent of the cumulative changes at the time of application for any *construction permit* to rebut a presumption that the *development* is not entitled to *previously conforming* status, or

(2) destruction, demolition, or removal of 50 percent or more of the capacity of the lateral or vertical load resisting system of the *previously conforming structure*, as determined by the Building Official.

Upon termination, the development standards applicable to new *structures* shall then apply to the entire *structure*.

(e) Any reconstruction is subject to Coastal Development Permit regulations and other regulations applicable to conforming *development*. Section 127.0105 does not provide an exemption from any requirement to obtain applicable *construction permits* or *development permits*.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*
*(Retitled to "Reconstruction Following Fire, Natural Disaster, or Act of the Public Enemy" and amended 5-5-2015 by O-20482 N.S.; effective 6-4-2015.)*
*(Amended 7-19-2016 by O-20672 N.S.; effective 10-6-2016.)*

## §127.0106 Expansion or Enlargement of Previously Conforming Structures or of Structures on a Premises with Previously Conforming Density

(a) Proposed expansion or enlargement of a *structure* with a *previously conforming structural envelope* or of a *structure* on a *premises* with *previously conforming density* is permitted in accordance with Process One as follows, except that such *development* on a *premises* that contains or abuts a *coastal beach* or a *coastal bluff edge*, shall be subject to Section 127.0106(c):

(1) Where all new construction conforms with current development regulations for *setbacks*, *floor area ratio*, and *structure height* and does not increase the non-conformity regarding *structural envelope* or *density;*

(2) Where the proposed expansion or enlargement is necessary to incorporate required public exits or fire walls to meet public safety requirements of the California Building Code or California Fire Code for a conforming use in a *previously conforming multiple dwelling unit* or non-residential *structure* as long as the need is not one created by the proposed expansion or enlargement.

(b) Proposed expansion or enlargement of a *previously conforming structural envelope* within a *setback*, or of a *structure* on a *premises* with *previously conforming density* that does not meet the criteria for expansion or enlargement in accordance with Section 127.0106(a), requires a Neighborhood Development Permit decided in accordance with Process Two, which shall only be granted if the proposed expansion or enlargement meets all of the following criteria:

(1) Conforms to the *setback* observed by the existing *structure*;

(2) Complies with the *floor area ratio* and maximum *structure height* of the underlying base zone;

(3) Does not encroach into a front *yard* or extend outside of the developable area of the underlying base zone to within 10 feet of the front *yard setback* line, unless the proposed expansion or enlargement would reduce the non-conformity of existing *development*;

(4) Does not encroach more than 15 feet into any required side or rear *yard*;

(5) Does not result in a total *structure* length within the required *yard* that is greater than 50 percent of the length of the adjacent *property line*;

(6) Does not create any new habitable space within 3 feet of the *property line*;

(7) Is limited to additions at the first *story* level (as measured in accordance with Section 113.0261) and does not exceed the height of the existing *structure* within the *setback*;

(8) Does not result in more *dwelling units* than the underlying base zone allows; and

(9) Does not propose *development* on a *premises* that contains or abuts a *coastal beach* or *coastal bluff edge*.

(c) For *structures* located on a *premises* that contains or abuts a *coastal beach* or a *coastal bluff edge*, new additions or improvements to existing *structures* may be permitted subject to a Coastal Development Permit, in accordance with Section 126.0707, provided that all such new additions or improvements themselves do not increase the degree of non-conformity and comply with all of the following:

(1) The proposed *coastal development* is in conformity with the certified *Local Coastal Program land use plan*;

(2) The proposed *coastal development* does not alter more than 50 percent of the exterior walls of the *structure* as measured in accordance with Section 127.0111;

(3) The proposed expansion does not exceed 500 square feet, except additional floor area may be permitted in exchange for the removal or relocation of an equivalent amount of existing floor area (from the *primary structure* or an *accessory structure*) from within a required *setback* from the *coastal bluff edge* or side *yard setback* to a location at least 40 feet from the *coastal bluff edge*;

(4) The proposed expansion does not include *development* of a *basement* with building area 5 feet or more below *grade* or the use of caisson foundations;

(5) The proposed expansion does not result in a cumulative increase greater than 50 percent of the *gross floor area* of the *structure*, where the total expansion area is measured over time and includes the sum of all additions to the *structure* approved on or after October 13, 2016. The *applicant* shall provide evidence of the nature and extent of the cumulative changes at the time of application for any *construction permit*.

(6) The proposed *coastal development* does not rely on existing shoreline protection; and

(7) The *applicant* agrees to execute and record a waiver of future shoreline protection, and the execution and recordation shall occur prior to the issuance of the first building permit.

(d) In the Coastal Overlay Zone, the *previously conforming* status for a *structure* located on a *premises* that contains or abuts a *coastal beach* or a *coastal bluff edge* shall terminate upon:

(1) destruction, demolition, or removal of 50 percent or more of the *structure's* exterior walls, on a cumulative basis, which is any destruction, demolition, or removal that has occurred on or after October 13, 2016, which shall be measured in accordance with Section 127.0111, and for which the *applicant* shall provide sufficient evidence of the nature and extent of the cumulative changes at the time of application for any *construction permit* to rebut a presumption that the *development* is not entitled to *previously conforming* status, or

(2) upon destruction, demolition, or removal of 50 percent or more of the capacity of the lateral or vertical load resisting system of the *previously conforming structure*, as determined by the Building Official.

Upon termination, the development standards applicable to new *structures* shall then apply to the entire *structure*.

(e) Proposed expansion or enlargement or a change in use of a *previously conforming large retail establishment* is subject to a Process One Construction Permit and the applicable supplemental regulations in Section 143.0355(e) except as described below. Proposed expansion or enlargement or a change in use of a *large retail establishment* that would result in a *structure* that is 100,000 or greater square feet of *gross floor area* and an increase in average daily trips is subject to a Site Development Permit in accordance with Section 126.0502.

*(Amended 1-9-2001 by O-18910 N.S.; effective 8-8-2001.)*
*(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)*
*(Amended 6-15-2007 by O-19624 N.S.; effective 7-15-2007.)*
*(Retitled to "Expansion or Enlargement of Previously Conforming Structures or of Structures on a Premises with Previously Conforming Density" and amended 5-5-2015 by O-20482 N.S.; effective 6-4-2015.)*
*(Amended 7-19-2016 by O-20672 N.S.; effective 10-6-2016.)*

## §127.0107 Change in Use of a Previously Conforming Use

(a) A change in use from a *previously conforming* use to another use within the same use category of the Use Regulations Tables of Chapter 13, Article 1, outside the Coastal Overlay Zone, is considered a change of use of equal intensity and retains the *previously conforming* rights for the new use. A change of use from a *previously conforming* use to a use in another use category or to a separately regulated use category of the Use Regulations Tables of Chapter 13, Article 1, is not allowed.

(b) Within the Coastal Overlay Zone, if a change in use from a *previously conforming* use to another use within the same use category of the Use Regulation Tables of Chapter 13, Article 1 involves any intensification of use, the *previously conforming* rights are not retained for the new use. For the purposes of Section 127.0107, intensification of use means a change in the use of a *lot* or *premises* which, based on the provisions of the applicable zone, requires more off-street parking than the most recent legal use on the *premises*.

(c) A change in the number of business licenses issued for the same use within the same square footage is not considered an intensification of use.

*(Amended 6-12-2001 by O-18948 N.S.; effective 12-12-2001.)*

## §127.0108 Abandonment of Previously Conforming Uses

(a) If a *previously conforming* use is discontinued for a period of less than two consecutive years, except *previously conforming* uses subject to Section 127.0112, operations may be resumed, or changed to another use in the same category in accordance with Section 127.0107.

(b) If a *previously conforming* use has been discontinued for a period of two or more consecutive years, except *previously conforming* uses subject to Section 127.0112, resumption of the use requires a Neighborhood Use Permit. Discontinuance of the use for a period of two or more consecutive years creates a presumption in favor of abandonment, against which the owner or person asserting the *previously conforming* status may offer evidence sufficient to satisfy the City Manager that one or more of the following has occurred:

(1) The discontinuance is in accordance with Section 127.0108(d); or

(2) An active Neighborhood Use Permit approves or conditionally approves resumption of the *previously conforming* use.

(c) A *previously conforming* use that is brought into conformance is no longer *previously conforming* and shall not resume operations or revert to a *previously conforming* status. A *previously conforming* use can maintain *previously conforming* status, except *previously conforming* uses subject to Section 127.0112, during construction in accordance with Section 127.0108(d) without being considered to have been abandoned.

(d) If the *previously conforming* use, except *previously conforming* uses subject to Section 127.0112, is temporarily discontinued while repairs, remodeling, or major alterations of the *structure* are under construction, maintenance of an active *construction permit* and the Business Tax Certificate shall mean that the use has not been discontinued during the construction and the use's *previously conforming* status is maintained.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*
*(Amended 5-5-2015 by O-20482 N.S.; effective 6-4-2015.)*
*(Amended 1-16-2024 by O-21758 N.S.; effective 3-16-2024.)*

## §127.0109 Expansion of a Previously Conforming Use

(a) A 20 percent or less *gross floor area* expansion of a *previously conforming* use requires a Neighborhood Use Permit decided in accordance with Process Two.

(b) Where located in residential zones, the following uses shall not be eligible to expand in accordance with Section 127.0109(a):

(1) Hazardous waste facilities subject to Sections 141.1002 or 141.1003;

(2) Very Heavy Industrial Uses subject to Section 141.1009.

(3) Wrecking and Dismantling of Motor Vehicles subject to Section 141.1010; and

(4) Commercial and personal vehicle repair and maintenance facilities that meet the use category description in Sections 131.0112(a)(8)(A) or (C).

*(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)*
*(Amended 5-5-2015 by O-20482 N.S.; effective 6-4-2015.)*
*(Amended 12-1-2016 by O-20752 N.S.; effective 12-31-2016.)*
*(Amended 10-17-2017 by O-20859 N.S.; effective 11-16-2017.)*

## §127.0111 Rules for Calculation and Measurement of Exterior Walls

(a) For the purpose of this Division, an exterior wall shall be considered removed if the Building Official determines that the structural integrity of that wall has been lost.

(b) The *applicant* shall provide sufficient information to demonstrate the extent of the proposed wall removal, or in the case of a *structure* destroyed by fire, natural disaster, or act of the public enemy, the extent of wall destruction, including, but not limited to:

(1) A *site* plan of the *structure* showing all existing exterior walls (and those that were destroyed in accordance with Section 127.0105, if applicable) identified and dimensioned in linear feet;

(2) A demolition plan with dimensions specified in linear feet for any existing exterior walls proposed to be demolished or removed and replaced in accordance with Section 127.0111(a)(1) or showing the exterior walls that were destroyed in accordance with Section 127.0105, if applicable; and

(3) Structural calculations and details regarding all walls within the *structure* proposed to be modified or reconstructed.

(c) The length of the exterior walls shall be measured in linear feet.

(d) When an exterior wall of a *previously conforming structure* is made an interior wall, the *development* shall comply with the regulations for expansion or enlargement in Section 127.0106.

*("Rules for Calculation and Measurement of Exterior Walls" added 5-5-2015 by O-20482 N.S.; effective 6-4-2015.)*
*(Amended 7-19-2016 by O-20672 N.S.; effective 10-6-2016.)*

## §127.0112 Replacing Incompatible Previously Conforming Uses

The purpose of this Section is to address incompatible *previously conforming* land uses near residential uses. Certain existing *previously conforming* uses are on *premises* that have been rezoned to allow for residential and mixed-use *development*. These incompatible uses can cause adverse impacts and reduce the quality of life in neighborhoods with residential uses. The intent of this Section is to not allow incompatible uses identified in this Section to continue near residential uses and to encourage land uses that are in compliance with the applicable *land use plans* and base zones.

(a) The following *previously conforming* uses, when located within 50 feet from the *property line* of the *previously conforming* use to the *property line* of an existing residential use established prior to January 1, 2024, are considered incompatible uses:

(1) Junk Yards;

(2) Wrecking and Dismantling of Motor Vehicles;

(3) Very Heavy Industrial Uses (as defined in Section 141.1009); and

(4) The following Recycling Facilities:

(A) Large Collection Facilities;

(B) Large Construction and Demolition Debris Recycling Facility;

(C) Large Processing Facility Accepting at least 98% of Total Annual Weight of Recyclables from Commercial and Industrial Traffic;

(D) Large Processing Facility Accepting All Types of Traffic; and

(E) Tire Processing Facilities.

(b) The following requirements apply to *previously conforming* uses that are considered incompatible uses and are located within the *San Diego Promise Zone* as established on January 1, 2024:

(1) If a *previously conforming* use has been discontinued for 30 or more consecutive days, the *previously conforming* use is no longer permitted to operate on the *premises*, and operations may not be resumed or changed to another use in the same category, except when temporarily discontinued due to repairs, including repairs needed for reconstruction following fire, natural disaster, or act of the public enemy. If the *previously conforming* use is temporarily discontinued while repairs of the *structure* are under construction, maintenance of an active *construction permit* and the Business Tax Certificate shall mean that the use has not been discontinued during the construction and the use's *previously conforming* status is maintained.

(2) The *previously conforming* use shall no longer be permitted to operate 15 years after the effective date of the ordinance. Notice of this date shall be sent by certified mail to the *record owner* and tenant(s) by the City of San Diego no later than 60 days after the ordinance takes effect.

*("Replacing Incompatible Previously Conforming Uses" added 1-16-2024 by O-21758 N.S.; effective 3-16-2024.)*