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Article 3: Supplemental Development Regulations

Division 3: Supplemental Neighborhood Development Permit and Site Development Permit Regulations

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

143.0301 Purpose of Supplemental Neighborhood Development Permit and Site Development Permit Regulations

The purpose of these regulations is to provide standards for the evaluation of projects which, because of their size, location, community significance, or other identified characteristic, are required to obtain a Neighborhood Development Permit or Site Development Permit. It is intended that these supplemental regulations, in combination with the development regulations of the applicable zone, create the type of *development* envisioned by the applicable *land use plan*.

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

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

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

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

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process
Affordable/In-Fill Housing Projects with Deviations	143.0910, 143.0915, 143.0920	SDP/Process Four
Site Containing <i>Environmentally Sensitive Lands</i>	143.0101-143.0160, 143.0303, 143.0305, 143.0350, 143.0375, 143.0380	NDP/Process Two or SDP/Process Three or Four
Site Containing <i>Historical Resources</i>	143.0201-143.0260, 143.0303, 143.0305, 143.0360, 143.0375, 143.0380	NDP/Process Two or SDP/Process Four
<i>Fences</i> or <i>Retaining Walls</i> Exceeding the Permitted Height	143.0303, 143.0305, 142.0350, 143.0375	NDP/Process Two
Relocated Building Onto a Site With an Existing Building	143.0303, 143.0305, 143.0345, 143.0375	NDP/Process Two

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Site with <i>Previously Conforming Conditions</i>	127.0102, 143.0303, 143.0305, 143.0375	NDP/Process Two
Nonresidential <i>Development</i> Exceeding the Maximum Permitted Parking	142.0540(b), 143.0303, 143.0305, 143.0375	NDP/Process Two
Shared Parking for Uses Not Listed in Section 142.0545(c)	142.0545(b)(7), 143.0303, 143.0305, 143.0375	NDP/Process Two
Commercial <i>Development</i> With Tandem Parking	142.0555(b), 143.0303, 143.0305, 143.0375	NDP/Process Two
<i>Previously Conforming Parking</i> for a discontinued use	142.0510(d)(4), 143.0303, 143.0305, 143.0375	NDP/Process Two
<i>Mobilehome Parks</i> in RM Zones	143.0303, 143.0305, 143.0340, 143.0375	NDP/Process Two
<i>Mobilehome Parks</i> in RS, RX Zones	143.0303, 143.0305, 143.0340, 143.0375	SDP/Process Three
Discontinuance of <i>Mobilehome Park</i>	141.0410-141.0440, 132.0801-132.0804, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
Multiple Dwelling Unit <i>Development</i> that Varies from Minimum Parking Requirements	142.0525(b), 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
Nonresidential <i>Development</i> (With TDM Plan) that Varies from Minimum Parking Requirements	142.0525(b), 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
Community Plan Implementation Overlay Zone	132.1401-132.1405, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
Mission Trails Design District	132.1201-132.1205, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
<i>Development</i> Within the Urban Village Overlay Zone	132.1101-132.1110, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
<i>Public improvements</i> on More Than 3,000 Feet of Frontage or Where City Standards Do Not Apply	142.0601-142.0670, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
Manufactured Slopes in Excess of 25% Gradient and 25 Feet in Height	142.0101-142.0149, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
Affordable Housing in RE, RS, RX, RT, AR Zones	143.0303, 143.0305, 143.0310, 143.0320, 143.0375, 143.0380, 143.0710-143.0740	SDP/Process Three
Affordable Housing with Deviations from Development Regulations	143.0303, 143.0305, 143.0310, 143.0320, 143.0375, 143.0380, 143.0760	SDP/Process Four
<i>Multiple Dwelling Unit Development</i> in RM Zones Involving <i>Lot Consolidation</i> and Exceeds Number of Units Indicated in Table 126-05A	143.0303, 143.0305, 143.0310, 143.0320, 143.0375, 143.0380	SDP/Process Three

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Clairemont Mesa Height Limit Overlay Zone	132.0401-132.0406, 143.0303, 143.0305, 143.0375,143.0380	SDP/Process Five
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Legend to Table 143-03A	
NDP	NDP means Neighborhood Development Permit
SDP	SDP means Site Development Permit

(Amended 6-3-2003 by O-19186 N.S.)

[Editors Note: This section only applies outside of the Coastal Overlay Zone. Ordinance No. O-19186 will not apply within the Coastal Zone until the thirtieth day following the date the Coastal Commission unconditionally certifies this ordinance as a local coastal program amendment. If Ordinance No. O-19186 is certified with suggested modifications, Ordinance No. O-19186 shall be void within the Coastal Zone. For the corresponding regulations (When Supplemental Neighborhood Development Permit and Site Development Permit Regulations Apply) within the Coastal Overlay Zone, refer to Land Development Code Section 143.0302, added by City Council on December 9, 1997 by O-18451.]

143.0303 Permitted Uses with Neighborhood Development Permits and Site Development Permits

The following regulations apply to all Neighborhood Development Permits or Site Development Permits.

- (a) The uses permitted with a Neighborhood Development Permit or Site Development Permit are those uses permitted by the applicable zone, unless otherwise specified in these supplemental regulations. Limited uses and uses requiring a Neighborhood Use Permit or Conditional Use Permit are permitted subject to the requirements of the applicable zone. A Neighborhood Development Permit or Site Development Permit may not be used to permit any deviations from the use regulations of the applicable zone.
- (b) Changes of use on a *premises* do not require an amendment of the approved Neighborhood Development Permit or Site Development Permit if the proposed use is permitted in the applicable zone and no exterior modifications to the existing *structures* or associated exterior facilities are being made to accommodate the proposed use change. Proposed changes of use that require exterior modifications to the existing *structures* require an amendment to the approved Neighborhood Development Permit or Site Development Permit when the modifications are not in *substantial conformance* with the approved permit.
- (c) After construction of a *development* in accordance with a Neighborhood Development Permit or Site Development Permit, proposed uses that require a Neighborhood Use Permit or Conditional Use Permit may be permitted without an amendment to the Neighborhood Development Permit or Site Development Permit, unless the amendment involves exterior modifications to the *premises* that are not in *substantial*

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conformance with the approved Neighborhood Development Permit or Site Development Permit.

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

143.0305 Applicable Development Regulations for All Neighborhood Development Permits and Site Development Permits

All projects for which a Neighborhood Development Permit or Site Development Permit is required are subject to the development regulations of the applicable zone, including applicable regulations in Chapter 14, Article 2 (General Development Regulations) and the applicable supplemental regulations as identified in Table 143-03A. Where there is a conflict between the requirements of the applicable zone and the supplemental regulations, the supplemental regulations apply.

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

143.0310 Supplemental Site Development Permit Regulations for Residential Development

Development subject to this section, as indicated on Table 143-03A, is subject to the following supplemental regulations in addition to any other regulations of the applicable zone and this division.

- (a) *Development* is subject to the land use and *density* regulations of the applicable *land use plan* in effect for the premises.
- (b) *Density* and Intensity
 - (1) The number of dwelling units or *gross floor area* proposed on the *premises* shall not exceed that set forth by the applicable zone and the applicable *land use plan* and shall be based on the area of the entire *premises*. The dwelling units and *gross floor area* may be distributed without regard to the proposed *lot* boundaries.
 - (2) If the *premises* is located in two or more zones, the maximum number of dwelling units or the *gross floor area* permitted on the *premises* shall be the sum of the dwelling units or the *gross floor area* permitted in each of the zones and may be distributed without regard to the zone boundaries.
 - (3) If the proposed *development* includes property that is shown as part of an open space system on the applicable *land use plan* and is accepted by the City as dedicated open space, that portion of the property may be included in the calculation of the overall project *density* using the *density* of the base zone.
 - (4) The areas of the *premises* that are designated for *streets* or private streets may not be used in the calculation of maximum *density*.

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- (5) The areas of the *premises* that are designated for private drives may be used in the calculation of maximum *density*.

(c) Parking and Access

- (1) Identified pedestrian access shall be provided from all building entrances to the *public right-of-way*.
- (2) Parking areas and vehicular access drives shall be located to minimize impacts to pedestrian circulation, public *street* systems, and adjacent properties.

(d) Public Transportation

Access to or improvements for public transportation shall be provided as required by the Metropolitan Transit Development Board.

(e) *Fences* and Walls

- (1) All perimeter *fences* and walls shall be designed to be an integral part of the overall project design.
- (2) *Fences* and walls that are generally parallel to the *public right-of-way* and that exceed 100 feet in length shall be articulated with vertical elements spaced at no more than 25 feet on center. The vertical elements shall be a minimum of 12 inches wide.

(f) *Accessory Structures*

Accessory structures within the *development* shall be architecturally consistent with the primary buildings on the *premises*.

(g) Open Space

- (1) If the *premises* is located in two or more residential zones, the amount of open space required is the sum of the open space required in each of the residential zones and may be distributed with out regard to the zone boundaries.
- (2) All common open space intended for active use must be moderately level land with an overall gradient not exceeding 10 percent and located so that it is readily accessible to the occupants, employees, and guests of the *development*.
- (3) For *multiple dwelling unit* projects, at least 300 square feet of the total common open space required by the applicable zone shall be located in a single common area with no dimension less than 15 feet in any direction. Additionally, proposed *developments* exceeding 10 dwelling units shall contain, within the common