

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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May 21, 2009

Th 13c

TO: COMMISSIONERS AND INTERESTED PERSONS

**FROM: SHERILYN SARB, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT
ELLEN LIRLEY, COASTAL PROGRAM ANALYST, SAN DIEGO COAST DISTRICT**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF SAN DIEGO MAJOR
AMENDMENT SAN-MAJ-3-08A (6th Update to the Land Development Code) for
Commission Meeting of June 10-12, 2009**

SYNOPSIS

The subject LCP implementation plan amendment was submitted on November 25, 2008, and filed as complete on January 9, 2009. This amendment is one of two requests in the City's submittal. The other item involves a land use plan change, and the Commission therefore has 90 days to act on the request. A one-year time extension was granted on the amendment submittal on March 12, 2009. As such, the last date for Commission action on this item is April 9, 2010.

As noted, this report addresses one of two unrelated amendments requested in this submittal. The other amendment addresses redesignation of a property in the Peninsula Land Use Plan to accommodate a town home project. It will come before the Commission sometime in the future.

SUMMARY OF AMENDMENT REQUEST

The subject amendment request consists of approximately 50 separate items, and represents the 6th Update of the certified Land Development Code (LDC), which went into effect in the coastal zone on January 1, 2000. The City periodically reviews the LDC and proposes corrections, modifications, clarifications, etc. to make the document easier to understand and enforce. This update is similar to past updates in that it covers a number of different issue categories of the LDC, including how to calculate certain measurements, such as building heights, permit process, landscaping, parking, compliance with State law, and minor corrections.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of the proposed amendment, as submitted. The amendment request raises no Coastal Act issue, and the LDC would remain consistent

with the City's many certified Land Use Plans (LUPs). The appropriate resolution and motion begin on Page 3. The findings for approval of the plan begin on Page 5.

BACKGROUND

The City's first IP was certified in 1988, and the City then assumed permit authority. The IP consisted of portions of the City's Municipal Code, along with some Planned District Ordinances (PDOs) and Council Policies. In 1999, the Commission certified the City's LDC, that includes Chapters 11 through 14 of the municipal code. It replaced the first IP and took effect in the coastal zone on January 1, 2000. The Commission has certified many IP amendments since 2000.

ADDITIONAL INFORMATION

Further information on the City of San Diego LCP amendment SAN-MAJ-03-08A may be obtained from Ellen Lirley, Coastal Planner, at (619) 767-2370.

PART I. OVERVIEW

A. LCP HISTORY

The City of San Diego has a long history of involvement with the community planning process, and in 1977, requested that the Coastal Commission permit segmentation of its Land Use Plan (LUP) into twelve parts in order to conform, to the maximum extent feasible, with the City's various community plan boundaries. In the intervening years, the City has intermittently submitted all of its LUP segments, which are all presently certified, in whole or in part.

When the Commission approved segmentation of the LUP, it found that the implementation phase of the City's LCP would represent a single unifying element. This was achieved in January 1988, and the City of San Diego assumed permit authority on October 17, 1988 for the majority of its coastal zone. Several isolated areas of deferred certification remained at that time; but some have since been certified as LCP amendments. Other areas of deferred certification still remain today and will be acted on by the Coastal Commission in the future.

B. STANDARD OF REVIEW

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

C. PUBLIC PARTICIPATION

The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolution and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to this resolution.

- I. MOTION I:** *I move that the Commission reject the Implementation Program Amendment for the City of San Diego certified LCP, as submitted.*

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Implementation Program Amendment for the City of San Diego LCP, as submitted, and adopts the findings set forth below on grounds that the Implementation Program Amendment conforms with, and is adequate to carry out, the provisions of the certified City of San Diego LCP, and certification of the Implementation Program Amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

**PART III. FINDINGS FOR APPROVAL OF THE CITY OF SAN DIEGO
IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED****A. AMENDMENT DESCRIPTION**

The subject amendment request consists of approximately 50 separate items, and represents the 6th Update of the certified Land Development Code (LDC), which went into effect in the coastal zone on January 1, 2000. The City periodically reviews the LDC and proposes corrections, modifications, clarifications, etc. to make the document easier

to understand and enforce. The proposed Implementation Plan (IP) amendment affects all four IP chapters that are within the LCP (Chapters 11 through 14). One of the ordinances included deletions from Chapter 9, but, since that chapter is not part of the certified LCP, those changes are not addressed herein.

This update is similar to past updates in that it addresses a number of different issue categories of the LDC, including how to calculate certain measurements, such as building height or setbacks, permit process, landscaping, parking, compliance with State law, and minor corrections. Some examples follow: a) Many of the requested updates are simple changes in nomenclature, such as replacing the term “day” care with “child” care, changing “sf” to “square feet,” and changing the phrase “use category” to “type of development” wherever those terms exist throughout the IP. b) At the beginning of each zone category, such as residential or industrial, a conversion table linking the “old” zones to the “new” ones is deleted, as the IP has been in effect for roughly ten years and the conversion tables are no longer relevant. c) Development in any zone is required to provide containers for trash and recyclables. d) Palms are no longer allowed as street trees unless a certified LUP specifically calls for them.

In addition, much of the update addresses how measurements and calculations are to be obtained. The standards themselves, such as overall height limits, required setback width, etc., are not changed, but the explanation of how to measure and calculate has been simplified to be more understandable for any developer, homeowner, or concerned citizen. These directions provide the appropriate methods to use to determine setbacks, calculate height or floor area ratio, etc. as well as making definitions of terms clearer. Similarly, although parking standards are not modified, some changes address underground parking structures, and what constitutes the term “underground” (i.e., how much of a basement, parking level, etc. can be above ground and still have it be considered an “underground” structure). Also, identical language found in more than one part of the IP is being deleted where possible to avoid duplication. Finally, some land uses, such as transitional housing as one example, that had been permitted by Process III (Planning Director approval) in the current LDC will now require a Process IV (Planning Commission approval) or V (City Council approval) depending on the size of the proposed facility. Similar permitting changes will apply to automobile service stations and a few other uses.

B. FINDINGS FOR APPROVAL

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP. Many of the proposed amendments represent changes in wording, corrections and deletions. The more substantive proposed amendments provide directions on how to obtain permits for different types of development and how to measure/calculate various distances and features of a site. Although LUPs are required to have a great deal of specificity when identifying environmental standards, placement or prohibition of various uses, and development standards, they do not address how to obtain or provide the specific information required to assure a proposed development is consistent with those policies. Those measures are typically contained in the zoning code and implementation plan.

The following examples are provided to demonstrate how the proposed amendments do not conflict with the certified LUPs. Most, if not all, City of San Diego certified LUPs include a height limit, but do not address how, or from where it is measured. The proposed changes to the IP clarify how to measure the height, but don't change the height limit itself. The changes primarily rearrange the structure of the measurement sections to make them more user-friendly without changing the basic parameters of the certified IP. Thus, the modified regulations remain consistent with those certified LUPs. Also, the certified LUPs identify what uses will be allowed where, and the subject amendment does not modify these land use designations or corresponding zones. However, the LUPs do not include detail about what type of permit process different types of developments must follow. Thus, modifying that process to require a greater degree of discretion for some types of developments does not conflict with any LUP policies. In addition, the City proposes to prohibit palm trees, which have been determined to be invasive, from use as a street tree unless it is required in a certified LUP. In this way, palm trees cannot generally be used in public rights-of-way, but the caveat prevents this modification from conflicting with any certified LUPs.

In summary, these modifications address the details of project development, without changing the basic concept of what is allowed where. They do not modify or conflict with the policies or standards of individual certified LUP segments because they pertain to the "how" of things rather than the "where" or "when." Therefore, the 6th update to the City of San Diego LCP is consistent with, and adequate to carry out, the certified LUPs.

PART IV. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. In this particular case, the LCP amendment will not have any significant adverse effects on the environment and there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact on the environment. Therefore, the Commission finds the subject LCP implementation plan, as amended, conforms with CEQA provisions.

OLD LANGUAGE: ~~STRIKEOUT~~
NEW LANGUAGE: DOUBLE UNDERSCORE

ORDINANCE NUMBER O- 19799 (NEW SERIES)

DATE OF FINAL PASSAGE 11/13/08

AN ORDINANCE AMENDING THE SAN DIEGO MUNICIPAL CODE BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2, BY AMENDING SECTIONS 131.0222 AND 131.0231; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3, BY AMENDING SECTIONS 131.0322 AND 131.0331; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4, BY AMENDING SECTIONS 131.0422 AND 131.0431; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5, BY AMENDING SECTIONS 131.0522 AND 131.0531; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6, BY AMENDING SECTIONS 131.0622 AND 131.0631; BY AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6, BY AMENDING SECTION 141.0606; BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 8 BY AMENDING SECTIONS 142.0805, 142.0810, 142.0820 AND 142.0830, ALL RELATING TO THE LAND DEVELOPMENT CODE.

§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.]

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

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones				
	1st & 2nd >>	OP-		OC-	OR ⁽¹⁾ -	OF ⁽¹²⁾ -
	3rd >>	1-	2-	1-	1-	1-
	4th >>	1	1	1	1	2
Open Space through Retail Sales [No change.]						
Commercial Services						

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st & 2nd >>	OP-		OC-	OR ⁽¹⁾ -		OF ⁽¹²⁾ -
		3rd >>	1-	2-	1-	1-	1-
		4th >>	1	1	1	1	2
Building Services through Visitor Accommodations [No change.]							
Separately Regulated Commercial Services Uses							
Adult Entertainment Establishments through Camping Parks [No change.]							
Child Care Facilities:							
Child Care Centers		C ⁽²⁾	-	-	-	-	-
Large Family Day Child Care Homes		-	-	-	L	-	-
Small Family Day Child Care Homes		-	-	-	P _L	-	-
Eating and Drinking Establishments Abutting Residentially Zoned Property through Zoological Parks [No change.]							
Offices through Signs [No change.]							

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

§131.0231 Development Regulations Table for Open Space Zones

The following development regulations apply in the open space zones as shown in Table 131-02C.

Table 131-02C
Development Regulations of Open Space Zones

Development Regulations [See Section 131.0230 for Development Regulations of Open Space Zones]	Zone Designator	Zones					
	1st & 2nd >>	OP-		OC-	OR-		OF ⁽¹⁾ -
	3rd >>	1-	2-	1-	1-	1-	1-
	4th >>	1	1	1	2	1	
Max Permitted Residential Density through Max Floor Area Ratio [No change.]							
Refuse and Recyclable Material Storage [See Section 142.0805]		applies	applies	applies	applies	applies	

Footnotes for Table 131-02C

Refer to Section 143.0145-143.0146 for supplemental development regulations for the OF zone.

Footnotes 2 through 8 [No change.]

§131.0322 Use Regulations Table for Agricultural Zones

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

Legend for Table 131-03B [No change.]

Table 131-03B
Use Regulations Table of Agricultural Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
		3rd >>		1-	
		4th >>	1	2	1
Open Space through Retail Sales [No change.]					
Commercial Services					
Building Services through Visitor Accommodations [No change.]		-		-	
Separately Regulated Commercial Services Uses					
Adult Entertainment Establishments through Camping Parks [No change.]					
Child Care Facilities:					
Child Care Centers		-		C ⁽⁹⁾	
Large Family DayChild Care Homes		-		L ⁽⁹⁾	
Small Family DayChild Care Homes		-		P-L	
Eating and Drinking Establishments Abutting Residentially Zoned Property through Zoological Parks [No change.]					
Offices through Signs [No change.]					

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

§131.0331 Development Regulations Table for Agricultural Zones

The following development regulations apply in the agricultural zones as shown
in Table 131-03C.

Table 131-03C
Development Regulations of Agricultural Zones

Development Regulations [See Section 131.0330 for Development Regulations of Agricultural Zones]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-	1-	1-	1-
	4th >>	1	2	1	2
Max Permitted Residential through Min Lot Dimensions [No change.]					
Setback Requirements					
Max Structure Height through Min Floor Area [No change.]					
Refuse and Recyclable Material Storage [See Section 142.0805]		applies	applies	applies	applies

Footnotes for Table 131-03C [No change]

§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.]

Table 131-04B
Use Regulations Table of 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 >> 3rd >> 4th >>				RE-		RS-										RX-		RT-					
					1-		1-										1-		1-					
					1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1
Open Space through Retail Sales [No change.]																								
Commercial Services																								
Building Services through Visitor Accommodations [No change.]																								
Separately Regulated Commercial Services Uses																								
Adult Entertainment Establishments through Camping Parks [No change.]																								
Child Care Facilities:																								
Child Care Centers					C		C										C		C					
Large Family Day Child Care Homes					L		L										L		L					
Small Family Day Child Care Homes					PL		PL										PL		PL					
Eating and Drinking Establishments Abutting Residentially Zoned																								

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	
Property through Zoological Parks [No change.]																									
Offices through Signs [No change.]																									

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Open Space through Sales [No change.]													
Commercial Services													
Building Services through Visitor Accommodations [No change.]													
Separately Regulated Commercial Services Uses													
Adult Entertainment Establishments through Camping Parks [No change.]													
Child Care Facilities:													
Child Care Centers		C			C			C			C		-
Large Family Day Day Child Care Homes		L			L			L			L		-
Small Family Day Day Child Care Homes		PL			PL			PL			PL		-
Eating and Drinking Establishments Abutting Residentially Zoned Property through Zoological Parks [No change.]													
Offices through Signs [No change.]													

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

§131.0431 Development Regulations Table of Residential Zones

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

(a) RE Zones

Table 131-04C
Development Regulations of 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
Max permitted density (DU per lot) though Supplemental requirements [See Section 131.0464(a)]		[No change.]		
Diagonal plan dimension				
Refuse and Recyclable Material Storage [See Section 142.0805]		applies	applies	Applies

(b) RS Zones

Table 131-04D
Development Regulations of RS Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5	6	7
Max permitted density (DU per lot) through Supplemental requirements [See Section 131.0464(a)]		[No change.]						
Diagonal plan dimension								
Bedroom regulation [No change.]								
Refuse and Recyclable Material Storage [See Section 142.0805]		applies	applies	applies	applies	applies	applies	Applies
Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	8	9	10	11	12	13	14
Max permitted density (DU per lot) through Supplemental requirements [See Section 131.0464(a)]		[No change.]						
Diagonal plan dimension								
Bedroom regulation [No change.]								
Refuse and Recyclable Material Storage [See Section 142.0805]		applies	applies	applies	applies	applies	applies	Applies

Footnotes for Table 131-04D [No change.]

(c) RX Zones

Table 131-04E
Development Regulations of RX Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone designator	Zones	
	1st & 2nd >>	RX-	
	3rd >>	1-	1-
	4th >>	1	2
Maximum permitted density (DU per lot) through Supplemental regulations [See Section 131.0464(b)]		[No change.]	
Diagonal plan dimension [See Section 131.0465]			
Refuse and Recyclable Material Storage [See Section 142.0805]		applies	applies

Footnote for Table 131-04E [No change.]

(d) RT Zones

Table 131-04F
Development Regulations of RT Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones			
	1st & 2nd >>	RT-			
	3rd >>	1-	1-	1-	1-
	4th >>	1	2	3	4
Maximum permitted density through Supplemental requirements [No change.]					
Refuse and Recyclable Material Storage [See Section 142.0805]		applies	applies	applies	applies

(e) RM Zones

Table 131-04G
Development Regulations of 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 through Supplemental requirements [No change.]							
Refuse and Recyclable Material Storage [See Section 142.0805]		applies	applies	applies	applies	applies	Applies

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones					
	1st & 2nd >>	RM					
	3rd >>	3-	3-	3-	4-	4-	5
	4th >>	7	8	9	10	11	12
Maximum permitted density through Supplemental requirements [No change.]							
Refuse and Recyclable Material Storage [See Section 142.0805]		<u>applies</u>	<u>applies</u>	<u>Applies</u>	<u>applies</u>	<u>applies</u>	<u>Applies</u>

Footnotes for Table 131-04G [No change.]

§131.0522 Use Regulations Table of Commercial Zones

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

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

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 ⁽¹⁾⁻			CR-		CO-		CV-		CP-		
		3rd >>	I-			I-	2-	I-		I-		I-	
			4th >>	1	2	3	I	1	1	2	1	2	1
Open Space through Retail Sales [No change.]													
Commercial Services													
Building Services through Visitor Accommodations [No change.]													
Separately Regulated Commercial Services Uses													
Adult Entertainment Establishments through Camping Parks [No change.]													
Child Care Facilities:													
Child Care Centers		L			L	-	L		L ⁽¹⁰⁾		-		
Large Family DayChild Care Homes		L			L	-	L		L ⁽¹⁰⁾		-		
Small Family DayChild Care Homes		P-L ₂			P-L ₂	-	P-L ₂		P-L ₂		-		
Eating and Drinking Establishments Abutting Residentially Zoned Property through Zoological Parks [No change.]													

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 ⁽¹⁾ -			CR-		CO-		CV-		CP-
	3rd >>	1-			1-	2-	1-		1-		1-
	4th >>	1	2	3	1	1	1	2	1	2	1
Offices through Signs [No change.]											

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	1	2	3	4	5	1	2	3	4	5		
Open Space through Retail Sales [No change.]																					
Commercial Services																					
Building Services through Visitor Accommodations [No change.]																					
Separately Regulated Commercial Services Uses																					
Adult Entertainment Establishments through Camping Parks [No change.]																					
Child Care Facilities:																					
Child Care Centers		L		-		L		L		L		L		L		L		L			
Large Family Day Child Care Homes		L		-		L		L		L		L		L		L		L			
Small Family Day Child Care Homes		P ₁		-		P ₁		P ₁		P ₁		P ₁		P ₁		P ₁		P ₁			
Eating and Drinking Establishments Abutting Residentially Zoned Property through Zoological Parks [No change.]																					
Offices through Signs [No change.]																					

Footnotes to Table 131-05B [No change.]

§131.0531 Development Regulations Tables of Commercial Zones

The following development regulations apply in each of the commercial zones as shown in Tables 131-05C, 131-05D, and 131-05E.

(a) CN Zones

Table 131-05C
Development Regulations of CN Zones

Development Regulations [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone designator	Zones		
	1st & 2nd >>	CN-		
	3rd >>	1-	1-	1-
	4th >>	1	2	3
Max permitted residential density through Building articulation [No change.]				
Refuse and Recyclable Material Storage [See Section 142.0805]		applies	applies	applies

Footnotes for Table 131-05C [No change.]

(b) CR, CO, CV, and CP Zones

Table 131-05D
Development Regulations of CR, CO, CV, CP Zones

Development Regulations [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones						
	1st & 2nd >>	CR-		CO-		CV-		CP-
	3rd >>	1-	2-	1-		1-		1-
	4th >>	1	1	2	1	2	1	
Max permitted residential through Parking lot orientation [No change.]								
Refuse and Recyclable Material Storage [See Section 142.0805]		applies	applies	applies	applies	applies	applies	

Footnotes For Table 131-05D [No change.]

(c) CC Zones

Table 131-05E
Development Regulations of CC Zones

Development Regulation [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones																	
	1st & 2nd >>	CC-																	
	3rd >>	1-	2-	4-	5-	1-	2-	4-	5-	1-	2-	4-	5-	3-	4-	5-	3-	4-	5-
	4th >>	1			2			3			4			5					
Max permitted residential density through Parking lot orientation [No change.]																			
Refuse and Recyclable Material Storage [See Section 142.0805]		applies			applies			applies			applies			applies					

Footnotes for Table 131-05E [No change.]

§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.]

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-
	3rd >>	1-	2-	1-	2-	3-	1-	2-	1-
	4th >>	1	1	1	1	1	1	1	1
Open Space through Retail Sales [No change.]									
Commercial Services									
Building Services through Visitor Accommodations [No change.]									
Separately Regulated Commercial Services Uses									
Adult Entertainment Establishments through Camping Parks [No change.]									
Child Care Facilities:									
Child Care Centers		L	L	-	L	L	-	L	L
Large Family DayChild Care Homes		-	-	-	-	-	-	-	-
Small Family DayChild Care Homes		-	-	-	-	-	-	-	-
Eating and Drinking Establishments Abutting Residentially Zoned Property through Zoological Parks [No change.]									
Offices through Signs [No change.]									

Footnotes for Table 131-06B [No change.]

§131.0631 Development Regulations Table for Industrial Zones

The following development regulations apply in the industrial zones as shown in Table 131-06C.

Table 131-06C
Development Regulations for Industrial Zones

Development Regulations {See Section 131.0630 for Development Regulations of Industrial Zones}	Zone Designator	Zones							
	1st & 2nd >>	IP-		IL-			IH-		IS-
	3rd >>	1-	2-	1-	2-	3-	1-	2-	1
	4th >>	1		1			1		1
Lot Area through Outdoor Amenities [No change.]									
<u>Refuse and Recyclable Material Storage [See Section 142.0805]</u>		<u>applies</u>		<u>applies</u>			<u>applies</u>		<u>applies</u>

Footnotes for Table 131-06C [No change.]

§141.0606 Child Care Facilities

(a) This section regulates the following *child care facilities*:

- (1) ~~Large family day~~Family child care homes: Any *child care facility* licensed by the State of California to provide ~~child care for 7 to 12~~regular care, protection and supervision of children in the child care ~~providers home. (Small family day care homes, which provide care for six or fewer children, are not subject to this section.)~~provider's home, for periods of less than 24 hours per day, while the parents or authorized representatives are away.
- (2) Child care centers: Any *child care facility*, other than a small or large family day~~child~~ care home, that is licensed by the State of

California to provide child care: child care centers may be infant centers, preschools, or school-age, extended day care facilities.

(b) Large-Family Daychild Care Homes

Large and small family daychild care homes are 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.

(1) Large Family Child Care Homes

(A) A large family daychild care home may provide care for 7-12 children (including up to 12 children (no more than 4 of whom may be infants), or for up to 14 children as stated in Section 141.0606(b)(1)(B). Maximum capacity shall not exceed the capacity specified on the provider's license and shall include children under the age of 10 who reside at the home) for periods of less than 24 hours per day, licensee's home and the assistant provider's children under the age of 10.

(B) A large family child care home may provide care for a total of 13 or 14 children if all of the following conditions are met in accordance with Health and Safety Code Section 1597.465:

- (i) At least two of the children are at least 6 years of age, one of whom may be less than 6 years of age if enrolled in kindergarten;
- (ii) No more than 3 infants are cared for during any time when more than 12 children are being cared for;
- (iii) The licensee notifies parents or authorized representatives that the facility is caring for two additional school age children, and that there may be 13 or 14 children in the home at one time; and
- (iv) The licensee obtains written consent of the property owner when the family day care home is operated on property that is leased or rented.

(2C) The daychild care provider shall comply with all state licensing requirements for large family day care homes.

(3D) The day care provider shall comply with standards adopted by the State Fire Marshal pursuant to the California Health and Safety Code relating to large family daychild care homes.

~~(e) Child Care Centers~~

~~Child care centers are permitted 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:~~

- ~~(1) Child care centers are not permitted within 1,000 feet of any known business that:
 - ~~(A) Has or is required to have a permit from the County of San Diego Hazardous Materials Division, excluding underground fuel storage tanks, and handles regulated substances above the Threshold Quantity as listed in the California Code of Regulations, Title 19 Section 2770.5;~~
 - ~~(B) Handles compressed flammable gases in excess of 1,500 pounds; or~~
 - ~~(C) Handles flammable liquids in excess of 10,000 gallons.~~~~
- ~~(2) The 1,000-foot separation distance shall be measured from the *property line of the proposed child care facility* to the use, storage, or handling areas for the regulated substances. Businesses may satisfy the separation requirements on-site. The child care center operator has the burden of proof of demonstrating compliance with the separation requirement.~~

- (3) ~~Before beginning operation, the child care center operator shall obtain and shall maintain on file on the premises a "Hazardous Materials Substance Approval Form" executed by the County of San Diego Hazardous Materials Division.~~
- (4) ~~Deviations from the hazardous materials separation requirements may be permitted with a Conditional Use Permit decided in accordance with Process Three. Issuance of the permit will be based in part on a "Health Risk Assessment Study" to be submitted by the applicant.~~
- (5) ~~Drop-off and pick-up of children from vehicles shall be permitted only on the driveways, in approved parking areas, or in the street directly in front of the facility.~~
- (6) ~~All outdoor play and activity areas shall be enclosed with a fence that is at least 4 feet and no more than 6 feet in height. If an outdoor play or activity area is located adjacent to a public street with a right-of-way width of 64 feet or more, the fence shall be solid.~~
- (7) ~~All outdoor play and activity areas shall be separated from vehicular circulation, parking areas, equipment enclosures, storage areas, and refuse and recycling storage areas.~~

~~(8) Child care centers shall be designed to attenuate significant outside noise sources. Surrounding uses shall also be protected from noise emanating from child care centers. The following measures are required to accomplish noise attenuation.~~

~~(A) A solid fence that is at least 4 feet and no more than 6 feet in height shall be constructed between the child care center and abutting residential uses, or all windows facing abutting residential uses shall be double glazed with 1/4-inch thick glass.~~

~~(B) A solid fence that is at least 4 feet and no more than 6 feet in height shall be constructed between the child care center and a public right of way of 64 feet or more wide, or all windows facing a public right of way of 64 feet or more wide shall be double glazed with 1/4 inch thick glass.~~

(2) Small Family Child Care Homes

(A) A small family child care home may provide care for up to 6 children (including 4 infants total or up to 3 infants where cared for in combination with other children), or for up to 8 children as stated in Section 141.0606(b)(2)(B). Maximum capacity shall not exceed the capacity specified on the provider's license and shall include children under the age of 10 who reside at the licensee's home.

(B) A small family child care home may provide care for a total of 7 or 8 children if all of the following conditions are met in accordance with Health and Safety Code Section 1597.44:

(i) At least two of the children are at least 6 years of age, one of whom may be less than 6 years of age if enrolled in kindergarten; and

(ii) No more than 2 infants are cared for during any time when more than 6 children are being cared for; and

(iii) The licensee notifies parents or authorized representatives that the facility is caring for two additional school age children, and that there may be 7 or 8 children in the home at one time; and

(iv) The licensee obtains written consent of the property owner when the family day care home is operated on property that is leased or rented.

(9C) The child care center operator/provider shall comply with all state licensing requirements for small family child care centers/homes.

~~(d) — Child care centers proposed to be located on public or private school sites are permitted as follows:~~

~~(1) — Child care centers proposed as an accessory use on the premises of a school are exempt from the provisions of this section. The child care center may be either school-operated or privately operated.~~

~~(2) — Child care centers proposed for location on private school premises in a zone where schools are a permitted use, are permitted as a limited use subject to the regulations of Section 141.0606(e).~~

~~(3) — Child care centers proposed for location on private school premises in a zone where schools are required to obtain a Conditional Use Permit shall also be required to obtain a Conditional Use Permit subject to the regulations in Section 141.0606(e).~~

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

§142.0805 When Refuse and Recyclable Materials Storage Regulations Apply

Refuse and recyclable materials storage shall be provided for the following types of development as indicated in Table 142-08A:

(a) This division applies to all New residential development projects involving two or more dwelling units.

(b) New nonresidential development, or

(c) Additions to existing multiple dwelling unit residential, commercial, and/or industrial development whether or not a permit or other approval is required for the development. (b) ~~Table 142-08A shows the applicable regulations for specific types of development proposals where the gross floor area would be increased by 30 percent or more.~~

Table 142-08A
Refuse and Recyclable Material Storage Regulations
Applicability

Type of Development Proposal	Applicable Regulations	Required Permit Type/Decision Process
Development in residential, agricultural or open space zones of a single dwelling unit	Exempt from this division	Exempt from this division
Development in multiple unit <u>New residential zones development involving two or more dwelling units</u>	Sections 142.0810 and 142.0820	No permit required by this division
Development in commercial or industrial zones <u>New nonresidential development</u>	Sections 142.0810 and 142.0830	No permit required by this division
<u>Additions to existing multiple dwelling unit residential, commercial, or industrial development where the gross floor area would be increased by 30 percent or more</u>	<u>Sections 142.0810, 142.0820 and 142.0830</u>	<u>No permit required by this division</u>

§142.0810 General Regulations for Refuse and Recyclable Material Storage

~~All new multiple unit~~ New residential, commercial, and industrial development as indicated in Section 142.0805 shall provide on-site areas for the storage of refuse and recyclable material that meet the following standards:

- (a) Size of Material Storage Areas. The size of required material storage areas shall meet or exceed the minimum requirements in Tables 142-08B and 142-08C. ~~The storage areas shall be designed to accommodate~~

~~standard size containers and to be accessible by standard collection vehicles.~~

(b) Location of Material Storage Areas

- (1) Material storage areas may be located in a designated interior area that is not in a *dwelling unit*.
- (2) Material storage areas may be located outside a *structure* in required rear *yards* or in required side *yards*. Exterior material storage areas shall not be located in any front *yard*, street side yard, *street yard* area, parking area, landscaped area, or any other area required by the Municipal Code to be constructed or maintained unencumbered according to fire or other applicable building or public safety laws.
- (3) Material storage areas shall be accessible to occupants and haulers.
- (4) *Premises* served by an *alley* shall provide material storage areas that are directly accessible from the *alley*.
- (5) One *sign* identifying the material storage area is required for each area and shall be posted on the exterior of the material storage area near the point of access. The maximum *sign copy area* permitted for each *sign* shall be one square foot.

- (6) For commercial *development on premises* not served by an *alley*, material storage areas shall be located at least 25 feet from any ~~pedestrian and vehicular access points~~ street or sidewalk.
- (c) *Screening of Material Storage Areas.* Material storage areas located outside any *structure* shall be *screened* with a minimum 6-foot-high solid *screening* enclosure that is designed to be architecturally consistent with the primary *structure*. Refuse, *recyclable material*, and material storage containers shall not exceed the height of the solid *screening* enclosure.

§142.0820 Refuse and Recyclable Materials Storage Regulations for ~~Multiple Unit~~ Residential Development

~~All new multiple unit~~ Applicable residential development in accordance with
Section 142.0805, shall provide interior and exterior refuse and recycling storage areas as specified below:

- (a) Interior Refuse and *Recyclable Material* Storage. Each ~~dwelling unit~~ dwelling unit shall be equipped with an interior refuse and *recyclable material* storage area of at least 5 cubic feet. The storage area shall consist of at least 2.5 cubic feet for *recyclable material* and at least 2.5 cubic feet for non-recyclable material.
- (b) Exterior Refuse and *Recyclable Material* Storage. Each *structure* that contains ~~dwelling units~~ dwelling units shall provide at least one exterior storage area. The ~~minimum size of the total of all storage areas~~ requirement is based on the number of ~~dwelling units~~ dwelling units in the

development as shown in Table 142-08B and includes the sum of all residential material storage areas located outside of individual dwelling units.

Table 142-08B
Minimum Exterior Refuse and
Recyclable Material Storage Areas for
~~Multiple Unit Residential Development~~ [No change]

§142.0830 Refuse and Recyclable Material Storage Regulations for ~~Commercial and Industrial~~ Nonresidential Development

- (a) All new nonresidential development, or additions to existing commercial and/or industrial development where the gross floor area would be increased by 30 percent or more, shall provide at least one exterior refuse and recyclable material storage area for each building. The ~~minimum size of the total storage area requirement~~ is based on the *gross floor area* of the nonresidential buildings on the premises, as shown in Table 142-08C and includes the sum of all nonresidential refuse and recyclable material storage areas.
- (b) Where a development includes residential as part of a mixed use project, the development shall provide refuse and recyclable material storage for the residential portion of the project in accordance with Table 142-08B, in addition to the storage areas required by Table 142-08C for the nonresidential development.

(O-2009-29)
COR.COPY

Table 142-08C
Minimum Exterior Refuse and Recyclable Material Storage Areas
for ~~Commercial and Industrial~~ Nonresidential Development [No change]

SRE:pev
09/24/08
10/03/08 COR.COPY
Or.Dept:DSD
O-2009-29
MMS #6574

OLD LANGUAGE: ~~STRIKEOUT~~
NEW LANGUAGE: DOUBLE UNDERSCORE

ORDINANCE NUMBER O- 19800 (NEW SERIES)

DATE OF FINAL PASSAGE 11/13/08

AN ORDINANCE AMENDING THE SAN DIEGO MUNICIPAL CODE BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 4, BY AMENDING SECTIONS 142.0402, 142.0403, 142.0404, 142.0405, AND 142.0409, ALL RELATED TO THE LAND DEVELOPMENT CODE.

§142.0402 When Landscape Regulations Apply

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

Table 142-04A
Landscape Regulations Applicability

Type of Development Proposal			Applicable Regulations	Required Permit Type/ Decision Process
Column A	Column B	Column C <u>(U)</u>		
1. New structures that equal or exceed the gross floor area shown (Column B), and are located in the zone or are proposing the use category type of development shown (Column C)	Gross floor area (in square feet)	Zone or Proposed Use Category [Delete Row]		
	1,000 sf square feet	RM or Commercial Zones; or Multiple Dwelling Unit Residential use subcategory Development or Commercial Development	142.0403-142.0407, 142.0409, and 142.0413	Building Permit/ Process One
	5,000 sf square feet	Industrial Zones; or Industrial Development		
2. Additions to structures or additional structures on developed properties that exceed the gross floor area shown or that increase the gross floor area by the percent shown (Column B), and are located in the zone or are proposing the use	Gross floor area or Percent Increase in gross floor area (in square feet or percentage of lot area)	Zone or Proposed Use Category [Delete Row]		
	1,000 sf square feet or a 20 percent increase in gross floor area	Multiple Dwelling Unit Residential Zones; or use subcategory Development	142.0403-142.0407, 142.0409, 142.0410(a), and 142.0413	Building Permit/ Process One
	1,000 sf square feet or a 10 percent increase in gross	Commercial Zones; or Commercial Development		

Type of Development Proposal		Applicable Regulations	Required Permit Type/ Decision Process
category type of development shown (Column C)	Near area		
	5,000 sq square feet or a 20 percent increase in gross floor area		
Rows 3-11. [No change.]			

Footnote to Table 142-04A

¹ Refer to Section 131.0112 for a description of the types of uses that fit into each development category.

§142.0403 General Planting and Irrigation Requirements

[No change.]

(a) Plant Point Schedule

Table 142-04B assigns plant points based on plant type and size and applies where plant points are required by this division.

**Table 142-04B
Plant Point Schedule**

Proposed Plant Material		Plant Points Achieved per Plant
Plant Type	Plant Size	
Proposed Shrub	1-gallon	1.0
	5-gallon	2.0
	15-gallon or larger	10.0
Proposed Dwarf Palm	Per foot of brown trunk height	5.0
Proposed Tree	5-gallon	5.0
	15-gallon	10.0
	24-inch box	20.0
	30-inch box	30.0
	42-inch box	40.0
	36-inch box	50.0
	48-inch box and larger	100.0
Proposed Broad Headed Feather Palm Tree	Per foot of brown trunk height	5.0
Proposed Feather Palm Tree	Per foot of brown trunk height up to 20 feet in height	3.0

Proposed Plant Material		Plant Points Achieved per Plant
Plant Type	Plant Size	
	each feather palm tree over 20 feet in height	60.0
Proposed Fan Palm Tree	Per foot of brown trunk height up to 20 feet in height	1.5
	each fan palm tree over 20 feet in height	30.0

Existing Plant Material		Plant Points Achieved per Plant
Plant Type	Plant Size	
Existing Shrub	12-inch to 24-inch spread and height	4.0
	24-inch and larger spread and height	15.0
Existing Native Tree	2-inch caliper measured at 4 feet above <i>grade</i>	100.0
	each additional inch beyond 2 inches	50.0
Existing Non-Native Tree	2-inch caliper measured at 4 feet above <i>grade</i>	50.0
	each additional inch beyond 2 inches	25.0
Existing Broad Headed Feather Palm Tree	Per foot of brown trunk height	5.0
Existing Feather Palm Tree	Per foot of brown trunk height up to 20 feet in height	3.0
	each feather palm tree over 20 feet in height	60.0
Existing Fan Palm Tree	Per foot of brown trunk height up to 20 feet in height	1.5
	each fan palm tree over 20 feet in height	30.0

(b) Plant Material Requirements

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

- (5) A minimum root zone of 40 square feet in area shall be provided for all trees. The minimum dimension for this area shall be 5 feet. This minimum dimension and root zone area may be reduced with the use of structural soil or where the combination of soil conditions, root zone area, adjacent improvements, and selected tree species can be demonstrated to provide conditions for healthy tree growth that will not damage adjacent improvements.

(6) through (11) [No change.]

(12) Tree root barriers or structural soil shall be installed where trees are placed within 5 feet of *public improvements* including walks, curbs, or *street* pavement or where new public improvements are placed adjacent to existing trees. The City Manager may waive this requirement where the combination of soil conditions, root zone area, adjacent improvements, and selected tree species can be demonstrated to provide conditions for healthy tree growth that will not damage public improvements.

(13) through (14) [No change.]

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

§142.0404 Street Yard and Remaining Yard 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* 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* 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* shall be located within the *remaining yard*.

Table 142-04C
Street Yard and Remaining Yard Planting Requirements

Type of Development Proposal ⁽⁶⁾	Type of Yard	Planting Area Required (Percentage of total yard area unless otherwise noted below) ⁽¹⁾	Plant Points Required (Number of plant points required per square foot of total street yard or remaining yard area or required trees) ⁽¹⁾
Single Dwelling Unit Residential Development in RM zone or Multiple Dwelling Unit Residential Development in any Zone	Street Yard	50% ⁽²⁾	0.05 points
	Remaining Yard	A minimum of 40 square feet shall be provided per 4 required tree	For single structures on a single lot, provide a minimum of 60 points located in the remaining yard ⁽²⁾ For more than one structure on a single lot, provide one tree on each side and in the rear of each structure 60 points shall be provided for each residential building ⁽²⁾
Condominium Conversion	Street Yard	50% ⁽⁵⁾	0.05 points
	Remaining Yard	N/A	N/A
Commercial Development, in any Zone or Industrial Development in RM Zones or Commercial Zones	Street Yard	25% ⁽³⁾	0.05 points 4 per square foot of total street yard to be achieved with trees only ⁽³⁾
	Remaining Yard	30% ⁽³⁾	0.05 points per square foot of total remaining yard
Industrial Development in any zone other than RM or Commercial Zones	Street Yard	25% ⁽⁴⁾	0.05 points per square foot of total street yard
	Remaining Yard	See Section 142.0405 (d)	0.05 points per square foot of total remaining yard
Large retail establishments in any Commercial Zone	Street Yard	100% ⁽³⁾ of minimum building front and street side setbacks (except access points and with encroachments allowed into the landscaped area for building articulation elements as defined in section 143.0355(a)(b)) 25% of the balance of street yard	0.05 points, exclusive of palms
	Remaining Yard	30% ⁽³⁾	0.05 points
Large retail establishments in any Industrial Zone	Street Yard	25% ⁽⁴⁾	0.05 points, exclusive of palms
	Remaining Yard	30%	0.05 points

Footnotes to Table 142-04C

¹ through ⁵

[No change.]

⁶ Refer to Section 131.0112 for a description of the types of uses that fit into each development category.

§142.0405 Additional Yard Planting Area and Point Requirements

- (a) [No change.]
- (b) Additional residential *yard* requirements:
 - (1) *Street Yard*
 - (A) A minimum separation of 5 feet shall be maintained between driveway edges located in the *street yard*.
 - (B) Up to 10 percent of the required *street yard* planting area located outside the *vehicular use area* for ~~RM zones or~~ *multiple dwelling unit residential uses* development may consist of *hardscape* or unattached unit pavers.
 - (C) Planting area in the *public right-of-way* is not counted towards fulfillment of the required *street yard* planting area.
 - (2) *Remaining Yard*
 - (A) ~~For projects with only one multi-unit residential building on a lot,~~ Residential development with only two dwelling units on a lot shall be subject to a minimum of 60 points in the *remaining yard* ~~shall be planted with a combination of trees and shrubs to achieve a minimum 60 points. These required plantings shall be located in the remaining yard~~

~~between the *street yard* and any building entrances located on the side of the regardless of the number of buildings on the lot.~~

(B) Planting for residential *developments* with a single building shall be provided within the *remaining yard* on the side of building. For all buildings with access, or where no side entrances, the points access is provided, shall be ~~divided~~ distributed equally between each side of the building.

~~(B) For projects with two or more residential buildings on a lot, one 24 inch box tree shall be planted on each side and in the rear of each building. C) A minimum distance of 6 feet shall be provided between any tree and building.~~

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

§142.0409 Street Tree and Public Right-of-Way Requirements

(a) Street Tree Requirements

When new *structures*, additions to *structures*, *condominium conversions*, or new *vehicular use areas* are subject to this section in accordance with Table 142-04A, street trees within the *parkway* shall be provided in accordance with the following regulations.

(1) Street Tree Quantity-

Street trees shall be planted between the curb and *abutting property line*. The number of required street trees shall be calculated at the rate of one 24-inch box tree for every 30 feet of *street frontage*. The installed tree spacing may be varied to accommodate site conditions or design considerations; however, the number of trees required for each *street frontage* on a *lot* bounded by more than one *street* shall be planted along the corresponding *street frontage*. Where site conditions do not allow the installation of the street trees required by this section in the *parkway*, trees may be located on the private property within 10 feet of the property line along that street frontage. Where palm trees are proposed to satisfy this requirement in accordance with Section 142.0409(a)(3), they shall be planted at a rate of one 10-foot brown trunk height palm for each 20 feet of *street frontage*. For projects in the IL and IH zones that have loading docks along more than 25 percent of the building *street wall*, the street tree requirement shall be increased to the rate of one 24-inch box tree for every 20 feet of *street frontage* or one 10-foot brown trunk height palm for each 10 feet of *street frontage*.

(2) Street Tree Locations

(A) [No change.]

- (B) Street trees shall be separated from improvements by the minimum distance shown in Table 142-04E.

Table 142-04E
Minimum Tree Separation Distance

Improvement	Minimum Distance to Street Tree
Traffic signal, Stop Sign	20 feet
Underground Utility Lines <u>(except sewer)</u>	5 feet
<u>Sewer Lines</u>	<u>10 feet</u>
Above Ground Utility Structures (Transformers, hydrants, utility poles, etc.)	10 feet
Driveways	10 feet
Intersections (intersecting curb lines of two streets)	25 feet

- (C) [No change.]

- (3) Street Tree Species Selection. Trees shall be selected in accordance with the landscape standards of the Land Development Manual. Palm trees may only be used to satisfy the street tree requirement where identified as an acceptable street tree species in an adopted land use plan.

- (b) [No change.]

SRE:pev
09/24/08
10/06/08 COR.COPY
Or.Dept:DSD
O-2009-30
MMS #6574

OLD LANGUAGE: ~~STRIKEOUT~~
NEW LANGUAGE: DOUBLE UNDERSCORE

ORDINANCE NUMBER O- 19801 (NEW SERIES)

DATE OF FINAL PASSAGE 11/13/08

AN ORDINANCE AMENDING THE SAN DIEGO MUNICIPAL CODE BY AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1, BY AMENDING SECTION 113.0103; BY AMENDING CHAPTER 11, ARTICLE 3, DIVISION 2, BY REPEALING SECTION 113.0231, AND BY AMENDING SECTIONS 113.0234, 113.0237, 113.0240, 113.0243, 113.0246, 113.0249, 113.0252, 113.0261, 113.0270, AND 113.0276; BY AMENDING CHAPTER 13, ARTICLE 1 BY AMENDING DIVISION 2, SECTION 131.0215; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3, SECTIONS 131.0315, 131.0331, AND 131.0343, BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4, SECTIONS 131.0415, 131.0431, 131.0443, 131.0444, 131.0448, 131.0449, 131.0453, 131.0455, AND 131.0461; AND BY REPEALING SECTION 131.0465; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5, BY AMENDING SECTION 131.0515; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6, SECTION 131.0615; AND BY AMENDING CHAPTER 14, ARTICLE 3, DIVISION 4, BY AMENDING SECTION 143.0410, ALL RELATING TO THE LAND DEVELOPMENT CODE.

§113.0103 Definitions

Abutting property through Floor [No change.]

Floor Area Ratio (FAR) means the numerical value obtained by dividing the *gross floor area* of all buildings on a *premises* by the total area of the *premises* on which the buildings are located. See Section 113.0234 for additional information on calculating gross floor area.

Freeway through Property line [No change.]

*Proposed grade*Grade means the grade of a *premises* that will result after all *development* has been completed. See Section 113.0231 for additional information on determining *proposed grade*.

Proposition A Lands through Street wall line [No change.]

Street yard means the area of a *lot* or *premises* that lies between the edge of the nearest ~~*public right of way*~~street and the *street wall line*.

Structural envelope through Underfloor [No change.]

Underground parking structure means a parking structure constructed so that no more than 2 feet, 6 inches of the height of the uppermost ~~*story*~~ or roof is above *grade*.

Urbanized Communities through Yard [No change.]

~~§113.0231 Determining Proposed Grade~~

Proposed grade is the ground elevation that will exist when all proposed *development* has been completed. *Proposed grade* does not include pools and does not include *basements* where, at any point adjacent to the *basement*, the vertical distance between ~~*existing grade*~~ or *proposed grade*, whichever is lower, and the finish *floor* elevation immediately above is 2 feet, 6 inches or less, as shown in Diagram 113-02H. If a *basement* contains multiple *floors*, the finish ~~*floor*~~ elevation of the highest *basement floor* shall be used to determine *proposed grade*.

Diagram 113-02H

§113.0234 **Calculating Gross Floor Area**

Gross floor area is calculated in relationship to the *structure* and *grade* adjacent to the exterior walls of a building. The elements included in the *gross floor area* calculation differ according to the type of *development* proposed and are listed in Section 113.0234(a). ~~The additional elements included for development in residential zones and for residential development in other zones are listed in Section 113.0234(b). The additional elements included for commercial and industrial zones for other than residential development are listed in Section 113.0234(e).~~ (c). *Gross floor area* does not include the elements listed in Section 113.0234(d). The total *gross floor area* for a *premises* is regulated by the *floor area ratio* development standard.

(a) Elements Included in *Gross Floor Area* For Development in All Zones

(1) [No change.]

(2) *Gross floor area* ~~includes~~for *basements* is calculated as follows:

(A) For *lots* that slope less than 5 percent along each edge of the building footprint, *gross floor area* includes the area of all portions of a *basement* where the vertical distance between *existing grade* or *proposed grade*, whichever is lower, and the finish-*floor* elevation above exceeds 3 feet, 6 inches as shown in Diagram 113-02I.

Diagram 113-02I [No Change]
Basements with Less than 5 Percent Slope

(B) [No change.]

Diagram 113-02J [No Change]
Basements with 5 Percent or More Slope

~~(3) Gross floor area includes those portions of underground parking structures where, at any point, the vertical distance from existing grade or proposed grade, whichever is lower, to the finish floor elevation immediately above, is more than 3 feet, 6 inches as shown in Diagram 113-02K. For the purpose of determining gross floor area of underground parking structures, proposed grade does not include openings to underground parking if there are no more than two on-grade openings for vehicular access per premises, and no more than one opening for every 50 feet of street frontage provided that the openings do not exceed a width of 16 feet for single-unit residential zones, 18 feet for multiple-unit residential zones, 20 feet for commercial zones, and 25 feet for industrial zones.~~

(3) Gross floor area for underground parking structures and subterranean garages shall be measured in accordance with Section 113.0234(a)(2), except that the vertical measurement between grade and the finished floor above shall not include subterranean vehicular access openings (up to a maximum of 25 foot width). In

order to determine which portion of the underground parking structure counts as gross floor area, the vertical distance to the finished floor above shall be measured from the imaginary plane perpendicular to the driveway access that connects the adjacent grades on each side as shown in Diagram 113-02K. Where vehicular access openings are greater than 25 feet in width (as measured at the point of entry to the structure), the entire floor shall be counted as gross floor area.

Diagram 113-02K
Underground Parking Structures

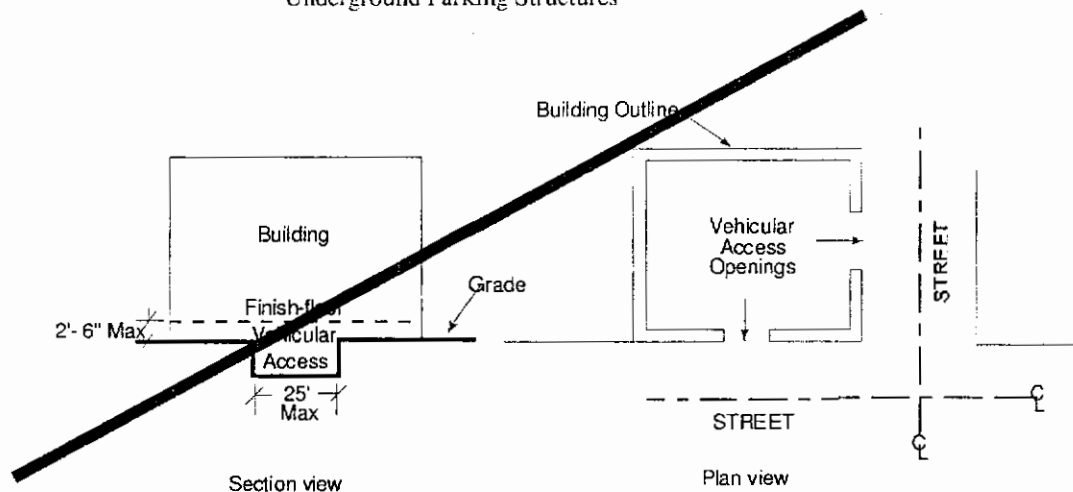
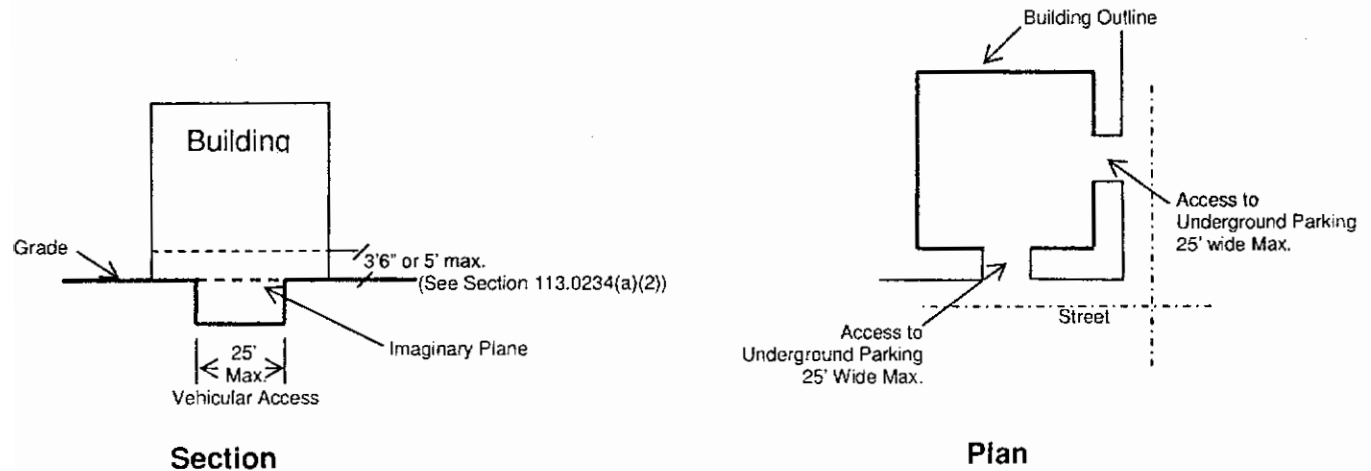


Diagram 113-02K
Underground Parking Structures



(4) through (7) [No change.]

Diagrams 113-02L and 113-02M [No change.]

- (b) Additional Elements Included in *Gross Floor Area* in Residential Zones
and for Residential Development in Other Zones.

(1) and (2) [No change.]

Diagrams 113-02N and 113-02O [No change.]

- (3) *Gross floor area* includes any at-grade space that is built with enclosed space above, when there is at least 7-foot 6-inches between grade and the finish-floor elevation above, and the enclosed space above projects at least 4 feet from the face of the structure and exceeds a height of 5 feet measured from the top of

the wall or post supporting the space to the top of the roof above
~~when, as shown in Diagram 113-02P. Where the gradient along~~
~~any edge of the at-grade space is less than 5 percent, as shown in~~
~~Diagram 113-02P. Gross floor area in this situation includes the~~
~~area of the greater than 25 percent, the unenclosed at-grade space~~
~~when there is at least 7'-6" between grade and the finish floor~~
~~elevation of the space above and that portion of the area of the~~
~~enclosed space above that exceeds the 5-foot height shall not be~~
~~counted as gross floor area.~~

Diagram 113-02P
Carport with Enclosed Space Above

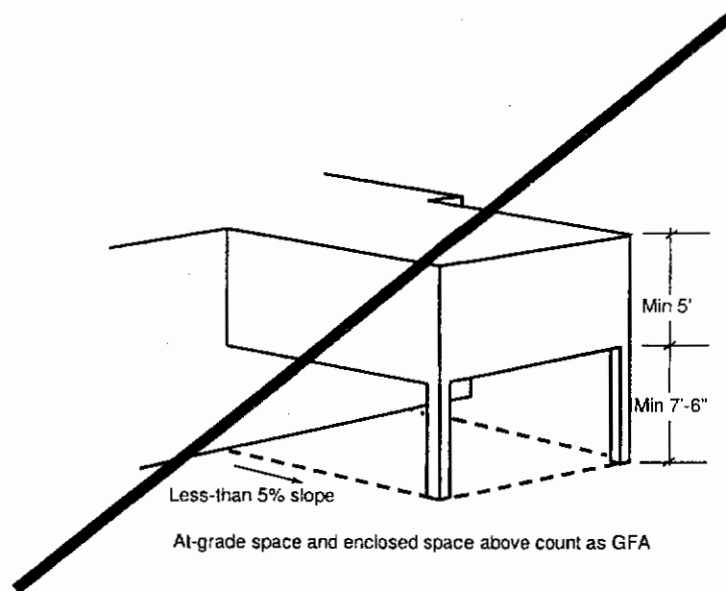
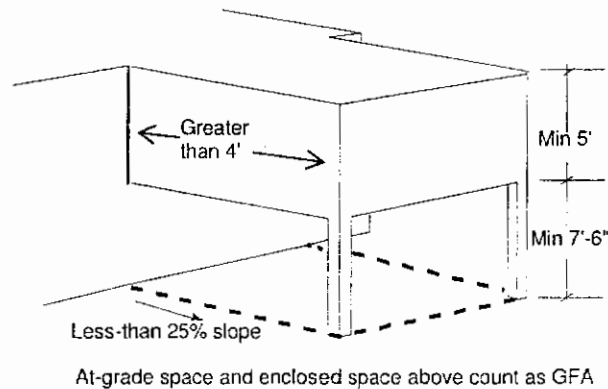


Diagram 113-02P
At-Grade Space with Enclosed Space Above



(4) [No change.]

- (A) *Phantom Floors*. When the vertical distance between the finish-floor elevation and the finish-floor or flat roof immediately above does not exceed 15 feet, the area of one floor (the actual floor) is included in gross floor area, as shown in Diagram 113-02Q.

Diagram 113-02Q [No change.]

When the vertical distance between the finish-floor elevation and the elevation at the midpoint of the sloped roof immediately above that has at least a 2:12 pitch (2 vertical feet to 12 horizontal feet) pitch does not exceed 15 feet, and the elevation of the highest point of the roof does

not exceed 20 feet, the area of one ~~floor~~ (the actual ~~floor~~) is included in ~~gross floor area~~, regardless of the location of the ceiling, as shown in Diagram 113-02R.

Diagram 113-02R
One Floor Below Sloped Roof

When the vertical distance between the finish ~~floor~~ elevation and the finish ~~floor~~ or flat ~~roof~~ roof elevation immediately above exceeds 15 feet, ~~gross floor area~~ includes the area of the actual ~~floor~~ plus the area of a phantom ~~floor~~ at 15 feet of height and at each 7 foot, 6 inch ~~increment~~ increments, or portion thereof, of height above the 15-foot height, as shown in Diagram 113-02SR.

Diagram 113-02S
Multiple Floors Below Actual Floor and Flat Roof

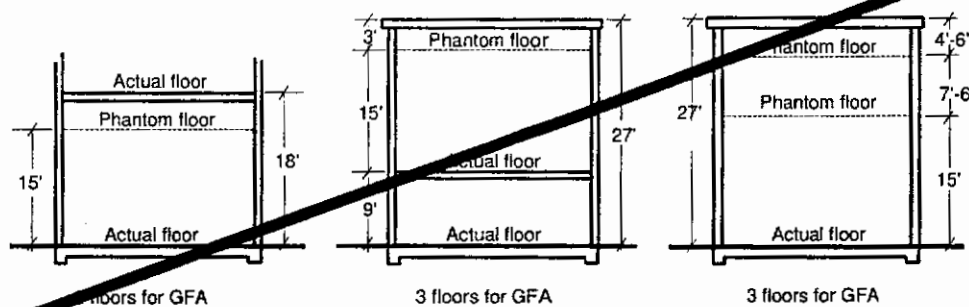
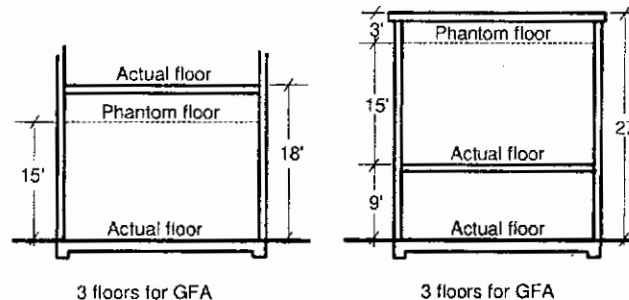


Diagram 113-02R
Multiple Floors below Actual Floor and Flat Roof



When the vertical distance between the finish floor elevation and the elevation at the midpoint of the sloped roof immediately above that has at least a 2:12 pitch (2 vertical feet to 12 horizontal feet) exceeds 15 feet or the elevation of the highest point of the roof immediately above exceeds 20 feet, gross floor area includes the area of the actual floor plus the area of a phantom floor at 15 feet of height and at each 7 foot, 6 inch increment of height above the 15 foot height, regardless of the location of the ceiling, as shown in Diagram 113-02T. Gross floor area excludes those portions of actual floors and phantom floors where there is less than 5 feet, 6 inches of vertical distance between the actual or phantom floor and the elevation of the roof immediately above.

Diagram 113-02T
Multiple Floors Below Sloped Roof

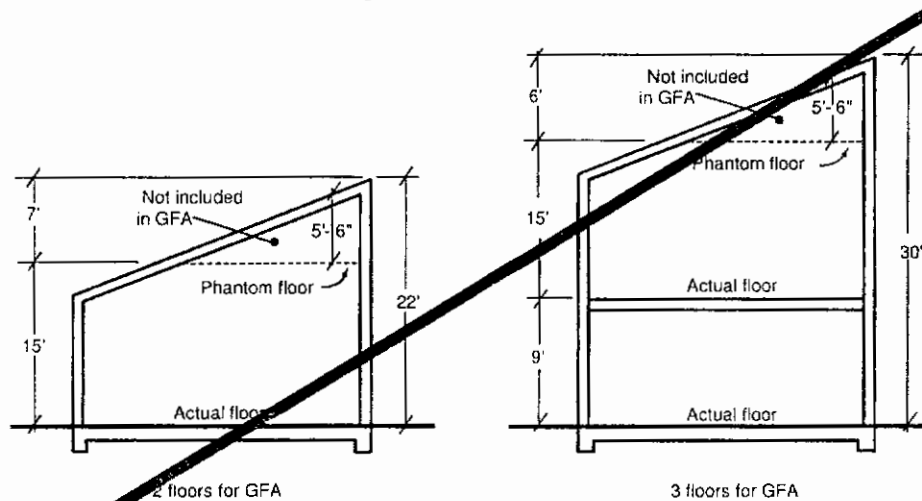
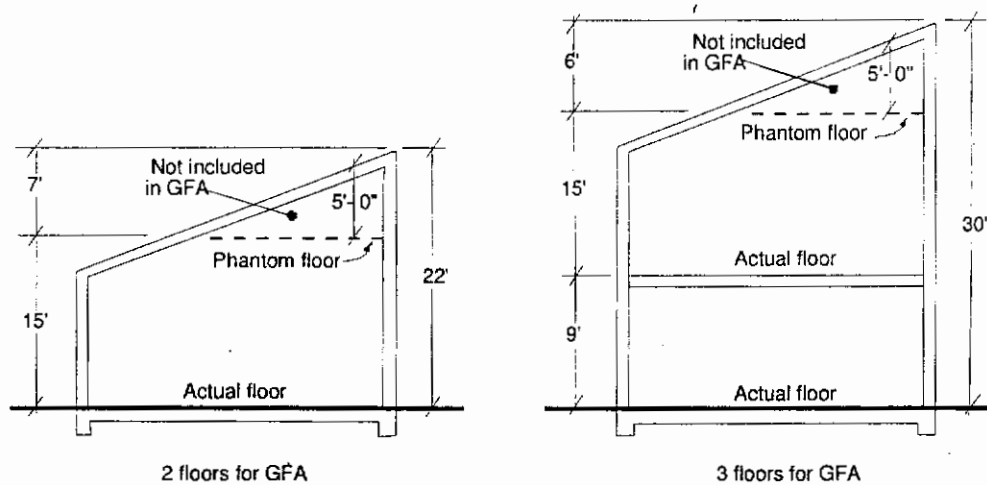


Diagram 113-02S
Multiple Floors Below Sloped Roof



(B) *Attic Space.* Gross floor area includes the attic space above ceilings according to the regulations for phantom

~~floors in Section 113.0234(b)(4)(A), as shown in Diagram~~

113-02U.T. where there are at least 5 feet of vertical

distance between the *attic floor* and the roof elevation

immediately above. The location of any ceilings

immediately below the roof does not affect the

measurement of phantom *floors* above the highest finish-

floor elevation.

Diagram 113-02U
Attic Space

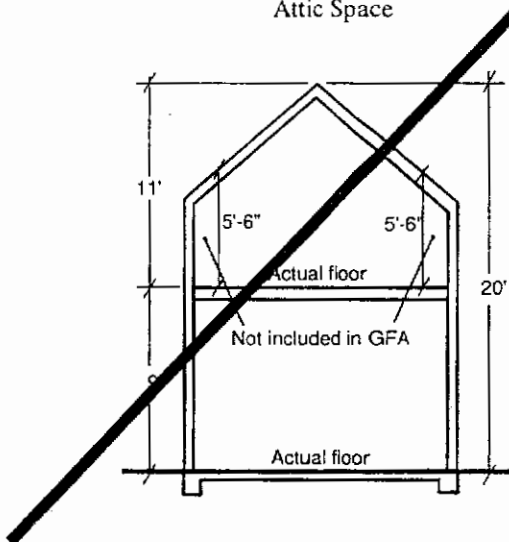
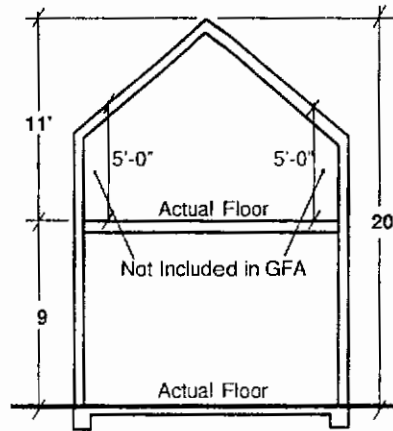


Diagram 113-02T
Attic Space



- (C) Underfloor Area. ~~For sloping lots with a minimum slope of 5 percent within the building footprint, gross~~ Gross floor area includes additional phantom floors within the enclosed space below the lowest finish-floor elevation. In this case, the area of a phantom floor is included in gross floor area at each ~~8-15-foot, 6-inch~~ increment, or portion thereof, of height between the lowest finish-floor elevation and grade, measured vertically from the lowest finish-floor elevation, as shown in Diagram 113-02V~~U~~. Gross floor area excludes any area where there is less than 5 feet of height between grade and the finish-floor or phantom floor elevation immediately above.

Diagram 113-02V
Underfloor Area

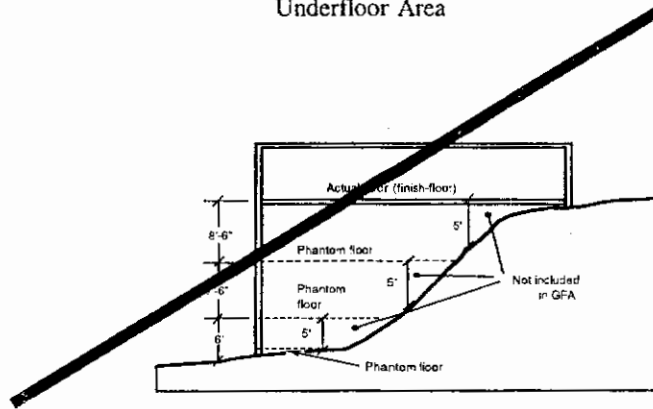
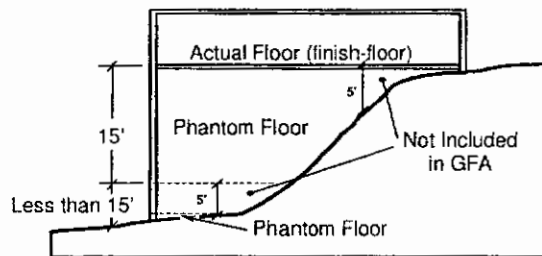


Diagram 113-02U
Underfloor Area



- (D) Interior Balconies, Mezzanines, and Lofts. *Gross floor area* includes the area within a building adjacent to all interior balconies, mezzanines, and lofts, pursuant to the regulations for phantom floors in Section 113.0234(b)(4)(A) as if such elements did not exist adjacent to the space, as shown in Diagram 113-02WV. The location of an adjacent interior balcony, mezzanine, or

loft does not affect the location of phantom floors above the finish-floor elevation of the adjacent space.

Diagram 113-02W
Mezzanines

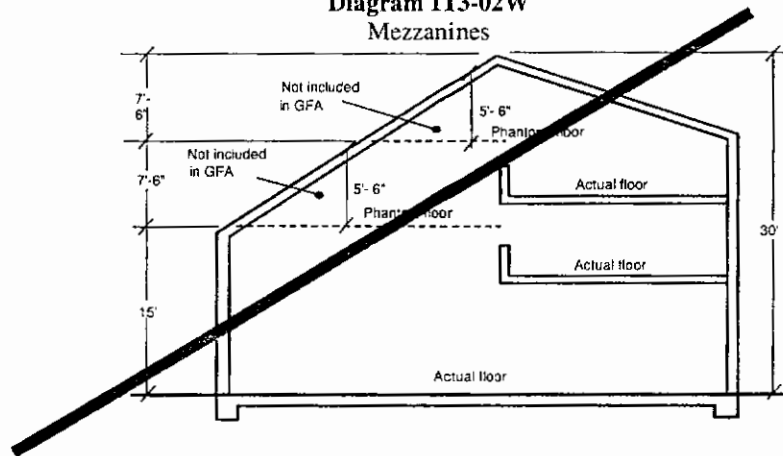
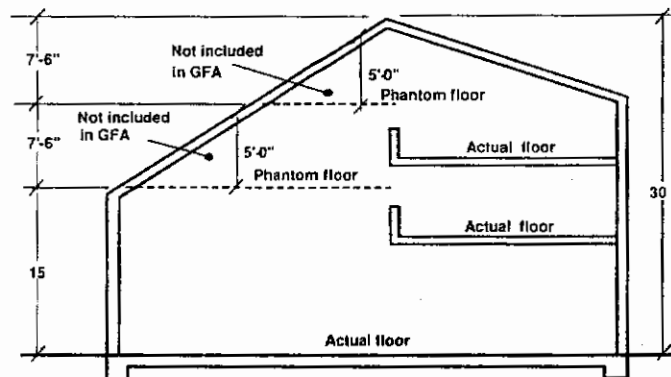


Diagram 113-02V
Mezzanines



- (E) *Atriums.* Gross floor area includes the area of the horizontal projection into the *atrium* from each adjacent floor in plan view. If no adjacent floors ~~exist~~exist, the regulations for phantom floors in Section

113.0234(b)(4)(A) apply to the space within the *atrium*.

This is illustrated in Diagram 113-02xW.

Diagram 113-02xW

~~(5)~~ (5) [No change.]

(c) and (d) [No change.]

§113.0237 Determining a Lot

(a) A *lot* is legal for purposes of *development* if it meets any one of the following criteria:

~~(1)~~ (1) The *lot* is an individual parcel designated with a number or letter on a ~~subdivision~~ final map or *parcel map* recorded with the County Recorder, a record of survey map approved by resolution of the City Council and recorded with the County Recorder after December 5, 1954, or a division plat approved by and filed with the Development Services Department; or

~~(2)~~ (2) The *lot* has been officially determined as a suitable building site or a site for another particular use by a variance, certificate of compliance, or other approved for development under the Land Development Code procedure; or

~~(3)~~ (3) The *lot* was held as a separate ~~parcel~~ created before March 4, 1972

as a result of a boundary adjustment between two adjoining *lot*
owners wherein the land was taken from one parcel and added to
the adjoining parcel and no new *lots* were thereby created; or

(4) The lot was created before March 4, 1972, held as a separate parcel

by a subsequent purchaser, and has at least 15 feet of street
frontage or other legal access to a dedicated street as approved by
the City Engineer; or

~~(4)~~ (5) The *lot* was held as a separate legal parcel upon annexation to the
City of San Diego.

~~(b)~~ [No change.] (b) [No change to text.]

(c) A Certificate of Compliance may be requested in accordance with Section
125.0210 to certify that a *lot* is legal for *development*.

§113.0240 Calculating Lot Coverage

Lot coverage is calculated by dividing the square footage of the *structure's*
footprint, measured from the outer surface of the exterior walls or support
structure by the square footage of the *lot*. *Lot coverage* is expressed as a
percentage (for example, 60 percent). This is illustrated in Diagram 113-
~~02Y~~ 113.02X.

Diagram 113-02YX

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

(d) Those portions of ~~underground parking~~ underground parking structures,
first *stories*, and *basements* lying 3 feet or less above *grade*; and

(e) [No change.]

§113.0243 Measuring Lot Depth and Lot Width

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

Diagram 113-02ZY

(c) Lot Width for Residential Lots

(1) For irregularly shaped lots, such as pie shaped lots, the lot width is
determined by calculating the average lot width for the first 50 feet
of lot depth.

(2) For consolidated lots, the lot width is equivalent to the total width
of the premises after the consolidation.

§113.0246 Determining Property Lines

[No change in first paragraph.]

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

Diagram 113-02AAZ [No change in Diagram]

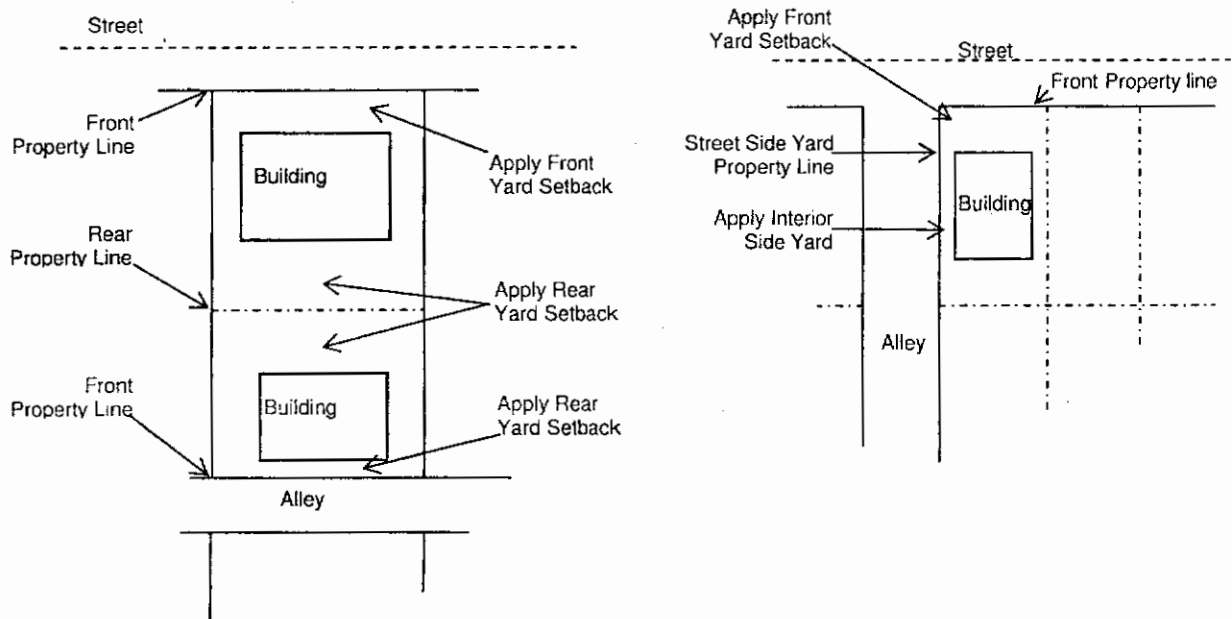
Diagram 113-02BBAA [No change in Diagram]

Diagram 113-02CBB [No change in Diagram]

(c) Property Lines that Abut an Alley. A property line that abuts an alley shall be determined in accordance with Section 113.0237 (a) through (d).
However, the property line that abuts an alley shall not be considered a street property line for the purpose of determining setbacks or street yards as indicated below:

- (1) Alley adjacent to front property line. A setback equivalent to a rear yard shall be applied when a lot abuts an alley as a front property line.
- (2) Alley adjacent to side property line. A setback equivalent to an interior side yard shall be applied when a lot abuts an alley as a street side property line.
- (3) Alley adjacent to rear property line. A setback equivalent to a rear yard shall be applied when a lot abuts an alley as a rear property line.

Diagram 113-02CC
Alley Setbacks



§113.0249 Determining Setback Line

(a) and (b) [No change.]

(c) Where it can be demonstrated that setback lines shown on a final map, survey or other planning document were plotted solely for information purposes to illustrate the setback dimensions that were in effect at the time the document was approved, the setback required by the underlying base zone in the Land Development Code shall apply.

(d) When a side setback is allowed to observe the minimum dimensions as described in Section 131.0443(a)(3)(Setback Requirements in Residential Zones)131.0431, all additions to the primary structure thereafter shall maintain that established side setback.

§113.0252 Measuring Setbacks

- (a) The distance of the *setback* is measured inward from and perpendicular to the nearest *property line*, as follows, except as otherwise indicated in Section 113.0246(e):

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

- (b) Those portions of ~~underground parking~~ underground parking structures, first stories, and basements that are above grade are subject to *setback* requirements. Structures located completely underground are exempt from the *setback* requirements except where the structure would conflict with the required landscape and irrigation, or as otherwise regulated by Section 131.0461.

- (c) For the purpose of determining whether new development complies with the setback, the measurement shall be taken from the property line inward to the outer edge of the building frame. Where a zero setback is provided, the edge of finished material shall not extend beyond the property line.

§113.0261 Determining a Story

[No change first paragraph.]

- (a) through (c) [No change.]

- (d) ~~Underground Parking~~ Underground Parking Structures and Basements.
~~Underground parking~~ Underground parking structures and basements are

stories if there is a vertical distance, at any point, of 6 feet or more between *existing grade* or *proposed grade*, whichever is lower, and the finish-floor elevation immediately above. For the purpose of determining a story, ~~proposed grade does not include openings to underground parking structures if there are no more than two on-grade openings for vehicular access per premises, and no more than one opening for every 50 feet of street frontage, provided that the openings do not exceed 16 feet for single unit residential zones, 18 feet for multiple unit residential zones, 20 feet for commercial zones, and 25 feet for industrial zones. See Diagram 113-02EE.~~

Diagram 113-02EE
Underground Parking Structures and Basements

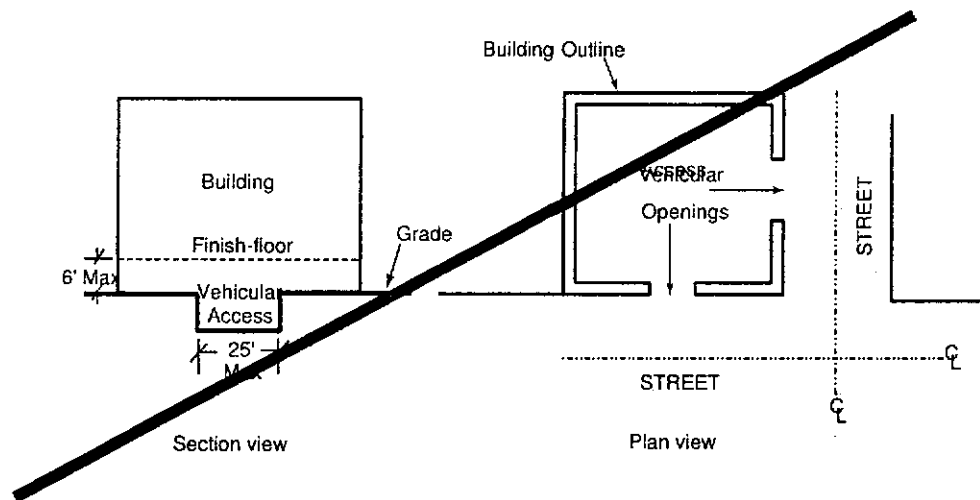
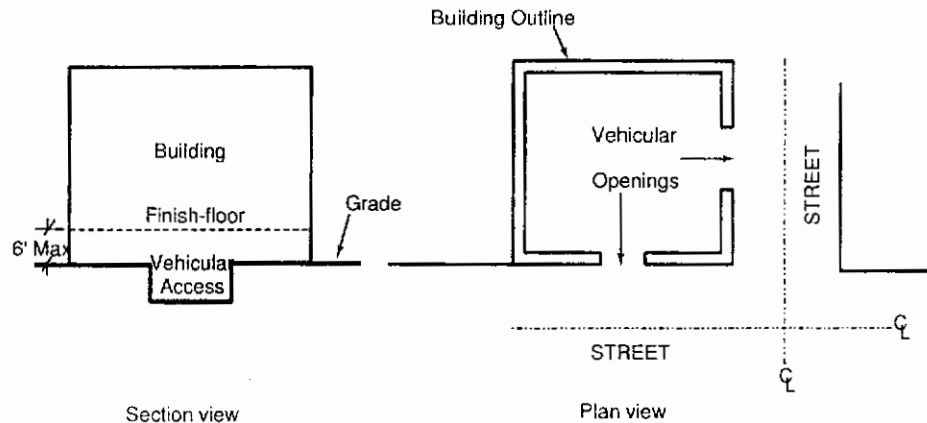


Diagram 113-02EE
Underground Parking Structures and Basements



§113.0270 Measuring Structure Height

Structure height is measured in accordance with the following:

- (a) *Structure Height of Buildings and Structures Other Than (Excluding Fences, Retaining Walls, or Signs)*

- (1) The maximum permitted *structure height* is specified in the applicable zone and defines the upper limits of the *building envelope* for a *premises*. It is measured vertically from the *existing grade* or *proposed grade*, whichever is lower, to form an imaginary plane that is parallel to *grade*, below which all buildings and *structures* must be located, except as otherwise described in 113.0270(a)(34). This is illustrated in Diagram 113-02II.

Diagram 113-02II [No change.]

- (2) ~~Where there is an extreme natural topographic variation on a premises that covers 10 percent or less of the proposed structure's footprint, as shown in Diagram 113-02JJ, structure height is measured from an imaginary plane made by connecting the perimeter points of the topographic variation, so that the imaginary plane above and parallel to grade will not reflect the extreme natural topographic variation.~~

~~Diagram 113-02JJ~~ [No change.]
~~Extreme Topographic Variation~~

- (2) A two part calculation is required to measure structure height including:

- (3) A) Plumb line measurement. The structure height is measured from all points on top of a structure to existing grade or proposed grade, whichever is lower, directly below each point, except as described in Section 113.0270(a)(4). This measurement is taken vertically through the structure at each point where structure height is being measured, as shown in Diagram 113-2KK, ~~except as described in Section 113.0270(a)(4)JJ.~~

Diagram 113-02KKJJ [No change.]
Measurement of Structure Height

- (4) ~~Where a basement, underground parking structure, interior court, or other similar interior area is proposed, the lower of existing grade or proposed grade, adjacent to and within 5 feet of that portion of the structure shall be used to measure structure height, as shown in Diagram 113-02LL. Structure height for this purpose shall be measured from an imaginary plane through the building that connects these grade elevations on both sides of the structure.~~

Diagram 113-02LL
Structure Height at Basement

- (5) B) Overall Height Measurement. The overall *structure height* is measured from the lowest point of *existing grade* or *proposed grade* within 5 feet of the structure's perimeter (building wall, balcony, bay window, or similar *architectural projection*) or at the *property line*, whichever is closer, to the highest point of the *structure*, projected horizontally to directly above this lowest point of *grade*, except as specified in Section 113.0270(a)(6). The overall *structure height* shall not exceed the maximum permitted *structure height* of the applicable zone plus an amount equal to either the maximum *grade* differential within the structure's footprint or 10 feet, whichever is less. In no case may the *structure height* exceed the maximum

allowed by the applicable zone at any one point-measured pursuant to Section 113.0270(a)(3). This is illustrated in Diagram 113-02MMKK.

Diagram 113-02MM
Overall Structure Height

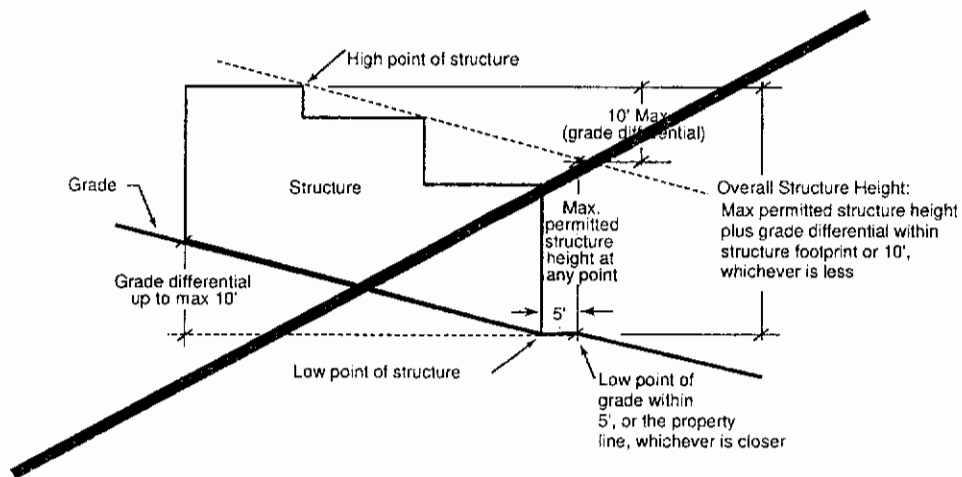
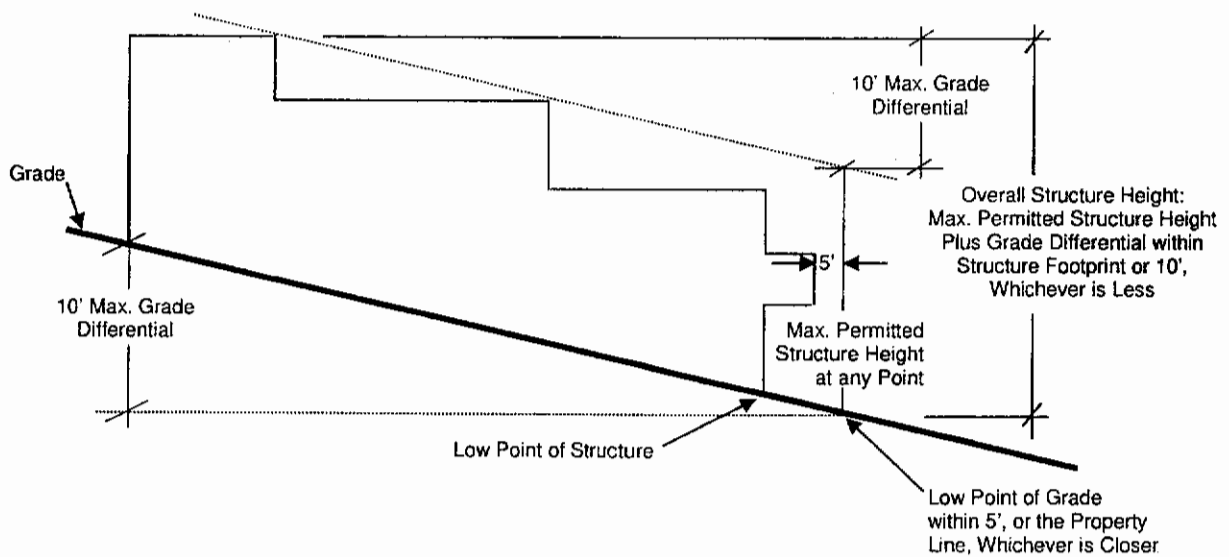


Diagram 113-02KK
Overall Structure Height

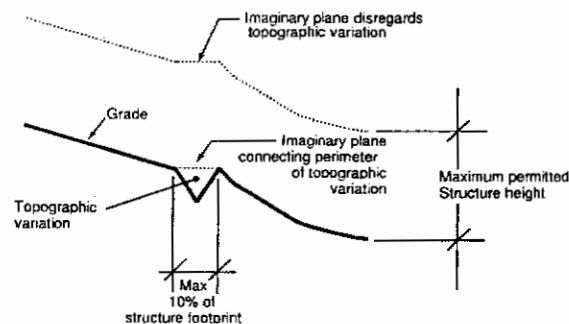


(3) Structure height is measured separately for each structure that is separated from another structure on the premises by 6 feet or more. Separation between structures shall be measured in plan view to account for the structural envelope of each structure.

(4) Special Circumstances

(A) Extreme Topographic Variation. Where there is an extreme natural topographic variation on a premises that covers 10 percent or less of the proposed structure's footprint, as shown in Diagram 113-02LL, overall structure height is measured from an imaginary plane made by connecting the perimeter points of the topographic variation, so that the imaginary plane above and parallel to grade will not reflect the extreme natural topographic variation.

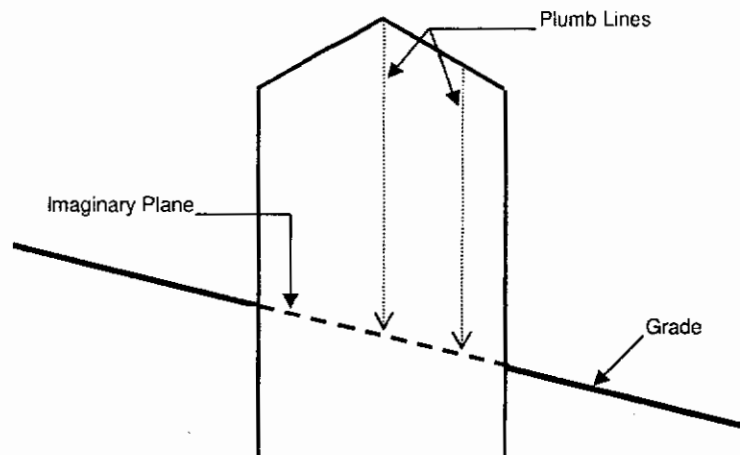
Diagram 113-02LL
Extreme Topographic Variation



(B) Measuring Structure Height for Subterranean Areas

- (i) Interior Subterranean Areas. Where a basement, underground parking structure, interior court, or other similar interior subterranean area is proposed, the plumb line measurement to the lower of existing grade or proposed grade shall be measured to an imaginary plane through the building that connects the adjacent grade elevations on both sides of the structure as shown in Diagram 113-02MM.

Diagram 113-02MM
Imaginary Plane and Plumb Line



- (6) For the purpose of measuring (i) Exterior Subterranean Areas. The overall structure height on a structure that provides pedestrian access or

~~ventilation to a basement where the vertical distance between the adjacent grade and the finish floor elevation above does not exceed 2 feet, 6 inches, the lowest point of existing grade or proposed grade within 5 feet of the structure's perimeter does not include one pedestrian or ventilation access with dimensions of up to 5 feet by 15 feet which abuts the structure measurement shall not include subterranean vehicular access, exterior subterranean pedestrian access or ventilation to a basement.~~

Overall structure height shall instead be measured from an imaginary plane connecting to the lowest adjacent grade immediately above the exterior subterranean space, as shown in Diagram 113-02NN.

Diagram 113-02NN
Access to Basement

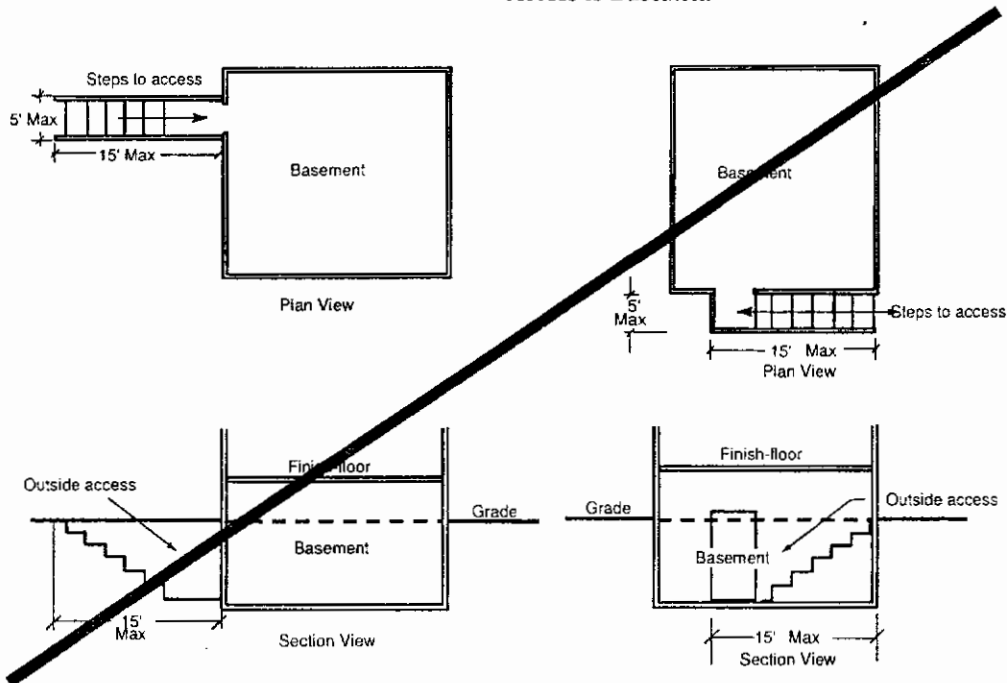
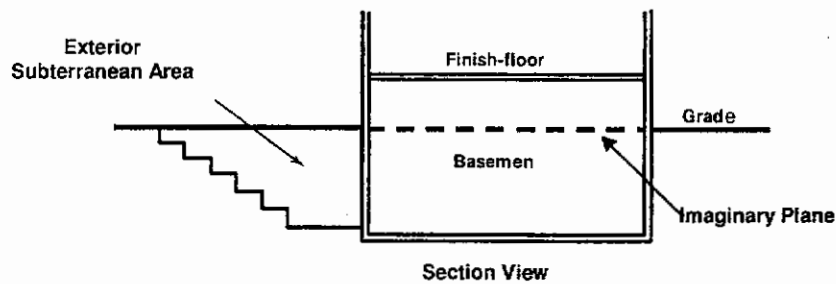


Diagram 113-02NN
Access and Ventilation to Basement



(7) — Structure height is measured separately for each structure that is separated from another structure on the premises by

~~6 feet or more.~~(8C) When a pool is located within 5 feet of the *structure*, the overall *structure height* is measured as noted in Section 113.0270(a)(5), except that *proposed grade* shall not include the pool. This is illustrated in Diagram 113.0200.

Diagram 113-0200 [No change-]
Overall Structure Height with Pool

(D) Structure Height of Buildings subject to Coastal Height Limit in accordance with Section 132.0505

- (i) The height of a building is measured to the uppermost point of the *structure* or any appurtenance placed upon the roof thereof, including *signs*, penthouses, mechanical equipment, chimneys, vent stacks, spires, or steeples, or other projections.
- (ii) The base of the measurement shall be taken from finished grade in accordance with the 1970 Uniform Building Code. The height shall be measured from the highest adjoining sidewalk or ground surface within 5 feet of the *structure*, provided that the height measured from the lowest adjoining surface

shall not exceed such maximum height by more
than 10 feet.

(b) and (c) [No change.]

Diagrams 113-02PP and 113-02QQ [No change.]

§113.0276 Determining Yards

~~(a)~~——[No change to text.]

[No change to Diagram 113-02SS.]

~~(b)——Those portions of underground parking structures, first stories, and
basements lying more than 3 feet above grade are subject to all yard
requirements.~~

~~(c)——Those portions of underground parking structures, first stories, and
basements lying between 0 and 3 feet above grade are subject to front yard and
street side yard requirements in those zones that require landscaping in the front
and street side yards.~~

§131.0215 Where Open Space Zones Apply

On the effective date of Ordinance O-18691, all open space zones that were
established in Municipal Code Chapter 10, Article 1, Division 4 ~~shall be~~ were
amended and replaced with the base zones established in this division, ~~as shown~~
in Table 131-02A.

Table 131-02A
Open Space Zone Applicability

Previous Chapter 10 Open Space Zone Replaced with New Open Space Zone Established by this Division	
Open Space Zone that Existed on December 31, 1999.	Applicable Zone of this Division
OS-OSP	OP-2-1
OS-P, OS-R	OP-1-1
FC, FW	OF-1-1
OS-TDR	None
No Existing Zone	OC-1-1
No Existing Zone	OR-1-1
No Existing Zone	OR-1-2

§131.0315 Where Agricultural Zones Apply

On the effective date of Ordinance O-18691, all agricultural zones that were established in Municipal Code Chapter 10, Article 1, Division 4 ~~shall be~~ were amended and replaced with the base zones established in this division, ~~as shown~~ in Table 131-03A.

Table 131-03A
Agricultural Zone Applicability

Previous Chapter 10 Agricultural Zone Replaced With New Agricultural Zone Established by This Division	
Agricultural Zone that Existed on December 31, 1999.	Applicable Zone of this Division
A-1-1	AR-1-2
A-1-5, A-1-10	AR-1-1
A-1-20	None
A-1-40	None
No Existing Zone	AG-1-1
No Existing Zone	AG-1-2

§131.0331 Development Regulations Table for Agricultural Zones

The following development regulations apply in the agricultural zones as shown in Table 131-03C.

**Table 131-03C
Development Regulations of Agricultural Zones**

Development Regulations [See Section 131.0330 for Development Regulations of Agricultural Zones]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-	1-	1-	1-
	4th >>	1	2	1	2
Max Permitted Residential Density (DU Per Lot)		1 ⁽¹⁾	1 ⁽¹⁾	1 ⁽²⁾	1 ⁽³⁾
Min Lot Area (ac)		10	5	10	1
Min Lot Dimensions					
Lot Width (ft)		200	200	200	100 ⁽⁴⁾
Street Frontage (ft)		200	200	200	100 ⁽⁵⁾
Lot Depth (ft)		200	200	200	150
Setback Requirements [See Section 131.0343]					
Min Front Setback (ft)		25	25	25	25
Min Side Setback(ft)		20	20	20	20
Min Rear Setback (ft)		25	25	25	25
Max Structure Height (ft) [See Section 131.0344]		30	30	30	30
Max Lot Coverage (%)⁽⁷⁾		10	20	10	20
Min Floor Area⁽⁶⁾		applies	applies	applies	applies

Footnotes for Table 131-03C
1-7 [No change]

§131.0343 Setback Requirements in Agricultural Zones

(a) The minimum side *setback* for a legal *lot* that existed on the effective date of this section and that has less than the minimum lot width specified in Table 131-03C, is 10 percent of the width of the *lot* or 5 feet, whichever is greater.

(b) Architectural projections and encroachments may be permitted in accordance with the regulations in Section 131.0461 for lots in Agricultural-Residential (AR) zones that are one acre or less in lot area.

§131.0415 Where Residential Zones Apply

On the effective date of Ordinance O-18691, all residential zones that were established in Municipal Code Chapter 10, Article 1, Division 4 ~~shall be~~ were amended and replaced with the base zones established in this division, ~~as shown in Table 131-04A.~~

Table 131-04A
Residential Zone Applicability

Previous Chapter 10 Residential Zone Replaced With New Residential Zone Established by This Division	
Residential Zone That Existed on December 31, 1999.	Applicable Zone of This Division
No Existing Zone	RE-1-1
No Existing Zone	RE-1-2
No Existing Zone	RE-1-3
R1-40,000 in Urbanized Communities as of December 31, 1999.	RS-1-1
R1-20,000 in Urbanized Communities as of December 31, 1999.	RS-1-2
R1-15,000 in Urbanized Communities as of December 31, 1999.	RS-1-3
R1-10,000 in Urbanized Communities as of December 31, 1999.	RS-1-4
R1-8,000 in Urbanized Communities as of December 31, 1999.	RS-1-5
R1-6,000 in Urbanized Communities as of December 31, 1999.	RS-1-6
R1-5,000 in Urbanized Communities as of December 31, 1999.	RS-1-7
R1-40,000 in Planned Urbanizing Communities and Future Urbanizing Area as of December 31, 1999.	RS-1-8
R1-20,000 in Planned Urbanizing Communities and Future Urbanizing Area as of December 31, 1999.	RS-1-9
R1-15,000 in Planned Urbanizing Communities and Future Urbanizing Area as of December 31, 1999.	RS-1-10
R1-10,000 in Planned Urbanizing Communities and Future Urbanizing Area as of December 31, 1999.	RS-1-11
R1-8,000 in Planned Urbanizing Communities and Future Urbanizing Area as of December 31, 1999.	RS-1-12
R1-6,000 in Planned Urbanizing Communities and Future Urbanizing Area as of December 31, 1999.	RS-1-13
R1-5,000 in Planned Urbanizing Communities and Future	RS-1-14

Previous Chapter 10 Residential Zone Replaced With New Residential Zone Established by This Division	
Residential Zone That Existed on December 31, 1999.	Applicable Zone of This Division
Urbanizing Area as of December 31, 1999.	
No Existing Zone	RX-1-1
R1-5.000/SLO	RX-1-2
No Existing Zone	RT-1-1
No Existing Zone	RT-1-2
No Existing Zone	RT-1-3
No Existing Zone	RT-1-4
R-3000	RM-1-1
R-2500	RM-1-2
R-2000	RM-1-3
R-1750	RM-2-4
R-1500	RM-2-5
R-1250	RM-2-6
R-1000	RM-3-7
R-800	RM-3-8
R-600	RM-3-9
R-400	RM-4-10
R-200	RM-4-11
RV	RM-5-12

§131.0431 Development Regulations Table of Residential Zones

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

[No change first paragraph.]

(a) RE Zones

Table 131-04C
Development Regulations of 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
Max permitted density (DU per lot) though Supplemental requirements [See Section 131.0464(a)]		[No change.]		
Diagonal plan dimension		—	—	—

(b) RS Zones

Table 131-04D
Development Regulations of RS Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5	6	7
Max permitted density (DU per lot) through Min Lot dimensions [No Change]								
Setback requirements								
Min Front setback (ft) [See Section 131.0443(a)(1)]		25 ⁽¹⁾	25 ⁽¹⁾	20 ⁽¹⁾	20 ⁽¹⁾	20 ⁽¹⁾	15 ⁽¹⁾	15 ⁽¹⁾
Min Side setback (ft) [Multiply number in table by actual lot width to calculate setback]		40.08 ⁽²⁾	40.08 ⁽²⁾	6.08 ⁽²⁾	6.08 ⁽²⁾	6.08 ⁽²⁾	5.08 ⁽²⁾	4.08 ⁽²⁾
Min Street side setback (ft) [Multiply number in table by actual lot width to calculate setback]		10 ⁽²⁾	10 ⁽²⁾	10 ⁽²⁾	10 ⁽²⁾	10 ⁽²⁾	10 ⁽²⁾	10 ⁽²⁾
Min Rear setback (ft)		25 ⁽³⁾	25 ⁽³⁾	20 ⁽³⁾	20 ⁽³⁾	20 ⁽³⁾	15 ⁽³⁾	13 ⁽³⁾
Setback requirements for resubdivided corner lots [See Section 131.0443(i)] through Supplemental requirements [No Change]								
Diagonal plan dimension [See Section 131.0465]		—	—	—	—	—	—	applies
Bedroom regulation [No Change]								

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	8	9	10	11	12	13	14
Max permitted density (DU per lot) through Min Lot dimensions [No Change]								
Setback requirements								

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	8	9	10	11	12	13	14
Min Front setback (ft) [See Section 131.0443(a)(1)]		25 ⁽¹⁾	25 ⁽¹⁾	25 ⁽¹⁾	20 ⁽¹⁾	15 ⁽¹⁾	15 ⁽¹⁾	15 ⁽¹⁾
Min Side setback (ft)		10	8	7	6	5	5	4
Min Street side setback (ft)		20	15	15	10	10	10	10
Min Rear setback (ft)		10 ⁽⁶⁾	10 ⁽⁶⁾	10 ⁽⁶⁾	10 ⁽⁶⁾	10 ⁽⁶⁾	10 ⁽⁶⁾	10 ⁽⁶⁾
Setback requirements for resubdivided corner lots [See Section 131.0443(i)] through Supplemental requirements [No Change]								
Diagonal plan dimension [See Section 131.0446]		--	--	--	--	--	--	--
Bedroom regulation [No Change]								

Footnotes for Table 131-04D

- 1 For lots where at least one-half of the front 50 feet of the lot depth has a minimum slope gradient of 25 percent, the setback closest to the street frontage may be reduced to a minimum 6 feet.
- 2 The required side setbacks may be reallocated where the combined dimension of each side setback would meet or exceed the combined total required in Table 131-04D. In no case shall a side setback be reduced to less than 4 feet. Once a side setback is established, all additions to the primary structure thereafter shall maintain the established side setback.
- 3 See Section 131.0443(a)(2).
- 2 See Section 131.0443(a)(3).
- 3 See Section 131.0443(a)(4).
- 4 See Section 131.0444(b).
- 5 See Section 131.0446(a).
- 6 See Section 131.0443(a)(5).
- 7 On lots less than 10,000 square feet a single dwelling unit shall be limited to 6 bedrooms maximum.

(c) RX Zones

Table 131-04E
Development Regulations of RX Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone designator	Zones	
	1st & 2nd >>	RX-	
	3rd >>	1-	1-
	4th >>	1	2
Maximum permitted <i>density</i> (DU per <i>lot</i>) through Supplemental regulations [See Section 131.0464(b)]			
Diagonal plan dimension [See Section 131.0465]		applies	applies

Footnote for Table 131-04E [No change.]

§ 131.0443 Setback Requirements in Residential Zones

(a) *Setbacks* in RE and RS Zones

(1) [No change.]

(2) ~~Front Setbacks 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~~

~~For lots where at least one-half of the front 50 feet of the lot depth has a minimum slope gradient of 25 percent, the setback closest to the street frontage may be reduced to a minimum of 6 feet.~~

(3) ~~Side and Street Side Setbacks 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) ~~For lots exceeding 50 feet in width, each side setback shall be at least the dimension shown in Tables 131-04C and 131-04D or 10 percent of the width of the lot, whichever is greater, except one side setback may observe the minimum~~

dimension shown in Tables 131-04C and 131-04D as long as the combined dimensions of both side setbacks equals at least 20 percent of the lot width. Once a side setback is established, all additions to the primary structure thereafter shall maintain the established side setback.

(B) — The street side setback is at least the dimension shown in Tables 131-04C and 131-04D or 10 percent of the lot width, whichever is greater.

(C) — For lots with 40 to 50 feet in width, each side setback is a minimum of 4 feet.

(D) — For lots with less than 40 feet in width, each side setback may be reduced to 10 percent of the lot width but shall not be reduced to less than 3 feet.

(E) — For irregularly shaped lots, such as pie shaped lots, the setbacks are based on the average lot width for the first 50 feet of lot depth.

(F) — For consolidated lots, the width for determining setback requirements is the width of the premises after the consolidation. (4) — 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 Table 131-04D, except as follows:

- (i) For ~~lots with~~ less than 100 feet in depth, the rear *setback* is at least 10 percent of the lot depth, but not less than 5 feet; and
- (ii) For ~~lots with~~ greater than 150 feet in depth, the rear *setback* is at least 10 percent of the lot depth or the dimension shown in Tables 131-04C and 131-04D, whichever is greater.

(B) and (C) [No change.]

(53) Rear *Setback* in the RS-1-8, RS-1-9, RS-1-10, RS-1-11, RS-1-12, RS-1-13, and RS-1-14 Zones

For *lots* that are served by *alley* access, the rear *setback* may be reduced to 4 feet.

(b) through (i) [No change.]

§131.0444 Angled Building Envelope Plane/ Maximum Structure Height in Residential Zones

- (a) ~~In the RE zones, a structure may exceed the 30-foot height limit to a maximum of 35 feet if the front, side, and rear setbacks are each increased by 10 feet, except where structure height is limited by the regulations in Chapter 13, Article 2 (Overlay Zones).~~ (b) ~~In the RS-1-1, RS-1-2, RS-1-~~

~~3, RS-1-4, RS-1-5, RS-1-6, and RS-1-7 zones, structure height shall not exceed the height of the building envelope. Abutting the required front, side, and street side yards, the height of the building envelope above 24 feet is established by the angled building envelope planes shown in Table 131-04H up to the maximum permitted 30-foot structure height, as shown in Diagram 131-04L. If the maximum structure height does not exceed 27 feet, the angle above 24 feet is required only at the side yards.~~

Maximum structure height shall not exceed the height of the angled building envelope plane, which connects the maximum structure height adjacent to the setback and the overall maximum structure height as determined by the underlying base zone and the requirements below.
Encroachments beyond the building envelope are subject to the requirements in Section 131.0461.

(b) The angle of the building envelope plane is based on lot width as established in Table 131-04H.

Table 131-04H
Required Angle Building Envelope Plane

Lot Width: ft	Angle of Plane ¹
Less than 75 feet	45 degrees
75 feet to 150 feet	30 degrees
Greater than 150 feet	0 degrees Not Applicable

Footnote for Table 131-04H

¹ The angled planes are measured from the vertical axis inward.

(c) The maximum structure height requirements for the RS-1-1, RS-1-2, RS-1-3, RS-1-4, RS-1-5, RS-1-6, RS-1-7, and RX zones are stated in Tables

131-04D and 131-04E. The angled *building envelope* plane shall be required adjacent to required side yards. Angled *building envelope* planes are also required adjacent to front and street side yards in cases where the maximum *structure height* exceeds 27 feet. The angled *building envelope* plane shall be measured in accordance with Diagram 131-04L.

Diagram 131-04L [No Change]
Angled Building Envelope Planes in RS, RX, and RT Zones

- ~~(e) In the RS 1-1, RS 1-2, RS 1-3, RS 1-4, RS 1-5, RS 1-6, RS 1-7, RM 1-1, RM 1-2, RM 1-3 and RX zones chimneys and dormers may project into the space above the angled *building envelope* planes to a maximum *structure height* of 30 feet. Dormers encroaching into the space above the angled *building envelope* are subject to the provisions in Sections 131.0461(a)(9) and 131.0461(b)(6) (Architectural Projections and Encroachments).~~
- (d) In the RX zones, the *structure height* shall not exceed the height of the *building envelope*. Abutting the required front, side, and street side yards, the height of the *building envelope* above 24 feet is established by a 45-degree angled *building envelope* plane up to the maximum permitted 30-foot *structure height*. If the maximum *structure height* does not exceed 27 feet in height, the 45-degree angled *building envelope* plane is required only along the side yards. The angled *building envelope* planes shall be measured in accordance with Diagram 131-04L. ~~(e) In the RT zone, for~~

The maximum structure height requirements for RT zones are stated in Table 131-04E. For buildings with a slab foundation, the maximum permitted structure height is 21 feet for one- and two-story structures or 31 feet for three-story structures. For buildings with a conventional raised floor, the maximum permitted structure height is 25 feet for one- and two-story structures or 35 feet for three-story structures. For buildings with sloped roofs with at least a 3:12 pitch (3 vertical feet to 12 horizontal feet), the maximum permitted structure height is increased by 5 feet. In all cases, unless otherwise excepted, the height of the building envelope above 27 feet adjacent to the front setback line is established by a 30-degree angled building envelope plane slanting inward to the maximum permitted structure height. The angled building envelope planes shall be measured in accordance with Diagram 131-04L.

(f) ~~Structure Height Requirements in~~ The maximum structure height requirements for the RM-1-1, RM-1-2, RM-1-3 Zones (1) ~~Structure height shall not exceed the height of the~~ and RM-1-3 zones are stated in Table 131-04G. The angled building envelope, Established plane requirements apply as follows:

(A1) At the front setback line, the height of the building envelope above 19 feet at the minimum setback and 24 feet at the standard setback, is established by a 45-degree angled building envelope plan

sloping inward to the maximum permitted 30- foot *structure height* limit, as shown in Diagram 131-04M.

~~Exception: The *building envelope* may have a projection outside the angled *building envelope* area for up to 33 percent of the width of the *building envelope* facing the front yard. The maximum depth of the projection shall be equal to or less than its width. See Diagram 131-04N.~~

~~Chimneys may project into the space above the angled *building envelope* planes to a maximum height of 30 feet.~~

Diagram 131-04M [No Change]
Angled Building Envelope at Front Setback

~~(B) — The *building envelope* may have a projection outside the angled *building envelope* area for up to 33 percent of the width of the *building envelope* facing the front yard. The maximum depth of the projection shall be equal to or less than its width. See Diagram 131-04N.~~

Diagram 131-04N
Exception for Angled Building Envelope Area

~~(C2)~~ At the side *setback line*, the height of the *building envelope* above 24 feet in height is established by a 45-degree *building envelope* plane sloping inward to the maximum permitted 30-foot *structure height*.

(2) ~~Dormers may project into the space above the 45-degree angled building envelope planes, as shown in Diagram 131-04O, subject to the following:~~

- (A) ~~A dormer may not extend beyond a height of 30 feet;~~
- (B) ~~The aggregate width of a dormer may not exceed 30 percent of the length of the roof plan to which the dormers will be attached;~~
- (C) ~~Each dormer may not exceed 8 feet in width measured at the widest point; and~~
- (D) ~~There shall be at least 4 feet between each dormer.~~

Diagram 131-04O
Dormer Projection Beyond Angled Building Envelope Plane

(g) ~~Structure Height Requirements in RM-2-4, RM-2-5, RM-2-6 Zones~~

- (1) ~~Structure height shall not exceed the height of the building envelope, established as follows:~~
 - f) The maximum structure height requirements for the RM-2-4, RM-2-5, and RM-2-6 zones are stated in Table 131-04G. At the side setback lines, the maximum height of the building envelope above 30 feet in height is established by a 60-degree angled building envelope plane sloping inward from the side setback lines to the maximum permitted 40-foot structure height.

~~(2) — Dormer may project into the space above the 60 degree angled building envelope planes, as shown in Diagram 131-04O subject to the following:~~

~~(A) — The aggregate width of dormers may not exceed 50 percent of the length of the roof plan to which the dormers will be attached; and~~

~~(B) — Dormers may not extend beyond a height of 40 feet.~~

§131.0448 Accessory Structures in Residential Zones

(a) Multiple *accessory buildings* are permitted on a *premises*. However the square footage of all *accessory buildings* cannot exceed 25 percent of the allowable *gross floor area* of the *premises*.

(b) ~~An~~No *accessory building* in the RE, RS, and RX zones may be used for living or sleeping purposes. An accessory building may have electrical, gas, and water/sewer connections to provide the following activities:

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

(c) *Accessory buildings* in RE, RS, and RX zones may encroach into required yards subject to the following ~~conditions:~~requirements in Section 131.0461.

~~(1) — Encroachment into required yards can only occur on premises with less than 10,000 square feet of area.~~

- (2) ~~Accessory buildings, not including attached or detached patio, shall be limited to one story.~~
- (3) ~~The maximum permitted structure height of an accessory building is 10 feet for a flat roof and 15 feet for a pitched roof. If the structure contains a shed roof, the maximum structure height is 12 feet measured at the ridge. A building with a flat roof may have a roof deck, provided that all handrails and other appurtenances are limited to 42 inches in height and comply with all setback requirements.~~
- (4) ~~All required visibility areas, as set forth in Section 113.0273, shall be observed.~~
- (5) ~~No accessory building shall be used for living or sleeping purposes.~~
- (6) ~~In the RE and RS zones, the cumulative area of all accessory buildings encroaching into required yards shall not exceed 525 square feet in gross floor area.~~
- (7) ~~In the RX zones, the cumulative area of all accessory buildings shall not exceed 400 square feet in gross floor area.~~
- (8) ~~The length of any accessory building dimension within the required yards shall not exceed 30 feet in any given setback.~~

~~(9) The accessory building must be placed entirely within the rear 30 percent of the lot premises or behind the front 70 feet of the lot premises, whichever results in the accessory building being located farther from the street.~~

~~(10) If the accessory building is used for parking and access to the structure is taken from the alley, a minimum distance of 21 feet shall be provided between the edge of the alley opposite the premises and the exterior wall of the accessory building.~~

~~(11) Within the Coastal Overlay Zone, accessory structures are subject to the supplemental regulations in Section 132.0403.~~

(d) Structures containing uses regulated by Chapter 14, Article I (Separately Regulated Uses) are not subject to Section 131.0448.

§131.0449 Garage Regulations in Residential Zones

(a) Garages within an Existing Embankment existing embankment in the RE, RS, and RX Zones Attached or detached garages, not exceeding 12 feet in height, including parapets and handrails, may encroach into the front and street side yards, as shown in Diagram 131-04PN, subject to the following conditions:

(1) through (8) [No change.]

Diagram 131-04PN [No change in Diagram]
Garage Within Existing Embankment

(b) Garages in RT Zones

(1) through (7) [No change.]

(8) [No change.]

(A) A court yard with minimum dimensions of 10 feet by 10 feet must be provided within the rear 50 percent of the *lot*, as shown in Diagram 131-04QQ, or within the dwelling unit. The court yard shall extend the full height of the *structure* and must be at least 75 percent open to sunlight;

Diagram 131-04Q—[No change.] Q
Courtyard Requirement with Attached Garage

(B) and (C) [No change.]

(9) [No change.]

§131.0453 Lot Consolidation Regulations in the RM-1-1 and RM-1-2 Zones

[No change.]

(a) Any building on a consolidated *premises* may cross only one previous *property line*, as shown in Diagram 131-04RP;

(b) If the consolidation results in a total *street frontage* exceeding 60 feet, the number of dwelling units permitted within any single building shall not exceed the number of units that would have been permitted on the largest *premises* before the consolidation, as shown in Diagram 131-04RP;

Diagram 131-04RP [No change in Diagram]
Buildings on Consolidated Lots

- (c) [No change.]
- (d) Within the front 50 percent of the consolidated *premises*, a minimum 3-foot offset in the front facade shall be required for any building where the dimension most parallel to the *street* exceeds one-and-one-half times the width of the permitted *building envelope* of the largest *lot* existing before consolidation. See Diagram 131-04SQ.

Diagram 131-04SQ [No change in Diagram.]
Lot Consolidation Offset Requirement

§131.0455 Private Exterior Open Space in the RM Zones

- (a) In the RM-1-1, RM-1-2, and RM-1-3 zones, at least 60 square feet of usable, private, exterior open space abutting each dwelling unit shall be provided with a minimum dimension of 6 feet in any direction. The open space may be located in required *yard* areas, but shall be no closer than 9 feet to the front or rear *property lines*, and no closer than 4 feet to the side *property lines*. See Diagram 131-04TR.

Diagram 131-04TR [No change in Diagram.]
Private Exterior Open Space

- (b) through (d) [No change.]

§131.0461 Architectural Projections and Encroachments in Residential Zones

- (a) The following are permitted *architectural projections* and *encroachments* into required yards and the angled building envelope plane for RS and RX zones and the RM-1-1, RM-1-2, and RM-1-3 zones. These projections and *encroachments* are not permitted in the required yards within view corridors that are designated by *land use plans* in the Coastal Overlay Zone and may not be located in a required *visibility area* or a required turning radius or vehicle back-up area except where development regulations may allow.

- (1) [No change.]
- (2) Openly supported *architectural projections*, including trellises, may encroach into required yards, as shown in Diagram 131-04US, subject to the following:

(A) through (F) [No change.]

Diagram 131-04US [No change in Diagram]
Openly Supported Architectural Projections

- (3) Bay windows may project into required yards, as shown in Diagram 131-04VT, subject to the following requirements:

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

Diagram 131-04VT [No change in Diagram]
Bay Window Yard Projections

- (4) Fireplace enclosures may encroach into required yards and the angled building envelope plane subject to the following requirements:

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

- (5) ~~Electrical~~ Mechanical equipment such as air conditioner units, gas meters, electrical fuse boxes, gas meters or pool equipment and associated utility enclosures may encroach into required side and rear yards subject to the following requirements:

~~(A) The encroachment into the required yard shall not exceed 18 inches;~~

(A) At-grade equipment shall be located a minimum of 4 feet from the property line; and

~~(B) The encroachment shall not be closer than~~ Equipment that is located completely below finished grade, with a permanent, durable, protective cover shall be permitted to encroach up to 2 feet, 6 inches to from the property line;

~~(C) The encroachment shall not exceed a width of 6 feet and a height of 8 feet; and~~

~~(D) No more than one of each of these types of encroachments is permitted per building elevation.~~

(6) [No change.]

(7) Entry arbors may encroach into required front and street side yards, as shown in Diagram 131-04~~W~~U, subject to the following requirements:

(A) through (H) [No change.]

Diagram 131-04~~W~~U [No change.]
Entry Arbor Yard Projections

(8) [No change.]

(9) *Dormers* are permitted to encroach into required yards and into the ~~sloped~~angled building envelope plane subject to the following:

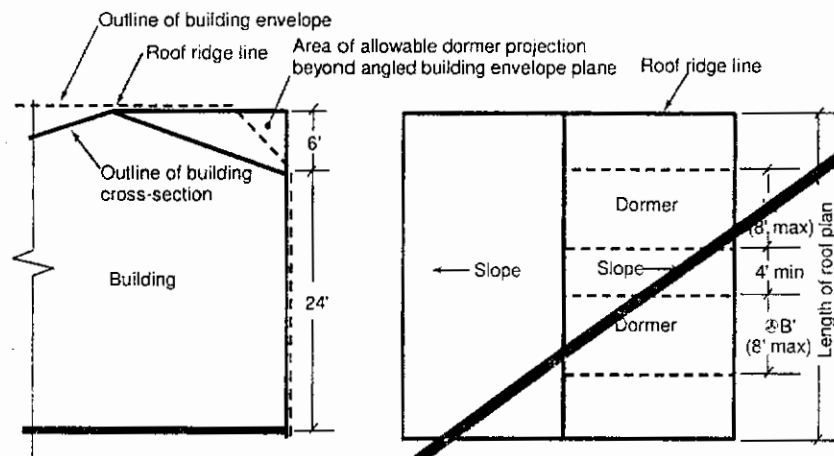
(A) [No change.]

(B) A *dormer* may not exceed ~~8~~10 feet in width, measured at the building wall;

(C) through (E) [No change.]

Diagram 131-04V
Dormer Projection into Angled Building Envelope Plane

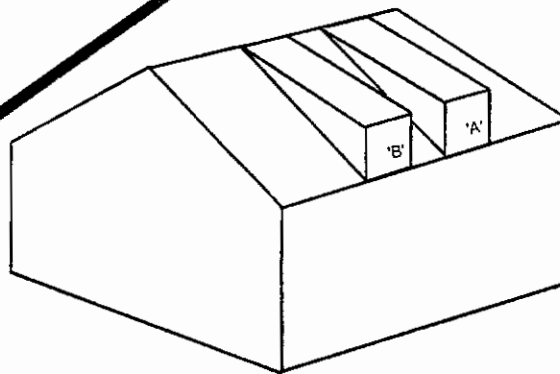
[Transferred from Section 131.0444 (previously Diagram 131-04O): Revise maximum length of dormer in Diagram from 8 feet to 10 feet.]



NOTE: Total width of dormer projections ('A' + 'B') shall not exceed 30% of length of r in RM -1-1, RM -1-2, RM -1-3 zones or 50% of length of roof plan in RM -2-4, RM -2-5, RM -2-6 zones.

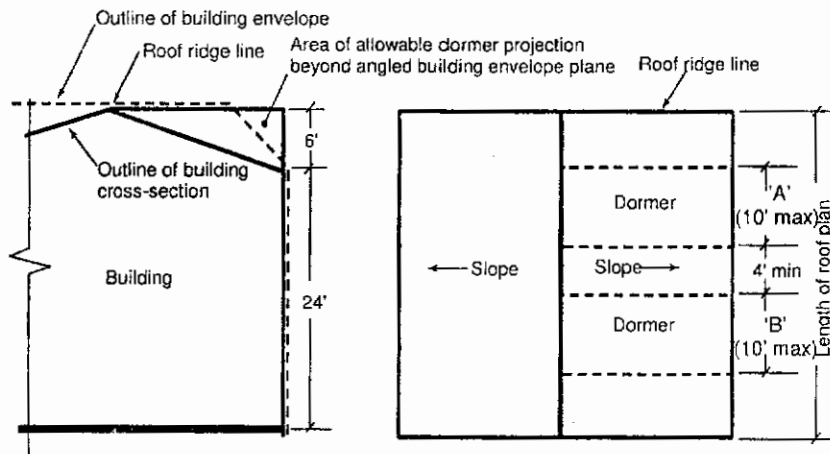
Section

Roof Plan

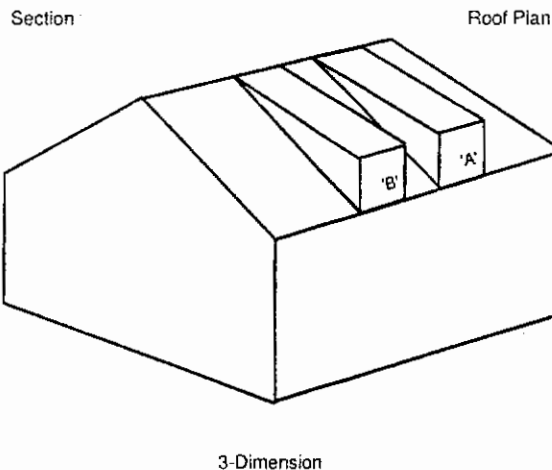


3-Dimension

Diagram 131-04V
Dormer Projection into Angled Building Envelope Plane



NOTE: Total width of dormer projections ('A' + 'B') shall not exceed 30% of length of r in RM -1-1, RM -1-2, RM -1-3 zones or 50% of length of roof plan in RM -2-4, RM -2-5, RM -2-6 zones.



(10) [No change.]

(11) Swimming pools, spas, and hot tubs are permitted within a required yard subject to the following:

(A) Swimming pools that project 3 feet or less above grade may be located a minimum of 3 feet from the property line.

(B) Swimming pools that project greater than 3 feet above grade are not permitted to encroach within a required *street yard* or interior side *yard setback*, but may encroach into the rear *yard setback* if located a minimum of 4 feet from the rear *property line*.

(12) Detached garages or *accessory buildings* may encroach into a required side or rear *yard* as follows:

(A) The *lot* size shall not exceed 10,000 square feet of area; and

(B) The *accessory building* shall be limited to one *story* and a maximum *structure* height of 15 feet; and

(C) The *accessory building* shall not exceed a maximum length of 30 feet within any given *setback*; and

(D) The cumulative area of all encroaching *accessory buildings* shall not exceed 525 square feet in *gross floor area*.

- (b) The following are permitted *architectural projections* and *encroachments* into the required front and street side *yard* for the RT zones. A maximum of 50 percent of the area of the required minimum front *yard* (the front 5 feet of the *lot*) may be used for *encroachments*. See Section 131.0464(c) for required building articulation features. No permitted projection or *encroachment* may be located in a required *visibility area* or a required

turning radius or vehicle back-up area except where development regulations may allow.

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

(6) *Dormers* may project into required minimum front and street side *yards* subject to the following requirements:

(A) [No change.]

(B) The maximum width of *dormers* shall be 510 feet; and

(C) [No change.]

(7) [No change.]

(c) In the RM-2-4, RM-2-5, RM-2-6, RM-3-7, RM-3-8, RM-3-9, RM-4-10, RM-4-11, and RM-5-12 zones, architectural *encroachments* listed in Section 131.0461(a) are permitted with the following limitations. No permitted projection or *encroachment* may be located in required *yards* within view corridors that are designated by *land use plans* in the Coastal Overlay Zone or in a required *visibility area* or a required turning radius or vehicle back-up area except where development regulations may allow.

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

(4) *Dormers* may project into the angled *building envelope* plane as follows:

- (A) The aggregate width of *dormers* may not exceed 50 percent of the length of the roof plan to which the *dormers* will be attached; and
- (B) Dormers may not extend beyond a height of 40 feet.

§131.0465 — Diagonal Plan Dimension in Residential Zones

~~For new structures in the RS-1-7 zone and all RX zones, a maximum diagonal plan dimension applies to lots where the depth is three times the width, as follows:~~

- a) ~~The maximum diagonal plan dimension shall not exceed 150 percent of the width of the lot, as shown in Diagram 131-04Z.~~

**Diagram 131-04Z
Maximum Diagonal Plan Dimension**

- (b) ~~The maximum diagonal plan dimension shall be measured between the two most extreme points on the structure. If the structure is irregular in shape, the maximum diagonal plan dimension may be measured between the first extreme building point and the point of the first building modulation along the length of the building with subsequent measurements allowed between modulations, as shown in Diagram 131-04AA. A modulation shall have a minimum 4 foot differential and shall extend for a minimum of 10 feet in length.~~

Diagram 131-04AA
Diagonal Plan Dimension Modulations

§131.0515 Where Commercial Zones Apply

On the effective date of Ordinance O-18692, all commercial zones that were established in Municipal Code Chapter 10, Article 1, Division 4 shall be were amended and replaced with the base zones established in this division, as shown in Table 131-05A.

Table 131-05A
Commercial Zone Applicability

Previous Chapter 10 Commercial Zone Replaced with New Commercial Zone Established by this Division	
Commercial Zone that Existed on December 31, 1999	Applicable Zone of this Division
CN	CN-1-2
CA	CC-1-3
CA-RR	CC-2-3
CC	CC-3-5
CO	CO-1-2
CR	CV-1-1
CV	CV-1-2
C-C (PCOZ)	CC-4-5
C-1	CC-4-2
C-1 (PCOZ)	CC-4-4
CBD	CR-1-1
CP	CP-1-1
No Existing Zone	CN-1-1, CN-1-3
No Existing Zone	CC-1-1, CC-1-2
No Existing Zone	CC-2-1, CC-2-2
No Existing Zone	CC-3-4
No Existing Zone	CC-4-1, CC-4-3
No Existing Zone	CC-5-1, CC-5-2, CC-5-3, CC-5-4, CC-5-5
No Existing Zone	CR-2-1
No Existing Zone	CO-1-1

§131.0615 Where Industrial Zones Apply

On the effective date of Ordinance O-18691, all industrial zones that were established in Municipal Code Chapter 10, Article 1, Division 4 shall be were amended and replaced with the base zones established in this division, as shown in Table 131-06A.

**Table 131-06A
Industrial Zone Applicability**

Previous Chapter 10 Industrial Zone Replaced with New Industrial Zone Established by this Division	
Industrial Zone That Existed on December 31, 1999.	Applicable Zone of this Division
SR	IP-1-1
M-IP	IP-2-1
M-IB	IL-2-1
M-SI	IS-1-1
M-1, M1-A	IL-3-1
M-2, M-2A, M-L1	II-2-1
No Existing Zone	IL-1-1
No Existing Zone	III-1-1

§143.0410 General Development Regulations for Planned Development Permits

The following regulations are applicable to *developments* for which a Planned Development Permit is requested when identified in Table 143-04A.

- (a) [No change.]
- (b) *Density* and Intensity
 - (1) The number of dwelling units or total *gross floor area* to be built on the *premises* shall not exceed that set forth by the

applicable zone and the applicable *land use plan* except as permitted by 143.0410(a)(3)(D), and shall be based on the area of the entire *premises*. The dwelling units or *gross floor area* may be distributed without regard to the proposed *lot* boundaries.

(2) through (5) [No change.]

(c) through (j) [No change.]

SRE:pev
09/24/08
1003/08 COR.COPY
Or.Dept:DSD
O-2009-31
MMS #6574

OLD LANGUAGE: ~~STRIKEOUT~~

NEW LANGUAGE: DOUBLE UNDERSCORE

ORDINANCE NUMBER O- 19802 (NEW SERIES)

DATE OF FINAL PASSAGE 11/13/08

AN ORDINANCE AMENDING THE SAN DIEGO MUNICIPAL CODE BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5, BY AMENDING SECTION 142.0525; BY ADDING A NEW SECTION 142.0556; AND BY AMENDING SECTION 142.0560, ALL RELATED TO THE LAND DEVELOPMENT CODE.

§142.0525 Multiple Dwelling Unit Residential Uses — Required Parking Ratios

(a) [No change.]

**Table 142-05C
Minimum Required Parking Spaces for
Multiple Dwelling Units and Related and Accessory Uses**

[No change in Table.]

Footnotes for Table 142-05C

¹ Basic. The basic parking ratio applies to *development* that does not qualify for a reduced parking requirement (in accordance with the transit area parking ratio or the very low income parking ratio and that is at least partially within a), or for an increased parking requirement in accordance with the Parking Impact Area as described in Chapter 13, Article 2, Division 8 (Parking Impact Overlay Zone). *Development* qualifying for either the both a reduced parking ratio (transit area or very low income parking ratio that are also within a) and an increased parking ratio (Parking Impact Area) shall also use the basic parking ratio.

²⁻⁷ [No change.]

⁸ *Condominium conversion.* Existing parking located in required front yards shall not be counted toward meeting the required minimum number of parking spaces. Where the number of onsite parking spaces as originally approved exceeds the required parking in Table 142-05C, that number of spaces shall be maintained.

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

§142.0556 Mechanical Automobile Lifts

Mechanical automobile lifts may be incorporated into developments to meet required parking in any area where tandem parking is permitted as identified in Section 142.0555, or where the mechanical automobile lift design allows for access to a specific car on demand. Parking spaces within the lift may be counted towards the required parking requirement. The mechanical automobile lift shall be fully enclosed in a structure.

§142.0560 Development and Design Regulations for Parking Facilities

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

(j) Driveway and Access Regulations

(1) [No change.]

Table 142-05L Driveway Width (Lots greater than 50 feet in width) [No change.]

**Table 142-05M
Driveway Width (Lots 50 feet or less in width)**

Use	Minimum Width		Maximum Width (Outside of Beach Impact Area of the Parking Impact Overlay Zone)		Maximum Width Beach Impact Area
	One-Way	Two-Way	One-Way	Two-Way	
Detached <i>Single Dwelling Unit</i>	12 feet		20 feet		12 feet
<i>Dwelling Unit</i> in the RX Zone	12 feet		20 feet		12 feet
<i>Multiple Dwelling Unit</i>					
2 units	12 feet		20 feet		12 feet
3-5 units	14 feet		20 feet		14 feet
6 or more units	14 feet	20 feet	20 feet	25 feet	20 feet
Nonresidential	14 feet	24 feet	20 feet	30 feet	25 feet

(2) through (6) [No change.]

(k) [No change.]

SRE:pev
09/18/08
Or.Dept:DSD
O-2009-32
MMS #6574

OLD LANGUAGE: ~~STRIKEOUT~~
NEW LANGUAGE: DOUBLE UNDERSCORE

ORDINANCE NUMBER O- 19803 (NEW SERIES)

DATE OF FINAL PASSAGE 11/13/08

AN ORDINANCE AMENDING THE SAN DIEGO MUNICIPAL CODE BY AMENDING CHAPTER 12, ARTICLE 6, BY AMENDING DIVISION 2, BY AMENDING SECTION 126.0203; BY AMENDING DIVISION 3, BY AMENDING SECTION 126.0303; BY AMENDING DIVISION 4, BY AMENDING SECTION 126.0402; AND BY AMENDING DIVISION 5, BY AMENDING SECTION 126.0502; BY AMENDING CHAPTER 12, ARTICLE 9, BY AMENDING DIVISION 7, BY AMENDING SECTION 129.0710; BY AMENDING CHAPTER 13, ARTICLE 1, BY AMENDING DIVISION 2, SECTION 131.0222, BY AMENDING DIVISION 3, BY AMENDING SECTION 131.0322; BY AMENDING DIVISION 4, BY AMENDING SECTIONS 131.0422, AND 131.0466; BY AMENDING DIVISION 5, BY AMENDING SECTION 131.0522; AND AMENDING DIVISION 6, BY AMENDING SECTION 131.0622; AMENDING CHAPTER 14, ARTICLE 1, BY AMENDING DIVISION 3, BY AMENDING SECTIONS 141.0303 AND 141.0306; BY AMENDING DIVISION 6, BY AMENDING SECTION 141.0607; BY AMENDING DIVISION 8, BY AMENDING SECTION 141.0801; AND BY AMENDING ARTICLE 3, DIVISION 3, BY AMENDING SECTION 143.0302, ALL RELATED TO THE LAND DEVELOPMENT CODE.

§126.0203 When a Neighborhood Use Permit Is Required

- (a) An application for the following uses in certain zones may require a Neighborhood Use Permit. To determine whether a Neighborhood Use Permit is required in a particular zone, refer to the applicable Use Regulation Table in Chapter 13.

Automobile service stations

Bed and breakfast establishments through *Wireless communication facilities* [No change.]

§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 Regulation Table in Chapter 13. The decision process is described in Section 126.0304.

(a) Conditional Use Permits Decided by Process Three

Agricultural equipment repair shops through Swap meets and other large outdoor retail facilities [No change.]

~~Transitional housing for 7 to 12 persons~~

Veterinary clinics and hospitals through *Wireless communication facilities* [No change.]

(b) Conditional Use Permits Decided by Process Four

Botanical gardens and arboretums through Theaters that are outdoor or over 5,000 square feet in size [No change.]

~~Transitional housing for 13 or more persons~~

Wireless communication facilities through Wrecking and dismantling of motor vehicles [No change.]

(c) Conditional Use Permits Decided by Process Five

Airports through Sports arenas and stadiums [No change.]

Transitional Housing for 7 or more persons

Very heavy industrial uses through Zoological parks [No change.]

§126.0402 When a Neighborhood Development Permit Is Required

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

(j) A Neighborhood Development Permit is required for ~~development~~
~~requesting deviations for the purposes of reasonable accommodations on~~
~~developed premises as described in Section 132.0466.~~

~~(k) — A Neighborhood Development Permit is required for construction of a~~
~~privately owned structure proposed in the public right-of-way dedicated~~
~~for a street or an alley, where the applicant is the record owner of the~~
~~underlying fee title as described in Sections 129.0710(a) and~~
~~129.0710(b)(2).~~

~~(H)(k)~~ [No change.]

§126.0502 When a Site Development Permit Is Required

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

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

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

(5) *Development* for which the *applicant, using the Affordable Housing Density Bonus Regulations,* seeks a deviation from the applicable development regulations ~~as an additional development incentive to a density bonus for affordable housing under that~~ exceeds the allowable incentives provided for in Section 143.0740.

(6) through (8) [No change.]

(9) A request for a deviation from the applicable development regulations for affordable/in-fill housing and sustainable building projects in accordance with Section 143.0920.

(e) [No change.]

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

[No change.]

(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 (k) except for the following:

(1) through (7) [No change.]

(b) [No change.]

(1) [No change.]

(2) Underground utility connections to a public main shall require a Neighborhood Development Permit in accordance with Section 126.0402(k).

(c) [No change.]

§131.0222 Use Regulations Table for Open Space Zones

[No change.]

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

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones								
	1st & 2nd >>	OP-		OC-		OR ⁽¹⁾ -		OF ⁽⁴²⁾			
		3rd >>	1-	2-	1-		1-		1-		
		4th >>	1	1	1		1	2	1		
Open Space through Agriculture [No change.]											
Residential											
Mobilehome Parks through Single Dwelling Units [No change.]											
Separately Regulated Residential Uses:											
Boarder & Lodger Accommodations through Companion Units [No change.]											

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st & 2nd >>	OP-		OC-	OR ⁽¹⁾		OF ⁽⁺²⁾⁽¹⁾
	3rd >>	1-	2-	1-	1-		1-
	4th >>	1	1	1	1	2	1
Employee Housing:							
6 or Fewer Employees		-	-	-	E ⁽⁺¹⁰⁾		-
12 or Fewer Employees		-	-	-	E ⁽¹⁰⁾		-
Greater than 12 Employees		-	-	-	-		-
Fraternities, Sororities and Student Dormitories [No Change]							
Garage, Yard, & Estate Sales [No Change]							
Guest Quarters		-	-	-	N _L		-
Home Occupations through Watchkeeper Quarters [No change.]							
Institutional through Retail Sales [No change.]							
Commercial Services							
Building Services through Visitor Accommodations [No change.]							
Separately Regulated Commercial Services Uses							
Adult Entertainment Establishments through Camping Parks [No change.]							
Child Care Facilities							
Eating and Drinking Establishments Abutting Residentially Zoned Property through Fairgrounds [No change.]							
Golf Courses, Driving Ranges, and Pitch & Putt Courses		C	C	-	C ⁽⁹⁾		C ⁽⁺¹⁰⁾
Helicopter Landing Facilities		-	-	-	-		C ⁽⁺¹⁰⁾
Instructional Studios through Zoological Parks [No change.]							
Offices through Signs [No change.]							

Footnotes for Table 131-02B

¹ through ⁹ [No change]¹⁰ For housing 6 or fewer employees, see Section 141.0303 to determine which use regulations apply. ¹¹ No fill or permanent structures shall be authorized for such development in the Coastal Overlay Zone.¹² Within the Coastal Overlay Zone, no structures are permitted within a floodway.

§131.0322 Use Regulations Table for Agricultural Zones

[No change.]

Table 131-03B
Use Regulations Table of Agricultural Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Open Space through Agriculture [No change.]					
Residential					
<i>Mobilehome Parks through Single Dwelling Units [No change.]</i>					
Separately Regulated Residential Uses					
<i>Boarder & Lodger Accommodations through Fraternities, Sororities and Student Dormitories [No change.]</i>					
<i>Guest Quarters</i>					
<i>Home Occupations through Watchkeeper Quarters [No change.]</i>					
Institutional through Signs [No change.]					

§131.0422 Use Regulations Table for Residential Zones

[No change.]

Table 131-04B
Use Regulations Table of 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		
Open Space through Agriculture [No change.]																										
Residential																										
Mobilehome Parks through Single Dwelling Units [No change.]																										
Separately Regulated Residential Uses																										
Boarder & Lodger Accommodations through Companion Units [No change.]																										
Employee Housing:																										
6 or Fewer Employees																										
12 or Fewer Employees																										
Greater than 12 Employees																										
Fraternalities, Sororities and Student Dormitories through Garage, Yard, & Estate Sales [No change.]																										
Guest Quarters																										
Home Occupations through Watchkeeper Quarters [No change.]																										
Institutional through Signs [No change.]																										

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones											
	1st & 2nd >>		RM-											
	3rd >>		1-			2-			3-			4-		5-
	4th >>		1	2	3	4	5	6	7	8	9	10	11	12
Open Space through Agriculture [No change.]														
Residential														
<i>Mobilehome Parks through Single Dwelling Units [No change.]</i>														
Separately Regulated Residential Uses														
<i>Boarder & Lodger Accommodations through Companion Units [No change.]</i>														
Employee Housing:														
6 or Fewer Employees														
12 or Fewer Employees														

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
Greater than 12 Employees		-			-			-			-		-
Fraternities, Sororities and Student Dormitories through Watchkeeper Quarters [No change.]													
Institutional through Signs [No change.]													

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

§131.0466 Deviations from Development Regulations for Reasonable Accommodations

The Federal Fair Housing Act and the California Fair Employment and Housing Act require that jurisdictions make *reasonable accommodations* to afford *disabled persons* the equal opportunity to use and enjoy a dwelling. In consideration of the special need and the potential benefit that can be accomplished with a requested modification, deviations may be approved through Process One or Process Two as described below, subject to the following:

- (a) ~~Deviations from the following regulations may be permitted through a Process One building permit:~~

~~(1) Minimum setback requirements;~~

~~(2) Minimum parking requirements; and~~

~~(3) Minimum floor area ratio requirements for deviations less than or equal to 5 percent.~~

~~(b) Deviations from the following regulations may be permitted with a Neighborhood Development Permit decided in accordance with Process Two;~~

~~(1) Minimum floor area ratio requirements for deviations greater than 5 percent, but no greater than 10 percent;~~

~~(2) Angled building envelope plane requirements, not to exceed a maximum structure height of 30 feet;~~

~~(3) Accessory structure requirements.~~ (c) Deviations from the The development regulations described in Section 131.0466(a) may be approved subject to the following: (1) The development will be used by a *disabled person*;

(2b) The deviation request is the minimum necessary to make specific housing available to a *disabled person* and complies with all applicable development regulations to the maximum extent feasible;

(3c) The deviation request will not impose an undue financial or administrative burden on the City;

(4d) The deviation request will not create a fundamental alteration in the implementation of the City's zoning regulations; and,

(5c) For *coastal development* in the *coastal overlay zone*, that is not exempt pursuant to Section 126.0704, there is no feasible alternative that provides greater consistency with the certified Local Coastal Program.

~~(d) Deviations from the *development* regulations described in Section 131.0466(b) may be approved subject to the following:~~

~~(4) The development will be used by a *disabled* person;~~

~~(5) The deviation request is the minimum necessary to make specific housing available to a *disabled person* and complies with all applicable development regulations to the maximum extent feasible;~~

~~(6) The deviation request will not impose an undue financial or administrative burden on the City;~~

~~(7) The deviation request will not create a fundamental alteration in the implementation of the City's zoning regulations;~~

~~(5) The deviation request will not adversely affect surrounding uses;~~
and

~~(6) For *coastal development* in the *coastal overlay zone*, that is not exempt pursuant to Section 126.0704, there is no feasible alternative that provides greater consistency with the certified Local Coastal Program~~

§131.0522 Use Regulations Table of Commercial Zones

[No change.]

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 ⁽¹⁾ -			CR-		CO-		CV-		CP-				
		3rd >>	1-			1-	2-	1-		1-		1-			
			4th >>	1	2	3	1	1	1	2	1	2	1		
Vehicle & Vehicular Equipment Sales & Service															
Commercial Vehicle Repair & Maintenance				-			P	P	-		-		-		
Commercial Vehicle Sales & Rentals				-			P	P	-		-		-		
Personal Vehicle Repair & Maintenance				-			P	P	-		-		-		
Personal Vehicle Sales & Rentals				-			P	P	-		-		-		
Vehicle Equipment & Supplies Sales & Rentals				-			P	P	-		-		-		
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses															
Automobile Service Stations				-			CN	CN	C		C		-		
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i>				-			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																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
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§131.0622 Use Regulations Table for Industrial Zones**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-
	3rd >>	1-	2-	1-	2-	3-	1-	2-	1-
	4th >>	1	1	1	1	1	1	1	1
Vehicle & Vehicular Equipment Sales & Service									
Commercial Vehicle Repair & Maintenance	-	-	P	P	P	P	P	P	P
Commercial Vehicle Sales & Rentals	-	-	P	P	P	P	P	P	P
Personal Vehicle Repair & Maintenance	-	-	P	P	P	-	-	-	P
Personal Vehicle Sales & Rentals	-	-	P	P	P	-	P	-	P
Vehicle Equipment & Supplies Sales & Rentals	-	-	P	-	P	P	P	P	P
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses									
Automobile Service Stations	<u>CL</u>	<u>CL</u>	<u>CL</u>	<u>CL</u>	<u>CL</u>	<u>CL</u>	<u>CL</u>	<u>CL</u>	<u>CL</u>
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>primary use</i>	-	-	P	P	P	P	P	P	P

§141.0303 Employee Housing

Employee housing is housing provided for agricultural workers in accordance with the California Health and Safety Code, Employee Housing Act. Employee housing does not include housing for persons engaged in household domestic service. Employee housing is permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the regulations in Section 141.0303(a). Employee housing may be permitted with a Neighborhood Use Permit or a Conditional Use Permit in the zones indicated with an "N" or a "C", respectively, in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the regulations in Section 141.0303(b).

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

§141.0306 Guest Quarters

Guest quarters are attached or detached accessory living quarters located on a *lot* with a *single dwelling unit* that do not provide complete, independent living facilities and do not have direct access to the primary dwelling unit. A guest quarters is solely for the use of the occupants of the primary dwelling unit or their guests or employees. Guest quarters may be permitted ~~with a Neighborhood Use Permit~~ as a limited use in accordance with Process One in the zones indicated with an “NL” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) through (m) [No change.]

§141.0607 Eating and Drinking Establishments Abutting Residentially Zoned Property

Eating and drinking establishments on *premises* abutting residential zones are 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 regulations in Section 141.0607(a). Eating and drinking establishments abutting residentially zoned property that do not comply with Section 141.0607(a) may be permitted with a Neighborhood Use Permit subject to the regulations in Section 141.0607(b).

(a) Limited Use Regulations

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

(3) Drive-in and drive through restaurants, live entertainment, and the sale of intoxicating beverages other than beer and wine are not permitted in the CN zones.

(b) [No change.]

§141.0801 Automobile Service Stations

Automobile service stations are 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. Automobile service stations may be permitted with a Neighborhood Use Permit decided in accordance with a Process Two in the zones indicated with an "N" or with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

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

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

[No change.]

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

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process
Affordable/In-Fill Housing and Sustainable Building Projects with Deviations	143.0910, 143.0915, 143.0920	SDP/Process Four
Site Containing <i>Environmentally Sensitive Lands</i> through Affordable Housing in RE, RS, RX, RT, AR Zones [No change.]		
Affordable Housing with Deviations from Development Regulations	143.0303, 143.0305, 143.0310, 143.0375, 143.0380, 143.0760	SDP/Process Four
Condominium Conversions with Deviations from Development Regulations through Clairemont Mesa Height Limit Overlay Zone [No change.]		

SRE:pev
09/25/08
10/03/08 COR.COPY
Or.Dept:DSD
O-2009-33
MMS #6574

OLD LANGUAGE: ~~STRIKEOUT~~
NEW LANGUAGE: DOUBLE UNDERSCORE

ORDINANCE NUMBER O- 19804 (NEW SERIES)

DATE OF FINAL PASSAGE 11/13/08

AN ORDINANCE AMENDING THE SAN DIEGO MUNICIPAL CODE BY REPEALING CHAPTER 9, ARTICLE 5, DIVISION 1, SECTIONS 95.0101, 95.0102, 95.0103, 95.0104, 95.0105, 95.0106, 95.0107, 95.0108, 95.0109, 95.0110, 95.0111, 95.0112, 95.0113, 95.0114, 95.0115, 95.0116, 95.0117, 95.0131, 95.0132, 95.0133, 95.0134, 95.0135, 95.0136, 95.0137, 95.0138, AND 95.0139; 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 SECTION 131.0422; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5, BY AMENDING SECTION 131.0522; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6, BY AMENDING SECTION 131.0622; BY AMENDING CHAPTER 14, ARTICLE 1, DIVISION 11, BY RENUMBERING CURRENT SECTIONS 141.1101, 141.1102, AND 141.1103 TO NEW SECTIONS 141.1104, 141.1105, AND 141.1106, RESPECTIVELY, BY ADDING A NEW SECTION 141.1101, BY RENUMBERING AND AMENDING CURRENT SECTION 141.1104 TO NEW SECTION 141.1102, AND BY RENUMBERING CURRENT SECTION 141.1105 TO NEW SECTION 141.1103; BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 12 BY AMENDING SECTIONS 142.1210 AND 142.1260, ALL RELATED TO THE LAND DEVELOPMENT CODE.

Article 5: Signs and House Numbers
Division 1: Signs

~~§95.0101 Administration, Enforcement, and Definitions~~

- (a) ~~This Division shall be administered and enforced by the City Manager, the Director of the Neighborhood Code Compliance Department and any of their designated Enforcement Officials.~~
- (b) ~~The term "Director" as used in this Division means the Director of the Neighborhood Code Compliance Department.~~
- (c) ~~For purposes of this Division, "Responsible Party" means any person, organization or other entity that directly or indirectly benefits from the information contained on the sign.~~

~~§95.0102 Public Property Limitations~~

- (a) ~~It is unlawful for any person or any Responsible Party to place, post, paint or secure any sign, lettering, poster or notice of any kind, or cause the same to be done on public property, including the public rights of way, or on any curb, sidewalk, street, pole, post, lamp post, utility box, hydrant, bridge, tree, building or other surface which is located on public property, including the public rights of way, except those signs that are lawfully authorized in Section 95.0102(d) and (e).~~
- (b) ~~It is unlawful to locate an advertising structure, or part thereof, over public property except as otherwise specified in detail in the Municipal Code.~~

- (c) ~~It is unlawful to scatter, daub, or leave any paint, paste or other substance used for painting, pasting, or affixing advertising matter, upon any public street or sidewalk; and, it is unlawful to scatter or throw or permit to be scattered or thrown, any bills, waste matter, paper, cloth or materials removed from sign structures, on any public or private property.~~
- (d) ~~Clocks shall be permitted in street rights of way next to the curb at outer edge of walk; provided such clocks, constructed from non-combustible materials, are kept running and correctly keep the time of day. The bottom or pedestal part shall not exceed two feet in any outside dimension. The part of the clock carrying the dials shall have a minimum clearance of 7' 6" above the sidewalk. The entire "upper part" containing the dial shall not exceed 14 inches in thickness, each face shall not exceed a total overall gross area of five square feet, and the space occupied by the net area of the clock dials on each side shall form at least one-half of such "upper part." Said clocks shall contain no advertising other than the name of the manufacturer or designer thereof, and said name designation shall be by nameplate with engraved or embossed letters not exceeding six inches in height, provided that existing clocks whose dimensions are in excess of the requirements of Section 95.0101 shall be allowed to remain standing so long as they comply with all the other provisions of this Code. Nothing contained herein shall relieve any person from the obligation to obtain permission from the appropriate agency prior to placing any object in the public right of way.~~

~~(e) — It is unlawful to construct or install street banners or decorations over public property except as permitted in Section 95.0102 and only after the issuance of a valid permit.~~

~~(1) The applicant for a permit shall pay a fee as established by resolution of the City Council and filed in the office of the City Clerk. If no permit is issued, a portion of the application fee as determined by City Council and filed in the office of the City Clerk may be refunded. A permit may be granted upon the condition that the permittee shall indemnify and save free and harmless the City of San Diego against any of the liabilities mentioned in Section 95.0102(e). The applicant shall file with the City a policy of insurance against public liability and property damage with an insurance carrier satisfactory to the City. The public liability and property damage insurance policy shall provide coverage in an amount of not less than \$100,000 for one person injured in one accident; not less than \$300,000 for more than one person injured in one accident; and not less than, \$25,000 with respect to any property damage in any one accident. The policy shall name the City of San Diego as an additional insured; and the policy shall be maintained in full force and effect until such time as all banners, decorations, equipment, wiring and supports have been removed as determined by the Director. The requirements of this Section as to the amounts covered in the policy and as to the maintenance of~~

insurance shall not be construed as limiting in any way the extent to which the permittee may be held responsible for the payment of damages to persons or property.

~~(2) The Director may issue the permit for decorations in accordance with the conditions imposed in Section 95.0102(e). The permit shall state the purpose of the decorations, the maximum duration that any set or series of decorations may be posted and the dates on which such decorations must be removed. Conditions of approval include, but are not limited to, the following:~~

~~(A) Banners which include copy shall be subject to the following:~~

- ~~(i) Copy shall be limited to copy denoting the purpose and occasion of the placement, and unifying or directional symbols, colors, and design;~~
- ~~(ii) Banners shall be used for the purpose of promoting cultural or civic events or activities of general public interest. Banners shall not be used for commercial or political advertising, except for such trademarks, logotypes and/or references as permitted and limited in subparagraph 3, below;~~

~~(iii) Commercial or corporate trademarks or logotypes, identification of or references to sponsoring or supporting organizations, agencies or businesses shall be limited to a maximum of five percent (5%) of the banner area;~~

~~(iv) Banners authorized by this subdivision shall not be displayed for more than 30 days, with one 30 day extension which may be granted by the Development Services Director;~~

~~(v) Banners authorized by this subdivision may be installed in the following areas:~~

~~Broadway, between 17th Street and Harbor Drive;~~

~~Friars Road, between Mission Center Road and Mission Village Drive and to include the parking lot for QUALCOMM Stadium;~~

~~All existing and future trolley stops;~~

~~El Cajon Boulevard between Bancroft Street and 54th Street;~~

~~4th and 6th Avenues between Kalmia and Upas Streets;~~

~~Business Improvement Districts.~~

~~Banners shall only be installed on those light standards on which mounting hardware has been authorized and placed by the City. Each application for a banner showing for the areas listed shall be for~~

~~a single event, and shall result in banners being
placed on all of the available mounting locations
within the areas listed above authorized by this
paragraph.~~

~~(vi) — No banners otherwise authorized by this subdivision
shall be displayed after April 30, 1989.~~

~~(B) — All installations shall comply with all relevant regulations
in this Code.~~

~~(3) — Applications for permits shall be made in the following manner:~~

~~(A) — A written application on prescribed forms shall be
submitted to the Director.~~

~~(B) — The applicant shall furnish plans and information depicting
the proposed decorations, method of installation, typical
heights above pedestrian walkways, vehicle parking areas,
and lanes of vehicular traffic; design and materials of the
decorations; all copy, symbols or directional information;
and diagrams and other information required by the
Development Services Director.~~

~~(C) — The application shall be submitted by the sponsoring group
or organization or a contractor engaged to install the~~

~~decorations, and shall also be countersigned by an officer
of the sponsoring group or organization.~~

~~§95.0103 Permits Required~~

- (a) ~~Before erecting, installing, placing, constructing, creating by painting,
reconstructing, altering or moving any sign other than an incidental sign,
every person, firm or corporation shall obtain from the Director a Sign
Permit. The Sign Permit will include authorization for any electrical work
within the sign. A separate Sign Permit shall be required for each sign.
Sign Permits will not be issued to any business maintaining a
nonconforming sign or signs unless the proposed work includes the
removal or modification of all such nonconforming signs to conform to
the provisions of this Division. When structural or electrical engineering
analysis is required, the analysis shall be approved by the Building
Official. Where the installation of a sign would require modification of a
structure, a Building Permit may be required pursuant to Chapter 9,
Article 1 of this Code.~~
- (b) ~~Before erecting, installing, placing, constructing, creating by painting,
reconstructing, altering or moving any sign other than an incidental sign,
every person, firm or corporation shall obtain from the Director a
Maintenance Certification Sticker. A sticker is required for each on-
premises sign. This sticker is applicable to one sign at one location only
and is transferable to a new owner or lessee.~~

~~(c) — Before erecting, installing, placing, constructing, altering or moving any temporary sign (including wind signs), every person, firm or corporation shall obtain from the Director a Temporary Sign Use Permit. A separate Temporary Sign Use Permit shall be required for each sign except in the case of street banners where one sign use permits will be issued for the entire project.~~

~~(d) — A sign permit is not required for signs required by the Fire Department to designate fire lanes on private or public property.~~

~~§95.0104 — Permits Not Required~~

~~(a) — General~~

~~All provisions of this Code shall apply to the following signs except that permits shall not be required as provided in this section.~~

~~(b) — Sign Permits~~

~~A Sign Permit shall not be required for:~~

- ~~(1) — Changing of the copy of a sign, bulletin board, poster board, display encasement, marquee, or maintenance, where no structural and/or electrical changes are made; changing of interchangeable letters on signs designed for use of interchangeable letters.~~

- (2) ~~Temporary, non-illuminated, real estate signs, advertising the sale, lease, or rental of premises on which the sign is located. Such signs may be altered to indicate the sale of the premises.~~
- (3) ~~Temporary, non-illuminated signs erected in connection with new construction work when such signs are displayed only during such time as the actual construction work is in progress, provided that such signs are located only at the site of the construction work and shall serve only to identify the architects, engineers, contractors, and other individual firms involved in the construction and/or proposed use of the building, but shall not contain any advertisement of any product.~~
- (4) ~~Private or commercial nameplate identification wall signs, or combination nameplate and street address identification wall signs, when such signs do not exceed four square feet, are not illuminated, do not project over a public right of way, and have letters not exceeding three inches in average height.~~
- (5) ~~Warning or notice type signs, such as trespass signs, private driveway, no dumping, and customer parking signs, when such signs do not exceed 12 square feet in area, are not illuminated, and do not project over a public right of way.~~
- (6) ~~Bulletin boards for charitable or religious organizations when such signs and supporting structures do not exceed 16 square feet in~~

~~area, are not illuminated, are erected on the premises to which the sign pertains, and do not project over a public right of way.~~

~~(7) Tablets, such as memorials, cornerstones, name of a building, date of erection, use of building, when built into the walls of a building.~~

~~(8) Temporary window signs, and permanent window signs as regulated by Section 101.1116 D.~~

~~(c) Maintenance Certification Stickers~~

~~A Maintenance Certification Sticker shall not be required for:~~

~~(1) Temporary, non-illuminated real estate signs, not more than 12 square feet in area, advertising the sale, lease, or rental of premises on which the sign is located.~~

~~(2) Temporary, non-illuminated signs erected in connection with new construction work when such signs do not exceed 16 square feet in area and are displayed only during such time as the actual construction work is in progress, provided that such signs are located only at the site of the construction work and shall serve only to identify the architects, engineers, contractors, and other individual firms involved in the construction and/or proposed use of the building, but shall not contain any advertisement of any product.~~

- ~~(3) Private or commercial nameplate identification wall signs, or combination nameplate and street address identification wall signs, when such signs do not exceed four square feet, are not illuminated, do not project over a public right of way, and have letters not exceeding three inches in average height.~~
- ~~(4) Warning or notice type signs, such as trespass signs, private driveway, no dumping, and customer parking signs, when such signs do not exceed 12 square feet in area, are not illuminated, and do not project over a public right of way.~~
- ~~(5) Bulletin boards for charitable or religious organizations when such signs and supporting structures do not exceed 16 square feet in area, are not illuminated, are erected on the premises to which the sign pertains, and do not project over a public right of way.~~
- ~~(6) Tablets, such as memorials, cornerstones, names of a building, date of erection, use of building, when built into the walls of a building.~~
- ~~(7) Temporary window signs, and permanent window signs as regulated by Section 101.1116D.~~
- ~~(d) Temporary Sign Use Permits~~

~~A temporary sign use permit shall not be required for:~~

- (1) ~~Temporary, non-illuminated real estate signs, not more than 12 square feet in area, advertising the sale, lease, or rental of premises on which the sign is located.~~
- (2) ~~Temporary, non-illuminated signs erected in connection with new construction work when such signs do not exceed 16 square feet in area and are displayed only during such time as the actual construction work is in progress, provided that such signs are located only at the site of the construction work and shall serve only to identify the architects, engineers, contractors, and other individual firms involved in the construction and/or proposed use of the building, but shall not contain any advertisement of any product.~~
- (3) ~~Temporary window signs, and permanent window signs as regulated by Section 101.1446D.~~

~~§95.0105~~ — Inspections Required

- (a) ~~Sign Permit. All work for which a Sign Permit is required shall be inspected by the Director. The permittee or his agent shall notify the Director at least 24 hours in advance that the work is ready for inspection, at the following stages:~~

- ~~(1) — When excavations for supporting footings, piling, poles, or columns have been made and before such excavations have been filled with earth or building materials of any kind.~~
- ~~(2) — When connecting elements have been installed on supporting buildings or structures, and before the sign is attached to these elements.~~
- ~~(3) — While a field fabricated sign is being assembled and the internal wiring and structural elements are exposed to view.~~
- ~~(4) — After erection, installation, construction, or creation by painting is completed.~~

~~The Building Official, upon notification from the permittee or his agent, shall inspect the sign and its supports and connections and shall either approve that portion of the work or shall notify the permittee wherein it fails to comply with this Code. All work shall be done in conformance with the Building Permit and the approved plans.~~

~~The Director, upon notification from the permittee or his agent, shall inspect the sign and its supports and connections and shall either approve that portion of the work or shall notify the permittee wherein it fails to comply with this Code. All work shall be done in conformance with the Building Permit and the approved plans.~~

~~(b) — Maintenance Certification Sticker. All signs for which a sticker is required shall be subject to inspection by the Director. The Director and his or her deputies are hereby authorized to enter upon any property or premises to ascertain whether the provisions of this Code are being obeyed. Such entrance shall be made during business hours unless an emergency exists. A sign user shall provide all necessary access and equipment to the Director for the purpose of conducting the required inspection.~~

~~§95.0106 — Expiration or Revocation of Permits~~

~~(a) — Expiration. Every sign permit issued by the Director under the provisions of this Code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new sign permit shall be first obtained so to do, and the fee therefore shall be one-half the amount required for a new sign permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year.~~

~~(b) — Extensions. Any permittee holding an unexpired sign permit may apply for an extension of the time within which he may commence work within the time required by this Section for good and satisfactory reasons. The~~

~~Director may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken, and provided that the permittee changes the plan, specifications and other data which define the work permitted, as necessary to show compliance with this Code or any other ordinance, statute, or regulation in effect at the time of the extension. No sign permit may be extended more than twice. In order to renew action on a sign permit after expiration, the permittee shall pay a new full permit fee.~~

~~(c) — Suspension or Revocation. The Director may suspend or revoke a sign permit issued under the provisions of this Code whenever the sign permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this Code. Any suspension or revocation issued under Section 95.0106(c) shall be in writing.~~

~~§95.0107 — Sign Permit Application~~

~~Application for a Sign Permit shall be made in writing upon forms provided by the City and shall state the following information:~~

~~(a) — Name, address and telephone number of the applicant.~~

~~(b) — Name, address and telephone number of the sign owner.~~

- (c) ~~Location by street number, and legal description (tract, block, lot) of the building, structure, or lot to which or upon which the sign is to be installed or affixed.~~
- (d) ~~A drawing to scale showing the design of the sign, including dimensions, sign size, method of attachment, source of illumination, and showing the relationship to any building or structure to which it is, or is proposed to be, installed or affixed, or to which it relates.~~
- (e) ~~A fully dimensioned plot plan, drawn to scale, indicating the location of the sign relative to property line, rights of way, streets, sidewalks, and other buildings or structures on the premises.~~
- (f) ~~The maximum and minimum heights of the sign.~~
- (g) ~~The traffic speed limit on and width of adjacent public rights of way.~~
- (h) ~~Number, size and location of all existing signs on the same building, lot or premises.~~
- (i) ~~Calculations showing wind and seismic loading and demonstrating the adequacy of supports and connections to supporting structures. Seismic and wind calculations for non-electric ground signs of less than 50 square feet in area, and with a center of gravity 8 feet or less above grade, are not required.~~

~~(j) — A decision to approve or deny a Sign Permit required by this Chapter shall be made no more than forty-five business days after the date on which the application is deemed complete. When a decision is not made within the required time, and the applicant does not waive time, the application shall be deemed denied. The timeliness requirement may be waived by the applicant.~~

~~(k) — An applicant may seek judicial review of a final decision on any Sign Permit application, pursuant to California Code of Civil Procedure section 1094.8. This provision does not limit an applicant's ability to seek judicial review by other means.~~

~~§95.0108 — Permit Fees~~

~~(a) — General.~~

~~The fees prescribed in this division must be paid to The City of San Diego for each sign installation for which a permit is required by this division and must be paid before any such permit is issued, as herein provided.~~

~~(b) — Sign Permit Fee.~~

~~Fees for sign permits for each sign erected, installed, affixed, structurally or electrically altered, relocated, or created by painting shall be determined in accordance with the fee schedule established by resolution of the City Council and filed in the office of the City Clerk.~~

~~The Director is authorized to determine whether a portion of the fees provided for in Section 95.0108 may be refunded in the event that no portion of any work authorized by the permit has been performed and provided that no inspections have been made. The Director may issue this refund upon application by the permittee within 90 days from the date of permit issuance. Prior to authorization of any refund under Section 95.0108, the Director shall require the return of both the permittee's copy of the issued permit as well as the sign permit sticker.~~

~~(c) — Temporary Sign Use Permit Fees.~~

~~(1) — For each group of wind signs such as banners, pennants, or carnival type signs installed at each premises or tenant's location, the Use Permit Fee shall be determined in accordance with the fee schedule established by resolution of the City Council and filed in the office of the City Clerk. For wind signs mounted on staffs, the longer dimension of each wind sign shall be used at the lineal footage for purposes of computation of lineal limitation and fee. Wind signs may not be displayed for more than 60 consecutive calendar days.~~

~~(2) — For temporary signs, the Use Permit Fee shall be determined in accordance with the fee schedule established by resolution of the City Council filed in the office of the City Clerk.~~

~~(3) For temporary banner signs, the Use Permit Fee for each sign shall be determined in accordance with the fee schedule established by resolution of the City Council and filed in the office of the City Clerk.~~

~~(d) Temporary Sign Use Permits:~~

~~Every person, firm, or corporation erecting, installing, placing, constructing, creating by painting, reconstructing, altering, or moving any sign, temporary sign (including wind signs), street banners or decorating or any supports for the above without first obtaining a valid permit as required in Section 95.0102 and Section 95.0102(b) shall pay a penalty fee as established by resolution of City Council and filed in the office of the City Clerk.~~

~~§95.0109 Conditions for Maintenance Certification Inspection~~

~~(a) The Director shall make a visual inspection of each sign controlled by this Division.~~

~~(b) All signs, together with all of their supports, braces, guys, connections and anchors, shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times. Every sign and the immediate surrounding premises shall be maintained by the owner or person in charge thereof in a safe, clean,~~

~~sanitary, and inoffensive condition, and shall be kept free and clear of all obnoxious substances, rubbish and weeds.~~

~~(c) Any crazing, fading, chipping, peeling, flaking of paint or plastic and any mechanical or structural defect shall be corrected.~~

~~§95.0110 — Removal of Nonconforming Signs~~

~~Signs in existence on April 5, 1973, which do not conform to the provisions of this Code, but which were constructed, erected, affixed or maintained in compliance with all previous regulations, shall be regarded as nonconforming signs which must be either removed or modified to conform to the provisions of this Code by May 15, 1984, or by May 1, 1988, if a conditional extension of time was granted. These provisions were previously a part of Municipal Code section 95.0118 which was amended by Ordinance No. O-11718 (New Series) and Municipal Code section 95.0123 which was repealed by Ordinance No. O-11718 (New Series).~~

~~§95.0111 — Sign Identification~~

~~(a) Each sign not excepted in Section 95.0103(c) shall have affixed to it an official City of San Diego Maintenance Certification Sticker bearing a number which identifies the sign.~~

~~(b) The Maintenance Certification Sticker shall be installed on the bottom or lower right hand corner of the sign, or other location as directed by the~~

~~Development Services Director, where it is readily visible from the public right-of-way or some equally accessible place.~~

- (c) ~~Display of a sign without a City of San Diego Maintenance Certification Sticker shall constitute a violation of this Code and the Director may proceed as provided by Section 12.0201.~~

~~§95.0112 — Structural Design~~

- (a) ~~General. Signs and sign structures shall be designed and constructed to resist wind and seismic forces as specified in this Section. All bracing systems shall be designed and constructed to transfer horizontal forces to the foundations. For signs mounted on buildings, the vertical and horizontal loads shall be transmitted through the structure of the building to the ground in such manner as not to overstress any of the elements thereof.~~

~~The overturning moment produced from horizontal forces acting on a sign shall in no case exceed two thirds of the dead load resisting moment.~~

~~Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or to the structure of the supporting building. The weight of earth superimposed over footings may be used in determining the dead load resisting moment. Such earth shall be carefully placed and thoroughly compacted. When structural engineering analysis is required, such analysis shall be approved by the Building Official.~~

(b) ~~Wind loads. Signs and sign structures shall be designed and constructed to resist wind forces as specified in the California Building Code as adopted by the City.~~

(c) ~~Combined loads. Wind and seismic loads need not be combined in the design of signs or sign structures; only that loading producing the larger stresses need be used.~~

(d) ~~Seismic or wind loads need not be considered in the design of non-electric ground signs 50 square feet or less in sign area and eight feet or less in height to center of gravity.~~

~~Vertical loads shall be assumed to act simultaneously with wind or seismic loads in designing signs and their supports.~~

(e) ~~Allowable stresses. The design of wood, concrete, aluminum, or steel members shall conform to the requirements of the California Building Code as adopted by the City. Vertical and horizontal loads exerted on the soil shall not produce stresses exceeding those specified in the California Building Code as adopted by the City. The working stresses of wire ropes and its fastenings shall not exceed 25 percent of the ultimate strength of the rope or fasteners.~~

~~Working stresses for wind or seismic loads combined with dead loads may be increased as specified in the California Building Code as adopted by the City.~~

~~(f) — Anchorage. Members supporting unbraced signs shall be so proportioned that the bearing loads imposed on the soil in either horizontal or vertical directions shall not exceed allowable values. Braced ground signs shall be anchored to resist the specified wind or seismic load acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to pull out equivalent to a force 25 percent greater than the required resistance to overturning.~~

~~Portable ground signs supported by frames or posts rigidly attached to the base shall be so proportioned that the weight and size of the base will be adequate to resist the wind pressure specified herein.~~

~~Signs attached to masonry, concrete, or steel shall be safely and securely fastened thereto by means of approved metal anchors, bolts, or expansion screws of sufficient size and strength to support the loads applied.~~

~~No wooden blocks, plugs, or anchors of wood used in connection with screws or nails shall be considered an adequate connection, except in the case of signs attached to wood framing.~~

~~No anchor or support for any sign shall be connected to, or supported by, an unbraced parapet wall, unless such wall is designed in accordance with the requirements for parapet walls specified in the California Building Code as adopted by the City.~~

~~§95.0113~~ — ~~Construction Material and Installation Standards~~

~~(a) — General. The supports for all signs or sign structures shall be placed in or upon private property and shall be securely built, constructed, and erected in conformance with the requirements of this Code.~~

~~(b) — Materials. Materials or construction for signs and sign structures shall be of a quality and grade allowed for buildings in the California Building Code as adopted by the City.~~

~~If the frame or cabinet of a sign is to be fabricated of steel, the steel shall be galvanized or painted with rust-inhibiting paint.~~

~~Anchors and supports of wood, when embedded in the soil or within six inches of the soil, shall be pressure treated with an approved preservative. Such treated wood members shall be marked or branded by an approved agency.~~

~~Ground signs may be constructed of any material meeting the requirements of this Code.~~

~~(c) — Required Clearances.~~

~~(1) — General. All types of signs shall conform to the clearance and projection requirements of this Section.~~

~~(2) — Clearance from High Voltage Power Lines. Signs shall be located not less than six feet horizontally or twelve feet vertically from~~

~~overhead electrical conductors which are energized in excess of 750 volts. The term "overhead conductors" as used in this Section, means any electrical conductor, either bare or insulated, installed above the ground except such conductors as are enclosed in approved metal conduits.~~

- ~~(3) — Projection over Alleys. A sign or sign structure shall not project into any public alley below a height of 16 feet above grade, nor project more than 12 inches where the sign structure is located between 16 feet and 18 feet above grade. The sign or sign structure may project not more than 36 inches into the public alley where the sign or sign structure is located more than 18 feet above grade.~~

~~(d) — Electrical Work:~~

- ~~(1) — The electrical supply for a directly illuminated sign shall be a separate circuit or circuits, not connected to other building wiring. Such wiring shall comply with the National Electric Code and shall be authorized by Electrical Permit.~~
- ~~(2) — All directly illuminated signs shall be approved and labeled by Underwriter's Laboratory, or other approved testing laboratory.~~
- ~~(3) — The electrical wiring for and labeling of illuminated signs shall comply with the National Electrical Code as adopted by The City~~

of San Diego. When electrical engineering analysis is required,
such analysis shall be approved by the Building Official.

(e) ~~Plastic. The Director shall require that sufficient technical data be submitted to substantiate the proposed use of any plastic material and, if it is determined that the evidence submitted is satisfactory for the use intended, the Director may approve its use. Manufacturer's recommendations will be utilized when available and applicable. The following requirements represent the acceptable minimum, for normal conditions:~~

(1) ~~Acrylic Plastic:~~

a. ~~Thickness minimum: .125 inches.~~

(2) ~~Fiberglass:~~

b. ~~Thickness minimum: .080 inches.~~

(f) ~~Steel Decorations and Trim. All grades of steel shall be galvanized or properly primed and top coated for corrosion resistance.~~

(g) ~~Design and Fabrication of Plastic Sign Faces.~~

(1) ~~Edge retaining angle. The depth of edge engagement must be sufficient to provide for thermal expansion and contraction. The frame depth shall be 1/4 inch plus 1/8 inch per running foot of plexiglas in length and width. To provide expansion clearance, the~~

flat Plexiglas sheet shall be cut 1/16 inch per running foot shorter than the sign cabinet retainer in both dimensions.

~~(2) — Hanging Bar: Any plastic sign face that is two feet by six feet or larger shall have a hanging bar.~~

~~(3) — Ribs shall be a minimum of .250 of an inch thick and three inches deep. The ribs will run parallel to the short dimension and extend to the edges of the face.~~

~~(4) — Bumpers shall be designed to resist buckling under the positive design wind load and with a resilient tip. The tip of the bumper shall be positioned at least one inch from the face. Each bumper shall be positioned for equal design loading.~~

~~(5) — Tiebacks: A sign face larger than six feet by six feet shall use tiebacks approximately four feet on centers. The tiebacks shall be attached to a structural part of the sign cabinet.~~

~~(6) — This section does not apply to channel letters where the plexiglas is glued to the retainer.~~

~~§95.0114 — Existing Signs~~

~~Any sign erected under the provisions of Chapter 10, Article 1, Division 11, and Chapter 9, Article 5, Division 1 of this Code and subsequent to the effective date of Ordinance No. 11000 (New Series), need not be removed or brought into~~

conformance due to regulatory revisions to Chapter 10, Article 1, Division 11,
unless said sign is relocated or altered to the extent that a Building Permit is
required.

~~§95.0115~~ — Nonconforming Signs on Rezoned Property

Notwithstanding any provisions in this Code to the contrary, signs constructed,
erected, affixed, or maintained in compliance with regulations applicable to the
zone in which signs were located which become nonconforming due to a rezoning
of the property subsequent to April 5, 1973, may continue to be used for a period
of seven years from the effective date of the rezoning action before conformance
or removal.

~~§95.0116~~ — Signs on Annexed Property

Maintenance Certification Stickers for existing signs located on newly annexed
properties shall be obtained within three months after the effective date of the
annexation.

Nonconforming signs shall be brought into conformance or removed within five
years after the effective date of the annexation.

~~§95.0117~~ — Liability

The provisions of this Code shall not be construed as relieving or limiting in any
way the responsibility or liability of any person erecting or owning any sign, for
personal injury or property damage resulting from the placing of a sign, or

~~resulting from the negligence or willful acts of such person, its agents, employees, or workmen in the construction, maintenance, repair or removal of any sign erected in accordance with a permit issued hereunder. Nor shall it be construed as imposing upon the City or its officers or employees any responsibility or liability by reason of the approval of any signs, materials or devices under the provisions of this Code.~~

~~§95.0130 — Enforcement Authority~~

~~The Director and any of his or her designated Enforcement Officials may exercise any of the enforcement powers provided in Division 1, Article 2 of Chapter 1 of this Code. The Director may promulgate policies and regulations reasonably necessary to implement the intent and provisions of this Division.~~

~~§95.0131 — General Prohibitions and Enforcement Remedies~~

- ~~(a) — It is unlawful for any person, including a Responsible Party as defined in Section 95.0101, to erect, place, post, construct, reconstruct, alter, maintain or move any sign in violation of any provision contained in this Division.~~
- ~~(b) — Violations of this Division may be prosecuted as misdemeanors subject to the penalties and custody provided in Municipal Code Section 12.0201. The Director may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code Section 12.0202 or pursue any administrative remedy provided in Chapter 1 of this Code. In addition to~~

~~the general remedies in Chapter 1, the Director may use the special sign abatement procedures found in Sections 95.0133 and 95.0135 of this Division.~~

~~§95.0132 — Strict Liability~~

~~Violations of this Division shall be treated as strict liability offenses regardless of intent.~~

~~§95.0133 — Abatement of Dangerous Signs~~

~~Where any sign is in danger of falling or is a threat to the safety of persons or property, the Director may issue to the Responsible Party in charge of the sign a written notice. The written notice shall specify the dangerous conditions of the sign, list any sign violation, order the immediate abatement of the dangerous conditions, and require either the removal of the sign or repair within the time specified in the notice. The Director shall serve this notice upon the Responsible Party in accordance with Section 11.0301 of this Code. The Director may then follow the administrative abatement procedures in Municipal Code Sections 12.0601 through 12.0604.~~

~~§95.0134 — Discontinuance of Businesses~~

~~The Director may require the removal of the on-premise signs advertising or identifying the establishment upon the discontinuance of the business or occupancy.~~

~~§95.0135~~ — **Sign Violations on Public Property**

- (a) — ~~It is unlawful for any person, including a Responsible Party, to place, post, paint or secure any sign, pennant, flag, banner, balloon, or similar attention-seeking device on public property or within the public rights-of-way.~~
- (b) — ~~It is unlawful for any person to place any lettering, card, poster or notice of any kind, on any curb, sidewalk, street, pole, post, lamp post, utility box, hydrant, bridge, tree, building or other surface which is located on public property, including the public rights-of-way.~~
- (c) — ~~Those signs which have been authorized by a specific state statute or municipal ordinance and placed on public property or in the public rights-of-way shall not be treated as a violation of Section 95.0135.~~
- (d) — ~~The Director or any of his or her Enforcement Officials may summarily abate a violation of Section 95.0135 by removing any unauthorized sign without prior notice and may recover the costs incurred in removing any unauthorized signs by using any of the administrative or judicial procedures that are provided in Municipal Code Chapter 1.~~
- (e) — ~~If it is determined that removal of a sign may cause defacement or damage to private or public property, the Director shall notify the Responsible Party to remove the offending material within ten (10) calendar days or be billed for the costs of removal, repair, replacement or refinishing of the~~

~~damaged or defaced public property. If immediate action is necessitated because of public safety considerations, the Responsible Party shall be billed for the necessary costs of removal, repair, replacement or refinishing. The Responsible Party who elects to remove the offending material shall be responsible for necessary costs of any repairs, replacement or refinishing to the satisfaction of the Director.~~

~~(f) — Signs placed on public property or in the public rights-of-way, and summarily confiscated under the procedures of Section 95.0135 may be disposed of in any manner approved by the Director or any of the Director's Enforcement Officials.~~

~~(g) — Any lettering, advertisement, card, poster, sign or notice which has been properly removed under Section 95.0135 may be returned to the owner or Responsible Party upon payment by the owner or Responsible Party to the City for the administrative cost of removal, as determined by the Director.~~

~~(h) — If the Responsible Party fails to make a request for a hearing under Section 95.0136 or if no demand is made for the return of the materials removed within thirty (30) calendar days of the date of removal, then the Director is authorized to destroy or dispose of the removed materials.~~

~~§95.0136 — Post Summary Abatement Hearing Procedures~~

~~(a) — The Responsible Party of any lettering, advertisement, card, poster, sign, or notice of any kind placed upon public property, which has been~~

~~removed without prior notice to the Responsible Party, pursuant to the provisions of Section 95.0135, may request a hearing. The request for a hearing shall be made in writing to the Director and shall be made within ten (10) calendar days from the date of the removal. The purpose of such a hearing shall be limited to determining whether the lettering, advertisement, card, poster, sign or notice was in fact located upon public property including within the public rights of way, in violation of Municipal Code Section 95.0135.~~

~~(b) — Upon receiving a written request for a hearing, the Director shall schedule a hearing within thirty (30) calendar days from the date of the request. The Director shall serve a hearing notice to the Responsible Party by any of the means provided in Municipal Code Section 11.0301. The notification shall include the date, time and place of hearing. The hearing shall be conducted by an Enforcement Hearing Officer who shall follow the City Manager's Enforcement Hearing Policies and Procedures.~~

~~(c) — A written copy of the Enforcement Hearing Officer's decision shall be furnished to the Responsible Party or the sign or his designated representative. The Enforcement Hearing Officer's decision is the final administrative remedy without further administrative appeals.~~

~~§05.0137~~ — ~~Presumption of Responsible Party~~

~~The Responsible Party for the placement or posting of signs in violation of this Division is presumed to be the person or organization whose name appears on the signs in the following situations:~~

- ~~(a) — The candidate seeking election to any office or position; or~~
- ~~(b) — The party promoting, sponsoring, supporting or advocating any ballot proposition (including any initiative or referendum) or any candidate; or~~
- ~~(c) — The party opposing or advocating the defeat of any ballot proposition (including any initiative or referendum) or any candidate; or~~
- ~~(d) — Any party, including any private property owner, real estate agent, broker, brokerage firm or other person whose name, telephone or fax number, address or post office box, appears on a sign advertising property for sale, lease or rent or providing directional information to the property by inclusion of a name, street address or location; or~~
- ~~(e) — The property owner, lessee or renter of a property which is used for a yard, garage, alley or similar sale or swap meet; or~~
- ~~(f) — The property owner, lessee or renter of a property used for commercial activities or events (including properties having Home Occupation permits issued under the provisions of Municipal Code Section 101.0406); or~~

- (g) ~~—The party whose name, telephone or fax number, or address appears on a sign advertising a sporting event, trade show, concert, theatrical performance, swap meet or similar activity or event; (if this information does not appear on signs advertising the activity or event, the Responsible Party may be determined by information obtained from other media sources advertising the activity or event); or~~
- (h) ~~—The property owner, manager, lessee, tenant or renter of the property or facility on which an activity or event occurs; or~~
- (i) ~~—The party whose name, telephone or fax number, or address appears on a sign as the party to contact regarding a product, place, service, event or other activity.~~

~~More than one person may be deemed responsible for the placement of the same sign.~~

~~§95.0138 — Procedure to Rebut Presumption of Responsible Party~~

~~For purposes of this Division, the person presumed to be the Responsible Party may rebut the presumption by filing a declaration with the Director, signed under penalty of perjury that he or she did not cause, authorize, allow, encourage, or by some other action cause or permit the placement of any sign, or derive any benefit from a sign placed in violation of this Division. The Director shall determine whether a person has rebutted the Responsible Party presumption. The Director may develop written policies to facilitate this determination.~~

~~§95.0139~~ — ~~Administrative Citations Penalty Schedule~~

~~The Director, in accordance with the provisions of Municipal Code Section 12.0801, may establish a civil penalty schedule for administrative citations issued for any signs in violation of Section 95.0131 and signs placed on public property and in the public rights of way in violation of Section 95.0135. In establishing this schedule of administrative citations, consideration shall be given to the costs incurred by the City in enforcing the provisions of this Division and to the level of deterrence which will discourage violations of this Division.~~

§131.0222 Use Regulations Table for Open Space Zones

[No change.]

Table 131-02B
Use Regulations Table of Open Space Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones				
	1st & 2nd >>	OP-		OC-	OR ⁽¹⁾ -	OF ⁽¹²⁾ -
	3rd >>	1-	2-	1-	1-	1-
	4th >>	1	1	1	1	2
Open Space through Industrial [No change.]						
Signs						
Allowable Signs		P	P	P	P	P
Separately Regulated Signs Uses:						
Community Identification Entry Signs		-	-	-	-	-
Neighborhood Identification Signs		-	-	-	-	-
Reallocation of Sign Area Allowance		-	-	-	-	-
Revolving Projecting Signs		-	-	-	-	-
Signs with Automatic Changing Copy		-	-	-	-	-
Theater Marquees		-	-	-	-	-

[No change in Footnotes.]

§131.0322 Use Regulations Table for Agricultural Zones

[No change.]

Table 131-03B
Use Regulations Table of Agricultural Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Open Space through Industrial [No change.]					
Signs					
Allowable Signs		L		L	
Separately Regulated Signs Uses					

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	I-		I-	
	4th >>	1	2	1	2
Community Identification <u>Entry Signs</u>		NL		NL	
<u>Neighborhood Identification Signs</u>		N		N	
Reallocation of Sign Area Allowance		-		-	
Revolving Projecting Signs		-		-	
Signs with Automatic Changing Copy		-		-	
Theater Marquees		-		-	

[No change in Footnotes.]

§131.0422 Use Regulations Table for Residential Zones

[No change.]

Table 131-04B
Use Regulations Table of 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
Open Space through Industrial [No change.]																									
Signs																									
Allowable Signs		P		P										P		P									
Separately Regulated Signs Uses																									
Community Entry Signs		L		L										L		L									
Community Neighborhood Identification Signs		N		N										N		N									
Reallocation of Sign Area Allowance		-		-										-		-									
Revolving Projecting Signs		-		-										-		-									
Signs with Automatic Changing Copy		-		-										-		-									
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
Open Space through Industrial [No change.]													
Signs													
Allowable Signs		P			P			P			P		P
Separately Regulated Signs Uses													
Community Entry Signs		L			L			L			L		L
Community Neighborhood Identification Signs		N			N			N			N		N
Reallocation of Sign Area Allowance		-			-			-			-		-
Revolving Projecting Signs		-			-			-			-		-
Signs with Automatic Changing Copy		-			-			-			-		-
Theater Marquees		-											

[No change in Footnotes.]

§131.0522 Use Regulations Table of Commercial Zones

[No change.]

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 ⁽¹⁾ -			CR-		CO-		CV-		CP-
	3rd >>	1-			1-	2-	1-		1-		1-
	4th >>	1	2	3	1	1	1	2	1	2	1
Open Space											
Signs											
Allowable Signs		P			P	P	P		P		P
Separately Regulated Signs Uses											
Community Entry Signs		L			L	L	L		L		L
Community Neighborhood Identification Signs		-			-	-	-		-		-
Reallocation of Sign Area Allowance		N			N	N	N		N		N

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 ⁽¹⁾ -			CR-		CO-		CV-		CP-
	3rd >>	1-			1-	2-	1-		1-		1-
	4th >>	1	2	3	1	1	1	2	1	2	1
Revolving <i>Projecting Signs</i>		N			N	N	N		N		N
<i>Signs</i> with Automatic Changing Copy		N			N	N	N		N		N
Theater <i>Marquees</i>		-			N	N	-		N		-

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	1	2	3	4	5	1	2	3	4	5		

Open Space**Signs**

Allowable <i>Signs</i>	P	P	P	P	P
Separately Regulated <i>Signs</i> Uses					
<u>Community Entry Signs</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Community Neighborhood Identification Signs</u>	-	-	-	-	-
Reallocation of Sign Area Allowance	N	N	N	N	N
Revolving <i>Projecting Signs</i>	N	N	N	N	N
<i>Signs</i> with Automatic Changing Copy	N	N	N	N	N
Theater <i>Marquees</i>	N	N	N	N	N

[No change in Footnotes.]

§131.0622 Use Regulations Table for Industrial Zones

[No change.]

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-	
		3rd >>	1-	2-	1-	2-	3-	1-	2-	1-
		4th >>	1	1	1	1	1	1	1	1
Open Space										
Signs										
Allowable Signs		P	P	P	P	P	P	P	P	
Separately Regulated Signs Uses										
Community Identification Entry Signs		-L	-L	-L	-L	-L	-L	-L	-L	
Neighborhood Identification Signs		=	=	=	=	=	=	=	=	
Reallocation of Sign Area Allowance		N	N	N	N	N	N	N	N	
Revolving Projecting Signs		N	N	N	N	N	N	N	N	
Signs with Automatic Changing Copy		N	N	N	N	N	N	N	N	
Theater Marquees		-	-	-	N	N	-	-	-	

[No change in Footnotes.]

§141.1104 141.1101 **Community Entry Signs**

Community entry signs are used by local communities to identify community area limits. Community entry signs may be 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) Application shall be made by a recognized group, such as a Town Council, Civic Association, or Community Planning Committee, affiliated with a community with an adopted land use plan.

(b) No more than one sign shall be installed on each major approach to the community, with no more than four signs in total for the community.

(c) Community entry signs may be located within the public right-of-way.

Where located on private property, the sign shall be located within 12 feet of the public right-of-way.

(d) The signs shall be ground-mounted and stationary.

(e) The applicant shall demonstrate to the satisfaction of the City Engineer that the proposed community entry sign would not impede sight distance for drivers or pedestrians.

(f) An Encroachment Maintenance and Removal Agreement shall be processed for the community entry sign in accordance with Section 129.0715.

§141.1104 §141.1102 Community Neighborhood Identification Signs

Neighborhood identification signs are signs that are typically located at the entrances of subdivisions or neighborhoods. Community Neighborhood identification signs may be permitted with a Neighborhood Use Permit in the zones indicated with an "N" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) Community Entry Signs(1) No more than one sign shall be installed on each major approach to the community, with no more than four signs in total for the community.

- (2) ~~Community entry signs shall not encroach into the public right-of-way but shall be located within 12 feet of the public right-of-way.~~
- (3) ~~The signs shall be ground-mounted and stationary.~~
- (4) ~~The area of the sign that identifies the community shall not exceed 4 feet in height or 8 feet in length. An area of equivalent dimensions may be used for individual signs or symbols identifying civic or fraternal organizations. Information pertaining to the date, time, and place of meetings or services may be provided. Directions or commercial advertising is not permitted. These individual signs or symbols shall not exceed 2 feet in height or length each.~~
- (5) ~~Community entry signs may be illuminated only with low intensity, ground-mounted flood lights.~~
- (b) ~~Neighborhood Area Identification Signs(1) No more than one sign shall be permitted at an entrance to a subdivision or neighborhood, with no more than four signs in total for a neighborhood area.~~
- (2b) Neighborhood area identification signs shall not be located ~~within~~on private property and shall be set back a minimum of 6 feet ~~off~~from the public right-of-way. The applicant shall demonstrate to the satisfaction of the City Engineer that the proposed neighborhood identification sign would not impede sight distance for drivers or pedestrians.

~~(3) Signs shall be one of the following types:~~

~~(A) Monument signs not exceeding 4 feet in height or~~ Neighborhood
area identification signs shall be designed as ground signs with a
maximum height of 6 feet in length. The and a maximum sign copy area
~~shall not exceed two thirds of the sign face; or (B) Signs on freestanding~~
~~walls not exceeding 6 feet in height and of 20 square feet in sign copy~~
~~area.~~

~~(4d)~~ (4d) The information on the *signs* shall be limited to the identification of the neighborhood area. Directional, commercial, or institutionally oriented information is not permitted.

~~(5e)~~ (5e) Neighborhood area identification *signs* may be illuminated only with low intensity ground-mounted flood lights.

~~(6f)~~ (6f) Neighborhood area identification *signs* shall be constructed of stone, brick, adobe, rough-hewn wood, logs, beams, planks, or similar materials. Plywood *signs* are not permitted.

~~§141.1105~~ 141.1103 Reallocation of Sign Area Allowance

[No change.]

~~§141.1101~~ 141.1104 Revolving Projecting Signs

[No change.]

~~§141.1102~~ 141.1105 **Signs with Automatic Changing Copy**

[No change.]

~~§141.1103~~ 141.1106 **Theater Marquees**

[No change]

§142.1210 General Sign Regulations

This section is divided into subsections for copy regulations, locational regulations, structural regulations, and *sign* maintenance regulations.

(a) [No change.]

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

(A) [No change.]

(B) *Signs* with automatic changing copy may be permitted with a Neighborhood Use Permit in compliance with Section

~~141.1102~~ 141.1105.

(3) through-(10) [No change.]

(b) **Locational Regulations**

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

(5) *Signs* on Public Property and in *Public Rights-of-Way*

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

(F) Community entry *signs* within the *public right-of-way* shall conform to ~~the Community Identification Signs Guidelines of the Land Development Manual~~ Section 141.1101.

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

§142.1260 Signs Permitted by Higher Process

[No change.]

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

(d) ~~Community~~ Neighborhood identification *signs*, and

(e) [No change.]

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