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Th9b

Addendum #1

January 22, 1999

RECORD PACKET COPY

To: Commissioners and Interested Persons

From: Staff – San Diego Office

Subject: Addendum to **Item Th9b**, City of San Diego Major LCP Amendment #1-98B (Land Development Code) for the Commission Meeting of February 3-5, 1999

The following addendum includes Suggested Modifications to the Land Development Manuel. These items were omitted from the staff report dated January 14, 1999 due to time constraints associated with the mailing deadline.

Additionally, there is a table of contents for the suggested modifications to the Environmentally Sensitive Lands regulations due to the fact that the numbers for those suggested modifications were inadvertently cut off in the margins. Staff recommends the numbers be added to aid in discussion and comprehension of the staff report. Also, there is a minor correction to the wetlands definition. Staff recommends that the previous suggested modification which did not allow "man-made" wetlands to be included in the definition within the coastal zone, be eliminated, due to the language added in the Biology Guidelines which clarifies the types of wetland areas considered to be artificially created.

In the following suggested modifications, as was done in the staff report, the non-bold strike-out/underline reflects the staff recommendation for the October 1998 report. The bold strike-out underline, or both strike-out and underline, reflect the revised staff recommendation for the February 1999 report. A staff recommendation was not prepared for the Steep Hillside Guidelines in the October report. A staff recommendation for any necessary changes to the Landscape Standards is still forthcoming.

D. SUGGESTED MODIFICATIONS FOR LAND DEVELOPMENT MANUAL

BIOLOGY GUIDELINES – SUGGESTED MODIFICATIONS

1. On Page 1, revise the first paragraph as follows:

These Guidelines have been formulated by the Development Services Department to aid in the implementation and interpretation of the Environmentally Sensitive Lands Regulations (ESL), San Diego Land Development Code, Chapter 14, Division 1, Section 143.0101 et seq, and the Open Space Residential (OR-1-2) Zone, SDLDC, Chapter 13, Division 1, Section 131.0201 et seq. Section III of these Guidelines, (Biological Impact Analysis and Mitigation Procedures), also serve as standards for the determination of impact and mitigation under the California Environmental Quality Act (CEQA) **and the Coastal Act**. ~~The Environmentally Sensitive Lands Regulations for the Coastal Overlay Zone, commencing with Section 143.0146, are applicable to any coastal development proposed within the Coastal Overlay Zone that requires a Coastal Development Permit pursuant to the California Coastal Act of 1976.~~

These guidelines are the baseline biological standards for processing Neighborhood Development Permits, ~~and~~ Site Development Permits and Coastal Development Permits issued pursuant to the ESL.

2. On Page 2, revise the third complete paragraph as follows:

~~Except within the Coastal Zone, a~~ Areas that contain wetland vegetation, soils or hydrology created by human activities in historically non-wetland areas do not qualify as wetlands under this definition." ~~Examples are~~ **Artificially created "wetlands" consist of the following:** wetland vegetation growing in brow ditches **and similar drainage structures outside of natural drainage courses**, wastewater treatment ponds, **stock watering, desiltation and retention basins, water ponding on landfill surfaces,** ~~and~~ road ruts created by ~~off-road~~ vehicles **and artificially irrigated areas which would revert to uplands if the irrigation ceased.** ~~(see also Corps of Engineers Regulatory Program Regulations (33 CFR) Section 328.3 (a) (e) for additional examples).~~ [...]

3. On Page 3, revise Section (B) as follows:

B. Wetland Buffers. A wetland buffer is an area or feature(s) surrounding an identified wetland that helps to protect~~s~~ the functions and values of the adjacent wetland by reducing physical disturbance from noise, activity and domestic animals and provides a transition zone where one habitat ~~grades~~ **phases** into another. **Uses permitted within wetland buffers are specified in Section 143.0130(e).**

4. On Page 4, add the following after the fourth paragraph of Section IIA(1) as follows:

However, within the Coastal Overlay Zone, both within and outside the MHPA, impacts to wetlands ~~should~~ **shall** be avoided and only those uses identified in Section **143.0130(d)** ~~143.0146~~ shall be permitted which are limited to aquaculture, nature study projects or similar resource dependent uses, wetland restoration projects and incidental public service projects. Such impacts to wetlands shall only occur if they are unavoidable, the least environmentally-damaging feasible alternative, and adequate mitigation is provided.

5. On Page 4, the last paragraph of Section IIA(1) shall be revised to include minimum wetland buffer width as follows:

A wetland buffer shall be maintained around all wetlands ~~as when necessary and~~ as appropriate to protect the functions and values of the wetland. [...] Wetland buffers should be provided at a minimum 100 ft. wide adjacent to all identified wetlands ~~and 50 ft. wide adjacent to riparian areas.~~ The width of the buffer may be either increased or decreased as determined on a case-by-case basis, in consultation with the California Department of Fish and Game, **the U.S, Fish and Wildlife Service and the Army Corps of Engineers,** taking into consideration the type and size of development, the sensitivity of the wetland resources to detrimental edge effects, natural feature such as topography, and the functions and values of the wetland. [...]

6. On Page 5, revise Section IIA(2) ~~**as follows:**~~

> ~~2. Development in the MHPA. For parcels outside of the Coastal Zone and wholly or partially within the MHPA, a development is limited to the development area allowed by the OR-1-2 zone, as described below (see Section II.B). [...]~~

~~**7. On Page 5, revise**~~ **the last paragraph as follows:**

Proposed development must be sited on the least sensitive areas and only encroach into more sensitive areas in order to achieve the allowable development area. Within the Coastal Overlay Zone, specific **discretionary** encroachment limitations into ~~sensitive~~ steep hillsides **containing sensitive biological resources** are established in Section **143.0142(a)(4)** ~~143.0146~~ of the ESL.

which shall supercede the allowable development area permitted pursuant to the OR-1-2 zone.

8. On Page 6, revise Section IIA(3) as follows:

3. Development Outside of the MHPA. For parcels outside of the Coastal Overlay Zone and the MHPA, there is no limit on the encroachment into Sensitive Biological Resources, with the exception of wetlands, and listed non-covered species habitat (which are regulated by state and federal agencies and narrow endemic species as described below). However, impacts to Sensitive Biological Resources must be assessed and mitigation, where necessary, must be provided. Within the Coastal Overlay Zone, specific encroachment limitations into ~~sensitive~~ steep hillsides **containing sensitive biological resources,** and permitted uses within wetlands are established in Section **143.0142(a) and Section 143.0130(d) respectively, which, in case of conflict, shall supercede other regulations.**~~143.0146~~ of the ESL. [...]

9. On Page 7, ~~revise~~ add the following as Section IIB(2) as follows:

B. Open Space Residential Zone (OR-1-2)

The OR-1-2 Zone provides for low- density residential, agricultural and passive open space uses. Every parcel zoned OR-1-2 ~~and located outside the Coastal Overlay Zone~~, has a development area as follows:

~~**10. On Page 7, add the following to the end of Section IIB as follows:**~~

~~[...]~~ **2.** Within the Coastal Overlay Zone, **there are** specific **and discretionary** encroachment limitations into sensitive steep hillsides ~~are~~ established in Section **143.0142(a)(4)** ~~143.0146~~ of the ESL. **These restrictions are designed to assure that development onto steep hillsides containing sensitive biological resources is minimized. Additionally, development within wetlands shall be avoided to the maximum extent possible. In the event impacts to wetlands are unavoidable, only uses identified in Section 143.0130(d) which include, aquaculture, wetlands-related scientific research and educational uses, wetland restoration projects and incidental public service projects shall be permitted within wetlands. These uses are only permitted where it has been demonstrated there is no less environmentally damaging feasible alternative and mitigation has been provided. In case of conflict with the OR-1-2 zone and/or other regulations, these regulations shall supercede and apply.**

11. On Page 8, revise Figure 1 as follows:

FIGURE 1
OR-1-2 Zone Development Area (outside the Coastal Zone)
Examples

12. On Page 13, revise Section III(B)(a) as follows:

a. Mitigation for Wetlands Impacts

The ESL regulations require that impacts to wetlands be avoided. Unavoidable impacts should be minimized to the maximum extent practicable, and mitigated as follows:

As part of the project-specific environmental review pursuant to CEQA, all unavoidable wetland impacts (both temporary and permanent) will need to be analyzed and mitigation will be required in accordance with Table 2; mitigation should be based on the impacted type of wetland habitat. Mitigation should prevent any net loss of wetland functions and values of the impacted wetland.

The following provides an operational definition of the four types of activities that constitute wetland mitigation under the ESL:

Wetland creation is activity that results in the formation of a new wetland in an upland area. An example is the excavation of uplands adjacent to existing wetlands and the establishment of native vegetation.

Wetland restoration is activity that re-establishes the habitat functions of a former wetland. An example is the excavation of agricultural fill from historic wetlands and the re-establishment of native wetland vegetation.

Wetland enhancement is activity that improves the habitat functions of an existing wetland. An example is the removal of exotic species from existing riparian habitat.

Wetland enhancement and wetland acquisition focus on the preservation or the improvement of existing wetland habitat and function and do not result in an increase in wetland area; therefore, a net loss of wetland may result. As such, ~~A~~ acquisition and/or enhancement of existing wetlands may be considered as partial mitigation **only,** for any balance of the remaining mitigation requirement after **restoration or** creation if wetland acreage is provided at a minimum of a 1:1 ratio ~~for any project involving temporary impacts to wetlands~~. For permanent wetland impacts that are unavoidable and minimized to the maximum extent feasible, mitigation shall consist of creation of new, in-kind habitat **to the fullest extent possible and** at the appropriate ratios. In addition, unavoidable impacts to wetlands located within the Coastal Overlay Zone shall be mitigated on-site, if feasible. If on-site mitigation is not feasible, then mitigation shall occur within the same watershed. All mitigation for unavoidable wetland impacts within the Coastal Overlay Zone, shall occur within the Coastal Overlay Zone.

For example, satisfaction of the mitigation requirement may be considered for a 3:1 mitigation ratio, with two parts consisting of acquisition and/or enhancement of existing acres, and one part **restoration or** creation.

The restoration of illegally filled historic wetland areas will not be considered for mitigation, and may result in code enforcement actions or may require restoration as a condition of project approval. All restoration proposals should evaluate the reason for the historic wetland loss (e.g. placement of fill, changes in upstream or groundwater hydrology), the approximate date of the loss, and a determination of whether the historic loss was legally conducted based upon the regulatory requirements at the time of the loss and ownership of the property.

[...]

13. **On Page 14, revise Table 2** to indicate that within the Coastal Zone, mitigation for impacts to riparian scrub habitat shall be at a 3:1 ratio and 4:1 for impacts to freshwater marsh.

14. On Page 15, revise b(1) as follows:

(1) Upland Impacts Within the MHPA (Outside the Coastal Zone). [....]

15. On Page 15, revise b(2) as follows:

(2) Upland Impacts Outside of the MHPA (Outside the Coastal Zone).

[...]

16. On Page 17, add the following after the second complete paragraph:

(3) Upland Impacts Within the Coastal Zone.

Within the Coastal Overlay Zone, encroachment within sensitive biological resources on steep hillsides shall be avoided to the maximum extent possible, and permitted only when in conformance with the encroachment limitations set forth in Section 143.0142(a)(4). Mitigation for permitted impacts shall be required pursuant to Section IIIB1b(1) and (2) above. ~~The provisions of Subsection III B. 1.b(1) and (2) above shall apply to development on premises within the Coastal Overlay Zone which are not included within the sensitive areas identified on Map Drawing No.C-720 (on file in the office of the City Clerk as Document No. 00-17065) and Map Drawing No. C-713 (on file in the office of the City Clerk as Document No. 00-17062.~~

17. On Page 28, add the following under IV. Findings/Deviations after the first paragraph:

In the Coastal Overlay Zone, a Coastal Development Permit will be required regardless of whether a Site Development Permit or Neighborhood Development Permit is required for all coastal development proposed within the Coastal Overlay Zone and which does not qualify for an exemption pursuant to Section 126.0407. Such coastal development is subject to the Environmentally Sensitive Lands Regulations **as applicable within** ~~for~~ the Coastal Overlay Zone. **The findings required in Section 126.0708 must be made to assure conformance with the land use plans and implementation program of the certified Local Coastal Program.** ~~(commencing with Section 143.0146). That section contains specific findings required to assure the proposed development is in conformance with the ESL regulations. These required findings are also found in Section IV.C of these guidelines.~~

Additionally, if a deviation from any of the Environmentally Sensitive Lands regulations is requested, two more findings must be made in addition to the general Neighborhood Development Permit or Site Development Permit findings and the five additional findings for environmentally sensitive lands. Deviations from the environmentally sensitive lands regulations are not applicable in the Coastal Overlay Zone, **except in the limited circumstance if an applicant contends that the application of Section 142.0130(d), which identifies permitted uses within wetlands, would result in denial of all economically viable use of the property. In such a case, the Coastal Development Permit shall be approved only after the decision maker makes an economically viable use determination, pursuant to Section 126.0708(e)(1) and findings pursuant to Section 126.0708(e)(2).**

~~**18. On Page 31, add the following as new section C:**~~

~~C. Additional Coastal Development Permit Findings for Conformance with the ESL~~

~~An application for a Coastal Development Permit may be approved or conditionally approved only if the decision maker makes the following findings addressing conformance with the environmentally sensitive lands regulations which are applicable in the Coastal Overlay Zone.~~

~~(a) The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; nor will it obstruct views to an along the ocean and other scenic coastal areas from public vantage points.~~

~~(b) The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands;~~

~~(c) The proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards;~~

~~(d) The proposed development will not contribute to erosion of public beaches or adversely impact local shoreline sand supply.~~

~~(e) The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate negative impacts created by the proposed development.~~

~~(f) The proposed development retains the visual quality of the site, the aesthetic qualities of the area and the neighborhood characteristics by utilizing proper structural scale and character, varied architectural treatments and appropriate plant materials.~~

COASTAL BLUFFS AND BEACHES GUIDELINES – SUGGESTED MODIFICATIONS

1. On Page 1, the last sentence of the first paragragh should be revised as follows:

A Coastal Development Permit will be required in addition to the Site Development Permit for all coastal development proposed within the Coastal Overlay Zone and which does not qualify for an exemption pursuant to Section 126.0407~~. Such coastal development is subject to the Environmentally Sensitive Lands Regulations for the Coastal Overlay Zone (commencing with Section 143.0146) which contains specific findings required to assure the proposed development is in conformance with those regulations.~~

~~All references to current Section 143.0143 Development Regulations for Coastal Bluffs and Section 143.044 Development Regulations for Coastal Beaches should be changed to the new location within Section 143.0146 containing the Environmentally Sensitive Lands Regulations for the Coastal Overlay Zone. Also, in underlining the entire new section 143.0146, the suggested modifications to the City's language (underlined additions) for these sections were eliminated. Attached is a strike-out/underline version of just these two sections for your reference.~~

2. On Page 3, revise (C) as follows:

(C) Coastal Beach

Coastal Beach means the land between the edge of the sea and the first line of terrestrial vegetation or development or the toe of the adjacent sensitive coastal bluff ~~or seawall,~~ whichever is the most seaward.

A coastal beach is an Environmentally Sensitive Land that is generally defined as the land lying between the shoreline and the toe of the adjacent sensitive coastal bluff ~~or seawall.~~ If a seawall exists, the landward limit of the beach is still the toe of the bluff. The seawall would represent a seaward encroachment onto the beach. If no seawall or bluff exists, the landward limits of the beach shall be the first line of terrestrial vegetation.

~~The definition of coastal beach should be revised in Section 113.0103 in the same way as above.~~

3. On Page 3, revise (D) as follows:

(D) Coastal Bluff Edge

Coastal Bluff Edge means the ~~seaward upper-most~~ termination of the top of a sensitive coastal bluff where the downward gradient of the land surface begins to increase more or less continuously until it reaches the general gradient of the coastal bluff face.

4. On Page 5, revise the first paragraph as follows:

The regulations for development proposed on a sensitive coastal bluff **are located in Section 143.0143. T** ~~and~~ the regulations for development proposed on a site containing a coastal beach are located in Section **143.0144**~~-143.0146 which contains the Environmentally Sensitive Lands Regulations applicable within the Coastal Overlay Zone commencing with Section 143.0146.~~

5. On Page 5, revise (B) (2) as follows:

(2) Development may be located less than 40 feet but not less than 25 feet from the coastal bluff edge if there is evidence in a geology report that the site is stable enough to support the development at that proposed distance and if the development will neither be subject to nor contribute to significant geologic instability or require a shoreline or bluff erosion control device. In determining the stability of the sensitive coastal bluff, consideration shall be given to the rate of bluff retreat to determine whether the proposed development will be impacted within a reasonable economic life-span, taken to be 75 years. If a development is approved with a less-than-40-foot distance to the coastal bluff edge, future erosion control measures ~~may~~ shall be precluded, ~~if it cannot be demonstrated that the bluff stability is in danger~~ unless there is a significant change of circumstances which varies greatly from the predicted natural rate of erosion contained in the geology report which determined the site was stable for the proposed development. Air-placed concrete, retaining walls and seawalls will only be permitted when the principal structure, or public improvements not capable of being relocated, are in eminent danger. Less environmentally-damaging alternatives that reduce risk and avoid the need to significantly alter the natural landforms of the beach and/or bluff shall be considered as feasible.

6. On Page 6, revise (B)(3) as follows:

(3) A distance of five feet from the coastal bluff edge may be granted for landscape features and accessory structures that are located at grade so that they are not elevated at the base or constructed with a raised floor, and are capable of being relocated.

7. On Page 6, revise (B)(4) as follows:

(4) ~~Fences on the side property lines are not subject to a distance requirement from the coastal bluff edge as long as the fence is an open fence and does not exceed 5 feet in height. This type of fence may extend to the coastal bluff edge only when it is located at the side property line, but in no case may the fence extend onto the coastal bluff face. Additionally, the portion of the fence located within 5 feet of the bluff edge shall be an open fence, no more than 6 feet high and at-grade, and shall not interfere with any designated public access easements, historically used pedestrian trails, or public view of the shoreline.....~~ **Open fences may be permitted closer than 5 feet to the coastal bluff edge only if necessary to provide for public safety and to protect resource areas accessible from public right-of-ways or on public parkland.**

8. On Page 6, revise the third paragraph of (C) as follows:

Air-placed concrete, retaining walls, and buttress fills shall only be used to protect existing principle structures, or public improvements not capable of being relocated, and if determined that no other feasible less impacting method will accomplish the erosion control. Alternatives may include relocation or removal of existing improvements, if feasible, to avoid significant alteration of the bluff. Such measures shall not be used to accommodate proposed development nor to increase the area of the top of bluff.

9. On Page 6, revise Section (D) as follows:

A site-specific analysis shall be conducted to determine and quantify the impact of the proposed development upon visual access to the ocean. If a visual corridor is feasible, ~~and all criteria in Section 143.0143(j) are met~~, ~~on premises that lie between the shoreline and the first public roadway,~~ the appropriate corridor shall be required as a condition of development approval **pursuant to Section 132.0403**. If there is an existing or potential public view **on premises that lie between the shoreline and the first public roadway,** but the site is not designated in a land use plan as a view corridor, it is intended that views to the ocean shall be preserved or restored by deed restricting required side yard setback areas to cumulatively form functional view corridors and to prevent a walled effect from development. If there is an existing or potential public view and the site is designated in the applicable land use plan as a view corridor or within a public viewshed, it is intended that such critical views to the ocean be maintained or restored by designing and siting the coastal development in such a manner as to preserve the identified public view. Consideration may be given to the development of the adjacent property in determining the appropriate width of the view corridor on the subject premises, so that the overall width of the corridor is at least 10 feet when measured across both properties. Any such corridor shall be created and approved by the City Manager prior to the commencement of any construction on the premises.

No structures or other obstructions that will impede views shall be installed within the boundaries of any required visual corridor. Open fencing and landscaping may be installed within the view corridor provided such improvements do not significantly obstruct public views to the ocean. Landscaping shall be maintained such that during growing stages and at maturity, it will not encroach into the view corridor or obstruct public views to the ocean.

Where remodeling is proposed to an existing structure and the existing development is to be retained which precludes the establishment of a 10-foot wide visual corridor, the preservation of any partial existing visual corridor on the premises will be accepted, provided that the existing visual corridor is not reduced through the proposed remodeling.

10. On Page 7, revise Section (F) as follows:

Any site that contains any portion of a coastal beach shall be subject to a Site Development Permit unless the proposed development qualifies for an exemption pursuant to Section 143.110 (c). A Coastal Development Permit will be required, regardless of whether a Site Development Permit is required, for all coastal development proposed within the Coastal Overlay Zone and which does not qualify for an exemption pursuant to Section 126.0407. The uses permitted on the coastal beach are only those listed in Section 143.0130(b), all of which area public facilities, with the exception of shoreline protective works. If a privately owned premises contains a coastal beach, the private development shall occur on the portion of the premises that does not contain the

coastal beach. If no such area exists or if such area is infeasible for development, a deviation from the environmentally sensitive lands regulations must be requested with the Site Development Permit. However, **such** deviations ~~to the environmentally sensitive lands regulations~~ are not applicable **within the Coastal Overlay Zone** ~~to coastal development requiring a Coastal Development Permit. In such cases, Section 143.0146, the Environmentally Sensitive Lands Regulations for the Coastal Overlay Zone is applicable and controlling.~~

In review of permit applications for shoreline protective works, the City Manager shall determine if the protective device is located on State tidelands or lands subject to the public trust, or if it is located on City or publicly-owned beach or on private property. The ownership of the beach and location of the protective device will determine whether the Coastal Development Permit is issued by the City or by the Coastal Commission. The Coastal Commission retains Coastal Development Permit authority for development proposed on tidelands, submerged lands or public trust lands; therefore, a mapped representation of the mean high tide line as it currently exists must accompany any permit application for a shoreline protective device.

Where erosion control devices are proposed to encroach upon or affect any portion of property owned by the City of San Diego or other public agency, or on lands subject to the public trust, the applicant shall provide written permission from the City Manager or public property owner before approval of any permit. If the protective device encroaches directly on or otherwise affects State tidelands or publicly-owned property, the property owner shall be required to compensate for the use of public property and to mitigate the impacts of the protective device on public beach.

Additionally, Section ~~143.0146~~ **143.0144** of these regulations requires that shoreline protective devices incorporate mitigation for adverse impacts on shoreline sand supply. Such impacts include, but are not limited to, loss of the sandy beach on which the structure is located, fixing the back beach, halting the supply of bluff material to the littoral zone, increasing scour and causing changes to the beach immediately seaward of and adjacent to the protective device. The submitted geology report must include site-specific information that will allow the City Manager to determine whether the proposed protective device will have any of these or other adverse effects on shoreline sand supply, use of public beach, the beach area or the bluff landform, either immediately or over time. The City Manger will consider all feasible design changes that will eliminate or minimize any identified impact from the proposed project. Examples of design changes include, but are not limited to, modifications to the type of structure, relocation of the proposed structure further landward, reducing the size or the extent of the protective device, etc.

Some of the effects which a shoreline protective device may have on natural shoreline processes can be quantified. The Coastal Commission has developed a Beach Sand Mitigation Program within the County of San Diego which includes a methodology by which the following impacts associated with protective devices can be quantified:

1) loss of the beach area on which the structure is located;

2) the long-term loss of beach which will result when the back beach location is fixed on an eroding shoreline;

3) the amount of material which would have been supplied to the beach if the back beach or bluff were to erode naturally.

The methodology is found in the Report on In-Lieu Fee Beach Sand Mitigation Program – San Diego County dated January 1997, available **from City staff**. The methodology is not applicable

to all site conditions, however, in many cases, it can be used to calculate the beach area displaced and the amount of bluff material which does not reach the beach, as a result of a seawall, and to calculate the amount of sand which would be required to replace that lost beach area in the project vicinity. This amount of material is then converted to a fee by multiplying the amount of material times the cost of transporting that material to the beach. To derive these amounts, the methodology uses the information specific to the proposed project, such as the design life and amount of seaward encroachment. Also required nformation is specific to the project site, such as the height of bluff, width of property, percentage of sand in the bluff material and the predicted rate of erosion that was used to determine the need for protection of the existing principal structure.

The methodology quantifies some of the impacts caused by a protective device in terms of area of beach and volume of sand, but it is not considered the only means to identify impacts to sand supply and required mitigation. Where unavoidable impacts to shoreline sand supply are associated with an approved shoreline protective device, mitigation shall be required, and may include a mitigation fee to be used for beach replenishment within the same littoral cell of the project. The fee shall be roughly-proportional to the value of the beach area lost as a result of the approved protective device and shall be used for beach replenishment which is directly related to the impact of the project. When applicable, the above referenced methodology may be utilized to calculate the mitigation fee. The fee shall be deposited in the City of San Diego Beach Sand Mitigation Fund held by the San Diego Association of Governments.

11. On Page 8, revise Section (G) as follows:

A site-specific analysis shall be conducted to determine and quantify the impact of the proposed development upon visual access to the ocean. If a visual corridor is feasible, ~~and all criteria in Section 143.0144(c) are met, on premises that lie between the shoreline and the first public roadway,~~ the appropriate corridor shall be required as a condition of development approval **pursuant to Section 132.0403**. If there is an existing or potential public view **on premises that lie between the shoreline and the first public roadway**, but the site is not designated in a land use plan as a view corridor, it is intended that views to the ocean shall be preserved or restored by deed restricting required side yard setback areas to cumulatively form functional view corridors and to prevent a walled effect from development. If there is an existing or potential public view and the site is designated in the applicable land use plan as a view corridor or within a public viewshed, it is intended that such critical views to the ocean be maintained or restored by designing and siting the coastal development in such a manner as to preserve the identified public view. Consideration may be given to the development of the adjacent property in determining the appropriate width of the view corridor on the subject premises, so that the overall width of the corridor is at least 10 feet when measured across both properties. Any such corridor shall be created and approved by the City Manager prior to the commencement of any construction on the premises.

No structures or other obstructions that will impede views shall be installed within the boundaries of any required visual corridor. Open fencing and landscaping may be installed within the view corridor provided such improvements do not significantly obstruct public views to the ocean. Landscaping shall be maintained such that during growing stages and at maturity, it will not encroach into the view corridor or obstruct public views to the ocean.

Where remodeling is proposed to an existing structure and the existing development is to be retained which precludes the establishment of a 10-foot wide visual corridor, the preservation of any partial existing visual corridor on the premises will be accepted, provided that the existing visual corridor is not reduced through the proposed remodeling.

STEEP HILLSIDE GUIDELINES – SUGGESTED MODIFICATIONS

1. On Page 1, revise the **last sentence of the** first paragraph as follows:

Every proposed development that encroaches into steep hillsides will be subject to the Environmentally Sensitive Lands Regulations and will be evaluated for conformance with the Steep Hillside Guidelines as part of the review process for the required Neighborhood Development Permit, ~~or~~ Site Development Permit **or Coastal Development Permit.** ~~Additionally, the Environmentally Sensitive Lands Regulations for the Coastal Overlay Zone, commencing with Section 143.0146, are applicable to any coastal development proposed within the Coastal Overlay Zone that requires a Coastal Development Permit pursuant to the California Coastal Act of 1976.~~

2. On Page 1, add the following to the last paragraph as follows: __

Deviation ~~from the Environmentally Sensitive Lands regulations~~ and alternative compliance **from the Development Regulations for Steep Hillsides** are not applicable to coastal development ~~subject to the Environmentally Sensitive Lands regulations for~~ **within** the Coastal Overlay Zone.

3. On Page 2, add the following at the end of section (A):

Outside the Coastal Overlay Zone, ~~A~~an exemption from the steep hillside regulations and the requirement for a Neighborhood Development Permit or Site Development Permit may be granted if the proposed development does not encroach into the steep hillsides and the development maintains a setback of 40 feet from the top of the steep hillsides. ~~However, the sensitive steep hillside regulations contained within the Environmentally Sensitive Lands regulations for the Coastal Overlay Zone (commencing with Section 143.0146) are applicable to coastal development, including land divisions, proposed on premises within the MHPA or on steep hillsides containing environmentally sensitive habitats, or significant scenic amenities, or potential hazards to development, as identified on the Coastal Zone Sensitive Slopes Map Drawing No. C-720. Coastal development on non-sensitive steep hillsides within the Coastal Overlay Zone is subject to Section 143.0142 of the Environmentally Sensitive Lands regulations.~~

4. On page 2, add the following at the end of the first paragraph in section (B):

Additionally, ~~However,~~ a Coastal Development Permit is required for all coastal development, unless exempt pursuant to Section 126.0704.

5. On Page 4, add the following to the first incomplete sentence:

or Coastal Development Permit.

6. On Page 4, add the following as new section (d) after section (c):

(d) Within the Coastal Overlay zone, each newly created lot within a subdivision shall include a portion that does not contain sensitive steep hillsides such that no encroachment into sensitive steep hillsides is required to accommodate future development. Encroachment is defined as alteration of the natural landform by grading or where the area is rendered incapable of supporting vegetation due to the displacement required for the building, accessory structures, paving, or clearance of vegetation, including Zone 1 brush management **(30 foot minimum setback)**.

7. On Page 5, Section (E), add the following after the second complete paragraph:

However, within the Coastal Overlay Zone, the allowable development area for sensitive steep hillsides is subject to the **discretionary** encroachment limitations established in Section ~~143.0146~~ **143.0142(a)(4)** ~~Table 1 Steep Hillsides Encroachment allowance,~~ and discussed in section E (4) of

these guidelines. These encroachment limitations, when applicable, shall replace the 25% allowable development area for steep hillsides referred to in these guidelines.

8. On Page 8, add E (4) as follows:

Within the Coastal Overlay Zone on sites containing sensitive steep hillsides **with sensitive biological resources**, the encroachment allowance identified in ~~Table 1 of Section 143.0146~~ **Section 143.0142(a)(4)** is discretionary and shall only be permitted when necessary to allow reasonable use of the property. Encroachment shall not be permitted for accessory structures. The intent of the regulations is to maximize development on slopes less than 25% grade and minimize encroachment into sensitive steep hillsides. Examples of when encroachment shall be permitted is when it is necessary to provide access to non-steep or non-sensitive areas of the property, or within small isolated pockets of steep hillsides surrounded by existing development or non-steep and/or non-sensitive areas. For lots that have all or nearly all the area in sensitive steep hillsides, a maximum 20% encroachment allowance shall be permitted. ~~The provisions of Section 143.0142 shall apply to development on premises within the Coastal Overlay Zone which are not included within the sensitive areas identified on Map Drawing No.C-720 (on file in the office of the City Clerk as Document No. 00-17065) or within the MHPA.~~

9. On Page 42, add the following under Section IV. Findings, Deviations and Alternative Compliance and after the first full paragraph:

In the Coastal Overlay Zone, a Coastal Development Permit will be required regardless of whether a Site Development Permit or Neighborhood Development Permit is required for all coastal development proposed within the Coastal Overlay Zone and which does not qualify for an exemption pursuant to Section 126.0407. **The findings required in Section 126.0708 must be made to assure conformance with the land use plans and implementation program of the certified Local Coastal Program.** ~~Such coastal development is subject to the Environmentally Sensitive Lands Regulations for the Coastal Overlay Zone (commencing with Section 143.0146). That section contains specific findings required to assure the proposed development is in conformance with the ESL. These required findings are also found in Section IV.D of these guidelines.~~

10. On page 42, add the following at the end of the second full paragraph:

Deviations from the environmentally sensitive lands regulations are not applicable in the Coastal Overlay Zone.

11. On page 43, add the following at the end of the third full paragraph:

Alternative compliance from the environmentally sensitive lands regulations is not applicable in the Coastal Overlay Zone.

Staff recommends the Commission number the Suggested Modifications to the Environmentally Sensitive Lands Regulations found on pages 57 – 81 of the 1/14/99 staff report as follows:

Section #	Sugg. Mod. #	Page #
143.0101	78	57
143.0110	79	58
143.0111	80	62
143.0112	81	63
143.0115	82	63

143.0126	83	65
143.0130	84	66
143.0141	85	68
143.0142	86	69
143.0143	87	71
143.0144	88	73
143.0145	89	75
143.0150	90	80
143.0151	91	80
143.0152	92	80
143.0155	93	81

Staff recommends the following change to Suggested Modification #10 Definitions on page 14:

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

1. All areas persistently or periodically containing naturally occurring *wetland* vegetation communities characteristically dominated by hydrophytic vegetation, including but not limited to salt marsh, brackish marsh, freshwater marsh, riparian forest, oak riparian forest, riparian woodlands, riparian scrub, and vernal pools;

2. Areas that have hydric soils or *wetland* hydrology and lack naturally occurring *wetland* vegetation communities because human activities have removed the historic *wetland* vegetation or catastrophic or recurring natural events or processes have acted to preclude the establishment of *wetland* vegetation as in the case of salt pannes and mudflats;

3. Areas lacking *wetland* vegetation communities, hydric soils and *wetland* hydrology due to non-permitted filling of previously existing *wetlands*;

4. Areas mapped as *wetlands* on Map No. C-713 as shown in Chapter 13, Article 2, Division 6 (Sensitive Coastal Overlay Zone).

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

STATE OF CALIFORNIA – THE RESOURCES AGENCY PETE WILSON, *Governor*

CALIFORNIA COASTAL COMMISSION
SAN DIEGO AREA
3111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 521-8036

Th 9b

RECORD PACKET COPY

Date: January 14, 1999

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO AREA OFFICE
COASTAL PROGRAM ANALYSTS, SAN DIEGO AREA OFFICE

SUBJECT: STAFF RECOMMENDATION ON CITY OF SAN DIEGO MAJOR LCP AMENDMENT #1-98B (LAND DEVELOPMENT CODE) (For Public Hearing and possible Commission Action at the Meeting of February 3 – 5, 1999)

SYNOPSIS

SUMMARY OF AMENDMENT REQUEST

The portion of the City of San Diego LCP amendment submittal which is the subject of this report includes the Land Development Code and support documents. The Land Development Code (LDC) is a complete rewrite of all the City development regulations contained in the Municipal Code. The LDC and support documents would replace or amend City zoning ordinances and implementing actions which have been previously certified by the Commission as part of the certified City of San Diego Local Coastal Program (LCP). The LDC has been developed as part of a multi-year public planning process and is also principally designed to implement the Multiple Species Conservation Program (MSCP) within the entire City of San Diego. The entire Land Development Code has not been submitted by the City for incorporation into the LCP.

The City Council also directed the submittal of the following support documents which will be in a document entitled the Land Development Manual. The guidelines have been submitted for certification by the Commission as consistent with the Coastal Act and include the following: Coastal Bluffs and Beaches Guidelines; Steep Hillside Guidelines; Biology Guidelines; Landscape Standards; and, Historical Guidelines.

On December 24, 1997, the City of San Diego submitted the subject amendment package. However, the amendment request was not formally filed until May 8, 1998. At the Commission's July 1998 hearings, a time extension of up to one year was granted for the amendment package. The amendment submittal and a preliminary staff recommendation were presented to the Commission in October, 1998. The public hearing was opened and testimony was taken from the City and interested members of the public. The Commission then continued the matter to the February, 1999 hearing with the intent that all parties would work together to try and narrow the areas of disagreement. Since the October 1998 meeting, Commission staff has met on many occasions with City staff and the public, and a number of issues have been resolved. The following staff report, while addressing the full amendment submittal, will focus primarily on the remaining unresolved issues.

SUMMARY OF STAFF RECOMMENDATION

Major Issues

The Land Development Code represents a major revision to the City's Local Coastal Program and the Coastal Development Permit process as implemented by the City of San Diego. As such, it is expected that there are questions raised as to the adequacy of the proposed implementing measures to carry out the policies of the certified land use plans. The particular concern is that the standard of review for development within the coastal zone is not modified to a point that significant coastal resources do not receive adequate protection as required by the Coastal Act and specified in the certified land use plans.

The significant concerns held by coastal staff include the application of the Environmentally Sensitive Lands (ESL) regulations, as drafted by the City, to coastal development within the coastal zone. As submitted, the ESL does not identify the Coastal Development Permit as the vehicle for implementation of the ESL. This fact, by itself, is not a problem if the regulations themselves and other sections of the LDC make clear the ESL regulations are applicable to coastal development requiring a Coastal Development Permit, and the appropriate findings are made to assure conformance with the certified LUPs. However, staff does not concur that adequate review is afforded through the ESL regulations, as proposed by the City, to all development subject to the Coastal Development Permit process. Furthermore, even if the regulations were applicable to all proposed coastal development, the ESL regulations do not provide the mandated level of resource protection established in the certified LUPs.

For the October hearing, staff was suggesting a modification that would establish a separate set of ESL regulations that are applicable within the coastal zone and include the standards of review provided in the certified land use plans. In this way, the remainder of the LDC would have been unmodified and applicable to development in the areas of the City outside the coastal zone. The City opposed this method, preferring that staff's suggested modifications be melded into the City's ordinance rather than creating a separate document; staff has used this method with the suggested modifications enclosed herein. The significant issues which remain unresolved between the City and Commission staff relate to permitted uses within wetlands, encroachment limitations on steep hillsides containing environmentally sensitive lands, the development permit process, the application of the environmentally sensitive lands regulations and affordable housing. The suggested modifications to the ESL regulations within the coastal zone do not result in any conflicts with the Multiple Species Conservation Program Subarea Plan as it is adopted by the City Council.

Other concerns address the adequacy of parking and curb cut restrictions within the Beach Impact Area of the City, permitted uses in Commercial Visitor zones, the kinds of temporary events that require a Coastal Development Permit, and the adequacy of the proposed Coastal Development Permit Ordinance, which significantly revises the current coastal development permit process that the City presently administers. The majority of the remaining modifications are intended to clarify which regulations are not applicable in the Coastal Overlay Zone or to make simple technical corrections.

Staff Recommendation

Pursuant to the resolutions and findings contained in this report, staff recommends that the Commission reject the Implementation Plan as submitted by the City and approve the Implementation Plan, if modified pursuant to suggested modifications.

The appropriate resolutions and motions begin on Page 9 . The findings for rejection of the Implementation Plan begin on Page 96. The findings for approval of the Implementation Plan, if modified, begin on Page 126.

ADDITIONAL INFORMATION

Further information on the City of San Diego LCP Amendment #1-98B may be obtained from Sherilyn Sarb, District Manager, at (619) 521-8036.

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OVERVIEW

A. CONTENT OF CITY OF SAN DIEGO LCP AMENDMENT

The portion of the City of San Diego LCP amendment submittal which is the subject of this report includes the Land Development Code and support documents. The Land Development Code (LDC) is a complete rewrite of all the City development regulations contained in the Municipal Code. The LDC and support documents would replace or amend City zoning ordinances and implementing actions which have been previously certified by the Commission as part of the certified City of San Diego Local Coastal Program (LCP).

The entire Land Development Code has not been submitted by the City for incorporation into the LCP. The City Council also directed the submittal of the following support documents for certification by the Commission as consistent with the Coastal Act. They are:

1. Coastal Bluffs and Beaches Guidelines;
2. Steep Hillside Guidelines;
3. Biology Guidelines;
4. Landscape Standards; and,
5. Historical Guidelines.

The City intends to include the above guidelines in a document entitled the Land Development Manual. Suggested modifications for all of the guideline documents have not yet been completed. The guidelines will be revised to conform to the environmentally sensitive lands regulations as they are certified by the Commission.

B. ORGANIZATION OF THE REPORT

This report is divided into five main parts. First, the introductory section which includes a historical perspective of the City's local coastal program development, a brief description of the City's coastal zone, an identification of the current submittal's contents, the standards for Commission review of the implementation program, and a section on public participation. The second part consists of the recommended resolutions and motions for rejection of the implementation program, as submitted, and subsequent approval with suggested modifications. For the ease of the reader, the staff recommendations and relevant citations are compiled here, along with an enumeration of the suggested modifications. The third section consists of the findings to support rejection of the implementation program, as submitted. The fourth section contains the findings to support approval of the implementation plan, if modified pursuant to the suggested revisions. The fifth section addresses conformance with CEQA.

C. ACKNOWLEDGEMENT OF CITY EFFORTS

While the LCP process by nature concentrates on unresolved issues, the Commission and its staff do wish to acknowledge the City's dedication and on-going efforts to administer the local coastal program. The current Implementation Plan resubmittal is a substantial effort that has involved a great deal of cooperation between agencies and members of the public. Considering the complexity of the issues dealt with in the LCP, the geographic diversity and size of the City and the various social, economic and political forces affecting the planning process, the progress is commendable. The time and efforts expended by the City to fulfill the mandates of the Coastal Act are truly appreciated.

Due to the size of the submittal and workload constraints, the staff has had to focus on the unresolved issues and the purpose of the recommended suggested modifications. As a result, the staff report does not include adequate mention of the significant amount of resource protection provisions which have been

incorporated in the City's code in response to the Multiple Species Conservation Program (MSCP). The submittal is a result of significant effort on the part of the City to work with the resource agencies to reach agreement on the implementation of the MSCP and to develop the Multi-Habitat Planning Area. The Coastal Commission review is the final step toward a local coastal program that meets the requirements of the Coastal Act, as well as the MSCP and the California Environmental Quality Act.

PART I. INTRODUCTION

A. BACKGROUND/LCP HISTORY

The City of San Diego has a long history of involvement with the community planning process; as a result, in 1977, the City requested that the Coastal Commission permit segmentation of its Land Use Plan (LUP) into twelve (12) parts in order to have the LCP process 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; the status of those submittals is as follows:

1.	North City	- certified as resubmitted January 13, 1988; Torrey Pines LUP Update certifed on February 8, 1996
2.	La Jolla/La Jolla Shores	- certified as submitted on April 26, 1983
3.	Pacific Beach	- certified as Update resubmitted on May 11, 1995
4.	Mission Beach	- certified as submitted on July 13, 1988
5.	Mission Bay	- certified with suggested modifications on November 15, 1996
6.	Ocean Beach	- certified as resubmitted on August 27, 1985
7.	Peninsula	- certified as resubmitted on August 27, 1985
8.	Centre City/ Pacific Highway Corridor	- certified with suggested modifications on January 13, 1988
9.	Barrio Logan/ Harbor 101	- certified as submitted on February 23, 1983
10.	Otay Mesa/Nestor	- certified as submitted on March 11, 1986
11.	Tia Juana River Valley	- certified as submitted on July 13, 1988
12.	Border Highlands	- certified as submitted on July 13, 1988

When the Commission approved segmentation of the LUP, it found that the implementation phase of the City's LCP would involve a single unifying submittal. 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; some of these have been certified since through the LCP amendment process. Other areas of deferred certification remain today and are completing planning at a local level; they will be acted on by the Coastal Commission in the future.

B. GEOGRAPHIC DESCRIPTION OF CITY'S COASTAL ZONE JURISDICTION

The City of San Diego represents one of the largest metropolitan centers in the State of California and includes one of the larger coastal zone areas in the State in terms of geography and population. The City's coastal zone stretches from the City of Del Mar, the recently incorporated City of Solana Beach, and the unincorporated County areas in the north to the international border with Mexico on the south. The demographics are such that the northernmost and southernmost communities within the City's coastal zone are relatively undeveloped while the portions of the City near San Diego Bay and Mission Bay are highly urbanized.

In terms of coastal zone resources, the City is indeed fortunate; of these resources, the most significant ones are:

- the intensely used sandy beach areas in Ocean Beach, Mission Beach, Pacific Beach and La Jolla;

- the wetland areas of statewide and national importance including: portions of San Dieguito Lagoon, Los Penasquitos Lagoon, Mission Bay and the Tia Juana Estuarine Sanctuary;

- the major inland canyon systems in the North City communities, with their environmentally sensitive habitats and scenic qualities; and,

- the major visitor-serving destination areas within and surrounding Mission Bay and the La Jolla community itself.

However, it is these very resources, along with related public access opportunities and constraints, which make the balancing of the demands to develop in the coastal zone versus demands to preserve its resources so difficult. The competing demands are most evident in the Mission Bay, La Jolla and North City areas. It is in these areas where the Commission has reviewed major residential subdivisions, industrial parks and commercial developments that pose the greatest impact to the above identified resources.

C. CONTENTS OF CURRENT LCP IMPLEMENTATION PLAN RESUBMITTAL

The City of San Diego has resubmitted the implementation program for its LCP. Section 30513 of the Coastal Act requires the Implementation Plan to include the zoning ordinances, zoning district maps and all other implementing measures necessary to carry-out the provisions of the various certified land use plan segments. Numerous ***rezonings***, modifications to existing City ordinances and the creation of several new ordinances are proposed by the City to implement the policies of its land use plans. It should be noted that the Commission does not have before it the entire City Planning and Zoning Regulations portion of the Municipal Code. Furthermore, the City has not submitted all sections of the Land Development Code as part of the Local Coastal Program.

The City's submittal includes, but is not limited to, the following documents:

Chapter 11, titled "Land Development Procedures"

Chapter 12, Article 2, titled "Land Use Plans"

Chapter 12, Article 3, titled "Zoning"

Chapter 12, Article 6, titled "Development Permits"

Chapter 12, Article 7, titled "Previously Conforming Premises and Uses"

Chapter 13, Article 1, titled "Base Zones"

Chapter 13, Article 2, Division 1, titled "General Rules for Overlay Zones"

Chapter 13, Article 2, Division 2, titled "Airport Approach Overlay Zone"

Chapter 13, Article 2, Division 4, titled "Coastal Overlay Zone"

Chapter 13, Article 2, Division 6, titled "Sensitive Coastal Overlay Zone"

Chapter 13, Article 2, Division 7, titled "Mobilehome Park Overlay Zone"

Chapter 13, Article 2, Division 8, titled "Parking Impact Overlay Zone"

Chapter 13, Article 2, Division 9, titled "Residential Tandem Parking Overlay Zone"

Chapter 13, Article 2, Division 10, titled "Transit Area Overlay Zone"

Chapter 13, Article 2, Division 11, titled "Urban Village Overlay Zone"

Chapter 13, Article 2, Division 14, titled "Community Plan Implementation Overlay Zone"

Chapter 14, Article 1, titled "Separately Regulated Use Regulations"

Chapter 14, Article 2, titled "General Development Regulations"

Chapter 14, Article 3, titled "Supplemental Development Regulations"

D. STANDARDS FOR COMMISSION REVIEW

The standard for Commission review of the Implementation Plan is found in Section 30513 of the Coastal Act. It states:

> Section 30513
>
> The local government shall submit to the commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions, which are required pursuant to this chapter.
>
> If within 60 days after receipt of the zoning ordinances, zoning district maps, and other implementing actions, the commission, after public hearing, has not rejected the zoning ordinances, zoning district maps, or other implementing actions, they shall be deemed approved. The commission may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry

> out, the provisions of the certified land use plan. If the commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform or which it finds will not be adequately carried out together with its reasons for the action taken.

The implementation program must therefore be consistent with and adequately detailed and structured to carry out the provisions of the certified land use plan segments.

E. PUBLIC PARTICIPATION

The City has held numerous community planning group meetings, workshops, Planning Commission hearings and City Council meetings with regard to the City's Land Development Code preparation. On this amendment alone, there have been many such public forums. Consistently, the most widely discussed issues pertaining to the coastal zone have involved wetlands preservation, protection of steep hillsides, critical public views protection, the adequacy of the proposed coastal development permit process to carry out the provisions of the certified land use plans, the ministerial and lessened discretionary nature of the proposed development review process and concerns about reduced opportunities for public involvement.

PART II RECOMMENDED RESOLUTIONS AND MOTIONS AND SUGGESTED MODIFICATIONS

As noted, staff is recommending that the Commission reject the City's implementation program as submitted and then approve the plan with suggested modifications. For the ease of the reader, all of the relevant resolutions and motions for these two recommended actions are cited here. Furthermore, the suggested modifications are also detailed here. Following the public hearing, staff recommends the Commission adopt the following:

A. MOTION AND RESOLUTION FOR REJECTION OF THE CITY'S IMPLEMENTATION PLAN

Motion:

I move that the Commission reject the Implementation Plan of the City of San Diego Local Coastal Program, as submitted.

Staff Recommendation

Staff recommends a **YES** vote which would result in the adoption of the following resolution and findings. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

Resolution to Reject the Implementation Plan:

The Commission hereby rejects the Implementation Plan of the City of San Diego LCP on the grounds that it does not conform with or is inadequate to carry out the provisions of the Land Use Plan as certified. There are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the approval of the Implementation Plan would have on the environment.

B. MOTION AND RESOLUTION FOR CERTIFICATION OF THE IMPLEMENTATION PLAN, IF MODIFIED

Motion:

I move that the Commission approve the Implementation Plan of the City of San Diego LCP if it is modified in conformity with the modifications suggested below.

Staff Recommendation:

Staff recommends a **YES** vote for the adoption of the following resolution. The motion requires an affirmative vote of a majority of the Commissioners present to pass the motion.

Resolution to Certify the Implementation Plan, if Modified:

The Commission hereby approves certification, except for those geographic areas defined in PART III. B., of the Implementation Plan of the City of San Diego LCP based on the modifications and findings set forth below on the grounds that the zoning ordinance, zoning map, and other implementing measures conform with and are adequate to carry out the provisions of the Land Use Plan as certified. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the approval of the Implementation Plan if modified, would have on the environment.

C. SUGGESTED MODIFICATIONS FOR LAND DEVELOPMENT CODE

Chapter 11/Article 1/Division 1: General Rules for Land Development Code

1. **Section 111.0101(c), Title,** shall be revised to read:

   Chapter X, Article 3 of the Municipal Code contains regulations pertaining to Planned Districts as adopted by the City and shall constitute a part of the Land Development Code.

2. **Section 111.0104, Retention of Existing Ordinances, Rules, or Regulations**, shall be revised to read:

   Where the Land Development Code imposes a greater restriction upon development than is imposed or required by other ordinances, rules, or regulations, the provisions of the Land Development Code ~~**control and shall**~~ supercede those other ordinances, rules, or regulations unless otherwise specifically stated.

Chapter 11/Article 2/Division 1: Applications

3. **Section 112.0103, Consolidation of Process,** shall be revised to read:

   When an *applicant* applies for more than one permit, map, or other approval for a single *development*, the applications shall be consolidated for processing and shall be reviewed by a single decision maker. The decision maker shall act on the consolidated application at the highest level of authority for that *development* as set forth in Section 111.0105. The *findings* required for approval of each permit shall be considered individually **consistent with Section 126.0105**. ~~However, within the Coastal Overlay Zone, the findings required for a coastal development permit are controlling.~~

Chapter 11/Article 2/Division 3: Notice

4. Section 112.0301(b)(1)(G), Types of Notice, shall be revised to read:

(b) Notice of Future Decision. A Notice of Future Decision shall be provided for an application for a permit or other matter acted upon in accordance with Process Two.

(1) Content. The Notice of Future Decision shall include the following information:

~~(G)~~ An explanation that the decision to approve, conditionally approve, or deny the proposed *development* will be made by City staff, without a public hearing, and that the *decision date* will not be less than 11 *business days* after the date of mailing the Notice of Future Decision **to allow for a sufficient time for public comment.** ~~The explanation will also identify a public comment period of sufficient time to allow for the submission of comments by mail prior to the local decision.~~

5. Section 112.0301(c)(1)(H), Types of Notice, shall be revised to read:

Notice of Public Hearing. A Notice of Public Hearing shall be provided before a decision is made on an application for a permit, map, or other matter acted upon in accordance with Process Three, Process Four, or Process Five, or on an appeal of a Process Two, Process Three, or Process Four decision.

(1) Content. The Notice of Public Hearing shall include the following information:

(H) A brief description of the general procedures concerning the conduct of hearing and local actions and [t]he procedure and requirement for filing an appeal. For Process Three or Process Four public hearings, the definition of an *interested person* for purposes of appeal.

6. Section 112.0302(a), Notice by Mail, shall be revised to read:

(a) General Provisions. When the Land Development Code requires a Notice of Application, Notice of Future Decision, Notice of Public Hearing, or other mailed notice, the notice shall be postage prepaid and addressed to the persons identified in Section 112.0302(b). Notice by mail shall be considered complete at the time of deposit in the United States Mail. ~~Notice by hand delivery may be substituted for notice by mail at the discretion of the City, except for any noticing required for a coastal development permit.~~

7. Section 112.0302 (b)(2), (c) and (d)(3), Notice by Mail, shall be revised to read:

(b) Persons Entitled to Notice. Except as provided in Section 112.0302(c), the Notice of Application, Notice of Future Decision, and Notice of Public Hearing shall be mailed to the following:

(2) All ~~residential and nonresidential tenant~~ addresses located within 300 feet of the boundary of the real property that is the subject of the application, including each address within a condominium or apartment complex;.... [and]

(c) Alternative to Mailed Notice. If the number of tenants and owners to whom notice would be mailed in accordance with Section 112.03029B) is greater than 1,000, notice may be given by placing a display advertisement of at least one-eighth page in a newspaper of general daily circulation within the City in lieu of mailing, unless the noticing is required for a coastal development permit. [and]

(d) Notice Address

(3) A notice mailed to a tenant address shall be addressed ~~"Resident"~~ "Tenant".

8. Section 112.0306, Notice for Coastal Development Permits, shall be revised to read:

All notices for a coastal development permit shall include a statement that the development is within the coastal zone, the date of filing of the application and the number assigned to the application. When a coastal development permit is to be considered under Process Two or at a public hearing, the City Manager shall mail a Notice of Future Decision or Notice of Public Hearing to the California Coastal Commission and all persons requesting notice on Coastal Development Permits. This notice shall be provided in addition to the other notices required by this division. Notices for appealable Coastal Development Permits shall include provisions for appeals to the California Coastal Commission.

Chapter 11/Article 2/Division 5: Decision Process

9. Section 112.0503(b), Process Two, shall be revised to read:

(b) Decision Process. The designated staff person may approve, conditionally approve, or deny the application without a public hearing. The decision shall be made no less than 11 *business days* after the date on which the Notice of Future Decision is mailed **to allow for a sufficient time for public comment**. ~~A public comment period of sufficient time to allow for the submission of comments by mail will be held prior to the local decision.~~ This 11 *business days* minimum time frame for a staff decision will be extended by a period not to exceed an additional 20 *business days* to allow time for a recommendation by a recognized community planning group, if requested by the group's chair, or the chair's designee [....]

Chapter 11/Article 3/Division 1: Definitions

10. Section 113.0103, Definitions, shall be revised to read:

Appealable Area means the area, as defined by California Public Resources Code Section 30603, within the coastal zone that constitutes the appeal jurisdiction of the Coastal Commission. ~~**After certification of the local coastal program any developments approved**~~ This **area includes lands** between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; ~~any development approved~~ **or** within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff. ~~may be appealed to the Coastal Commission~~. The appealable area is shown on Map Drawing No C-730, on file in the office of the City Clerk as Document No. 00-17067-1; **however, this map may be updated as approriate and may not include all lands involving post-LCP certification appeal jurisdiction.**

Channelization means the filling or substantial alteration of the floodplain and any artificial *flood* control works designed and constructed to contain all of a specified *flood* event.

Coastal bluff means an escarpment or steep face of rock, decomposed rock, sediment, or soil resulting from erosion, faulting, ~~or~~ folding, or excavation of the land mass that has a vertical relief of 10 feet or more and is in the coastal zone. ~~It may be flat, curved, or steplike.~~

Coastal bluff edge means the ~~seaward-most upper~~ termination of the top of a coastal bluff where the downward gradient of the land surface begins to increase more or less continuously until it

reaches the general gradient of the *coastal bluff face*~~. In a case where there is a step-like feature at the top of the *coastal bluff*, the landward edge of the topmost riser shall be considered the bluff edge.~~ See Section 113.0219 for additional information on determining the *coastal bluff edge*.

Coastal development means "development" as defined in the California Coastal Act of 1976, Section 30106 in the Coastal Overlay Zone, which states "development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes and kelp harvesting. As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Fill means any soil, excavated or dredged material, riprap, rock, concrete, construction debris, **pilings**, sand or other material or substance that is added to any location on a premises. ~~Within the Coastal Overlay Zone, fill shall also mean any material or substance which is deposited, placed, pushed, dumped, pulled, transported, or moved to a new location and the conditions resulting therefrom and it also includes pilings placed for the purpose of erecting structures thereon when located in a submerged area.~~

Local Coastal Program has the same meaning as stated in the California Coastal Act of 1976, Section 30108.6, **which states: "*Local Coastal Program* means a local government's (a) land use plans, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resource areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of, this division at the local level."** ~~and means the City's *Land Use Plans*, zoning ordinances, zoning district maps and other implementing actions, approved by the City and certified by the Coastal Commission, which when taken together, meet the requirements of and implement the provisions and policies of the Coastal Act.~~

Open fence means a fence that has at least 35 percent of the vertical surface area of each 6-foot section open to light. Within the Coastal Overlay Zone, open fence means a fence designed to permit public views and does not interfere with public access and that has at least **75** ~~90~~ percent of its surface area open to light.

~~*Sensitive steep hillsides* means steep hillsides containing environmentally sensitive habitats, or significant scenic amenities, or potential hazards to development, as identified on the Coastal Zone Sensitive Slopes Map Drawing No. C-720 (on file in the office of the City Clerk as Document No. 00-17065).~~

Temporary event means an activity or use of limited duration that involves the placement of non-permanent structures and/or involves exclusive use of sandy beach, parkland, filled tidelands, water, streets or parking area which is otherwise open and available for general public use. For purposes of this definition, limited duration means a period of time which does not exceed a two week period on a continual basis, or does not exceed a consecutive four month period on an intermittent basis.

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

1. All areas persistently or periodically containing naturally occurring *wetland* vegetation communities characteristically dominated by hydrophytic vegetation, including but not

limited to salt marsh, brackish marsh, freshwater marsh, riparian forest, oak riparian forest, riparian woodlands, riparian scrub, and vernal pools;

2. Areas that have hydric soils or *wetland* hydrology and lack naturally occurring *wetland* vegetation communities because human activities have removed the historic *wetland* vegetation or catastrophic or recurring natural events or processes have acted to preclude the establishment of *wetland* vegetation as in the case of salt pannes and mudflats;

3. Areas lacking *wetland* vegetation communities, hydric soils and *wetland* hydrology due to non-permitted filling of previously existing *wetlands*;

4. Areas mapped as *wetlands* on Map No. C-713 as shown in Chapter 13, Article 2, Division 6 (Sensitive Coastal Overlay Zone).

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

Chapter 11/Article 3/Division 2: Rules for Calculation and Measurement

11. Section 113.0228, Determining Existing Grade, shall be revised to read:

(a) *Existing grade* is the ground elevation of the surface of a *premises* that has never been *graded* or, for a *premises* that has been *graded*, and outside the Coastal Overlay zone only, the ground elevation that existed on March 4, 1972. This is illustrated in Diagram 113-02F.

~~***Chapter 12/Article 3/Division 1: Zoning and Rezoning Procedures***~~

~~**12. Section 123.0109(a) and (b), Certification of Local Coastal Program Amendments to Zoning Ordinances**, shall be revised to read:~~

~~(a) The adoption of or [a] An amendment to a zoning ordinance as defined by California Government Code section 65850 or other implementing action that meets the requirements of, and implements the provisions of the California Public Resources Code, Division 20, California Coastal Act, constitutes an amendment to the City of San Diego *Local Coastal Program*.~~

~~(b) The amendment of a *Local Coastal Program* zoning ordinance or implementing action must be certified by the Coastal Commission in accordance with Coastal Commission regulations. If the Coastal Commission certifies a zoning ordinance or implementing action with modification, the City Council shall conduct a public hearing noticed to consider the modifications no later than 6 months after the Coastal Commission action. The hearing shall be noticed in accordance with Sections 112.0301(c) and 112.0305 112.0302(b).~~

~~***Chapter 12/Article 3/Division 4: Temporary Use Permit Procedures***~~

~~**13. Section 123.0407, Temporary Events in the Coastal Overlay Zone,** shall be added to read:~~

~~(a) Within the Coastal Overlay Zone, a Coastal Development Permit is required in addition to a Temporary Use Permit for *temporary events* which meet all of the following criteria:~~

~~(1) The event is held between Memorial Day weekend and Labor Day; and,~~

~~(2) The event will occupy all or a portion of a sandy beach or public parking area; and,~~

~~3) The event involves a charge for general public admission or seating where no fee is currently charged for use of the same area (not including booth or entry fees.~~

~~(b) Additionally, within the Coastal Overlay Zone, a Coastal Development Permit is required in addition to a Temporary Use Permit for *temporary events* which meet the following criteria and have the potential to adversely affect public access to the shoreline and/or environmentally sensitive lands. Such circumstances include~~

~~(2) The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive lands;~~

~~(3) The event is scheduled between Memorial Day weekend and Labor Day and would restrict or close to the public use of roadways or parking areas or otherwise significantly impact public use or access to coastal waters;~~

~~(4) The event has historically required a coastal development permit to address and monitor associated impacts to coastal resources.~~

Chapter 12/Article 6/Division 1: General Development Permit Procedures

12. Section 126.0105, Findings for Development Permit Approval, shall be revised to read:

An application for a *development permit* may be approved only if the decision maker determines that the *development*, as proposed or as conditioned, meets all *findings* for **all required** ~~that~~ permit**s** as provided in Chapter 12, Article 6, Divisions 2 through ~~6~~**8**. If the decision maker determines that **any of** the *findings* are not met, the application shall be denied. The decision maker shall record the decision in writing and shall specify the evidence or statements presented that support the *findings*.

13. Section 126.0111 (new g; change g to h), Extension of Time of a Development Permit, shall be revised to read:

(g) An extension of time for a Coastal Development Permit may only be approved if the decision maker makes all of the following findings:

(1) The project as originally approved would not place the occupants or the proposed development or the immediate community in a condition dangerous to their health and safety;

(2) There are no changed circumstances which would affect the project's consistency with the Local Coastal Program; and,

(3) No new condition is required to comply with state or federal law.

14. Section 126.0112, Minor Modifications to a Development Permit, shall be revised to read:

A proposed minor modification to an approved *development permit* may be submitted to the City Manager to determine if the revision is in *substantial conformance* with the approved permit. If the revision is determined to be in *substantial conformance* with the approved permit, the revision shall not require an amendment to the *development permit*. Within the Coastal Overlay Zone, any substantial conformance determination shall be reached through a Process Two review.

15. Section 126.0113(b), Amendments to a Development Permit, shall be revised to read:

(b) A proposed change in use from one use category to another or the change, addition, or deletion of a use within the same use category may require an amendment to a Neighborhood Use Permit or a Conditional Use Permit, depending on the uses allowed by the permit. ~~**However, any change of intensity of use will require an amendment or a new coastal development permit within the Coastal Overlay Zone.**~~

(e) Within the Coastal Overlay Zone, a proposed change in use which will result in a change in intensity of use requires and amendment or a new Coastal Development Permit.

Chapter 12/Article 6/Division 2: Neighborhood Use Permit Procedures

16. Section 126.0205(a), Findings for Neighborhood Use Permit Approval, shall be revised to read:

A Neighborhood Use Permit may be approved or conditionally approved only if the decision maker makes the following *findings*:

(a) The proposed *development* will not adversely affect the applicable *land use plan*. Within the Coastal Overlay Zone, the granting of any Neighborhood Use Permit shall include a finding that the ~~request~~ **development** conforms with, and is adequate to carry out, the certified Land Use Plan;

Chapter 12/Article 6/Division 3: Conditional Use Permit Procedures

17. Section 126.0305(a), Findings for Conditional Use Permit Approval, shall be revised to read:

An application for a Conditional Use Permit may be approved or conditionally approved only if the decision maker makes the following *findings*:

(a) The proposed *development* will not adversely affect the applicable *land use plan*. Within the Coastal Overlay Zone, the granting of a Conditional Use Permit shall include a finding that the ~~request~~ **development** conforms with, and is adequate to carry out, the certified Land Use Plan;

Chapter 12/Article 6/Division 4: Neighborhood Development Permit Procedures

18. Section 126.0404(a)(1), Findings for Neighborhood Development Permit Approval, shall be revised to read:

A Neighborhood Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0404(a) and the supplemental *findings* in Section 126.0404(b) through (~~f~~ d) that are applicable to the proposed *development* as specified in this section.

(a) Findings for all Neighborhood Development Permits

(1) The proposed *development* will not adversely affect the applicable *land use plan*. Within the Coastal Overlay Zone, the granting of a Neighborhood Development Permit shall include a finding that the ~~request~~ **development** conforms with, and is adequate to carry out, the certified Land Use Plan; [....]

Chapter 12/Article 6/Division 5: Site Development Permit Procedures

19. Section 126.0504(a)(1), Findings for Site Development Permit Approval, shall be revised to read:

A Site Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0504(a) and the supplemental *findings* in Section 126.0504(b) through (m) that are applicable to the proposed *development* as specified in this section.

(a) Findings for all Site Development Permits

(1) The proposed *development* will not adversely affect the applicable *land use plan*. Within the Coastal Overlay Zone, the granting of a Site Development Permit shall include a finding that the ~~request~~ **development** conforms with, and is adequate to carry out, the certified Land Use Plan;

20. Section 126.0504 (h) and (i), Supplemental Findings-Historical Resources, shall be revised as follows:

(h) Supplemental Findings--Historical Resources Deviation for Relocation of a ~~Designated~~ Historical Resource

A Site Development Permit required in accordance with Section 143.0210 because of potential impacts to *historical resources* where a deviation is requested in accordance with Section 143.0260 for relocation of a ~~*designated*~~ *historical resource* may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0504(a):

(1) There are no feasible measures, including maintaining the resource on site, that can further minimize the potential adverse effects on *historical resources*;

(2) The proposed relocation will not destroy the historical, cultural, or architectural values of the *historical resource*, and the relocation is part of a definitive series of actions that will assure the preservation of the ~~*designated*~~ *historical resource*.

(3) There are special circumstances or conditions apart from the existence of *historical resources*, applying to the land that are peculiar to the land and are not of the applicant's making, whereby the strict application of the provisions of the *historical resources* regulations would deprive the property owner of reasonable use of the land.

(i) Supplemental Findings--Historical Resources Deviation for Substantial Alteration of a ~~Designated~~ Historical Resource or Within a Historical District

A Site Development Permit required in accordance with Section 143.0210 because of potential impacts to ~~*designated*~~ *historical resources* where a deviation is requested in accordance with Section 143.0260 for substantial alteration of a ~~*designated*~~ *historical*

resource or within a *historical district* or new construction of a *structure* located within a *historical district* may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0504(a) :

(1) There are no feasible measures, including a less environmentally damaging alternative, that can further minimize the potential adverse effects on the ~~*designated*~~ *historical resource* or *historical district*;

(2) The deviation is the minimum necessary to afford relief and accommodate the *development* and all feasible measures to mitigate for the loss of any portion of the *historical resource* have been provided by the *applicant*; and

(3) The denial of the proposed *development* would result in economic hardship to the owner. For purposes of this finding, "economic hardship" means there is no reasonable beneficial use of a property and it is not feasible to derive a reasonable economic return from the property.

~~**21. Section 126.0504(l)(3), Supplemental Findings—Affordable Housing Density Bonus**, shall be revised to read:~~

~~(l) Supplemental Findings—Affordable Housing Density Bonus~~

~~A project that include an affordable housing density bonus and requires a Site Development Permit in accordance with Sections 143.0750 because the development involves a transfer of bonus density may be approved or conditionally approved only if the decision maker makes the following supplemental findings in addition to the findings in Section 126.0504(a):~~

~~(3) Approving the Site Development Permit will not adversely affect the applicable *land use plan*, cause significant adverse effects upon the environment, adversely affect solar access to neighboring property, or violate the relevant regulations of the Land Development Code and~~

~~(4) Within the Coastal Overlay Zone, in accordance with Government Code 65915(f), the density bonus shall be calculated based on the otherwise maximum allowable residential density under the applicable zoning ordinance and certified land use plan. The otherwise maximum allowable residential density shall mean the maximum density determined by applying all site-specific environmental development constraints applicable under the certified local coastal program. Any housing development approved pursuant to Government Code Section 65915 shall be consistent, to the maximum extent feasible and in a manner most protective of coastal resources, with all otherwise applicable certified local coastal program policies and development standards. Approval of development proposed under this section shall require a finding that the development, if it had been proposed without the 25 percent density increase, would have been fully consistent with the policies and development standards of the certified local coastal program. Before approving a 25 percent density increase, the City shall identify all potential means of accommodating the 25 percent density increase and the effects of such means on coastal resources shall be considered. If means are identified to accommodate the density increase that do not have an adverse effect on coastal resources, the density increase shall be accommodated by those means. If, however, all potential means for accommodating the density increase will have adverse effects on coastal resources, the City shall require implementation of the means that are most protective of significant coastal resources.~~

~~**22. Section 126.0504(m)(3), Supplemental Findings—Density Bonus and Affordable Housing Deviation**, shall be revised to read:~~

~~(m) Supplemental Findings—Density Bonus and Affordable Housing Deviation~~

~~A project that includes an affordable housing *density* bonus and requires a Site Development Permit in accordance with Section 141.0760 because the *development* involves a deviation from the *density* bonus and affordable housing provisions may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0504(a): [...]~~

~~(3) Approving the Site Development Permit will not adversely affect the applicable *land use plan*, cause significant adverse effects upon the environment, adversely affect solar access to neighboring property, or violate the relevant regulations of the Municipal Code and~~

~~(4) Within the Coastal Overlay Zone, in accordance with Government Code 65915(f), the density bonus shall be calculated based on the otherwise maximum allowable residential density under the applicable zoning ordinance and certified land use plan. The otherwise maximum allowable residential density shall mean the maximum density determined by applying all site-specific environmental development constraints applicable under the certified local coastal program. Any housing development approved pursuant to Government Code Section 65915 shall be consistent, to the maximum extent feasible and in a manner most protective of coastal resources, with all otherwise applicable certified local coastal program policies and development standards. Approval of development proposed under this section shall require a finding that the development, if it had been proposed without the 25 percent density increase, would have been fully consistent with the policies and development standards of the certified local coastal program. Before approving a 25 percent density increase, the City shall identify all potential means of accommodating the 25 percent density increase and the effects of such means on coastal resources shall be considered. If means are identified to accommodate the density increase that do not have an adverse effect on coastal resources, the density increase shall be accommodated by those means. If, however, all potential means for accommodating the density increase will have adverse effects on coastal resources, the City shall require implementation of the means that are most protective of significant coastal resources.~~

Chapter 12/Article 6/Division 6: Planned Development Permit Procedures

21. Section 126.0604(a)(1), Findings for Planned Development Approval, shall be revised to read:

A Planned Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0604(a) and the supplemental *findings* in Section 126.0604(b) that are applicable to the proposed *development* as specified in this section.

(a) Findings for all Planned Development Permits

(1) The proposed *development* will not adversely affect the applicable *land use plan*. Within the Coastal Overlay Zone, the granting of a Site Development Permit shall include a finding that the ~~request~~ **development** conforms with, and is adequate to carry out, the certified Land Use Plan;

Chapter 12/Article 6/Division 7: Coastal Development Permit Procedures

22. Section 126.0702(b), When a Coastal Development Permit Is Required, shall be revised to read:

(b) Permits Issued by the Coastal Commission. A Coastal Development Permit or exemption ~~requirements~~ for ~~all~~ proposed *coastal development* ~~on a project site~~ located

~~partially or~~ completely within the Coastal Commission Permit Jurisdiction or in the Deferred Certification Area must be obtained from the Coastal Commission. If the proposed coastal development is located partially within the City permit jurisdiction and partially within the Coastal Commission jurisdiction, a Coastal Development Permit from each agency is required for the portion of the project within the agency's jurisdiction. The Coastal Commission Permit Jurisdiction and the Deferred Certification Area are shown on Map No. C-730.1 on file in the Development Services Department, the San Diego office of the Coastal Commission, and in the office of the City Clerk as Document No. 00-17067-1.

23. Section 126.0704(a),Exemptions from a Coastal Development Permit, shall be revised to read:

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

(a) Improvements to existing *structures* are exempt, except if the improvements involve any of the following:

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

(2) Improvements to any *structure* that would result in an increase of 10 percent or more of interior *floor* area or an additional improvement of 10 percent or less where an improvement to the structure had previously been exempted; an increase in building height by more than 10 percent where the *structure* is located between the sea and first public roadway paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line where there is no beach, whichever is the greater distance. The first public roadway is shown on Map No. C-730.1 filed in the office of the County Recorder as Document No. 00-17069.

(3) Improvements that result in an intensification of use. For purposes of this section, intensification of use means a change in the use of a *lot* or *premises* which, based upon the provisions of the applicable zone, requires more off-street parking than **the most recent legal use on the property.** ~~the existing use. did any legal use of the *lot* within the 12 months immediately preceding the date of application for a construction permit~~.

(4) Any significant alteration of land forms including removal or placement of vegetation, on a beach, wetland or sand dune, or within 100 feet of the edge of a coastal bluff.

(5) ~~Improvements to existing structures which involve t~~ The demolition or removal of 50% or more of the exterior walls **of the existing structure** ~~are not exempt but rather constitute demolition and the replacement structure needs a new coastal development permit.~~

(6) The expansion or construction of water wells or septic systems.

(7) ~~Improvements to existing single-family residences~~ **Any significant non-attached structures such as garages, fences, shoreline protective works or docks on** property located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance~~, which~~

~~involve the construction of any significant non-attached structures such as garages, fences, shoreline protective works or docks.~~

(8) Any improvement to a structure where the *coastal development permit* issued for the original structure indicated that any future improvements would require a development permit.

24. Section 126.0704(b), Exemptions from a Coastal Development Permit, shall be revised to read:

(b) Repair or maintenance activities are exempt except if the repairs or maintenance involve any of the following:

(1) Repair or maintenance of a seawall, revetment, bluff *retaining wall*, breakwater, groin, culvert, outfall, or similar shoreline work that involves: substantial alteration to the foundation of the protective work ~~*structure*~~ including pilings and other surface or sub-surface structures; the placement, whether temporary or permanent, of riprap, artificial berms of sand or other beach materials, or any other forms of solid materials on a beach or in coastal waters, streams, *wetlands*, estuaries or on a shoreline protective work ~~wall,~~ **unless destroyed by natural disaster**; the replacement of 20 percent or more of the materials of an existing *structure* with materials of a different kind; the placement, whether temporary or permanent, of mechanized construction equipment on any sand area, *coastal bluff*, or within 20 feet of coastal waters or streams, except that the use of such equipment solely for routine beach and park maintenance shall not require a Coastal Development Permit.

(2) Any repair or maintenance to facilities or *structures* or any work located within a *wetland*, any sand area, within 50 feet of a *coastal bluff edge* or *wetland*, or within 20 feet of any coastal waters or streams that include: the placement or removal, whether temporary or permanent, of riprap, rocks, sand or other beach materials or any other forms of solid materials or the presence, whether temporary or permanent, of mechanized equipment or construction materials. ~~except that *public utility* repair and maintenance, as provided under Section 126.0704(c), below, shall not require a Coastal Development Permit.~~

~~(3) Unless destroyed by natural disaster, the replacement of 50 percent or more of a seawall, revetment, bluff retaining wall, breakwater, groin or similar protection work under one ownership is not repair and maintenance but instead constitutes a replacement structure, **not repair and maintenance** requiring a *coastal development permit*.~~

(c) Any development that has been categorically excluded pursuant to Categorical Exclusion Order No. X.

(d) A *temporary event* which does not meet all of the following criteria:

(1) The event is held between Memorial Day weekend and Labor Day; and,

(2) The event will occupy all or a portion of a sandy beach or public parking area; and,

(3) The event involves a charge for general public admission or seating where no fee is currently charged for use of the same area (not including booth or entry fees).

However, a *temporary event* which does not meet all of the above criteria may require a Coastal Development Permt if the City Manager determines the event has the potential to adversely affect public access to the shoreline and/or environmentally sensitive lands, and the event involves any of the following circumstances:

(4) The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive lands;

(5) The event is scheduled between Memorial Day weekend and Labor Day and would restrict or close to the public use of roadways or parking areas or otherwise significantly impact public use or access to coastal waters;

(6) The event has historically required a coastal development permit to address and monitor associated impacts to coastal resources.

25. **Section 126.0707(c),~~(b)~~, Decision Process for a Coastal Development Permit**, shall be revised to read:

~~(b)~~(c) Conditions may be imposed by the decision maker when approving a Coastal Development Permit to carry out the purpose and the requirements of this division. The conditions may include a provision for public access, open space, or conservation easements or the relocation or redesign of proposed site improvements. In any subdivision or other land division, such conditions **shall** ~~should~~ be imposed at the time of the subdivision or other land division, rather than through subsequent development permits. When conditions pertaining to public access, open space, or conservation easements are imposed, the City Manager shall notify the Executive Director of the Coastal Commission as set forth in Section 126.0719.

(d) When more than one permit, map or other approval is required for a single development, the applications shall be consolidated **and the action of the decision-maker shall be considered one consolidated action. In the Coastal Overlay Zone, this consolidated action shall constitute the coastal development permit. All required findings must be made for each approval. These findings shall be consolidated and shall constitute the findings of the coastal development permit.** ~~for processing, and the findings for *the Coastal Development Permit* shall apply to the entire development, including, but not limited to, any land division, infrastructure improvements, buildings, landscaping or open space. Impacts for the entire development shall be assessed and mitigation measures required through conditions of approval of the *Coastal Development Permit*.~~ **For decisions involving *coastal development* within the *appealable area*, the entire consolidated decision is appealable to the Coastal Commission.**

(e) Any coastal development involving a subdivision pursuant to the Subdivision Map Act and any other division of land requires a *Coastal Development Permit*. The land division shall be processed as part of the *Coastal Development Permit* in accordance with the Subdivision Regulations (Chapter 14, Article 4) and Subdivision Procedures (Chapter 12, Article 5). Any tentative map, lot line adjustment, merger, public right-of-way vacation or public easement abandonment may be approved or conditionally approved only if the decisionmaker makes the findings pursuant to ~~**Section 143.0146, when applicable, and**~~ Section 126.0708.

26. Section 126.0708(a), (b) (c) and (d), Findings for Coastal Development Permit Approval, shall be revised to read:

An application for a Coastal Development Permit may be approved or conditionally approved only if the decision maker makes the following *findings*:

(a) The proposed *coastal development* will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a *Local Coastal Program land use plan*; and the proposed *coastal development* will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the ~~nor will it significantly obstruct identified views to and along the ocean and other scenic coastal areas from *public vantage points* as identified in a~~ *Local Coastal Program land use plan*;

(b) The proposed *coastal development* will not adversely affect **environmentally sensitive lands** ~~sensitive biological resources or sensitive coastal resource areas; and~~

(c The proposed *coastal development* ~~will conform with the *Local Coastal Program*~~ **is consistent with the certified Land Use Plan and complies with all regulations of the certified Implementation Program.**

(d) **For** every *coastal development permit* issued for any *coastal development* between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone ~~shall include a specific finding that~~ the *coastal development* is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

27. Section 126.0708 (e) shall be added as follows:

(e). Deviations from Environmentally Sensitive Lands Regulations for Wetlands within the Coastal Overlay Zone

Where a deviation is requested from the wetland provisions of the environmentally sensitive lands regulations because the applicant contends that application of the regulations would result in denial of all economically viable use, the coastal development permit shall include a determination of economically viable use, subject to the following process:

1. Application for economically viable use determination.

Any applicant that proposes a use other than one permitted within wetlands pursuant to Section 143.0130 (d) of the environmentally sensitive lands regulations, based on the contention that the uses permitted by the regulations will not provide an economically viable use of his or her property, shall apply for an economic viability determination in conjunction with the Coastal Development Permit application. The application for an economic viability determination shall include the entirety of all parcels that are geographically contiguous and held by the applicant in common ownership at the time of the application. Before any application for a coastal development permit and economic viability determination is accepted for processing, the applicant shall provide the following information:

(A) The date the applicant purchased or otherwise acquired the property and from whom.

(B) The purchase price and the documentary transfer tax paid by the applicant for the property.

(C) The fair market value of the property at the time the applicant acquired it, describing the basis upon which the fair market value is derived, including any appraisals done at the time.

(D) The general plan, zoning or similar land use designations applicable to the property at the time the applicant acquired it, as well as any changes to these designations that occurred after acquisition.

(E) Any development restrictions or other restrictions on use, other than government regulatory restrictions described in (d) above, that applied to the property at the time the applicant acquired it, or which have been imposed after acquisition.

(F) Any change in the size of the property since the time the applicant acquired it, including a discussion of the nature of the change, the circumstances and the relevant dates.

(G) A discussion of whether the applicant has sold, leased, or donated a portion of or interest in, the property since the time of purchase indicating the relevant dates, sales prices, rents, and nature of the portion or interests in the property that were sold or leased.

(H) Any title reports, litigation guarantees or similar documents in connection with all or a portion of the property of which the applicant is aware.

(I) Any offers to buy all or a portion of the property which the applicant solicited or received, including the approximate date of the offer and offered price.

(J) The applicant's costs associated with the ownership of the property annualized for each of the last five calendar, including property taxes, property assessments, debt service costs (such as mortgage and interest costs), and operation and management costs.

(K) Apart from any rent received from the leasing of all or a portion of the property, any income generated by the use of all or a portion of the property over the last five calendar years. If there is any such income to report it should be listed on an annualized basis along with a description of the uses that generate or has generated such income.

(L) Topographic, vegetative, hydrologic and soils information prepared by a qualified professional, which identifies the extent of the wetlands on the property.

(M) An analysis of alternatives to the proposed project and an assessment of how the proposed project is the least environmentally damaging alternative. The analysis of alternatives shall include an assessment of how the proposed project will impact all adjacent wetlands and environmentally sensitive habitat areas including those within the overall development plan area.

2. Supplemental Findings – Deviation from the Environmentally Sensitive Lands Regulations for Wetlands in the Coastal Overlay Zone

The decision maker shall hold a public hearing on any application on a Coastal Development Permit that includes a deviation from the Environmentally Sensitive Lands Regulations for Wetlands in the Coastal Overlay Zone. Such hearing shall address the economically viable use determination. Prior to approving a Coastal Development Permit for development within the Coastal Overlay Zone that requires a deviation from the wetlands regulations, the decision maker shall make the following findings:

(A) Based on the economic information provided by the applicant as well as any other relevant evidence, each use provided for in Section 143.0130 (d) of the environmentally sensitive lands regulations would not provide an economically viable use of the applicant's property.

(B) Restricting the use of the applicant's property to the uses provided for in Section 143.0130 (d) of the environmentally sensitive lands regulations would interfere with the applicant's reasonable investment-backed expectations.

(C) The use proposed by the applicant is consistent with the applicable zoning.

(D) The use and project design, siting, and size are the minimum necessary to provide the applicant with an economically viable use of his or her property.

(E) The project is the least environmentally damaging alternative and is consistent with all provisions of the LCP with the exception of Section 143.0130.

The findings adopted by the decision-making authority shall identify the evidence supporting the findings.

28. Section 126.0708 (f) shall be added as follows:

(f) Deviations for Purposes of Encouraging Affordable Housing

A coastal development permit for a development that includes an affordable housing density bonus pursuant to Division 7 shall be approved only if the following additional findings are made:

(1) The density bonus does not exceed a 25 percent density increase over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan, and has been granted only to provide the types of housing identified in Government Code Section 65915(b) (i.e., housing for lower income households, very low income households, or qualifying residents as defined in Section 51.3 of the Civil Code). The otherwise maximum allowable residential density shall mean the maximum density determined by applying all site-specific environmental development constraints applicable under the coastal zoning ordinances and land use element certified by the Coastal Commission.

(2) The development to which the affordable housing density bonus applies consists of five or more units.

(3) The development is consistent, to the maximum extent feasible and in a manner most protective of coastal resources, with all otherwise applicable certified local coastal program policies and development standards.

(4) If the development had been proposed without the 25 percent density increase, it would have been fully consistent with the policies and development standards of the certified local coastal program. All potential means of accommodating the 25 percent density increase have been identified and the effects of such means on coastal resources have been considered. All means of accommodating the density increase that do not have any adverse effect on coastal resources have been used, or such means do not exist, in which case the density increase has been accommodated by those means that are most protective of significant coastal resources.

(5) If the development includes one of the incentives identified in Government Code Section 65915(h), the additional incentive is required in order to provide for affordable housing costs or rents. All potential incentives have been identified and the effects of each incentive on coastal resources have been considered. Only incentives that do not have an adverse effect on coastal resources have been granted, or such incentives do not exist, in which case, only one incentive has been granted to satisfy the requirement of Government Code Section 65915 and it is the incentive that is most protective of significant coastal resources.

The findings adopted by the decision maker shall identify the evidence supporting the findings. Such evidence shall include but not be limited to an identification of the potential means of accommodating the density increase and the potential incentives that would satisfy Government Code Section 65915.

29. Section 126.0710(b), (c), (d) and (e)(1), Appeals to the Coastal Commission, shall be revised to read:

(b) A Coastal Development Permit that has been approved or denied for a major public works project or a major energy facility as these are defined by California Public Resources Code Sections 30114 and 30107, respectively, and Section 13012, California Code of Regulations, Title 14, Division 5.5 may be appealed to the Coastal Commission if the *development* authorized by the permit is located anywhere within the Coastal Overlay Zone.

~~(c) A Coastal Development Permit within the *appealable area* that has been denied may be appealed to the Coastal Commission only if the permit is for a major public works project or a major energy facility or if the decision maker approves all other required *development permits* or maps but does not make the *findings* for the Coastal Development Permit.~~

(d) Exhaustion of City Appeal. A decision on a Coastal Development Permit may be appealed to the Coastal Commission only after all appeal remedies of the City have been exhausted, except that exhaustion of all local appeals shall not be required if any of the following occur: an appellant is required to appeal to more local appellate bodies than have been certified as appellate bodies for *coastal development permits*; an appellant was denied the right of the initial local appeal by a local ordinance which restricts the class of persons who may appeal a local decision; an appellant was denied the right of local appeal because local notice and hearing procedures for the development were inadequate or an appeal fee is required for the filing or processing of appeals.

(e) Coastal Commission Responsibility

(1) If the Coastal Commission determines that a substantial issue exists in an appeal of a City Coastal Development Permit, the Coastal Development Permit ~~*coastal*~~

~~*development* authorized by that permit~~ becomes the responsibility of the Coastal Commission. All future responsibility pertaining to the ~~*coastal development* authorized by that~~ Coastal Development Permit lies with the Coastal Commission, including any future amendment to, extension to, or enforcement of the conditions of approval of the permit.

~~**30. Section 126.0715, Time Extension for a Coastal Development Permit**, shall be revised to read:~~

~~A Coastal Development Permit issued by the City may be extended in accordance with Section 126.0111. For extension requests related to a *coastal development permit*, the review of the application and the decision process shall also include a determination of whether or not there are changed circumstances that may affect the development permit's consistency with the certified *Local Coastal Program*. If it is determined that there are changed circumstances that affect the development permit's consistency with the certified *Local Coastal Program* or new conditions are required to comply with state or federal law, the extension request must be denied, no conditional approval may be granted and a new development permit must be obtained.~~

30. Section 126.0717, Permits Issued by the Coastal Commission, shall be revised to read:

Any person who has a valid Coastal Development Permit issued by the Coastal Commission is not required to obtain a Coastal Development Permit for that same *coastal development* from the City. The Coastal Commission is exclusively responsible for the issuance of an amendment to a Coastal Development Permit that has been approved by the Coastal Commission, regardless of the jurisdictional boundaries governing applications for Coastal Development Permits. The City may not grant a Coastal Development Permit for the same *coastal development* on a site that has a previously approved Coastal Development Permit issued by the Coastal Commission unless the previously approved permit has expired or been forfeited to the Coastal Commission. Following a final decision on a *coastal development permit*, no applicant or the applicant's successor in interest may reapply for a development permit for substantially the same development for a period of six months from the date of the prior final decision.

31. Section 126.0718(b), (c)(f)(1) and (h), Procedures for Emergency Coastal Development Permits, shall be revised to read:

(b) Application. When a coastal emergency exists, an *applicant* may use the procedures of this section instead of the standard application and decision procedures for a Coastal Development Permit. However, all emergency Coastal Development Permits shall authorize only **the minimum necessary to stabilize the emergency** ~~**temporary development that can be removed**~~. In addition, emergency development requires the subsequent processing of a standard Coastal Development Permit application for any work authorized on ~~**a temporary**~~ an emergency basis by these procedures. The *applicant* may apply for an emergency Coastal Development Permit in person, by letter to the City Manager, or by telephone.

(c) Contents of Application. The application shall include the following information:

(1) The nature of the coastal emergency;

(2) The cause of the coastal emergency;

(3) The location of the coastal emergency;

(4) The remedial, protective, or preventive work required to deal with the coastal emergency; ~~and~~

(5) The circumstances during the coastal emergency that justify the course of action taken or to be taken, including the probable consequences of failing to take emergency action, and

(6) Identification of options for addressing the coastal emergency, including the least environmentally-damaging alternative.

(f) *Findings.* An emergency Coastal Development Permit may be approved or conditionally approved only if the City Manager makes the following *findings*:

(1) A coastal emergency exists that requires action more quickly than would be permitted by the normal procedures for acquiring a Coastal Development Permit and the development can and will be completed within 30 days unless otherwise specified in the permit;

(h) Notice. The City Manager shall provide public notice of the emergency work, with the extent and type of notice determined by the nature and time constraints of the coastal emergency. Notice of the issuance of an emergency coastal development permit shall always be provided to the Coastal Commission.

32. Section 126.0722, Beach Sand Mitigation Fee, shall be added to read:

(a) An applicant for a Coastal Development Permit for a coastal development proposal involving a bluff or shoreline protective device may be required, as a condition of development approval, to pay a fee to the City of San Diego Beach Sand Mitigation Fund held at the San Diego Association of Governments to be used for beach replenishment and/or public access improvements within the City of San Diego.

(b) The fee shall be to mitigate impacts to local shoreline sand supply and/or to compensate for direct encroachment by the protective device onto State tidelands or public beach. The amount of the fee shall be roughly-proportional to the value of the beach area **and sand supply** lost as a result of the approved protective device. The information necessary to quantify potential impacts and to calculate a mitigation fee, as discussed within the Beach and Bluff Guidelines in the Land Development Manual, shall be included with the permit application.

33. Section 126.0725, Revocation of Coastal Development Permits, shall be added to read:

The provisions of this section shall govern proceedings for revocation of a Coastal Development Permit. The revocation of a Coastal Development Permit issued by the City shall be considered and acted upon in accordance with Sections 121.0313, 121.0314, 121.0315 and 121.0316 of this code. However, within the Coastal Overlay Zone, the grounds for revocation of a permit shall also include:

(a) Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the decisionmaker finds that accurate and complete information would have caused the decisionmaker to require additional or different conditions on a **Coastal Development** Permit or deny an application; or

(b) Failure to comply with the notice provisions ~~herein~~ of **Section 112.0306** where the views of the person(s) not notified were not otherwise made known to the decisionmaker and could have caused the decisionmaker to require additional or different conditions on a **Coastal Development** Permit or deny an application.

34. Section 126.0722(EXISTING), shall be re-codified as Section 126.0724, Violations of a Coastal Development Permit, and shall be revised to read:

It is unlawful for any person to ~~divide~~, maintain, use, **or undertake *coastal development* on** ~~or develop or subdivide~~ any lot or *premises* without a Coastal Development Permit if such a permit is required for the use or *development* or to maintain, use, or develop any *premises* contrary to the requirements or conditions of an existing Coastal Development Permit. Violation of any provision of this division shall be subject to the enforcement provisions contained in Chapter 12, Article 1. Violations of this division shall be treated as strict liability offenses regardless of intent.

35. Section 126.0805(d), Findings for Variance Approval, shall be revised to read:

The decision maker may approve or conditionally approve an application for a variance only if the decision maker makes the following *findings*:

(d) The granting of the variance will not adversely affect the applicable *land use plan*. ~~If the variance is being sought in conjunction with any proposed *coastal development*, the required finding shall specify that granting of the variance conforms with, and is adequate to carry out, the provisions of the certified land use plan.~~

Chapter 12/Article 7/Division 1: General Review Procedures for Previously Conforming Premises and Uses

36. Section 127.0107(a), Change in Use of a Previously Conforming Use, shall be revised to read:

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

(b) Within the Coastal Overlay Zone, **if** a change in use from a previously conforming use to another use within the same use category of the Use Regulation Tables of Chapter 13, Article 1 ~~must not~~ involve**s** any intensification of use ~~in order to retain~~ the previously conforming rights **are not retained** for the new use.

(c) Within the Coastal Overlay Zone, if the proposal involves the demolition or removal of 50% or more of the exterior walls of an existing structure, the previously conforming rights are not retained for the new structure.

Chapter 13/Article 1/Division 1: General Rules for Base Zones

37. Section 131.0112(a)(6)(K), Descriptions of Use Categories and Subcategories, shall be revised to read:

(K) Visitor Accommodations – Uses that provide lodging, or a combination of lodging, food, and entertainment, primarily to visitors and tourists. (Outside the Coastal Overlay Zone, [i]ncludes single room occupancy hotels.)

Chapter 13/Article 1/Division 2: Open Space Base Zones

38. Section 131.0222, Table 131-02B, Use Regulations Table of Open Space Zones, shall be revised as follows:

~~**1) Under Residential Use Categories/Subcategories, a new footnote (11) shall be added to Residential Care Facilities and Transitional Housing in the OR-1-1 and OR-1-2 zones;**~~

2) ~~Under Institutional Use Categories/Subcategories, a new footnote (11) shall be added to Minor Telecommunication Facility, Major Telecommunication Facility and Satellite Antennas in the OF-1-1 zone;~~

3) Under Commercial Services Use Categories/Subcategories, footnote (7) shall be added to Camping Parks, **Fairgrounds and Swap Meets** in the OF-1-1 zone;

4) Under Commercial Services Use Categories/Subcategories, a new footnote (12) shall be added to Golf Course, Driving Ranges, **Helicopter Landing Facilities** and Pitch & Putt Courses in the OF-1-1 zone;

5) Under Industrial Use Categories/Subcategories, footnote (7) shall be added to Mining and Extractive Industries in the OF-1-1 zone;

6) Under the Open Space – Floodplain (OF) Zone category, Footnote 13 shall be added to read: Within the Coastal Overlay Zone, no structures are permitted within a floodway;

7) Footnote (11) shall be added to read: These ~~residential~~ uses are not allowed in the Coastal Overlay Zone; and

8) Footnote (12) shall be added to read: No fill or permanent structures shall be authorized for such development in the Coastal Overlay Zone.

39. Section 131.0250(a) and (b), Allowable Development Area in OR Zones, shall be revised to read:

(a) Within the OR-1-1 zone ~~**and outside the Coastal Overlay Zone**~~, up to 25 percent of the *premises* may be developed subject to the following: [...]

(3) Within the Coastal Overlay Zone, only uses identified in Section 143.0130 (d) and (e) shall be permitted within *wetlands* subject to the provisions of Section 143.0141 (a) and (b).

(4) Within the Coastal Overlay Zone, *coastal development* on premises containing *steep hillsides* and *sensitive biological resources* is subject to the encroachment limitations set forth in Section 143.0142 (a) .

(b) A *premises* within the OR-1-2 zone, ~~and~~ within or partially within the MHPA ~~**and outside the Coastal Overlay Zone,**~~ is subject to the following regulations: [....]

(10) Within the Coastal Overlay Zone, only uses identified in Section 143.0130 (d) and (e)
shall be permitted within *wetlands* subject to the provisions of Section 143.0141 (a) and (b).

(11) Within the Coastal Overlay Zone, *coastal development* on premises containing *steep hillsides* and *sensitive biological resources* is subject to the encroachment limitations set forth in Section 143.0142 (a) .

Chapter 13/Article 1/Division 3: Agricultural Base Zones

40. Section 131.0322, Table 131-03B, Use Regulations Table for Agricultural Zones, shall be revised as follows:

~~**1) Under Residential Use Categories/Subcategories, a new footnote (9) shall be added to Residential Care Facilities and Transitional Housing for the AR-1-1 and AR-1-2 zones;**~~

2) Under Commercial Services Use Categories/Subcategories, a new footnote (9) shall be added to all Child Care Facilities and Recycling Facilities/Large Collection Facility for the AR-1-1 and AR-1-2 zones;

3) Under Industrial Use Categories/Subcategories, a new footnote (9) shall be added to Hazardous Waste Research Facility and Hazardous Waste Treatment Facility in the AR-1-1 and AR-1-2 zones; and

4) Footnote (9) shall be added to read: These uses are not allowed within the Coastal Overlay Zone.

Chapter 13/Article 1/Division 4: Residential Base Zones

41. Section 131.0461(a) and (c), Architectural Projections and Encroachments in Residential Zones, shall be revised to read:

a) The following are permitted *architectural projections* and *encroachments* into required *yards* 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 ~~front and street side setbacks and~~ 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. [...]

(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 a the required ~~setbacks and~~ yards within view corridors that are designated by land use plans in the Coastal Overlay Zone **or** ~~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.

Chapter 13/Article 1/Division 5: Commercial Base Zones

42. Section 131.0522, Use Regulations Table of Commercial Zones, Table 131-05B, shall be revised as follows:

1) Under the Residential Use Categories/Subcategories, a revised footnote (2) shall be added to Boarder & Lodger Accommodations; Fraternities, Sororities and Student Dormitories, **Residential Care Facilities and Transitional Housing** and Housing for Senior Citizens in the CN and CV zones;

~~2) Under the Residential Use Categories/Subcategories, a new footnote (10) shall be added to Residential Care Facilities and Transitional Housing in the CN and CV zones;~~

3) Under the Institutional Use Categories/Subcategories, a new footnote (10) shall be added to Airports; Cemeteries, Mausoleums, Crematories; Churches; ~~Minor &~~ Major Telecommunication Facilities; Correctional Placement Centers; Educational Facilities; Energy Generation & Distribution Facilities; Historical Buildings Used for Purposes Not Otherwise Allowed; Homeless Facilities; Hospitals, Intermediate Care Facilities & Nursing Facilities; Major Transmission, Relay, or Communications Switching; and Social Service Institutions in the CN and CV zones;

4) Under the Retail Sales Use Categories/Subcategories, a new footnote (10) shall be added to Swap Meets & Other Large Outdoor Retail Facilities in the CV zone;

5) Under the Retail Sales Use Categories/Subcategories, ~~a new footnote (11) shall be added to~~ Wearing Apparel & Accessories ~~and it~~ shall be **added as** a permitted use (P) in the CV zone;

6) Under the Commercial Services Use Categories/Subcategories, a new footnote (10) shall be added to all ~~**Adult Entertainment Establishments**~~; Boarding Kennels; all Child Care Facilities; Helicopter Landing Facilities; Outpatient Medical Clinics; Recycling Facilities, except for a Drop-off Facility and Reverse Vending Machines in the CV zone;

7) Under the Commercial Services Use Categories/Subcategories, a revised footnote (2) shall be added to Instructional Studios in the CV zone;

8) Under the Offices Use Categories/Subcategories, a new footnote (10) shall be added to Medical, Dental & Health Practitioner; Real Estate Sales Offices ~~& Model Homes~~ and Sex Offender Treatment & Counseling in the CV zone;

~~9) Under the Wholesale, Distribution and Storage Use Categories/Subcategories, a new footnote (10) shall be added to Temporary Construction Storage Yards Located Off-site in the CV zone;~~

10) Under the Industrial Use Categories/Subcategories, a new footnote (10) shall be added to Newspaper Publishing Plants in the CV zone;

11) Footnote (2) shall be revised to read: Residential Use and residential parking are permitted only as part of a mixed-use (commercial/residential) project. Non-owner occupants must reside on the premises for a minimum of 7 consecutive calendar days. Within the Coastal Overlay Zone, residential uses and instructional studios are not permitted on the ground floor ~~and required parking cannot occupy more than 50% of the ground floor in the CV zone;~~

12) Footnote (10) shall be added to read: These uses are not allowed within the Coastal Overlay Zone; and

~~13) Footnote (11) shall be added to read: This use shall be permitted within the Coastal Overlay Zone.~~

43. Section 131.0540(c), Maximum Permitted Residential Density and Other Residential Regulations, shall be revised to read:

The following regulations apply to all residential *development* within commercial zones:

(c) Ground *Floor* Restriction. Residential use and residential parking are prohibited on the ground *floor* in the front half of the *lot*, except in the CC-3-4, CC-3-5, CC-4-4, CC-4-5, CC-5-4, CC-5-5, and CV-1-2 zones, where these uses are prohibited on the ground *floor* in the front 30 feet of the *lot* as shown in Diagram 131-05A. Within the Coastal Overlay Zone, ~~residential uses are not permitted on the ground floor and~~ required parking cannot occupy more than 50% of the ground floor in the CV-1-1 or CV-1-2 zones.

Chapter 13/Article 2/Division 4: Coastal Overlay Zone

44. Section 132.0402(b), Where the Coastal Overlay Zone Applies, shall be revised to read:

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

Table 132-04A
Coastal Overlay Zone Applicability

Type of *Development* Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) *Coastal development* that is categorically excluded pursuant	None	No permit required by this division

	to order of the Coastal commission or that is exempted by Section 126.0704		
(2)	Any *coastal development* within this overlay zone that is partially or completely within the Coastal Commission Permit Jurisdiction or the Deferred Certification Area	See use and development regulations of the base zone	Coastal Development Permit(s) are issued by the Coastal Commission and the City for their respective jurisdictions
(3)	*Coastal development* in this overlay zone that is not exempt under (1) of this table or that is not in the area described in (2) of this table	See use and development regulations of the base zone	Coastal Development Permit/ProcessTwo or Three

45. **Section 132.0403 Supplemental Use Regulations of the Coastal Overlay Zone**

(1) A visual corridor of not less than the side yard setbacks or more than 10 feet in width, and running the full depth of the premises, shall be preserved through the execution and recordation of a deed restriction as a condition of Coastal Development Permit approval whenever the following conditions exist:

(A) The proposed development is located on premises that lies between the shoreline and the first public roadway, as designated on Map Drawing No. C-731, or that is identified for public view provisions in a certified land use plan; and

(B) The requirement for a visual corridor is feasible and will serve to preserve, enhance or restore public views of the ocean or any classification of public views identified in the applicable land use plan.

(2) If there is an existing or potential public view, but the site is not designated in a land use plan as a view to be protected, it is intended that views to the ocean shall be preserved, enhanced or restored by deed restricting required side yard setback areas to cumulatively form functional view corridors and preventing a walled effect from authorized development.

(3) If there is an existing or potential public view and the site is designated in the applicable land use plan as a view to be protected, it is intended that such critical views to the ocean be preserved, enhanced or restored by designing and siting the coastal development in such a manner as to preserve the identified public view, and by deed restricting the required visual accessway.

(4) Where remodeling is proposed and existing legally established development is to be retained that precludes full establishment of a desired visual accessway as delineated above, preservation of any existing visual corridor on the site will be accepted, provided that the existing visual accessway is not reduced through the proposed remodeling.

(5) Open fencing and landscaping may be permitted within the established visual accessways, provided such improvements do not significantly

obstruct public views of the ocean. Landscaping shall be planted and maintained to preserve public views.

~~***Chapter 13/Article 2/Division 7: Mobilehome Park Overlay Zone***~~

~~**46. Section 132.0705, Supplemental Regulations of the Mobilehome Park Overlay Zone, shall be revised to read:**~~

~~Only the following uses may be permitted in the Mobilehome Park Overlay Zone:~~

~~(a) *Mobilehome* parks to accommodate *mobilehomes* intended for use as single-unit dwellings; and~~

~~(b) The following *accessory uses*:~~

~~(1) Recreation buildings, game courts, swimming pools, and other similar facilities intended only for the use of the residents of the *mobilehome* park and their guests;~~

~~(2) Nonresidential occupancy *accessory structures* such as private garages, carports, and storage sheds;~~

~~(3) Home occupations in accordance with Section 141.0308; and~~

~~(4) *Signs* as permitted by the applicable zone; and~~

~~(c) Within the Coastal Overlay Zone, permitted uses shall also include commercial and passive recreational uses, open space and habitat uses. Any allowable uses shall also comply with the Environmentally Sensitive Lands regulations for the coastal zone.~~

Chapter 13/Article 2/Division 8: Parking Impact Overlay Zone

46. Section 132.0802(b), Where the Parking Impact Overlay Zone Applies, shall be revised to read:

(b) Table 132-08A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone.

Table 132-08A

Parking Impact Overlay Zone Applicability

Type of *Development* Proposal		**Supplemental Development Regulations**	**Required Permit Type/ Decision Process**
(1)	Any *single dwelling unit development* located within the campus impact area	See the parking regulations in Section 142.0520	No permit required by this division
(2)	Any residential and nonresidential development located within the beach impact area and any *multiple dwelling unit development* located within the ~~beach impact area or~~	See the parking regulations in Sections 142.0520, 142.0525, and 142.0530	No permit required by this division

Type of *Development* Proposal		Supplemental Development Regulations	Required Permit Type/ Decision Process
	campus impact area		
(3)	Any eating and drinking establishment that is located in the coastal impact area and in the CC-5-2, CC-5-4, or CC-3-5 zones	See the parking regulations in Section 142.0530(b)	No permit required by this division

Chapter 13/Article 2/Division 14: Community Plan Implementation Overlay Zone

47. Section 132.1402(b), Where the Community Plan Implementation Overlay Zone Applies, shall be revised to read:

(b) Table 132-14B shows the location of the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone.

Table 132-14B
Community Plan Implementation Overlay Zone Applicability

Type of *Development* Proposal		Supplemental Development Regulations	Required Permit Type/ Decision Process
(1)	Interior building improvements that do not involve a change in use or provide additional *floor* area, or improvements that do not require a *construction permit*	None--Exempt from this division	No permit required by this division
(2)	Any *development* within the boundaries shown on a map identified in Section 132.1402, where the map shows "Type A" and the proposed development complies with the development standards or criteria in the applicable community plan	Refer to the applicable community plan	No permit required by this division
(3)	Any *development* within the boundaries shown on a map identified in Section 132.1402, where the map shows "Type A" and the proposed *development* does not comply with the *development* standards or criteria in the applicable community plan	Refer to the applicable community plan	Site Development Permit/ Process Three
(4)	Any *development* within the boundaries shown on a map identified in Section 132.1402,	Refer to the applicable community plan	Site Development Permit/

Type of *Development* Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
where the map shows "Type B"		Process Three

Chapter 14/Article 1/Division 2: Agriculture Use Category—Separately Regulated Uses

48. Section 141.0202(a), Commercial Stables, shall be revised to read:

Commercial stables 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 Section 141.0202(a). Commercial stables 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 Section 141.0202(b).

(a) Limited Use Regulations

(1) Commercial stables require a lot area of at least 5 acres.

(2) No *structures* other than portable *structures* are permitted within a *floodway*. Within the Coastal Overlay Zone, no *structures*, including portable *structures*, are permitted within a *floodway*.

Chapter 14/Article 1/Division 3: Residential Use Category—Separately Regulated Uses

49. Section 141.0301(d), Boarder and Lodger Accommodations, shall be revised to read:

Boarder and *lodger* accommodations 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. [...]

(d) Off-street parking shall be provided at a rate of 1 space for each 2 boarders or lodgers. Within the Beach Impact Area **of the Parking Overlay Zone**, off-street parking shall be provided at a rate of 1 space for each boarder or lodger.

50. Section 141.0310(b), Housing for Senior Citizens, shall be revised to read:

Housing for senior citizens 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. [...]

(b) Housing for senior citizens may be permitted a *density* bonus of up to 50 percent over that permitted by the base zone, except within the Coastal Overlay Zone, where housing for senior citizens may be permitted a *density* bonus of up to 25 percent over that permitted by the base zone. All bonus units built over the allowable *density* of the base zone must comply with Chapter 14, Article 3, Division 7 (Affordable Housing *Density* Bonus Regulations). Proposed *developments* that provide daily meals in a common cooking and dining facility, and provide and maintain a common transportation service for residents, may be exempt from the affordability requirement of Chapter 14, Article 3, Division 7.

Chapter 14/Article 1/Division 4: Institutional Use Category—Separately Regulated Uses

51. Section 141.0404(a)(1) and (b)(1), Churches and Places of Religious Assembly, shall be revised to read:

Churches and places of religious assembly 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 Section 141.0404(a). *Churches* and places of religious assembly that do not comply with Section 141.0404(a) may be permitted with a Conditional Use Permit decided in accordance with Process Three subject to Section 141.0404(b). *Churches* and places of religious assembly may also 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 Section 141.0404(b).

(a) Limited Use Regulations

(1) *Churches* and places of religious assembly are not permitted within the *MHPA* or in floodplains located in ~~agriculturally zoned areas of~~ the Coastal Overlay Zone. [...]

(b) Conditional Use Permit Regulations

(1) *Churches* and places of religious assembly are not permitted within the *MHPA* or in floodplains located in ~~agriculturally zoned areas of~~ the Coastal Overlay Zone. [....]

52. Section 141.0405(d)(1), Communication Antennas – Major Telecommunication Facilities, shall be revised to read:

(d) Major Telecommunication Facilities

Major telecommunication facilities 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) Major telecommunication facilities are not permitted in the following locations:

[...]

(D) On properties within the MHPA and/or containing sensitive steep hillsides, or within public view corridors or view sheds identified in applicable land use plans.

53. Section 141.0407(a), Educational Facilities—Schools for Kindergarten to Grade 12 and Colleges/Universities, shall be revised to read:

Educational facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) Permanent *development* associated with educational facilities is not permitted in agricultural zones in the future urbanizing area or within floodplains located in ~~agriculturally zoned areas of~~ the Coastal Overlay Zone.

54. Section 141.0413(a), Hospitals, Intermediate Care Facilities, and Nursing Facilities, shall be revised to read:

Hospitals, intermediate care facilities, and nursing facilities may be permitted with a Process Four Conditional Use Permit 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) These facilities are not permitted in agricultural zones in the future urbanizing area or within floodplains located in ~~agriculturally zoned areas of~~ the Coastal Overlay Zone.

Chapter 14/Article 1/Division 6: Commercial Services Use Category—Separately Regulated Uses

55. Section 141.0610(a), Helicopter Landing Facilities, shall be revised to read:

Helicopter landing facilities may be permitted with a Conditional Use Permit decided in accordance with Process Five 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) Helicopter landing facilities are not permitted in floodplains located ~~in agriculturally zoned areas of~~ the Coastal Overlay Zone.

56. Section 141.0614(a), Nightclubs and Bars over 5,000 Square Feet in Size, shall be revised to read:

Nightclubs and bars over 5,000 square feet in size may be permitted with a Conditional Use Permit decided in accordance with Process Four 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) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property. Within the Beach Impact Area **of the Parking Overlay Zone**, off-street parking shall be provided at a ratio not less than one parking space for every 200 sq.ft. of gross floor area, including any outdoor eating or drinking areas.

57. Section 141.0615(b)(4), Outpatient Medical Clinics, shall be revised to read:

Outpatient medical clinics 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 Section 141.0615(a). Outpatient medical clinics 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 Section 141.0615(b). [...]

(b) Neighborhood Use Permit Regulations [...]

(4) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property. Within the Beach Impact Area, off-street parking shall be provided at a ratio not less than one parking space for every 250 sq.ft. of gross floor area.

58. Section 141.0617(a), Private Clubs, Lodges, and Fraternal Organizations, shall be revised to read:

Private clubs, lodges, and fraternal organizations are associations of persons, whether incorporated or unincorporated, for the promotion of some common social, cultural, educational, religious, or recreational objective. This use does not include *churches* or any group whose primary objective is a business customarily carried on for a profit.

Private clubs, lodges, and fraternal organizations may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property. Within the Beach Impact Area, off-street parking shall be provided at a ratio not less than one parking space for every 200 sq.ft. of gross floor area. [....]

59. Section 141.0621(o), Sidewalk Cafes, shall be added to read:

Sidewalk cafes 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 provisions of this section. : Within the Beach Impact Area, sidewalk cafes shall not exceed 200 sq.ft. in area without providing parking. Required parking shall be provided at a ratio not less than one parking space for every additional 200 sq.ft. (or portion thereof) above the first 200 sq.ft.

60. Section 141.0623(a), Theaters That Are Outdoor or over 5,000 Square Feet in Size, shall be revised to read:

Theaters that are outdoor or over 5,000 square feet in size may be permitted with a Conditional Use Permit decided in accordance with Process Four 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) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property. Within the Beach Impact Area, off-street parking shall be provided at a ratio not less than one parking space for every three fixed seats or one space for every 21 sq.ft. of gross floor area where there are no fixed seats.

61. Section 141.0624(a), Veterinary Clinics and Animal Hospitals, shall be revised to read:

Veterinary clinics and hospitals may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) Veterinary clinics and hospitals are not permitted in agricultural zones in the future urbanizing area, except as an accessory use within a zoological park, or within floodplains located in ~~agriculturally zoned areas of~~ the Coastal Overlay Zone.

Chapter 14/Article 1/Division 9: Wholesale, Distribution and Storage Use Category—Separately Regulated Uses

62. Section 141.0902(a), Junk Yards, shall be revised to read:

Junk yards may be permitted with a Conditional Use Permit decided in accordance with Process Four 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) Junk yards are not permitted in agricultural zones in the future urbanizing area or within floodplains located in ~~agriculturally zoned areas of~~ the Coastal Overlay Zone.

Chapter 14/Article 2/Division 3: Fence Regulations

63. Section 142.0305(b), When Fence Regulations Apply, shall be revised to read:

(b) Table 142-03A shows the applicable regulations and the type of permit required by this division, if any, for specific types of *fences*.

Table 142-03A
Fence Regulations Applicability

TYPE OF *DEVELOPMENT* PROPOSAL	APPLICABLE REGULATIONS	REQUIRED PERMIT TYPE/ DECISION PROCESS

TYPE OF *DEVELOPMENT* PROPOSAL	APPLICABLE REGULATIONS	REQUIRED PERMIT TYPE/ DECISION PROCESS
Any *fence* with a height less than 6 feet	Sections 142.0310-142.0330, 142.0360-142.0380	No permit required by this division
Any *fence* with a height of 6 feet Or greater	Sections 142.0310-142.0330, 142.0360-142.0380	Building Permit/Process One
Any *retaining wall* with a height Less than 3 feet	Sections 142.0340, 142.0370, 142.0380	No permit required by this division
Any *retaining wall* with a height of 3 feet or greater	Sections 142.0340, 142.0370, 142.0380	Building Permit/ Process One
Any *fence* or *retaining wall* exceeding the height permitted in Section 142.0310, 142.0320, 142.0330, and 142.0340.	Section 142.0350	Neighborhood Development Permit/Process Two
Any *fence* or *retaining wall located on premises that lies between the shoreline and the first public roadway, as designated on Map Drawing No. C-731).*	Section 142.0310-142.0380	Coastal Development Permit/Process Three – Appealable

Chapter 14/Article 2/Division 4: Landscape Regulations

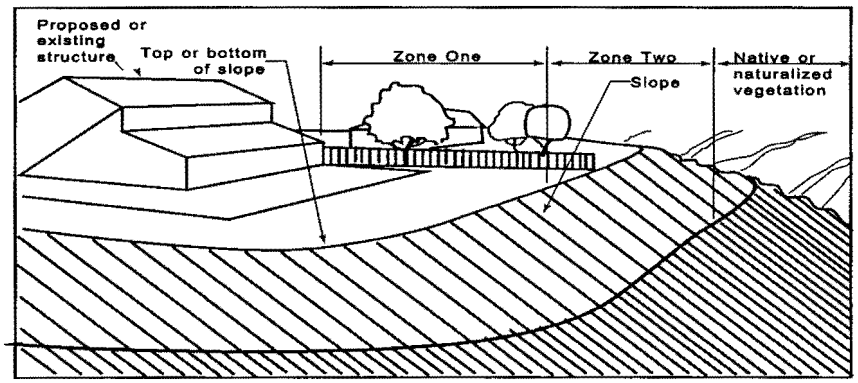
64. Section 142.0412, Brush Management, shall be revised to read:

(a) Brush management is required in all base zones for the types of development listed below when they are adjacent to any highly flammable area of native or naturalized vegetation that is greater than 10 acres as mapped by the City of San Diego, or adjacent to any area of native or naturalized vegetation that is greater than 50 acres, as shown in Table 142-04A; however, within the Coastal Overlay Zone, brush management is required for all *coastal development* within the MHPA and/or adjacent to ~~*sensitive*~~ *steep hillsides* **containing sensitive biological resources**.
(1) New structures
(2) Additions to structures
(3) Subdivisions that create lots where new structures could be located
(4) Existing structures

(b) Brush Management Zones. Where brush management is required, a comprehensive program shall be implemented that reduces fire hazards around *structures* by providing an effective fire break between all *structures* and contiguous areas of flammable vegetation. This fire break shall consist of two distinct brush management areas called "Zone One" and "Zone Two" as shown in Diagram 142-04D.

Diagram 142-04D

Brush Management Zones



(1) Brush management Zone One is the area adjacent to the *structure*, shall be least flammable, and shall consist of pavement and permanently irrigated ornamental planting. Brush management Zone One shall not be allowed on slopes with a gradient greater than 4:1 (4 horizontal feet to 1 vertical foot) unless the property that received *tentative map* approval before November 15, 1989. However, within the Coastal Overlay Zone ***coastal development* shall be** ~~within the MHPA and/or adjacent to *sensitive steep hillsides*, Zone One shall be a minimum 30 feet in width and~~ subject to the encroachment limitations set forth in Section **143.0142(a)(4)** ~~143.0146~~ of the environmentally sensitive lands regulations.

(2) Brush management Zone Two is the area between Zone One and any area of native or naturalized vegetation and shall consist of thinned, native or naturalized vegetation. ~~Within the Coastal Overlay Zone, within the MHPA and/or adjacent to *sensitive steep hillsides*, only selective clearing is permitted within Zone Two which does not allow the wholesale clearing or cutting of existing vegetation down to a uniform height, and permits individual non-irrigated plant groupings over 18 inches in height to be retained provided they do not exceed 400 sq.ft. in area and their combined coverage does not exceed 30 percent of the total Zone Two area.~~

(c) Where brush management is required by this Section, the width of Zone One and Zone Two shall meet or exceed that shown in Table 142-04H. Where *development* is adjacent to slopes or vegetation that meets the criteria shown in the table, the required Zone One and Zone Two width shall be increased by the dimension shown. ~~Within the Coastal Overlay Zone, inside the MHPA and/or adjacent to *sensitive steep hillsides*, however, the combined width of Zone One and Zone Two shall be at least 60 feet and sufficient width to allow at least 60% of the adjacent native vegetation to be retained in the area within 100 feet of structures. Within the adjacent native zone, individual non-irrigated plant groupings over 18 inches in height shall be retained provided those groupings do not exceed 650 sq. ft. in area.~~ Both Zone One and Zone Two shall be provided on the subject property unless a recorded easement is granted by an adjacent property owner to the owner of the subject property to establish and maintain the required brush management zone(s) on the adjacent property in perpetuity.

Table 142-04H
Brush Management Zone Width Requirements

Criteria	Property Location	
	West of Interstate 805 and El Camino Real	**East of Interstate 805 and El Camino Real**

Criteria	**Property Location**	
	West of Interstate 805 and El Camino Real	**East of Interstate 805 and El Camino Real**
Minimum Zone One Width (See Section 142.0412[d])	20 ft.	30 ft.
Additional Zone One Width (See Section 142.0412[e]) Required when *development* is adjacent to slopes greater than 4:1 gradient that are 50 feet or greater in vertical height; or adjacent to vegetation greater than 24 inches in height; or adjacent to the *MHPA*	5 ft.	5 ft.
Zone One Width Within the Coastal Overlay Zone **for subdivisions of land containing** ~~within MHPA and/or adjacent to~~ Steep ~~Sensitive~~ Hillsides **with sensitive biological resources**	30 ft.min	
Minimum Zone Two Width (See Section 142.0412[f])	20 ft.	40 ft.
Additional Zone Two Width Required when Zone Two is on slopes greater than 4:1 gradient that are 50 feet or greater in vertical height, or the vegetation in Zone Two is greater than 48 inches in height. This additional width is not required for Zone Two located within the *MHPA*	10 ft.	10 ft.
~~Zone Two Width Within the Coastal Overlay Zone within MHPA and/or adjacent to Steep Sensitive Hillsides~~	~~30 ft.min~~	

(d) The width of brush management Zone One shall be increased by 10 feet for *structures* that do not meet all of the following requirements:

(1) Roof material shall be fire retardant. Wood shake shingles, whether fire retardant treated or untreated, are not permitted.

(2) Walls, eaves, and overhangs shall be one-hour, fire-resistive.

(3) Eave vents shall be covered with wire screen not to exceed 1/4-inch mesh.

(e) Where additional Zone One width is required adjacent to the *MHPA* or within the Coastal Overlay Zone, any of the following modifications to development regulations of the Land Development Code or standards in the Land Development Manual are permitted to accommodate the increase in width:

(1) The required front *yard setback* of the base zone may be reduced by 5 feet,

(2) A sidewalk may be eliminated from one side of the *public right-of-way* and the minimum required *public right-of-way* width may be reduced by 5 feet, or

(3) The overall minimum pavement and *public right-of-way* width may be reduced in accordance with the Street Design Standards of the Land Development Manual.

(f) The minimum Zone Two width may be decreased by 2 feet for each 1 foot of increase in Zone One width over the minimum shown in Table 142-04H; ~~**however, within the Coastal Overlay Zone, inside the MHPA and/or adjacent to *sensitive steep hillsides*, the combined width of Zone One and Zone Two shall not be less than 60 feet and shall be greater, if required, to retain at least 60 percent of the adjacent native vegetation to within 100 feet of structures.**~~

(g) no change

(h) Zone Two Requirements

(1) The required Zone Two width shall be provided between Zone One and the undisturbed, flammable vegetation, and shall be measured from the edge of Zone One that is farthest from the habitable *structure*, to the edge of undisturbed vegetation.

(2) No *structures* shall be constructed in Zone Two.

(3) Within Zone Two, 50 percent of the plants over 18 inches in height shall be cut and cleared to a height of 6 inches; ~~**however, within the Coastal Overlay Zone inside the MHPA and/or adjacent to *sensitive steep hillsides*, individual non-irrigated plant groupings over 18 inches in height shall be retained provided they do not exceed 400 sq.ft. in area and their combined coverage does not exceed 30 percent of the total Zone Two area.**~~

(4) Within Zone Two, all plants remaining after 50 percent are cut and cleared shall be pruned to reduce fuel loading in accordance with the Landscape Standards in the Land Development Manual. ~~**This provision is not applicable within the Coastal Overlay Zone adjacent to *sensitive steep hillsides*.**~~

(5) The following standards shall be used where Zone Two area is proposed to be planted with new plant material instead of *clearing* existing native or naturalized vegetation:

(A) All new plant material for Zone Two shall be native or naturalized, low-fuel, and fire-resistive. Inside the *MHPA* and ~~**within the Coastal Overlay Zone**~~ adjacent to **areas containing** *sensitive* ~~*steep hillsides*~~ **biological resources**, no non-native plant material may be planted in Zone Two.

(B - D) no change

(6) no change

(I) The Fire Chief may modify the requirements of this section if the following conditions exist:

(1) The modification to the requirements shall achieve an equivalent ~~**or greater**~~ level of fire protection as provided by this section, other regulations of the Land Development Code, and the minimum standards contained in the Land Development Manual; and

(2) The modification to the requirements is not detrimental to the public health, safety, and welfare of persons residing or working in the area.

(j) If the Fire Chief approves a modified plan in accordance with this section as part of the City's approval of a *development permit*, the modifications shall be recorded with the approved permit conditions.

(k) For existing *structures*, the Fire Chief may require brush management in compliance with this section for any area, independent of size, location, or condition if it is determined that an imminent fire hazard exists~~**; therefore, sufficient setback from any highly flammable area of native or naturalizing vegetation shall be required for new development on premises containing environmentally sensitive lands to avoid adverse impacts to sensitive resources.**~~

(l) Brush management for existing *structures* shall be performed by the owner of the property that contains the flammable vegetation. This requirement is independent of whether the *structure* being protected by brush management is owned by the property owner subject to these requirements or is on neighboring property.

Chapter 14/Article 2/Division 5: Parking Regulations

65. Section 142.0505, When Parking Regulations Apply, shall be revised to read:

These regulations apply in all base zones and planned districts, with the exception of those areas specifically identified as being exempt from the regulations, whether or not permit or other approval is required.

Table 142-05A identifies the applicable regulations and the type of permit required by this division, if any, for the type of development shown.

Table 142-05A
Parking Regulations Applicability

Type of *Development* Proposal	**Applicable Regulations**	**Required Permit Type/ Decision Process**
Any *single dwelling unit* residential *development*	Sections 142.0510 , 142.0520 and 142.0560	No permit required by this division
Any *multiple dwelling unit* residential *development*	Sections 142.0510, 142.0525 and 142.0560	No permit required by this division
Any nonresidential *development*	Sections 142.0510, 142.0530, and 142.0560	No permit required by this division
Multiple dwelling unit projects in planned urbanizing communities that are processing a planned development permit.	Section 142.0525(c)	No permit required by this division
Off-premises parking for *development* in urbanized communities	Section 142.0535	No permit required by this division
Commercial uses on small *lots*	Section 142.0540(a)	No permit required by this division
Nonresidential *developments* that exceed maximum permitted parking	Section 142.0540(b)	Neighborhood Development Permit /Process Two
Nonresidential developments that vary from minimum parking requirements with a TDM Plan	Section 142.0540(c)	Site Development Permit/Process Three
Shared parking for specified uses	Section 142.0545	No permit required by this division
Shared parking for nonspecified uses	Section 142.0545(b)(7)	Neighborhood Development Permit/ Process Two

Type of *Development* Proposal	Applicable Regulations	Required Permit Type/ Decision Process
Tandem Parking for commercial uses	Section 142.0555(b)	Neighborhood Development Permit/ Process Two

66. Section 142.0510(d)(1), General Parking Regulations, shall be revised to read:

(d) Previously Conforming Premises. Enlargement or change in use, or resumption of a discontinued use, for a *premises* that is *previously conforming* for the reason that it does not provide the number of *off-street parking spaces* required by this division shall be required to provide parking as follows:

(1) When the use is proposed to be enlarged, the additional *off-street parking spaces* required are the number required by this division for the enlargement. Within the Beach Impact Area, additional parking shall be provided at two times the number required for the enlargement but not exceeding the amount required for the entire development.

67. Section 142.0525(b), Multiple Dwelling Unit Residential Uses—Required Parking Ratios, shall be revised to read:

(b) Eligibility for *Shared Parking*. Up to 25 percent of the parking spaces required by this section may be unassigned and eligible for *shared parking* in accordance with Section 142.0545 except that at least one space shall be assigned to each dwelling unit. Within the Beach Impact Area, off-**premises** ~~site~~ parking shall not be permitted for residential uses.

68. Section 142.0530(a), Nonresidential Uses—Parking Ratios, shall be revised to read:

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

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

Zone	Parking Spaces Required per 1,000 Square Feet of Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus below Grade *Floor* Area and Excludes Floor Area Devoted to Parking)			
	Required Automobile Parking Spaces			Required Bicycle Parking Spaces[2]
	Minimum Required Outside a *Transit Area*	Minimum Required Within a *Transit Area* [1]	Maximum Permitted	Minimum Required
Commercial Zones				
CC-1-1 CC-2-1 CC-4-1	2.5	2.1	6.5	0.1

Zone	**Parking Spaces Required per 1,000 Square Feet of Floor Area Unless Otherwise Noted** (Floor Area Includes Gross Floor Area plus below Grade *Floor* Area and Excludes Floor Area Devoted to Parking)			
	Required Automobile Parking Spaces			**Required Bicycle Parking Spaces**[2]
	Minimum Required Outside a *Transit Area*	**Minimum Required Within a *Transit Area*** [1]	**Maximum Permitted**	**Minimum Required**
CC-5-1				
CC-1-2 CC-2-2 CC-4-2 CC-5-2	2.5	2.1	6.5	0.1
CC-1-3 CC-2-3 CC-4-3 CC-5-3	5.0[3]	4.3	6.5	0.1
CC-3-4 CC-4-4 CC-5-4	2.5	2.1	6.5	0.1
CC-3-5	1.0 [6]	1.0 [6]	5.5	0.1
CC-3-5/Beach Impact Area[5]	2.5	2.1	6.5	
CC-4-5	1.0 [6]	1.0 [6]	5.5	
CC-5-5	1.25	1.25	5.5	0.1
CN-1-1	1.0 [6]	1.0 [6]	5.5	0.1
CN-1-2	5.0	4.3	6.5	0.1
CN-1-3	2.5	2.1	6.5	0.1
CR-1-1 CR-1-2	5.0 [3]	4.3	6.5	0.1
CO-1-1 CO-1-2	5.0	4.3	6.5	0.1
CV-1-1	5.0	4.3	6.5	0.1
CV-1-2	2.5	2.1	6.5	0.1
Industrial Zones				
IH-1-1 IH-2-1	5.0	4.3	6.5	0.1
IL-1-1 IL-2-1	5.0	4.3	6.5	0.1
IP-1-1 IP-2-1	5.0	4.3	6.5	0.1

Zone	**Parking Spaces Required per 1,000 Square Feet of Floor Area Unless Otherwise Noted** (Floor Area Includes Gross Floor Area plus below Grade *Floor* Area and Excludes Floor Area Devoted to Parking)			
	Required Automobile Parking Spaces			**Required Bicycle Parking Spaces**[2]
	Minimum Required Outside a *Transit Area*	**Minimum Required Within a *Transit Area*** [1]	**Maximum Permitted**	**Minimum Required**
IS-1-1	1.0 [6]	1.0 [6]	5.5	0.1
Planned Districts				
Barrio Logan: Subdistrict B	1.0 [6]	1.0 [6]	5.5	0.1
Barrio Logan: Except Subdistrict B	2.5	2.1	6.5	0.1
Carmel Valley	5.0	4.3	6.5	0.1
Golden Hill	1.25	1.25	5.5	0.1
La Jolla	1.7	1.7	5.5	0.1
La Jolla Shores	1.0 ~~[6] 2.5~~	1.0 [6]	5.5	0.1
Mid-City: CN-3 and CV-3	1.25	1.25	5.5	0.1
Mid-City: Except CN-3, CV-3	2.5	2.1	6.5	0.1
Mount Hope	3.3	2.8	6.5	0.1
Mission Valley: CV	2.5	2.1	6.5	0.1
Mission Valley: Except CV	5.0	4.3	6.5	0.1
Otay Mesa	5.0	4.3	6.5	0.1
Old Town	4.0	3.4	6.5	0.1
Southeast San Diego	2.5	2.1	6.5	0.1
San Ysidro	2.5	2.1	6.5	0.1
West Lewis *Street*	1.0 [6]	1.0 [6]	5.5	0.1

Footnotes For Table 142-05D

(1) *Transit Area*. The *transit area* minimum parking ratios apply in the *Transit Area* Overlay Zone (Chapter 13, Article 2, Division 10) and in the Urban Village Overlay Zone (Chapter 13, Article 2, Division 11).

(2) Bicycle Parking. See Section 142.0530(e).

(3) Uses Located above Ground Floor. The minimum parking ratio for retail sales and commercial services uses above the ground *floor* is 4.0 spaces per 1,000 square feet of *gross floor* area.

(4) Coastal Overlay Zone. For area of applicability, see Chapter 13, Article 2, Division 4.

(5) Beach Impact Area. For area of applicability, see Chapter 13, Article 2, Division 8 (Parking Impact Overlay Zone).

(6) *Alley* Access. For properties with *alley* access, one parking space per 10 linear feet of *alley* frontage may be provided instead of the parking ratio shown in Table 142-05D. Within the Beach Impact Area, application of this policy shall not result in a reduction of required on-site parking.

69. Section 142.0530(b), Parking Ratios for Eating and Drinking Establishments, shall be revised to read:

(b) Eating and Drinking Establishments. Table 142-05E establishes the required ratio of parking spaces to building *floor* area in the commercial zones, industrial zones, and planned districts shown, for eating and drinking establishments that are the primary use on a *premises*.

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

Zone	**Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment(3) Floor Area Unless Otherwise Noted** (Floor Area Includes Gross Floor Area plus below Grade *Floor* Area and Excludes Floor Area Devoted to Parking. ~~Within the Coastal Overlay Zone, All Areas Devoted to Outdoor Dining are Included in Gross Floor Area)~~			
	Required Automobile Parking Spaces			**Required Bicycle Parking Spaces(2)**
	Minimum Required Outside a *Transit Area*	**Minimum Required Within a *Transit Area*(1)**	**Maximum Permitted**	**Minimum Required**
Planned Districts				
Barrio Logan: Subdistrict B	1.0 (6)	1.0 (6)	20.0	0.1
Barrio Logan: Except Subdistrict B	2.5	2.1	20.0	0.1
Carmel Valley	15.0	12.8	25.0	0.1
Golden Hill	1.25	1.25	20.0	0.1
La Jolla	5.0	4.3	20.0	0.1
La Jolla Shores	1.0-~~(6)~~ 5	1.0 (6)	20.0	0.1
Mid-City:	1.25	1.25	20.0	0.1

Zone	**Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment[3] Floor Area Unless Otherwise Noted** (Floor Area Includes Gross Floor Area plus below Grade *Floor* Area and Excludes Floor Area Devoted to Parking. ~~Within the Coastal Overlay Zone, All Areas Devoted to Outdoor Dining are Included in Gross Floor Area)~~			
	Required Automobile Parking Spaces			**Required Bicycle Parking Spaces[2]**
	Minimum Required Outside a *Transit Area*	**Minimum Required Within a *Transit Area*[1]**	**Maximum Permitted**	**Minimum Required**
CN-3 and CV-3				

Footnotes For Table 142-05E

(3) Eating and Drinking Establishments. The minimum parking ratios apply to eating and drinking establishments that do not have a common parking area with any other uses. There is no minimum parking requirement or maximum permitted parking for outdoor dining. Within the Coastal Overlay Zone, outdoor dining areas, such as decks, patios, terraces, etc., are considered part of the establishment 's gross floor area and included in calculating parking requirements.

[...]

(6) *Alley* Access. For properties with *alley* access, one parking space per 10 linear feet of *alley* frontage may be provided instead of the parking ratio shown in Table 142-05E. Within the Beach Impact Area, application of this policy shall not result in a reduction of required on-site parking.

70. Section 142.0530(c), Nonresidential Uses—Parking Ratios, shall be revised to read:

c) Nonresidential Uses. Table 142-05F establishes the required ratio of parking spaces to building *floor* area for the nonresidential uses shown that are not covered by the parking requirements in Section 142.0530(a) and (b).

Table 142-05F
Parking Ratios for Specified Non-Residential Uses

Use	**Parking Spaces Required per 1,000 Square Feet of Floor Area Unless Otherwise Noted** (Floor Area Includes Gross Floor Area plus below Grade Floor Area, and Excludes Floor Area Devoted to Parking)				
	Required Automobile Parking Spaces				**Required Bicycle Parking Spaces[3]**
	Minimum Required Outside a Transit Area	**Minimum Required Within a Transit Area[1]**	**Maximum Permitted**	**Carpool Minimum[2]**	**Minimum**
Separately regulated uses					
Child care	1 per staff	85% of			

Use	**Parking Spaces Required per 1,000 Square Feet of Floor Area Unless Otherwise Noted** (Floor Area Includes Gross Floor Area plus below Grade Floor Area, and Excludes Floor Area Devoted to Parking)				
	Required Automobile Parking Spaces				**Required Bicycle Parking Spaces**[3]
	Minimum Required Outside a Transit Area	**Minimum Required Within a Transit Area**[1]	**Maximum Permitted**	**Carpool Minimum**[2]	**Minimum**
facilities		Minimum	N/A	N/A	N/A
Funeral parlors & Mortuaries	1 per 3 seats; 30.0 for assembly area if no fixed seats	85% of minimum	N/A	N/A	2% of Auto Minimum
Outpatient Medical Clinic	4.0	3.5	6.0	0.4	0.03 + .03 bike lockers with shower
Private clubs, lodges, fraternal organizations (except fraternities and sororities)	1 per *guest room*, or 2.5, whichever is greater. ~~In the BIA, 1 per guest room or 5.0, whichever is greater~~	85% of Minimum	N/A	N/A	2% of Auto Minimum
Single room occupancy hotels	1 per room *Very low income*[5]: 0.5 per room	0.5 per room *Very low income*[5]: 0.25 per room	N/A	N/A	0.2 per room
Veterinary clinics & hospitals	2.5	2.1	N/A	N/A	N/A

Footnotes For Table 142-05F

(1) *Transit Area*. The *transit area* minimum parking ratios apply in the *Transit Area* Overlay Zone (Chapter 13, Article 2, Division 10) and in the Urban Village Overlay Zone (Chapter 13, Article 2, Division 11).

(2) Carpool. See Section 142.0530(d).

(3) Bicycle Parking. See Section 142.0530(e).

(4) *Alley* Access. For properties with *alley* access, one parking space per 10 linear feet of *alley* frontage may be provided instead of the parking ratio shown in Table 142-05F. Within the Beach Impact Area, application of this policy shall not result in a reduction of required on-site parking.

(5) *Very Low Income*. The *very low income* parking ratio applies to dwelling units limited to occupancy by *very low income* households that are covered by an agreement with the San Diego Housing Commission pursuant to Chapter 14, Article 3, Division 7 (Affordable Housing Density Bonus Regulations).

(6) Accessory Retail Sales, Commercial Services, and Office Uses. On-site accessory retail sales, commercial services, and office uses that are not open to the public are subject to the same parking ratio as the primary use.

(7) In the Beach Impact Area, one parking space per guest room or 5.0, whichever is greater.

71. Section 142.0535(a-c), Off-Premises Parking Regulations In Urbanized Communities, shall be revised to read:

Required *off-street parking spaces* for uses in urbanized communities as identified in the Progress Guide and General Plan may be located off-premises, subject to the following regulations.

(a) Residential Uses. Some portion of the off-premises parking shall be within a 25-foot horizontal distance of the *premises* on which the use requiring *off-street parking spaces* is located. Within the **Beqch Impact Area** ~~Coastal Overlay Zone~~, off-premises parking shall not be permitted for residential uses.

(b) Nonresidential Uses. Some portion of the off-premises parking shall be within a non-residential zone and within a 600-foot horizontal distance of the *premises* on which the use requiring *off-street parking spaces* is located.

(c) Control of Parking Spaces. The off-premises parking, which shall be identified with appropriate directional signage, shall be owned or controlled by the owner of the use requiring the *off-street parking spaces.* When off-premises parking is to be provided, the owner or lessee of record of the *premises* shall furnish evidence that is satisfactory to the City Manager that they own or have a sufficient interest in the property to provide the minimum *off-street parking spaces* required by the Land Development Code. Whether *off-street parking spaces* are to be provided on property that is owned by the *applicant* or another owner, the *applicant* shall provide to the County Recorder for recordation, ~~a~~ covenants that has~~s~~ve been executed by the owners of the property on which the off-premises parking is proposed and the owners of the use requiring the off-street parking spaces.. The covenant shall be for the benefit of the City, in a form approved by the City Attorney, to the effect that the owners will continue to maintain the parking spaces as long as the use it serves exists. The covenant shall also recite that the title to, and right to, use the *lots* upon which the parking is to be provided will be subservient to the title to the *premises* where the *primary use* it serves is situated and shall warrant that the *lots* are not and will not be made subject to any other covenant or contract for use without prior written consent of the City. If the owners of the use should thereafter provide parking equal in area within the same distance and under the same conditions as the ownership upon another *lot* than the *premises* made subservient in a previous covenant, the City will, upon written application accompanied by the filing of a similar covenant, release the original subservient *premises* from the previous covenant. The owners shall furnish at their own expense title reports or other evidence the City may require to insure compliance with the provisions of this section.

72. Section 142.0540(a), Exceptions to Parking Regulations for Nonresidential Uses, shall be revised to read:

(a) Commercial Uses on Small Lots. Outside the **Beach Impact Area** ~~Coastal Overlay Zone~~, [f]or *lots* that are 7,000 square feet or less, that existed before [ordinance adoption date], including abutting *lots* under common ownership, the parking requirements set forth in Table 142-05G may be applied to all commercial uses at the option of the *applicant* as an alternative to the requirements set forth in Section 142.0530. The type of access listed in Table 142-05G determines the minimum number of required *off-street parking spaces.*

Table 142-05G
Alternative Parking Requirement for Commercial Uses on Small Lots

Type of Access	Minimum Number of Parking Spaces
With *Alley* Access [1]	1 space per 10 feet of *alley* frontage, minus one space
Without *Alley* Access	none required

Footnote to Table 142-05G

[1] The City Engineer will determine whether a *lot* has adequate *alley* access according to accepted engineering practices.

73. Section 142.0555(b), Tandem Parking Regulations, shall be revised to read:

(b) Tandem Parking for Commercial Uses. Tandem parking for commercial uses may be approved through a Neighborhood Development Permit provided the tandem parking is limited to the following purposes:

(1) Assigned employee parking spaces;

(2) Valet parking associated with restaurant use; and

(3) Bed and breakfast establishments.

74. Section 142.0560(j), Development and Design Regulations for Parking Facilities, shall be revised to read:

(j) Driveway and Access Regulations

(1) For the uses described in Table 142-05L, the driveway width shall comply with the minimum and maximum widths shown.

Table 142-05L
Driveway Width

Use	Minimum Width		Maximum Width	
	One-Way	Two-Way	One-Way	Two-Way
Detached *single dwelling unit* (other than RX Zones)	12 feet		25 feet, except within the Beach Impact Area, where the maximum is 12 feet	
Dwelling unit in the RX Zone	12 feet		20 feet	
Multiple dwelling unit	14 feet	20 feet	20 feet	25 feet, except within the Beach Impact Area, where the maximum is 20 feet
Nonresidential	14 feet	24 feet	20 feet	30 feet, except within the Beach Impact Area, where the

Use	Minimum Width		Maximum Width	
	One-Way	Two-Way	One-Way	Two-Way
				maximum is 25 feet

(2) When redevelopment occurs, after the demolition of the primary *structures* on a *premises*, existing driveways shall be modified to comply with this section.

(3) Driveway openings shall comply with San Diego Regional Standard Drawing G-16 and either Number G-14A and G-14B, Concrete Driveways, or SDG-114, Concrete Driveway Commercial Alternate, except that driveway openings abutting a through travel lane less than 17 feet wide with an existing or anticipated speed limit of 30 miles per hour or greater shall conform to Drawing Number SDG-114, Concrete Driveway Commercial Alternate.

(4) Driveways that serve as direct access to *off-street parking spaces* and that traverse a sidewalk or curb shall be at least 20 feet long measured from the back of the sidewalk to that portion of the driveway most distant from the sidewalk, as illustrated in Diagram 142-05A in Section 142.0520.

(5) Driveway entrances crossing a sidewalk shall maintain the scoring pattern and color used in the adjacent sidewalk areas, as illustrated in Diagram 142-05C. Special paving requires the approval of the City Engineer.

(6) There shall be at least a 45-foot length of full-height curb between driveways serving the same *premises*, as illustrated in Diagram 142-05C.

(7) Within the beach impact area of the Parking Impact Overlay Zone, as shown in Chapter 13, Article 2, Division 8, where any new *development* or any redevelopment will increase the *gross floor area* by 50 percent or more on a *premises* abutting an improved *alley*, the required *off-street parking spaces* shall be accessible from the *alley*.

(8) Maximum Number of Driveways Permitted on a *Premises*

(A) For properties with no access to an *alley*, there shall be at least one driveway opening permitted per *street frontage* with a maximum of one driveway opening for each 100 feet of *street frontage*.

(B) For properties with access to an *alley* and at least 150 feet of *street frontage*, a maximum of one driveway opening for each 150 feet of frontage is permitted.

(C) For properties with access to an *alley* and less than 150 feet of frontage, a driveway is not permitted, except that in the RM-1-1, RM-1-2, and RM-1-3 zones, one driveway may be permitted if the prohibition of a driveway opening would preclude achieving the maximum *density* permitted by the underlying zone.

75. Section 142.0740, Outdoor Lighting Regulations, shall be revised to read:

(a – d) No Change.

(e) On properties which are adjacent to or contain sensitive biological resources, any exterior lighting shall be limited to low-level lights and shields to minimize the amount of light entering any identified sensitive resource areas.

76. Section 142.1225, Wall Signs in Commercial and Industrial Zones, shall be revised to read:

The following regulations apply to *wall signs* in all commercial and industrial zone *sign* categories, unless otherwise indicated.

Sections (a) through (d)(8) – no change

(9) *Wall Signs* on Mansard or False Roofs

~~Except within the Coastal Overlay Zone,~~ *Wall signs* may be located on a mansard or false roof that does not vary more than 45 degrees from vertical subject to the following regulations.

(A) The maximum *wall sign copy area* that may be located on a mansard or false roof shall be a portion of the *street* wall's permitted *wall sign copy area* and shall not be greater than 50 percent of the permitted *sign copy area* specified in Table 142-12C.

(B) The *wall sign copy area* on a mansard or false roof is not in addition to the maximum permitted area *wall signs*.

(C) *Wall signs* on a mansard or false roof may not be used when a *projecting or roof sign* is located on the *premises*.

(D) The entire *sign*, except for the *sign copy area*, and the entire *sign* support *structure* shall be fully enclosed and finished in the same material as the mansard or false roof.

Section (e) –no change

77. Section 142.1290, La Jolla Commercial and Industrial Sign Control District, shall be revised to read:

No Change to Sections (a) – (c)

(d) On-Premise *Sign* Regulations for Subdistrict A

(1) No Change to (1) through (2)

(3) Freestanding *Ground Signs*

Where the face of the building sets back from the *property line* more than 20 feet, one-single faced or double-faced freestanding *ground sign* is permitted, in addition to those on the building, in accordance with the following.

(A) No part of the *sign* shall extend over public property or have a height exceeding 20 feet measured from the base at ground level to the apex of the *sign*. In the Coastal Overlay Zone, however, no part of the *sign* shall exceed 8 feet in height.

(B) The total area of the *signs* shall not exceed 0.5 square feet per foot of *street frontage* or 40 square feet, whichever is smaller.

(e) On-Premise *Sign* Regulations

No Change to 1(A) and 1(B)

(C) Height Limit. 20 feet measured vertically from the *sign* base at ground level to the apex of the *sign*. Coastal Overlay Zone Height Limit. 8 feet measured vertically from the sign base at ground level to the apex of the sign.

No Change to (e)(1)(D) through (e)(1)(G)

No Change to (2) Through (3)

(4) Identification *Signs*

(A) One single-faced or double-faced freestanding *sign* located adjacent to each entrance or exit driveway to a parking *lot* is permitted. Such *signs* shall not exceed 12 square feet in area or a height of 12 feet measured from the base at ground level to the apex of the *sign*~~.~~ except that in the Coastal Overlay Zone, the height of the sign shall not exceed 8 feet.

No Change to (5)

~~**79. Section 142.1291, Ocean Beach Sign Enhancement District,** shall be revised to read:~~

~~No Change to (a) through (b)~~

~~(c) Signs~~

~~The following types of *signs* are permitted in addition to those types of *signs* permitted by Chapter 14, Article 2, Division 12, *Sign* Regulations Category C. Permitted *signs* shall be maintained or erected in conformance with all applicable building regulations in Municipal Code Chapter 9, Article 1, and the regulations concerning total permitted *sign* area as determined by the applicable sections of the *Sign* Regulations. Those existing *signs* permitted by subsection (1) of this section are hereby exempted from the total permitted *sign* area regulations noted in subsections (2), (3), and (4) of this section and from the total permitted signage area regulations permitted by the *Sign* Regulations.~~

~~(1) Existing *projecting signs* that extend above the *roof line* are permitted, if installed before the adoption to the City-Wide Ordinance on March 6, 1973. Retention **of one such *sign* per 50 feet of *street frontage*** a maximum of seven existing projecting signs is permitted, provided they are brought up to current structural code, subject to all applicable regulations set forth in Chapter 14, Article 2, Division 12. No other *projecting signs* (those provided by subsections (2), (3), and (4) following) are permitted with the retention of an existing *projecting sign* extending above the *roof line*.~~

~~No Change to (c)(2) – (4)~~

~~(5) *New projecting signs* permitted by the Ocean Beach *Sign* Enhancement District, as set forth in this section, shall not exceed a maximum of five square feet per sign face.~~

~~No Change to (d) or (e)~~

Chapter 14/Article 3/Division 1: Environmentally Sensitive Lands Regulations

Article 3: Supplemental Development Regulations

Division 1: Environmentally Sensitive Lands Regulations

8. § 143.0101 Purpose of Environmentally Sensitive Lands Regulations

The purpose of these regulations is to protect, preserve and, where damaged restore, the *environmentally sensitive lands* of San Diego and the viability of the species supported by those lands. These regulations are intended to assure that *development,* including, but not limited to,

coastal development in San Diego's Coastal Zone, occurs in a manner that protects the overall quality of the resources and the natural and topographic character of the area, encourages a sensitive form of *development*, retains biodiversity and interconnected habitats, maximizes physical and visual public access to and along the shoreline, and reduces hazards due to *flooding* in specific areas while minimizing the need for construction of flood control facilities. These regulations are intended to protect the public health, safety, and welfare while employing regulations that are consistent with sound resource conservation principles and the rights of private property owners.

It is further intended for the Development Regulations for Environmentally Sensitive Lands ~~Biological Resources~~ and accompanying Biology, Steep Hillside, and Coastal Bluffs and Beaches Guidelines to serve as standards for the determination of impacts and mitigation under the California Environmental Quality Act and the California Coastal Act. These standards will also serve to implement the Multiple Species Conservation Program by placing priority on the preservation of biological resources within the Multiple Habitat Planning Area, as identified in the City of San Diego Subarea Plan. The habitat-based level of protection which will result through implementation of the Multiple Habitat Planning Area is intended to meet the mitigation obligations of the Covered Species addressed. In certain circumstances, this level of protection may satisfy mitigation obligations for other species not covered under the Multiple Species Conservation Program but determined to be sensitive pursuant to the CEQA review process. This determination will be addressed in the environmental documentation.

9. § 143.0110 When Environmentally Sensitive Lands Regulations Apply

This division applies to all proposed *development* when *environmentally sensitive lands* are present on the *premises.*

(a) Where any portion of the *premises* contains any of the following *environmentally sensitive lands*, this division shall apply to the entire *premises*, unless otherwise provided in this division:

(1) *Sensitive biological resources*;

(2) *Steep hillsides*;

(3) *Coastal beaches*;

(4) *Sensitive coastal bluffs*; and

(5) *100- year floodplains.*

(b) Table 143-01A identifies the appropriate development regulations, the required decision process, and the permitted uses applicable to various types of *development* proposals that propose to encroach into *environmentally sensitive lands* or that do not qualify for an exemption pursuant to Section 143.0110(c).

(1) A Neighborhood Development Permit or Site Development Permit is required for all types of *development* proposals listed, in accordance with the indicated decision process. If *coastal development* is proposed in the Coastal Overlay Zone, a Coastal Development Permit is required in accordance with Section 126.0702.

(2) All types of *development* proposals are subject to Section 143.0140.

(3) Any *development* proposal that proposes to encroach into more than one type of *environmentally sensitive lands* is subject to all of the development regulations sections for each type of *environmentally sensitive lands* present. The applicable decision process is the higher process number indicated.

(4) Any *development* proposal on a site containing *environmentally sensitive lands* may be exempt from the permit requirements of this division if no *encroachment* into the

environmentally sensitive lands is proposed and the *development* complies with Section 143.0110(c) ~~(1).~~ Within the Coastal Overlay Zone, a coastal development permit is required for all *coastal development* and the regulations of this division shall apply as noted.

(5) Limited exceptions to the applicable development regulations for specific types of *development* are listed in Section 143.0111.

Table 143-01A
Applicability of Environmentally Sensitive Lands Regulations

		***Environmentally Sensitive Lands* Potentially Impacted by Project**				
Type of § 143.0110 Cont'd *Development* Proposal		***Wetlands*, listed non-covered species habitat[1]**	**Other *Sensitive Biological Resources* other than *Wetlands* and listed noncovered species habitat**	***Steep Hillsides***	***Sensitive Coastal Bluffs* and *Coastal Beaches***	**Floodplains**
1. *Single dwelling units* on individual *lots* equal to or less than 15,000 square feet[2]	R	143.0141(a), **(b)**	143.0141	143.0142 except (a)	143.0143, 143.0144	143.0145
	P	NDP/ Process Two	NDP/ Process Two	NDP/ Process Two	SDP/ Process Three	NDP/ Process Two
	U	**143.0130(d), (e)**	--	--	143.0130(a), (b)	143.0130(c)
2. *Single dwelling units* on *lots* or multiple *lots* totaling more than 15,000 square feet	R	143.0141(a), **(b)**	143.0141	143.0142	143.0143, 143.0144	143.0145
	P	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three
	U	**143.0130(d), (e)**	--	--	143.0130(a), (b)	143.0130(c)
3. *Multiple dwelling unit* and non-residential *development* and public works projects	R	143.0141(a), **(b)**	143.0141	143.0142	143.0143, 143.0144	143.0145
	P	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP Process Three
	U	**143.0130(d), (e)**		--	143.0130(a), (b)	143.0130(c)
4. Any *subdivision* of a *premises*	R	143.0141(a), **(b)**	143.0141	143.0142[3]	143.0143, 143.0144	143.0145

***Environmentally Sensitive Lands* Potentially Impacted by Project**						
Type of § 143.0110 Cont'd *Development* Proposal		***Wetlands*, listed non-covered species habitat[1]**	**Other *Sensitive Biological Resources* other than *Wetlands* and listed noncovered species habitat**	***Steep Hillsides***	***Sensitive Coastal Bluffs* and *Coastal Beaches***	**Floodplains**
	P	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four
	U	**143.0130(d), (e)**	--	--	143.0130 (a), (b)	143.0130 (c)
5. Project-specific *land use plans*	R	143.0141(a), **(b)** 143.0115	143.0141, 143.0115	143.0142, 143.0115	143.0143, 143.0144, 143.0115	143.0145, 143.0115
	P	SDP/Process Four/Five	SDP/ Process Four/Five	SDP/Process Four/Five	SDP/ Process Four/Five	SDP/Process Four/Five
	U	**143.0130(d), (e)**	--	--	143.0130(a), (b)	143.0130(c)
6. Any *development* that proposes deviations from any portion of the *Environmentally Sensitive Lands* Regulations	R	143.0141(a), **(b)** 143.0150	143.0141, 143.0150	143.0142, 143.0150[4]	143.0143, 143.0144, 143.0150	143.0145, 143.0150
	P	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four
	U	**143.0130(d), (e)**	--	--	143.0130(a), (b)	143.0130(c)
7. *Development* other than *single dwelling units* on individual *lots*, that proposes alternative compliance for *development* area in *steep hillsides.*	R	--	--	143.0142 except (a), 143.0151	--	--
	P	--	--	SDP/ Process Three	--	--
	U	--	--	--	--	--

Legend to Table 143-01A	
R	Development regulation sections (in addition to Section 143.0140) applicable to the *environmentally sensitive lands* present.
P	Type of Permit/Decision process required.

143.0110
Cont'd

Legend to Table 143-01A	
	Neighborhood Development Permit (NDP) Site Development Permit (SDP)
U	Regulations that identify permitted uses when they are different than the applicable zone due to the *environmentally sensitive lands* present.

Footnotes to Table 143-01A

(1) This includes listed species and their habitat not covered by the Take Authorizations issued to the City by the State and Federal governments under the Multiple Species Conservation Program.

(2) This includes the *development* of one or more *lots* as long as the total area of the *lots* does not exceed 15,000 feet and the *lots* were not joined in ownership to any contiguous *lot* or parcel on or before the adoption date of this division so that the total area of contiguous ownership exceeded 15,000 square feet.

(3) *Subdivision* of a *premises* less than 15,000 square feet (for *single dwelling unit development*) is not subject to Section 143.0142(a).

(4) *Development* other than a *single dwelling unit* on an individual *lot* may use alternative compliance for development area in *steep hillsides* that does not comply with Section 143.0142(a).

(c) A Neighborhood Development Permit or Site Development Permit is not required for the following *development* activity:

(1) Outside of the Coastal Overlay Zone, ~~D~~*development* on a *premises* containing *environmentally sensitive lands* when the *development* will not encroach into the *environmentally sensitive lands* during or after construction, if the property owner signs an acknowledgment that further *development* on the property is not permitted unless the *development* is reviewed and approved pursuant to this division and if the *development* proposal provides for the following:

(A) A 100-foot *setback* from *sensitive biological resources*;

(B) A 40-foot *setback* from the top of slope of *steep hillsides*; and

(C) ~~A 100-foot setback from coastal beaches;~~

~~(D) A 100-foot setback from bluff edge of sensitive coastal bluff;~~

~~(E)~~ A 100-foot *setback* from floodplains.

(2) *Development* that is limited to interior modifications or repairs, or any exterior repairs, alterations or maintenance that does not increase the footprint of an existing building or *accessory structure* and will not encroach into the *environmentally sensitive lands* during or after construction. For a *premises* containing a *sensitive coastal bluff*, any addition ~~above the first floor~~ shall observe a minimum 40-foot *setback* from the *coastal bluff edge*.

(3) Outside the Coastal Overlay Zone, ~~M~~minor improvements to existing *structures* on *steep hillsides*, subject to all of the following applicable requirements:

(A) *Clearing* and *grubbing* shall not exceed 100 square feet per acre.

(B) *Excavation* for foundations or pilings shall total less than 10 cubic yards.

143.0111 Cont'd

(C) The proposed improvements do not *encroach* into *sensitive biological resources*.

(D) One story *structures* supported by pilings or pillars may be located on *steep hillsides* provided that the total of all *encroachments* into the *steep hillsides* area does not exceed 5 percent of the total *floor* area of the building or *structure*.

(E) Residential decks up to 500 square feet may be located on *steep hillsides* provided that the deck is attached to the building or *structure* and does not exceed 12 feet in elevation above the *existing grade* at any point.

(4) *Development* activity that is limited to permissible *grading* for the preparation of a site for cultivation of crops and where *grading* for agriculture purposes has occurred in compliance with all legal requirements within the previous 3 years.

(5) Outside the Coastal Overlay Zone, ~~C~~city public works projects for which plans, specifications, or funding have been approved by the City Council or the City Manager before July 1, 1991.

(6) Outside the Coastal Overlay Zone, ~~R~~restoration projects where the sole purpose is enhancement or restoration of native habitats.

(7) Zone Two brush management activity if the brush management complies with the landscape regulations in Chapter 14, Article 2, Division 4 (Landscape Regulations) and the Biology Guidelines.

0. § 143.0111 Limited Exceptions from Environmentally Sensitive Lands Regulations

The following *development* activities require a Neighborhood Development Permit or Site Development Permit in accordance with Table 143-01A, but the applicable development regulations are modified as indicated:

(a) Outside the *MHPA* and the Coastal Overlay Zone, mining and extractive industries may exceed the maximum allowable *steep hillside* development area described in Section 143.0142(a). Both inside and outside the *MHPA*, a Conditional Use Permit is required in accordance with Section 141.1001 and restoration of the on-site landform to a natural-appearing condition is required.

(b) Brush management activity is exempt from all *steep hillside* development regulations in Section 143.0142 if the brush management is the minimum necessary to comply with City fire codes and no *grading* occurs in the brush management area. Within the Coastal Overlay Zone, all brush management within 30 feet of a primary structure shall be subject to the steep hillside regulations for development within the Coastal Overlay Zone pursuant to Section 143.0142(a)(4).

(c) Erosion control measures are exempt from the *steep hillside* development area regulations in Section 143.0142(a) if they are determined to be the only feasible means of erosion control necessary to protect the existing ~~principal~~primary *structures* or *public improvements*.

(d) Outside the Coastal Overlay Zone, City linear utility projects are exempt from the development area regulations of the OR-1-2 zone in Section 131.0250(b) and the development area regulations for *steep hillsides* in Section 143.0142(a) and for *sensitive biological resources* in Section 143.0141(d).

(e) *Development* in the OF zone or within any *100-year floodplain* (formerly the FW, FC, and FPF zones) in the Mission Valley Community Plan area, is subject only to the Federal Emergency Management Agency Special Regulations in Section 143.0145(c).

(f) *Development* in the Calle Cristobal Assessment District area and outside the Coastal Overlay Zone is subject only to the *steep hillside* development regulations in Section 143.0142(b) through (h).

(g) *Development* in the Miramar Ranch North Community Plan area and the 70 acre high *school* project in Scripps Ranch is subject only to the *steep hillside* development regulations in Section 143.0142(b) through (h).

(h) *Development* of the 178 acres of land known as Sorrento Hills that was the subject of the land exchange approved by the voters as Proposition D on November 4, 1986, is subject only to the *steep hillside* development regulations in Section 143.0142(b) through (g).

1. § 143.0112 Requirement to Submit Required Documentation and Obtain Permit Prior to Development on Environmentally Sensitive Lands

It is unlawful to begin *development* on a *premises* that contains *environmentally sensitive lands* without submitting required documentation and obtaining ~~a Neighborhood~~ the applicable Development Permit~~, a Site Development Permit~~, or an exemption as required pursuant to this division. If unlawful *development* occurs on property containing *environmentally sensitive lands* and an enforcement action has been commenced by the City pursuant to Section 143.0160, no ~~Neighborhood~~ Development Permit~~, or Site Development Permit~~ application may be processed until the enforcement action has been concluded.

143.0113 Determination of Location of Environmentally Sensitive Lands, Applicability of Division and Decision Process

(a) In connection with any permit application for *development* on a parcel, the *applicant* shall provide the information used to determine the existence and location of *environmentally sensitive lands* in accordance with Section 112.0102(b).

(b) Based on a project-specific analysis and the best scientific information available, the City Manager shall determine the existence and precise location of *environmentally sensitive lands* on the *premises*.

. § 143.0115 Procedures and Regulations for Project-Specific Land Use Plans

(a) Project-specific *land use plans*, including specific plans, precise plans, privately initiated *land use plan* amendments, and future urbanizing area subarea plans, proposed for sites where *environmentally sensitive lands* are present, are subject to the regulations in this section to ensure adequate analysis of the constraints and opportunities of the planning area relative to *environmentally sensitive lands*. The analysis of *environmentally sensitive lands* for project-specific *land use plans* will be conducted in accordance with either Section 143.0115(b) or (c) based on whether or not a Site Development Permit is processed concurrently with the project-specific *land use plan*. Within the Coastal Overlay Zone, a project specific land use plan is subject to the local coastal program amendment process.

(b) Where a Site Development Permit is requested concurrently with the processing of a project-specific *land use plan*, the proposed *development* is subject to the following regulations. However, where a Coastal Development Permit is required, the project must conform to the local coastal program, as certified by the Coastal Commission.

(1) The boundaries of the Site Development Permit will be the boundaries of the project-specific *land use plan*, including all individual interior *lots* within the plan area.

(2) A decision on a Site Development Permit processed concurrently with a project-specific *land use plan* will be made in accordance with Process Five.

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(3) The *environmentally sensitive lands* regulations applicable to the Site Development Permit will be determined in accordance with Table 143-01A. Sufficient information must be submitted for the entire plan area in order to evaluate potential impacts to

environmentally sensitive lands. Any deviations proposed, other than as permitted in Section 143.0115(b)(4), are subject to Section 143.0150.

(4) For individual *lots* outside the *MHPA*, the development area regulations for *steep hillsides* in Section 143.0142(a) may be varied provided the regulations are complied with comprehensively for the entire plan area.

(5) The *applicant* shall prepare a *development* suitability analysis to evaluate the proposed *development* of the entire plan area and its relationship to the *environmentally sensitive lands* regulations as well as other factors such as *historical resources*, visual resources, public facilities needs, public safety issues, and adjacent land uses. The constraints and opportunities identified shall be used to determine the portions of the plan area that are most suitable for *development* and those that should be preserved as open space. Overall *development* within the plan area, including public facilities and circulation elements, shall be located to minimize impacts to *environmentally sensitive lands*, in accordance with this division and the associated guidelines in the Land Development Manual.

(6) The project-specific *land use plan* shall include a summary of the allowable development area and any required mitigation for each parcel. If the project-specific *land use plan* contains *MHPA* lands, mitigation for impacts to *sensitive biological resources* should be directed toward acquisition of *MHPA* lands within the city boundaries and preferably within the same plan area.

(7) Subsequent *development* proposals within the Site Development Permit area will be reviewed in accordance with the *substantial conformance* procedures. If the *development* is determined to be in conformance with the Site Development Permit and any required mitigation is provided, an amendment to the Site Development Permit will not be required. If the proposed *development* is not in conformance with the approved project-specific *land use plan*, an amendment to the Site Development Permit will be required for the *development* in addition to an amendment to the approved project-specific *land use plan*.

(8) Any *coastal development* proposals requiring a Coastal Development Permit must conform to the regulations contained in the certified local coastal program. In case of conflict with the above stated regulations, the coastal development regulations shall apply.

(c) Where a Site Development Permit is not requested concurrently with the processing of a project-specific *land use plan*, the proposed plan and subsequent Site Development Permits <u>and/or Coastal Development Permits</u> are subject to the following regulations.

(1) The *applicant* shall prepare a *development* suitability analysis that evaluates the proposed *development* of the entire plan area and its relationship to the *environmentally sensitive lands* regulations as well as other factors such as *historical resources*, visual resources, public facilities needs, public safety issues, and adjacent land uses. The constraints and opportunities identified shall be used to determine the portions of the plan area that are most suitable for *development* and those that should be preserved as open space. Overall *development* within the plan area, including public facilities and circulation elements, shall be located to minimize impacts to *environmentally sensitive lands*, in accordance with this division and the associated guidelines in the Land Development Manual.

(2) The project-specific *land use plan* shall indicate how subsequent *developments* within the plan area will comply with the *environmentally sensitive lands* regulations and the associated guidelines in the Land Development Manual. Where any deviation from this division is proposed for the plan area or on a *premises*, a description of the deviation shall be provided along with a statement of how the deviation benefits the overall design of the entire plan area. Deviations may be approved only under the following conditions:

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(A) When there are no feasible measures that can further minimize the potential adverse effects on *environmentally sensitive lands* and when the deviation is the minimum necessary to afford relief and accommodate the *development*; and

(B) When there are special circumstances or conditions applying to the plan area that are peculiar to the land and not of the applicant's making, whereby strict application of the provisions of the *environmentally sensitive lands* regulations would deprive a property owner of reasonable use of his or her land and would result in a less desirable project-specific *land use plan*.

(3) The development area regulations for *steep hillsides* in Section 143.0142(a) may be varied for individual *lots* outside the *MHPA* provided the intent of these regulations is complied with comprehensively for the entire plan area.

(4) The project-specific *land use plan* shall acknowledge that any privately owned property that is designated entirely as open space could be proposed for *development* in accordance with the base zone. This possibility shall be taken into consideration when analyzing the total potential development area within the plan area.

(5) The project-specific *land use plan* shall include an implementation strategy for acquisition of those parcels designated as open space. If the project-specific *land use plan* contains *MHPA* lands, mitigation for impacts to *sensitive biological resources* should be directed toward acquisition of *MHPA* lands within the City boundaries and preferably within the same plan area.

(6) After approval of the project-specific *land use plan*, a Site Development Permit shall be required for all proposed individual *developments* within the plan area and shall be reviewed in accordance with Process Four. Additional information pertaining to *environmentally sensitive lands* may be required in order to conduct a detailed analysis s of the specific *development* proposal. Approval of the individual Site Development Permits will require conformance with the approved project-specific *land use plan* and any required mitigation shall be provided. Deviation *findings* will not be required if the proposed *development* is consistent with the approved project-specific *land use plan*. If a proposed *development* is not in conformance with the approved project-specific *land use plan*, approval of a Site Development Permit requires compliance with all of the *environmentally sensitive lands* regulations.

(7) Conformance with the *environmentally sensitive lands* regulations and associated guidelines in the Land Development Manual is required for all *environmentally sensitive lands* impacts not addressed by the approved project-specific *land use plan*.

(8) Any *coastal development* proposals requiring a Coastal Development Permit must conform to the regulations contained in the certified local coastal program. In case of conflict with the above stated regulations, the coastal development regulations shall apply.

3. § 143.0126 Emergency Authorization to Impact Environmentally Sensitive Lands

Whenever *development* activity within *environmentally sensitive lands* is deemed necessary by order of the City Manager to protect the public health or safety, the City Manager may authorize, without a public hearing, the minimum amount of impact necessary to protect the public health or safety, subject to the following:

(a) If the emergency work involves only temporary impacts to *environmentally sensitive lands*, a Neighborhood Development Permit or Site Development Permit is not required provided the *environmentally sensitive lands* are restored to their natural state, in accordance with a restoration plan approved by the City Manager. The restoration plan shall be submitted to the City Manager within 60 days of completion of the emergency work.

(b) If the emergency work results in permanent impacts to *environmentally sensitive lands*, a subsequent Neighborhood Development Permit or Site Development Permit is required in accordance with all regulations of this division. The application for the Neighborhood Development Permit or Site Development Permit shall be submitted within 60 days of completion of the emergency work.

(c) Within the Coastal Overlay Zone, a coastal development permit is required for any emergency *coastal development* in accordance with Section 126.0718.

4. § 143.0130 Uses Allowed Within Environmentally Sensitive Lands

Allowed uses within *environmentally sensitive lands* are those allowed in the applicable zone, except where limited by this section.

(a) *Sensitive Coastal Bluff* Areas. Permitted uses and activities in *sensitive coastal bluff* areas, as indicated on Map Drawing No. C-713, are limited to the following:

(1) *Single Dwelling Units* together with *accessory structures* and landscape features incidental to residential uses;

(2) Bicycle storage facilities;

(3) Public comfort stations;

(4) Public pergolas and gazebos;

(5) Public parking lots;

(6) Public seating benches;

(7) *Open ~~F~~fences* and walls for public safety, provided they do not interfere with existing or designated public or visual access ways;

(8) Safety and public information *signs*;

(9) Public stairways, ramps, and other physical beach access facilities, as identified within an applicable land use plan;

(10) Essential public walkways leading to permitted beach access facilities;

(11) Essential public drainage facilities; and

(12) Bluff repair and erosion control measures when necessary to protect existing primary structures and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

(b) *Coastal Beach* Areas. Permitted uses and activities in *coastal beach* areas, as identified on Map Drawing No. C-713, are limited to the following:

(1) Lifeguard towers and stations and associated life and security facilities;

(2) Public comfort stations;

(3) Public piers;

(4) Safety and public information *signs*;

(5) Shoreline protective works when necessary to prevent bluff and beach erosion ~~or where necessary~~ and to protect coastal dependent uses, public beach roadways, or existing

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~~principal~~ primary *structures* in danger from wave ~~and wind~~ action and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply;

(6) Public s~~S~~tairways, ramps, and other physical access *structures*, as proposed within an applicable land use plan; and

(7) Public recreational equipment.

(c) *Floodways*. Uses permitted within the *floodway* portion of a *100-year floodplain* are those allowed by the OF zone, as indicated in Table 131-02B.

(d) Wetlands in the Coastal Overlay Zone. Uses permitted in wetlands shall be limited to the following:

(1) Aquaculture, wetlands-related scientific research and wetlands-related educational uses;

(2) Wetland restoration projects where the primary purpose is restoration of the habitat;

(3) Incidental public service projects including water reclamation, where it has been demonstrated that there is no feasible less environmentally damaging location or alternative, and where mitigation measures have been provided to minimize adverse environmental effects.

(e) Wetland Buffer Areas in the Coastal Overlay Zone. Permitted uses in wetland buffer areas shall be limited to the following:

(1) Public Access paths;

(2) Fences;

(3) Restoration and enhancement activities; and

(4) Other improvements necessary to protect wetlands.

3.0140 **General Development Regulations for all Environmentally Sensitive Lands**

Development that proposes *encroachment* into *environmentally sensitive lands* or that does not qualify for an exemption pursuant to Section 143.0110(c) is subject to the following regulations.

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Environmentally sensitive lands that are outside of the allowable development area on a *premises* shall be left in a natural state and used only for those passive activities allowed as a condition of permit approval. The landowner may elect to offer to dedicate in fee the undeveloped remainder portion of the *premises* to the City to relieve the landowner of management and liability obligations associated with that portion of the *premises*. Otherwise, the passive activities allowed on the undeveloped remainder of the *premises* and any other conditions of the permit shall be incorporated into a covenant of easement that shall be recorded against title to the property, in accordance with procedures set forth in Section 143.0151.

(b) The allowable development area for all proposed *subdivisions* is based on the existing *lot* or *premises* to be subdivided. If no *development* is proposed on any newly created *lot*, the future development area of the *lot* shall be indicated on the required *grading* plan and included in the maximum allowable development area calculation for the *subdivision*.

(c) No building *lot* shall be created that provides such a small development area that future reasonable *development* of the *lot* will require additional *encroachment* into *environmentally sensitive lands* beyond the maximum allowable development area of the original, unsubdivided *premises*. If additional development area is proposed for a *lot* that would

exceed the maximum allowable development area of the original, unsubdivided *premises*, a deviation in accordance with Section 143.0150 is required, regardless of the *lot* size and the existing development area of the individual *lot*.

(d) No temporary disturbance or storage of material or equipment is permitted in *environmentally sensitive lands*, unless the disturbance or storage occurs within an area approved for *development* by a Site Development Permit or unless it can be demonstrated that the disturbance or storage will not alter the landform or cause permanent habitat loss and the land will be revegetated and restored in accordance with the Biology Guidelines in the Land Development Manual.

5. § 143.0141 Development Regulations for Sensitive Biological Resources

Development that proposes *encroachment* into *sensitive biological resources* or that does not qualify for an exemption pursuant to Section 143.0110(c) is subject to the following regulations and the Biology Guidelines in the Land Development Manual.

(a) State and federal law precludes adverse impacts to *wetlands* or listed non-covered species habitat. The *applicant* shall confer with the U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service and/or California Department of Fish and Game before any public hearing for the *development* proposal. The applicant shall solicit input from the Resource Agencies on impact avoidance, minimization, mitigation and buffer requirements. The applicant will, to the maximum extent feasible, incorporate the Resource Agencies' recommendations prior to the first public hearing. *Grading* or *construction permits* shall not be issued for any project that ~~adversely~~ impacts *Wetlands* or Listed non-covered species habitat until all necessary federal and state permits have been obtained.

(b) Outside and inside the *MHPA*, impacts to *wetlands*, including vernal pools in naturally occurring complexes, shall be avoided. A *wetland buffer* shall be maintained around all *wetlands* ~~when necessary and~~ as appropriate to protect the functions and values of the *wetland*. In the Coastal Overlay Zone the applicant shall provide a minimum 100-foot buffer, unless a lesser or greater buffer is warranted as determined through the process described in 143.0141(a). Mitigation for impacts associated with a deviation shall achieve the goal of no-net-loss and retain in-kind functions and values.

(c) Inside the *MHPA*, *development* shall avoid impacts to narrow endemic species. Outside the *MHPA*, measures for protection of narrow endemic species shall be required such as management enhancement, restoration and/or transplantation. A list of narrow endemic species is included in the Biology Guidelines in the Land Development Manual.

(d) Inside the *MHPA*, *development* is permitted only if necessary to achieve the allowable development area in accordance with the regulations set forth in the OR-1-2 zone, pursuant to Section 131.0250(b), unless exempted from the development area regulations pursuant to Section 143.0111.

(e) Inside and adjacent to the *MHPA*, all *development* proposals shall be consistent with the City of San Diego *MSCP Subarea Plan*.

(f) Inside the *MHPA*, any change of an agricultural use to a non-agricultural use is subject to the development area regulations of Section 143.0141(d). Existing agricultural operations that exceed the allowable development area may remain as agricultural use only and do not count as part of the allowable development area.

(g) Outside the *MHPA*, *development* of lands that are designated as open space in the applicable *land use plan* and zoned OR-1-1 is permitted only if necessary to achieve the allowable development area, in accordance with Section 131.0250(a).

(h) Outside the *MHPA*, *encroachment* into *sensitive biological resources* is not limited, except as set forth in Section 143.0141(a), (b) and (g).

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(i) All *development* occurring in *sensitive biological resources* ~~both inside and outside the MHPA~~ is subject to a site-specific impact analysis conducted by the City Manager, in accordance with the Biology Guidelines in the Land Development Manual. The impact analysis shall evaluate impacts to *sensitive biological resources* and CEQA sensitive species. The analysis shall determine the corresponding mitigation, where appropriate, and the requirements for protection and management. Mitigation may include any of the following, as appropriate to the nature and extent of the impact.

(1) Acquisition or *dedication* of another site that can serve to mitigate the project impacts, with limited right of entry for habitat management, as necessary, if the site is not dedicated. This site must have long-term viability and the biological values must be equal to or greater than the impacted site.

(2) Preservation or *dedication* of on-site *sensitive biological resources*, creation of new habitat, or enhancement of existing degraded habitat, with limited right of entry for habitat management, as necessary, if the site is not dedicated. The site must have long-term viability and the biological values must be equal to or greater than the impacted site.

(3) In circumstances where the area of impact is small, monetary payment of compensation into a fund in lieu of other forms of mitigation. The City shall use the fund to acquire, maintain and administer habitat areas pursuant to City Council Resolution No. R-275129, adopted February 12, 1990. Where appropriate, the City Manager is authorized to enter into agreements with public agencies or private non-profit-conservancies or foundations to administer the funds and acquire or maintain habitat preservation areas.

(j) *Grading* during wildlife breeding seasons shall be consistent with the requirements of the City of San Diego *MSCP Subarea Plan*.

(k) *Sensitive biological resources* that are outside of the allowable development area on a *premises*, or are acquired as off-site mitigation as a condition of permit issuance, are to be left in a natural state and used only for those passive activities allowed as a condition of permit approval. If the land is not dedicated in fee to the City, identification of permissible passive activities and any other conditions of the permit shall be incorporated into a covenant of easement that shall be recorded against title to the property, in accordance with procedures set forth in Section 143.0152. The U.S. Fish and Wildlife Service and the California Department of Fish and Game are to be named as third party beneficiaries to any covenant of easement recorded pursuant to this section.

6. § 143.0142 Development Regulations for Steep Hillsides

Development that proposes *encroachment* into *steep hillsides* or that does not qualify for an exemption pursuant to Section 143.0110(c) is subject to the following regulations and the Steep Hillside Guidelines in the Land Development Manual.

(a) Allowable Development Area

(1) Inside of the *MHPA*, the allowable development area is determined in accordance with the regulations set forth in the OR-1-2 zone, pursuant to Section 131.0250(b). However, within the Coastal Overlay Zone, development is permitted only if in conformance with Section 141.0142 (a)(4) and the certified local coastal program.

(2) Outside of the *MHPA*, the allowable development area includes all portions of the *premises* without *steep hillsides*. *Steep hillsides* shall be preserved in their natural state, except that *development* is permitted in *steep hillsides* if necessary to achieve a maximum development area of 25 percent of the premises. However, within the Coastal Overlay Zone, *coastal development* on steep hillsides shall be minimized to the maximum extent possible and permitted only when in conformance with Section 143.0142 (a)(4).

(3) Outside of the *MHPA* *and outside the Coastal Overlay Zone*, up to an additional 15 percent development area is permitted only as follows and as long as the total development area does not exceed 40 percent of the *premises*, pursuant to the Steep Hillside Guidelines in the Land Development Manual:

(A) For projects where the following major public facilities are required: publicly owned parks and recreation facilities, fire and police stations, publicly owned libraries, public *schools*, major *streets* and primary arterials, and *public utility* systems;

(B) For projects where the existing development area is not contiguous, and access to the entirety of the development area is not otherwise available; and

(C) For projects where the existing development area does not have direct access to a *public right-of-way.*

(4) Within the Coastal Overlay Zone, steep hillsides shall be preserved in their natural state and *coastal development* on *steep hillsides* containing *sensitive biological resources* shall avoid encroachment into those areas to the maximum extent possible. When encroachment onto *steep hillsides* containing *sensitive biological resources* is unavoidable, such encroachment shall not exceed the encroachment limitations set forth in the following table:

Percentage of Steep Hillsides with Sensitive Biological Resources	Percentage of Discretionary Encroachment
75% or less	10%
80%	12%
85%	14%
90%	16%
95%	18%
100%	20%

(A) For the purposes of this section, encroachment shall be defined as any area of twenty-five percent (25%) or greater slope in which the natural landform is altered by grading, is rendered incapable of supporting vegetation due to the displacement required for the building, accessory structures, or paving, or is cleared of vegetation (including Zone 1 brush management.

(B) Up to an additional 15% of encroachment is permitted for the following:

(1) Major public roads and collector streets identified in the Circulation Element of an adopted community plan or Land Use Plan;

(2) Public utility systems;

(3) In the North City Local Coastal Program Land Use Plan areas only:

Local public streets or private roads and driveways which are necessary for access to the more developable portions of a site containing slopes of less than twenty-five percent (25%) grade, provided no less environmentally damaging alternative exists. The determination of whether or not a proposed road or driveway qualifies for an exemption, in whole or in part, shall be made by the City Manager based upon an analysis of the project site;

(C) Zone 1 Brush Management pursuant to the Landscape Regulations in Chapter 14, Article 2, Division 4 shall be subject to the encroachment limitations set forth above. However, in approval of any Coastal Development Permit for subdivision of land pursuant to the Subdivision Map Act, and any other division of land, including lot splits,

143.0142 Cont'd

no encroachment shall be permitted and the decision maker shall require a minimum 30 foot setback for Zone 1 brush management for *coastal development* from *steep hillsides* containing *sensitive biological resources.*

(b) All *development* occurring in *steep hillsides* shall comply with the design standards identified in the Steep Hillside Guidelines in the Land Development Manual for the type of *development* proposed.

(c) Newly created slopes shall not exceed the slope gradient permitted in Section 142.0133.

(d) Disturbed portions of the site in 25 percent (4 horizontal feet to 1 vertical foot) or greater slopes shall be revegetated or restored in accordance with Chapter 14, Article 2, Division 4 (Landscape Regulations).

(e) Before approval of any Neighborhood Development Permit or Site Development Permit, the *applicant* shall execute and record in favor of the City a hold harmless and/or indemnification agreement for the approved *development*, as necessary and appropriate.

(f) Any increase in runoff resulting from the *development* of the site shall be directed away from any *steep hillside* areas and either into an existing or newly improved public storm drain system or onto a *street* developed with a gutter system or *public right-of-way* designated to carry surface drainage run-off.

(g) Erosion Control Measures

(1) Outside the Coastal Overlay Zone, ~~E~~erosion control measures are not subject to the 25 percent development area regulations in Section 143.0142(a), but are subject to the landscape regulations in Chapter 14, Article 2, Division 4 and the Steep Hillside Guidelines in the Land Development Manual. Within the Coastal Overlay Zone, erosion control measures are subject to Section 142.0142(a)(4).

(2) Air-placed concrete, including gunite or shotcrete, *retaining walls*, buttress *fills*, and other similar erosion control measures may be allowed only if determined to be the only feasible means of erosion control to protect the existing ~~principal~~primary *structures* or *public improvements.*

(A) These measures shall be designed and implemented in accordance with generally accepted engineering standards and specifications and shall also incorporate existing adjacent landform characteristics including color coating, texturing, landscape, and topographical features.

(B) Where erosion control measures are proposed to encroach upon or affect any portion of property owned by the City of San Diego, the permittee shall provide written permission from the City Manager before approval of the Site Development Permit. Documentation of this approval shall be recorded with the conditions of permit approval.

§ 143.0143 Development Regulations for Sensitive Coastal Bluffs

Coastal d~~D~~evelopment ~~that proposes to encroach into~~ on premises containing sensitive *coastal bluffs*, as identified on Map Drawing No. C-713, filed in the office of the City Clerk under Document No. 00-17062 or that does not qualify for an exemption pursuant to Section 143.0110(c) is subject to the following regulations and the Coastal Bluffs and Beaches Guidelines in the Land Development Manual.

(a) No *development* is permitted on the face of a *sensitive coastal bluff*, except as permitted in Section 143.0143(g) and (h), and the *coastal bluff face* shall be preserved as a condition of permit approval.

(b) On the portion of a *premises* where *development* is permitted, the proposed *grading* shall minimize the alteration of natural landforms and graded areas shall topographically resemble natural landforms of the surrounding area.

(c) Only native or other drought-tolerant plant species shall be used in landscaped areas in order to minimize irrigation requirements and to reduce potential slide hazards due to overwatering of the *coastal bluffs*.

(d) All drainage from the improvements on the *premises* shall be directed away from any *coastal bluff* and either into an existing or newly improved public storm drain system or onto a *street* developed with a gutter system or *public right-of-way* designated to carry surface drainage run-off. All drainage from any unimproved areas shall be appropriately collected and discharged in order to reduce, control, or mitigate erosion of the *coastal bluff*.

(e) Before approval of any ~~Site~~ Development Permit, the *applicant* shall execute and record in favor of the City a hold harmless and/or indemnification agreement for the approved *development*, as necessary and appropriate.

(f) All *development* including buildings, *accessory structures*, and any additions to existing *structures* shall be set back at least 40 feet from the *coastal bluff edge*, except as follows:

(1) The City Manager may permit *structures* to be located between 25 and 40 feet from the bluff edge where the evidence contained in a geology report indicates that the site is stable enough to support the *development* at the proposed distance from the *coastal bluff edge* and the project can be designed so that it will not be subject to or contribute to significant geologic instability throughout the anticipated life span of the ~~principal~~ primary *structures*, and no shoreline protection is required.

(2) *Accessory structures* and landscape features customary and incidental to residential uses shall not be closer than 5 feet to ~~observe a minimum 5-foot distance from~~ the *coastal bluff edge* provided, however, that these shall be located at *grade*. *Accessory structures* and features may be landscaping, walkways, unenclosed patios, open shade *structures*, decks that are less than 3 feet above grade, lighting standards, *fences* and walls, seating benches, *signs*, or similar *structures* and features, excluding garages, carports, buildings, pools, spas, and upper *floor* decks with load-bearing support *structures*.

(3) ~~*Fences* within the required distance from the *coastal bluff edge* shall be *open fences*. *Fences* located at the side *property lines* may extend to the *coastal bluff edge*, provided that within 5 feet of the *coastal bluff edge*, the *fence* is no more than 5 feet high and is an *open fence*. Other o~~*Open fences* may be permitted ~~at the~~ closer than 5 feet to the *coastal bluff edge* only if necessary to provide for public safety and to protect resource areas accessible from public right-of-ways or on public parkland.

(4) Essential public drainage facilities and public walkways leading to permitted beach access facilities may be installed within the 5-foot bluff setback provided they are designed to minimize impacts to the *coastal bluff face* and *coastal beach* areas.

(g) *Coastal bluff* repair and erosion control measures may occur on the bluff face only if they comply with the following:

(1) *Coastal bluff* repair and erosion control measures may be allowed on the *coastal bluff face* only if determined to be the only feasible means of erosion control and when necessary, to protect the existing ~~principal~~ primary *structures* or to protect *public improvements* that cannot feasibly be relocated.

(2) *Coastal bluff* repair and erosion control measures shall not cause significant alteration of the natural character of the bluff face.

143.0143 Cont'd

(3) The *applicant* shall submit a *geotechnical report* that documents the need for an erosion control measure to the City Manager. The *geotechnical report* shall identify the type and design of the erosion control measure necessary for protection of the existing ~~principal~~primary *structures*, based upon site-specific conditions and analysis of alternatives. The report must be accepted as adequate by the City Manager before any erosion control measures can be approved.

(4) Air-placed concrete, including gunite or shotcrete, *retaining walls*, *fills* or other similar erosion control measures shall be designed and implemented in accordance with generally accepted engineering standards and specifications and shall also incorporate existing and adjacent landform characteristics including color coating, texturing, landscape, and topographical features.

(5) Where erosion control measure are proposed to encroach upon or affect any portion of property owned by the City of San Diego, the *applicant* shall provide written permission from the City Manager before approval of any permit. Documentation of this approval shall be recorded with the conditions of permit approval.

(h) Essential public facilities including drainage facilities, ~~and public~~ stairways, ramps, and other physical beach access facilities may be permitted on a coastal bluff face if identified in an approved *land use plan* or if located in an area historically used by the public. These facilities shall be designed to minimize impacts to the bluff face and beach area.

(i) All *development* occurring on *sensitive coastal bluffs* shall be in conformance with the Coastal Bluffs and Beaches Guidelines in the Land Development Manual.

(j) A visual corridor of not less than the side yard setbacks or more than 10 feet in width, and running the full depth of the *premises*, shall be preserved pursuant to Section 132.040X.

(k) A vertical public access easement of not less than 10 feet in width, and running the full depth of the *premises* shall be offered, as a public easement as a condition of Coastal Development Permit approval, for *dedication* whenever all of the following conditions exist:

(1) The proposed *development* is located on a *premises* that lies between the shoreline and the ~~nearest through vehicular public access route paralleling the shoreline~~ first public roadway paralleling the sea, as defined within the California Coastal Commission Regulations.

(2) The need for the accessway has been identified in the applicable *land use plan* or no other easement exists within a lateral distance of 500 feet of the subject *premises*; and

(3) Impacts caused by the proposed *development* ~~otherwise~~, including, but not limited to, direct encroachment into an accessway identified in the applicable land use plan, justify the requirement for a vertical accessway.

§ 143.0144 Development Regulations for Coastal Beaches

The following development regulations apply to *development* proposed on a *premises* containing a *coastal beach*, as identified on Map Drawing No. C-713, filed in the office of the City Clerk under Document No. 00-17062, and *coastal development* is subject to the following regulations and the Coastal Bluffs and Beaches Guidelines in the Land Development Manual.

(a) No *development* is permitted on the portion of the site containing the *coastal beach*, except as permitted in Section 143.0130(b).

(b) All *development* occurring on a site containing *coastal beaches* must conform with the Coastal Beaches and Bluffs Guidelines in the Land Development Manual.

(c) A visual corridor of not less than the side yard setbacks or more than 10 feet in width, and running the full depth of the *premises*, shall be preserved pursuant to Section 132.040X.

(d) A vertical public access easement of not less than 10 feet in width, and running the full depth of the *premises*, shall be offered for *dedication* as a public easement as a condition of Coastal Development Permit approval whenever both of the following conditions exist:

(1) The need for the accessway has been identified in the applicable *land use plan*, or no other easement exists within a lateral distance of 500 feet of the subject *premises*; and

(2) Impacts caused by the proposed *development*, including, but not limited to, direct encroachment into an accessway identified in the applicable land use plan, justify the requirement for a vertical accessway.

(~~e~~) An easement for public access and passive recreational uses located along the shoreline paralleling the water's edge shall be offered for *dedication* as a public easement as a condition of Coastal Development Permit approval. The easement shall have a minimum width of 25 feet measured from the toe of an existing *bluff*, the first line of terrestrial vegetation where there is no *coastal bluff*, or an existing or proposed seawall or other protective device seaward to the mean high tide line whenever both of the following conditions exist:

(1) The proposed *development* is located on property that contains a sandy or cobble beach or passable headland; and

(2) The proposed development will fix the location of the back of the beach, encroach onto the shoreline or cause other ~~The~~ impacts which ~~caused by the proposed *development*~~ justify the requirement for the easement.

(f) For applications involving a shoreline protective work, the applicant shall submit a geotechnical report that documents the need for the erosion control measure to the City Manager. If the geotechnical report documents an existing primary structure is in danger from erosion, the geotechnical report shall identify the type and design of the protective device necessary to protect the existing primary structure, and other feasible alternatives to reduce the risk and address site-specific hazardous conditions. The report must be accepted as adequate by the City Manager before any erosion control measures can be approved.

(g) Air-placed concrete, including gunite or shotecrete, retaining walls, seawalls, fills or other similar erosion control measures shall only be permitted when necessary to protect an existing primary structure and when determined to be the least environmentally damaging feasible alternative pursuant to the California Environmental Quality Act. Mitigation for impacts to local shoreline sand supply shall be required.

(h) Any approved shoreline protective device shall be designed and implemented in accordance with generally accepted engineering standards and specifications and shall also incorporate existing and adjacent landform characteristics including color coating, texturing, landscape, and topographical features.

(i) Where erosion control measures are proposed to encroach upon or affect any portion of property owned by the City of San Diego or other public agency, or on lands subject to the public trust, the applicant shall provide written permission from the City Manager or public property owner before approval of any permit. Documentation of this approval shall be recorded with the conditions of permit approval. When an erosion control device encroaches directly on or otherwise affects State tidelands or publicly-owned property, the property owner shall be required to compensate for the use of public property and to mitigate the impacts of the protective device on the public beach.

(j) Mitigation for impacts on State tidelands or public beach may include, but not be limited to, a mitigation fee to be used for beach sand replenishment within the littoral cell of the project.

The fee shall be roughly-proportional to the value of the beach area lost as a result of the protective device and shall be deposited in the City of San Diego Beach Sand Mitigation Fund held by the San Diego Association of Governments.

.§ 143.0145 Development Regulations for Floodplains

The degree of *flood* protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger *floods* can and will occur on rare occasions. It is possible that increased *flood* heights may result from man-made or natural causes. This section does not imply that land outside the areas of *special flood hazards* or uses permitted within such areas will be free from *flooding* or *flood* damages. This section shall not create liability on the part of the City, any officer or employee thereof, or the Federal Emergency Management Agency (FEMA), for any *flood* damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

The following development regulations apply to all *development* proposing to encroach into *100-year floodplains*, including both the *floodway* and *floodplain fringe* areas or that does not qualify for an exemption pursuant to Section 143.0110(c):

(a) *Floodways*

(1) Within the *floodway* portion of a *premises* containing a *100-year floodplain*, development regulations are as set forth for the OF zone, pursuant to Section 131.0231.

(2) *Structures* associated with any allowed use shall comply with the following requirements:

(A) *Structures* shall not be attached to a foundation, in order to readily move them in case of *flood*; and

(B) *Structures* shall be removed upon imminence of *flooding*, as predicted by the National Weather Service or local public weather broadcast. If a *structure* is not removed and *flooding* occurs, the retrieval or salvage of the *structure* and repair of any damage caused by the *structure* shall be the responsibility of the owner.

(3) *Channelization* or other substantial alteration of rivers or streams shall be limited to that necessary for the following:

(A) Essential public service projects, where no other feasible construction method or alternative project location exists; and

(B) *Flood* control projects, where no other feasible method for protecting existing public or private *development* exists and where such protection is necessary for public safety.

(C) Projects where the primary function is the improvement of fish and wildlife habitat.

(4) *Development* in *floodways* shall be offset by improvements or modifications to enable the passage of a *100-year frequency flood*, in accordance with the FEMA standards and regulations provided in Section 143.0145(c).

(5) *Development* that involves *channelization* or other substantial alteration of rivers or streams is subject to the following requirements.

(A) All requirements and relevant recommendations of hydrological studies for the watershed of the affected stream, as approved by the City Engineer, shall be incorporated into the project design and mitigation measures. These requirements

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include erosional characteristics, flow velocities, volume, sediment transport, and maintenance of hydrology.

(B) The channel shall be designed to ensure that the following occur:

(i) Stream scour is minimized;

(ii) Erosion protection is provided;

(iii) Water flow velocities are maintained as specified by the City Engineer;

(iv) There are neither significant increases nor contributions to downstream bank erosion and sedimentation of *sensitive biological resources*; acceptable techniques to control stream sediment include planting riparian vegetation in and near the stream and detention or retention basins;

(v) Wildlife habitat and corridors are maintained;

(vi) Resource management criteria are implemented consistent with applicable *land use plans*; and

(vii) Groundwater recharge capability is maintained or improved.

(C) Channels that accommodate a *100-year frequency flood* shall do so without increasing the water surface elevation more than one foot at any point from the level of a nonconfined *100-year frequency flood* in the natural undeveloped floodplain. Channels may accommodate less than a *100-year frequency flood* (low-flow channels), but shall be designed and constructed in accordance with FEMA regulations.

(D) All artificial channels shall consist of natural bottoms and sides and shall be designed and sized to accommodate existing and proposed riparian vegetation and other natural or proposed constraints. Where maintenance is proposed or required to keep vegetation at existing levels compatible with the design capacity of the channel, a responsible party shall be identified and a maintenance and monitoring process shall be established to the satisfaction of the City Manager.

(6) *Development* shall not significantly adversely affect existing *sensitive biological resources* on-site or off-site.

(7) Within the Coastal Overlay Zone, no building or portion thereof shall be erected, constructed, converted, established, altered or enlarged, or no landform alteration, grading, placement or removal of vegetation, except that related to a historic and ongoing agricultural operation, or land division shall be permitted, provided:

(A) Parking lots, new roadways and roadway expansions shall be allowed only where indicated on an adopted local coastal program land use plan.

(B) Floodway encroachments for utility and transportation crossings shall be offset by improvements or modifications to enable the passage of the one hundred (100) year frequency flood, in accordance with the FEMA standards and regulations provided in Section 143.0145(c).

(b) *Floodplain Fringe*. The applicable development regulations are those in the underlying zone, subject to the following supplemental regulations:

(1) Within the *floodplain fringe* of a *100-year floodplain*, permanent *structures* and *fill* for permanent *structures*, roads, and other *development* are allowed only if the following conditions are met:

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(A) The *development* or *fill* will not significantly adversely affect existing *sensitive biological resources* on-site or off-site;

(B) The *development* is capable of withstanding periodic *flooding* and does not require or cause the construction of off-site *flood* protective works including artificial *flood* channels, revetments, and levees nor will it cause adverse impacts related to *flooding* of properties located upstream or downstream, nor will it increase or expand a *Flood Insurance Rate Map (FIRM)* or *Flood Hazard Boundary Map (FHBM)* Zone A;

(C) *Grading* and *filling* are ~~minimized~~ limited to the minimum amount necessary to accommodate the proposed development, harm to the environmental values of the floodplain is minimized including peak flow storage capacity, and *wetlands* hydrology is maintained;

(D) The *development* neither significantly increases nor contributes to downstream bank erosion and sedimentation nor causes an increase in *flood* flow velocities or volume; and

(E) There will be no significant adverse water quality impacts to downstream wetlands, lagoons or other sensitive biological resources, and the *development* is in compliance with the requirements and regulations of the National Pollution Discharge Elimination System, as implemented by the City of San Diego.

(F) The design of the development incorporates the findings and recommendations of both a site specific and coastal watershed hydrologic study.

(2) All *development* that involves *fill*, *channelization*, or other alteration of a *100-year floodplain* is subject to the requirements for *channelization* in Section 143.0145(a)(5) and with FEMA regulations.

(c) Special Regulations as Required by FEMA.

All proposed *development* within the *100-year floodplain* is subject to the following requirements and all other applicable requirements and regulations of FEMA.

(1) *Development* and Permit Review

(A) Where *base flood elevation* data has not been provided by the FEMA Flood Insurance Study for the City of San Diego, the City Engineer shall obtain, review, and utilize *base flood elevation* and *floodway* data available from federal or state sources, or require submittal of such data from the *applicant*. The City Engineer shall make interpretations, where needed, as to the location of the boundaries of the areas of *special flood hazards*, based on the best available engineering or scientific information.

(B) Proposed *development* in areas of a *special flood hazard* shall not adversely affect the *flood* carrying capacity of areas where *base flood elevations* have been determined but the *floodway* has not been designated. "Adversely affect" as used in this section means that the cumulative effect of the proposed *development*, when combined with all other existing and anticipated *development*, will not increase the water surface elevation of the *100-year frequency flood* more than one foot at any point.

(C) In all cases where a watercourse, floodplain, or portion of a floodplain is to be altered the City Engineer shall do the following:

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(i) Notify affected, adjacent communities and the California Department of Water Resources of any proposed alteration or relocation of a watercourse and submit evidence of the notice to the Federal Insurance Administration;

(ii) Require that the *flood* carrying capacity of the altered or relocated portion of the watercourse is maintained; and

(iii) Secure and maintain for public inspection and availability the *certifications*, appeals, and variances required by these regulations.

(D) The *applicant* shall grant a flowage easement to the City for that portion of the property within a *floodway*.

(E) Appropriate agreements shall be secured between the *applicant* and the City to assure participation by the *applicant* or any successor in interest in financing of future *flood* control works.

(F) *Development* in a *100-year floodplain* shall not increase or expand a *FIRM* Zone A.

(G) In all *floodways*, any *encroachment*, including *fill*, new construction, significant modifications, and other *development* is prohibited unless *certification* by a registered professional engineer or architect is provided demonstrating that *encroachments* will not result in any increase in *flood* levels during the occurrence of the base *flood* discharge.

(2) Standards for *Subdivisions* – <u>This section is not applicable within the Coastal Overlay Zone.</u>

(A) All preliminary *subdivision* proposals shall identify the *flood* hazard area and the elevation of the base *flood*.

(B) All final *subdivision maps* shall provide the elevation of proposed *structures* and pads. If the site is *filled* above the *100-year frequency flood* level, the *lowest floor*, including *basement*, shall be certified to be 2 feet above the *base flood elevation* by a registered professional engineer or surveyor, and the *certification* shall be provided to the City Manager.

(C) All *subdivisions* shall be designed to minimize *flood* damage.

(D) All *subdivisions* shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize *flood* damage.

(E) All *subdivisions* shall provide adequate drainage to reduce exposure to *flood* hazards.

(F) The final map shall bear the notation "Subject to Inundation" for those portions of the property with a *grade* lower than 2 feet above the *base flood elevation*.

(3) Standards of Construction

In all areas of *special flood hazard*, the following standards apply for all *development*.

(A) All permitted, permanent *structures* and other significant improvements shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(B) All permitted permanent *structures* and other significant improvements shall be constructed with materials and utility equipment resistant to *flood* damage.

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(C) Construction methods and practices that minimize *flood* damage shall be used.

(D) All electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and located to prevent water from entering or accumulating within the equipment components during conditions of *flooding*.

(E) *Breakaway walls* shall be certified by a registered engineer or architect to meet all applicable FEMA requirements. The *certification* shall be provided to the City Manager before final inspection approval.

(F) New construction and modification of any *structure* shall have the *lowest floor*, including *basement*, elevated at least 2 feet above the *base flood elevation*. Upon completion of the *development*, the elevation of the *lowest floor*, including *basement*, shall be certified by a registered professional engineer or surveyor to be properly elevated. The *certification* shall be recorded with the County Recorder, and the *certification* and evidence of recordation shall be provided to the City Manager before final inspection approval. The City Manager reserves the right to require a preliminary *certification* before foundation inspection approval.

(G) New construction and modification of any *structure* in *FIRM* Zone AH or AO shall have the *lowest floor*, including *basement*, elevated above the highest adjacent *grade* at least 2 feet higher than the depth number specified on the *FIRM*, or at least 4 feet if no depth number is specified. Upon the completion of the *structure* the elevation of the *lowest floor*, including *basement*, shall be certified by a registered professional engineer or surveyor, to be properly elevated. The *certification* shall be recorded with the County Recorder, and the *certification* and evidence of recordation shall be provided to the City Manager before final inspection approval. The City Manager reserves the right to require a preliminary *certification* before foundation inspection approval.

(H) Permitted nonresidential construction shall either be elevated as required by Section 143.0145(c)(3)(F) or (G) or, together with attendant utility and sanitary facilities, meet the flood proofing requirements of FEMA. *Certification* by a registered professional engineer or architect that such requirements are met shall be recorded with the County Recorder, and the *certification* and evidence of recordation shall be provided to the City Manager before final inspection approval. The City Manager reserves the right to require a preliminary *certification* before foundation inspection approval.

(I) Fully enclosed areas below the *lowest floor* that are subject to *flooding* shall be certified by a registered professional engineer or architect that they comply with the flood proofing requirements of FEMA. The *certification* shall be provided to the City Manager before final inspection approval.

(4) Standards for *Manufactured Homes*

All new and replacement *manufactured homes* and additions to *manufactured homes* are subject to the following regulations.

(A) The *lowest floor* shall be elevated at least 2 feet above the *base flood elevation*.

(B) *Manufactured homes* shall be securely anchored to a permanent foundation system to resist flotation, collapse, or lateral movement.

(C) A registered engineer or architect must certify that the conditions of this subsection have been met. The *certification* shall be recorded with the County Recorder, and the *certification* and evidence of recordation shall be provided to the City Manager before final inspection approval.

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(5) Standards for Utilities

Certification shall be provided to the City Manager before final inspection approval that the following requirements have been met.

(A) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of *flood* waters into the system and discharge from systems into *flood* waters.

(B) On-site waste disposal systems shall be located and designed to avoid impairment to them or contamination from them during *flooding*.

143.0150 Deviations from Environmentally Sensitive Lands Regulations

Plans submitted in accordance with this section shall, to the maximum extent feasible, comply with the regulations of this division. If a proposed *development* does not comply with all applicable ~~the~~ development regulations of this division and a deviation is requested as indicated in Table 143-01A, the Planning Commission may approve, conditionally approve, or deny the proposed Site Development Permit in accordance with Process Four, subject to the following:

(a) Deviations from the regulations of this division may be granted only if the decision maker makes the *findings* in Section 126.0504(c).

(b) Deviations from the FEMA Special Regulations in Section 143.0145(c) may be granted only if the decision maker makes the *findings* in Section 126.0504(d).

(c) Within the Coastal Overlay Zone, deviations from the regulations of this division may be granted only if the decision maker makes the findings in Section 126. 0708.

1. § 143.0151 Alternative Compliance for Steep Hillside Development Area Regulations

Proposed *developments* that do not comply with the development area regulations of Section 143.0142(a) and do not result in conflicts with other regulations may be considered as alternative compliance as indicated in Table 143-01A, pursuant to the regulations in this section. The Planning Commission may approve, conditionally approve, or deny the proposed Site Development Permit with alternative compliance in accordance with Process Four, subject to the following:

43.0151 ont'd

(a) Alternative compliance shall not be used in conjunction with any development permit for a *single dwelling unit* on an individual *lot*;

(b) Conformance with all other Environmentally Sensitive Lands Regulations is required unless a deviation is approved with the Site Development Permit, in accordance with Section 143.0150;

(c) Alternative compliance may be granted only if the decision maker makes the findings in Section 126.0504(e); and

(d) Alternative compliance shall not be considered for lands that are designated as open space in the applicable *land use plan* or that are zoned OR-1-1 or OR-1-2.

(e) Alternative compliance shall not be considered for lands that are within the Coastal Overlay Zone.

2. § 143.0152 Covenants of Easements Pursuant to Environmentally Sensitive Lands Regulations

As authorized by California Government Code Section 65871, the owner of any *premises* affected by issuance of a permit under this division as described in Section 143.0140(a), shall execute a covenant of easement unless the owner dedicates the remainder portion of the property in fee to

the City. The covenant of easement shall be recorded against title to the affected *premises* and executed in favor of the City.

(a) The owner shall draft the covenant of easement as follows:

(1) To contain a legal description of the *premises* affected by the permit with a description of the *development* area and the *environmentally sensitive lands* that will be preserved;

(2) To impart notice to all persons to the extent afforded by the recording laws of the state regarding the restrictions affecting use of the *environmentally sensitive lands* covered by the permit;

(3) To ensure that the burdens of the covenant shall be binding upon, and the benefits of the covenant shall inure to, all successors in interest to the affected *premises*; and

(4) To ensure enforceability of the covenant of easement by the City, or jointly and severally by the City, the U.S. Fish and Wildlife Service, and the California Department of Fish and Game in those instances when the covenant of easement affects *premises* containing *sensitive biological resources* or other lands that have been accepted as mitigation.

(b) A Process Four hearing shall be held to consider a formal, written request directed to the City by any person requesting the release of a covenant of easement recorded pursuant to this division. A release of any covenant of easement recorded pursuant to this division shall be recorded by the City only when it is determined by the decision maker that restriction of the property is no longer necessary to achieve the land use goals of the City. In any instance where the covenant of easement concerns *sensitive biological resources*, a determination by the decision maker to release the covenant may be made only with the written concurrence of the U.S. Fish and Wildlife Service and the California Department of Fish and Game

(c) In the Coastal Overlay Zone, the covenants of easements shall be required as condition of approval at the subdivision stage of *coastal development* rather than at subsequent stages to the extent possible.

§ 143.0155 Administrative Guidelines for Environmentally Sensitive Lands Regulations

The City Manager is authorized to promulgate and publish Steep Hillside Guidelines, Biology Guidelines, Coastal Bluffs and Beaches Guidelines, and other support documents to be located in the Land Development Manual, as necessary to implement this division. These administrative guidelines shall serve as baseline standards for processing Neighborhood Development Permits, ~~and~~ Site Development Permits and Coastal Development Permits issued pursuant to these regulations. Any revisions to these guidelines will require review and approval by the Coastal Commission as a local coastal program amendment.

143.0160 Violations and Remedies

The provisions of this division shall be enforced pursuant to Chapter 12, Article 1, Division 2, Enforcement Authorities for the Land Development Code

94. Section 143.0210(d), When Historical Resource Regulations Apply and Table 143-02A, shall be revised to read:

(d) A Construction Permit is required for any development on a premises that has historical resources on the site that will not adversely affect the historical resources and is consistent with one or more of the exemption criteria in accordance with Section 143.0220. ~~In addition, a coastal development permit may be required in accordance with Chapter 12, Article 6, Division 7.~~

Table 143-02A
Applicability of Historical Resources Regulations

Type of Development Proposal		Historical Resources Potentially Impacted by Project		
		~~***Designated***~~ ***Historical Resources*** **or** ***Historical Districts***	***Traditional Cultural Properties***	***Important Archaeological Sites***
1. Projects exempt from obtaining a *development permit* in accordance with Section 143.0220	R	143.0251	143.0251	143.0252
	P	Construction Permit/Process One	Construction Permit/Process One	Construction Permit/Process One
2. *Single dwelling units* on any size *lot*	R	143.0251	143.0252	143.0253
	P	SDP/Process Four	NDP/Process Two	NDP/Process Two
3. *Multiple dwelling unit*, non-residential *development, subdivisions* and public works construction projects on any size *Lot*	R	143.0251	143.0252	143.0253
	P	SDP/Process Four	SDP/Process Four	NDP/Process Four
4. Project-Specific *Land Use Plans*	R	143.0251	143.0252	143.0253
	P	SDP/Process Four	SDP/Process Four	NDP/Process Four
5. *Development* that deviates from any of the regulations in this division	R	143.0251	143.0252	143.0253
	P	SDP/Process Four	SDP/Process Four	SDP/Process Four

Legend to Table 143-02A

R	Development regulation sections (in addition to Section 143.0250) applicable to the *historical resources* present.
P	Type of Permit/Decision process required. Neighborhood Development Permit (NDP) Site Development Permit (SDP)

95. Section 143.0211(a) Duty to Submit Required Documentation and to Obtain Permit shall be revised to read:

(a) The property owner or applicant shall submit required documentation and obtain a construction permit, a Neighborhood Development Permit, a Site Development Permit ~~and/or a Coastal Development Permit~~ as required pursuant to this division before any development activity occurs on a premises that contains historical resources.

96. Section 143.0212(a) and (c) Need for Site-Specific Survey and Determination of Location of Historical Resources shall be revised to read:

(a) The City Manager shall determine the need for a site-specific survey for the purposes of obtaining a *construction permit*, ~~Neighborhood Development Permit,~~ or ~~Site Development Permit~~ *development permit* for *development* proposed for any parcel containing a *structure* that is 45 or more years old and not located within any area identified as exempt in the Historical Resources Guidelines of the Land Development Manual or for any parcel identified as sensitive on the Historical Resource Sensitivity Maps~~, or for any parcel identified as containing a historic resource in any community plan. In the Coastal Zone, notice of the application for *development* shall be sent to the designated Community Planning Group, local historic resource boards, the urban studies department of U.C. San Diego and San Diego State University, the Museum of San Diego History, and interested parties to provide a 10 *business day* comment period. The City Manager shall review all comments received in determining the need for a site-specific survey.~~

(c) ~~Except in the Coastal Zone,~~tThe City Manager shall determine the need for a site-specific survey within 10 *business days* of application for a *construction permit* or within 30 days of application for a *development permit*. A site-specific survey shall be required when the City Manager determines that a *historical resource* may exist on the parcel. ~~A site-specific survey shall be required for *development* on any site designated as a historical resource in any community plan. In the Coastal Zone, the City Manager shall determine the need for a site-specific survey within 10 *business days* of the last day of the comment period for applications for a *construction permit* or within 20 days of the last day of the comment period for application for a *development permit*.~~ If the City Manager ~~does not require a site-specific survey within the specified time period~~ determines that a site-specific survey is not required, a permit in accordance with Section 143.0210 shall not be required.

97. Section 143.0214 Emergency Authorization When Historical Resources Are Present shall be revised as follows:

Whenever *development* activity on a *premises* containing *historical resources*, or for any parcel identified as containing a *historic resource* in any community plan, or for any parcel identified as sensitive on the Historical Resource Sensitivity Maps is deemed necessary by order of the City Manager to protect the public health or safety, the City Manager may authorize, without a public hearing, the minimum amount of work necessary to protect the public health or safety, subject to the following:

b) If the emergency work results in impacts to *historical resources*, a subsequent Neighborhood Development Permit or Site Development Permit is required in accordance with this division. All impacts to *historical resources* shall be fully mitigated to the greatest extent feasible.

(d) An emergency coastal development permit may be required, if so, any permanent development allowed under the emergency permit must be authorized through a follow-up coastal development permit submitted within 60 days of the date of issuance of the emergency permit.

98. Section 143.0220 Development Exempted from the Requirement to Obtain a Development Permit for Historical Resources shall be revised as follows:

The following *development* activities are exempt from the requirement to obtain a Neighborhood Development Permit or Site Development Permit. However, in all cases a *construction permit* is required~~, and in some cases, a coastal development permit would be required.~~

(b) Interior modifications or repairs or the ordinary maintenance or repair of any exterior architectural feature in or on any *historical building* or *historical structure* ~~that is a designated historical resource~~ that does not adversely affect the special character or special historical, architectural, or cultural value or designated interior elements of the property consistent with the Secretary of Interior's Standards and Guidelines. [...]

[...]

(e) Except in the case of a ~~*designated*~~ *historical resource,* the modification of an existing structure or the replacement of a *single dwelling unit* with another *single dwelling unit*, including modification or replacement of paved areas, brush management for fire protection purposes, and any other landscaping improvements, or alterations that do not alter the existing *development* area by more than 10 percent.

(i) Development in the 178 acres of land known as Sorrento Hills that was the subject of the land exchange approved by the voters as Proposition D on November 4, 1986.

~~(j) Public works projects for which plans, specifications, and funding have been approved by the City Council or the City Manager before July 1, 1991.~~

99. Section 143.0225 Limited Exceptions from the Historical Resources Regulations, shall be revised as follows:

The decision maker may grant an exception from the 25 percent *encroachment* limitation for *important archaeological sites* according to ~~Section 143.0251~~ Section 143.0253 for brush management activities in Zone 2 provided that the following circumstances exist:

(a) The area cleared or thinned for such brush management is the minimum necessary to comply with existing City fire codes;

(b) No *grading* occurs in these brush management areas;

(c) Native root stock is retained;

(d) No permanent irrigation is provided; and

(e) No non-native plants are introduced.

100. Section 143.0250 General Development Regulations for Historical Resources shall be revised as follows:

Development that ~~proposes substantial alteration or encroachment into a *designated historical resource, traditional cultural property or important archaeological site* and~~ does not qualify for an exemption pursuant to Section 143.0220 is subject to the following regulations and the Historical Resources Guidelines of the Land Development Manual.

(a) (3) Substantial alteration means demolition ~~(more than 50% of exterior walls demolished),~~ destruction, relocation, new construction or alteration activities that would impair the significance of a *historical resource*.

(b) All areas with ~~*designated*~~ *historical resources*~~, *traditional cultural properties* or *important archaeological sites*~~ that remain undisturbed or are restored or enhanced as a result of a *development* approval shall be preserved as a condition of that approval.

(e) ~~*Designated h*~~ *Historical resources* that are occupied shall be maintained in the same manner as all other occupied *structures* in accordance with the Uniform Building Code and State Historic Building Code and in a manner that preserves their historical integrity.

(f) ~~*Designated h*~~ *Historical resources* that are unoccupied shall be maintained in a manner that preserves their historical integrity.

(g) All proposed *subdivisions* that contain ~~*designated*~~ *historical resources*~~, *traditional cultural properties or important archaeological sites*~~ shall provide a conceptual *grading* plan that indicates future limits of *grading* and future *development* potential of all lots. [...]

101. Section 143.0260 Deviations from the Historical Resources Regulations shall be revised as follows:

(a) If a proposed *development* ~~does not~~ cannot to the maximum extent feasible comply with this division, a deviation may be considered in accordance with decision Process Four.

(b) The minimum deviation to afford relief from the regulations of this division and accommodate *development* may be granted only if the decision maker makes the applicant findings in Section 126.0504.

(c) If a deviation for demolition or removal of a ~~*designated*~~ *historical resource* or a contributing *structure* within a historical district is approved, the *applicant* shall obtain approval for new *development* on the same premises before issuance of a Demolition/Removal Permit.

102. Section 143.0440, Supplemental Planned Development Permit Regulations for Residential Rural Cluster Development in the AR and OR Zones, shall be revised to read:

In addition to the general regulations for all Planned Development Permits and supplemental regulations for residential *developments*, the following regulations apply to all residential Planned Development Permits for rural cluster *developments* in the AR and OR zones:

(a) *Density*

(1 - 3) No Change

(4) Within the future urbanizing area and outside the Coastal Overlay Zone, the area of a golf course meeting the criteria of Section 143.0440(c)(5) may be used in the calculation of total permitted residential *density*.

(b) No Change.

(c) Open Space Requirement

(1 –3) No Change.

(4) Recreational facilities shall be designed to serve only the occupants and guests of the *development*. However, within the future urbanizing area and outside the Coastal Overlay Zone, golf courses open to the public and their customary incidental, supportive facilities (excluding lodging facilities) need not be restricted provided that a permanent and irrevocable open space easement is established that covers the area of the golf course. A golf course open to the public means a public golf course or a private golf course on public or private land that is open to the public on a daily fee basis or that offers memberships to the public.

(5) Within the future urbanizing area and outside the Coastal Overlay Zone, the area of a golf course meeting the criteria of Section 143.0440(c)(5) may be used in the calculation of total required open space.

103. Section 143.0450, Supplemental Planned Development Permit Regulations for Residential Rural Cluster Development with Increased Density, shall be revised to read:

In addition to the general regulations for all Planned Development Permits and supplemental regulations for residential *developments*, the following regulations apply to all residential rural cluster *developments* requesting increased *density* that are located in the AR-1-1 and OR-1-2 zones within the future urbanizing area. Approval of a proposed *development* in accordance with this section shall require the *findings* in Section 126.0604(b) to be made.

(a) *Density*

(1 - 2) No Change.

(3) Except within the Coastal Overlay Zone, ~~I~~ the area of a golf course meeting the criteria of Section 143.0450(c)(7) may be used in the calculation of total permitted residential *density*.

(b) No Change.

(c) Open Space Requirements

(1- 5) No Change.

(6) Recreational facilities shall be designed to serve only the occupants and guests of the planned *development*. However, within the future urbanizing area and outside the Coastal Overlay Zone, golf courses open to the public and their customary incidental, supportive facilities (excluding lodging facilities) need not be restricted provided that a permanent and irrevocable open space easement is established that covers the area of the golf course. A golf course open to the public shall mean a public golf course or a private golf course on public or private land that is open to the public on a daily fee basis or that offers memberships to the public.

(7) Except within the Coastal Overlay Zone, ~~I~~ the area of a golf course meeting the criteria of Section 143.0450(c)(7) may be used in the calculation of total required open space.

(d) No Change.

(e) Subarea Plan Requirement in the North City Future Urbanizing Area

(1) No Change.

(2) Except within the Coastal Overlay Zone, Section 143.0450(e)(1) shall not apply to any project for which an application was *deemed complete* on or before December 10, 1990, and which includes a golf course that is open to the public provided, however, that any such project shall fully participate in the Public Facilities Financing Plan, Interim Fees, and the *school* Facilities Master Plan, and that a development agreement shall be executed for the project.

D. SUGGESTED MODIFICATIONS FOR LAND DEVELOPMENT MANUAL

BIOLOGY GUIDELINES – SUGGESTED MODIFICATIONS

1. The Biology Guidelines shall be modified to be in conformance with the Environmentally Sensitive Lands Regulations as certified by the Commission.

COASTAL BLUFFS AND BEACHES GUIDELINES – SUGGESTED MODIFICATIONS

1. The Bluffs and Beaches Guidelines shall be modified to be in conformance with the Environmentally Sensitive Lands Regulations as certified by the Commission.

STEEP HILLSIDE GUIDELINES – SUGGESTED MODIFICATIONS

1. The Steep Hillside Guidelines shall be modified to be in conformance with the Environmentally Sensitive Lands Regulations as certified by the Commission.

LANDSCAPE STANDARDS – SUGGESTED MODIFICATIONS

1. The Landscape Standards shall be modified to be in conformance with the Environmentally Sensitive Lands Regulations and the other general Land Development Code revisions as certified by the Commission.

HISTORICAL RESOURCES GUIDELINES – SUGGESTED MODIFICATIONS

1. The Historical Resources Guidelines shall be modified to be in conformance with the Land Development Code revisions herein, as certified by the Commission.

2. The first paragraph under **When Are Surveys Required?** of **Section II. DEVELOPMENT REVIEW PROCESS**, shall be revised as follows:

For premises not already determined to contain historical resources, the City Manager shall determine the need for a site specific survey for the purposes of obtaining a Construction Permit, Neighborhood Development Permit or Site Development Permit for development proposed for any parcel containing a structure that is more than 45 years old and not located within any area identified below as exempt or for any parcel identified as containing a historical resource in a land use plan or identified as sensitive on the Historical Resource Sensitivity Maps for review based on the Historical Resource Sensitivity Maps. Prior to making a determination the City Manager shall consult with local historic resource boards, **the designated community planning group,** the Urban Studies Departments of the University of California San Diego and San Diego State University **and the San Diego Museum of Man**. The City Manager shall determine the need for a site specific survey within 10 working days of application of a construction permit or within 30 calendar days of an application for a development permit. A site specific survey shall be required when the City Manager determines that a historical resource may exist on the premises. If the City Manager does not require a site specific survey within the specified time period a permit for historical resources shall not be required.

E. MINOR TECHNICAL REVISIONS SUGGESTED BY THE CITY

Section 1113.0273(d), Measuring Visibility Area, shall be revised to read:

> The *visibility area* is a triangular portion of a premises formed by drawing one line perpendicular to and one line parallel to the *property line* or *public right-of-way* for a specified length and one line diagonally joining the other two lines, as shown in Diagram 113-02QQ. No *structures* may be located within a *visibility area* unless otherwise provided by the applicable zone or the regulations in Chapter 14, Article 2 (General Development Regulations). [. . .]
>
> (d) Where the required front and street side yards measure less than 25 feet when combined, that measurement or 15 feet, whichever is greater, establishes the *visibility area* at the street intersection.

Chapter 12/Article 1/Division 1: General Rules for Land Development Review

Section 121.0101, Purpose of City Review, shall be revised to read:

The purpose of City review is to help ensure that *development* in the City of San Diego is protective of the public health, safety, and welfare. The intent of the Land Development Code is to provide different review processes appropriate to the different types of *development.*

The Land Development Code provides procedures to review *land use plans*, zoning actions, maps, and permit applications. Map and permit reviews are divided into two major categories: development review and construction review. A proposed map or permit may require either type or both types of review as specified. Development review is the review of conceptual or schematic plans. Development review is required when conditions must be applied to a map or permit or when adjustments or exceptions from regulations are proposed ~~street~~. Construction review is review of final or construction plans for compliance with regulations of the Land Development Code.

Chapter 12/Article 6/Division 5: Site Development Permit Procedures

Section 126.0503, Decision Processes for Site Development Permits, shall be revised to read:

(a) Process Three

A decision on an application for a Site Development Permit for the types of *development* listed in Section 126.0502(a), (b) and (c) shall be made in accordance with Process Three. The decision may be appealed to the Planning Commission in accordance with Section 112.0506.

(b) Process Four

(1) A decision on an application for a Site Development Permit for the types of *development* listed in Section 126.0502(~~b~~d) shall be made in accordance with Process Four.

(2) A recommendation of the Historical Resources Board is required prior to the Planning Commission decision on a Site Development Permit when a *historical district* or *designated historical resource* is present.

(c) Process Five

A decision on an application for a Site Development Permit for the types of *development* listed in 126.0502(~~c~~ e) shall be made in accordance with Process Five.

Chapter 13/Article 1/Division 1: General Rules for Base Zones

Section 131.0112, Description of Use Categories and Subcategories, shall be revised to read:

(a) The following are descriptions of each use category and subcategory found in the Use Regulations Tables of each base zone. These descriptions shall be used to classify specific uses into use subcategories for the purpose of determining applicable use regulations, in accordance with Section 131.0110. A description of separately regulated uses is located in Section 131.0112(b). [. . .]

(3) Residential Use Category

This category includes uses that provide living accommodations for one or more persons. The residential subcategories are:

(A) Group Living Accommodations -- Dwellings where multiple residents share living accommodations and facilities and where meals or other services are provided.

(B) *Mobilehome* Parks -- A *premises* with two or more mobilehomes used as dwelling units other than companion units or employee housing.

(C) *Multiple Dwelling Units* -- Dwelling units where more than one dwelling unit is located on a single *lot*. ~~*Multiple dwelling units do not include uses allowed in single dwelling unit zones.*~~ . . .

Chapter 13/Article 1/Division 1: General Rules for Base Zones

Section 131.0140, Use of Yards and Landscaped Areas in All Base Zones, shall be revised to read:

The following regulations are related to other development regulations that are addressed in the Development Regulations Tables in each of the base zones and are applicable to all base zones. Except as specified by the applicable zone, *yards* and landscaped areas may be used only for the following items and purposes:

(a) Living Landscape Material.

(~~a~~b) Incidental passage and use by occupants.

(~~b~~c) ~~Living landscape materials, or other l~~ Landscape elements, constructed and installed to complement living landscape material, and not exceeding a height of 3 feet within front and street side yards.

(~~c~~d) *Fences* and walls as permitted in Chapter 14, Article 2, Division 3 (Fence Regulations).

(~~d~~e) Directional and other notification *signs* as permitted in Chapter 14, Article 2, Division 12 (Sign Regulations).

(~~e~~f) Walkways and paved driveways consistent with zone standards and applicable parking and landscape regulations.

(~~f~~g) Items that the City Manager may determine to be necessary to accommodate a temporary period of construction, site modification, or equipment change, when there is evidence of frequent and diligent physical effort to complete work.

(~~g~~h) Parking in accordance with Section 142.0510.

(~~h~~i) Storage of items when *screened* in accordance with Chapter 14, Article 2, Division 11 (Outdoor Storage and Display Regulations).

Chapter 13/Article 1/Division 2: Open Space Base Zones

Section 131.0230, Development Regulations of Open Space Zones, shall be revised to read:

(a) Within the open space zones no *structure* or improvement shall be constructed, established, or altered, nor shall any *premises* be used unless the *premises* complies with the regulations and standards in this division and with any applicable development regulations in Chapter 13, Article 2 (Overlay Zones) and Chapter 14 (General and Supplemental Regulations)

(b) (b) A Neighborhood Development Permit or Site Development Permit is required for the types of *development* identified in Table 143-03A.

(c) The regulations in this division apply to all *development* in the open space base zones whether or not a permit or other approval is required except where specifically identified.

Section 131.0231, Development Regulations Table for Open Space Zones, shall be revised to read:

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

Chapter 13/Article 1/Division 3: Agricultural Base Zones

Section 131.0303, Purpose of the AR (Agricultural--Residential) Zones, shall be revised to read:

(a) The purpose of the AR zones is to accommodate a wide range of agricultural uses while also permitting the *development* of *single dwelling unit* homes at a very low *density*. The agricultural uses are limited to those of low intensity to minimize the potential conflicts with residential uses. This zone is applied to lands that are in agricultural use or that are undeveloped and not appropriate for more intense zoning. Residential *development* opportunities are permitted with a Planned ~~d~~Development ~~p~~Permit at various densities that will preserve land for open space or future *development* at urban intensities when and where appropriate.

(b) The AR zones are differentiated based on the minimum *lot* size as follows:

- AR-1-1 requires minimum 10-acre *lots*
  AR-1-2 requires minimum 1-acre *lots*

Section 131.0323, Additional Use Regulations of Agricultural Zones, shall be revised to read:

The uses in this section are permitted within the agricultural zones as indicated subject to the regulations listed. [. . .]

(b) Horticulture nurseries are permitted subject to the following:

(1) Only plants are permitted to be sold on the *premises*. The sale of nonplant items requires a Conditional Use Permit for a plant nursery in accordance with Section 141.05043;

(2) At least 75 percent of the plants available for sale must be propagated or grown from saplings on the *premises*; and . . .

Section 131.0330, Development Regulations of Agricultural Zones, shall be revised to read:

(a) Within the agricultural zones, no *structure* or improvement shall be constructed, established, or altered, nor shall any *premises* be used unless the *premises* complies with the regulations and standards in this division and with any applicable development regulations in Chapter 13, Article 2 (Overlay Zones) and Chapter 14 (General and Supplemental Regulations)

Section 131.0331, Development Regulations Table for Agricultural Zones, shall be revised to read:

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-

Footnotes for Table 131-03C

(1) A *single dwelling unit* is permitted only as an *accessory use* to a permitted agricultural use on the same *premises*.

(2) See Section 131.0340(a).

(3) See Section 131.0340(b).

(4) See Section 131.0342(a).

(5) See Section 131.0342(b).

~~(6) See Section 131.0343.~~

(~~7~~6) Each dwelling unit shall have a *gross floor area* of at least 650 square feet, not including the garage.

(~~8~~7) *Structures* that are used to provide shade areas for growing plants, such as green houses and agricultural shade *structures*, are not included for determining *lot coverage*.

Chapter 13/Article 1/Division 4: Residential Base Zones

Section 131.0403, Purpose of the RS (Residential--Single Unit) Zones, shall be revised to read:

(a) The purpose of the RS zones is to provide appropriate regulations for the *development* of *single dwelling units* that accommodate a variety of *lot* sizes and residential dwelling types and which promote neighborhood quality, character, and livability. It is intended that these zones provide for flexibility in development regulations that allow reasonable use of property while minimizing adverse impacts to adjacent properties.

(b) The RS zones are differentiated based on the minimum *lot* size and whether the *premises* is located in an urbanized community or a planned or future urbanizing community, as follows:

(1) Urbanized Communities . . .

(2) Planned or Future Urbanizing Communities . . .

Section 131.0420, Use Regulations of Residential Zones, shall be revised to read:

The regulations of Section 131.0422 apply in the residential zones unless otherwise specifically provided by footnotes indicated in Table 131-04B. The uses permitted in any zone may be further limited if *environmentally sensitive lands* are present, pursuant to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations). [. . .]

(e) For any use tha~~n~~t cannot be readily classified, the City Manager shall determine the appropriate use category and use subcategory pursuant to Section 131.0110.

Section 131.0430, Development Regulations of Residential Zones, shall be revised to read:

Within the residential zones, no *structure* or improvement shall be constructed, established, or altered, nor shall any *premises* be used unless the *premises* complies with the regulations and standards in this division and with any applicable development regulations in Chapter
(a) 13, Article 2 (Overlay Zones) and Chapter 14 (General and Supplemental Regulations). . .

Section 131.0431, Development Regulations Table of Residential Zones, shall be revised to read:

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

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

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

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

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

Footnotes for Table 131-04G

(1) One dwelling unit per specified square foot of lot area as determined in accordance with Section 113.0222.

(2) An exception to the maximum permitted *density* may be permitted in accordance with Chapter 14, Article ~~1~~ 3, Division ~~5~~ 7 (Affordable Housing Density Bonus). . . .

Chapter 13/Article 1/Division 5: Commercial Base Zones

Section 131.0530, Development Regulations of Commercial Zones, shall be revised to read:

(a) Within the commercial zones, no *structure* or improvement shall be constructed, established, or altered, nor shall any *premises* be used unless the *premises* complies with the regulations and standards in this division and with any applicable development regulations in Chapter 13, Article 2 (Overlay Zones) and Chapter 14 (General and Supplemental Regulations). . . .

Section 131.0531, Development Regulations Tables of Commercial Zones, shall be revised to read:

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(1) ~~(sf per du)~~		3,000	1,500	1,500

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 *density* (1) ~~(sf per du)~~		1,500		1,000	1,500	1,500	1,500	--

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		

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[1] ~~(sf per du)~~		1,500				1,500				1,500				1,500			1500		

Chapter 11/Article 3/Division 6: Industrial Base Zones

Section 131.0622, Use Regulation Tables for Industrial Zones, shall be revised to read:

Table 131-06B
Use Regulations Table of 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
Wholesale, Distribution, Storage									
Separately Regulated Industrial Uses									
Hazardous Waste Research Facility		C	C	C	C	C	C	C	C
Hazardous Waste Treatment Facility		C	C	C	C	C	C	C	C
Marine Related Uses Within the Coastal Overlay Zone		-	-	P	P	P	P	P	P
Mining and Extractive Industries		-	C	C	C	C	C	C	C
Newspaper Publishing Plants		C	P	P	P	P	P	P	P
Processing & Packaging of Plant Products & Animal By-products Grown Off-premises		-	-	P	P	P	P	P	P
Very Heavy Industrial Uses		-	-	-	-	-	~~-C~~	~~-C~~	-

Chapter 11/Article 3/Division 6: Industrial Base Zones

Section 131.0630, Development Regulations of Industrial Zones, shall be revised to read:

(a) Within the industrial zones, no *structure* or improvement shall be constructed, established, or altered, nor shall any *premises* be used unless the *premises* complies with the regulations and standards in this division and with any applicable development regulations in Chapter 13, Article 2 (Overlay Zones) and Chapter 14 (General and Supplemental Regulations).

(b) A Neighborhood Development Permit or Site Development Permit is required for the types of *development* identified in Table 143-03A.

(c) The regulations in this division apply to all *development* in the industrial base zones whether or not a permit or other approval is required except where specifically identified.

Section 131.0631, Development Regulations Table for Industrial Zones, shall be revised to read:

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

Table 131-06C
Development Regulations of 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

PART III. FINDINGS FOR DENIAL OF CITY OF SAN DIEGO LCPA #1-98, AS SUBMITTED

A. CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT

The Commission finds, pursuant to Section 30512.2b of the Coastal Act, that the LCP Implementation Plan amendment, as set forth in the resolution for certification as submitted, is not consistent with the policies and requirements of Chapter 3 of the Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act which states:

The legislature further finds and declares that the basic goals of the state for the Coastal Zone are to:

a) Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.

b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.

c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.

(d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.

(e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

B. CONFORMANCE WITH THE CERTIFIED LAND USE PLANS

1. Environmentally Sensitive Lands Regulations

a Purpose and Intent of the Ordinance. As part of Chapter 14, Article 3 which includes "Supplemental Development Regulations", the City has proposed the Environmentally Sensitive Lands Regulations (ESL). The purpose of the regulations is to protect, preserve and, where damaged, restore, the environmentally sensitive lands of San Diego and the viability of the

species supported by those lands. The City has revised its Municipal Code with the intent of developing Citywide regulations which are applicable to development in or adjacent to environmentally sensitive habitat areas such that development proceeds in conformance with the City's Multiple Species Conservation Program Subarea Plan. The ESL is also the section of the LDC that addresses the coastal resources protected pursuant to the California Coastal Act.

b Major Provisions of the Ordinance. The ESL regulations apply to all proposed development when environmentally sensitive lands are present on the premises. Environmentally sensitive lands is a defined term for purposes of these regulations and means lands containing steep hillsides, sensitive biological resources, coastal beaches, sensitive coastal bluffs and 100-year floodplains. These terms are defined in Chapter 11, Article 3 as follows:

Coastal beach means the land between the edge of the sea and the first line of terrestrial vegetation or *development* or the toe of an adjacent *sensitive coastal bluff* or seawall, whichever is most seaward.

Sensitive biological resources means upland and/or *wetland* areas that meet any one of the following criteria:

(a) Lands that have been included in the City of San Diego Multiple Species Conservation Program Preserve;

(b) *Wetlands*;

(c) Lands outside the *MHPA* that contain Tier I Habitats, Tier II Habitats, Tier IIIA Habitats, or Tier IIIB Habitats;

(d) Lands supporting species or subspecies listed as rare, endangered, or threatened under Section 670.2 or 670.5, Title 14, California Code of Regulations, or the Federal Endangered Species Act, Title 50, Code of Federal Regulations, Section 17.11 or 17.12, or candidate species under the California Code of Regulations; or

(e) Lands containing habitats with Narrow Endemic Species as listed in the Biology Guidelines in the Land Development manual.

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

Steep hillsides means all lands that have a slope with a natural gradient of 25 percent (4 feet of horizontal distance for every 1 foot of vertical distance) or greater and a minimum elevation differential of 50 feet, or a natural gradient of 200 percent (1 foot of horizontal distance for every 2 feet of vertical distance) or greater and a minimum elevation differential of 10 feet;

Sensitive coastal bluff means a *coastal bluff* that is designated within hazard category numbers 41 through 47, inclusive, on the City's Geologic Hazard Maps plus the area of an additional 100-foot strip located landward; and,

100-year floodplain means the lands adjoining, and including, the channel of a river, stream, water coursebay, or other body of water that is subject to inundation by the *flood* waters of a *100-year frequency flood.* The *100-year floodplain* includes the *floodway* and *floodplain fringe* as identified in the *flood hazard boundary maps.*

The ESL regulations clearly address those coastal resources which are identified in the Coastal Resource Planning and Management Policies contained in Chapter 3 of the Coastal Act. Chapter 3 policies serve as the standard of review for all the adopted community plans which have been certified by the Commission as land use plan (LUP) segments of the City's certified LCP. The proposed implementation plan must be

found by the Commission to conform with and be adequate to carry out the certified land use plans.

The following findings support rejection of the implementation plan as proposed by the City as inadequate to carry out the provisions of the certified LUPs. The initial discussion will address the process whereby the ESL regulations are applied to development. The Commission finds that, even if the regulations were acceptable as proposed by the City, the application of the regulations as proposed does not meet the requirements of the Coastal Act or assure its implementation in conformance with the certified LUPs. The latter discussion will address the specific nonconformance of the proposed regulations with the certified LUP policies.

As proposed, the ESL regulations contain allowed uses and development regulations for development proposed to encroach within any of the identified resource areas. Some examples of such development regulations include, permitted uses on coastal beaches or coastal bluffs; requirements for a site-specific impact analysis to be completed for any development proposing to encroach into wetlands or other biologically sensitive lands; mitigation requirements; allowable development area on premises containing steep hillsides both inside and outside the Multi-Habitat Planning Area (MHPA); requirements to establish visual corridors and/or public access easements on premises containing beaches and/or bluffs, etc.

As submitted, the ESL does not identify the Coastal Development Permit as the vehicle for implementation of the ESL. This fact, by itself, is not a problem, if the regulations themselves and other sections of the LDC make clear the ESL regulations are applicable to coastal development requiring a Coastal Development Permit, and the appropriate findings are made to assure conformance with the certified LUPs. However, as discussed in the following findings, the Commission does not concur that adequate review is afforded through the ESL regulations, as proposed by the City, to all development subject to the Coastal Development Permit process.

As proposed, the ESL regulations are to be implemented by either the Site Development or Neighborhood Development Permit process. If either of those discretionary permits are not required for a proposed development, the development is not subject to the ESL regulations. The following types of development are not required to obtain a Site Development or Neighborhood Development Permit as proposed by the City:

(taken from Section 143.0110 (c))

(1) *Development* on a *premises* containing *environmentally sensitive lands* when the *development* will not encroach into the *environmentally sensitive lands* during or after construction, if the property owner signs an acknowledgment that further *development* on the property is not permitted unless the *development* is reviewed and approved pursuant to this division and if the *development* proposal provides for the following:

   (A) A 100-foot *setback* from *sensitive biological resources*;

   (B) A 40-foot *setback* from the top of slope of *steep hillsides*;

   (C) A 100-foot setback from *coastal beaches*;

   (D) A 100-foot *setback* from bluff edge of *sensitive coastal bluff*; and

   (E) A 100-foot *setback* from floodplains.

(2) *Development* that is limited to interior modifications or repairs, or any exterior repairs, alterations or maintenance that does not increase the footprint of an existing building or *accessory structure* and will not encroach into the *environmentally sensitive lands*

during or after construction. For a *premises* containing a *sensitive coastal bluff,* any addition above the first *floor* shall observe a minimum 40-foot *setback* from the *coastal bluff edge*.

(3) Minor improvements to existing *structures* on *steep hillsides*, subject to all of the following applicable requirements:

(A) *Clearing* and *grubbing* shall not exceed 100 square feet per acre.

(B) *Excavation* for foundations or pilings shall total less than 10 cubic yards.

(C) The proposed improvements do not *encroach* into *sensitive biological resources*.

(D) One story *structures* supported by pilings or pillars may be located on *steep hillsides* provided that the total of all *encroachments* into the *steep hillsides* area does not exceed 5 percent of the total *floor* area of the building or *structure*.

(E) Residential decks up to 500 square feet may be located on *steep hillsides* provided that the deck is attached to the building or *structure* and does not exceed 12 feet in elevation above the *existing grade* at any point.

(4) *Development* activity that is limited to permissible *grading* for the preparation of a site for cultivation of crops and where *grading* for agriculture purposes has occurred in compliance with all legal requirements within the previous 3 years.

(5) City public works projects for which plans, specifications, or funding have been approved by the City Council or the City Manager before July 1, 1991.

(6) Restoration projects where the sole purpose is enhancement or restoration of native habitats.

(7) Zone Two brush management activity if the brush management complies with the landscape regulations in Chapter 14, Article 2, Division 4 (Landscape Regulations) and the Biology Guidelines.

Therefore, if a development is proposed on property which contains, for example, wetlands, but the development is setback at least 100 feet from the wetlands, the development does not require a Site Development Permit or Neighborhood Development Permit. It is, therefore, also not subject to the ESL regulations. However, a Coastal Development Permit is still required for such development; yet, the ESL regulations do not acknowledge this requirement and the regulations, as proposed by the City, would not apply to such development. Thus, the LDC as proposed excludes development from the ESL regulations if a specified setback is provided from the sensitive resource.

The Commission finds the City's approach of excluding development from the discretionary review process afforded by the ESL, if a certain setback is provided, is not adequate to carry out all the provisions of the certified LUPs which address more than just siting of a structure. As structured by the City, the LDC does not allow the ESL regulations to be applied through the Coastal Development Permit process. If approved as submitted, there would be no regulations contained in the certified LCP that would support, for example, securing wetland buffers as open space or otherwise defining developable area for purposes of resource protection, if a 100 foot wetland setback is proposed as part of the project. Many other provisions of the LUPs which are addressed through the ESL regulations would also not be applicable through the Coastal Development Permit process, such as brush management, drainage and erosion controls, visual buffers, access requirements, etc.

The same concern is raised by the proposed process with regards to allowable development area defined in the Development Regulations for Steep Hillsides. The regulations specify that development that proposes encroachment into steep hillsides or that does not qualify for an exemption pursuant to Section 143.0110 (c), is subject to the allowable development area regulations, among others. The allowable development area is defined for both inside and outside the MHPA. Outside the MHPA, the regulations allow development within steep hillsides if necessary to achieve a maximum development area of 25 percent of the premises. An additional 15 percent encroachment is permitted in specified cases. A deviation from the Environmentally Sensitive Lands regulations is also possible if certain findings are made. Alternative compliance for the Steep Hillside regulations is also permitted pursuant to certain findings.

These regulations are problematic for two reasons. One relates to conformity of the regulations with the policy language contained in the certified land use plans, which will be discussed in a later finding. The second problem relates, again, to the process by which development is subject to the provisions of the ESL regulations. The regulations as proposed by the City specifically exempt the following from the 25% allowable development area regulations described above:

1. The development of one or more lots as long as the total area of the lots does not exceed 15,000 square feet and the lots were not joined in ownership to any contiguous lot or parcel on or before the adoption date of this division so that the total area of contiguous ownership exceeded 15,000 square feet;

2. Subdivision of a premises less than 15,000 square feet (for single dwelling unit development).

Therefore, any subdivision or development of lots containing less than 15,000 sq.ft. is not subject to Section 143.0142 (a) which sets forth the allowable developable area of a property. Since these regulations are not applicable to a development proposed on lots containing less than 15,000 sq.ft., there would be no mechanism contained within the LCP, as proposed by the City, to apply encroachment limitations through the Coastal Development Permit process consistent with the policies of the certified land use plans. As discussed in a later finding, many certified LUPs contain encroachment limitations and provide for protection of steep hillsides for reasons including habitat protection, visual impact and hazards associated with geologic instability and erosion control. The steep hillside protection afforded in the certified LUPs is not based on the size of the parcel. The ESL as submitted does not apply to all development requiring a Coastal Development Permit, or apply to all the resource areas afforded protection by the specific policies of the certified LUPs.

Therefore, the Commission finds that, as proposed, the implementation plan and, more specifically the ESL regulations, mention the Site Development Permit and the Neighborhood Development Permit as the primary discretionary permits required to apply the regulations put forth in the LDC. Because the ESL regulations contain the resource protection language necessary to implement the certified land use plans and Chapter 3 policies, it is appropriate for those regulations to be applied through the Coastal Development Permit process. As proposed, the regulations are not applicable to all development requiring a Coastal Development Permit which should be afforded such review. Therefore, as proposed, the LDC is not adequate to carry out the land use plans.

As a potential means to remedy this situation, Commission staff was previously suggesting a separate ESL section that would apply to coastal development within the Coastal Overlay Zone (see previous suggested modifications titled Environmentally Sensitive Lands Regulations for the Coastal Overlay Zone from the 9/24/98 staff report

attached as Exhibit A). The staff was suggesting such an approach so that the separate section of the regulations would include the standards which are specific to the Coastal Overlay Zone and that are addressed within the certified LUPs, such as, encroachment limitations on steep hillsides and permitted uses within wetlands. In this way, the remainder of the regulations would stay in place, as proposed by the City, to apply elsewhere outside the coastal zone.

To assure conformance with the ESL regulations, as modified, the staff was also suggesting that specific findings, similar to those proposed by the City as applicable to the Site and Neighborhood Development Permits, be included within the ESL regulations for the Coastal Overlay Zone. The intent was that conformance with the ESL regulations was assured in review of coastal development requiring a Coastal Development Permit, when applicable.

In response to the previous staff recommendation, City staff has indicated a preference to having modifications made within the proposed ESL regulations, if such changes can be made to meet the Commission's concerns, rather than establishing a separate section applicable within the Coastal Overaly Zone only. The City staff notes the Coastal Development Permit does not have to be the only vehicle utilized by a local government to implement the Coastal Act and a certified LCP, and, that the process for review of all development permits is a consolidated process. Therefore, if a Coastal Development Permit is required along with a Site Development Permit, all the findings for all permits must be made in one decision. For appealable development, the entire decision would be appealable to the Coastal Commission. Therefore, if the ESL regulations mention primarily the Site Development Permit and Neighborhood Development Permits, rather than the Coastal Development Permit, but that analysis and review process is approved as part of the certified LCP, then the finding of conformity with the certified LCP for the Coastal Development Permit is sufficient to assure conformance with the ESL regulations.

The Commission does not dispute this as an acceptable scenario, provided it is clear within the certified regulations what constitutes the certified LCP provisions to which coastal development must conform. Additionally, the permit procedures adopted by the local government as the primary vehicles for implementing the LCP policies must apply to all development requiring such review in order to be adequate to carry out the land use plans. In this regard, the Commission finds that revisions must be made to the Land Development Code, as submitted, in order to clarify the applicable permit process and carry out the provisions of the certified land use plans. The following section will identify suggested modifications which the Commission finds would address the stated concerns and allow for certification of the Land Development Code, if modified.

2. Biologically Sensitive Lands

Several land use plan segments of the City of San Diego Local Coastal Program contain specific policies related to wetlands and development within or adjacent to environmentally sensitive habitat areas as follows:

Torrey Pines LUP Segment:

Page 117 of the Community Plan under Local Coastal Program Policies states, in part:

The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted where there is no feasible less environmentally-damaging alternative, where feasible mitigation measures have been provided to minimize adverse environmental effect, and shall be limited to the following newly permitted uses and activities:

1. Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

2. Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

3. Restoration purposes.

4. Nature study, aquaculture or similar resource dependant activities.

Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

Buffer zones sufficient to protect wetlands shall generally be 100 feet in width, unless the applicant demonstrates that a smaller buffer will protect the resources of the wetland based on site-specific information including but not limited to the type and size of the development and/or proposed mitigation which will also achieve the purposes of the buffer. The California Department of Fish and Game and the U.S. Fish and Wildlife Service shall be consulted in such buffer determinations and their comments shall be accorded great weight by the City of San Diego and by the California Coastal Commission. Developments permitted in wetland buffer areas shall be limited to access paths, passive recreational areas, fences and similar improvements necessary to protect the wetland, and such improvements shall be restricted to the upper/inland half of the buffer zone. Developments shall be located so as not to contribute to increased sediment loading of the wetland, cause disturbance to its fish and wildlife values, or otherwise impair the functional capacity of the wetland.

Mira Mesa LUP Segment:

Policy 4 on Page 33 of the LUP states:

Resource Management

[...]

a. No encroachment shall be permitted into wetlands, including vernal pools.

[...]

h. Riparian Areas:

1. Riparian areas within Los Penasquitos Canyon Preserve:

a. Riparian areas within Los Penasquitos Canyon Preserve shall be preserved in their natural state with a buffer of adjoining upland habitat having a minimum width of 100 feet. The buffer shall start at the outside edge of the defined riparian habitat, or at the outside edge of the 100-year FEMA floodplain, whichever is wider or outermost.

[...]

2. All other riparian areas should be preserved in their natural state with a buffer of adjoining upland habitat having a minimum width of 100 feet. The buffer shall start at the outside edge of the defined riparian habitat, or at the outside edge of the 100-year FEMA floodplain, whichever is wider or outermost.

3. Development adjacent to riparian areas shall be designed to avoid erosion, sedimentation, and other potentially damaging impacts (such as pollution from urban run-off) which would degrade the quality of the resources in the area (including wildlife habitat, vegetation, water quality or quantity, and visual quality).

Tijuana River Valley LUP Segment (as amended)

This segment will include similar language addressing protection of wetlands, wetland buffers and other environmentally sensitive habitat areas.

The ESL as submitted contains specific standards for review of development that proposes to encroach into sensitive biological resource areas and provides specific protection for wetlands both within and outside the MHPA. The ESL regulations and the Biology Guidelines also provide for wetland buffers and avoidance of wetland impacts, when possible. The regulations and guidelines also provide for specific mitigation requirements when impacts are unavoidable.

Within the MHPA, development is permitted only if necessary to achieve the 25% allowable development area set forth in the OR-1-2 zone. Outside the MHPA, encroachment into sensitive biological resources is not limited, except through policies stating that wetland impacts shall be avoided with wetland buffers and mitigation provided. On lands designated as open space outside the MHPA, development is permitted only if necessary to achieve a 25% allowable development area. However, as submitted, the Commission finds the ESL regulations and Biology Guidelines are not adequate to carry out the above referenced LUP policies in the following areas:

1. The regulations and/or guidelines do not specify the uses permitted within wetlands or wetland buffers as specifically identified in the LUP policies;
2. The language does not clarify that only permitted uses shall be allowed within wetlands and only when such activity is unavoidable, the least environmentally damaging alternative and adequate mitigation is required;
3. The regulations and/or guidelines do not specify a minimum width for the wetland buffer as identified in the LUP policies;
4. The guidelines accept restoration, enhancement or acquisition as adequate mitigation which would not result in "no net loss" of habitat value.

The following section will include modifications which the Commission has determined are required in order to find the proposed Land Development Code and ESL regulations are adequate to carry out the land use plans.

3. Steep Hillsides.

Several land use plan segments of the City of San Diego Local Coastal Program contain specific policies related to steep hillside development. The following cited LUP policies are included within the certified Local Coastal Program in response to Sections 30240, 30241, 30251 and 30253 of the Coastal Act which require that new development shall preserve the scenic and visual quality of coastal areas, be sited and designed to protect environmentally sensitive habitat areas and minimize risk in areas of flood, fire or geologic hazard. Environmentally sensitive habitat areas must be protected from any significant disruption of habitat values through the LUP policies and implementing ordinances contained within the certified Local Coastal Program which are applicable to development proposed within the coastal zone.

Torrey Pines LUP Segment:

Within the Coastal Zone, landforms that consist of slopes of 25 percent grade and over that have not been identified as possessing environmentally sensitive habitats, significant

scenic amenities or hazards to developments, may be developed provided the applicant can demonstrate all of the following:

1. To protect the scenic and visual qualities of the site as seen from public vantage points, recreational areas, and roads or highways, the proposed development shall minimize the alteration of natural landforms and create only new slopes that are topographically compatible with natural landforms or the surrounding area.

2. The proposed development restores and enhances any previously manufactured slopes on the site to make them compatible with surrounding natural landforms and native vegetation.

3. The proposed development, including any fill or grading, does not create any significant new soil erosion, silting of lower slopes, slide damage or other geologic instability, flooding, or permanent scarring.

4. The proposed development contains a native vegetation restoration and enhancement program for those portions of the site in 25 percent or greater slopes that will provide as follows:

   a. For every area or quantity of native vegetation located on slopes of 25 percent grade or over, in excess of the encroachment allowance provided in Table 1 below, that is disturbed by the development, an area equal to 120 percent of the disturbed area shall be restored in native vegetation. The restoration and enhancement program shall be performed prior to or concurrently with the development and may be incorporated into the design and implementation of the overall landscaping program for the site.

   b. The native vegetation restoration and enhancement program required by subsection (a) shall be located on the site of the permitted development. However, if the size, topography or biological characteristics of the site are determined by the Planning Director to be unsuitable for said restoration or enhancement program, then the native vegetation shall be provided at one or more off-site locations within the Coastal Zone, which may include publicly owned rights of way. If such location within the Coastal Zone are infeasible, then such native vegetation restoration or enhancement program shall be provided at other suitable locations within the City of San Diego outside the Coastal Zone.

   All native vegetation restoration and enhancement programs shall be prepared by a biologist, registered landscape architect, or other qualified professional in close consultation with the Department of Fish and Game and U.S. Fish and Wildlife Service.

   In the case of those landforms which consist of slopes of 25 percent and over which have been identified as possessing environmentally sensitive habitats or significant scenic amenities or hazards to development (including major undeveloped sites with high erodibility characteristics), the following policy shall apply:

1. Slopes of 25 percent grade and over shall be preserved in their natural state, provided a minimal encroachment into the steep slope areas over 25 percent may be permitted as set forth in the following table:

TABLE 1
25 Percent Slope Encroachment Allowance

Percent of parcel in Slopes of 25 percent and over	Maximum encroachment allowance as percentage of area in slopes of 25 percent and over
75% or less	10%

80%	12%
85%	14%
90%	16%
95%	18%
100%	20%

For the purposes of this ordinance, encroachment shall be defined as any area of twenty-five percent (25%) or greater slope in which the natural landform is altered by grading, is rendered incapable of supporting vegetation due to displacement required for the building, accessory structures or paving, or is cleared of vegetation, other than allowed below:

The following uses shall be exempt from the encroachment limitations set forth above:

b. Major public roads and collector streets identified in the Circulation Element of an adopted community plan or the City of San Diego Progress Guide and General Plan.

c. Local public streets or private driveways which are necessary for access to the more developable portions of a site on slopes of less than 25 percent grade, provided no less environmentally damaging alternative exists. The determination of whether or not a proposed road or driveway qualifies for an exemption, in whole or part, shall be made by the Planning Director based upon an analysis of the project site.

d. Public utility systems.

2. On existing legal parcels, a deviation in the encroachment allowance percentage may be granted by the Planning Director, if necessary to maintain a minimum development right (total disturbed area) equal to 20 percent of the entire parcel.

3. All encroachment allowances, including permissible deviations, shall be subject to a determination by the Planning Director that such encroachment supports the findings of fact set forth in the City's' Hillside Review Zone.

Mira Mesa LUP Segment

This LUP segment contains almost identical language as cited above relative to development of sensitive and non-sensitive steep hillsides.

La Jolla LUP Segment

This LUP segment contains very similar language as cited above for protection of steep hillside areas.

Tijuana River Valley LUP Segment (as amended)

This segment will contain similar provisions to those cited above.

In response to the above cited provisions within the certified LUPs, the City has established the (HR) Overlay Zone Program for the coastal zone in the current certified Local Coastal Program, which is being proposed for replacement by the submitted LDC. The purpose of the HR zone was to provide supplementary regulations to assure that permitted development protects natural topographic features and character, aesthetic qualities, and environmental resources from direct or indirect impacts. Both the certified La Jolla and North City LUPs contain policy language which require new development to preserve steep sloping hillsides in excess of 25% gradient in their natural condition. Historically, only minor encroachments were permitted where an existing parcel was entirely (or almost completely) in steep slopes. In review of the City's LCP, the Commission has been adamant about protecting both the resource

and scenic values found on the steep slopes which would be destroyed, if disturbed, and about protecting downstream wetland areas which could be adversely impacted from erosion resulting from grading on steep hillsides.

In the current certified Hillside Review (HR) ordinance and in response to City concerns about equity and maintaining reasonable use for hillside parcels, the Commission concurred with the sliding scale for allowable, but discretionary, encroachments into steep slopes in excess of 25% gradient. Such encroachments have always been viewed by the Commission to be discretionary and not permitted by right. The current ordinance also incorporates detailed mapping of all of the coastal zone hillsides and separates them into sensitive and non-sensitive or less-sensitive categories. This classification system establishes strict limitations for those slopes designated as sensitive and then requires additional mitigation for further encroachment within the less-sensitive slope areas. The ordinance also delineates several uses or development features, such as major Circulation Element roads or public utility systems, which are exempt from the encroachment limitations.

However, the City is now proposing a different approach within the submitted LDC that establishes a 25% allowable development area. Inside the MHPA , the 25% allowable development area is determined in accordance with the OR-1-2 zone. Outside the MHPA, the allowable development area includes all portions of the premises without steep hillsides, which shall be preserved in their natural state, except that development is permitted on steep hillsides if necessary to achieve a maximum development area of 25% of the premises. Outside the MHPA, up to an additional 15% development area is permitted for major public facilities, such as parks, fire and police stations, libraries, schools, major streets and prime arterials, and public utility systems. The 15% additional encroachment is also permitted "for projects where the existing development is not contiguous, and access to the entirety of the development area is not otherwise available", and "for projects where the existing development does not have direct access to a public right-of-way. Beyond the 40% allowable development area, alternative compliance is offered for developments that do not comply with the above mentioned allowable develoment area and do not result in conflicts with other regulations. Further, deviations from the Environmentally Sensitive Lands regulations can be approved if certain findings are made.

Therefore, the Commission finds that, as proposed, the regulations for steep hillsides will cumulatively allow a greater amount of encroachment onto naturally vegetated hillsides than was intended by the above mentioned LUP policies. As proposed, the LUP policy language which has historically been applied to the slopes mapped as sensitive in the current certified LCP would not be implemented. To reach certification of the current Municipal Code and HR overlay provisions as adequate to carry out the land use plans, a rigorous mapping effort was completed to refine the steep slope encroachment concerns faced by the City and Commission. It was agreed that the mapping would represent a clear definition of the affected hillside and slopes within the coastal zone and their sensitivities. The certified map is referred to as the Coastal Zone Sensitive Slopes Map Drawing No. C-720 and includes steep hillsides containing environmentally sensitive habitats, or significant scenic amenities, or potential hazards to development.

An additional concern addressed at the time the HR provisions were certified was the potential for modifying a site's classification from sensitive to non-sensitive, because less stringent protective measures are afforded non-sensitive slopes in the LUP policies. The current ordinance requires a detailed slope analysis and biological survey as part of its application requirements and would not allow a change in a slope's classification without further review by the Commission. The previously-approved mapping of sensitive steep hillsides was field-checked and reviewed by staff. Based on the maps' application in relevant permit decisions since the City has assumed permit authority, there have been

few examples of any significant problem associated with their use. However, the Commission does acknowledge that there may be a few cases where the site-specific mapping performed in the HR permit review would warrant some refinement of the sensitivity classification for a particular site.

As part of implementation of the proposed LDC, the City has utilized GIS as a tool to map areas within the City that contain slopes greater than 25% grade, lots greater than 15,000 sq.ft., the desired MSCP preserve area for habitat protection, and public lands. The proposed ESL regulations would apply the allowable development area to all lots greater than 15, 000 sq.ft. in size. Comparison of these new maps to the old HR maps indicate there are very few locations within the coastal zone where there are lots which would not be subject to the proposed steep hillside provisions, but are subject to the current HR ordinance. These areas are not contiguous with any MSCP preserve lands or visible from major coastal access routes or scenic areas. Additionally, there are a significantly greater number of lots within the coastal zone which would be subject to the proposed steep hillside provisions, that are not currently regulated. Therefore, with regards to the adequacy to carry out the land use plans, it appears the area to where the steep hillside regulations would be applied, as proposed, is not so problematic as the fact that additional encroachments into naturally vegetated steep hillsides, beyond those envisioned in the LUP policies, would be permitted. Again, the HR encroachment limitations are considered discretionary, with development of the naturally-vegetated steep hillsides avoided to the extent possible. In order to assure reasonable use is afforded, there were exceptions built in to the ordinance, similar to those proposed in the LDC as a 15% additional encroachment, that acknowledged there may the need to possibly encroach on steep hillsides to access the flatter more developable area of the site. It is in those kinds of circumstances that the encroachment allowance is to be utilized. Therefore, the Commission finds revisions must be made to the steep hillside regulations as they are applied within the Coastal Overlay Zone in order to be adequate to carry out the land use plans.

At the time of certification of the current HR overlay zone, the Commission also concurred that some provisions should be established within the ordinance for fire protection, which must be accomplished in a prudent manner recognizing the habitat values present on designated sensitive slopes in particular. Since the presence of coastal sage and chaparral plants are a primary indicator for inclusion into the sensitive slope category, the removal or substantial diminishment of such areas and their replacement with non-native fire resistant materials, in particular, directly conflicts with the certified LUP policies. However, the Commission does recognize that these areas also constitute Priority I fire hazard areas, as identified by the City of San Diego Fire Department. All existing and proposed hillside and mesatop structures that border areas of native vegetation require some vegetative clearance for fire protection purposes. At the time of approval of the HR ordinance, City fire codes required that the 30 feet closest to the structure be cleared to a height of two inches, with existing trees pruned of all dry undergrowth. Fire retardant plantings are allowed within this area. Beyond the first 30 feet, the total amount of area required for the full firebreak can be adjusted somewhat depending on the characteristics of each specific site. State law would allow the fire marshall to order clearance to 100 feet from an existing structure if deemed necessary for fire protection purposes.

Based on this information and recognizing the competing goals of resource preservation and fire protection, the Commission approved an approach that establishes three zones within a 100 foot fuel management area. Zone 1 is 30 feet, allows for clearcut vegetation removal and is subject to the steep hillside encroachment limitation as if it is development. Zone 2 is 30 feet and does not allow the wholesale clearing or cutting of existing vegetation down to a uniform height, and permits individual non-irrigated plant groupings over 18 inches in height to be retained provided they do not exceed 400 sq.ft. in area and their combined coverage does not exceed 30 % of the total Zone 2 (allows 70% removal of vegetation). Zone 3 is up to 40 feet and permits retention of individual group plantings over 18 inches in height provided they do not exceed 650 sq.ft. and 60% of Zone 3 (allows 40% removal of vegetation).

Therefore, the clearcutting or bulldozing of steep slopes, as in Zone 1, would constitute encroachment into such areas and would, therefore, be restricted according to the City's proposed sliding scale. Selective

clearing would allow only necessary pruning and thinning by hand to reduce the fuel load to acceptable levels rather than the wholesale clearance of vegetative cover, and specific percentages of native material would be allowed to remain. These provisions were approved as part of the certified LCP and apply to existing structures or already subdivided lots; no exemptions or encroachment would be permitted for fire protection purposes in new land divisions or subdivisions.

However, the City is proposing a revised brush management program in Section 142.0412 of the LDC and within the Landscape Standards of the Land Development Manual. The new standards establish only two brush management zones with a total width of 40 to 60 feet. Zone 1 width is 20 feet but may be increased to 30 feet if fire retardant building materials are not utilized. A Zone 1 width of 25 feet is required when development is adjacent to slopes greater than 4:1 gradient that are 50 feet or greater in vertical height; or adjacent to vegetation greater than 24 inches in height; or adjacent to the MHPA. Zone 2 is a minimum 20 ft. in width that is required to be increased to 30 ft. when the zone is on slopes greater than 4:1 gradient that are 50 feet or greater in vertical height, or the vegetation in Zone 2 is greater than 48 inches in height; however, the additional width is not required within the MHPA.

The concern associated with the proposed language is that the Commission has found in the past that a minimum 30 foot setback is required from sensitive steep hillsides to accommodate Zone 1 and prevent encroachment into sensitive areas. Further, the Commission has found that the approved brush management zones must be sufficient in width to allow retention of at least 60% of the native material beyond Zone 2 and within 100 feet of any structures. However, the City's proposed brush management program has been endorsed by the Fire Department. Because it requires only 50% removal of vegetation within Zone 2 (50-60 feet from structures) with the adjacent natural vegetation remaining undisturbed, the City argues it is more protective of sensitive coastal resources, while still providing adequate fire protection. The Commission can concur with the fire hazard management program as it has been presented in the LDC with input from the City Fire Department and through coordination with many other agencies in review of the MSCP. However, there are some minor revisions still required in order to assure that new development and subdivision of land provides at least a 30 foot setback from naturally-vegetated areas. In those situations there are not the typical constraints associated with accommodating both an existing structure and native vegetation, and the 30 foot setback is appropriate to avoid any possibility of encroachment being necessary in the future. Therefore, if the proposed LDC and Landscape Guidelines are revised to assure a minimum 30 ft. setback for new development and subdivisions, with no encroachment into steep hillsides permitted for Zone 1 brush management, it can be found to be adequate to carry out the land use plans.

4. Floodplains

Several land use plan segments of the City of San Diego Local Coastal Program contain specific policies related to development within stream channels and the associated floodplain as follows:

Torrey Pines LUP Segment:

Within the 100-year floodplain fringe of the San Dieguito River, fill for roads and other public improvements and/or permanent structures will be allowed only if such development is consistent with uses allowed pursuant to the A-1-10 Zone and other existing zoning, is capable of withstanding periodic flooding, and does not require the construction of off-site flood protective works. The following requirements shall also be met:

Existing environmentally sensitive habitat areas will not be significantly affected and, that as a condition of development, significant new riparian corridors will be planted and maintained to function as enhanced wildlife corridors. Such revegetation program shall, to the maximum extent feasible, utilize native vegetation and shall be designed and implemented by a professional landscape architect, biologist, or other qualified professional

in close consultation with the Department of Fish and Game and the U.S. Fish and Wildlife Service.

The design of the development incorporates the findings and recommendations of both a site-specific and coastal watershed hydrologic study in order that the development either assures that there will be no increase in the peak runoff rate from the fully developed site over the greatest discharge that would occur from the existing undeveloped site as a result of the intensity of rainfall expected during a six-hour period once every ten years, and neither significantly increases sedimentation, including wetlands, lagoons, and other environmentally sensitive habitat areas.

North City LUP Segment:

(A). Channelization or other substantial alteration of rivers or streams shall be limited to (1) necessary water supply projects, (2) flood control projects where no other feasible method for protecting existing public or private structures exists and where such protection is necessary for public safety or to protect existing development, or (3) other development, a primary element of which is the improvement of fish and wildlife habitat. Such development may include new or expanded roads or highways that are essential to the economic health of the region, state or nation, provided they comply with all the provisions of part (B) of this policy and all other applicable policies of this local coastal program. Long-term maintenance of healthy wetlands in Los Penasquitos Lagoon shall be a primary goal of any sedimentation or erosion control measures instituted pursuant to this section.

(B). Any development permitted pursuant to the provisions of Subsection (A) shall do all of the following:

(1) Incorporate all relevant findings of hydrological studies for the coastal watershed of the affected stream, including but not limited to erosional characteristics, flow velocities, and sediment transport;

(2) Incorporate mitigation measures designed to assure that there will be no increase in the peak runoff rate from the developed site as compared to the greatest discharge that would occur from the existing undeveloped site as a result of the intensity of rainfall expected during a six-hour period once every ten years (i.e., the "6-hour, 10-year" design storm);

(3) Minimize stream scour, avoid increases in and reduce, where feasible, the transport of stream sediment to downstream wetlands and other environmentally sensitive habitat areas, including but not limited through the planting of riparian vegetation in and near the stream; and

(4) If Channelization is determined to be necessary, the floodway of the stream shall accommodate a 100-year flood. To the maximum extent feasible, all artificial channels shall be constructed without removal of riparian vegetation, shall be designed to allow for riparian vegetation regrowth, and shall consist of natural bottoms and sides.

Tijuana River Valley LUP Segment (as amended)

Similar provisions to those cited above in other LUP segments are contained in this segment.

In response to these LUP policies, the Commission finds that structures should not be a permitted use within the floodway. It has been well documented that development in floodplains can lead to adverse impacts on the environment which could then result in needed flood protective works that could impact or eliminate sensitive habitat areas. In addition, modification of the floodplain not only presents a danger to proposed structures, but also impacts downstream resources through increased sedimentation. Due to these concerns, several of the City's certified LUP segments contain policies which strictly limit floodway and floodplain development. Thus, to

be consistent with the certified LUPs, the Commission suggests that Section 131.0222, Table 131-02B, Use Regulations Table of Open Space Zones should be modified to make it clear that within the Coastal Zone, no structures are permitted within the floodway.

Also, the City LDC has established use regulations for Open Space Zones which include the floodway and floodplain areas within the City . However, the table that indicates all the permitted uses does not specifically prohibit structures within the floodway. The Commission finds such revisions are necessary in order to adequately carry out the provisions of the certified land use plans. Additionally, several of the use categories, as proposed, would allow development within floodplain areas that is not consistent with the land use plan policies. The LUPs indicate that indicate no permanent structures shall be permitted within the floodplain, and only uses compatible with periodic flooding and capable of being removed should be located in such floodplain areas. Therefore, the Commission finds revisions to the tables and use categories must be made in order to carry out the provisions of the certified land use plans. The specific revisions will be discussed in the findings for approval, if modified.

5. Bluffs and Beaches.

Several land use plan segments of the City of San Diego Local Coastal Program contain specific policies related to protection of the natural landforms occurring along the shoreline including coastal bluffs and sand supply as follows:

Certified La Jolla-La Jolla Shores LCP Addendum – Page 91 of addendum

- The placement of shoreline protective works should be permitted only when required to serve coastal-dependent uses or to protect existing principal structures or public beaches in danger of erosion and when designed to eliminate or mitigate adverse impacts on shoreline sand supply.

- The placement of any necessary shoreline protective works should not be allowed to encroach on any area utilized by the public unless engineering studies indicate that minimal encroachment may be necessary to avoid significant adverse erosion conditions, and that better alternatives exist. Any infilling between protective devices shall encroach no further seaward than adjacent functioning protective works.

- New shoreline protective devices should be constructed and designed to be visually compatible in design, materials, and color with the existing natural environment.

c) Bluff repair and erosion control devices such as seawalls, revetments, drainage conduits and other similar devices provided such measures and devices would not significantly alter the natural character of the bluff face or restrict public access.

Ocean Beach Precise Plan - Page 38

Goals

- Preserve the natural features and beauty of the coastline adjacent to Ocean Beach.

General Recommendation:

Due in large part to the shoreline and ocean, Ocean Beach is both a nice place to visit and live. While the goals are to optimize the public accessibility to the beach and maintain the "neighborhood" atmosphere of the residential community, these two ends

often come into conflict-for example in the increasingly congested traffic and parking situation.....There must, of course, be a beach for people to visit in the first place. Continued sand erosion would be a significant threat to public enjoyment of the breach as well as community aesthetics. For this reasons a sand replenishment operation should be considered.

Such an operation, however, should only involve the beach area between the pier and the middle jetty marking the Mission Bay Channel. Every effort must be made to maintain the existing shoreline...."

Summary of Plan Recommendation

- That a sand replenishment operation between the south jetty and the pier be considered as an on-going procedure to combat erosion.

Mission Beach Precise Plan - Page 66

Maximizing the beneficial usage of San Diego's shoreline is a formidable but manifestly vital undertaking...

...the following information and implementation techniques are proposed in addition to the policies contained in the City's General Plan and "The Ocean Edge of San Diego" report.

1. Sand replenishment is a regional problem, and any effective long-range management program should be directed and implemented on the basis of regional studies and policies. Additionally sand replenishment activities involve other government agencies at national, state and local levels. These agencies activities should be coordinated under a common plan.

2. A beach erosion monitoring problem should be initiated at the regional level to provide reliable data concerning the rate of erosion and to permit remedial measures to be instituted promptly when and where indicated.

3. A sand replenishment program should be instituted for San Diego shoreline and particularly the Pacific Beach/Mission Beach/Mission Bay beaches based on the findings of the sand replenishment regional study and the beach erosion monitoring program also to be done at the regional level....

4. Sand replenishment of beaches should be coordinated with future dredging projects....

The Development Regulations for Bluffs and Beaches along with the Coastal Bluffs and Beaches Guidelines contain a number of significant provisions including, but not limited to:

1. specification of the permitted uses within beach areas and on coastal bluffs;

2. establishment special regulations and development standards for coastal blufftop projects creating a 40 ft. setback from the bluff edge for all principal structures and preserving the natural character of the bluff face;
3. provision for view corridors and public access easements; and,

4. standards for review of bluff erosion control devices.

The language proposed within these sections is similar to that previously certified as part of the Sensitive Coastal Resource (SCR) overlay zone in the current certified Local Coastal Program. However, several changes are necessary in order to provide for a standard of review through the LDC which is comparable to that afforded through the SCR ordinance. In addition, the Commission finds the LDC should contain standards for shoreline protective devices, even though many such structures may be within the Commission's original permit jurisdiction. Additionally, provisions addressing the Beach Sand Mitigation Program which has been developed within the San Diego region since certification of the current LCP should be incorporated into the certified document.

Bluff repair and erosion control measures which may include a variety of structural improvements varying from shotcrete to seawalls, all have adverse impacts on coastal resources. Namely, any type of bluff repair work alters the natural bluff formation which results in adverse visual impacts to coastal scenic areas. Because such devices alter the natural formation of the bluffs, they should only be permitted to protect existing principal structures that are in danger from erosion and also when they are designed to eliminate or mitigate the adverse impacts on local shoreline sand supply. Seawalls, revetments, groins, etc. all have adverse impacts on shoreline sand supply. Many policies of the respective land use plans contain policies addressing shoreline protection. In the La Jolla-La Jolla Shores LCP Addendum, it is stated, in part, that erosion control devices such as seawalls, revetments be permitted or placed beyond the face of a coastal bluff only when it will not significantly alter the natural character of the bluff face or restrict public access.

The LDC as submitted addresses review of bluff erosion control devices, but it does not include specific standards for review of shoreline protective devices. Therefore, the Commission finds language is necessary in both the ESL regulations and the Coastal Beaches and Bluffs Guidelines that provides specific standard for such review. Additionally, regarding impacts of shoreline protective devices on shoreline sand supply, since certification of the current LCP, the San Diego region has developed a Beach Sand Mitigation Program. The program is designed to address specific impacts associated with shoreline protective devices to beach sand supply, and to provide for mitigation of those impacts in the form of a mitigation fee that will be used for beach replenishment in the same littoral cell as the proposed project.

Regarding permitted uses on coastal bluffs, bluff repair and erosion control measures are a permitted uses; however, as proposed to be permitted by the City, such devices would be allowed without documentation that they are necessary or required to be designed to eliminate or mitigate for adverse impacts on sand supply. As such, the Commission finds revised language is necessary so that such measures are used only when necessary to protect existing principal structures and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. The City language indicates public improvements would also warrant protection, and the Commission concurs for permanent structures involving substantial public investment that are not capable of being relocated. However, when possible, degraded public improvements should be relocated to a more stable location for longterm protection to avoid the need for substantial investment in shoreline protective devices.

The City has also listed as a permitted use, "Stairways, ramps and other physical structures", however, did not specify that such structures should be public structures. The Commission finds that only public stairways can be permitted in coastal blufftop areas as opposed to private stairways to gain access to the beach. Therefore, the Commission believes modifications are necessary to assure that these types of permitted structures are public in nature.

Essential public drainage facilities and public walkways leading to permitted beach access facilities are permitted uses in coastal blufftop areas. However, as proposed by the City, such facilities or public walkways could be installed on coastal bluffs without setbacks and, as such, could result in adverse visual impacts as well as impacts to geologic stability of the coastal bluff. Therefore, the Commission is suggesting that the language be revised such that those public facilities shall only be permitted closer than 5 feet to the bluff edge or on the bluff face provided they are designed to minimize impacts to the bluff and beach areas.

Many policies of the respective land use plans contain policies addressing protection of coastal blufftop areas. The La Jolla-La Jolla LCP Addendum contains the following policies:

> "Blufftop development should not contribute significantly to problems of erosion or geologic instability on the site or on surrounding properties....
>
> No structures should be placed, or erected less than 25 feet from any point along the bluff edge, except as provided in this section.
>
> No structures should be placed on or extend beyond the face of the bluff except as provided below:....
>
> c) Bluff repair and erosion control devices such that seawalls, revetments, drainage conduits and other similar devices provided such measures and devices would not significantly alter the character of the bluff face or restrict public access....

Fences are also a permitted use on coastal bluffs; however, historically fences have been included in the list of public improvements that are sometimes necessary for public safety and to protect the sensitive resource areas. Fences as accessory structures to residential development are not permitted closer than 5 feet to the bluff edge. The reason for the distinction is that construction of fences can alter the bluff face or cause damage to blufftop areas through the construction of footings, etc. Therefore, they should be limited to only those cases where it is necessary for public safety, such as to keep the public away from steep, hazardous or unstable bluffs or to protect the coastal bluff from further erosion.

In some coastal bluff areas which are hazardous and unstable, it is preferable to deter pedestrian usage and to define the areas of the coastal bluff that are safe to access. For example, the City recently installed such improvements in a scenic coastal blufftop area known as Goldfish Point in La Jolla. Previously there were no fences or improved trails in this area to define the areas where the public could walk out onto the coastal blufftop for viewing purposes and as a result, there was heavy pedestrian usage over the entire blufftop area including the bluff edge and bluff face. Due to the hazardous nature of the bluff and concerns regarding public safety, the City installed fencing, a view platform and improved the blufftop with a pedestrian path which clearly defined the areas where the public could walk. This improved public safety and also deterred the public from trampling over the bluffs which was causing further erosion.

Many policies of the respective land use plans contain policies to this effect. In the La Jolla-La Jolla Shores LCP Addendum, a policy statement includes the following:

> "No structures should be placed on or extend beyond the face of the bluff except as provided below:
>
> ....Fencing, as reasonably required to deter trespassing on private property, <u>to protect fragile resources, or to maintain public safety....</u>" [Emphasis added]

In addition, the City's language does not provide that such fences be "open". The Commission is suggesting a revision that requires fences to be "open" when proposed in sensitive coastal blufftop areas in order to preserve public views toward the ocean, protect visual resources and to promote the ambience of the coastal setting, consistent with several policies in the respective land use plans. Solid walls can result in blockage of coastal views as well as contribute to a "walled off" effect along the shoreline. For this reason, the Commission is also suggesting that the definition of open fences be changed when applicable in the Coastal Overlay Zone to assure the structure is at least 75% open for view protection purposes. As proposed, the definition of open fence which "has at least 35 percent of the vertical surface area of each 6-foot section open to light", is not adequate to carry out the land use plans.

For permitted development in coastal bluff areas, the City also proposes language addressing the requirements for vertical public accessways for properties located between the shoreline and first public roadway. The City proposes to require that the public accessway be required if the need for the accessway has been identified in the applicable land use plan or no other easement exists within a lateral distance of 500 feet of the subject site, or that the impacts caused by the proposed development otherwise justify the requirement for a vertical accessway. The proposed Coastal Bluffs and Beaches Guidelines identify the following factors which must be considered in determining whether a proposed development justifies the need for the requirement of a vertical or lateral public access easement. The factors include: Appropriateness of access; privacy rights of the landowner; existing public access; historic public use; intensification of land use; habitat values of the site; topographic constraints of the site; fragility of environmentally sensitive lands in the vicinity; development's effect on current and projected demands for access and recreation; physical obstructions and the aesthetic, visual or recreational value of public use areas; recreational needs of the public; and impact of development on public's use of the beach areas. The Commission finds such analysis is appropriate and consistent with the public access policies of Chapter 3 of the Coastal Act. The Commission believes minor changes are necessary to clarify that encroachment into an accessway identified in the applicable land use plan, is an impact that justifies the requirement for an accessway.

Numerous policies of the respective land use plans contain policies addressing the protection of public access opportunities. In the La Jolla-La Jolla Shores LCP Addendum, the following policies state:

> "La Jolla's relationship to the sea should be maintained. Existing physical and visual access to the shoreline and ocean should be protected and improved."
>
> New development should not prevent or unduly restrict access to the beaches or other recreational areas"
>
> "The maximum use and enjoyment of La Jolla's shoreline is dependent upon adequate public access...."

In addition, the community plan contains subarea maps for different sections of the shoreline and lists the existing physical and visual access areas on a map for each subarea. On back of the map are numerous recommendations pertaining to improving and maintaining existing physical access to each of these shoreline areas. The LUP also contains provisions for protection of potential prescriptive rights. Without language clearly protects access areas historically used by the public and/or identified in the access component of the land use plans, the proposed LDC cannot be found consistent with the public access and recreation policies of the Coastal Act.

6. <u>Coastal Development Permits</u>.

The purpose and intent of this ordinance is to establish the procedures for the processing of coastal development permits, consistent with the certified LCP, by the City. The stated purpose for the division is to "establish a City review process for coastal development that is consistent with the Local Coastal Program, the California Coastal Act [...] and the California Code of Regulations ...." As adopted by the City, this amendment substantially revises the present coastal development permit processing system. For instance, the review of coastal development permits is largely being made more ministerial, eliminating public hearings, except for appealable developments. The revised procedures also attempt, from the City's perspective, to integrate the coastal development permit process more fully with the City's other development permits rather than as a more independent review. Therefore, it is critical that the standards of review for development within the Coastal Overlay Zone be clear and objective.

In general, the major provisions of the ordinance are similar to the existing ordinance relative to the actual components and procedural requirements. The ordinance's major provisions include the following:

- Coastal development permit requirements, as well as the delineation of specific development exemptions;
- Application procedures;
- Public hearing and notice requirements;
- Required findings for all approved or conditionally approved coastal development permits;
- Appeal procedures, both at the local and Coastal Commission levels
- Public Access, Open Space or Conservation Easement recordation requirements;
- Amendment and extension procedures and
- Emergency permit provisions.

The Commission finds that the Coastal Development Permit Procedures section of the revised code is, with some noted exceptions and technical corrections, adequate to implement the certified land use plans, consistent with Sections 30600 and 30620.6. In all instances, the suggested modifications that have been drafted are clearly technical corrections or minor revisions; however, because of the critical nature of this ordinance, the Commission must reject the ordinance as submitted. The City should be recognized for its efforts here to translate the Coastal Act's provisions into its own regulatory processes and attempt to more fully integrate coastal development permit review into its land use regulations. However, some of the proposed streamlining envisioned for the City's overall land use regulations creates a potential for confusion as to the applicability of certain regulations for coastal development, challenges on interpretation and the standard of review, and forces members of the public to consult other documents for basic information. Therefore, it is important to recognize that the coastal development permit process does remain different, mandated under a separate legislative act, and it is not unexpected that some revisions would be necessary.

Briefly, the City's issuance of coastal development permits would be separated into two processes. For all non-appealable developments, a decision process, entitled "Process Two", would be utilized and it is a more ministerial operation. No formal public hearing is involved and the decision is made at a staff level whether or not to issue the permit. A notice is however distributed and public comments are solicited during an established review period. Such items may also be appealed to the Planning Commission. For appealable developments, the decision process established is identified as Process Three and it does involve a formal public hearing with a hearing officer as the decisionmaker. These Process Three items are also subject to appeal at the local level to the Planning Commission.

Relative to the ordinance's provisions which render it unacceptable, the first concern lies with the definition of "coastal development". The definition makes only a statutory cross-reference and fails to provide the specific definition of development under the Coastal Act. This definition is too critical to be removed from the City's newly proposed Land Development Code. Another concern is the identification of when a coastal development permit is required and the permit process

when a proposed development is located in both the Commission's retained permit jurisdiction or deferred certification area and the City's permit jurisdiction. Although there have been attempts to reconcile the problem of forcing a developer to seek two permits in these instances, at present, there do not appear to any easy answers and the code must be modified to reflect the present legal direction on this matter.

As conveyed in the proposed suggested modifications, there were a number of technical corrections needed for the exemptions section of the permit procedures. Many of the recommended changes come directly from the Commission's Regulations. Under delegation of permit authority to a local government, the Commission is delegating its mandated coastal development permit process and the certified LCP procedures must conform to the same regulations. While it may be possible for a local government to be more restrictive, it cannot provide greater relief or broader exemptions than provided to the Commission itself.

Relative to the decision process for coastal development permits, Section 126.0707, there are several corrections needed to clarify the applicability, standard of review and relationship of multiple permit reviews, subdivisions and other land divisions with the coastal development permit review process. As submitted by the City, the proposed subdivision regulations and procedures in the Land Development Code are not being presented for Commission adoption as part of the City's local coastal program. In the City's presently certified LCP, those provisions were included. Since the City now chooses to try and exclude them from incorporation into the LCP, these revisions are necessary to assure what the standard of review and approach will be in the coastal zone.

The Commission finds the City's certified LCP should also contain provisions which identify when a temporary event may require a coastal development permit. Currently, there are no such provisions in the LCP and technically many temporary events meet the definition of development and require a Coastal Development Permit. The Commission has adopted guidelines for use within the Commission's permit jurisdiction that require a Coastal Development Permit for events which meet all the following criteria: The event is held between Memorial Day weekend and Labor Day; it will occupy all or a portion of a sandy beach area; and it involves a fee for public admission to the event. Such events have been found to have the potential to adversely effect public access to the shoreline. Additionally, the City should have the discretion to require a permit for any event that has the potential to adversely affect access. With revisions that incorporate similar provisions to those contained in the Commission's guidelines, the LDC can be found consistent with the public access and recreation policies of the Coastal Act.

Additional revisions were proposed for the required findings for coastal development permit approval. These include clarifications on findings for physical and visual access, sensitive biological resources and incorporates the specifically required findings for any development between the ocean and first public roadway that the development conforms with the public access and recreation policies of the Act pursuant to Section 30604(c). Relative to the code's proposed appeal provisions, the appeal provisions for a major public works project or major energy facility were revised to conform to the Commission's regulations. In addition, a more precise listing of when local appeals do not have to be exhausted and an appellant can proceed directly to the Coastal Commission has been provided. Again, these revisions are completely drawn from the Commission's regulations and the most notable revision is that an appellant on an appealable project can proceed directly to the Commission should the City establish appeal fees. In the original certification, the City chose not to require appeal fees; however, that topic is now under reconsideration at the local level.

Technical clarifications were also proposed to the extension procedures and procedures for the issuance of emergency coastal development permits. For time extensions, it is necessary for the review process to analyze whether or not there are any changed circumstances that might affect the project's consistency with the certified LCP. Relative to emergency permits, revisions are necessary to emphasize that such permits should be issued for the minimum amount of work necessary to address the emergency and that they are temporary authorizations, with a follow-up

regular permit required in order for the emergency work to remain on a permanent basis. Also, notice of those permits should always be distributed to the Coastal Commission.

A new provision for implementing a "beach sand mitigation fee" is also necessary within the coastal development permit procedures. This mitigation requirement has been imposed by the Commission as part of its efforts to fully mitigate the long-term impacts of shoreline protective devices on sand supplies and processes. At this time, it is deemed appropriate to incorporate the implementation measure into the City's proposed land use regulation in order to fully carry out the certified land use plans. Lastly, a new section is necessary on revocation procedures as the City's general permit revocation procedures do not conform with the Commission's regulations. Again, while a technical clarification, it is important that the City's development review procedures adhere to the Coastal Commission's regulatory process. In summary, the proposed revisions detailed in the suggested modifications are necessary to clarify the revised coastal development permit procedures and assure their conformance with the Commission's regulations. Although these corrections are, for the most part, technical in nature, they are critical to assure the administration and issuance of coastal development permits in the City will serve to adequately and fully carry out the certified land use plans, promote reasonable and sound development practices and preserve the City's coastal resources and public access opportunities.

7. Commercial Base Zones

Chapter 13 of the LDC establishes base zones which are intended to regulate uses, zone density and intensity, size of buildings, and to classify, regulate, and address the relationships of uses of land and buildings. For purposes of time savings, this set of findings is only briefly addressing those areas where the Commission finds the LDC is not adequate to carry out the land use plans. Proposed suggested modifications which would achieve that objective are addressed in the next set of findings.

Chapter 13/Article 1/Division 1: General Rules for Base Zones – In Section 131.0112(a)(6)(K), Descriptions of Use Categories and Subcategories, single-room occupancy hotels are included under the category of Visitor Accommodations. Although these facilities are called hotels, they generally provide longer-term housing for low-income persons, rather than short-term visitor (tourist) accommodations. The following, more detailed discussion on commercial zones describes, among other things, examples of inappropriate uses proposed in nearshore areas. The Commission finds, for the reasons outlined below, that single-room occupancy hotels fall within this definition, and therefore, within the Coastal Overlay Zone, should not be considered visitor accommodations.

Chapter 13/Article 1/Division 5: Commercial Base Zones – The issue raised herein is that of appropriate permitted uses in the CV zones within the Coastal Overlay Zone. The purpose of this zone classification within the Coastal Overlay Zone is to promote and protect an adequate supply of visitor-serving facilities in nearshore areas. Priority uses include hotels, motels, restaurants and visitor-serving retail uses. Historically, only such priority uses oriented towards visitors are allowed on the ground floor, with other uses (such as residential and instructional studios) allowed on upper floors. Also, only 50% of the ground floor of any permitted structures may be utilized for required parking. The placement of visitor-serving facilities on the ground floor makes such services easily accessible to visitors unfamiliar with the area and also promotes pedestrian activity consistent with various land use plan policies of the City's many LCP segments. Examples of some certified land use plan policies addressing both the types of allowed uses in nearshore areas and their appropriate design are cited below:

Several policies of the certified **Pacific Beach Community Plan** state, in part:

> Designate the Mission Bay Drive commercial area for regional-serving and visitor-serving commercial use ... In the areas designated for visitor commercial uses, which includes the area closest to Mission Bay Park, only visitor-serving uses shall be permitted.

> Designate the Mission Boulevard commercial area for visitor-serving commercial uses. ... An emphasis shall be placed on meeting the unique needs of destination visitors (tourists) who often initially access the beach area with automobiles. Promote destination parking at hotels and motels, with pedestrian-friendly visitor uses and activities nearby. North of Diamond Street, those properties fronting on Mission Boulevard and between the Pacific Ocean and the first alleyway, permitted uses shall be those which serve visitors, such as hotels and motels, restaurants, and commercial uses. ...
>
> Enhance pedestrian activity by requiring entryways and windows at the street level, and encourage the development of first floor retail and upper floor residential mixed-use projects through the use of floor area ratio bonuses.

Policies of the **Mission Beach Precise Plan Local Coastal Program Addendum** and **Mission Beach Planned District Ordinance** state, in part:

> (A goal of the plan) The accommodation of commercial facilities necessary to serve the needs of tourists attracted to the community by the beaches.
>
> Commercial-recreation or visitor-commercial uses are visitor-serving uses including: hotels and motels, establishments for food and beverage service, retail convenience sales, tourist-oriented specialty shops, personal services, recreation, entertainment and sports equipment rental.
>
> Only commercial uses should be permitted on the ground floor of structures on any lot abutting Mission Boulevard within the Santa Clara Commercial District.
>
> (In the PDO's list of allowed uses) Business offices (not including hiring halls) provided, however, that business offices shall not be permitted within the first story of any building on any lot within the "VC-N" and "VC-S" Subdistricts. ...

Also, the **Ocean Beach Precise Plan** recommendations addressing commercial uses in the Newport Center area, adjacent to the beach, includes the following provision:

> The actual configuration intended is ground floor commercial with residential above.

It appears to be the City's intent to maintain the existing pattern of primarily commercial uses on the ground floor of structures within commercial zones. The Commission's concern is generally limited to maintaining those areas providing services to beach visitors and tourists. The City's proposed zoning changes eliminated language found in the previous code that required the first floor of structures be used exclusively for visitor-serving uses and limited the amount of ground-floor area that could be used for parking. As proposed, the Commission finds the LCP amendment does not conform with, and is inadequate to carry out, the cited land use plan policies of the City's certified LCP.

An additional concern identified in connection with the proposed CV zones in the Coastal Overlay Zone is with the potential allowed uses. The proposed zone revisions (as described in Table 131-05B) greatly expand the types of allowed uses, making it less likely that a strong visitor-oriented commercial support system will be maintained in the nearshore areas of the City. Examples of some non-visitor uses that would be allowed in the proposed zoning code update include such facilities as cemeteries, student dormitories, social service facilities, schools and newspaper publishing plants. Depending on market trends, designated visitor-serving areas could develop significant amounts of non-visitor serving uses, to the detriment of visitors overall. Again, these proposed ordinances are inconsistent with cited land use plan policies and are inadequate to carry out their intent.

8. Parking.

Chapter 13 of the LDC establishes parking regulations for purposes of providing a unified set of standards for public and private transportation related improvements throughout the City. For purposes of time savings, this report is only briefly addressing those areas where the Commission finds the parking regulations within the LDC are not adequate to carry out the land use plans or are not consistent with the public access and recreations policies of the Coastal Act.

Chapter 13/Article 2/Division 8: Parking Impact Overlay Zone – This ordinance describes the City's two parking overlay zones, one applied to campus areas to address student traffic and parking impacts and the other applied to nearshore areas to address public beach access concerns. The Beach Impact Area (BIA) covers approximately the first three blocks inland from the Pacific Ocean and Mission Bay, a distance considered walkable by most people. More stringent parking requirements and tighter regulations on curb cuts and driveway size apply within the BIA, to assure that private development doesn't usurp public street parking spaces, or reduce the number of street spaces otherwise available for beach visitors. Table 132-08A failed to identify that all residential and commercial uses in the BIA would be subject to the BIA provisions; it only identified multi-family residential uses and eating and drinking establishments. Examples of public access policies implemented by the BIA standards include the following:

The **La Jolla Community Plan and Local Coastal Program Land Use Plan** states:

> The maximum use and enjoyment of La Jolla's shoreline is dependent upon providing safe yet adequate public access to such major and special use recreational areas as La Jolla Shores Beach, Ellen B. Scripps Park, Coast Boulevard Park, Marine Street Park, Coast Walk, Windansea Beach, Calumet Park, Tourmaline Surfing Park and the Bird Rock tidepool areas. In order to provide adequate public access to these shoreline points, maintain existing facilities including streets, public easements, stairways, pathways and parking areas.

The **Torrey Pines Community Plan** states:

> All commercial, industrial and residential uses shall be designed and constructed with sufficient off-street parking and loading facilities to assure adequate parking is provided with new development such that no adverse impacts on coastal access are documented. Parking ratios shall be utilized as specified and detailed in the City's Zoning Code to provide sufficient parking spaces so as not to require patrons/employees/residents to utilize parking which is necessary/required for other approved uses, or street and other public parking that would otherwise be available for public use. In addition, existing public parking facilities used for public beach access shall be maintained and no reduction in existing public parking shall be permitted.

The **Pacific Beach Community Plan** states (in several separate sections):

> Enhance existing public access to the beach, bay and park areas along the shoreline to benefit community residents and visitors.
>
> Promote the utilization of alley access and minimize the number of allowed curb cuts, particularly on pedestrian-oriented streets such as Mission Boulevard, Garnet Avenue west of Ingraham Street and Cass Street.
>
> New development projects shall limit the number of curb cuts to the absolute minimum necessary (preferably one per property), unless precluded for safety reasons. Where possible, vehicular access shall be solely from alleys.
>
> New curb cuts shall not be permitted and existing curb cuts shall be removed where safe and efficient access is available from an abutting alley. ... (Exceptions are allowed for

> large properties with at least 150 linear feet of street frontage and in cases where existing development is being retained and thus precludes use of an alley; in both cases, a maximum 25-foot-wide curb cut is allowed.)

In addition, the City's existing Off-Street Parking regulations (Section 101.0814 B.) allow the Zoning Administrator to approve driveways as narrow as ten feet for single-family and duplex development and twelve feet for multi-family uses, provided the average driveway slope is less than eight percent and there will not be an unsafe condition created. This zoning ordinance is representative of the type of added specificity the City has maintained should be located in the ordinances as a means to implement land use plan policies. However, the proposed new parking ordinances set a less stringent standard than the currently certified ordinances would allow. Application of the proposed standards, such as twenty-five to thirty-foot-wide curb cuts for all uses, could cumulatively reduce the number of on-street parking spaces to a significant degree.

Another parking issue is raised within the category of Separately Regulated Uses. In many instances, the City is proposing that "parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property." This is not an adequate standard for application within the BIA, where public parking facilities are already insufficient and it is imperative that all parking associated with private development be maintained on private property. Spillover effects due to inadequate parking facilities on private properties have a direct and immediate impact on available street parking for the general public. The proposed regulation relies on a completely subjective determination of how much parking a particular use may require, where the currently certified ordinances give a specific parking ratio. The Commission finds that, within the BIA, the proposed ordinances are inconsistent with, and inadequate to carry out, the public access and parking provisions of the certified land use plans, absent some minimum parking standard.

The last parking-related concern is with Table 142-05G, which offers alternative compliance for commercial uses on small lots. It would require only one parking space per 10 feet of alley frontage, for those sites on an alley, and would eliminate the requirement for parking altogether for commercial uses on small lots without alley access. Since this would result in business employees and patrons parking on the public streets, usurping parking spaces otherwise available to beachgoers and other visitors, the proposed parking reductions are inconsistent with the public access policies of the City's certified land use plans, including the following examples:

The **Torrey Pines Community Plan/Commercial Element** states:

> All required parking for commercial development shall be accommodated on site; no on-street parking shall be used to satisfy parking requirements.

Also, a goal of the **Ocean Beach Precise Plan**, requires:

> The provision of increased off-street commercial parking in order to improve access to commercial facilities.

> The proposed parking regulations are inconsistent with these, and other, certified land use plan policies addressing the preservation and enhancement of public access through, among other means, provision of adequate parking facilities for private development. The proposed regulations are thus also inadequate to carry out those specific policies of the City's various certified land use plans.

9. Views/Overlay Zones.

Chapter 13 establishes overlay zones to provide supplemental regulations that have been tailored to specific geographic areas of the City. Overlay zones are applied in conjunction with a base zone and modify or add regulations of the base zone to address specific issues. In the

interest of time, this staff report will only address those areas where the Commission believes a revision is necessary in order to adequately carry out the provisions of the certified land use plans.

Chapter 13/Article 2/Division 4: Coastal Overlay Zone – This ordinance describes where the Coastal Overlay Zone is located and what permit regulations apply in various cases. Table 132-04A describes the coastal development permit procedure for developments partially or fully within the Coastal Commission area of permit jurisdiction. As adopted by the City, the table indicates that, for any development "that is partially or completely within the Coastal Commission Permit Jurisdiction or the Deferred Certification Area," coastal development permits are issued by the Coastal Commission. This is correct, but incomplete. Neither the Commission nor the local government can delegate its permit authority to the other entity. Thus, for those developments only partially within the Commission's jurisdiction (i.e., partially within the City's jurisdiction), the City must also issue a coastal development permit. The individual permits can only address the specific geographic portions of the proposed development within each jurisdiction. Therefore, as proposed, the table provides inaccurate procedural guidance to potential permit applicants and thus requires revision.

Of more critical concern from a coastal resource perspective, the proposed ordinances will not adequately carry out the many certified land use plan policies addressing the preservation and enhancement of public views to and along the coast. The proposed regulations will only apply to properties located between the sea and first coastal roadway. In many cases, there are significant long-range public views from areas further inland, which would thus not be protected under the proposed regulations. The same criticism can be made of the existing, certified regulations, which are implemented under the Sensitive Coastal Resource Overlay Zone (SCR), which again only applies to development located between the first coastal roadway and the sea.

Implementation of the current zoning, and application of the proposed zoning code update would not be adequate to carry out the following certified land use plan policies:

From the certified **La Jolla-La Jolla Shores LCP Addendum**:

> La Jolla's relationship to the sea should be maintained. Existing physical and visual access to the shoreline and ocean should be protected and improved.
>
> La Jolla's physical assets should be protected in future development and redevelopment; particularly with respect to the shoreline, significant canyons and steep slopes. Ocean views should be maintained, beach access provided, and open space retained wherever possible.
>
> As an integral part of the City of San Diego, La Jolla maintains close cultural, social and economic relationships with the City as a whole. However, its unique ocean-oriented setting and natural terrain, which separate it from adjoining portions of the City, enable La Jolla to maintain its own identity. La Jolla's distinctive architecture and landscaping, handsome parks, beaches and scenic vistas are an asset to all of San Diego.
>
> Structures should be designed to incorporate views of La Jolla's natural scenic amenities--especially the ocean, shoreline, and hillsides. Developments in prime view locations which are insensitive to such opportunities, diminish visual access and compromise the natural character of the community. Large windows, observation areas, outdoor patios, decks, interior courtyards, elevated walkways, and other design features can be used to enhance visual access and increase the public's enjoyment of the coast.
>
> View corridors utilizing side yard setbacks, should be encouraged along shoreline and blufftop areas, <u>in order to avoid a</u> continuous <u>wall effect</u>. Even narrow corridors create visual interest and allow for sea breezes to refresh passersby.... [emphasis added]

> Where existing streets serve as visual corridors, development on corner lots requires special design considerations. In order to maximize public vistas, new development should be setback from the corner or terraced away from the view providing street.

The **Pacific Beach Community Plan** states the following:

> Where a proposed development would lie wholly or partially upon a coastal bluff, the following shall apply:
>
> Buildings and other structures shall be cited, designed and constructed so as not to obstruct views to and along the ocean and other scenic coastal areas from public vantage points.

Policy #13 addressing public access also states:

> Maintain and enhance the public views and scenic vistas of the beach and bay by undergrounding utilities and maintaining street landscaping, and by requiring new development to conform with the design standards of the commercial and residential elements of this plan. Figures 4, 16, and 18 of this plan shall be used together to determine where said design standards are to be applied.

These figures show view corridors, intermittent public views and areas where utilities will be undergrounded. They demonstrate that public views are available from roadways many blocks inland, some even inland of the Coastal Overlay Zone boundary. In addition, the Pacific Beach Community Plan contains some unique policies addressing the public views to Crystal Pier by stating that new structures on the land portion of the pier property should be limited to two stories in height and should not block the view to the end of the pier. Other policies require that views from the pier are preserved and that no above ground parking structures should be located on lots fronting Ocean Boulevard, which is the first public road. The land use plan also contains policies addressing development standards for coastal bluffs. In addition to policies similar to those already cited, these policies include the installation and maintenance of landscaping such that during growing stages and upon reaching maturity, such materials do not obstruct public views.

In addition, the **Mission Bay Park Master Plan** states:

> To ensure as unencumbered and amenable a view of the bay environment as possible, no structure, earthform, or landscape feature should be constructed within the major public view corridors, or viewsheds, so as to impede, diminish or negatively affect the view of the Bay's environment.
>
> Around Sail Bay and the western coves and basins, views of the Bay from public access corridors should be maintained an enhanced. Palm trees or other landscape features placed along the beach to meet the landscape provisions of these Guidelines should not screen more than half the view of the water as seen one block away from the park from any of the public access corridors.

Other inconsistencies between the proposed regulations and the certified land use plans include that the City's language does not provide that blufftop fences be "open" in order to preserve public views toward the ocean, protect visual resources and promote the ambience of the coastal setting. Solid walls can result in blockage of coastal views as well as contribute to a "walled off" effect along the shoreline. In addition, when view corridors are required, they are not protected in perpetuity through a recorded deed restriction or easement.

The cited land use plan policies are only a small example of the many policies found throughout the certified land use plans addressing public view issues. The Commission has reached the conclusion, based on years of public comments and appealed permits, that the currently certified

language has failed to carry out these land use plan policies. The City's proposed update, with regard to view protection, contains very similar regulations to those currently certified. Thus, the Commission must find that the proposed regulations are not consistent with these policies and are not able to adequately carry them out.

10. Affordable Housing

The mandatory provisions of Government Code Section 65915 which applies to density bonuses are: (1) the requirement that local governments grant a density increase of 25% to developers who agree to make specified percentages of new units affordable to low income and/or senior households, and (2) The requirement that local governments grant an incentive in addition to the density increase unless the incentive is not necessary to make the housing affordable. The Government Code mandates an increase in density of 25% but not an increase beyond 25%. In addition, the Government Code does not specify how the 25% density bonus is to be accommodated. Therefore, how the increase is accommodated and whether to provide an increase beyond 25% is within local government's discretion. Since many of the City's land use plan policies address protection of coastal resources varying from wetlands, to public access, to visual resources, the granting of a density bonus on a particular site could result in adverse impacts to such resources. Therefore, in order to approve such an increase in density, it must be assured that if there are means of accommodating the 25% density bonus without creating inconsistencies with the policies and development standards of the certified local coastal program, those means should be used. Coastal resources may be adversely affected only when it has been found to be impossible to accommodate the density increase without such impacts. In those situations, the density increase must be accommodated by those means that are the most protective of significant coastal resources. For example, if a proposed density bonus could be accommodated only through either increasing building heights, thereby reducing public views to the ocean, or filling wetlands, the density increase must be accommodated by the height increase, since that will be most protective of significant coastal resources (wetland resources). If relief from more than one standard is necessary to accommodate the 25% density bonus, the LCP may provide for such relief.

Similarly, the LCP must insure that any proposed density increase beyond 25% will not occur unless it can be demonstrated than the increase will not result in any inconsistency (or inconsistency beyond that created by accommodation of a 25% density bonus) with the policies and development standards of the certified local coastal program. Thus, a land use plan could specify subregions where there are means of accommodating a density increase beyond 25% that will not adversely affect coastal resources. A land use plan could provide that in those subregions, the discretion to provide a density bonus beyond 25% could be exercised without reducing protection of coastal resources. However, the City is not proposing that with this amendment.

Government Code Section 65915(f) requires the increase in density granted to a developer be 25% over the "maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan." Many local government general plans and ordinances address residential densities by identifying both a density range that indicates the approximate density for an area, as well as a list of the development standards and other factors (e.g., setbacks, heights, yard size, proximity to circulation element roads, etc.) that will be applied to determine the maximum density that will be allowed on any particular site within the area. The Government Code requires that the 25% density increase be applied to the density that will be the maximum allowed under the general plan and zoning ordinances. Therefore, the base density to which the density bonus will be applied is the density that would be identified after application of both the density range for an area and the factors applicable to the developer's particular site.

Government Code Section 65915(b) requires local governments to provide not only a density bonus but also "at least one of the concessions or incentives identified in Section 65915(h)"

unless the local government finds that the additional concession or incentive is not required to provide for affordable housing. Thus, the provision of at least one incentive is mandatory unless the local government finds that the additional incentive is unnecessary. However, Government Code Section 65915 does not require local governments to provide more than one incentive in addition to the density bonus. Further, it does not indicate how a local government is to choose which incentive to provide. Therefore, whether to award more than one incentive and which incentive to aware are discretionary under the Government Code.

Therefore, under the Coastal Act, LCPs may not provide for more than one incentive unless it can be demonstrated that the granting of additional incentives will not result in inconsistencies with the policies and development standards of the certified local coastal program. Similarly, in applying the one incentive, LCPs must insure that if there are incentives that will encourage development of low income or senior housing without adversely affecting coastal resources, those incentives will be used. If all possible incentives will have an adverse effect on coastal resources, the LCP must provide for use of the incentive that is the most protective of significant coastal resources.

For example, if the potential incentives are: (1) a reduction in parking standards that may impede coastal access, and (2) allowing otherwise impermissible fill of wetlands, the first incentive should be awarded, rather than the second, since the Coastal Act places greater restrictions upon the filling of wetlands. LCPs should either rank incentives in terms of impacts on coastal resources or identify criteria or a process for determining which incentives will be used. This will insure that incentives that impose either no burden or lesser burdens will be granted instead of incentives that impose a greater burden or impact on coastal resources.

Because the City's proposed revisions to the Land Development Code of the Municipal Code fail to include provisions that insure that density bonus requirements will be harmonized with the requirements of the Coastal Act in the above-described manner, the Commission finds that this ordinance does not conform with the policies of the applicable land use plans which address protection of sensitive coastal resources.

11. Fencing Regulations

Chapter 14/Article 2/Division 3: Fence Regulations – This section addresses the construction of fences and retaining walls throughout the City. It includes a table identifying what types of permits are required for various types of fences, and which specific regulations apply. Most identified structures require no permit at all or only a building permit, with any proposed fences or retaining walls that would exceed normal height limitations requiring a Neighborhood Development Permit. Although most fences and retaining walls are exempt from coastal development permit requirements, not all are. These are considered significant non-attached structures when located between the sea and first coastal roadway; as such, they not only require a coastal development permit, but said permit is appealable to the Coastal Commission. As proposed by the City, Table 142-03A does not address this circumstance, and could be misleading to the general public by giving the impression that no permit is required when, in fact, one is. This procedural error requires correction.

12. Sign Regulations

The proposed sign regulations, in general, are very similar to those currently in effect in the Coastal Overlay Zone. The existing regulations were certified by the Coastal Commission many years ago, and found to be consistent with the visual resource policies of the City's various LCP land use plans. In general, the certified sign regulations for the Coastal Overlay Zone prohibit freestanding pole signs, projecting signs and roof signs, while allowing monument signs not exceeding eight feet in height and wall (façade) signs, including some signs on mansard or false roofs that do not vary more than 45 degrees from vertical. The following land use plan policies are typical of coastal zone applications:

From the **Mission Bay Park Master Plan**:

> Commercial Signs: As a general rule, free-standing commercial signs should be low, close to the ground, shall not exceed eight feet in height and shall be placed in a landscaped setting. An exception may be granted for large resort hotels, to accommodate sign designs or site identification within other architectural features, such as entry walls or gatehouses. When planning such signs near roadways, motorist sightlines should be kept in mind. Signs attached to buildings should be designed with similar sensitivity, ensuring that the signs blend with the architecture rather than appearing as a billboard. Rooftop signs are specifically prohibited.

From the **Pacific Beach Community Plan**:

> Maintain and enhance public views to the Pacific Ocean, Mission Bay, the Northern Wildlife Preserve and Kate Sessions Park.
>
> Limit signage to conform with the Citywide Sign Ordinance. Rooftop signs, free-standing pole signs, off-premise signs and billboards shall not be permitted with new development.

From the **University Community Plan** (to meet the objective of design detail contributing to a visually coherent streetscape):

> Designing signs as integral parts of developments. Corporate symbols or logos should be used rather than corporate names. Such logos should not be located on the roof of a building nor be freestanding on a pole.

A general recommendation of the **Ocean Beach Precise Plan** states :

> Additional sign criteria should be developed that is specifically designed to enhance the character of the Ocean Beach community. Signs in the Newport commercial center, for example, should be of a small scale, giving information and direction to the pedestrian and show-moving cars.

Finally, the **Mission Beach Precise Plan Local Coastal Program Addendum** and **Mission Beach Planned District Ordinance** state respectively:

> That sign criteria be developed detailing the shape, texture, material, lettering style, and layout of signs necessary for the purpose of adequately identifying uses in Mission Beach.
>
> One single or double-faced freestanding sign located adjacent to each entrance or exit driveway to a parking lot. Signs shall not exceed 12 square feet in area nor a height of <u>eight</u> feet measured vertically from the base at ground level to the apex of the sign.

The only problem identified in association with the proposed sign regulations is a failure to recognize the certified eight-foot height limit for freestanding signs in a few regulations addressing the La Jolla community. The eight-foot limit is called out specifically in several of the plans identified previously and is included in the currently-certified City-wide ordinances. Thus, the proposed language is inconsistent with, and inadequate to carry out, the certified land use plans.

13. Administrative Changes/Technical Revisions.

The City has submitted minor modifications to the Land Development Code for inclusion in this report. They are to either clarify text, correct formatting or remedy typographic errors and do not affect the meaning or intent of the regulations. They are found in Part II E. of this report.

14. Historical Resources.

Many of the certified land use plans for the City of San Diego's coastal overlay zone include policies addressing historic resources within the individual communities. Some (the La Jolla – La Jolla Shores Local Coastal Program Addendum and the Pacific Beach Community Plan, for example) include inventories of historic structures and resources in the community. However, many of the sites listed in these inventories (and potential other sites not yet included on any inventory) are not formally designated as historic structures or resources at this time. The proposed historic resource regulations specifically address only those resources which are designated. In addition, the proposed regulations do not require consultation with all appropriate agencies should a premises be anticipated to contain currently undesignated, but potentially significant, historic resources. The Commission finds the proposed regulations are not, therefore, consistent with the historic preservation policies of the certified land use plans, and are thus unable to adequately carry out the plans.

PART IV. FINDINGS OF APPROVAL, IF MODIFIED.

In the previous findings, the Commission has identified inconsistencies between the proposed ordinance update and the certified land use plans. Preceding that discussion are many pages of suggested modifications which would be necessary to bring the proposed implementation plan into conformance with the certified land use plans. Following are the findings addressing the consistency of the proposed update, with the inclusion of the suggested modification, with the certified land use plans, arranged by issue in the same order as the previous findings.

1. Environmentally Sensitive Lands

As noted, the Commission finds several revisions are required to the Envrionmentally Sensitive Lands regulations in order to assure implementation of the certified land use plans and the Coastal Act. Regarding process, the most significant change to the regulations which will assure the analysis provided by the ESL regulations is applied to all development on premises containing environmentally sensitive lands is to eliminate the exemption of Section 146.0110 (c) to properties within the Coastal Overlay Zone. Additionally, the Commission is suggesting that where there are different standards applicable within the Coastal Overlay Zone, those standards be incorporated directly into the ESL regulations.

The two most significant areas where different standards are applied relate to encroachment limitations on steep hillsides, and permitted uses within wetlands. Regarding steep hillsides, the suggested modifications would allow application of the ESL regulations as proposed, utilizing the OR zones and the steep hillside guidelines, but would establish the encroachment limits of the sliding scale to development within the Coastal Overlay Zone. Additional revisions help to clarify that the encroachment limits are discretionary, not permitted by right; and that development of the steep hillsides containing sensitive biological resources should be avoided to the maximum extent possible. The corresponding changes must also be made to the Open Space Zones Section 131.0250 and the Steep Hillside Guidelines. Other modifications address brush management and assure that a minimum 30 ft. setback is required from steep hillsides containing sensitive biological resources for new development and subdivisions.

Regarding permitted uses within wetlands, the ESL regulations as proposed do not specify allowable uses within wetlands pursuant to Section 30233 of the Coastal Act. The current SCR ordinance contains language which indicates only aquaculture, nature study projects or simitar resource dependent uses, wetland restoration projects and incidental public service projects are permitted in wetland areas, provided there is no feasible, less environmentally-damaging alternative, and where mitigation measures have been provided to minimize adverse environmental effects. The current code also identifies uses permitted within wetland buffers to include access paths, fences and other improvements necessary to protect wetlands.

In the proposed ESL regulations, Section 143.0141 (b) indicates that impacts to wetlands shall be avoided, and that wetland buffers shall be maintained around all wetlands when necessary and as appropriate to protect the functions and values of the wetland. The Commission finds this to be a lessor standard for protection than is contained within the current certified LCP and is suggesting the following revisions are required. The Sections 143.0130 (d) and (e) are added to identify the uses permitted within wetlands and wetland buffers. Additionally, within Section 143.0141(b), language is added to clarify a minimum 100-foot wetland buffer is required, unless a lesser or greater buffer is warranted as determined through Resource agency review. Section 143.0141(a) establishes the means for coordination with the Resource agencies, and a suggested modification makes it clear that input must be solicited and incorporated into the project prior to the first public hearing.

Another important revision to the ESL regulations is additions to Table 143-01A which establishes the applicability of the Environmentally Sensitive Lands Regulations. The table identifies R – development regulation sections (in addition to Section 143.0140) applicable to the environmentally sensitive lands present; P – type of permit/decision process required/Neighborhood Development Permit (NDP) and Site Development Permit (SDP); and U – regulations that identify permitted uses when they are different than the applicable zone due to the environmentally sensitive lands present. The Commission finds it is very important that the Sections identifying the permitted uses within wetlands and wetland buffers be provided in the table. Additionally, the section that indicates wetland impacts shall be avoided (Section 143.0141 (b) should be included as an applicable regulation. That section also includes the requirement for a 100 ft. buffer, as modified. In the past, the fact that the Coastal Development Permit is not mentioned in the table presented a potential problem for Commission staff. However, due to the consolidation of process, the Commission is assured that the ESL regulations will be applied to all development requiring an SDP and NDP; and with the elimination of the exemption from the SDP and NDP requirements in the Coastal Overlay Zone, such permits will be required for all development on which environmentally sensitive lands are present.

Other significant modifications which the Commission finds are necessary in order to carry out the provisions of the land use plans will prohibit alternative compliance for the steep hillside regulations within the Coastal Overlay Zone. Also, through suggested modifications, deviations from the ESL regulations are not applicable within the Coastal Overlay Zone. Pursuant to Section 143.0150 deviations may be granted for proposed development that does not comply with the ESL regulations if certain findings are made. The City indicates the purpose of deviations is to allow for relief from the regulations if reasonable use is not afforded through their application.

Of particular concern to the City, are those situations where an applicant might request a deviation from the ESL regulations because they assert that the limited uses permitted within wetlands will not allow for an economically viable use of their property. While this has not been an issue within the coastal zone during the time period that the SCR ordinance has been certified, the Commission is willing to provide for such relief under very limited and specific conditions. Therefore, the Commission is suggesting a modification to the findings required for a Coastal Development Permit that specifically addresses an instance when a deviation is requested from the wetland provisions of the ESL regulations because the applicant contends that application of the regulations would result in denial of all economically viable use. The language includes an application process which requires all the information necessary to allow for an economic viability determination, and includes specific findings which must be made to approve the development proposal (Section 126.0708(e)). Only with such revisions can the Commission find adequate protection is afforded wetlands within the coastal zone in a manner consistent with the certified land use plans.

2. Agriculturally Zoned Areas/Floodplains/Future Urbanizing Areas

Chapter 14/Article 1/Division 2: Agriculture Use Category-Separately Regulated Uses – This section of the Land Development Code addresses a number of different uses allowed within

agriculturally-designated areas. Section 141.0202(a), Commercial Stables, would allow placement of portable structures in a floodway in association with a commercial stable operation. The pertinent suggested modification clarifies that no structures, including portable ones, may be located in a floodway within the Coastal Overlay Zone. Both the certified North City LCP Land Use Plan Segment and the more-recently certified Torrey Pines Community Plan include the following statement::

Within the 100-year floodplain fringe of the San Dieguito River, fill for roads and other public improvements and/or permanent structures will only be allowed if such development is consistent with uses allowed pursuant to the A-1-10 Zone and other existing zoning, is capable of withstanding periodic flooding, and does not require the construction of flood protective works ...(emphasis added)

Similar language is found in the Tia Juana River Valley Land Use Plan, as modified herein. Neither these cited land use plans, nor any other certified land use plan document in the City's LCP, address uses within the floodway itself, as no development within the actual floodway has ever been envisioned. It has been well documented that development in floodplains can lead to adverse impacts on the environment which could then result in needed flood protective works that could impact or eliminate sensitive habitat areas. In addition modification of the floodplain not only presents a danger to proposed structures, but also impacts downstream resources through increased sedimentation. Due to these concerns, several of the City's certified LUP segments contains policies which strictly limit floodplain development. Thus, to be consistent with the certified LUPs, the above suggested modification makes it clear that within the Coastal Zone, no structures are permitted within the floodway.

Chapter 14/Article 1/Division 4: Institutional Use Category-Separately Regulated Uses, Chapter 14/Article 1/Division 6: Commercial Services Use Category-Separately Regulated Uses, and Chapter 14/Article 1/Division 9: Wholesale, Distribution and Storage Use Category-Separately Regulated Uses – These three use categories contain the descriptions and regulations for a number of individual uses. A common criteria for many of them is that they are not permitted in floodplains located in agriculturally zoned areas of the Coastal Overlay Zone. While this seems a good idea, especially in light of the above finding which quotes floodplain policies common to many of the City's certified land use planning documents, it is not clear why the prohibition is only on agriculturally-zoned lands. There are floodplain areas within the Coastal Overlay Zone with land use designations and zoning other than agricultural. Sorrento Valley is an example, where some industrial zoning exists. It would appear that the identified uses would be inconsistent with the cited floodplain policies regardless of the underlying zone, since they would all involve fill and permanent structures, and do not appear to be uses compatible with periodic inundation. A suggested modification is included deleting the phrase "in agriculturally zoned areas of" to clarify that the use itself is not allowed in the floodplain of the Coastal Overlay Zone. As modified, the Commission finds the Land Development Code amendment consistent with, and adequate to carry out, the floodplain provisions of the City's certified land use plans.

The modification applies to the following code sections:

Section 141.0404(a)(1) and (b)(1), Churches and Places of Religious Assembly
Section 141.0407(a),Educational Facilities—Schools for Kindergarten to Grade 12 and Colleges/Universities
Section 141.0413(a), Hospitals, Intermediate Care Facilities, and Nursing Facilities
Section 141.0610(a), Helicopter Landing Facilities
Section 141.0624(a), Veterinary Clinics and Animal Hospitals
Section 141.0902(a), Junk Yards

Additionally, Section 143.0440, Supplemental Planned Development Permit Regulations for Residential Rural Cluster Development in the AR and OR Zones and Section 143.0450, Supplemental Planned Development Permit Regulations for Residential Rural Cluster Development with Increased Density, allow for the area of a golf course to be used in the

calculation of total permitted residential density and useable open space. The Commission suggests that changes are required to these two sections which relate to golf courses within the City's Future Urbanizing Area (FUA) for the following reasons.

In May of 1993, the Commission reviewed City of San Diego LCPA 1-93. In its review, the Commission denied (with no suggested modifications) the development of golf courses within the FUA (under the PRD Ordinance) for two reasons: The first related to the City's definition of a golf course that is "open to the public". The Commission found that a golf course open to the public, based on the City's language, would be inconsistent with the public access and recreation policies of the Coastal Act in that it allowed "private " memberships, which could render such a facility as not being available to the general public. The second reason for denial of golf courses within the FUA related to the City's proposal to allow the area of a golf course to be utilized in the calculation of residential density and total usable open space. Because those portions of the FUA within the Coastal Zone contain significant environmentally sensitive habitat areas, by allowing the area of a golf course to be used in calculation of residential density, higher intensity residential developments could potentially be crowded onto a smaller building area in order to retain sufficient area to accommodate the golf course. This could lead to competition for buildable area, thereby opening up the possibility/need for encroachment into sensitive areas to obtain the desired/permitted density.

Since the Commission denied golf courses within the FUA, the proposed sections are inconsistent with the North City Future Urbanizing Area Framework Plan and Guideline for Urban Development. With the suggested modifications, which make it clear that the provisions only apply to the FUA areas which are located outside the Coastal Overlay Zone, the proposed amendment can be found consistent with and adequate to carry out the certified LUPs.

3. Bluffs and Beaches

The previous findings indicated a number of revisions which are necessary in order for the Commission to find the proposed ESL regulations relating to development on beaches and bluffs to be in conformance with the certified land use plans.

4. Commercial Base Zones.

As identified previously, the Commission's main concern with the proposed ordinance revisions addresses the treatment of areas designated as CV Zone (i.e., areas intended to cater to the needs of visitors). The issues raised are both the appropriateness of some of the City's proposed permitted uses and the uses and design of the ground floor of commercial structures. One suggested modification revises the **Description of Use Categories and Subcategories** to indicate that single-room occupancy hotels are not considered visitor accommodations within the Coastal Overlay Zone. Another suggested modification would amend **Table 131-05B**, both to exclude strictly non-visitor serving uses from the CV Zones and to include one use (wearing apparel and accessories) which does serve visitors but was not identified in the table as permitted in the CV Zones. A modification is included stipulating that only visitor-serving uses may be located on the ground floor of structures, with other uses, such as residential uses or business offices, located on upper floors. Finally, a suggested modification clarifies that, within the Coastal Overlay Zone, not more than 50% of the ground floor of any structure in the CV Zone may be used for required parking, to assure that adequate ground-floor, pedestrian-accessible space is given to true visitor-serving commercial uses.

With the suggested modifications, uses in the CV Zones within the Coastal Overlay Zone will be limited to true visitor-serving facilities, allowing some compatible uses (such as residential) on upper floors. Therefore, the Commission finds the zoning code update, as modified herein, conforms with, and is adequate to carry out, the provisions of the City's many LCP land use plan segments, including the specific policies cited previously.

5. Parking.

As previously noted, the Commission is concerned primarily with the application of the proposed parking regulations within the BIA (i.e., the immediate nearshore area) and with standards for restaurants throughout the Coastal Overlay Zone. Modifications are suggested which the Commission believes would achieve the objective of making the proposed ordinances adequate to carry out the land use plan policies cited previously. These include a modification applying the proposed BIA standards to all categories of development, instead of just multi-family residential uses and eating and drinking establishments. For many of the separately regulated uses listed below, the suggested modifications add a minimum parking ratio for any proposed developments within the BIA. Also, there is a suggested modification to apply more stringent limits on curb cut/driveway width within the BIA. This will make the land development code consistent with the intent of the certified Pacific Beach Community Plan which includes some of the specific parking, curb cut and driveway standards of the BIA overlay zone and with numerous other land use plan policies which generally address preserving and enhancing public access opportunities through providing adequate off-street parking and minimizing curb cuts.

The Sections of the proposed code which include suggested modifications addressing BIA standards or concerns are the following:

Section 141.0301(d), Boarder and Lodger Accommodations
Section 141.0614(a), Nightclubs and Bars over 5,000 Square Feet in Size
Section 141.0615(b)(4), Outpatient Medical Clinics
Section 141.0617(a) Private Clubs, Lodges, and Fraternal Organizations
Section 141.0621(o), Sidewalk Cafes
Section 141.0623(a), Theaters that are Outdoor or over 5,000 Square Feet in Size
Section 142.0510(d)(1), General Parking Regulations
Section 142.0525(b), Multiple Dwelling Unit Residential Uses-Required Parking Ratios
Section 142.0530(a), Nonresidential Uses-Parking Ratios
Section 142.0530(b), Parking Ratios for Eating and Drinking Establishments
Section 142.0530(c), Nonresidential Uses-Parking Ratios
Section 142.0560(j), Development and Design Regulations for Parking Facilities

The code sections listed above are found in **Chapter 14/Article 1/Division 3: Residential Use Category-Separately Regulated Uses, Chapter 14/Article 1/Division 6: Commercial Services Use Category-Separately Regulated Uses, and Chapter 14/Article 2/Division 5: Parking Regulations**. Within these same sections are suggested modifications addressing a number of public access/parking-related matters not limited to the BIA. Several modifications require that, within the Coastal Overlay Zone, outdoor dining and drinking areas are considered part of the permitted facility for purposes of calculating required parking. Both the certified Mission Bay Park Master Plan and certified Pacific Beach Community Plan include this specific standard, and it has been historically required in all Commission-issued permits for eating and drinking establishments. The requirement acknowledges the Southern California climate and lifestyle, which result in many such establishments having large outdoor eating and drinking areas which are used year-round. It is entirely appropriate that such establishments provide off-street parking based on their entire plant, not just enclosed floor areas, which may, in some cases, represent less than half of the total facility. With the suggested modifications, the Commission finds the ordinances consistent with, and adequate to carry out, the two cited land use plans, as well as the public access policies of all other certified planning documents in the City's LCP.

Additional modifications within these same sections address the use of off-premises and tandem parking and exceptions to parking requirements for small-lot commercial development. Historically, off-premises parking has been allowed only for commercial uses, but the City is proposing to expand its use to residential development as well. The land use planning policies cited above, and the general public access policies of other certified land use documents, clearly

take the position that new development is to provide adequate parking for its needs, such that public street parking is not adversely affected. The City's proposed modification is less restrictive than the previously-certified ordinances, and could result in adverse impacts to the available supply of on-street public parking. It seems less likely that residents will utilize off-premises parking, which would require leaving a vehicle overnight at some distance from the residence, or walking a greater distance carrying packages, groceries, etc. It is more likely that residents will park on the street directly in front of their homes, where vehicles will at least be in sight and readily accessible. Therefore, the suggested modifications disallow off-premises parking for residential uses, require adequate signage to direct persons to the off-premises parking locations associated with commercial uses, and require that covenants be recorded over both the parking site and the site of the use requiring the parking.

With respect to tandem parking, the Commission and City have historically approved such for residential uses as long as both parking spaces are assigned to a single living unit. The previously-approved parking ordinance, which was found consistent with the City's certified land use plans, identified only two circumstances which justified the use of tandem spaces in commercial development: assigned employee parking and valet parking associated with restaurant use. The City is now proposing to allow tandem parking in any valet situation and has also added bed and breakfast establishments as a use allowed to have tandem parking. The Commission finds the use of tandem parking for bed and breakfast establishments acceptable, but has added a suggested modification to only allow valet parking when associated with restaurant use. The concern here is that, from a practical perspective, valet parking associated with other forms of commercial development tends to be avoided by most patrons. Thus, the commercial development would initially receive the benefit of providing less parking by proposing a valet service. However, if patrons didn't use the service, patron parking would be inadequate on-site and could spill over onto adjacent streets, usurping areas otherwise available for parking by beach visitors.

The City's beach communities (Ocean Beach, Mission Beach, Pacific Beach and La Jolla, primarily) are all deficient in parking to meet current needs. To offer reduced parking standards in nearshore areas subject to a heavy influx of residential users and visitors can only exacerbate an already critical public parking shortage. Therefore, the Commission finds it appropriate to modify Table 142-05G to clarify the table is not applicable in the Coastal Overlay Zone. With the suggested modifications addressing parking and related issues, the Commission finds the proposed ordinances consistent with, and adequate to carry out, the certified LCP land use plans.

6. Views/Overlay Zones

One suggested modification for the Coastal Overlay Zone is to correct the procedural error that failed to identify cases where dual permit jurisdiction applies. This situation may occur on any properties which are bisected by the boundary between the City's and Commission's permit jurisdictions, wherein each entity is required to issue a coastal development permit for any portion of the proposed development within its respective jurisdiction.

The other issue raised by this overlay zone is that of protecting public views to and along the coastline. Several modifications are suggested to address this issue and establish protection of the many public views available from inland areas, which have not been adequately addressed in either the proposed ordinances or the currently-certified ones. The Commission is suggesting a revision that requires fences to be "open" when proposed in sensitive coastal blufftop areas. For this reason, the Commission is also suggesting that the definition of open fences be changed when applicable in the Coastal Overlay Zone to assure the structure is at least 75% open for view protection purposes. Many policies of the respective land use plans call for the preservation of public views to the ocean. The City also proposes to include language in the LDC that specifies under what conditions and when a visual access corridor must be provided in association with any coastal blufftop or beachfront development. The language, as proposed, states that a visual corridor should be provided through an offer of dedication as a public easement or deed

restriction as a condition of approval of a Neighborhood Development Permit or Site Development Permit.

The Commission is suggesting that language be changed such that this requirement is a condition of a Coastal Development Permit approval (vs. a Neighborhood Development Permit or Site Development Permit). Any property located between the ocean and the first coastal roadway would be within the Coastal Overlay Zone and require a Coastal Development Permit, unless it is an exempt development. For this reason, it is appropriate to relocate the language addressing view protection to the Coastal Overlay Zone as supplemental regulations. Since this only applies within the Coastal Overlay Zone, the Coastal Development Permit is the appropriate vehicle to administer the view protection policies.

As proposed by the City, a view corridor not less than 10 feet and running the full depth of the property would be required to be preserved when the proposed development is located on a site that lies between the "nearest through vehicular public access route paralleling the shoreline and the requirement for a visual corridor is feasible and will serve to preserve, enhance or restore existing public views identified in the applicable land use plan. The City's referral to the first coastal roadway as the "nearest through vehicular public access route paralleling the shoreline" is vague and confusing. The Commission is suggesting that the reference be struck and replaced with "first coastal roadway" which is much clearer in intent and also mirrors the reference shown on the legends of the certified coastal zone boundary map (#C-731). The City's language also does not require that such views be preserved or restored through a deed for the required side yard setback areas. Without such assurance, the provision of such a view corridor could not be guaranteed to be provided on a particular site in perpetuity in the event the land ownership transfers.

The Commission is also suggesting that if there is an existing or potential public view, but the site is not designated in a land use plan as a view corridor, that such views to the ocean should be preserved or restored by deed restricting required side yard setback areas to cumulatively form functional view corridors and preventing a "walled-off" effect from development. The Commission believes additional language is necessary to clarify this requirement because the current certified language has not resulted in the preservation of side yard setbacks as a means to preserve and/or restore public ocean views. The Commission finds such language is consistent with the LUP provisions and will serve to prevent a walled effect from development between the ocean and first coastal roadway.

In addition, if there is a designated or potential public view and the site is designated in the applicable land use plan as a view corridor or within a public viewshed it is clear that such views should be maintained. For this reason, any development approved on such a site would need to be designed and sited in a manner that would preserve the identified public view. Therefore, the Commission is suggesting to modify the language so that the provision of a visual corridor will be assured through a deed restriction.. In such cases, these critical views to the ocean will be required to be maintained or restored by designing and siting new development in a manner that will preserve the identified public view. This includes restricting the size, number of stories, and siting of the home on the site in a manner which is most protective of existing coastal views to the ocean.

In addition, the City also contains a provision that where remodelling is proposed to an existing structure/residence that precludes full establishment of a desired corridor as previously outlined, preservation of any existing visual corridor on the site will be accepted. However, there remains the potential that through remodelling, any existing public views to the ocean could be diminished further. For example, if there are presently existing ocean horizon views over an existing one-story residence that is located in a designated visual corridor and the proposed remodelling includes the addition of a second story to the residence, measures must be taken to site the second story in a manner that will preserve the existing views. Therefore, the Commission is suggesting the provision should assure that the existing visual corridor is not reduced through the proposed remodelling. Other designs must be considered such as expanding the first level, in

lieu of the second level, such that the public views will be protected. Additionally, in review of redevelopment projects that involve the demolition of more than 50% of the existing exterior walls, setbacks from the bluff edge and sideyards must be applied that are respective of new regulations developed in response to changing circumstances. Any previously-conforming rights are not retained in perpetuity if redevelopment involves 50% demolition. Therefore, the Commission finds that the new regulations, as certified herein with suggested modifications, must be applied to carry out the intent of the certified land use plans.

In addition, the City's language does not include provisions addressing the permitted landscaping or fences in visual corridors. As noted earlier in these findings, only open fencing is permitted in the coastal blufftop areas. Therefore, the Commission is suggesting the language be revised to specifically state that only open fencing and landscaping may be permitted within the established view corridors, but only if such vegetation does not significantly obstruct public views to the ocean and that the landscaping is maintained. Through on-going maintenance of such landscaping (pruning, trimming, etc.) it can be assured to that such landscaping, as it matures, will not intrude into the view corridor in the future and that public views to the ocean will be preserved in perpetuity.

Therefore, in summary, through all of the suggested revisions described above, the preservation of existing visual corridors as well as protection of any existing public views to the ocean in the sideyard setback areas of project sites will over time serve to increase the number of functional view corridors on a cumulative basis. This will prevent a "walled off effect" from development, consistent with policies of respective land use plans which call for preservation of public views to the ocean.

7. Affordable Housing

The previous finding indicates several concerns related to the calculation of maximum allowable density when allowing density bonuses for affordable housing within the coastal zone. The suggested modification addressing these concerns is found in the Coastal Development Permit section. The Commission is suggesting that specific findings be made in connection with approval of the Coastal Development Permit which assure that any proposed density increase is accommodated in the manner most protective of coastal resources. With this revision, the proposed affordable housing regulations can be found to be adequate to carry out the certified land use plans.

8. Fencing Regulations

The inconsistency cited previously in this regard is a procedural one. **Table 142-03A** identifies required permit procedures for fences. In most cases, fences are exempt from discretionary review. However, if located between the sea and first coastal roadway, an appealable coastal development permit would be required for construction of a fence. The suggested modification clarifies this point for any prospective applicants.

9. Signs

For the most part, the proposed sign regulations are similar, or identical, to the currently-certified ordinances. One change is that the proposed sign regulations would now allow projecting signs in the coastal zone. The Commission finds that these are acceptable. There are, however, three suggested modifications addressing the height of freestanding signs in the coastal overlay zone. These are detailed below as follows:

Section 142.1290 La Jolla Commercial and Industrial Sign Control District
(d)(3)(A) Freestanding Ground Signs

The City's proposed language allows for freestanding ground signs to extend to a maximum height of 20 feet. However, no provisions were included for signage in the coastal zone. The Commission is suggesting the language be revised to include the requirements for sign height for the coastal zone areas such that freestanding ground signs shall not exceed 8 feet in height. This is consistent with the previously-certified City of San Diego LCP that restricts ground signs to a height of 8 feet in the coastal zone.

(e)(1)(C) On-Premise Sign Regulations

The City's proposed language allows for freestanding ground signs to extend to a maximum height of 20 feet. However, no provisions were included for signage in the coastal zone. The Commission is suggesting the language be revised to include the requirements for sign height for the coastal zone areas such that freestanding ground signs shall not exceed 8 feet in height. This is consistent with the previously-certified City of San Diego LCP that restricts ground signs to a height of 8 feet in the coastal zone.

(e)(2)(A) Identification Signs

The City's proposed language allows for freestanding identification signs to extend to a maximum height of 20 feet. However, no provisions were included for signage in the coastal zone. The Commission is suggesting the language be revised to include the requirements for sign height for the coastal zone areas such that identification signs shall not exceed 8 feet in height. This is consistent with the previously-certified City of San Diego LCP that restricts signs to a height of 8 feet in the coastal zone.

These three items are the only problem identified in the City's proposed sign regulations. Therefore, as modified herein, the Commission finds the overall sign regulations consistent with, and adequate to carry out, the cited land use plan policies as well as the general policies on visual resources found within all the City's certified LCP land use plans.

10. Administrative Changes/Technical Revisions.

The City has submitted minor modifications to the Land Development Code for inclusion in this report. They are to either clarify text, correct formatting or remedy typographic errors and do not affect the meaning or intent of the regulations. They are found in Part II E. of this report.

11. Historical Resources

The Commission is suggesting a series of modifications to the proposed ordinances. Primarily, these modifications will remove the word "designated" in several locations, to clarify that a structure or resource does not have to be formally designated to be afforded the protection of the proposed regulations. In addition, the Commission suggests modifying the Historical Resource Guidelines to include consultation with all appropriate agencies whenever the City must determine if a site specific survey of potential historic resources is required in conjunction with the processing of a construction or development permit. Only as modified, can the Commission find the proposed regulations, and the accompanying guidelines, fully consistent with the various certified land use plans, and thus able to carry out their intent.

PART V. 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. Instead, the CEQA responsibilities are assigned to the Coastal Commission and 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 the case of the subject LCP amendment request, the Commission finds that approval of the amendment, incorporating the suggested modifications listed above, would not result in significant environmental impacts under the meaning of the California Environmental Quality Act. Absent incorporation of these suggested modifications to effectively mitigate potential adverse impacts to coastal resources, such a finding could not be made.

Specifically, the proposed revisions to the Implementation Plan, for the most part were found to be consistent with the certified land use plans. It is the nature, however, of these reports to focus on the areas of differences and resource issues and address the means to correct such noted deficiencies. With regards to environmentally sensitive lands, specifically wetlands and steep, sensitively vegetated hillsides, critical public views, parking supplies in nearshore areas, floodplain development standards, permitted use issues in sensitive areas, shoreline development policies, the proposed Land Development Code raises several environmental concerns. As submitted, the Commission finds there are feasible mitigation measures which would serve to mitigate certain impacts to coastal resources. As modified herein, the suggested revisions do reduce such impacts to a level of insignificance. The suggested modifications further serve to bring the City's implementation plan into conformity with, and adequate to carry out, the resource protection standards specified in its certified land use plans.

Given the proposed mitigation measures, the Commission finds the proposed local coastal program amendment, as modified, will not result in significant environmental impacts under the meaning of the California Environmental Quality Act. Furthermore, future individual projects would require coastal development permits from the City of San Diego. Throughout the City's Coastal Zone, the specific impacts associated with individual development projects would be assessed through the environmental review process; and, the individual project's compliance with CEQA would be assured. Therefore, the Commission finds that there are no feasible alternatives under the meaning of CEQA which would reduce the potential for such impacts which have not been explored and the LCP Amendment, as modified, can be supported.

(SDLCPA 1-98B (LDC)fnlstfrpt Feb.99 hearing)

SUGGESTED MODIFICATION FOR THE OCTOBER, 1998, HEARING ATTACHED AS EXHIBIT 'A'

Section 143.0146 Environmentally Sensitive Lands Regulations for the Coastal Overlay Zone

Purpose and Intent

The purpose of these regulations is to address the protection, preservation and, where damaged, restoration, of the environmentally sensitive lands of San Diego's Coastal Zone. These regulations are intended to assure that development within the City's Coastal Zone occurs in a manner that protects the overall quality of the coastal resources and the natural and topographic character of the area, encourages a sensitive form of development, retains biodiversity and interconnected habitats, maximizes physical and visual public access to and along the shoreline, and reduces hazards due to flooding in specific areas.

In the event of conflict, these regulations shall supersede the regulations set forth in preceding sections of this division. Regardless of whether a Site Development Permit or Neighborhood Development Permit is required for development on environmentally sensitive lands pursuant to the previous sections, within the Coastal Overlay Zone, a Coastal Development Permit is required for all coastal development, unless exempt pursuant to Section 126.0704, and the following regulations apply.

Uses Allowed Within Environmentally Sensitive Lands

Within the Coastal Overlay Zone, allowed uses within environmentally sensitive lands are those allowed in the applicable zone, except where limited by this section.

(a) Wetlands. Permitted uses in wetlands shall be limited to the following:

(1) Aquaculture;

(2) Nature study projects or similar resource dependent uses;

(3) Wetland restoration projects;

(4) Incidental public service projects.

(b) Wetland Buffer Areas. Permitted uses in wetland buffer areas shall be limited to the following:

(1) Access paths;

(2) Fences;

(3) Restoration and enhancement activities; and

(4) Other improvements necessary to protect wetlands.

(c) Sensitive Steep Hillside Areas. Permitted uses shall be open space and those permitted by the underlying zone subject to the regulations and restrictions of the underlying zone and this section.

EXHIBIT NO. A
APPLICATION NO.
LCPA #1-98B
Previous Suggested Modification
Attached for info purposes only
California Coastal Commission

(d) Non-Sensitive Steep Hillside Areas. Permitted uses shall be those permitted by the underlying zone subject to the regulations and restrictions of the underlying and this section.

(e) Coastal Beach Areas. Permitted uses and activities in coastal beach areas are limited to those identified in Section 143.0130 of this division.

(f) Sensitive Coastal Bluffs Areas. Permitted uses and activities on sensitive coastal bluff areas are limited to those identified in Section 143.0130 of this division.

(g) Floodways. Permitted uses in the floodway portion of a 100-year floodplain are those allowed by the OF Zone, as indicated in Table 131-02B.

(h) Floodplain Fringe. Permitted uses and activities shall be those permitted by the underlying zone subject to the regulations and restrictions of the underlying zone and this section.

Development Regulations for Sensitive Biological Resources

Coastal development on premises within the Coastal Overlay Zone that contain sensitive biological resources is subject to the following regulations and the Biology Guidelines in the Land Development Manual.

(a) State and federal law precludes adverse impacts to wetlands or listed non-covered species habitat. The applicant shall confer with the U. S. Army Corps of Engineers, U. S. Fish and Wildlife Service and/or California Department of Fish and Game before any public hearing for the development proposal. Coastal Development Permits shall not be issued for any project that adversely impacts wetlands or Listed non-covered species habitat until all necessary federal and state permits have been obtained.

(b) Outside and inside the MHPA, impacts to wetlands, including vernal pools in naturally occurring complexes, shall be avoided to the maximum extent possible. Only uses permitted within wetlands pursuant to these regulations shall be permitted. The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects

(c) A wetland buffer shall be maintained around all identified wetlands to protect the functions and values of the wetland. A minimum 100 ft. wide buffer shall be provided adjacent to all identified wetlands and a minimum 50 ft. wide buffer shall be provided adjacent to riparian areas. The width of the buffer may be either increased or decreased as determined on a case-by-case basis, in consultation with the California Department of Fish and Game, taking into consideration the type and size of development, the sensitivity of the wetland resources to detrimental edge effects, natural features such as topography, and the functions and values of the wetland. The buffer shall be measured landward from the wetland. Maps and supplemental information submitted as part of the application shall be used to determine the specific boundaries of the wetland and buffer.

(d) All buildings or other improvements proposed to be placed or erected, and all grading activities proposed to be undertaken adjacent to a wetland shall be located so as not to contribute to increased sediment loading of the wetland, cause disturbance to its habitat values, or otherwise impair the functional capacity of the wetland.

Exhibit A cont.

(e) All development occurring in sensitive biological resources is subject to site-specific impact analysis conducted by the City Manager, in accordance with the Biology Guidelines in the Land Development Manual. The impact analysis shall evaluate impacts to sensitive biological resources and CEQA sensitive species. The analysis shall determine the necessary mitigation, where appropriate and the requirements for protection and management. Mitigation for permitted uses in wetlands and permitted encroachment on sensitive and non-sensitive steep hillsides may include measures identified in Section 143.0141 (i) of this division.

(f) Inside the MHPA, development shall avoid impacts to narrow endemic species. Outside the MHPA, measures for protection of narrow endemic species shall be required such as management enhancement, restoration an/or transplantation. A list of narrow endemic species is included in the Biology Guidelines in the Land Development Manual.

(g) Grading during wildlife breeding seasons shall be consistent with the requirements of the City of San Diego MSCP Subarea Plan.

(h) Inside and adjacent to the MHPA, all development proposals shall be consistent with the City of San Diego MSCP Subarea Plan. In case of conflict with the environmentally sensitive lands regulations applicable within the Coastal Overlay Zone, the latter shall apply.

(i) Sensitive biological resources that are outside of the allowable development area on a premises, or are acquired as off-site mitigation as a condition of permit issuance, are to be left in a natural state and used only for those passive activities allowed as a condition of permit approval. If the land is not dedicated to the City, identification of permissible passive activities and any other conditions of the permit shall be incorporated into a covenant of easement that shall be recorded against title to the property, in accordance with procedures set forth in Section 143.0152 of this division. The U.S. Fish and Wildlife Service and the California Department of Fish and Game are to be named as third party beneficiaries to any covenant of easement recorded pursuant to this section.

Development Regulations for Steep Hillsides

Development on a premises within the Coastal Overlay Zone that contain steep hillsides is subject to the following regulations and the Steep Hillside Guidelines in the Land Development Manual.

(a) Sensitive Steep Hillsides - Allowable Development Area

Where a development, including any land division, is proposed on a premises inside the MHPA or on steep hillsides containing environmentally sensitive habitats, or significant scenic amenities, or potential hazards to development, as identified on the Coastal Zone Sensitive Slopes Map Drawing No. C-720 (on file in the office of the City Clerk as Document No. 00.17065), the following regulations shall apply:

(1) Steep hillsides shall be preserved in their natural state, provided a minimal encroachment into such steep hillsides(areas disturbed by grading or development) may be permitted as set forth in the following table:

TABLE 1 STEEP HILLSIDES ENCROACHMENT ALLOWANCE

75% or less	10%
80%	12%
85%	14%

Exhibit A cont.

90%	16%
95%	18%
100%	20%

For the purposes of this ordinance, encroachment shall be defined as any area of twenty-five percent (25%) or greater slope in which the natural landform is altered by grading, is rendered incapable of supporting vegetation due to the displacement required for the building, accessory structures, or paving, or is cleared of vegetation (including Zone 1 brush management), other than allowed below.

The following uses and/or development features shall be exempt from the encroachment limitations set forth above:

(A) Major public roads and collector streets identified in the Circulation Element of an adopted community plan or Land Use Plan;

(B) Public utility systems;

(C) In the North City Local Coastal Program Land Use Plan areas only:

Local public streets or private roads and driveways which are necessary for access to the more developable portions of a site containing slopes of less than twenty-five percent (25%) grade, provided no less environmentally damaging alternative exists. The determination of whether or not a proposed road or driveway qualifies for an exemption, in whole or in part, shall be made by the City Manager based upon an analysis of the project site;

(D) All vegetated areas located between thirty (30 and one hundred (100) feet of existing or proposed structures, which are selectively pruned, thinned or trimmed by hand to comply with existing City fire codes provided that such slopes retain their native root stock, and that no alteration or reconfiguration of the natural landform is required. Selective clearing under this exemption shall not allow the wholesale clearing or cutting of existing vegetation down to a uniform height.

Exemptions from the encroachment limitations set forth above shall not be allowed for any designated areas located within thirty (30) feet of existing or proposed structures, which are cleared or cut down to comply with existing City fire codes; and,

(E) Natural slopes or previously graded slopes located directly underneath pole supported or cantilevered buildings, provided such areas are open to light and air and allow a minimum clearance of four (4) feet between the building sub-floor and the ground.

(2) On existing legal parcels, a deviation in the encroachment allowance percentage may be granted by the City Manager if necessary to maintain a minimum development right (total disturbed area) equal to twenty percent (20%) of the entire parcel.

(3) All encroachment allowances shall be subject to a determination by the City Manager that such encroachment supports the findings of fact set forth in Section 143.0146 and the Steep Hillside Guidelines.

(b) Non-Sensitive Steep Hillsides

Exhibit A con't

Where a development or land division is proposed on steep hillsides which have not been identified as possessing environmentally sensitive habitats, or significant scenic amenities, or potential hazards to development, as identified on Map Drawing No. C-720 (on file in the office of the City Clerk as Document No. 00-17065), such slopes may be developed provided the following regulations are met:

(1) Coastal development on non-sensitive steep hillsides within the Coastal Overlay Zone is subject to Section 143.0142 of this division (Development Regulations for Steep Hillsides).

(c) Any adjustment or modification of the adopted Coastal Zone Sensitive Steep Hillsides classifications, as identified on Map Drawing No. C-720, which results in a change from the sensitive to nonsensitive category on a portion of a property or a property in its entirety shall require a Local Coastal Program amendment.

(d) All slopes of twenty-five percent (25%) grade and over which remain undisturbed or which are restored or enhanced as a result of a development approval shall be conserved as a condition of permit approval through a deed restriction, open space easement or other suitable device that will preclude any future development or grading of such slopes.

(e) All development on steep hillsides located in La Jolla or La Jolla Shores Community Plan areas, shall, in addition to meeting all other requirements of this section, be found consistent with the Hillside Development Guidelines set forth in the La Jolla - La Jolla Shores Local Coastal Program Land Use Plan.

(f) In accordance with the development boundaries established by previous Coastal Commission Development approvals obtained prior to May 14, 1985, in lieu of other provisions of this ordinance, development, grading, or filling shall be allowed on steep hillsides on the north and south sides of Lopez Canyon provided that such development, grading, or filling shall not be visible from a point located along the streamed of Lopez Canyon that is nearest to the proposed development, grading or filling. All other developments within the Hillside Review Zone on the north and south sides of Lopez Canyon shall comply with the provisions of this ordinance.

(g) Brush Management

(1) Designated areas located within thirty (30) feet of existing or proposed structures, which may be cleared or cut down to comply with existing City fire codes.

(2) Selected clearing of all vegetated areas located between thirty (30 and one hundred (100) feet of existing or proposed structures, is permitted if selectively pruned, thinned or trimmed by hand to comply with existing City fire codes provided that such slopes retain their native root stock, and no alteration or reconfiguration of the natural landform is required. Selective clearing shall not allow the wholesale clearing or cutting of existing vegetation down to a uniform height.

(3) Disturbed portions of the site in 25 percent or greater slopes shall be revegetated or restored in accordance with Chapter 14, Article 2, Division 4 (Landscape Regulations). Native, fire-retardant vegetation shall be utilized to the maximum extent practicable.

(h) Erosion Control Measures

Exhibit A cont.

(1) Erosion control measures are subject to the encroachment limits set forth above,the landscape regulations in Chapter 14, Article 2, Division 4 and the Steep Hillside Guidelines in the Land Development Manual.

(2) Air-placed concrete, including gunite or shotcrete, retaining walls, buttress fills and other similar erosion control measures are considered encroachment and may be allowed only if determined to be the only feasible means of erosion control to protect the existing principal structure or public improvements.

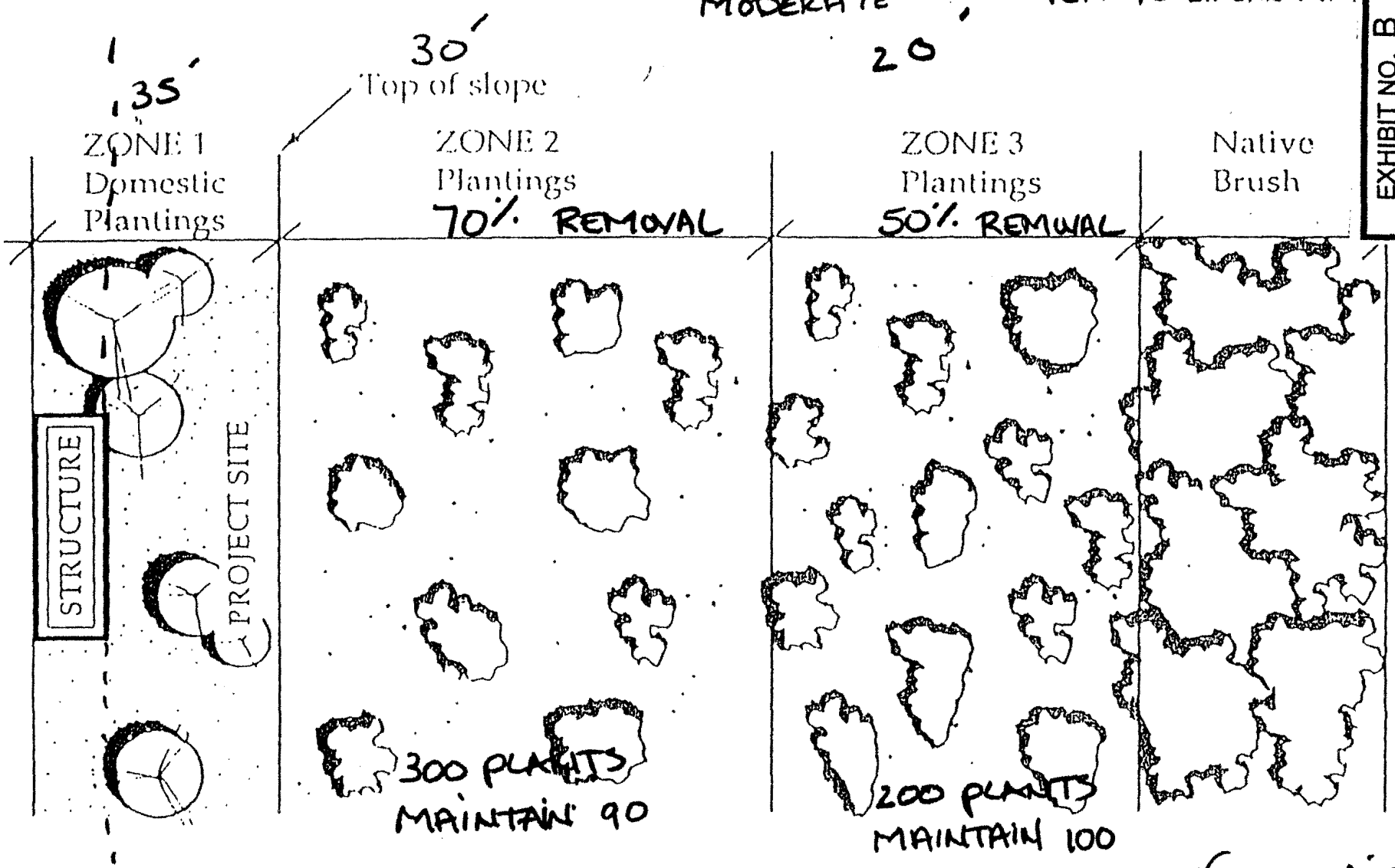
Exhibit A cont.

EXISTING CODE

WESI OF I-5

ASSUME 100 PLANTS PER 10 LINEAR FT.

MODERATE



(190 MAINTAIN = 38% OF 500.)

Undulating, Brush - Cleared Edge and Retention of Specimens for a More Natural Appearing Transition.

REMOVE 62% OVER 50' DISTANCE.

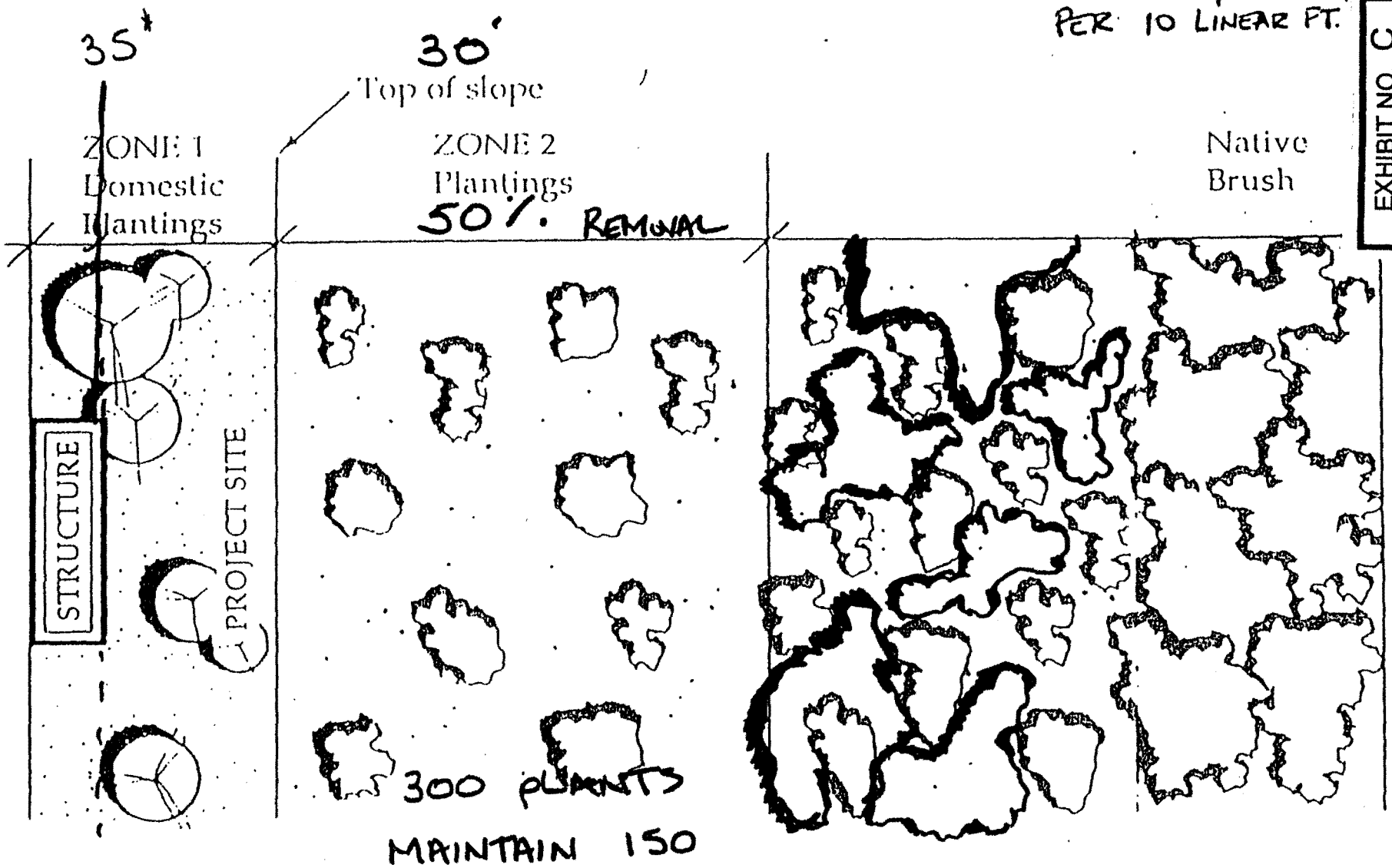
EXHIBIT NO. B
APPLICATION NO.
LDC #1-98B
Brush Management – Existing Zoning Code
California Coastal Commission

PROPOSED IN LDC

WEST OF I-5

ASSUME 100 PLANTS PER 10 LINEAR FT.

EXHIBIT NO. C
APPLICATION NO.
LCPA #1-98B
Brush Management-Proposed in LDC
California Coastal Commission



Undulating, Brush - Cleared Edge and Retention of Specimens for a More Natural Appearing Transition.

REMOVE 50% OVER 30' DISTANCE

*WITHOUT SPECIFIC "FIRE SAFE" CONSTRUCTION - OTHERWISE 25 W/ADJACENT TO 25% SLOPE

11/10/97

RESOLUTION NUMBER R- 289458

ADOPTED ON NOV 18 1997

A RESOLUTION CERTIFYING ENVIRONMENTAL IMPACT REPORT (EIR) NO. 96-0333 AND ADDENDUM NO. 96-7897 TO EIR NO. 96-0333, AND ADOPTING FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS IN CONNECTION WITH THE APPROVAL OF THE LAND DEVELOPMENT CODE.

WHEREAS, on May 23, 1996, The City of San Diego initiated review of the proposed Land Development Code pursuant to the California Environmental Quality Act of the 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations section 15000 et seq.); and

WHEREAS, the Land Development Code was set for a public hearing to be conducted by the Council of The City of San Diego; and

WHEREAS, the issue was heard by the City Council on October 28, 1997, and continued to November 18, 1997; and

WHEREAS, the City Council considered the issues discussed in Environmental Impact Report (EIR) No. 96-0333 and Addendum No. 96-7897 to EIR No. 96-0333; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that the information contained in Environmental Impact Report No. 96-0333/SCH No. 96081056 and Addendum No. 96-7897 to EIR No. 96-0333, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public

EXHIBIT NO. 1
APPLICATION NO.
SAN DIEGO
LCPA 1-98B
City Council Resolutions
California Coastal Commission

Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the reports reflect the independent judgment of The City of San Diego as Lead Agency and that the information contained in said reports, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Land Development Code and related implementing actions.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council adopts the findings made with respect to the project, a copy of which is on file in the office of the City Clerk as Document No. RR-289458-1, and incorporated herein by reference.

BE IT FURTHER RESOLVED, that pursuant to California Code of Regulations section 15093, the City Council hereby adopts the Statement of Overriding Considerations, a copy of which is on file in the office of the City Clerk as Document No. RR-289458-2 and incorporated herein by reference, with respect to the project.

APPROVED: CASEY GWINN, City Attorney

By Prescilla Dugard
Prescilla Dugard
Deputy City Attorney

PD:lc:ctk
10/10/97
11/10/97 REV. 1
Or.Dept:Dev.Svcs.
R-98-288
Form=eirgen&f.frm

O: X Recorder/County Clerk
P.O. Box 1750, MS A33
1600 Pacific Hwy, Room 260
San Diego, CA 92101-2422

FROM: City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

X Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

EP Number: 96-0333 State Clearinghouse Number: 96081056

Project Title: City of San Diego Land Development Code

Project Location: City of San Diego

Project Description: Various CITY COUNCIL actions including the ADOPTION of the proposed Land Development Code to be incorporated as Chapters 12, 13, and 14 of the Municipal Code; AMENDMENT and RE-ADOPTION of previously adopted Chapter 11; and REPEAL and AMENDMENT of certain chapters of the Municipal Code including Chapter 10 and portions of Chapters 2, 5, 6, and 9 of the Municipal Code.

This is to advise that the City of San Diego City Council on Nov. 18, 1997 approved the above described project and made the following determinations:

. The project in its approved form X will, ____ will not, have a significant effect on the environment.

. X An Environmental Impact Report was prepared for this project and certified pursuant to the provisions of CEQA. R-289458.

__ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

Record of project approval may be examined at the address above.

. Mitigation measures ___ were, X were not, made a condition of the approval of the project.

. (EIR only) Findings X were, ___ were not, made pursuant to CEQA Guidelines Section 15091.

. (EIR only) A Statement of Overriding Considerations X was, ____ was not, adopted for this project.

It is hereby certified that the final environmental report, including comments and responses, is available to the general public at the office of the Land Development Review Division, Fifth Floor, City Operations Building, 1222 First Avenue, San Diego, CA 92101.

nalyst: Baker Telephone: (619) 236-7714

Filed by: David R. Baker
Signature

Associate Planner
Title

eference: California Public Resources Code, Sections 21108 and 21152.

R-289458

(R-98-290)(REV. 1)

RESOLUTION NUMBER R-289460

ADOPTED ON NOV 18 1997

A RESOLUTION ADOPTING GUIDELINES FOR THE LAND DEVELOPMENT MANUAL.

WHEREAS, on DEC 09 1997, the Council of The City of San Diego adopted the Land Development Code for the City of San Diego, to replace existing land use regulations contained in the Municipal Code; and

WHEREAS, the Land Development Code (section 111.0106) provides for the establishment of a Land Development Manual for the City of San Diego to contain guidelines used by city staff in implementing the regulations contained in the Land Development Code; and

WHEREAS, in connection with the Land Development Code, the City has revised existing guidelines relating to regulation of steep hillsides, biological resources and landscaping; and

WHEREAS, in connection with the Land Development Code, new guidelines have been prepared relating to regulation of coastal bluffs and beaches and to historic resources; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the City Clerk is hereby authorized and directed to establish and maintain in the office of the City Clerk a document titled "Land Development Manual" which shall contain the guidelines to be used by city staff in interpretation and application of the Land Development Code of The City of San Diego;

BE IT FURTHER RESOLVED, that the City Council adopts the revised guidelines listed below which are on file in the Office of the City Clerk as follows:

Document	Document Number
Steep Hillside Guidelines	RR-289460-1
Biology Guidelines	RR-289460-2
Landscape Standards	RR-289460-3

BE IT FURTHER RESOLVED, that the Council adopts the new guidelines listed below which are on file in the Office of the City Clerk as follows:

Document	Document Number
Coastal Bluffs and Beaches Guidelines	RR-289460-4
Historical Guidelines	RR-289460-5

BE IT FURTHER RESOLVED, that the City Clerk is instructed to add the above-listed guidelines to the Land Development Manual.

BE IT FURTHER RESOLVED, that these guidelines shall take effect on the date the Land Development Code adopted by Ordinance No. O-18451 is effective.

APPROVED: CASEY GWINN, City Attorney

By Prescilla Dugard
Prescilla Dugard
Deputy City Attorney

PD:lc
10/14/97
10/31/97REV. 1
Or.Dept:Dev.Svcs.
R-98-290
Form=estcpr.frm

CLERK'S FILE COPY

(R-98-291)(COR.COPY)

RESOLUTION NUMBER R-289461

ADOPTED ON NOV 18 1997

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT THE CITY OF SAN DIEGO'S LOCAL COASTAL PROGRAM AMENDMENTS TO THE CALIFORNIA COASTAL COMMISSION.

WHEREAS, on DEC 09 1997 the Council of The City of San Diego adopted the Land Development Code of The City of San Diego pursuant to Ordinance No. O-18451; and

WHEREAS, the California Coastal Act (Public Resources Code section 30000 et seq.) requires Coastal Commission certification of zoning ordinances, zoning maps, and in sensitive coastal areas, other implementing actions to implement the approved local coastal plan; and

WHEREAS, The City of San Diego local coastal program land use plan consists of several land use plans previously certified by the California Coastal Commission as local coastal plan segments for The City of San Diego; and

WHEREAS, there have been a number of amendments to the City's local coastal program since its inception; and

WHEREAS, the Land Development Code replaces all zoning ordinances in the San Diego Municipal Code previously certified by the California Coastal Commission to implement the local coastal program, with the exception of the provisions of Chapter X, Article 3, relating to the regulation of Planned Districts in the City; and

WHEREAS, the City desires to clarify what regulations are certified as implementing its local coastal program under the Coastal Act; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager is directed to submit the Land Development Code as approved by City Council to the Coastal Commission for certification of the following provisions consistent with the Coastal Act:

Chapter 11, titled "Land Development Procedures"

Chapter 12, Article 2, titled "Land Use Plans"

Chapter 12, Article 3, titled "Zoning"

Chapter 12, Article 6, titled "Development Permits"

Chapter 12, Article 7, titled "Previously Conforming Premises and Uses"

Chapter 13, Article 1, titled "Base Zones"

Chapter 13, Article 2, Division 1, titled "General Rules for Overlay Zones"

Chapter 13, Article 2, Division 2, titled "Airport Approach Overlay Zone"

Chapter 13, Article 2, Division 4, titled "Coastal Overlay Zone"

Chapter 13, Article 2, Division 6, titled "Sensitive Coastal Overlay Zone"

Chapter 13, Article 2, Division 7, titled "Mobilehome Park Overlay Zone"

Chapter 13, Article 2, Division 8, titled "Parking Impact Overlay Zone"

Chapter 13, Article 2, Division 9, titled "Residential Tandem Parking Overlay Zone"

Chapter 13, Article 2, Division 10, titled "Transit Area Overlay Zone"

Chapter 13, Article 2, Division 11, titled "Urban Village Overlay Zone"

Chapter 13, Article 2, Division 14, titled "Community Plan Implementation Overlay Zone"

Chapter 14, Article 1, titled "Separately Regulated Use Regulations"

Chapter 14, Article 2, titled "General Development Regulations"

Chapter 14, Article 3, titled "Supplemental Development Regulations"

BE IT FURTHER RESOLVED, that the City Manager is directed to submit to the California Coastal Commission for certification concurrent with the Land Development Code (Ordinance No. O-18466 [O-98-28]) for rezones of single family areas to distinguish urbanized areas from planned and future urbanizing areas.

BE IT FURTHER RESOLVED, that the City Manager is directed to submit to the California Coastal Commission for certification concurrent with the Land Development Code the Historical Guidelines, Coastal Bluffs and Beaches Guidelines, Steep Hillside Guidelines, Biology Guidelines, and Landscape Standards adopted and revised pursuant to Resolution No. R-289460 [R-98-290].

BE IT FURTHER RESOLVED, that the certified provisions of the Land Development Code shall replace all previously certified zoning ordinances implementing the City's local coastal plan with the exception of the regulations contained in Chapter X, Article 3, of the San Diego Municipal Code, previously submitted and certified by the Coastal Commission.

APPROVED: CASEY GWINN, City Attorney

By Prescilla Dugard
Prescilla Dugard
Deputy City Attorney

PD:lc:cdk
10/10/97
10/24/97COR.COPY
Or.Dept:Dev.Svcs.
R-98-291
Form=r&t.frm

5 14

(O-98-28)

ORDINANCE NUMBER O-18446 (NEW SERIES)

ADOPTED ON DEC 02 1997

AN ORDINANCE AMENDING R1-40000, R1-20000, R1-15000, R1-10000, R1-8000, R1-6000, and R1-5000 OF THE SAN DIEGO MUNICIPAL CODE AS APPLIED IN AREAS DESIGNATED "URBANIZED" BY THE PROGRESS GUIDE AND GENERAL PLAN BY RENUMBERING THE ZONES TO THE NEW SINGLE UNIT RESIDENTIAL ZONES RS-1-1, RS-1-2, RS-1-3, RS-1-4, RS-1-5, RS-1-6, AND RS-1-7 AND AMENDING R1-40000, R1-20000, R1-15000, R1-10000, R1-8000, R1-6000, AND R1-5000 OF THE SAN DIEGO MUNICIPAL CODE AS APPLIED IN AREAS DESIGNATED "PLANNED URBANIZING" AND "FUTURE URBANIZING" BY THE PROGRESS GUIDE AND GENERAL PLAN BY RENUMBERING THE ZONES TO THE NEW SINGLE UNIT RESIDENTIAL ZONES RS-1-8, RS-1-9, RS-1-10, RS-1-11, RS-1-12, RS-1-13, AND RS-1-14 ALL RELATING TO ZONING.

BE IT ORDAINED, by the Council of The City of San Diego, that the San Diego Municipal Code and the Land Development Code are hereby amended as follows:

Section 1. That property in the portion of the City shown as "Urbanized" on Drawing No. B-4081 on file in the office of the City Clerk as Document No. OO-18446 (a copy of which is attached hereto as Exhibit A), be and the same is hereby zoned to new single unit residential zones as follows:

Old Zone	New Zone
R1-40000	RS-1-1
R1-20000	RS-1-2
R1-15000	RS-1-3
R1-10000	RS-1-4

EXHIBIT NO. 2
APPLICATION NO.
SAN DIEGO
LCPA 1-98B
City Ordinances
California Coastal Commission

R1-8000	RS-1-5
R1-6000	RS-1-6
R1-5000	RS-1-7

Section 2. That property in the portion of the City shown as "Planned Urbanizing and Future Urbanizing" on Drawing No. B-4081, on file in the office of the City Clerk as Document No. OO-18446, (a copy of which is attached hereto as Exhibit A) be and the same is hereby zoned to new single unit residential zones as follows:

Old Zone	New Zone
R1-40000	RS-1-8
R1-20000	RS-1-9
R1-15000	RS-1-10
R1-10000	RS-1-11
R1-8000	RS-1-12
R1-6000	RS-1-13
R1-5000	RS-1-14

Section 3. City departments are instructed not to issue any permit for development that is inconsistent with this ordinance unless application for such permit was submitted and deemed complete by the City Manager prior to the date this ordinance becomes effective.

Section 4. This ordinance shall not take effect until unconditionally certified by the Coastal Commission as an amendment to the San Diego Local Coastal Program and, if so certified shall take effect on the effective date of the Land Development Code adopted by

Ordinance No. O-18451

APPROVED: CASEY GWINN, City Attorney

By _____
Prescilla Dugard
Deputy City Attorney

PD:cdk
09/10/97
Or.Dept:Dev.Svcs.
O-98-28

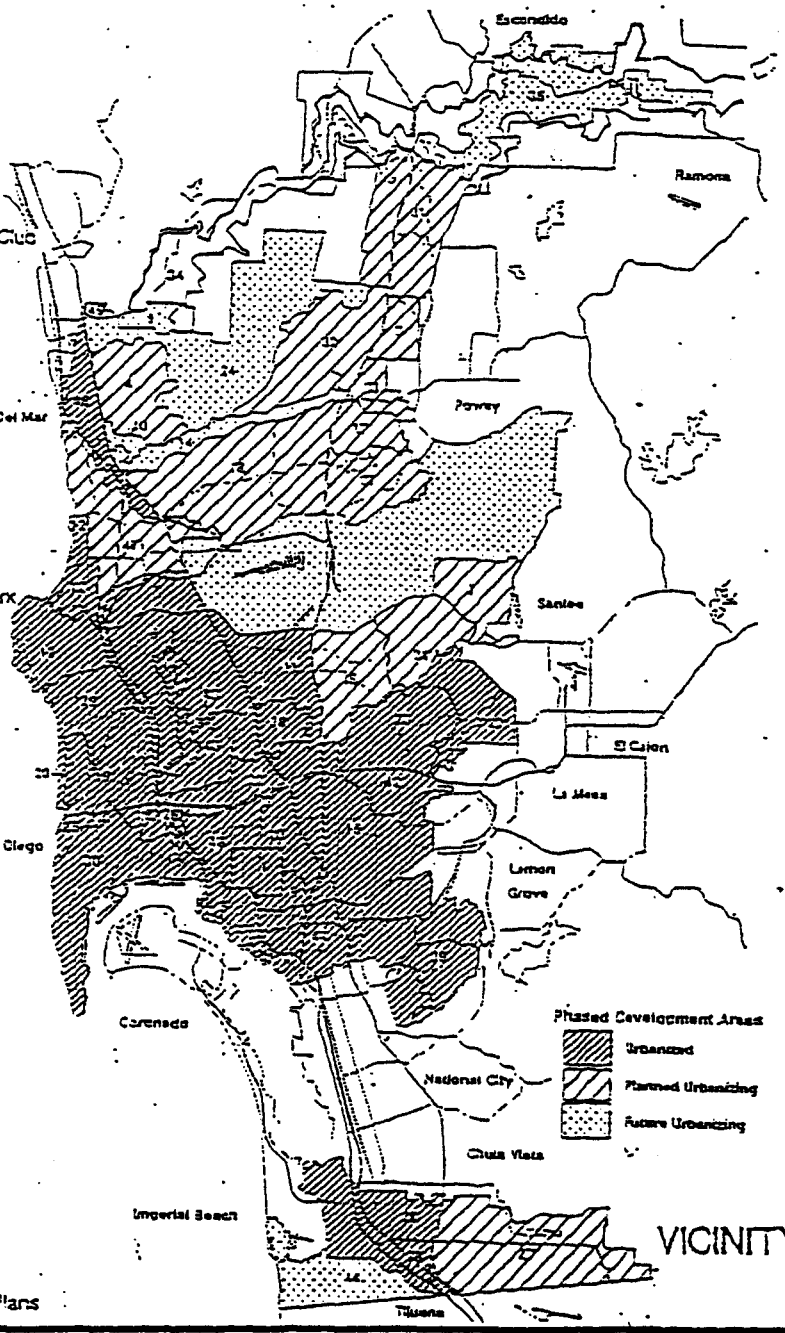
COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

PROPOSED REZONING

Planning Areas
March 1993

* 1. Balboa Park
2. Barrio Logan
3. Carmel Mountain Ranch
4. Carmel Valley
5. Centre City
6. Clairemont Mesa
7. East Elliott
8. Fairbanks Ranch Country Club
9. Greater Golden Hill
10. Greater North Park
11. Kearny Mesa
12. La Jolla / La Jolla Shores
13. Linda Vista
* 14. Los Peñasquitos Canyon Preserve
15. Mid-City
16. Midway/Pacific Highway Corridor
17. Miramar Ranch North
18. Mira Mesa
* 19. Mission Bay Park
20. Mission Beach
* 21. Mission Trails Regional Park
22. Mission Valley
23. Navajo
24. North City Future Urbanizing Area
25. Ocean Beach
26. Old San Diego
27. Otay Mesa
28. Otay Mesa/ Nestor
29. Pacific Beach
30. Peninsula
31. Rancho Bernardo
32. Rancho Peñasquitos
33. Sabre Springs
34. San Dieguito River Basin
35. San Pascual Valley
36. San Ysidro
37. Scripps Miramar Ranch
38. Serra Mesa
39. Skyline/Paradise Hills
40. Sorrento Hills
41. Southeast San Diego
42. College Area
* 43. Tecolote Canyon Park
44. Tia Juana River Valley
45. Tierrasanta
46. Torrey Pines
47. University
48. Uptown
49. Via De La Valle

*Park Plans



VICINITY MAP

ORDINANCE NO.	REQUEST Rezoning Single Unit Residential Property	CASE NO. 1191
EFF. DATE ORD.	PLAN. COMM. RECOMMENDATION Approve	
ZONING SUBJ. TO		
BEFORE DATE	CITY COUNCIL ACTION	B- 4081
EFF. DATE ZONING		
MAP NAME & NO.		

EXHIBIT A

(O-98-27)(COR.COPY)
(REV. 1)(REV. 2)(REV. 3)

ORDINANCE NUMBER O-18451 (NEW SERIES)

ADOPTED ON DEC 0 9 1997

AN ORDINANCE AMENDING THE SAN DIEGO MUNICIPAL CODE BY REPEALING: CHAPTER II, ARTICLE 6, DIVISION 2 TITLED "HISTORICAL SITE BOARD"; CHAPTER V, ARTICLE 4, DIVISION 1, SECTION 54.0120 TITLED "EXCAVATIONS — PERMIT REQUIRED"; SUB-SECTIONS: 54.0120.1 TITLED "PROCEDURE ON APPLICATION FOR PERMIT"; 54.0120.2 TITLED "PAYMENT OF FEES"; 54.0120.3 TITLED "INVESTIGATION AND RECOMMENDATION"; 54.0120.4 TITLED "CONSIDERATION BY THE CITY MANAGER"; 54.0120.5 TITLED "BOND AND CERTIFICATE OF INSURANCE"; 54.0120.6 TITLED "PREVENTING COLLAPSE OF SIDES OF EXCAVATION"; 54.0120.7 TITLED "OTHER CONDITIONS REQUIRED OF APPLICANTS"; 54.0120.8 TITLED "REVOCATION OF SUSPENSION OF PERMIT"; 54.0120.9 TITLED "EXPIRATION OF PERMITS—ISSUANCE OF SUPPLEMENTAL PERMITS"; AND 54.0120.10 TITLED "PERMIT DOES NOT EXCUSE COMPLIANCE WITH OTHER LAWS"; "CHAPTER IX, ARTICLE 1 TITLED "BUILDING CODE"; CHAPTER IX, ARTICLE 2 TITLED "ELECTRICAL CODE"; CHAPTER IX, ARTICLE 3 TITLED "PLUMBING AND MECHANICAL CODE"; CHAPTER X, ARTICLE 1 TITLED "ZONING-ZONE PLAN"; CHAPTER X, ARTICLE 2 TITLED "SUBDIVISIONS"; CHAPTER X, ARTICLE 4 TITLED "SPECIAL SIGN DISTRICTS"; CHAPTER X, ARTICLE 5 TITLED "DEVELOPMENT AGREEMENTS"; CHAPTER XI TITLED "LAND DEVELOPMENT"; AND ADDING: NEW CHAPTER 11 TITLED "LAND DEVELOPMENT PROCEDURES"; CHAPTER 12 TITLED "LAND DEVELOPMENT REVIEWS"; CHAPTER 13 TITLED "ZONES"; AND CHAPTER 14 TITLED "GENERAL REGULATIONS", ALL RELATING TO LAND DEVELOPMENT.

WHEREAS, the City Council directed the City Manager to revise the organization and

content of the San Diego Municipal Code relating to land development; and

WHEREAS, the goals of the code update project were (1) to simplify the land development regulations; (2) to make the land development regulations more objective; (3) to make the code more adaptable; (4) to eliminate redundancies and contradictions in the land development regulations; (5) to standardize the land development regulation framework; and (6) to increase predictability in the application of land development regulations; and

WHEREAS, the City Council directed that the process to develop the proposed Land Development Code be as broad and open to comprehensive public participation as possible; and

WHEREAS, the proposed Land Development Code is based upon a comprehensive review of the City's current general and community plans and strengthens the implementation of general and community plan policies while striving for citywide consistency in land use regulations, with the exception of regulations in Chapter X, Article 3, relating to planned districts; and

WHEREAS, the City has held more than 230 public forums for discussion and input by the public on the proposed revisions; and

WHEREAS, the proposed revisions have been reviewed and recommendations made by both the Planning Commission and the Land Use and Housing Committee of the City Council; and

WHEREAS, the proposed Land Development Code accomplishes the goals set for the project by eliminating inconsistencies, duplicate requirements and conflicts contained in the existing regulations and by providing an organization and format that makes regulations easier to locate by both City staff and the public, thus reducing confusion and lost time in the review

process; NOW, THEREFORE,

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

Section 1. That Chapter II, Article 6 of the San Diego Municipal Code is amended by repealing Division 2 titled "Historical Site Board."

Section 2. That Chapter V, Article 4, Division 1 of the San Diego Municipal Code is amended by repealing Section 54.0120 titled "Excavations — Permit Required", and by repealing the following Sub-Sections:

54.0120.1 titled "Procedure on Application for Permit"

54.0120.2 titled "Payment of Fees"

54.0120.3 titled "Investigation and Recommendation"

54.0120.4 titled "Consideration by The City Manager"

54.0120.5 titled "Bond and Certificate of Insurance"

54.0120.6 titled "Preventing Collapse of Sides of Excavation"

54.0120.7 titled "Other Conditions Required of Applicants"

54.0120.8 titled "Revocation of Suspension of Permit"

54.0120.9 titled "Expiration of Permits — Issuance of Supplemental Permits"

54.0120.10 titled "Permit Does Not Excuse Compliance With Other Laws"

Section 3. That Chapter VI, Article 2, of the San Diego Municipal Code is amended by repealing Division 4 titled "Grading" and Division 8 titled "Street Closings."

Section 4. That Chapter IX of the San Diego Municipal Code is amended by repealing Article 1 titled "Building Code", Article 2 titled "Electrical Code", and Article 3 titled "Plumbing and Mechanical Code."

Section 5. That Chapter X of the San Diego Municipal Code is amended by repealing Article 1 titled "Zoning - Zone Plan", Article 2 titled "Subdivisions", Article 4 titled "Special Sign Districts", and Article 5 titled "Development Agreements."

Section 6. That the San Diego Municipal Code is amended by repealing Chapter XI titled "Land Development."

Section 7. That the San Diego Municipal Code is amended by adding Chapter 11 titled "Land Development Procedures", Chapter 12 titled "Land Development Reviews", Chapter 13 titled "Zones", and Chapter 14 titled "General Regulations", attached hereto as Exhibit A and incorporated in this ordinance as though fully set forth.

Section 8. That City departments are instructed not to issue any permit for development that is inconsistent with this ordinance unless application for such permit was submitted and deemed complete by the City Manager prior to the date this ordinance becomes effective.

Section 9. This ordinance shall take effect and be in force on May 1, 1998 or on the date the Coastal Commission unconditionally certifies the provisions subject to Coastal Commission jurisdiction as a local coastal program amendment, whichever is later.

APPROVED: CASEY GWINN, City Attorney

By _____
Prescilla Dugard
Deputy City Attorney

PD:cdk
10/07/97
10/23/97COR.COPY
10/31/97 REV. 1
11/10/97 REV. 2
11/21/97 REV. 3
Or.Dept:Dev.Svcs.
O-98-27

Passed and adopted by the Council of The City of San Diego on DEC 0 9 1997, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Harry Mathis	☑	☐	☐	☐
Byron Wear	☑	☐	☐	☐
* Christine Kehoe	☑	☐	☐	☐
* George Stevens	☑	☐	☐	☐
Barbara Warden	☑	☐	☐	☐
*Valerie Stallings	☑	☐	☐	☐
Judy McCarty	☑	☐	☐	☐
* Juan Vargas	☑	☐	☐	☐
Mayor Susan Golding	☑	☐	☐	☐

* District 3,4, 6, & 8 voted nay on the Wetlands portion.

AUTHENTICATED BY:

SUSAN GOLDING
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By _____, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on NOV 18 1997, and on DEC 0 9 1997.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By _____, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number O-18451 Adopted DEC 0 9 1997

This information is available in alternative formats upon request.

CC-1055-A Rev. 11-95

Mrs. John E. Hughes
7520 Hillside Drive
La Jolla, California 92037

AUGUST 7,1998

RECEIVED
AUG 1 0 1998
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

DEBORAH LEE
DEPUTY DIRECTOR, CALIFORNIA
COASTAL COMMISSION.

DEAR DEBORAH:-

I WRITE TO YOU, BECAUSE I AM, AS ARE MANY, GREATLY ALARMED BY THE PENDING ZONING CODE UPDATE OF THE CITY OF SAN DIEGO. IT IS ACTUALLY A TOTALLY NEW CODE.
IT EXPRESSES THE CITY'S EAGERNESS FOR EXPANSION AND ACCOMMODATION OF NEW DEVELOPMENT OR REDEVELOPMENT, UNFORTUNATELY AT THE EXPENSE OF GOOD PAST PLANNING, AND WITHOUT THE NECESSARY INFRASTRUCTURE AND FUNDING. THIS WOULD CUMULATIVELY CREATE ALSO A MAJOR ADVERSE IMPACT ON THE COASTAL ZONE.
ALTHOUGH THERE ARE MANY OTHERS, I SUMMARISE ONLY A FEW EXAMPLES BELOW FOR YOUR CONSIDERATION, CONCERNING THE LOCAL COASTAL PROGRAMS.

1. PROCEDURE
   THERE IS A LACK OF PUBLIC NOTICE, OTHER THAN TO DEVELOPMENT INTERESTS. PRIVATE PROPERTY RIGHTS ARE ONLY EQUATED WITH DEVELOPMENT RIGHTS
   AT A LTC LANDUSE MEETING LAST WEEK, IT WAS REVEALED, THAT NOT EVEN COASTAL STAFF HAD RECEIVED NOTICE THAT A NEW DRAFT OF THE NEW CODE HAD COME OUT DEC.97. THE NEW CODE IS SEVERAL INCHES THICK, AND HEARINGS WERE ALREADY SCEDULED.

2. CONTENTS
   AT THIS LANDUSE MEETING, ONLY ONE MEMBER HAD OBTAINED THE NEW DRAFT CODE. WE WERE ADVISED, THAT THE LANGUAGE IS VOLUMINOUS, VAGUE AND OPEN TO MANY INTERPRETATIONS. SINCE IT IS THE INTENT OF THE CITY TO BE "BUSINESS FRIENDLY", THE FORSEEABLE RESULT WILL BE A FLOOD OF DEVELOPMENT OR REDEVELOPMENT, WITH DISREGARD FOR ESTABLISHED VALUES, AMENITIES AND ENVIRONMENTAL QUALITY, WHICH WERE CAREFULLY CONSIDERED IN THE GENERAL PLAN, COMMUNITY PLANS AND MORE SPECIFICALLY IN LOCAL COASTAL PLANS, WHICH THE PROPOSED CODE WOULD NOT IMPLEMENT. BECAUSE I LIVE IN LA JOLLA, I AM PARTIQULARLY CONCERNED ABOUT THE LA JOLLA LCP AND ITS IMPLEMENTING ORDINANCES. THEY INCLUDE THE HR REQUIREMENTS SLIDING SCALE WHICH IS TO BE ABANDONED.

EXHIBIT NO. 3
APPLICATION NO.
SAN DIEGO
LCPA 1-98B
Letter of Comment
California Coastal Commission

Mrs. John E. Hughes
7520 Hillside Drive
La Jolla, California 92037

3. ENFORCEMENT

THE CITY HAS NOT ENFORCED THE CURRENT CERTIFIED LCP ORDINANCE REQUIREMENTS, IN THE NON APPEALABLE AREA.(SOME CASES WERE BROUGHT TO YOUR ATTENTION) IT APPEARS, THE NEW CODE IS DESIGNED TO CODIFY THESE DISCREPANCIES.

4. CUMULATIVE EFFECTS

LOCAL COASTAL PROGRAMS, AND THEIR IMPLEMENTING ORDINANCES, ARE PROPOSED TO BE SUBSTANTIALLY DIMINISHED, OR REMOVED. THIS WOULD AFFECT HEIGHT LIMIT, BLUFF SETBACKS, SCENIC HILLSIDES,HAZARD AREAS, VIEW CORRIDORS, AND OPEN SPACES.

IT BECOMES CLEAR THAT OCEAN AND HILLSIDE VIEWS WILL BE WALLED OFF, SCENIC HILLSIDES CONCRETED, BEACHES OVERCROWDED AND POLUTED, THE RELIEF AND ENJOYMENT OF VEGETATED SCENERY WILL VANISH FOR RESIDENT AND TOURIST ALIKE.

5. TOURISM

APPROVAL OF MULTIMILLION DOLLAR STRUCTURES, PARTLY TO BE FUNDED WITH TOURIST TAX DOLLARS, GENERATED BY YET TO BE BUILT HOTELS, IS BEING PROMOTED. WHAT IF THERE IS A RECESSION, DROUGHT, OR OTHER ADVERSITY, HOTELS ARE NOT BUILT, OR DO NOT GENERATE THE ANTICIPATED REVENUE, IF TOURISTS DO NOT COME IN ADEQUATE NUMBERS?

THE 40 000 SEAT PADRE STADIUM, CITY COUNCIL APPROVED, IS TO PROVIDE ONLY 5000 PARKING SPACES. IF SUCCESFUL,WHAT KIND OF CONGESTION WILL THAT CAUSE FOR DOWNTOWN SAN DIEGO ? HOW WILL THIS AFFECT COASTAL RELATED ACTIVITIES ? THE COASTAL ZONE ?

THE IRONY IS, WHILE THE CITY WANTS AND NEEDS THE TOURIST TAX DOLLAR, IT IS PROPOSING TO REMOVE THE VERY LCP RESTRICTIONS WHICH MAINTAINED THE AMENITIES TO LURE IT. IS THE ASSUMPTION THAT BALLPARKS AND HOTELS CAN TAKE THEIR PLACE?

WITH THE MASSIVE BUILDOUT INLAND AND ALREADY MAJOR TRAFFIC CONGESTION EVERY WHERE, IT IS IN THE CITY'S AND EVERY ONES LONG RANGE INTEREST, TO PROTECT THE SCENIC, VISUAL AMENITIES AND ENVIRONMENTAL QUALITY OF THE COASTAL ZONE

Mrs. John E. Hughes
7520 Hillside Drive
La Jolla, California 92037

AS A LA JOLLA RESIDENT OF 38YEARS, I ASK THE COASTAL COMMISSION TO UPHOLD THE PUBLIC RIGHT TO PARTICIPATE IN PLANNING, UPHOLD THE LA JOLLA LCP AND ITS IMPLEMENTING ORDINANCES, AND THE HEIGHT LIMIT AND TO ESTABLISH A REASONABLE PROCEDURE FOR ENFORCEMENT ALSO IN THE NON APPEALABLE AREAS.

RESIDENTS AND VISITORS OF SAN DIEGO WILL BE INDEBTED TO YOU IF YOU DO.

SINCERELY

ATTI HUGHES

Atti Hughes

SIERRA CLUB, SAN DIEGO CHAPTER
San Diego and Imperial Counties
3820 Ray Street
San Diego, CA 92104-3623

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

California Coastal Commission
3111 Camino Del Rio North, Suite 200
San Diego, CA 92108-1725
August 13, 1998
ATTN: Deborah Lee, Deputy Director
Sharilyn Sarb, District Manager

ZONING CODE UPDATE: COMMENTS ON COASTAL ISSUES

Dear Deborah:

Thank you on behalf of the San Diego Sierra Club for the opportunity to meet with you July 31 to discuss outstanding coastal issues in regard to the San Diego Zoning Code update (ZCU). In consideration of the Coastal Act standard of review (Section 30513), please note the following issue areas wherein we believe the ZCU does not conform with, nor is it adequate to carry out, the certified land Use Plans (LUPs). In fact, the salient characteristic of the City's Local Coastal Program (LCP) submittal appears to be its absolute, unpredictable flexibility.

ISSUE AREAS:

1. I. THE 'PROJECT' IS INCOMPLETE.
   A. City staff at the August 13 Citizen' Advisory Committee meeting stated that the ZCU does not establish the Land Development Manual (LDM), nor application, submittal, threshold, and other procedures. These actions will occur after submittal to the Coastal Commission.
   B. A work program to modify Planned District Ordinances is scheduled to begin within 3 months after Code adoption.
   C. While City staff will submit to Coastal staff within two weeks technical corrections to the ZCU, identified policy issues will, according to staff, likely be brought to the Commission hearing for inclusion in the Update. While we appreciate the City's desire to move ahead with identifying problem areas within the LDC, none has gone through public review. Has Coastal staff considered how changes to the Code, as approved in December, 1997, will be addressed by the Commission?
   D. The Club has raised concerns in public testimony regarding changes made to the LDC during the City's Regulatory Relief processes. Changes in grading thresholds and street vacation and easement abandonment actions, which we believe have the potential for harm to physical and visual access, were approved by the City Council in December, 1997, immediately following adoption of the LDC. To avoid the City's piecemeal approach, we urge the Commission to include these actions in its consideration.
   E. We recommend that an LCP adequate to carry out the certified LUPs should include, at a minimum, all relevant sections of the proposed LDC and/or the existing Municipal Code that relate to construction and development review, regulation, and enforcement procedures; CEQA Guidelines; standards and regulations relating to Subdivisions; MHPA subarea plans; Encroachment; Street and Easement Vacations; and Code Violation and Enforcement procedures. We believe protection of Coastal access and conformance with certified LUPs depends on inclusion of these Sections in the LCP.

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EXHIBIT NO. 4
APPLICATION NO.
SAN DIEGO
LCPA 1-98B
Letter of Comment
California Coastal Commission

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California CoastalCommission
3111 Caminodel Rio North, Suite 200
San Diego, CA 92108
August 13, 1998

INFORMAL OUTLINE OF ZCU ISSUES RAISING ISSUES OF CONFORMANCE AND ADEQUACY TO CARRY OUT CERTIFIED LUPS AND LCP.

I. INCOMPLETE PROJECT- See Cover letter for full discussion
   A. Land Dev. Code (LDC) does NOT establish Land Dev. Manual (LDM), application, submittal, and dev. threshold procedures. Will come later, acc. to staff.
   B. PDO changes upcoming 3 mo. after adoption
   C. City staff policy corrections to Code slated to come forward at CC hearing.

II. LDC LACKS SPECIFICITY NEEDED TO INSURE PREDICTABILITY, CONSISTENCY OFAPPLICATION, AND JUDICIAL REVIEW. ABSOLUTE, UNPREDICTABLE FLEXIBILITY WILL LEAD TO BLIZZARD OF "INTERPRETATIONS." EXAMPLES:
   A. Code requirements changed to Guidelines. Standards would replace Regulations.
   B. Mandatory language eliminated wholesale throughtout the LDC, in both the Code and Guidelines. See Biology Guidelines in toto, and as an example, Sensitive Bio. Guidelines 143.0141 ff.
   C. Legal terms of art, such as "setback," have been replaced (143.0143(f). This change would facilitate fence and wall construction in bluff edge setback.
   D. USES: now in "categories;" not necessarily specific. E.G., FW and FPF zones are now combined in the OF Zone, whose uses do not appear to conform. Also see OS uses in HR and Sens Bio. development.
   E. Lack of specific % limiting deviation and alternative compliance does not appear to conform with LUP policies and LCP requirements for HR, Historic resources, Visual, and Sensitive Bio. policies.
   F. SUBSTANTIAL CONFORMANCE: MAJOR/MINOR DETERMINATIONS: Need to be codified.
   G. REPLACE SCHEMATIC/CONCEPTUAL project review with review of Preliminary plans.

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10. STANDARD OF REVIEW:Conformance with existing LUPs is not restricted simply to Base Zone as in Steep HS Guide., C.2&3, p. 45. Nor are current LUPs based on policies being superseded by"other City regs., policies, and plans. Instead, where there is conflict, the OS element and the LCP prevail. Required conformance with MHPA, under the ESA, (e.g.,Bio. Guide., 4, p. 29),should not trump the Coastal mandate.

B. SENSITIVE COASTAL RESOURCE ISSUES:

1. WALLS & FENCES: late '97 Code changes do not conform with LUPs:
   a. "Setback" replaced with "distance." 143.0143(f).
   b. Walls added as permitted use in sensitive coastal bluff area. 143.0130(a)(7)
   c. Fences would be allowed within 5' bluff edge setback. 143.0143(f)(3).
2. PUBLIC VIEW PROTECTION: Coastal Bluff Guide., Sec.II D and G; 143.0144(c); and 143.0143(j) all require any visual corridor to be "identified" in the LUP to qualify for "enhancement."

C. WETLANDS: (THE SIERRA CLUB wholly endorses the Audubon Society letter regarding the TJRVP LUP, which raises among issues, those of allowed uses, mitigation, monitoring, and conformance with wetlands and primary agricultural land protections under the Coastal Act.

1. BUFFER DIMENSIONS ARE NOT SPECIFIED (143.0141(b); and are to be required only "when necessary and appropriate."
2. LDC would regulate "impacts," not "uses."(143.0141 (b) and (c)
3. ALLOWABLE DEVELOPMENT AREA: 143.0141 (d) and (f) raises conformance concerns re future development.
4. USES: Please check OF Zone uses for conformance

D. AGRICULTURAL ZONES: Conformance issues 1. USES: Conformance issue, 131.0322

2. REDUCTION IN NATURAL OS REQUIREMENT: 143.0450(c)

Joanne Pearson
Co-Chair
Coastal Committee

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SUMMARY: ZONING CODE UPDATE ISSUE AREAS
Sierra Club Coastal Committee
August 18, 1998
Updated: August 24, 1998

1. PROCEDURAL DUE PROCESS

   - No public notice of final November 1997 Draft of Land Development Code and reworked Land Development Manuals. No Change Summary or strikeout/underline version provided

2. EIR ISSUES: No analysis of indirect impacts; no evidentiary findings substantiating Statement of Overriding Considerations or proposed Categorical exclusion of vast coastal areas from LCT review.

3. PROJECT IS INCOMPLETE

   - REGULATORY RELIEF measures regarding grading and street and easement actions were approved one week after adoption of the Code; they should be included in Coastal review.

   - ZCU does not establish Land Development manuals and other critical procedures

   - Certified Local Coastal program should include all relevant sections of the proposed Code and/or existing Municipal Code, as well as Land Development Guidelines manuals.

3. PROPOSED CODE LACKS SPECIFICITY needed to insure predictability, consistent application, and adequate judicial review.

   - Code requirements changed to guidelines

   - Mandatory language eliminated wholesale throughout both Code and Guidelines

   - Legal terms of art have been deleted and replaced, i.e., "setback" has been replaced with non-legal term "distance."

   - No specific % limits to project deviations

   - Critical terms, such as "substantial conformance," "major/minor" determinations lack specific definition and codification

   - Specific zone uses would be replaced by "Use Categories," with unpermitted uses, unless separately regulated, to be allowed as Accessory uses (131.0125(b) referencing 113.0103).

   - Variance threshold in relation to maximum by-right development allowances is unclear.

4. CODE DEFICIENCIES in regard to Environmentally Sensitive Lands Standards and Regulations:

   - HILLSIDE REVIEW: Excessive encroachment allowances; Mitigation incentive to be directed to MSCP; Additional Development Allowances under split lot zoning;; potential loss of Community Open Space protection; unspecified Deviation and Alternative Compliance allowances; Reduction of required natural Open Space under Planned Development Permits; Brush management reductions, and Standard of Review

   [illegible] buffer dimensions LDC would [illegible] increase not lower. Allowable

Implementing language in Biology Guidelines appears legally insufficient; and lacks requisite specificity to ensure consistency and enforceability. e.g. 143.0141ff.Dev. Regs.

- COASTAL DEVELOPMENT PERMIT; Categorical exclusion would prematurely exclude most development from coastal review. Coastal standard of review (conformance with the LUP) would be confused by City's plan to also require Site Development Permit, whose standard of review (will not adversely affect), under legal precedent, would be inadequate to carry out Coastal LUP standards, policies, and plan recommendations. Other issues: Purpose & Intent clause needed; specific access finding needed; standard of review must be "conformance with LUP."

- SENSITIVE COASTAL RESOURCE ISSUES; Bluff edge determination; Public view protection; Lateral access preservation; Bluff edge stability

  prone to "slipping"

- AGRICULTURAL ZONES: Allowable uses; Development area; and Reduction in natural OS requirement

- MSCP IN RE COASTAL ACT; Federal endangered species mandate under NCCP/MSCP should not supersede federal and state mandated Coastal Act protections. Such interpretation was never intended by state or federal participants. MSCP/MHPA is not codified; should be included in certified LCP. A reversion clause is needed, should funding for MSCP not be acquired.

- VARIANCE & CUP: New P&I language keys in to "Previously Conforming" provisions, and could trump restoration and enhancement. All "maximum allowances" are open to at least 20% increase. Permit thresholds for by-right allowances is unclear.

- HISTORIC RESOURCES ISSUES: Demolition procedures; Identification procedures; minimum maintenance provision needed; unlimited deviation allowed "to accommodate the development."

This summary is subject to additions and corrections based on further identification of ZCU issues. For questions or additional information, please contact Joanne Pearson at 459-7041 or by e-mail at silcooper@aol.com.

Joanne H. Pearson, Co-Chair
Sierra Club Coastal Committee

Joanne H. Pearson

OCT 14 1998

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

California State Senate

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DEDE ALPERT
THIRTY-NINTH SENATORIAL DISTRICT

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COMMUNITY DEVELOPMENT
CRITICAL THINKING AND PROBLEM SOLVING IN OUR SCHOOLS
ECONOMIC DEVELOPMENT

VIA FACSIMILE

October 13, 1998

California Coastal Commission
Rusty Areias, Chairman
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: San Diego LCP Amendment No. 1-98B (Land Development Code)

Dear Chairman Areias and Commissioners:

We are writing to request the Commission reschedule the discussion and vote on the San Diego LCP Amendment No. 1-98B until the City of San Diego responds in writing to numerous concerns raised by Commission staff, and there has been adequate time and opportunity for public review of the City's final proposal.

Commission staff is to be commended for its comprehensive analysis of the complete revision of all land development regulations contained in the City of San Diego's Municipal Code. Staff has raised numerous concerns which demand scrupulous review. We believe the prudent course of action would be postponement of this item until the Commission's next Southern California meeting.

Thank you for your thoughtful consideration of this request.

Sincerely,

Dede Alpert

Senator Dede Alpert
39th District

Howard Wayne

Assemblyman Howard Wayne
78th District

EXHIBIT NO. 5
APPLICATION NO. LCPA #1-98B
Letters of Comment
California Coastal Commission

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OCT 07 1998
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Mrs. John C. Hughes
7520 Hillside Drive
La Jolla, California 92037

OCTOBER 6,1998

RE: OCT. 15/98 HEARING
MAJOR AMENDMENT 1-98 A

CHAIR, RUSTY AREIAS AND MEMBERS OF THE COASTAL COMMISSION:-

I WRITE AS ONE OF MANY WHO WANT TO MAINTAIN OUR LOCAL COASTAL PROGRAMS, TO SAVE WHAT IS LEFT OF OUR ENVIRONMENTAL QUALITY, AND SENSITIVE COASTAL NATURAL ENVIRONMENT.
AS YOU KNOW, THESE LCPs TOOK MANY YEARS TO DEVELOP, REPRESENT THOUSANDS OF HOURS OF PUBLIC INVOLVEMENT AND MAJOR COMPROMISES, BEFORE THEY WERE CERTIFIED.
NOW, EVEN THIS MINIMAL PROTECTION IS PROPOSED TO BE TAKEN AWAY BY THE CITY. IT DOES NOT INSTILL TRUST, IF SOUND ESTABLISHED LONGTERM PLANNING CAN BE TAKEN AWAY AT WILL.
ALTHOUGH I AM ONE OF FEW, AWARE OF THE CITY"S SUBMITTAL OF A CODE THAT WOULD ELIMINATE LCP ORDINANCES, I HAVE NOT SEEN THE LATEST DRAFT.

WHEN I READ THE COASTAL STAFF REPORT OF 9/09/98 I NOTICED DOCUMENT 18446 , CONCERNING ZONE CHANGES INCLUDING THE R1-40 000 ZONE, FORMERLY THE ONLY OPEN SPACE ZONING IN SAN DIEGO. IN IT IT IS STATED, IT IS AVAILABLE AT THE CITY CLERK. IT ALSO REFERS TO "CONSISTENCY WITH THE ORDINANCE" . MY PROPERTY IS IN R 1-40 000, AND I REQUESTED A COPY OF ITS PROPOSED REQUIREMENTS FROM THE CITY CLERK. HE ADVISED ME, THAT I NEEDED TO CONTACT CITY STAFF FOR THAT INFORMATION, AND GAVE ME THE NUMBER. I CALLED AND WAS TOLD THIS STAFFMEMBER NO LONGER WORKS WITH THE ISSUE, AND WAS AGAIN REFERRED. I CALLED WHERE DIRECTED BUT STAFF COULD NOT GIVE ME THE INFORMATION. I WAS PROMISED TO BE CALLED BACK.
THE REASON I WRITE THIS IS, TO SHOW HOW DIFFICULT IT IS TO GET ANY INFORMATION, AND BECAUSE IT IS DISTURBING THAT THE REQUIREMENTS OF AN ORDINANCE SUBMITTED FOR A MAJOR LCP AMENDMENT, IS NOT AVAILABLE AT THE CITY CLERK AS STATED.

Ex. #5

Mrs. John E. Hughes
7520 Hillside Drive
La Jolla, California 92037

RE: MAJOR AMENDMENT 1-98 A

I AGREE WITH THE COASTAL STAFF REPORT OF 9/09/98, CONCERNING THIS MAJOR AMENDMENT, WHICH APPEARS TO BE A NULLIFICATION REQUEST.

I URGE THE COMMISSION TO SUPPORT THE RECOMMENDED MODIFICATIONS TO MAKE IMPLEMENTATION OF OUR LANDUSE PLANS POSSIBLE IN THE FUTURE.

I ALSO ASK THE COMMISSION TO ESTABLISH A PROCESS FOR ENFORCEMENT OF THE COASTAL CODES IN THE NONAPPEALABLE AREAS SUCH AS OUR HILLSIDES.

TO CLARIFY THE REASON FOR THIS REQUEST, I GIVE YOU A FEW EXAMPLES. TO FORCE ACCESS INTO MOUNT SOLEDADS STEEP HILLSIDES , LOCATED IN THE SEISMIC RISK/GEOLOGIC UNSTABLE AREAS, VEGETATED WITH COASTAL SAGE SCRUB/ CHAPARRAL, LISTED ON THE SENSITIVE LANDS MAP OF THE LCP, AND THE OPEN SPACE MAP OF THE COMMUNITY PLAN, AND OF HIGH SCENIC QUALITY, THE CITY APPROVED:
ON AND TO FLAGLOTS (NO FRONTAGE BUT THE DRIVEWAY WIDTH) 30% STEEP DRIVEWAYS, 150' OR LONGER - HIGH VERTICAL CUTS, REQUIRING UNSIGHTLY RETAINING WALLS,SOME ON THE PROPERTY LINE. - 45% OR MORE ENCROACHMENT WHERE 20% OR LESS IS MAXIMUM. - LACK OF FIRE ACCESS, RELYING ON SPRINKLING SYSTEMS IF INSTALLED WHEN WATER BECOMES AVAILABLE. - FIREWALLS INSTEAD OF SETBACKS. - HEIGHT MEASURED FROM FILL INSTEAD OF THE ORIGINAL GRADE.

I REGRET THAT I AM NOT ABLE TO COME TO THE OCTOBER 15/98 HEARING BUT I HOPE YOU WILL GIVE THE ABOVE YOUR VERY MUCH NEEDED CONSIDERATION. PLEASE SAVE OUR COASTAL ZONE FROM BEING PAVED OVER AND FROM BECOMING UNLIVABLE.

RESPECTFULLY SUBMITTED

Abi Hughes

Ex. #5

SIERRA CLUB, SAN DIEGO CHAPTER
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SAN DIEGO COAST DISTRICT

SAN DIEGO LCP AMENDMENT NO. 1-98B (LAND DEVELOPMENT CODE)
RECOMMENDATION: DENY AS PROPOSED: SUPPORT STAFF SUGGESTED MODIFICATIONS

Hon. Rusty Areias, Chairman
California Coastal Commission
October 7, 1998

Dear Chairman Areias and Commissioners:

The San Diego Sierra Club, through its Coastal Committee, would like to convey its belief that the San Diego Land Development Code (LDC) before you today is far more than a "streamlining" of the City's development regulations. Instead, we believe the LDC represents a fundamental challenge to the foundations of longstanding Coastal Act policies, administrative regulations, and planning procedures.

Since 1991, we, along with other community groups and members of the public, have commented in great detail on inadequacies of the proposed LDC. In December, 1997, however, San Diego's Mayor and City Council majority approved a LDC which we believe fails to conform with, nor is it adequate to carry out, the certified Land Use Plans (LUP), as required by Section 30513 of the Act.

In particular, we are disturbed by the impact the LDC would have on the Coastal Standard of Review and the preeminence and binding nature of the certified Land Use Plan (LUP). Under the LDC, the lion's share of coastal development review would be shifted from the current CDP process to newly created City permits (Neighborhood and Site Development Permits). Under the new permits, a project could be approved, so long as it did not "adversely affect" the LUP. Such a standard stands in distinct contrast to the Coastal standard of "conformance with the certified LUP and LCP." Nor are we reassured by the San Diego City Attorney's assertion that San Diego, as a Charter City, does not have to carry out provisions of adopted LUPs "with any degree of particularity."

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We, therefore, urge you today to give full support, as do we, to the suggested modifications proposed by your staff. While the hearing records are replete with public comments regarding the inadequacy of the LDC to protect coastal resources, staff modifications would go far toward closing the gaps. We believe that anything less would result in degradation of the very standards the Commission is empanelled to protect.

In particular, we believe staff's decision to create a section specifically for Coastal Overlay Zone regulations, while leaving intact the City's MSCP regulations, will serve to eliminate confusion and mistakes by planners, applicants, and members of the public.

Further, we strongly disagree with the City's policy directive that the largely urbanized San Diego Coastal Zone should be regulated at a lower citywide level. Anticipated population pressures, increasing water quality control problems, and continuing losses of significant coastal wetlands and hillsides appear to dictate just the opposite approach. These conditions, combined with San Diego's dismaying historic lack of adequate implementation and Code enforcement, raise the question of whether even current protections are adequate, particularly in the non-appealable zone.

In conclusion, only with Commission adoption of staff's suggested modifications in their entirety, can we be assured that coastal protections will be adequately clear and in place for those who come to use the San Diego Land Development Code, both now and in the future.

Thank you for your consideration.

Joanne H. Pearson

Joanne H. Pearson, Co-Chair
San Diego Sierra Club Coastal Committee

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CALIFORNIA
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SAN DIEGO COAST DISTRICT

September 30, 1998

Honorable Rusty Areias, Chairman
California Coastal Commission
San Diego Coast Area
3111 Camino Del Rio North
San Diego, CA 92108-1725

Re: SD LCP Amendment No. 1-98B(Land Development Code)

Dear Chairman Areias and Commissioners:

The Trustees of the La Jolla Town Council wish to convey their support for the modifications suggested by the Coastal Commission staff to the proposed San Diego Land Development Code.

The Town Council fully supports the City's stated goal of producing a code that is easy to understand and use. However, we cannot support this proposed code. It compromises the protection of our public coastal resources simply for the sake of streamlining and accomodating development. Over the past months, the Town Council has raised serious questions about the effect of these changes on coastal hillsides and bluffs, public views, historic resources, and public access.

The City emphasizes the convenience of regulating development in all areas of San Diego according to the same standards. But if the City is insistent on enforcing the same environmental standards throughout the City, it can raise the level of citywide protection to the coastal level. It should not reduce coastal protections. As the Commission is aware, the impacts of coastal projects are not the same as the impacts of inland development. We in California have recognized through the Coastal Act that our coast is special and it deserves special treatment. While we in the coastal communities of San Diego deserve no more protection than the rest of the state, we certainly deserve no less.

San Diego can do better than this. We can and should simplify the protection of resources without actually sacrificing their protection. We ask the Commission to adopt the proposed modifications and forward them to the City.

Yours very truly,

Martin Mosier, President

Ex. #5

P.O. BOX 1101, LA JOLLA, CALIFORNIA 92038 TELEPHONE 619 / 454-1444

Ex. #5

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National Office:
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San Clemente, CA 92672
E-mail: Surfrider0@aol.com
1-800-743-SURF

Surfrider Foundation
San Diego County Chapter

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

October 9, 1998

California Coastal Commission
311 Camino del Rio North, Ste 200
San Diego, CA 92108

SUBJECT: Staff recommendation on City of San Diego Major LCP Amendment#1-98B

Honorable Commissioners:

The San Diego County Chapter of the Surfrider Foundation (SDCCSF) agrees with the staff recommended resolutions and motions but respectfully recommends the following changes to the suggested modifications:

SUGGESTED MODIFICATIONS FOR LAND DEVELOPMENT CODE

#7- Chapter 11/Article2/Division3;Notice
Section 112.o302(b)(2)

ADD to the end of item 2 : "and community and environmental groups with jurisdiction in the area". The SDCCSF would like to be included in this notifications by mail.

#25 Section 126.0704(a) Exemptions from a Coastal development permit

ADD: (10) Improvements that will result in increased surface runoff going seaward or increased water percolation within 50 feet of a bluff edge.

#28 Section 126.0708(b), Findings for Coastal Development Permit Approval

ADD to the end of (b) :"recreational use areas."

#29 Section 126.0722, Beach sand Mitigation Fee

ADD to the end of (b): "The calculation of the mitigation fee shall include not only the value of the sand lost at the time of the project, but also an allowance for periodic replenishment of that volume of sand." Sand cannot be replenished once and hope it will stay there forever.

#92 New section (page 56 of the staff report) : Development Regulations for Sensitive Coastal bluffs-Relocated from Section 143.0143

(f)(1) The SDCCSF strongly disagrees with permitting structures within 40 feet of the bluff edge. The stability of the bluff cannot be adequately predicted as is evidenced by many structures around the city once "a safe distance from the bluff edge" now dangerously close to edge. In case of unforeseen rapid bluff erosion or bluff failure years down the line, property owners with structures between 25 and 40 feet from the bluff edge will be trying to install "shoreline protection devices" in the future.
"Shoreline protection devices" is a misnomer. The shoreline is a dynamic body, ever eroding and changing. The devices referred to are shoreline property protection devices and shall be referred to as such.

(g) ADD at the end: "Rip rap or revetment shall be allowed at the bluff bottom on the beach under any circumstances"

New section (page 59 of the staff report) : Development Regulations for Coastal Beaches-Relocated from Section 143.0144

(f)The report shall include a lifetime cost/benefit analysis comparing relocating the structure vs. A shoreline property protective work.

(g)ADD after "..existing principal structure," the following: "not capable of being relocated...".

New section (page 62 of the staff report) : Development Regulations for Floodplains

(b)(1)(E) ADD to the end "..and determined by means of water quality monitoring and modeling"

SUGGESTED MODIFICATIONS FOR LAND DEVELOPMENT MANUAL
COASTAL BLUFFS AND BEACHES GUIDELINES-SUGGESTED MODIFICATIONS

#5 (2) (page 73 of staff report)
The SDCCSF strongly disagrees with permitting structures within 40 feet of the bluff edge. The stability of the bluff cannot be adequately predicted as is evidenced by many structures around the city once "a safe distance from the bluff edge" now dangerously close to edge. In case of unforeseen rapid bluff erosion or bluff failure years down the line, property owners with structures between 25 and 40 feet from the bluff edge will be trying to install "shoreline protection devices" in the future.

#6 (3) ADD at the end: "and do not add any runoff directed towards the bluff edge."

Sincerely,

Oscar Gonzales, Environmental Task Force

Ex. #5

California State Senate

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COMMUNITY DEVELOPMENT
CRITICAL THINKING AND PROBLEM SOLVING IN OUR SCHOOLS
ECONOMIC DEVELOPMENT

FACSIMILE TRANSMISSION

DATE: 10/14/98

TO: Diane

FAX #: 521-9672

FROM: MARY ANN McCARTHY
(619) 645-3090
(619) 645-3094 (F)

PAGES: 2

SUBJECT: Please hand deliver copies of the attached letter to the Commissioners prior to their October 15, 1998, meeting in Oceanside.

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Ex #5

Th 9b

THE CITY OF
SAN DIEGO

JUDY McCARTY
COUNCILMEMBER
SEVENTH DISTRICT

October 14, 1998

Chairman Rusty Areias
California Coastal Commission
1400 "N" Street Suite 9
Sacramento CA 95814

Dear Chairman Areias

I'm writing today to convey the City of San Diego Council's support for the proposed Land Development Code which represents a major and much needed rewrite of the City's Municipal Code. The City Council action on Land Development Code supports the objectives of simplification, predictability, consistency, objectivity, and adaptability.

This is especially important in relating to the needs for the single dwelling unit and the small business owner. The proposed Land Development Code assures protection and preservation of our coastal resources. Applicants, such as the single dwelling unit or small business owner, will have a consolidated approach to their development proposals, clarification of which regulations apply to their project, a reduction in types of permits; and most important a predictability with the entire development process.

It is important to note the active role of technology to further meet the goal of insuring the proposed Land Development Code is available to the public. The entire Code can be accessed via the Internet and the City's web site. The City's Geographic Information System (GIS) provides maps and show areas of concern, i.e. coastal zone, steep hillsides, Multiple Habitat Preserve Areas, and wetlands.

Sincerely,

Judy

Judy McCarty
Chair
Land Use and Housing Committee
City of San Diego

Received at Commission Meeting
OCT 15 1998

cc: Coastal Commission Staff

Ex #5

Th 9a

Building Industry Association of San Diego County
6336 Greenwich Drive, Suite A
San Diego, CA 92122
619-450-1221

October 14, 1998

California Coastal Commission
c/o San Diego Area Office
3111 Camino Del Rio North, Suite 200
San Diego, CA 92108-1725

Dear Chair & Commissioners:

The Building Industry Association of San Diego County welcomes an opportunity to comment on Major Amendment 1-98A (MSCP Land Use Plan Revision) for the City of San Diego Local Coastal Program.

As a representative of the regulated community, the BIA has partnered with government and environmental groups in the conception and subsequent progress of the MSCP. We look forward to the continued efforts to build upon multiple species planning.

The consequences of 1-98A demand that all concerned throughly review the amendment so that we may fully understand its impacts. Due to the voluminous nature of the report and the limited time for critical analysis, we respectfully request that the Commission continue this issue to allow for a comprehensive review.

Since the regulated community bears the brunt of the proposed regulations, it is in the interest of fairness that we be allowed adequate time for a thorough evaluation.

The BIA appreciates the Commission's efforts to respond to the needs and concerns of the regulated community. Your favorable consideration of this request is appreciated.

Sincerely,

Matthew J. Adams
Director of Governmental Affairs
Building Industry Association

mja:sw

Received at Commission Meeting

OCT 15 1998

From: _____

Ex #5

SIERRA CLUB, SAN DIEGO CHAPTER
San Diego and Imperial Counties
3820 Ray Street
San Diego, CA 92104-3623

Office (619) 299-1743
Conservation (619) 299-1741
Fax (619) 299-1742
Voice Mail (619) 299-1744
EBBS (619) 299-4018

SUMMARY: ZONING CODE UPDATE ISSUE AREAS
Sierra Club Coastal Committee
August 18, 1998
Updated: August 24, 1998

1. PROCEDURAL DUE PROCESS

   - No public notice of final November 1997 Draft of Land Development Code and reworked Land Development Manuals. No Change Summary or strikeout/underline version provided.

2. EIR ISSUES: No analysis of indirect impacts; no evidentiary findings substantiating Statement of Overriding Considerations or proposed Categorical exclusion of vast coastal areas from LCP review.

3. PROJECT IS INCOMPLETE

   - REGULATORY RELIEF measures regarding grading and street and easement actions were approved one week after adoption of the Code; they should be included in Coastal review.

   - ZCU does not establish Land Development manuals and other critical procedures

   - Certified Local Coastal program should include all relevant sections of the proposed Code and/or existing Municipal Code, as well as Land Development Guidelines manuals.

3. PROPOSED CODE LACKS SPECIFICITY needed to insure predictability, consistent application, and adequate judicial review.

   - Code requirements changed to guidelines

   - Mandatory language eliminated wholesale throughout both Code and Guidelines

   - Legal terms of art have been deleted and replaced, i.e., "setback" has been replaced with non-legal term "distance."

   - No specific % limits to project deviations

   - Critical terms, such as "substantial conformance," "major/minor" determinations lack specific definition and codification

   - Specific zone uses would be replaced by "Use Categories," with unpermitted uses, unless separately regulated, to be allowed as Accessory uses (131.0125(b) referencing 113.0103).

   - Variance threshold in relation to maximum by-right development allowances is unclear.

4. CODE DEFICIENCIES in regard to Environmentally Sensitive Lands Standards and Regulations:

   - HILLSIDE REVIEW: Excessive encroachment allowances; Mitigation incentive to be directed to MSCP; Additional Development Allowances under split lot zoning;; potential loss of Community Open Space protection; unspecified Deviation and Alternative Compliance allowances; Reduction

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- of required natural Open Space under Planned Development Permits; Brush management reductions; and Standard of Review

- WETLANDS: Unspecified buffer dimensions; LDC would regulate impacts, not uses; Allowable development area is unclear; and permitted Uses appear to conflict with certified LUPs. Implementing language in Biology Guidelines appears legally insufficient; and lacks requisite specificity to ensure consistency and enforceability, e.g. 143.0141ff.Dev. Regs.

- COASTAL DEVELOPMENT PERMIT; Categorical exclusion would prematurely exclude most development from coastal review. Coastal standard of review (conformance with the LUP) would be confused by City's plan to also require Site Development Permit, whose standard of review (will not adversely affect), under legal precedent, would be inadequate to carry out Coastal LUP standards, policies, and plan recommendations. Other issues: Purpose & Intent clause needed; specific access finding needed; standard of review must be "conformance with LUP."

- SENSITIVE COASTAL RESOURCE ISSUES; Bluff edge determination; Public view protection; Lateral access preservation; Bluff edge stability

- AGRICULTURAL ZONES; Allowable uses; Development area; and Reduction in natural OS requirement

- MSCP IN RE COASTAL ACT; Federal endangered species mandate under NCCP/MSCP should not supersede federal and state mandated Coastal Act protections. Such interpretation was never intended by state or federal participants. MSCP/MHPA is not codified; should be included in certified LCP. A reversion clause is needed, should funding for MSCP not be acquired.

- VARIANCE & CUP: New P&I language keys in to "Previously Conforming" provisions, and could trump restoration and enhancement. All "maximum allowances" are open to at least 20% increase. Permit thresholds for by-right allowances is unclear.

- HISTORIC RESOURCES ISSUES: Demolition procedures; Identification procedures; minimum maintenance provision needed; unlimited deviation allowed "to accommodate the development."

5. IMPLEMENTATION & ENFORCEMENT
   - INTERPRETATIONS: Clarity of coastal suggested mods. needed to prevent inconsistency and favored treatment
   - THE NON-APPEALABLE ZONE: Process 2 with no public hearing and no staff report would seriously impact public participation. Steep hillside projects under any hearing process would not be appealable. Clarity of regulations is therefore critical.
   - PUBLIC PARTICIPATION: Appeal fees issues

6. FORMAT: Separate section for Coastal Overlay Zone regulations has merit; should be considered

This summary is subject to additions and corrections based on further identification of ZCU issues. For questions or additional information, please contact Joanne Pearson at 459-7041 or by e-mail at sihoover@aol.com.

Joanne H. Pearson, Co-Chair
Sierra Club Coastal Committee

Joanne H. Pearson

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Joanne H. Pearson, Co-Chair
Sierra Club Coastal Committee

Joanne H. Pearson

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Ex. #5

Community Planners Committee
Community & Economic Development Department • City of San Diego • 202 C Street, 4th Floor, San Diego, CA 92101

th9b

RECEIVED
OCT 14 1998
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

September 24, 1998

California Coastal Commission
3111 Camino Del Rio North, Suite 200
San Diego, CA 92108

Attention: Deborah Lee, Deputy Director
Sharilyn Sarb, District Manager

Dear Ms. Lee and Ms. Sarb:

Subject: California Coastal Commission Staff September 9, 1998 Proposed Modifications to the City of San Diego Land Development Code

The Community Planners Committee of the City of San Diego has, on behalf of our communities, worked on the Land Development Code revisions for more than two years. We greatly appreciate the Coastal staff diligence on assuring the code revisions adequately protect our coastal resources.

The CPC comments on your proposed changes insofar as they relate to our approved positions of April 24, 1997 and July 22, 1997 (both attached), with emphasis on community plans adherence as a basis for discretionary land use actions and on strong protection of hillside and coastal resources.

It is important to note that our comments on your proposals do not reflect whether or not the City's final draft code is inadequate in these areas. We worked hard with City staff to incorporate language in accordance with our position, and support much of what was finally drafted. However, where the Coastal staff recommendations reflect our positions, we believe it is important to support these principles. It is up to the Coastal Commission and City staff to determine which language best meets our positions.

Ex #5

Below we cite examples of where the Coastal Commission's staff recommendations convey our positions:

Chapter 12 Neighborhood Development Permit Procedures

126.0404(a)(1) Findings for all Neighborhood Development Permits

> (1) "The proposed development will not adversely affect the applicable land use plan. Within the Coastal Overlay Zone, the granting of a Neighborhood Development Permit shall include a finding that the request conforms with, and is adequate to carry out, the certified Land Use Plan;"

and

Chapter 12 Site Development Permit Procedures

126.0504(a)(1) Findings for all site Development Permits

> (1) "The proposed development will not adversely affect the applicable land use plan. Within the Coastal Overlay Zone, the granting of a Site Development Permit shall include a finding that the request conforms with, and is adequate to carry out, the certified Land Use Plan;"

126.0805(d) Findings for Variance Approval

> (d) "The granting of the variance will not adversely affect the applicable land use plan. If the variance is being sought in conjunction with any proposed coastal development, the required finding shall specify that granting of the variance conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan."

The Coastal staff language in these three sections reflects three of our recommendations: (1) "Zoning Regulations Consistency with Community Plans...the Land Development Code should include a provision that zoning and development must be consistent with community plans", and (2) "the NUP, NDP, and SDP Findings...(should) add consistency with community plans to the required permit findings..."

Ex #5

By reference, the staff language here also reflects our position regarding "Hillside Encroachment Limits...keep and preserve the limits on steep hillside encroachment limits as they are in the Coastal Zone."

141.0405(d)(1) Communications Antennas - Major Telecommunication Facilities...

> "Major Telecommunication Facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a 'C'... (1) Major telecommunication facilities are not permitted in the following locations: (D) On properties within the MHPA and/or containing sensitive steep hillsides, or within public view corridors of viewsheds identified in applicable Land Use Plans."

The Coastal staff language here reflects our position is: "strong CPC support for continued protection of San Diego's unique hillsides." Please Note: the City has already revised earlier drafts to reflect our position that "Process Two's...needs to be further reduced by retaining certain uses as Process Threes, for example,...communication antennas..."

143.0142 Development Regulation for Steep Hillsides...

> "...however, coastal development within the Coastal Overlay Zone is subject to Section 143.0146..."

143.0146 Environmentally Sensitive Lands Regulations for the Coastal Overlay Zone

> Purpose and Intent
>
> The purpose of these regulations is to address the protection, preservation, and, where damaged, restoration, if the environmentally sensitive lands of San Diego's Coastal Zone...to assure that development within the City's Coastal Zone occurs in a manner that protects the overall quality of the coastal resources and the natural and topographic character of the area...
>
> In the event of conflict, these regulations shall supersede the regulations set forth in the preceding sections of this division. Regardless of whether a Site Development Permit or Neighborhood Development Permit is required for development on environmentally sensitive lands pursuant to

Ex #5

> the previous sections, within the Coastal Overlay Zone, a Coastal Development Permit is required for all coastal development, unless exempt pursuant to Section 126.0704, and the following regulations apply.."

The Coastal staff language here appears to carry out both our position on conformance with community plans (the Coastal Zone Community Plans in this regard), and our position that the coastal resources require special consideration in development permits.

The detailed proposed changes that follow relate to wetland buffers, sensitive coastal bluffs, etc. The Coastal staff language appears to conform with our position that existing City regulations on wetland definition and wetland buffers should be supported.

Conclusion

While this is not an exhaustive response to the Coastal Commission staff's recommended changes to the land development code, it reflects our support for the intent of the staff in assuring that adherence to community or relevant land use plans is a required finding; that coastal resources require special preservation, and that certain permits previously recommended for a Process 2, should be Process 3, given their impact on communities, sensitive slopes and open space.

Sincerely,

Jan Fuchs/ll

JAN FUCHS, Vice Chair
Community Planners Committee

JF/vbc

cc: Mayor Susan Golding
City Council Members
Planning Commission Members
Stephen Haase, Acting DSD Director

Ex #5

7A 9b

UNIVERSITY OF CALIFORNIA, SAN DIEGO UCSD

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NATURAL RESERVE SYSTEM
9500 GILMAN DRIVE
LA JOLLA, CALIFORNIA 92093-0116

TELEPHONE: (619) 534-2077
FAX (619) 534-7108
e-mail: ikay@ucsd.edu

Received at Commission Meeting

OCT 15 1998

From: Isabelle Kay

15 October 1998

California Coastal Commission
45 Fremont St.
San Francisco, CA 94105-2218

Re: **Hearing of October 15, 1998; Item 9b: San Diego LCP Plan Amendment No. 1-98B (Land Development Code)**

Dear Chairman Areias and Commissioners:

The University of California's Natural Reserve System was established in 1965 to ensure that teaching and research opportunities over the wide range of California's natural landscapes would remain available to educational institutions throughout the State and around the world. The Scripps Coastal Reserve in La Jolla, and Kendall-Frost Marsh Reserve in Pacific Beach were among the seven founding sites statewide. As manager of these reserves, I am charged with their long-term protection as areas where field teaching and research utilizing natural ecosystems and indigenous organisms can continue to occur. The Natural Reserve System in recognition of its mandate to protect the public's lands for this purpose, is a Trustee Agency, called out in CEQA.

The Scripps Coastal Reserve, first protected as a Marine Life Refuge by the California Legislature in 1929, includes 940 acres of marine, intertidal, and terrestrial habitats. The habitats that are protected within just the 80 terrestrial acres reflect the large biodiversity of the San Diego coastal uplands, and include: Beach; Coastal Strand; Southern Coastal Bluff Scrub; Maritime Succulent Scrub; Coastal Sage Scrub; Mixed Grassland; and Coastal Scrub-Oak Chaparral. Among the sensitive species it protects are large numbers of Coast barrel cactus and California gnatcatchers.

While the City of San Diego has designated the terrestrial portion of the Scripps Coastal Reserve (SCR) as part of the City's Multiple Habitat Preserve Area (MHPA), the Natural Reserve System has never enrolled its lands in the MSCP; we have a memorandum of agreement with the Department of Fish and Game to cooperate with them in NCCP reserve planning when the result is mutually beneficial. In the case of the natural reserves within the coastal zone, the MHPA overlay does not afford the level of

Ex #5

protection that we see necessary as part of our mandate as a Trustee Agency to protect the land in its natural state on behalf of the people of the State of California.

Specifically, most of the following uses permitted in the MHPA would clearly be detrimental to the long-term health of the reserve, and the management needs for educational uses: utility lines and roads; water facilities and other public facilities; low density residential uses; brush management; and limited agriculture. Passive recreation in the SCR can only be allowed under controlled circumstances, in certain restricted areas. In addition, many of the allowed encroachments of adjacent private development onto steep slopes and natural open space would clearly lead to degradation of the SCR.

The more stringent protections afforded by the previously existing Coastal Zone regulations and by Coastal Commission staff's suggested modifications (dated September 9 and 15, 1998) to the City's Land Use Code and Guidelines are far more in keeping with the requirements for maintaining the Scripps Coastal reserve and the adjacent and linked coastal habitats. However, even under those laws, decisions made by the City of San Diego departments responsible for coastal protection have led to serious compromises of the structure and function of resources in the coastal zone immediately affecting our reserves. A photocopy of one example of bluff-top development adjacent to the Scripps Coastal Reserve is included. Impacts to coastal resources by the development include: coastal views; coastal bluff hydrology, and therefore indigenous vegetation; cultural resources; and coastal bluff structure. I have had complaints regarding this development since its inception. The Reserve System was never consulted as a Trustee Agency on this project.

Throughout the La Jolla area, coastal bluffs and other coastal habitats under the jurisdiction of the City of San Diego continue to be degraded under existing policies and procedures. I believe that these policies and procedures need to be clarified and focused on the urgent need to protect this very rare and fragile landscape. Without effective protection, coastal habitat degradation will not only deprive the public of scenic attractions and educational resources, but it may also threaten the public safety, through undermining coastal bluffs, and removing the ecosystem services afforded by coastal beaches and wetlands. In addition, coastal zone degradation fragments further the now extremely rare habitats found there, and reduces their probability for long-term survival.

With these concerns in mind, we strongly support many of the staff additions to the documents under review today, especially those in regard to the Biology Guidelines, items 8, 12, 17, and 18.

However, additions and/or changes addressing the following concerns should be included where appropriate:

- Rare coastal habitats in the Coastal Zone should be included in the Environmentally Sensitive Lands, and specific encroachment limitations and mitigation requirements

should be described. Mitigation for impacts to ESLs should occur ONLY in the Coastal Zone to avoid continued loss by attrition, i.e. ("no net loss of coastal habitat")

• Permitted landscaping under coastal development permits should not only NOT encroach upon views, but should also not encroach onto coastal bluffs or beaches unless it is of proven indigenous species of local stock. Coastal zone overlay landscaping should be of appropriate indigenous species, and should not be irrigated.

• Coastal bluff buffers are needed to reduce physical disturbance, as well as impacts to biological processes, and need to be based on function

• Deterioration of coastal zone habitats and landforms is exacerbated greatly by altered hydrology; more attention needs to be paid to the consequences of ever-increasing impermeable surfaces, which concentrate natural and artificial flows of water, leading to gully erosion, and exotic species invasion and maintenance. Merely diverting excess flows to the natural drainages, such as those through the Scripps Coastal Reserve, does not avoid these problems.

• Biology Guidelines:

- Item #18(b): The proposed development will be sited and designed to prevent adverse impacts, <u>either direct or indirect,</u> on any adjacent, <u>downslope, or downstream</u> environmentally sensitive lands <u>or public lands or property.</u>

• Coastal Bluff and Beach Guidelines:

- In reference to page 3, (C) Coastal Beach (definition): this does not seem to adequately define or protect sand dunes, since vegetation occurs within them, clearly below their landward limit

- *Re* page 5, (B)(2): "Less environmentally-damaging alternatives that avoid the need to significantly alter, <u>or conceal</u> the natural landforms of the beach..."

While much attention has been paid to coastal access and views, I believe that not enough attention has been given to protecting the rare and beautiful geologic features and natural habitats of the coastal zone, through protecting the sustaining ecosystem functions. If the coastal habitats are not protected, the resident and visitor might as well be looking at any eroding sandstone bluff anywhere in the world: Australia, Patagonia, etc. What makes our coastal zone special, is in large part the native organisms that evolved with the local geology and climate, and which, in turn, stabilize the geological features, including wetlands, bluffs and dunes.

The University of California is a leading training and research university, and as such contributes significantly towards understanding of the values and functions of coastal processes and ecosystems. These sites specifically support research in fields considered

important by the Legislature, as laid out in the Coastal Act (Section 30006.5, Public Resources Code): coastal erosion and geology, marine biodiversity, wetland restoration, sea level rise, and the cumulative impact of coastal zone developments. I believe that the Scripps Coastal Reserve and the Kendall-Frost Marsh Reserve will, if afforded necessary protection, continue to support this important research and training.

Please contact me at the address or telephone number above if you would like further information.

Sincerely,

Isabelle Kay

Isabelle Kay
Academic Coordinator
UCSD Natural Reserve System

La Jolla Light
Thursday July 23, 1998
Pg. 15

Italian renaissance estate

This $25 million single-family residence is on five-plus acres on the point of a bluff in La Jolla with an estimated 800 feet of view footage along the western and southern exposures. The property amenities include subterranean parking for up to 30 cars.

The approximately 50,000-square-foot home features 30 principal rooms and guest suites, 28 bathrooms, 14 skylights and 15 fireplaces. There is a home theater and four self-contained guest suites.

The stunning formal entry rotunda dazzles with a massive double staircase and opens to the library and conference room.

Entertaining spaces include a two-story living room, a music room, formal and informal dining rooms and a generously sized family room. Additional rooms include a wine cellar with a separate tasting room, a billiards room and a video room.

The sophisticated master suite contains a wet bar, shower, spa and dressing area with double closets. Further rooms include two personal offices, a children's playroom and a gym.

The house centers around a large courtyard with two fountains, a pool and a barbecue.

The property contains an orchid conservatory and a children's playyard. Waterfalls and a private lake are outdoors.

For more information call Poraine Dyson at Dyson & Dyson Real Estate at 755-0500. ■

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10. STANDARD OF REVIEW:Conformance with existing LUPs is not restricted simply to Base Zone as in Steep HS Guide., C.2&3, p. 45. Nor are current LUPs based on policies being superseded by"other City regs., policies, and plans. Instead, where there is conflict, the OS element and the LCP prevail. Required conformance with MHPA, under the ESA, (e.g.,Bio. Guide., 4, p. 29),should not trump the Coastal mandate.

B. SENSITIVE COASTAL RESOURCE ISSUES:

1. WALLS & FENCES: late '97 Code changes do not conform with LUPs:
   a. "Setback" replaced with "distance." 143.0143(f).
   b. Walls added as permitted use in sensitive coastal bluff area. 143.0130(a)(7)
   c. Fences would be allowed within 5' bluff edge setback. 143.0143(f)(3).
2. PUBLIC VIEW PROTECTION: Coastal Bluff Guide., Sec.II D and G; 143.0144(c); and 143.0143(j) all require any visual corridor to be "identified" in the LUP to qualify for "enhancement."

C. WETLANDS: (THE SIERRA CLUB wholly endorses the Audubon Society letter regarding the TJRVP LUP, which raises among issues, those of allowed uses, mitigation, monitoring, and conformance with wetlands and primary agricultural land protections under the Coastal Act.

1. BUFFER DIMENSIONS ARE NOT SPECIFIED (143.0141(b); and are to be required only "when necessary and appropriate."
2. LDC would regulate "impacts," not "uses."(143.0141 (b) and (c)
3. ALLOWABLE DEVELOPMENT AREA: 143.0141 (d) and (f) raises conformance concerns re future development.
4. USES: Please check OF Zone uses for conformance

D. AGRICULTURAL ZONES: Conformance issues 1. USES: Conformance issue, 131.0322
2. REDUCTION IN NATURAL OS REQUIREMENT: 143.0450(c)

Jeanne Pearson
Co-Chair
Coastal Committee

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III. CODE DEFICIENCIES IN RE ESL STANDARDS AND REGULATIONS: In general, MHPA standards were created to address a federal mandate regarding the Endangered Species Act. Please note the broader, moreinclusive State and Federal Coastal mandate. The "citywide" orientation of the LDC resource protections, appears to reduce existing coastal protections, while making it extremely difficult to separate out the precise impacts on coastal resources.

A.HR: Please note the following areas of concern:

1. ENCROACHMENT ALLOWANCES: No sliding scale; no Map C-720 to identify impacted areas; Brush management Alternative Compliance in re visual, biological, and fire safety.
2. MITIGATION: LDC contains incentive against mitigating coastal losses in Coastal Zone. (Bio. Guide b.(2), p. 15, as required by existing HRO.
3. ADDITIONAL DEVELOPMENT ALLOWANCES: extra 15% currently applies ONLY to N.C. FUA; would not conform with LJ LUP, for example.
4. PORTION OF SUBDIVIDED LOT TO BE IN SLOPES BELOW 25%: Left undetermined, except as Guideline for LJ LUP.
5. PRESERVING HS, SENS. BIO., AND COMMUNITY OS OUTSIDE MHPA: Double threshold required: must be designated AND Zoned OS (Bio. Guideline II A 23, p. 6; 143.0141 (g) & (h), referencing 131.0250 (a).
6. SPLIT LOT XONING: Creates potential for further development encroachment into R1-40 porion of lot. 131.0250 (a)(2)(A).
7. UNLIMITED DEVIATION: can be granted for "unique design," requiring additional encroachment. (Steep HS Guide., p. 44 B.) Variance can be requested on top of deviation (Dowlatshahi).
8. UNLIMITED ALTERNATIVE COMPLIANCE: Not currently allowed in Coastal Zone; therefore does not conform with LUPs or LCP.
9. REDUCTION OF REQUIRED NATURAL OS in Planned Development Permits raises conformance concerns.

Ex #5

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10. STANDARD OF REVIEW:Conformance with existing LUPs is not restricted simply to Base Zone as in Steep HS Guide., C.2&3, p. 45. Nor are current LUPs based on policies being superseded by"other City regs., policies, and plans. Instead, where there is conflict, the OS element and the LCP prevail. Required conformance with MHPA, under the ESA, (e.g.,Bio. Guide., 4, p. 29),should not trump the Coastal mandate.

B. SENSITIVE COASTAL RESOURCE ISSUES:

1. WALLS & FENCES: late '97 Code changes do not conform with LUPs:
   a. "Setback" replaced with "distance." 143.0143(f).
   b. Walls added as permitted use in sensitive coastal bluff area. 143.0130(a)(7)
   c. Fences would be allowed within 5' bluff edge setback. 143.0143(f)(3).
2. PUBLIC VIEW PROTECTION: Coastal Bluff Guide., Sec.II D and G; 143.0144(c); and 143.0143(j) all require any visual corridor to be "identified" in the LUP to qualify for "enhancement."

C. WETLANDS: (THE SIERRA CLUB wholly endorses the Audubon Society letter regarding the TJRVP LUP, which raises among issues, those of allowed uses, mitigation, monitoring, and conformance with wetlands and primary agricultural land protections under the Coastal Act.

1. BUFFER DIMENSIONS ARE NOT SPECIFIED (143.0141(b); and are to be required only "when necessary and appropriate."
2. LDC would regulate "impacts," not "uses."(143.0141 (b) and (c)
3. ALLOWABLE DEVELOPMENT AREA: 143.0141 (d) and (f) raises conformance concerns re future development.
4. USES: Please check OF Zone uses for conformance

D. AGRICULTURAL ZONES: Conformance issues 1. USES: Conformance issue, 131.0322
2. REDUCTION IN NATURAL OS REQUIREMENT: 143.0450(c)

Joanne Pearson
Co-Chair
Coastal Committee

Ex #6

THE CITY OF SAN DIEGO

RECEIVED
JAN 11 1999
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

January 8, 1999

California Coastal Commission
45 Fremont Street Ste. 2000
San Francisco, CA 94105

Dear Commissioners:

Subject: City of San Diego LCP Amendment #1-98A (MSCP), #1-98B (Land Development Code)and #2-98C (LDC) for the Land Development Code. Agenda of February 1999.

In anticipation of our February hearing before the California Coastal Commission, this letter is intended to provide you with some historical background on the City of San Diego and the proposed Land Development Code, and an overview of the underlying philosophy and process that guided the Zoning Code Update effort.

BACKGROUND

The City of San Diego encompasses 400 square miles and extends 60 miles north from the United States/Mexican border and 30 miles east from the Pacific Ocean. San Diego is characterized and defined by the diverse natural resources in this large area which include coastal bluffs, beaches, steep hillsides, biological resources, wetlands and historical resources. Adding to the character and definition of the City are the unique attributes of its more than 30 urbanized communities. The City is committed to the city-wide preservation of all of its resources. The proposed Land Development Code includes an important new section, the Environmentally Sensitive Lands Regulations, that addresses preservation of the City's sensitive resources including sensitive biological resources, steep hillsides, coastal beaches, sensitive coastal bluffs, 100-year floodplains and historical resources.

In 1990 the San Diego City Council directed the City Manager to conduct a complete review and simplification of the City's zoning and land development regulations. The existing zoning code has not been comprehensively rewritten in more than 30 years

EXHIBIT NO. 6
APPLICATION NO.
LCPA #1-98B
City's response to staff report
California Coastal Commission

Development Services
Development Services Center • 1222 First Avenue, MS 501 • San Diego, CA 92101-4155
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resulting in hundreds of new and often conflicting regulations. Property owners consistently complain that the regulations are confusing, the decisions are subjective and the review process is unpredictable. Community representatives often state that the complexity of the code results in too many errors and inadequate code enforcement. Therefore, staff was directed by the City Council to address these issues in the Zoning Code Update. The magnitude of the effort evolved into a seven year public process, necessitating the involvement of more than City staff.

The Zoning Code Update effort was supported by an extensive public participation process. More than 230 public forums on the proposed Land Development Code were conducted as well as more than 70 public hearings before the City's the Planning Commission, Land Use & Housing Committee and City Council. These forums and hearings were open to all members of the public. Four drafts of the proposed code were made available for public comment ('94, '95', '96 and '97). To broaden the scope of the public participation process even further, a Citizens Advisory Committee (CAC) and a working group for the Multiple Species Conservation Program (MSCP) were established. The CAC was comprised of members of community planning groups, professional organizations, environmental organizations and business interests (Attachment A). They were responsible for reviewing the new Land Development Code and making recommendations to the decisionmakers. The MSCP working group was comprised of representatives from Federal, State, and local public agencies as well as environmental and professional interests (Attachment B). They also participated in the public hearing process.

The first step in developing the new Land Development Code was the establishment of goals. The following goals were adopted by the City Council and accepted by the Coastal Commission:

- *CLARITY* - Write land development regulations which are easy to understand.
- *OBJECTIVITY* - Write land development regulations that mean the same thing to everyone.
- *CONSISTENCY* -Eliminate contradictions among all land development regulations.
- *PREDICTABILITY* - Make clear what land development regulations apply to a project and what to expect from following them.
- *SIMPLICITY* - Reduce the complexity of land development regulations.
- *ADAPTABILITY* - Allow for tailoring of land development regulations to fit unique features of the City.
- *PROGRESSIVENESS* - Use new ideas while retaining the best of existing land development regulations.
- *INTEGRITY* - Develop a code framework which is standardized.

Phase One of the new Land Development Code was adopted by the San Diego City Council in December 1992, was certified by the Coastal Commission and became effective in 1993. This phase (Chapter 11 of the subject amendment) replaced the 23 decision processes of the former zoning code with five simplified processes. Phases Two and Three of the Zoning Code Update were begun in 1993 and were adopted by the City Council in December 1997 with submittal to the San Diego Coastal Commission staff that same month. These phases analyzed, evaluated and revised existing base zones, zone overlays and development regulations and consolidated and reformatted them to create the new Land Development Code.

The City of San Diego has a hierarchy of documents that guide development. At the top of the hierarchy is the *Progress Guide and General Plan*, which addresses the overarching goals, policies and objectives of the entire City. More specific in nature are the City's land use plans, which deal with local community goals, policies and objectives. Implementation of all of the goals, policies and objectives of the City's plans is achieved through the regulations contained within the City's Municipal Code (of which the proposed Land Development Code is a part). The City believes that the policy goals and objectives of the State Coastal Act are addressed in our land use plans while the regulatory language of the California Coastal Commission Regulations is included in the City's implementing document, which is the proposed Land Development Code.

COMMITMENT & NEW CONCEPTS

The City of San Diego and the San Diego Area Coastal Commission staff have worked diligently to resolve the issues identified by coastal staff in their September 24, 1998 report. We believe that many of the comments arose from the fact that the format of the new Land Development Code looks very different from the existing zoning code. Familiar language has been relocated; graphics have been incorporated to more clearly convey the regulatory intent; charts, matrices and tables have been used to succinctly organize base zone regulations, permitted uses, applicability, etc. into a more user-friendly format; defined terms have been italicized and all such definitions and rules for calculation and measurement have been consolidated into individual code sections. However, the content of the majority of the regulations has not been changed from the regulations contained in the existing certified code. Since release of that report in September, more than 15 staff to staff meetings have occurred. The meetings have resulted in tentative resolution for the majority of issues. For most issues, resolution was achieved either through education on the format of and linkages between code sections or clarification of language and intent.

However, the Environmentally Sensitive Lands section of the proposed Land Development Code (Chapter 14 of the subject amendment) does contain several important new concepts as a result of the multi-disciplinary effort that involved many

new and interrelated ideas. It is primarily these new concepts which have prompted the most discussion and which have not been totally resolved. These concepts, or issues, include preservation of wetlands through functional wetland buffers, determination of use for properties partially or completely encumbered by wetlands, provision of deviations and alternative compliance for properties that would otherwise be deprived of any development rights and creation of a twenty-five percent development area for all legal lots. The concepts work hand-in-hand with all of the development regulations in the new Land Development Code. Additional information regarding each of these issues has been attached for your use (Attachment C). The Environmentally Sensitive Lands section would be applicable City-wide and would provide consistent application of resource protections and afford a level of predictability in the review process. We believe the Environmentally Sensitive Lands regulations of the proposed Land Development Code are more than adequate to achieve the requirements identified in the California Coastal Act.

We believe the seven year Zoning Code Update process has resulted in a Land Development Code that takes a new approach to regulating land development in the City of San Diego, and that the new Land Development Code will adequately implement all of our existing land use plans and will comply with the goals and policies embodied in federal and state documents, including the California Coastal Act.

Sincerely,

STEPHEN M. HAASE
Acting Development Services Manager

Attachments:
- A - CAC Membership
- B - MSCP Working Group Membership
- C - ESL Regulations - Important Issues

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Attachment A

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Environmentally Sensitive Lands Regulations
Important Issues

The Environmentally Sensitive Lands (ESL) regulations section of the proposed Land Development Code is significant in that it provides a comprehensive, consolidated, city-wide approach to the regulation of the City's valuable resources. Many of the ESL regulations were developed through the Multiple Species Conservation Program (MSCP) process, which focused on providing an ecologically based approach to preserving irreplaceable biological resources on a subregional scale. (The MSCP extends beyond traditional efforts to protect the environment by creating an alternative to the species-by-species/project-by-project approach that evolved under the Federal Endangered Species Act and the California Endangered Species Act. The MSCP also foregoes the limitations of habitat conservation plans which have focused on a single species and their associated habitat).

The proposed Land Development Code integrates the ESL regulations (found in Chapter 14) that address the preservation of sensitive environmental resources with the typical site development regulations which are contained in the Base Zone regulations section (Chapter 13) through the permit process (Chapter 12). An important feature of the Base Zone regulations is that they provide limitations on development and provide clear standards for priority rankings which require development be limited to the least sensitive portions of a premises.

An important feature of the ESL regulations is that they include the requirement to avoid impacts to wetlands. The City definition of wetlands is more restrictive than that of the U.S. Army Corps of Engineers and is adapted to the unique wetlands of Southern California. Only when avoidance in not possible, and a potential "takings" can occur if total avoidance is required, would the deviations provision of the ESL section of the Code be applied. In which case, findings for a "taking", similar to those recently approved by the California Coastal Commission for the City of Huntington Beach, would be required. Should those findings be made, the restrictive findings for deviations would still need to be made.

The following pages of Attachment C provide additional information on some of the new concepts discussed in conjunction with the regulations. The issues included are: wetland buffers and wetland uses; deviations/alternative compliance criteria; and application of the development area concept on sensitive lands. Also included are some examples to help clarify the application of the regulations.

FUNCTIONAL WETLAND BUFFER

QUESTION:

Should the wetland buffer be regulated to be a prescribed width (100 feet) or should the wetland buffer be determined on a case-by-case basis appropriate to protect the functions and values of the wetland?

DISCUSSION:

The proposed Land Development Code requires that a wetland buffer be provided around all wetlands to protect the functions and values of the wetland. Additionally the proposed development regulations for sensitive biological resources require that proposed development be subject to the Biology Guidelines which state the following:

> *A wetland buffer shall be maintained around all wetland as appropriate to protect the functions and values of the wetland. Section 320.4(b)(2) of the U.S. Army Corps of Engineers General Regulatory Policies list criteria for consideration when evaluating the wetland functions and values. These include wildlife habitat (spawning, nesting, rearing, and foraging), food chain productivity, water quality, ground water recharge, and areas for the protection from storm and floodwaters. Wetland buffers should be determined on a case-by-case basis taking into consideration the type and size of development, the sensitivity of the wetland resources to detrimental edge effects, natural features such as topography, and the functions an values of the wetland. Examples of functional buffers include areas of native or non-invasive landscaping, rock/boulder barriers, berms, walls, fencing and similar features that reduce indirect impacts on the wetland. Measures to reduce adverse lighting and noise should also be addressed where appropriate. Section 1.4.3 Land Use Adjacency Guidelines, of the City's MSCP Subarea Plan, can be used to help determine appropriate measures for wetland buffers.*

The proposed Land Development Code recognizes that the buffer requirements of wetlands will vary depending on the functions and values in the larger ecosystem. The proposed Code requires a case-by-case evaluation of the

functions and values of all wetlands within a given site and an analysis of what methods are best to protect those functions and values. A functional buffer can provide a biologically superior approach for wetland protection than a universally prescribed 50- or 100-foot setback.

COMPLIANCE WITH LAND USE PLANS:

Four of the certified Land Use Plans (Mira Mesa, North City, Sorrento Hills and Torrey Pines) address the wetland buffer issue by stating that a 50- or 100-foot minimum width buffer be considered in association with other factors. The City believes the functional buffer approach fully implements the intent of the Land Use Plans, which is preservation of the wetlands through provision of a functional protective buffer.

COMPLIANCE WITH COASTAL ACT:

The Coastal Act does not specify a particular buffer width. Rather, the policies in §30001(c), §30001.5 and §30231 of the Coastal Act provide general language relating to resource protection in the coastal zone. The policies found in §30231 more specifically address maintaining the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes. This section refers to "maintaining natural vegetation buffer areas that protect riparian habitats". The proposed Land Development Code fully complies with the Coastal Act in that it clearly states: "A wetland buffer shall be maintained around all wetlands as appropriate to protect the functions and values of the wetland".

BENEFITS OF A FUNCTIONAL WETLAND BUFFER:

- Provides performance criteria
- Requires site-by-site analysis
- Produces the appropriate buffer to adequately protect wetlands
- Facilitates acquirement of larger buffer

PERMITTED USES IN WETLANDS

QUESTION:

Should development on parcels containing wetlands be regulated through the supplemental regulations of the Environmentally Sensitive Lands Regulations or should the types of uses on parcels containing wetlands be limited to only aquaculture, wetland restoration projects, incidental public service projects, nature study projects or similar resource dependent uses?

DISCUSSION:

The proposed Land Development Code addresses wetlands as a biologically sensitive resource regulated through the Environmentally Sensitive Lands Regulations, Biology Guidelines in the Land Development Manual, and the Multiple Species Conservation Program Subarea Plan Guidelines. This is different from the existing certified code in that the proposed Land Development Code provides greater detail relating to wetland protection. The proposed code not only includes those regulations currently found in the existing code, but requires application of the biology guidelines and adds specific language requiring avoidance of wetlands. The proposed code contains the following specific regulations:

- Wetlands shall be avoided.
- Wetland buffers shall be maintained around all wetlands to protect the functions and values of the wetland.
- Any proposed development must occur within the "least sensitive" portions of the site. A list of hierarchical resource categories is provided in the guidelines.
- Development is permitted only if necessary to achieve the allowable development area (25 percent).
- Applicant shall confer with all applicable state and federal agencies before any public hearing for the development proposal is held.
- Biology Guidelines in the Land Development Manual shall be applied to all development proposed into sensitive biological resources.

- Consistency with the Multiple Species Conservation Program Subarea Plan Guidelines is required.

- Site-specific impact analysis is required for all development proposed into sensitive biological resources.

- Mitigation requirements are formalized within the development regulations for sensitive biological resources.

- All environmentally sensitive lands outside of the allowable development area shall be left in a natural state and be dedicated in fee to the City.

- Grading requirements during wildlife breeding seasons are applied.

The City believes regulating uses in wetlands through the supplemental regulations of the Environmentally Sensitive Lands Regulations fully implements the California Coastal Act, as well as the Multiple Species Conservation Program Subarea Plan and the City's Land Use Plans.

COMPLIANCE WITH LAND USE PLAN:

None of the City of San Diego's Land Use Plans prohibit uses on parcels containing wetlands. In some cases the community plans state that only uses allowed in the underlying zone are permitted. The goals and policies relating to resource protection are implemented through the supplemental regulations found in the Land Development Code. Therefore, the proposed Land Development Code would implement the stated goals of the land use plans.

COMPLIANCE WITH COASTAL ACT:

The Coastal Act does not limit or prohibit specific uses from being developed on parcels containing wetlands. Rather, §30233 of the Coastal Act provides performance standards that preclude "diking, filling, or dredging" in existing wetlands. For example, a property containing wetlands which is zoned for residential use that could develop a single dwelling unit without dredging, filling, etc. would be allowed and would be consistent with the Coastal Act. The proposed Land Development Code fully complies with the Coastal Act in that it clearly states that wetlands shall be avoided and a wetland buffer shall be maintained around all wetlands as appropriate to protect the functions and values of the wetland.

BENEFITS OF THE PROPOSED REGULATIONS:

- Requires resource protection
- Utilizes underlying zones
- Provides reasonable use of land
- Represents new approach to regulation
- Requires additional and specific regulations

DEVIATIONS AND ALTERNATIVE COMPLIANCE FOR ENVIRONMENTALLY SENSITIVE LANDS

QUESTION:

Should the deviation and alternative compliance processes for Environmentally Sensitive Lands be applicable in the Coastal Zone?

DISCUSSION:

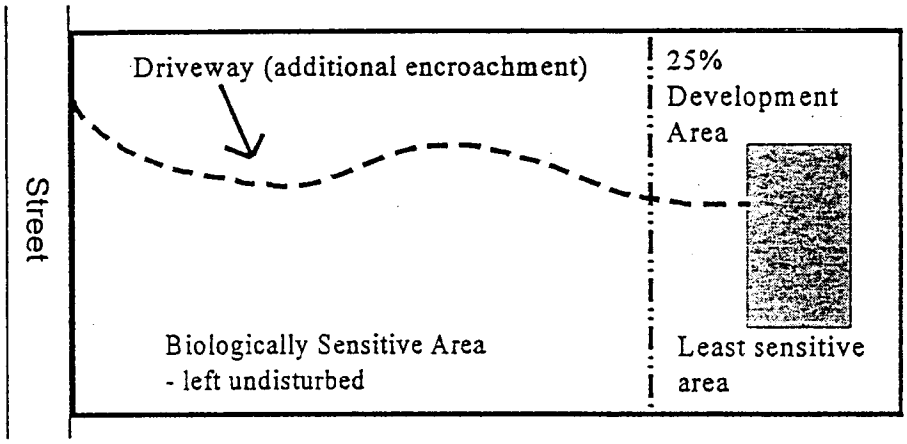
The Land Development Code proposes to provide a mechanism through the deviation process or alternative compliance process that would allow properties which are severely constrained by the presence of environmentally sensitive resources to achieve a minimal development area, thereby allowing reasonable use of their parcels. The guidelines for Environmentally Sensitive Lands in the Land Development Manual and the Multiple Species Conservation Program Subarea Plan Guidelines provide explicit examples of when the deviation and alternative compliance provisions can be applied.

Deviations:

The deviation process is intended to allow impacts to environmentally sensitive lands beyond the allowable 25 percent development area only in very limited circumstances. In order to make the findings necessary to grant deviations, the applicant must sufficiently justify the impact, ensure that the proposed deviation is the minimum necessary to afford relief and ensure that there are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands. The proposed deviation process is similar to the existing variance process in the certified code which is used to deviate from the development regulations. The deviation process requires strict findings similar to those required for a variance. Again, these provisions are intended to provide only minimal relief in those rare instances where strict application of the regulations would deprive a property owner of reasonable use of their land. Without any relief to the property owner through a deviation process, the city is left with the responsibility of litigating and perhaps compensating the owner who is denied reasonable use of their property. The Coastal Act states that there is to be a balancing of the policies of the Act with the rights of property owners.

Example: A single dwelling unit is proposed on a residential lot that contains sensitive biological resources and lies wholly within the Multiple Habitat Preserve Area (MHPA).

Based on the proposed Land Development Code, the proposed project would be allowed a 25 percent development area (see Attachment C-5, labeled Development Area) and the development regulations would require that the project be sited on the least sensitive portion of the site. In this scenario, the least environmentally sensitive portion of the site is located on the opposite side of the site, furthest from the street access point. In this instance, a deviation could be requested to provide a driveway through the sensitive biological resources to access the development area portion of the site. Only the minimum site area necessary to provide the access would be allowed.



In order to approve this project with a deviation, findings must be made that there are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands. This means that the proposed project would have to consider all technically feasible alternatives (including avoidance) and provide economic evidence for why any mitigation measures are infeasible. Additionally, all projects with unmitigated impacts would need to provide California Environmental Quality Act (CEQA) Findings and a Statement of Overriding Considerations to the decision-maker.

An additional finding must be made ensuring that the proposed deviation is the minimum necessary to afford relief from special circumstances. In this example, the entire site is encumbered with sensitive biology and is entirely within the MHPA. Because the least sensitive area of the site is not easily accessible, some additional encroachment would be necessary to access the proposed house. Overall this proposal would result in minimum encroachment into the most sensitive portions of the site. Therefore, this deviation could be approved.

Deviation Summary:

- Findings are very specific and require justification
- Findings require existence of unique circumstances in order to grant a deviation
- Deviations cannot be granted to accommodate a development that clearly does not conform to the regulations when feasible measures could be incorporated to achieve compliance
- Deviations may only be granted when there are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands
- Deviations may only be granted when it is the minimum necessary to afford relief from special circumstances or conditions applicable to the land
- The deviation process should not be considered for economic hardship in complying with the regulations

Alternative Compliance:

The alternative compliance process is intended to provide applicants a method to comply with the hillside regulations in an alternative manner based on the unique constraints of the project. Alternative compliance is only applicable to development on parcels containing steep hillsides and could include a request to encroach into the hillsides beyond the allowable 25 percent development area. Before development impacting a steep hillside can be approved, supplemental findings for Environmentally Sensitive Lands must be made. If alternative compliance is requested, additional findings must also be made. All findings ensure that the proposal is optimally sited to prevent adverse impacts on any environmentally sensitive lands and is in conformance with all applicable guidelines, land use plans and other applicable City regulations and policies.

The alternative compliance process is not available for single dwelling units or for development that would impact any other environmentally sensitive lands. The purpose of alternative compliance is to permit development on steep hillsides when it complies with the land use plan and when it is implemented in the most appropriate manner. It is anticipated that alternative compliance would seldom be utilized (if at all) in the Coastal Overlay Zone due to the predominantly single dwelling unit development pattern found in the Coastal Zone.

Example: A subdivision is proposed where steep hillsides are present and where the community plan land use designation is residential.

Typical community plan policies state that "development can occur on steep hillsides if the development is carefully designed to preserve open space". In this scenario, a development proposal could utilize alternative compliance to encroach into the residentially designated steep hillsides, beyond the allowable 25 percent development area, in order to achieve the residential development density as anticipated by the community plan. As outlined above, before alternative compliance could be approved, supplemental findings must be made to ensure that the proposal is optimally sited to prevent adverse impacts on environmentally sensitive lands and is in conformance with all applicable guidelines, land use plans, or other applicable City regulations and policies.

Providing an alternative compliance process is a pragmatic recognition of the fact that the code cannot possibly identify every situation, and provide regulations that would achieve compliance with the purpose and intent of City policies and regulations, and that a single solution may not necessarily be better or more effective than another. The new Land Development Code and Land Development Manual clarify and detail the intent and requirements of alternative compliance, whereas the existing code does not specifically address this issue, thereby making uniform application difficult and resource protection inconsistent.

Alternative Compliance Summary:

- Not available for Single Dwelling Units
- Only available for projects with steep hillsides (and no other environmentally sensitive lands, such as sensitive biology)
- Not available if steep hillsides are designated as Open Space in the land use plan

COMPLIANCE WITH LAND USE PLANS:

All of the City of San Diego's land use plans contain goals and objectives for future development that relate to the preservation or protection of sensitive resources. Both the deviation and alternative compliance processes require that in order for a decision maker to approve a project, it must comply with all the regulations and findings associated with the development permit. Development located in the coastal zone that requires a Coastal Development Permit would be subject to the Coastal Development findings which include:

1. *The proposed coastal development will not adversely affect sensitive coastal resource areas.*

2. *The proposed coastal development will conform with the Local Coastal Program.*

Projects requiring a Site Development Permit due to the existence of environmentally sensitive lands would be subject to the following findings:

1. *The site is physically suitable for the design and siting of the proposed development, and the development will result in minimum disturbance to environmentally sensitive lands.*

2. *The proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces and/or flood and fire hazards.*

3. *The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.*

4. *The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.*

5. *The proposed development will not adversely affect the applicable land use plan.*

In addition, projects utilizing the alternative compliance process would be subject to the following findings:

1. *The proposed development conforms to the applicable land use plan.*

2. *The proposed development is in conformance with the Steep Hillside Guidelines.*

3. *Strict application of the steep hillside development area regulations would result in conflicts with other City regulations, policies, or plans.*

Finally, projects utilizing the deviation process would be subject to the following findings:

1. There area no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands.

2. The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant's making.

COMPLIANCE WITH COASTAL ACT:

The policies found in §30001.5 state that the Coastal Act must assure orderly, balanced utilization and conservation of coastal zone resources. It also states that the constitutionally protected rights of private property owners must be balanced with the policies of the Coastal Act. Both the alternative compliance and deviation process require that in order for a decision maker to approve a project, it must comply with all the regulations and findings associated with the development permit. Development located in the coastal zone that requires a Coastal Development Permit will also be subject to the Coastal Development findings as stated above.

BENEFITS OF THE PROPOSED DEVIATION AND ALTERNATIVE COMPLIANCE PROCESSES:

- The deviation and alternative compliance processes provide possibility for relief for impacts to environmentally sensitive lands only when specific supplemental findings can be made

- The deviation and alternative compliance processes provide relief for owners of constrained areas to allow reasonable use of their property

- The alternative compliance process provides the applicant with a method to comply with the hillside regulation in an alternative manner based on the unique constraints of the project

- The alternative compliance process can be utilized for impacts to steep hillsides only when it complies with the land use plan and when it is done in the most appropriate manner

- The alternative compliance process facilitates the implementation of land use plans by allowing residential development to encroach into residentially designated steep hillsides in order to achieve the residential development pattern as anticipated by the community plan

DEVELOPMENT AREA

QUESTION:

Does the proposed "allowable 25 percent development area" concept result in preservation of more environmentally sensitive lands than the existing sliding scale of encroachment currently allowed in the certified code?

DISCUSSION:

The "25 percent development area" is an important new concept proposed in the Land Development Code. It was created to limit the impact to sensitive resources on parcels of land containing any or all of the following environmentally sensitive lands:

- sensitive biological resources;
- steep hillsides;
- coastal beaches;
- sensitive coastal bluffs; and
- 100-year floodplains.

Development area refers to the areas of a site that do not contain sensitive resources, areas that were previously disturbed, and areas where encroachment into resources is permitted. The proposed allowable 25 percent development area restriction (which is applicable to parcels containing environmentally sensitive lands) will replace the sliding scale encroachment allowance currently used to regulate development on steep hillsides (see example below). The 25 percent development area is the same standard developed to implement the Multiple Species Conservation Program. It places priority on the preservation of biological resources within the Multiple Habitat Planning Area.

The allowable 25 percent development area approach is based upon avoidance of resources on up to 75 percent of a parcel within the Multiple Species Conservation Program (MSCP) open space system or land constrained by steep hillsides. The proposed 25 percent development area would achieve the level of conservation necessary to implement the MSCP. Additionally, this approach would cumulatively achieve the same or greater level of hillside preservation as the current maximum 20 percent encroachment allowed by the current sliding

scale approach, because no encroachment would be allowed when less than 75 percent of a site is constrained by steep hillsides. The new Land Development Code's 25 percent development area approach would require that all the development be located on the portion of the parcel that is not constrained by the steep hillsides prior to any encroachment into the hillsides.

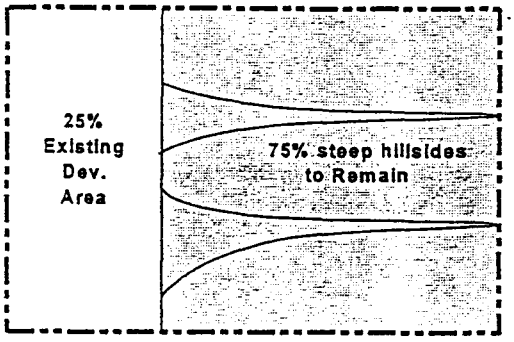
The allowable 25 percent development area approach is much less complicated than the currently used sliding scale. The sliding scale is cumbersome to calculate compared with a consistent 25 percent development area. The sliding scale approach also allows for 10 percent encroachment on parcels containing 75 percent or less steep hillsides, whereas the proposed allowable 25 percent development area approach would not allow any encroachment if a parcel already were 25 percent developed (see Example 1 below), except in rare instances, i.e. to access development.

Examples For Environmentally Constrained Lands, i.e. Steep Hillsides

1. Development Area Calculation if 75% of Parcel is Constrained

If the existing development area (area without steep hillsides) is more than 25 percent of the total site area (less than 75 percent of the site contains steep hillsides), then no encroachment into the steep hillsides will be permitted.

No encroachment permitted since 25%development area is achievable

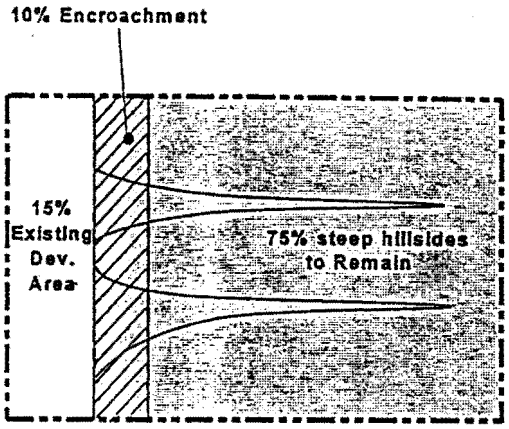


2. Development Area Calculation if 85% of Parcel is Constrained

If the existing development area (area without steep hillsides) is less than 25 percent of the total site area, then the allowable development area would include the amount of encroachment into steep hillsides necessary to achieve a total development area that is equal to 25 percent of the total site area.

15% existing development area / 85% steep hillsides

Encroachment = 10% of site area for a total development of 25%

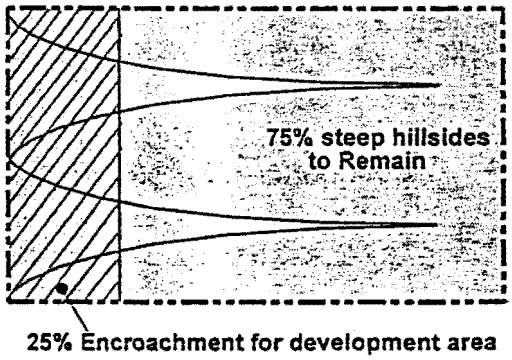


3. Development Area Calculation if 100% of Parcel is Constrained

If a site has no existing development area (100 percent of the site contains steep hillsides), a maximum 25 percent of the site area may be encroached upon to achieve the allowable 25 percent development area.

No existing development / 100% steep Hillside

Encroachment = 25% of site area



The 25 percent development area approach also would apply to parcels wholly or partially within biologically sensitive areas (Multiple Habitat Planning Area) similar to the examples shown above for steep hillsides. Additionally, the development regulations for biologically sensitive resources require that the

development area be located on the least sensitive portions of the site and the Biology Guidelines specifically list which types of habitats shall be considered more sensitive than others when determining where to locate development on a site. The guidelines also require that the sensitivity list be used in combination with existing site-specific biological information, preserve configuration, habitat quality, wildlife movement and topography. Areas containing steep hillsides shall always be considered more sensitive than areas without steep hillsides.

Summary:

- The 25 percent development area approach would replace the current sliding scale approach which allows up to 20 percent of encroachment into steep hillsides

- The 25 percent development area approach, as part of the Environmentally Sensitive Lands Regulations, would be applied on a City-wide basis

- The 25 percent development area approach to steep hillsides would cumulatively achieve an equal or greater level of preservation than does the sliding scale approach

- The Biology Guidelines and Steep Hillside Guidelines that are part of the Land Development Manual would apply as regulations and would provide real-world examples of how to apply the 25 percent development area provisions

COMPLIANCE WITH LAND USE PLAN:

Four certified land use plans (Mira Mesa, North City, Sorrento Hills and Torrey Pines) and one uncertified land use plan (La Jolla) include regulations that address the sliding scale approach to encroachment. The City believes the allowable 25 percent development area approach fully complies with the intent of these land use plans by preserving environmentally sensitive lands while allowing reasonable development area.

COMPLIANCE WITH COASTAL ACT:

The Coastal Act does not establish specific development regulations for impacts to sensitive resources. Rather, the policies in §30251, §30252 and §30253 of the Coastal Act provide general resource protection language relating to development in the Coastal Zone. The policies state that new development

should maintain and enhance scenic and visual qualities, public access and coastal resources. The purpose of the Environmentally Sensitive Lands section of the new Land Development Code is to "protect, preserve and, where damaged restore, the environmentally sensitive lands of San Diego". The regulations ensure that only those impacts necessary to provide reasonable use of land may occur to steep hillsides and biologically sensitive resources. The new Land Development Code development regulations concerning environmentally sensitive resources adequately address the policies of the Coastal Act.

BENEFITS OF THE DEVELOPMENT AREA CONCEPT:

- Provides a City-wide preservation approach where cumulatively less encroachment will be allowed
- Provides 25 percent allowable development area to provide reasonable use of land
- Requires compliance with all regulations including Environmentally Sensitive Lands Regulations and Base Zone Development Regulations
- Requires compliance with Steep Hillside Guidelines and Biology Guidelines

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SAN DIEGO LCP AMENDMENT NO. 1-98B (LAND DEVELOPMENT CODE)

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LAND DEVELOPMENT/ZONING CODE UPDATE

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STEEP HILLSIDE GUIDELINES

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LANDSCAPE STANDARDS

USER'S GUIDE

San Diego Municipal Code

Land Development/ Zoning Code Update

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User's Guide

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This information, document, or portions thereof, will be made available in alternative formats upon request.

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INTRODUCTION

This User's Guide has been written to assist property owners and those in the building industry who are applying for permits to use or develop land in the City of San Diego. The purpose of the User's Guide is to explain how to find information in the Land Development Code.

The User's Guide contains examples from the Land Development Code regulations for illustration purposes only.

WHAT IS THE LAND DEVELOPMENT CODE?

Chapters 11-14 of the Municipal Code are referred to as the Land Development Code. These chapters contain the city's planning, zoning, subdivision, and building regulations, with the exception of the planned district ordinance regulations, as discussed below. The Land Development Code is one of the tools used to implement the Progress Guide and General Plan and the community plans, which establish the pattern and intensity of land use throughout the City.

HOW ARE PLANNED DISTRICT ORDINANCES AFFECTED BY THE LAND DEVELOPMENT CODE?

Planned district ordinances are special zoning regulations that have been adopted by the City Council for certain geographic areas of the city. The planned districts have not been incorporated into the Land Development Code and remain in Chapter 10 of the Municipal Code. Although the planned districts remain in effect, where they rely on citywide zoning, subdivision, or building regulations, the new Chapter 11-14 regulations will apply and the planned districts will be amended to refer to the new chapters.

WHY WAS THE LAND DEVELOPMENT CODE ADOPTED?

The preparation of the Land Development Code was initiated as part of the City's effort to simplify the development process. Before adoption of the Land Development Code on _____, planning, zoning, subdivision, and building regulations were scattered throughout several chapters of the Municipal Code. Additional requirements were contained in Council Policies, technical manuals, and development guidelines. Finding all of the requirements that applied to a proposed development had become increasingly difficult as the City's land development process grew more complex over the last several years. In many cases, the regulations had also become too complicated and the review process, too unpredictable.

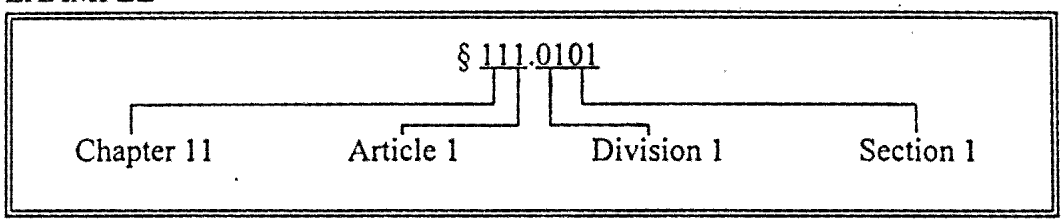
The Land Development Code consolidates all development regulations into a sequence of four chapters of the Municipal Code. Technical manuals, standards, and guidelines are being consolidated into a Land Development Manual that is referenced by the code where applicable (see page 17). Use and development regulations have been simplified, where appropriate, and organized into tables. The review process has been streamlined by reducing the number of different types of permits from over 80 to 14, 7 of which are discretionary permits, and by establishing a uniform decision process.

FINDING INFORMATION IN THE LAND DEVELOPMENT CODE

Several tools have been incorporated into the Land Development Code to make the regulations easier to find and understand.

- The Land Development Code, like other parts of the Municipal Code, is organized by chapters, articles, divisions, and sections. All regulations in the Land Development Code are identified by a 7-digit number, which is referred to as the "section number." By reading the section number from left to right, you can tell in which chapter, article, and division the section is located.

EXAMPLE



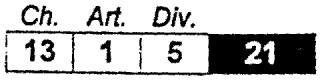
- Chapters have been organized by topic, with Chapters 11 and 12 providing the procedures for review and approval of applications for development, and Chapters 13 and 14 providing the regulations that govern the use, design, and construction of buildings. A more detailed outline of the chapters is provided on the next page.

- Each chapter contains a table of contents that identifies all articles, divisions, and sections in the chapter so that the user can find information more quickly.

- Each chapter, article, division, and section has been titled to reflect the content of the regulations.

- Pages in the Land Development Code are numbered differently than other parts of the Municipal Code. At the bottom of each page is a box that provides the chapter, article, and division number, as well as the page number. Pages are numbered by division.

EXAMPLE



CHAPTER OUTLINE

Chapter 11
LAND DEVELOPMENT PROCEDURES

Article 1	General Rules and Authority
Article 2	Required Steps in Processing
Article 3	Land Development Terms

Chapter 12
LAND DEVELOPMENT REVIEWS

Article 1	General Information on Required Reviews and Enforcement
Article 2	Land Use Plans
Article 3	Zoning
Article 4	Agreements
Article 5	Subdivision Procedures
Article 6	Development Permits
Article 7	Previously Conforming Premises and Uses
Article 8	Implementation Procedures for CEQA and the State CEQA Guidelines
Article 9	Construction Permits

Chapter 13
ZONES

Article 1	Base Zones
Article 2	Overlay Zones

Chapter 14
GENERAL REGULATIONS

Article 1	Separately Regulated Use Regulations
Article 2	General Development Regulations
Article 3	Supplemental Development Regulations
Article 4	Subdivision Regulations
Article 5	Building Regulations
Article 6	Electrical Regulations
Article 7	Plumbing and Mechanical Regulations

HOW TO FIND THE ZONING REGULATIONS FOR YOUR PROPERTY

The first step in determining the zoning regulations that apply to your property is to find your site on the Official Zoning Maps. These maps show the base zones and overlay zones for all private property in the city *(see box on page 6 for a description of base zones and overlay zones)*. The Official Zoning Maps are available for viewing or purchase from the Development Services Division. Zone information may also be obtained by phone by calling 619-236-6270. You will need to provide the street address or the legal description of the property.

After you've determined in which base zone your property is located, refer to Chapter 13, Article 1 to find the permitted uses and the applicable development regulations as described in the sections below. If your property is also within an overlay zone, refer to Chapter 13, Article 2 to find the supplemental regulations.

HOW TO DETERMINE WHAT USES ARE ALLOWED ON YOUR PROPERTY

Look in Chapter 13, Article 1, Divisions 1-6 to find the uses permitted in each base zone. Divisions 2-6 contain a use regulations table that lists the permitted uses for each zone, those that are allowed with specified limitations, and those that require a use permit.

Chapter 13
ZONES

Article 1	Base Zones
Division 1	General Rules for Base Zones
Division 2	Open Space Base Zones
Division 3	Agricultural Base Zones
Division 4	Residential Base Zones
Division 5	Commercial Base Zones
Division 6	Industrial Base Zones

The tables do not list every use that may be allowed in each zone; they identify use categories and subcategories, which are groups of uses that have similar physical or operating characteristics. In the example of the use regulations table on page 7, the table shows the use categories of "Vehicle & Vehicular Equipment Sales & Service," "Wholesale, Distribution, Storage," and "Industrial." Subcategories are listed for each of these categories. Descriptions of the use categories and subcategories are provided in Chapter 13, Article 1, Division 1. If you are unsure what use category or subcategory a particular use would be in, review the descriptions in Division 1.

Some uses that are allowed in certain base zones may be accessory uses in other zones. The regulations for accessory uses are in Chapter 13, Article 1, in the section titled "Additional Use Regulations" for the base zone.

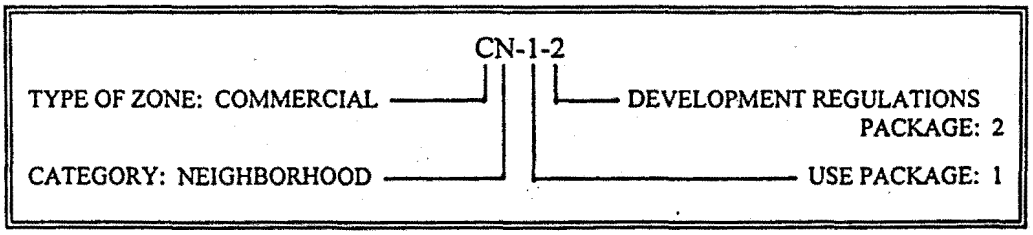
WHAT ARE BASE ZONES?

All private property in the city is in a base zone. Base zone designations identify the uses allowed on a property and the development regulations that apply to the property.

The base zone is composed of four designators:

- The 1st designator is a letter that identifies one of five basic zone types--agriculture (A), open space (O), residential (R), commercial (C), or industrial (I)
- The 2nd designator is a letter that identifies a more specific category of agriculture, open space, residential, commercial, or industrial zone--for example, multiple-unit residential (RM) or neighborhood commercial (CN)
- The 3rd designator is a number that identifies a package of uses that may be permitted (called a use package)
- The 4th designator is a number that identifies a package of development regulations, such as maximum height or lot size (called a development regulations package)

BASE ZONE EXAMPLE



WHAT ARE OVERLAY ZONES?

Some property may also be in an overlay zone. Overlay zones are applied to specific geographic areas to modify the regulations of the base zone. Overlay zones address specific issues such as development of property surrounding an airport, special height limits, additional parking requirements, or design requirements to implement a community plan. Overlay zones are applied in conjunction with a base zone and are designated on the official zoning maps with the acronym formed by the title of the overlay zone shown after the base zone. For example, where the Community Plan Implementation Overlay Zone has been applied to a neighborhood commercial site, the zone would be shown as CN-1-2/CPIOZ.

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 ➤	CR-		CO-	
	3rd ➤	1-	2-	1-	
	4th ➤	1	1	1	2
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		N	N	N	
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a *Primary Use*		C	C	-	
Wholesale, Distribution, Storage					
Equipment & Materials Storage Yards		-	P	-	
Moving & Storage Facilities		-	P	-	
Warehouses		-	P(8)	-	
Wholesale Distribution		-	P(8)	-	
Separately Regulated Wholesale, Distribution, and Storage Uses					
Impound Storage Yards		-	C	-	
Junk Yards		-	-	-	
Temporary Construction Storage Yards Located Off-site		L	L	L	
Industrial					
Heavy Manufacturing		-	-	-	
Light Manufacturing		-	P(8)	-	
Marine Industry		P	P	-	
Research & Development		P	P	P	
Trucking & Transportation Terminals		P	P	-	
Separately Regulated Industrial Uses					
Hazardous Waste Research Facility		-	-	-	
Hazardous Waste Treatment Facility		-	-	-	
Marine Related Uses Within the Coastal Overlay Zone		C	C	C	
Mining and Extractive Industries		-	-	-	

A section of the use regulations table from the commercial zones is shown to the left. This example shows the CR-1-1, CR-2-1, CO-1-1, and CO-1-2 zones.

To find the uses allowed on your property, first find your zone category (the 1st and 2nd designators) and use package (the 3rd designator) in the column headings. (The 4th designator shows the development regulations packages that apply in each zone.) Next, look at the use categories and subcategories in the left-hand column to find the uses that are allowed in each zone. The tables indicate allowed uses in four ways:

"P" indicates that the use is permitted by right, which means that no additional review or action by the City is required for this use to occur, other than the processing of construction permits.

"L" indicates that the use is permitted with limitations. The limitations may consist of minimum development standards, restrictions on operations, or other supplemental regulations. These supplemental regulations are in Chapter 14, Article 1 (Separately Regulated Use Regulations).

"N" indicates that the use requires approval of a Neighborhood Use Permit (NUP). NUPs are required for those uses that have the potential for limited, identifiable impacts on surrounding development within the immediate area. Uses requiring an NUP may be permitted in accordance with Process Two. The procedure for obtaining an NUP is described in Chapter 12, Article 6, Divisions 1 and 2. The development regulations for NUPs are in Chapter 14, Article 1.

"C" indicates that the use requires approval of a Conditional Use Permit (CUP). CUPs are required for those uses that have the potential for significant impacts on surrounding development within a wide area. Uses requiring a CUP may be permitted in accordance with Process Three, Process Four, or Process Five. The procedure for obtaining a CUP is described in Chapter 12, Article 6, Divisions 1 and 3. The development regulations for CUPs are in Chapter 14, Article 1. The decision process for each use is also identified in Chapter 14, Article 1.

A use category or subcategory that is not permitted is shown as "-."

HOW TO FIND THE REGULATIONS GOVERNING THE SIZE AND SCALE OF DEVELOPMENT

Chapter 13
ZONES

Article 1	Base Zones
Division 1	General Rules for Base Zones
Division 2	Open Space Base Zones
Division 3	Agricultural Base Zones
Division 4	Residential Base Zones
Division 5	Commercial Base Zones
Division 6	Industrial Base Zones

Look in Chapter 13, Article 1, Divisions 2-6 to find the basic development regulations that govern the size and scale of development such as permitted density, requirements for lot size, setbacks, and structure height. Each division contains a development regulations table that lists the basic development regulations for each base zone. The tables also refer to other sections in the Land Development Code that contain additional regulations that are applicable in the base zone.

The development regulations tables for each type of zone are set up with a parallel structure to make finding the applicable regulations and comparing regulations among zones easier.

Development Regulations	Zone Designator	Zones		
	1st & 2nd »	CR-		CO-
	3rd »	1-	2-	1-
	4th »	1	1	2
Max permitted residential *density*[1] (sf per du)		1,500	1,000	1,500
Supplemental residential regulations [See Section 131.0540]		applies	applies	applies
Lot area				
Min Lot Area (sf)		15,000	5,000	5,000
Max Lot Area (ac)		–	–	–
Lot dimensions				
Min Lot Width (ft)		100	50	50
Min *street frontage* (ft)		100	50	50
Min Lot Depth (ft)		100	100	100
Setback requirements				
Min Front *setback* (ft) Max Front *setback* (ft) [See Section 131.0543(a)(1)]		10 –	10 25[2]	10 –
Min Side *setback* (ft) Optional Side *setback* (ft)		10 –	10 0[3]	10 0[3]
Side *Setback* abutting residential [See Section 131.0543(c)]		applies	applies	applies
Min *Street* Side *setback* (ft) Max *Street* Side *setback* (ft) [See Section 131.0543(a)(1)		10 –	10 25[2]	10 –
Min Rear *setback* (ft) Optional Rear *setback* (ft)		10 –	10 0[3]	10 0[3]
Rear *Setback* abutting residential [See Section 131.0543(c)]		applies	applies	applies
Max *structure height* (ft)		60	45	60
Min *lot coverage* (%)		–	–	–
Max *floor area ratio*		1.0[4]	0.75[4]	1.5[4]
Floor Area Ratio bonus for mixed use/ Minimum percentage of bonus required for residential use [See Section 131.0546(a)]		1.0/50	1.0 /100	1.5/50
Floor Area Ratio bonus for child care [See Section 131.0546(b)]		applies	–	applies
Pedestrian paths [See Section 131.0550]		applies	applies	applies
Transparency [See Section 131.0552]		–	applies	–
Building articulation [See Section 131.0554]		applies	applies	applies
Street yard parking restriction [See Section 131.0555]		–	applies	–

A section of the development regulations table from the commercial zones is shown to the left. This example shows the CR-1-1, CR-2-1, CO-1-1, and CO-1-2 zones.

To find the regulations for your property, first find your zone category (the 1st and 2nd designators) and development regulations package (the 4th designator) in the column headings. (The 3rd designator shows the use regulations packages that apply in each zone.) Next, look at the left-hand column to find the regulations for lot area, lot dimensions, setbacks, height, etc.

In most cases the regulation will be specified in the table. In some cases the left-hand column of the table will contain a reference to another section in the Land Development Code (see **"Supplemental residential regulations"** for example). The referenced section will provide additional regulations or clarification on the circumstances in which the regulations apply.

If a footnote number is shown in the cells containing the regulation (see **"Setback requirements"** for example), the footnotes at the end of the table will provide additional regulations or provide the code section that contains the additional regulations.

HOW TO FIND OTHER DEVELOPMENT REGULATIONS THAT APPLY TO YOUR PROPERTY

Chapter 14
GENERAL REGULATIONS

Article 1	Separately Regulated Use Regulations
Article 2	General Development Regulations
Article 3	Supplemental Development Regulations
Article 4	Subdivision Regulations
Article 5	Building Regulations
Article 6	Electrical Regulations
Article 7	Plumbing and Mechanical Regulations

After you've found the use and development regulations for the base zone and any overlay zones, if applicable, look in Chapter 14 for additional city-wide development regulations that apply in all zones.

If you're developing a limited use (identified in the use regulations tables with an "L"), a use that requires processing a Neighborhood Use Permit (identified in the use regulations tables with an "N"), or a Conditional Use Permit (identified in the use regulations tables with a "C") you'll need to look in Chapter 14, Article 1, Division 1 (Separately Regulated Use Regulations) for the applicable development regulations. The regulations in this division are organized by use in the same order as they appear in the use regulations tables.

All development is subject to the general development regulations in Chapter 14, Article 2, whether or not a permit or other approval is required. This article includes regulations for grading, drainage, fences, landscaping, parking, equipment screening, loading areas, outdoor storage, and signs. If the regulations require that you obtain a permit for certain types of development, an applicability table will refer you to the appropriate sections within each division for the type of development proposed.

If you're developing property that contains environmental or historical resources, look in Chapter 14, Article 3, Divisions 1 and 2 for the supplemental resource regulations.

If you're proposing a development that requires a Neighborhood Development Permit or a Site Development Permit (identified in the base zone development regulations), look in Article 3, Division 3 for the supplemental development standards.

If you're proposing a Planned Development Permit, look in Article 3, Division 4 to find the minimum development standards.

If you're developing a single room occupancy hotel (SRO), discontinuing a mobilehome park, developing affordable housing, or converting or demolishing affordable housing in the Coastal Overlay Zone, you will need to review Chapter 14, Article 3, Divisions 5-8 for the applicable regulations.

All development is subject to Chapter 14, Articles 4-7, which contain the regulations for subdivisions, and the Building Regulations, Electrical Regulations, and Plumbing and Mechanical Regulations.

TYPES OF PERMIT REVIEW

The Land Development Code establishes two general types of permit review: development review and construction review.

Development review is a review of conceptual or schematic plans. The decision maker must exercise some discretion in determining whether the proposed development meets the applicable regulations, standards, and guidelines. A public hearing before the decision maker is required for projects subject to development review. The types of development proposals that require development review are subdivision maps and development permits (development permits are described below).

Construction review is a review of final or construction plans. The decision maker's review is administrative or ministerial--the permit is approved if the regulations are met or denied if the regulations are not met. There is no public hearing. The types of permits that require construction review are grading permits, building permits, electrical permits, plumbing and mechanical permits, right-of-way permits, and sign permits.

TYPES OF DEVELOPMENT PERMITS

The Land Development Code establishes seven types of development permits through which development review is conducted.

Neighborhood Use Permits (NUPs) are required for uses that have the potential for limited and identifiable impacts on surrounding development within an immediate area. These uses are identified with the letter "N" in the use regulations tables in Chapter 13, Article 1, Divisions 2-6. Supplemental regulations are provided for these uses in Chapter 14, Article 1. Expansion, enlargement, or resumption of a previously conforming use also requires an NUP. (Regulations for previously conforming uses are in Chapter 12, Article 7.) Regulations for processing NUPs are in Chapter 12, Article 6, Divisions 1 and 2. NUPs are processed in accordance with Process Two.

Conditional Use Permits (CUPs) are required for uses that have the potential for significant impacts on surrounding development within a wide area. These uses are identified with the letter "C" in the use regulations tables in Chapter 13, Article 1, Division 2-6. The purpose of the CUP process is to determine whether, and under what conditions, a specific use may be appropriate in a given location. Supplemental regulations for these uses are provided in Chapter 14, Article 1. Regulations for processing CUPs are in Chapter 12, Article 6, Divisions 1 and 3. CUPs are processed in accordance with Process Three, Process Four, or Process Five.

Neighborhood Development Permits (NDPs) are required for developments that have the potential for limited impacts on surrounding property. The base zone regulations specify what types of development proposals require an NDP. Supplemental development regulations are provided in Chapter 14, Article 3, Division 3. Regulations for processing NDPs are in Chapter 12, Article 6, Divisions 1 and 4. NDPs are processed in accordance with Process Two.

Site Development Permits (SDPs) are required for developments that, because of their location, size, or some other characteristic, may have significant impacts on resources or on the surrounding area. The base zone regulations specify what types of development proposals require an SDP. Supplemental regulations are provided in Chapter 14, Article 3, Division 3. Regulations for processing SDPs are in Chapter 12, Article 6, Divisions 1 and 5. SDPs are processed in accordance with Process Three, Process Four, or Process Five.

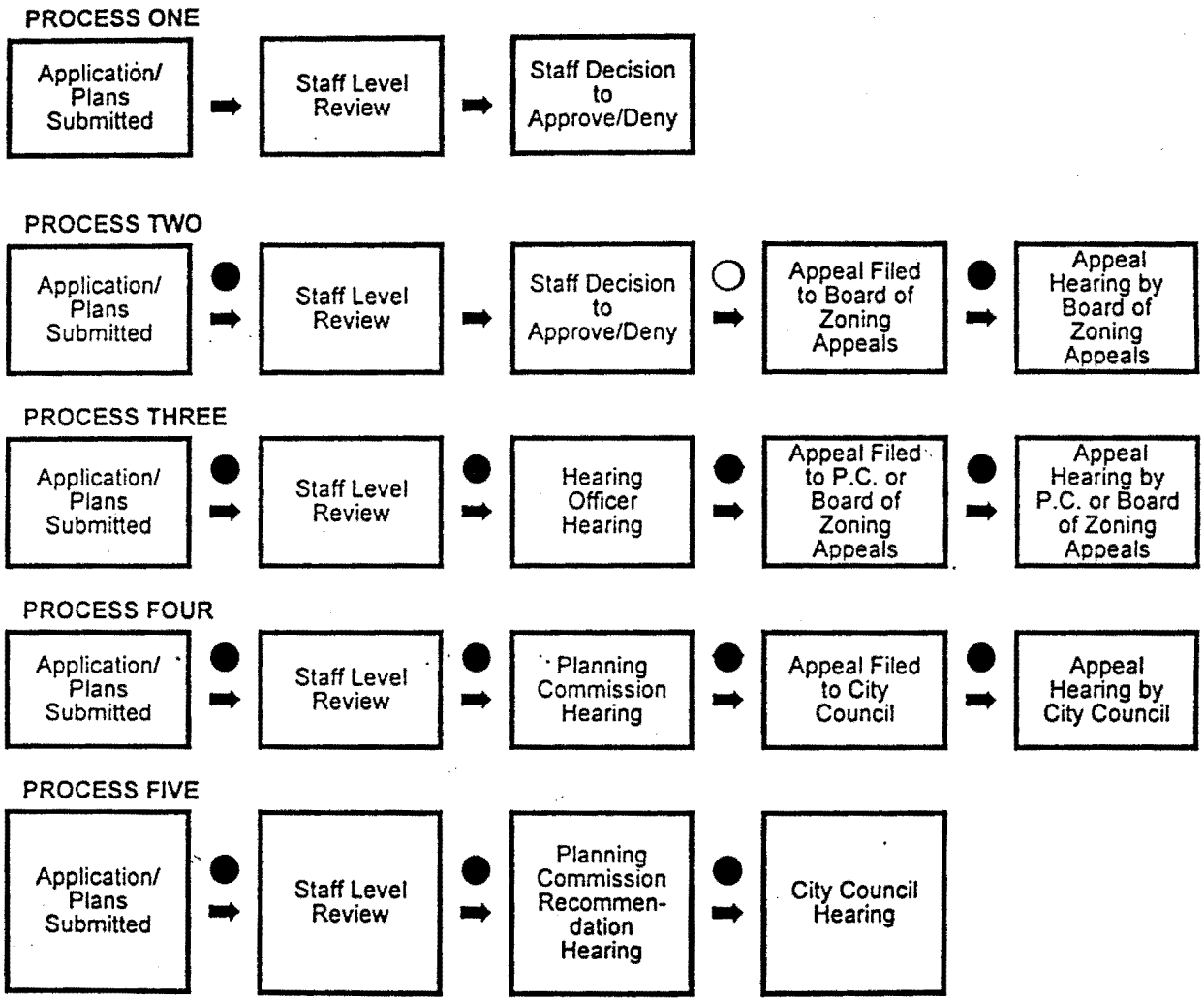
Planned Development Permits (PDPs) are an optional permit process that allows flexibility in the application of development regulations in exchange for imaginative and innovative design. Minimum planned development standards are provided in Chapter 14, Article 3, Division 4. Regulations for processing PDPs are in Chapter 12, Article 6, Divisions 1 and 6. PDPs are processed in accordance with Process Three, Process Four, or Process Five.

Coastal Development Permits (CDPs) are required for development in the Coastal Overlay Zone, except as provided in Chapter 12, Article 6, Division 7. Regulations for processing CDPs are in Chapter 12, Article 6, Divisions 1 and 7. CDPs are processed in accordance with Process Two or Process Three.

Variances are an optional permit process that provides relief from the strict application of development regulations where reasonable use of the property would otherwise be denied because of special circumstances unique to the property. Regulations for processing variances are in Chapter 12, Article 6, Divisions 1 and 8. Variances are processed in accordance with Process Three.

DECISION PROCESS

All permits to use or develop land that are issued by the City of San Diego fall under one of five process types. These process types are shown in the following diagram.



Key

● Public Notice to Property Owners and Tenants within 300 Feet and to Community Planning Groups

○ "Limited" Notice to Applicant and Anyone Requesting Notice

ZONE CONVERSION CHART

On the effective date of the Land Development Code, all zones that were established in Municipal Code Chapter 10, Article 1, Division 4 will be amended and replaced with the zones established in Chapter 13, Article 1 (Base Zone) and Article 2 (Overlay Zones). The tables below list the Chapter 10 zones and the replacement Chapter 13 zones.

Chapter 10 Zone	Chapter 13 Zone
OS-P, OS-R	OP-1-1
OS-OSP	OP-2-1
FC, FW	OF-1-1
OS-TDR	no proposed zone
no existing zone	OC-1-1
no existing zone	OR-1-1
no existing zone	OR-1-2
A-1-5, A-1-10	AR-1-1
A-1-1	AR-1-2
A-1-20	no proposed zone
A-1-40	no proposed zone
no existing zone	AG-1-1
no existing zone	AG-1-2
no existing zone	RE-1-1
no existing zone	RE-1-2
no existing zone	RE-1-3
R1-40,000 in urbanized communities	RS-1-1
R1-20,000 in urbanized communities	RS-1-2
R1-15,000 in urbanized communities	RS-1-3
R1-10,000 in urbanized communities	RS-1-4

Chapter 10 Zone	Chapter 13 Zone
R1-8,000 in urbanized communities	RS-1-5
R1-6,000 in urbanized communities	RS-1-6
R1-5,000 in urbanized communities	RS-1-7
R1-4,000 in planned/ future urbanizing areas	RS-1-8
R1-20,000 in planned/ future urbanizing areas	RS-1-9
R1-15,000 in planned/ future urbanizing areas	RS-1-10
R1-10,000 in planned/ future urbanizing areas	RS-1-11
R1-8,000 in planned/ future urbanizing areas	RS-1-12
R1-6,000 in planned/ future urbanizing areas	RS-1-13
R1-5,000 in planned/ future urbanizing areas	RS-1-14
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

Chapter 10 Zone	Chapter 13 Zone
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
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

Chapter 10 Zone	Chapter 13 Zone
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-3-5
no existing zone	CC-4-1, CC-4-3, CC-4-5
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
SR	IP-1-1
M-IP	IP-2-1
M-1B	IL-2-1
M-SI	IS-1-1
M-1, M1-A	IL-3-1
M-2, M-2A, M-LI	IH-2-1
no existing zone	IL-1-1
no existing zone	IH-1-1

Chapter 10 Overlay Zone	Chapter 13 Overlay Zone
Airport Approach Overlay Zone (101.0445)	Airport Approach Overlay Zone
Airport Environs Overlay Zone (101.0444)	Airport Environs Overlay Zone
no existing zone (regulations currently in zone regulations)	Coastal Overlay Zone
Limitation of Height of Buildings in the Coastal Zone (101.0451)	Coastal Height Limit Overlay Zone
Sensitive Coastal Resource Overlay Zone (101.0480)	Sensitive Coastal Overlay Zone
Mobile Home Parks (101.1000)	Mobilehome Park Overlay Zone
no existing zone	Parking Impact Overlay Zone
no existing zone	Residential Tandem Parking Overlay Zone
no existing zone	Transit Area Overlay Zone
no existing zone	Urban Village Overlay Zone
Mission Trails Design District (101.0456)	Mission Trails Design District
Height Limitation Zone--Clairemont Mesa (101.0452.5)	Clairemont Mesa Height Limit Overlay Zone
Community Plan Implementation Overlay Zone (101.0457)	Community Plan Implementation Overlay Zone
Hillside Review Overlay Zone (101.0454)	none (replaced by Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands)
Small Lot Overlay Zone (101.0455)	none (replaced by residential zones)
Pedestrian/Commercial Overlay Zone (101.0458)	none (replaced by commercial zones)
Centre City Overlay Zone (101.0459)	none (replaced by Centre City Planned District)
Institutional Overlay Zone (101.0460)	none
Single-Family Rental Overlay Zone (101.0461)	none (parking regulations replaced by the Parking Impact Overlay Zone)
Resource Protection Ordinance (101.0462)	none (replaced by Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands)
One-Family Dwelling Rental Regulations (101.0463)	none (parking regulations replaced by the Parking Impact Overlay Zone)

LAND DEVELOPMENT MANUAL
Outline

INTRODUCTION

Scope
Amendments
Chapter Summaries

VOLUME I APPLICATIONS

Chapter 1	Land Development Permit Thresholds: When Do I Need to Get a Development Permit?
Chapter 2	Submittal Requirements
Chapter 3	Fees and Deposits

VOLUME 2 DEVELOPMENT REVIEW

Chapter 1	Biology Guidelines
Chapter 2	Coastal Bluffs and Beaches Guidelines
Chapter 3	Historical Resources Guidelines
Chapter 4	Landscape Guidelines
Chapter 5	Steep Hillside Guidelines

APPENDICES

[The following are existing support documents that will be considered appendices to the Land Development Manual.]

A. City C.E.Q.A. Guidelines
B. Coastal Development Information Guide
C. Drainage Design Manual
D. Equestrian Trails and Facilities
E. Technical Guidelines for Geotechnical Reports
F. Manual for the Preparation of Land Development and Public Improvement Plans
G. Reclaimed Water Manual
H. Solar Design Guidelines for Subdivision and PRDs
I. Standard Drawings
J. Street Design Manual
K. Subdivision Approval Process Manual
L. Subdivision Manual
M. Temporary Off-Premises Subdivision Directional Signs
N. Transit-Oriented Development Design Guidelines
O. Trip Generation Manual
P. Water and Sewer Design Guide

LAND DEVELOPMENT MANUAL SUMMARY

The Chapters of the Land Development Manual are summarized below. For each chapter there is a brief description, the department and division responsible for its implementation, and the date of the latest update. Note that Volumes I and II will be adopted concurrent with the code update, while the appendices are existing documents.

CHAPTER	DESCRIPTION	RESPONSIBLE DEPT./DIV.	LATEST UPDATE
VOLUME I: APPLICATIONS AND PROCESSING			
1. LAND DEVELOPMENT PERMIT THRESHOLDS	Explains when a permit is required.	Development Services/ Land Development Review	To be prepared after code adoption.
2. SUBMITTAL REQUIREMENTS	Identifies submittal requirements for all development approval processes.	Development Services/ Land Development Review	To be amended after code adoption.
3. FEES AND DEPOSITS	Identifies fees/deposits for all development approval processes.	Development Services/ Land Development Review	To be amended after code adoption.
VOLUME II: DEVELOPMENT REVIEW			
1. BIOLOGY GUIDELINES	Guidelines to aid in the implementation and interpretation of the Environmentally Sensitive Lands Regulations (ESL) and the Open Space Residential (OR-1-2) Zone, and to provide standards for the determination of impact and mitigation under the CEQA.	Development Services/ Land Development Review	To be adopted with code adoption.
2. COASTAL BLUFFS AND BEACHES GUIDELINES	Clarifies environmentally sensitive lands regulations for coastal bluffs and beaches. Explains how to measure coastal bluff edge.	Development Services/ Land Development Review	To be adopted with code adoption.
3. HISTORICAL RESOURCES GUIDELINES	Guidelines to be used in conjunction with the Historical Resources regulations, including, including archaeological guidelines.	Development Services/ Land Development Review	To be adopted with code adoption.
4. LANDSCAPE GUIDELINES	Establishes the landscape standards, guidelines, and criteria for both public and private project necessary to implement the various requirements associated with land development.	Development Services/ Land Development Review	To be amended with code adoption.
5. STEEP HILLSIDE GUIDELINES	Standards and guidelines intended to assist in the interpretation and implementation of the development regulations for steep hillsides.	Development Services/ Land Development Review	To be adopted with code adoption.
APPENDICES			
A. C.E.Q.A. GUIDELINES; CITY	Local policies and procedures for implementing the California Environmental Quality Act.	Development Services/ Land Development Review	January 1994
B. COASTAL DEVELOPMENT INFORMATION GUIDE	Provides an overview of the City's Local Coastal Program and assists persons applying for City permits within the Coastal Zone.	Development Services/ Land Development Review	November 1988
C. DRAINAGE DESIGN MANUAL	A guide for designing drainage and drainage-related facilities.	Engineering & Capital Projects/ Design	April 1994
D. EQUESTRIAN TRAILS AND FACILITIES	Guidelines for development and maintenance, as well as recommendations and priorities for publicly developed equestrian trails.	Community & Economic Development/ Community Planning & Development	February 1975

CHAPTER	DESCRIPTION	RESPONSIBLE DEPT./DIV.	LATEST UPDATE
E. GEOTECHNICAL REPORTS; TECHNICAL GUIDELINES FOR	Guidelines for preparation of geotechnical reports.	Development Services/ Plan Check Services	October 1988
F. LAND DEVELOPMENT AND PUBLIC IMPROVEMENT PLANS; MANUAL FOR THE PREPARATION OF	Guidelines for preparation and submittal of grading, landscape, and public improvement plans, including sample bond estimates and drawings.	Development Services/ Land Development Review	1987
G. RECLAIMED WATER MANUAL	Provides standards and guidelines for design and installation of distribution and irrigation systems that use reclaimed water.	Water Utilities/ Water Distribution	1993
H. SOLAR DESIGN GUIDELINES FOR SUBDIVISIONS AND PLANNED RESIDENTIAL DEVELOPMENTS	Guidelines for location and orientation of structures to achieve optimal passive solar energy opportunities.	Development Services/ Land Development Review	December 1985
I. STANDARD DRAWINGS	Includes standard detail and design drawings for various structures, drainage systems, electrical systems, surface improvements, sewage systems, and irrigation systems.	Engineering & Capital Projects/ Design	September 1994
J. STREET DESIGN MANUAL	Standards and guidelines for the design of public and private streets.	Engineering & Capital Projects/ Design	July 1987. A draft update is under consideration by Council.
K. SUBDIVISION APPROVAL PROCESS MANUAL	Procedure manual for processing subdivision maps.	Development Services/ Land Development Review	1967
L. SUBDIVISION MANUAL	Provides standards, guidelines and requirements for the submittal, production and review of subdivision maps and documents related to interests in real property.	Development Services/ Land Development Review	1983. Update to be prepared.
M. TEMPORARY OFF-PREMISES SUBDIVISION DIRECTIONAL SIGNS	Application criteria, locational criteria, and construction and maintenance standards.	Development Services/ Land Development Review	May 1985
N. TRANSIT-ORIENTED DEVELOPMENT DESIGN GUIDELINES	Development patterns and design guidelines to reduce automobile dependence and support alternative modes of transportation.	Community & Economic Development/ Community Planning & Development	August 1992
O. TRIP GENERATION MANUAL	A collection of information about vehicular traffic attracted to and produced by different uses of land.	Community & Economic Development/ Community Planning & Development	August 1990
P. WATER & SEWER DESIGN GUIDE	Summarizes/outlines policy, practices and procedures for planning/design of sewer and water facilities. Developed to increase efficiency of W.U.D. operations.	Engineering & Capital Projects/ Water & Waste Water Facilities	September 1994

San Diego Municipal Code

Land Development/ Zoning Code Update

RECORD PACKET COPY

DRAFT

Revised
November 1997

Note: This Draft Document was Adopted by City Council on December 9, 1997. The regulations do not become effective until after approval by the California Coastal Commission. Commission Hearings are anticipated in March-April 1998.

San Diego Municipal Code

Land Development/ Zoning Code Update

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This information, document, or portions thereof, will be made available in alternative formats upon request.

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Chapter 12 - Land Development Reviews

Chapter 13 - Zones

Chapter 14 - General Regulations

San Diego Municipal Code

Land Development/ Zoning Code Update

Chapter 11

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Article 1: General Rules and Authority

Division 1: General Rules for Land Development Code

§ 111.0101 Title

(a) Chapters 11, 12, 13, and 14 of the City of San Diego Municipal Code shall be known collectively, and may be referred to, as the Land Development Code.

(b) Chapter 14, Article 5 (Building Regulations), Article 6 (Electrical Regulations), and Article 7 (Plumbing and Mechanical Regulations) shall be known as the Building Regulations, the Electrical Regulations, and the Plumbing and Mechanical Regulations respectively and may be referred to collectively as the Building, Electrical, Plumbing, and Mechanical Regulations.

(c) Chapter X, Article 3 of the Municipal Code contains regulations pertaining to Planned Districts as adopted by the City.

§ 111.0102 Purpose of the Land Development Code

The Land Development Code sets forth the procedures used in the application of land use regulations, the types of review of *development*, and the regulations that apply to the use and *development* of land in the City of San Diego. The intent of these procedures and regulations is to facilitate fair and effective decision-making and to encourage public participation.

§ 111.0103 Headings in the Land Development Code

The headings set forth in the Land Development Code are inserted for convenience of reference only and do not define, describe, or limit the scope, meaning, or intent of any provision of the Land Development Code.

§ 111.0104 Retention of Existing Ordinances, Rules, or Regulations

Where the Land Development Code imposes a greater restriction upon *development* than is imposed or required by other ordinances, rules, or regulations the provisions of the Land Development Code control unless otherwise specifically stated.

§ 111.0105 Hierarchy of Decision-Making Authority

For purposes of the Land Development Code, the hierarchy of decision-making authority for acting upon an application for a permit, map, or other matter is as follows in descending order:

(a) City Council;

(b) Planning Commission;

(c) Board of Zoning Appeals;

(d) Hearing Officer; and

(e) City Staff.

§ 111.0106 Land Development Manual

(a) The City may establish and adopt submittal requirements, review procedures, and standards and guidelines for *development* to supplement to the Land Development Code. These support documents shall be known collectively as the Land Development Manual.

(b) The Land Development Manual may be amended on a quarterly basis or as needed to comply with revisions to local, state, or federal law. The Land Development Manual may be amended in one of the following ways.

(1) Minor amendments shall be approved by the City Manager after considering public comments according to the process established in the Land Development Manual. Minor amendments shall include changes to clarify language or concepts, to reformat or reorganize language, or to reflect new or outdated technology or techniques.

(2) Major amendments to the Land Development Manual shall be approved in accordance with Process Five. Major amendments shall include the creation or elimination of a chapter or chapters, or the significant revision of a chapter or chapters that exceeds the requirements to qualify as a minor amendment as provided in Section 111.0106(b)(1).

(c) A copy of the Land Development Manual shall be on file in the office of the City Clerk.

Article 1: General Rules and Authority

Division 2: Land Development Authorities and Advisory Boards

§ 111.0201 City Council

The authority of the City Council to conduct its activities is established by California law and the City Charter. The process for appointment and the terms of the City Council members are provided in Municipal Code, Chapter 2, Article 7 (Election Code).

§ 111.0202 Planning Commission

The authority of the Planning Commission to conduct its activities, the process for appointment, and the terms of its members are provided in the City Charter, Section 41.(c).

§ 111.0203 Board of Zoning Appeals

(a) Authority. The Board of Zoning Appeals is established by the City Council in accordance with the City Charter, Section 43.

(b) Appointment and Terms. The Board of Zoning Appeals shall consist of five members and a designated alternate, each appointed by the Mayor, subject to confirmation by the City Council. Each member shall serve a 2-year term without compensation and shall continue to serve until a successor is appointed. No member shall serve more than four consecutive terms. The members shall be appointed so that the terms of not more than three members shall expire in any year. The expiration date of all terms of appointment shall be March 1. The Mayor may designate one member as chairperson during March of any year. If the Mayor has not designated a chairperson by April 15, the Board shall elect a chairperson from among its members. The alternate shall serve only when a Board member is absent and may not be designated or elected as chairperson. If a member resigns, the alternate shall serve until a new member is appointed by the Mayor. At least one member of the Board must be a licensed design professional.

(c) Meetings. The Board shall meet once a month or as often as necessary for the transaction of its business. The meetings shall be noticed and open to the public. The Board shall adopt procedural rules and policies, consistent with law, for the conduct of its business. Three members of the Board constitute a quorum. The affirmative vote of at least three members is required for any action by the Board.

(d) Powers and Duties. The Board of Zoning Appeals shall hear and determine appeals of general relief variances in accordance with Process Three as specified by Chapter 12, Article 6, Division 8 (Variance Procedures).

§ 111.0204 Hearing Officer

(a) Authority. The City Manager may designate a staff member to serve as a Hearing Officer. The Hearing Officer shall preside at a public hearing and make an impartial decision on a permit, map, or other matter based on the application, written reports prepared prior to the hearing, and information received at the hearing.

(b) Appointment and Terms. The City Manager will determine whom to appoint and the length of time the person will serve as a decision maker.

§ 111.0204 Cont'd

(c) Powers and Duties. A Hearing Officer may act as the decision maker for permits, maps, or other matters in accordance with the decision-making procedures of the Land Development Code.

§ 111.0205 City Staff

(a) Authority. The City Manager may designate a staff member to make an impartial decision, without a public hearing, on a permit, map, or other matter in accordance with the decision-making procedures of the Land Development Code.

(b) Appointment and Terms. The City Manager will determine whom to appoint and the length of time the staff member will serve as a decision maker.

(c) Powers and Duties. Designated City staff will act as the decision maker to decide permits, maps, or other matters in accordance with the decision-making procedures of the Land Development Code.

§ 111.0206 Historical Resources Board

(a) Authority. The Historical Resources Board has been established by the City Council in accordance with the City Charter, Section 43.

(b) Appointment and Terms

(1) The Historical Resources Board shall consist of 15 members, each appointed by the Mayor and subject to confirmation by the City Council. Each member shall serve a 2-year term without compensation and shall continue to serve until a successor is appointed. No member shall serve more than four consecutive terms. The members shall be appointed so that the terms of not more than eight members will expire in any year. The expiration date of all terms of appointment shall be March 1. The Mayor may designate one member as Chairperson during March of each year. If the Mayor has not designated a chairperson by April 15, the Board shall elect a Chairperson from among its members.

(2) At least one Board member shall be appointed from among professionals in each of the following disciplines as required to meet the "Certified Local Government" criteria of the State Office of Historic Preservation , as established by the National Historic Preservation Act: architecture, history, architectural history, archaeology, and landscape architecture. Other members appointed may have experience or background in law, real estate, engineering, general contracting, finance, planning, or fine arts and should reflect diverse neighborhood representation and have demonstrated a special interest in historical preservation. No more than three owners of *designated historical resources* shall serve at any time.

(c) Meetings. The Historical Resources Board shall meet at least once a month or as often as necessary for the transaction of its business. The meetings shall be noticed and open to the public. The Board shall adopt procedural rules and policies, consistent with law, for the conduct of its business. The Board shall keep minutes of all meetings including voting records, attendance, resolutions, findings, determinations, and decisions. Eight members of the Board shall constitute a quorum for the transaction of business. An affirmative vote of at least eight members is required for designation of a *historical resource*. An affirmative vote of a majority of the members present is required for any other action by the Board.

(d) Powers and Duties. The powers and duties of the Historical Resources Board are as follows:

§ 111.0206 Cont'd

(1) To identify and designate *historical resources* for preservation in accordance with the designation process described in Chapter 12, Article 3, Division 2 (Designation of Historical Resources Procedures).

(2) To review and make a recommendation to the appropriate decision-making authority on applications for *development permits* involving *designated historical resources* in accordance with the decision-making procedures of the Land Development Code.

(3) To adopt specific guidelines for designating *historical resources* and to identify specific areas that may be exempt from the requirement for a site-specific survey in accordance with Section 143.0212(a).

(4) To adopt standards and guidelines to be used by the Board in reviewing applications for *development permits* involving *designated historical resources*.

(5) To compile and maintain an up-to-date register of *designated historical resources*. A description of the resource and the reasons for designation shall be included in the register.

(6) To recommend to the City Council that the City Manager apply for, receive, or expend any federal, state, or private grant, grant-in-aid, gift, or bequest and to make recommendations to the City Council regarding the acceptance of any grant, gift, or other interest relative to property located in the City in furtherance of the general purposes of historical preservation.

(7) To prepare an annual report to the Mayor and City Council on the activities, decisions, and other work of the Board.

(8) To perform any other functions consistent with the purpose of the Board or any functions that may be requested by resolution or direction of the City Council, including promoting educational programs pertaining to *historical resources* and investigating and reporting to the City Council on the use of various federal, state, local, or private funding sources and mechanisms available to promote *historical resource* preservation.

(9) To establish criteria and provide for an *historical resources* inventory of properties within the City and recommend to the City Council and Planning Commission procedures to use the *historical resource* inventory results in the planning process.

(10) To provide information and guidance, at the request of property owners or tenants, on the financial and physical aspects of the restoration, alteration, rehabilitation, landscaping, or maintenance of any *designated historical resource*.

§ 111.0207 Board of Building Appeals and Advisors

(a) Authority. The Board of Building Appeals and Advisors is established by the City Council in accordance with the City Charter, Section 43.

(b) Appointment and Terms

(1) The Board of Building Appeals and Advisors shall consist of 10 members appointed by the Mayor and subject to confirmation by the City Council. Each member shall serve a 2-year term without compensation and shall continue to serve until a successor is appointed. No member shall serve more than four consecutive terms. The members shall be appointed so that the terms of not more than five members will expire in any

§ 111.0207 Cont'd

year. The Board shall elect a chairperson annually from among its members, unless a chairperson is selected by the Mayor.

(2) Members shall have experience and training in matters of design and construction of buildings, fire prevention, and fire protection. At least two members shall be licensed by the State of California as Civil Engineers, duly authorized to use the title "Structural Engineer," and one member each shall be from the electrical and mechanical industries or professions.

(3) The Building Official, the Chief of the Fire Department, and the City Attorney shall be ex officio members of the Board. The Community and Economic Development Manager shall be an ex officio member of the Board in matters pertaining to *Historical Buildings*.

(c) Meetings. The Board of Building Appeals and Advisors shall meet as often as necessary for the transaction of its business. The meetings shall be noticed and open to the public. The Board shall adopt procedural rules and policies consistent with law for the conduct of its business. Five members shall constitute a quorum. The affirmative vote of at least four members is required for any action by the Board. The Board shall make its recommendations in writing to the Building Official.

(d) Powers and Duties. The powers and duties of the Board of Building Appeals and Advisors are as follows:

(1) The Board of Building Appeals and Advisors shall investigate and advise the Building Official on the suitability of alternate materials and types of construction. This action may be taken on the Board's own motion, at the request of a permit *applicant*, or as requested by the City Manager, the Building Official, the Fire Chief, or the Historical Resources Board.

(2) The Board of Building Appeals and Advisors shall recommend reasonable interpretations of the Building, Electrical, Plumbing, and Mechanical Regulations, the provisions of Title 24 of the California Code of Regulations and other matters that may be referred to the Board by the Building Official. The Board shall have no authority to recommend interpretations of other provisions of the Land Development Code.

(3) The Board of Building Appeals and Advisors may recommend minor deviations from the provisions of the Building, Electrical, Plumbing, and Mechanical Regulations in the following circumstances:

(A) When strict application, operation, or enforcement would result in practical difficulty or unnecessary hardship; and

(B) When for the purpose intended, the alternate materials or type of construction proposed is at least equivalent to the requirements of the applicable Building, Electrical, Plumbing, or Mechanical Regulations in quality, strength, effectiveness, fire resistance, and durability, and is equivalent in providing for the public health and safety.

(4) The Board of Building Appeals and Advisors may conduct public hearings upon the passage of new legislation pertaining to the design and construction of buildings and provide its recommendations to the City Council.

§ 111.0208 Board of Engineering Appeals and Advisors

(a) Authority. The Board of Engineering Appeals and Advisors has been established by the City Council in accordance with the City Charter, Section 43, to advise the City Engineer, the City Manager, and the City Council on matters pertaining to the design and construction of public facilities and land development.

(b) Appointment and Terms

(1) The Board of Engineering Appeals and Advisors shall consist of nine members appointed by the Mayor and subject to confirmation by the City Council. Each member shall serve a 2-year term without compensation and shall continue to serve until a successor is appointed. No member shall serve more than four consecutive terms. The members shall be appointed so that the terms of not more than five members will expire in any year. The Board shall elect a chairperson from among its members.

(2) The Board of Engineering Appeals and Advisors shall be composed of the following:

(A) A civil engineer in private practice in the City of San Diego;

(B) A land surveyor in private practice in the City of San Diego;

(C) A geotechnical engineer in private practice in the City of San Diego;

(D) An engineering geologist in private practice in the City of San Diego;

(E) A landscape architect in private practice in the City of San Diego;

(F) An architect in private practice in the City of San Diego;

(G) A licensed contractor in business in the City of San Diego who is actively engaged in land development operations;

(H) A builder-developer in business in the City of San Diego who is actively engaged in land development and building operations;

(I) A representative of an officially recognized community planning group; and

(J) The City Engineer, the Building Official, and the City Attorney, or their designated representatives, shall be ex officio members of the Board. The Community and Economic Development Manager shall be an ex officio member of the Board in matters pertaining to *historical buildings*.

(c) Meetings

(1) The Board of Engineering Appeals and Advisors shall meet as often as necessary for the transaction of its business. The meetings shall be noticed and open to the public. The Board shall adopt procedural rules and policies consistent with law for the conduct of its business. Five members shall constitute a quorum. The affirmative vote of at least four members is required for any action by the Board.

(2) The Board shall make its *findings* and recommendations in writing to the City Engineer.

§ 111.0208 Cont'd

(d) Powers and Duties. The powers and duties of the Board of Engineering Appeals and Advisors are as follows:

(1) The Board of Engineering Appeals and Advisors shall investigate and advise the City Engineer on the suitability of alternate materials and types of construction. This action may be taken on the Board's own motion, at the request of a permit *applicant*, or as requested by the City Manager, the City Engineer, the Building Official, or the Historical Resources Board.

(2) The Board of Engineering Appeals and Advisors shall recommend reasonable interpretations of the *Subdivision Map Act*, the engineering standards established in the Land Development Manual, and other matters that may be referred to the Board by the City Engineer. The Board shall have no authority to make recommendations on interpretations of other provisions of the Land Development Code.

(3) The Board of Engineering Appeals and Advisors may review and make recommendations on establishment or revision of standards in the Land Development Manual for design and construction of public facilities and *grading*.

(4) The Board of Engineering Appeals and Advisors may conduct public hearings upon the passage of new legislation pertaining to *grading* and the design and construction of public facilities, and may provide its recommendations to the City Council.

Article 2: Required Steps in Processing

Division 1: Applications

§ 112.0101 Preapplication Conference

Before submitting an application for a permit, map, or other matter, a prospective *applicant* may request a preapplication conference to discuss the proposed *development* with City staff. The person requesting the preapplication conference may be required to pay a fee that has been established by City Council resolution. Based upon the information provided by the *applicant* at the preapplication conference, the City shall inform the *applicant* of the general policies and regulations in effect at the time of the conference. The City may examine possible alternatives or modifications relating to the proposed permit, map, or other matter.

The *applicant* is responsible for knowing and understanding the governing policies and regulations applicable to the proposed *development*, and the City is not liable for any damages or loss resulting from any actual or alleged failure to inform the *applicant* of any laws or regulations that may be applicable to a *development*. Nothing stated in this meeting shall be construed as actual or implied approval of a proposed *development*.

§ 112.0102 Application Process

An application for a permit, map, or other matter shall be filed with the City Manager in accordance with the following requirements:

(a) Authority to File an Application. The following persons are deemed to have the authority to file an application:

(1) The *record owner* of the real property that is the subject of the permit, map, or other matter;

(2) The property owner's authorized agent; or

(3) Any other person who can demonstrate a legal right, interest, or entitlement to the use of the real property subject to the application.

(b) Submittal Requirements. The application shall be made on a form provided by the City Manager and shall be accompanied by the materials, information, fees, and deposits that are required on the date the application is filed, unless otherwise specified by the Land Development Code. The application shall be *deemed complete* when the department processing the application has determined that the application includes all of the information, materials, fees, and deposits required by this section and Section 112.0202. After the application has been *deemed complete*, the City Manager may not request any new or additional materials, information, fees, or deposits that were not specified at the time of application, except as provided by state law. The City may, however, in the course of processing the application, request that the *applicant* clarify, simplify, or provide in alternate format or medium, the information required for the application.

(c) Materials and Information. The City Manager shall maintain a list specifying the materials and information to be submitted with each application for a permit, map, or other matter filed in accordance with the Land Development Code. The list may be revised on a quarterly basis or as needed to comply with revisions to local, state, or federal law, regulation, or

§ 112.0102 Cont'd

policy. The revised list shall be posted at the City, shall become effective on the 30th calendar day after posting, and shall apply to all applications submitted after that date. The City Manager shall provide a copy of the list to all *applicants* and to any person who requests a copy.

§ 112.0103 Consolidation of Processing

When an *applicant* applies for more than one permit, map, or other approval for a single *development*, the applications shall be consolidated for processing and shall be reviewed by a single decision maker. The decision maker shall act on the consolidated application at the highest level of authority for that *development* as set forth in Section 111.0105. The *findings* required for approval of each permit shall be considered individually.

Article 2: Required Steps in Processing

Division 2: Fees and Deposits

§ 112.0201 Establishment of Fees and Deposits

The City Council shall establish by resolution a schedule of fees and deposits for processing applications for *development* in the City. Fees and deposits shall be reviewed and adjusted periodically to ensure full cost recovery for the services provided. Fixed charges may be established to cover portions of the City's costs. The City Clerk shall maintain a schedule of current fees and deposits.

§ 112.0202 Collection of Fees or Deposits

(a) An application may be *deemed complete* and may be processed only after the fees or amount of deposit, as shown on the schedule of fees and deposits, has been paid in full.

(b) If a deposit is required, and the deposit as shown on the schedule of fees and deposits is insufficient to cover the actual cost to the City, the *applicant* shall submit an additional deposit, in an amount determined by the City Manager, to cover the City's costs. Actual City costs will be itemized in a statement to the applicant. Any portion of the deposit not required to cover the City's processing costs will be returned to the *applicant.*

§ 112.0203 Waiver of Fees or Deposits

(a) Appeal fees are waived for community planning groups officially recognized under City Council Policy 600-24.

(b) Processing fees or deposits for Conditional Use Permits and Neighborhood Development Permits are waived for nonprofit institutions or organizations whose primary purpose is the promotion of public health and welfare and who have qualified for federal tax benefits. This waiver does not apply to institutions or organizations in circumstances in which the City is precluded by the California Constitution from making a gift of City funds.

(c) If the City Manager determines that project delays have been caused solely by the actions of City agencies, the City Manager may, under the authority granted by the City Council, waive any portion of the fees or deposits.

Article 2: Required Steps in Processing

Division 3: Notice

§ 112.0301 Types of Notice

(a) Notice of Application. A Notice of Application is required for an application for a permit, map, or other matter acted upon in accordance with Process Three, Process Four, or Process Five.

(1) Content. The Notice of Application shall include the following information:

(A) A general description of the proposed *development* including, when applicable, the type of permit, project name, square footage of proposed construction, and the number of proposed residential units;

(B) The location and size of the property that is the subject of the application;

(C) The community planning area in which the proposed *development* is located and the name of the contact person, if any, designated by the officially recognized community planning group;

(D) The name and telephone number of the City staff person to contact for additional information; and

(E) The name of the *applicant* and, with the consent of the *applicant*, the applicant's address and telephone number.

(2) Distribution. The City Manager shall mail the Notice of Application to the persons described in Section 112.0302(b), no later than 10 *business days* after the date on which the application is *deemed complete*. The *applicant* shall post the Notice of Application on the property that is the subject of the application in accordance with Section 112.0304.

(b) Notice of Future Decision. A Notice of Future Decision shall be provided for an application for a permit or other matter acted upon in accordance with Process Two.

(1) Content. The Notice of Future Decision shall include the following information:

(A) A general description of the proposed *development* including, when applicable, the type of permit, project name, square footage of proposed construction, and number of proposed residential units;

(B) The location and size of the property that is the subject of the application;

(C) A statement that the project is exempt from CEQA (California Environmental Quality Act) or is undergoing preliminary environmental review;

(D) The community planning area in which the proposed *development* is located and the name of the contact person, if any, designated by the officially recognized community planning group;

(E) The name, telephone number, and city address of the City staff person to contact for additional information;

§ 112.0301 Cont'd

(F) The name of the *applicant* and, with the consent of the *applicant*, the applicant's address and telephone number;

(G) An explanation that the decision to approve, conditionally approve, or deny the proposed *development* will be made by City staff, without a public hearing, and that the *decision date* will not be less than 11 *business days* after the date of mailing the Notice of Future Decision;

(H) A statement that any requests for notification of the staff's decision must be received by the City no later than 10 *business days* after the date on which Notice of Future Decision is mailed; and

(I) An explanation of the process to appeal the decision.

(2) Distribution. The City staff person approving, conditionally approving, or denying an application for a permit or other matter shall mail a Notice of Future Decision to the persons described in Section 112.0302(b) no later than 10 *business days* after the date on which the application is *deemed complete* in accordance with Section 112.0102(b). The *applicant* shall post the Notice of Future Decision on the property that is the subject of the application in accordance with Section 112.0304.

(c) Notice of Public Hearing. A Notice of Public Hearing shall be provided before a decision is made on an application for a permit, map, or other matter acted upon in accordance with Process Three, Process Four, or Process Five, or on an appeal of a Process Two, Process Three, or Process Four decision.

(1) Content. The Notice of Public Hearing shall include the following information:

(A) The general subject of the public hearing including the type of *development permit* and the name of the proposed *development*.

(B) The location and size of the property that is the subject of the application.

(C) The community planning area in which the proposed *development* is located.

(D) A general description of the proposed *development*, including the square footage of proposed commercial or industrial uses and the proposed number of dwelling units.

(E) The name of the *applicant* and, with the consent of the *applicant*, the applicant's address and telephone number.

(F) The identity of the decision maker holding the public hearing.

(G) The date, time, and place of the public hearing.

(H) The procedure and requirements for filing an appeal. For Process Three or Process Four public hearings, the definition of an *interested person* for purposes of appeal.

(I) The name and telephone number of the City staff person to contact for additional information.

(2) Distribution. Except as otherwise provided by the Municipal Code, the City Manager shall publish the Notice of Public Hearing in accordance with Section 112.0303, and

shall mail the Notice of Public Hearing to the persons described in Section 112.0302(b), at least 10 *business days* before the date of the public hearing.

§ 112.0302 Notice by Mail

(a) General Provisions. When the Land Development Code requires a Notice of Application, Notice of Future Decision, Notice of Public Hearing, or other mailed notice, the notice shall be postage prepaid and addressed to the persons identified in Section 112.0302(b). Notice by mail shall be considered complete at the time of deposit in the United States Mail. Notice by hand delivery may be substituted for notice by mail at the discretion of the City.

(b) Persons Entitled to Notice. Except as provided in Section 112.0302(c), the Notice of Application, Notice of Future Decision, and Notice of Public Hearing shall be mailed to the following:

(1) The *applicant*;

(2) All tenant addresses located within 300 feet of the boundary of the real property that is the subject of the application, including each address within a condominium or apartment complex;

(3) The owners of any real property, as shown on the latest equalized property tax assessment roll of the San Diego County Assessor, located within 300 feet of the boundary of the property that is the subject of the application;

(4) The officially recognized community planning group, if any, that represents the area in which the proposed *development* is located; and

(5) Any person who has submitted a written request for notification of the proposed *development* to the City staff person named in the Notice of Future Decision.

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

(d) Notice Address

(1) A notice to the *applicant* shall be mailed to the address shown on the application or as indicated on a written change of address form filed by the *applicant* with the City.

(2) A notice to each owner of real property located within 300 feet of the property that is the subject of the application shall be mailed to the record owner.

(3) A notice mailed to a tenant address shall be addressed "Resident".

§ 112.0303 Published Notice

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

§ 112.0304 Posted Notice

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

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

(b) Verification of Posting. The *applicant* shall verify in writing, on a form prescribed by the City, that the notice has been posted in accordance with this section, within 5 *business days* of the date on which the *applicant* receives the notice from the City.

(c) Error in Posting. The posting required by this section is intended only to supplement other notice requirements of this division. A decision on an application for a permit, map, or other matter shall not be invalidated because of any error or irregularity in the posting of a notice in accordance with this section.

§ 112.0305 Notice for Land Use Plans or Zoning Ordinances

When a *land use plan*, a zoning ordinance, or a rezoning ordinance is to be considered at a public hearing, the City Manager shall submit a Notice of Public Hearing for publication as set forth in Section 112.0303 to be published at least 10 *business days* before the date of the public hearing. This notice shall be provided in addition to the other notices required by this division.

§ 112.0306 Notice for Coastal Development Permits

When a Coastal development permit is to be considered at a public hearing, the City Manager shall mail a Notice of Public Hearing to the California Coastal Commission and all persons requesting notice on Coastal Development Permits. This notice shall be provided in addition to the other notices required by this division. Notices for appealable Coastal Development Permits shall include provisions for appeals to the California Coastal Commission.

§ 112.0307 Notice for Local Coastal Programs and Implementing Ordinances

(a) When a *Local Coastal Program* amendment or an implementing ordinance for the *Local Coastal Program* is to be considered at a public hearing, the City Manager shall mail a Notice of Public Hearing to the persons and agencies required by California Coastal Commission regulations, at least 10 *business days* before the date of the public hearing. The City Manager shall also submit a Notice of Public Hearing for publication as set forth in Section 112.0303 to be published at least 10 *business days* before the date of the public hearing.

(b) When a *Local Coastal Program* amendment is to be considered at a public hearing in connection with a proposed *development*, the City Manager shall also mail a Notice of Public Hearing to the persons identified in Section 112.0302(b).

§ 112.0308 Notice for Appeal Hearings

The notice for an appeal hearing of a Process Two, Process Three, or Process Four decision shall be provided in accordance with Sections 112.0301(c), 112.0302, and 112.0303.

§ 112.0309 Failure to Receive Notice

The failure of any person to receive notice given in accordance with this division and the State of California Planning and Zoning Laws shall not constitute grounds for any court to invalidate any action taken by the City for which the notice was provided.

Article 2: Required Steps in Process

Division 4: Public Hearings

§ 112.0401 Procedures for Public Hearings

(a) Rules for Decision Makers. The City Manager shall establish rules and procedures to regulate the public hearing proceedings for Process Two, Process Three, Process Four, and Process Five consistent with the requirements set forth in this chapter.

(b) Written Recommendation. Whenever feasible, the City Manager shall provide a written recommendation to the decision maker before each public hearing.

(c) Record of Public Hearing. A brief written summary shall be prepared for each public hearing by a designated staff person. The public hearing shall be recorded. The written summary of the hearing shall constitute the record for any hearing for which an audio recording is not available. The audio recording, if available, the written summary, the written staff report, and any other documentary evidence submitted to the decision maker shall constitute the official record of the hearing. Any person is entitled to review the official record, including listening to or reviewing audio tapes, subject to the restrictions set forth in the City Charter, Section 215. The audio tapes shall be retained for a minimum of 6 months.

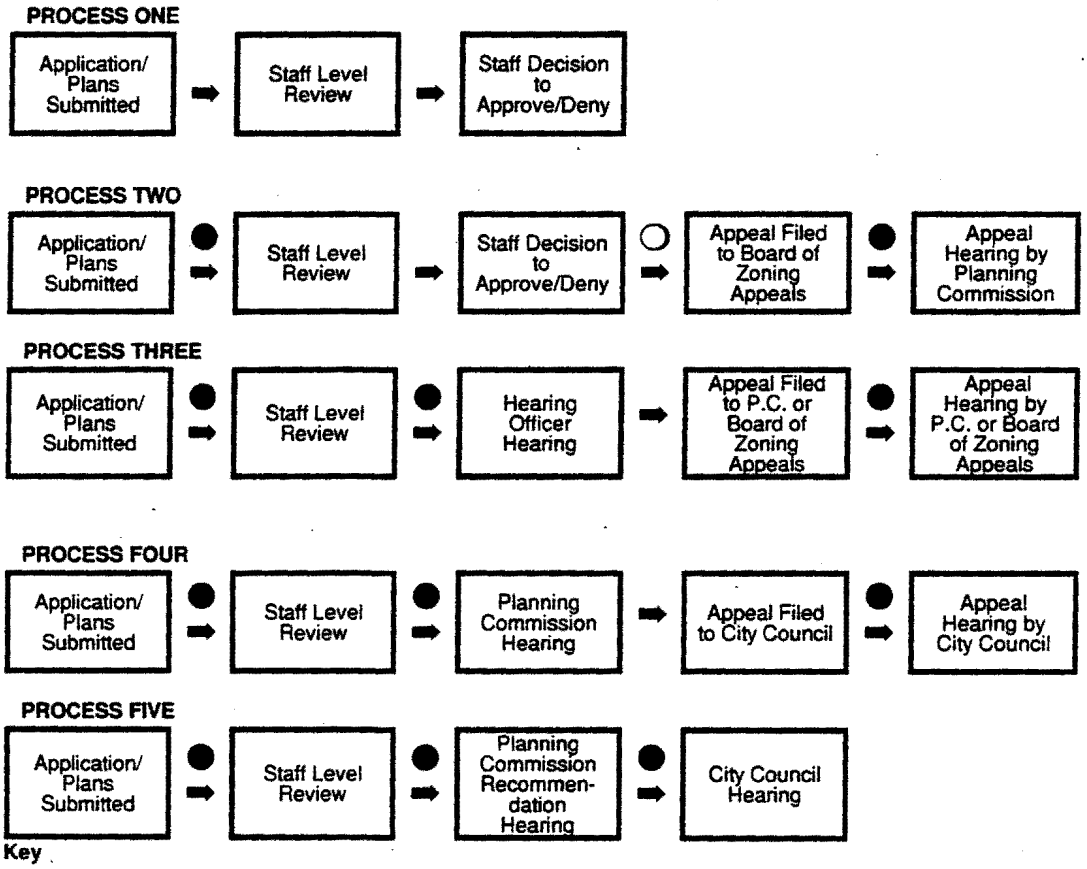
Article 2: Required Steps in Processing

Division 5: Decision Process

§ 112.0501 Overview of Decision Process

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

Diagram 112-05A
Decision Processes with Notices



Key

● Public Notice to Property Owners and Tenants within 300 Feet and to Community Planning Groups

○ "Limited" Notice to Applicant and Anyone Requesting Notice

§ 112.0502 Process One

An application for a permit, map, or other matter acted upon in accordance with Process One may be approved or denied by a staff person designated by the City Manager pursuant to Section 111.0205. A public hearing will not be held.

§ 112.0503 Process Two

An application for a permit or other matter acted upon in accordance with Process Two may be initially approved, conditionally approved, or denied by a staff person designated by the City Manager pursuant to Section 111.0205. A public hearing will not be held. An appeal hearing is available upon written request in accordance with Section 112.0504. A Process Two decision shall be made in the following manner.

(a) Notice. The designated staff person shall mail a Notice of Future Decision to the persons identified in Section 112.0302(b). Persons who wish to receive notice of the approval or denial of the application may request this information from the staff person. The request must be received no later than 10 *business days* after the date on which the Notice of Future Decision is mailed.

(b) Decision Process. The designated staff person may approve, conditionally approve, or deny the application without a public hearing. The decision shall be made no less than 11 *business days* after the date on which the Notice of Future Decision is mailed. This 11 *business days* minimum time frame for a staff decision will be extended by a period not to exceed an additional 20 *business days* to allow time for a recommendation by a recognized community planning group, if requested by the group's chair, or the chair's designee. Notification of the decision shall be given to the *applicant* and to those persons who request notification in accordance with this section, no later than 2 *business days* after the *decision date*.

§ 112.0504 Process Two Appeal Hearing

The Planning Commission shall hear appeals of Process Two decisions subject to the following.

(a) Persons Who Can Appeal. The following persons may request an appeal hearing after the designated staff person's decision:

(1) An *applicant*; or

(2) Any other person who files an application for a Process Two appeal hearing in accordance with Section 112.0504(b).

(b) Request for a Process Two Appeal Hearing. A Process Two decision may be appealed by filing an application for a Process Two appeal hearing with the City Manager no later than 12 *business days* after the *decision date*.

§ 112.0504 Cont'd

(c) Scheduling an Appeal Hearing. The City Manager shall assign a date for an appeal hearing before the Planning Commission no later than 10 calendar days after the date on which an application for the appeal hearing is filed with the City Manager. The appeal hearing shall generally be held within 60 calendar days following the filing of the application for the hearing. The appeal hearing shall be noticed in accordance with Section 112.0308.

(d) Power to Act on the Decision at Appeal Hearing. At the conclusion of the appeal hearing, the Planning Commission may affirm, reverse, or modify the staff decision.

§ 112.0505 Process Three

An application for a permit, map, or other matter acted upon in accordance with Process Three may be approved, conditionally approved, or denied by a Hearing Officer in the following manner.

(a) Notice. The City Manager shall mail a Notice of Application to the persons described in Section 112.0302(b) no later than 10 *business days* after the date on which an application for a permit, map, or other matter is *deemed complete*.

(b) Decision Process. The Hearing Officer may approve, conditionally approve, or deny the application at a public hearing noticed in accordance with Section 112.0301(c), 112.0302, and 112.0303.

(c) Waiver of Appeal Period. Before the close of the public hearing, an *applicant* may request that the appeal period be waived. The Hearing Officer shall grant the request only after determining for the record that there are no *interested persons* and that the *applicant* has waived all rights to appeal.

§ 112.0506 Process Three Appeals

The Hearing Officer's decision may be appealed to the Board of Zoning Appeals or the Planning Commission, as specified in Chapter 12, Article 6 for the type of *development* and review required. An appeal from a Hearing Officer's decision that involves applications consolidated in accordance with Section 112.0103 shall be heard by the Planning Commission. An appeal from a Process Three decision shall be made in the following manner.

(a) Persons Who Can Appeal. A Process Three decision may be appealed by the following persons:

(1) An *applicant*; or

(2) An *interested person*.

(b) Time for Filing an Appeal. A Process Three decision may be appealed by filing an application with the City Manager no later than 10 *business days* after the date of the Hearing Officer's decision.

§ 112.0506 Cont'd

(c) Grounds for Appeal. A Process Three decision may be appealed on any of the following grounds:

(1) Factual Error. The statements or evidence relied upon by the decision maker when approving, conditionally approving, or denying a permit, map, or other matter were inaccurate;

(2) New Information. New information is available to the *applicant* or the *interested person* that was not available through that person's reasonable efforts or due diligence at the time of the decision; or

(3) *Findings* Not Supported. The decision maker's stated *findings* to approve, conditionally approve, or deny the permit, map, or other matter are not supported by the information provided to the decision maker; or

(4) Conflicts. The decision to approve, conditionally approve, or deny the permit, map, or other matter is in conflict with a *land use plan*, a City Council policy, or the Municipal Code.

(d) Scheduling the Appeal Hearing. The appeal hearing before the Board of Zoning Appeals or the Planning Commission shall be held, or the City Manager shall set a date for the appeal hearing, no later than 30 calendar days after the date on which the application for an appeal is filed. The appeal hearing shall be noticed in accordance with Section 112.0308.

(e) Power to Act on Appeal. After the conclusion of the public hearing, the Planning Commission or Board of Zoning Appeals may affirm, reverse, or modify the decision being appealed.

§ 112.0507 Process Four

An application for a permit, map, or other matter acted upon in accordance with Process Four may be approved, conditionally approved, or denied by the Planning Commission in the following manner.

(a) Notice. The City Manager shall mail a Notice of Application to the persons described in Section 112.0302(b) no later than 10 *business days* after the date on which an application for a permit, map, or other matter is *deemed complete*.

(b) Decision Process. The Planning Commission may approve, conditionally approve, or deny the application at a public hearing noticed in accordance with Sections 112.0301(c), 112.0302, and 112.0303.

(c) Waiver of Appeal Period. Before the close of the public hearing, an *applicant* may request that the appeal period be waived. The Hearing Officer shall grant the request only after determining for the record that there are no *interested persons* and that the *applicant* has waived all rights to appeal.

§ 112.0508 Process Four Appeals

The Planning Commission's decision may be appealed to the City Council in the following manner.

(a) Persons Who Can Appeal. A Process Four decision may be appealed to the City Council by the following persons:

(1) An *applicant*; or

(2) An *interested person*.

(b) Time for Filing an Appeal. A Process Four decision may be appealed by filing an application with the City Clerk's office no later than 10 *business days* after the date of the Planning Commission's decision.

(c) Grounds for Appeal. A Process Four decision may be appealed on any of the following grounds:

(1) Factual Error. The statements or evidence relied upon by the decision maker when approving, conditionally approving, or denying a permit, map, or other matter were inaccurate;

(2) New Information. New information is available to the *applicant* or the *interested person* that was not available through that person's reasonable efforts or due diligence at the time of the decision;

(3) *Findings* Not Supported. The decision maker's stated *findings* to approve, conditionally approve, or deny the permit, map, or other matter are not supported by the information provided to the decision maker;

(4) Conflicts. The decision to approve, conditionally approve, or deny the permit, map, or other matter is in conflict with a *land use plan*, a City Council policy, or the Municipal Code; or

(5) Citywide Significance. The matter being appealed is of citywide significance.

(d) Scheduling Appeal Hearings. The appeal hearing before the City Council shall be held, or the City Clerk shall set a date for the appeal hearing, no later than 30 calendar days after the date on which the application for an appeal is filed. The appeal hearing shall be noticed in accordance with Section 112.0308.

(e) Power to Act on Appeal. After the conclusion of the public hearing, the City Council may affirm, reverse, or modify the decision being appealed.

§ 112.0509 Process Five

A Process Five decision on a permit, map, or other matter shall be made by the City Council in the following manner.

(a) Notice. The City Manager shall mail a Notice of Application to the persons described in Section 112.0302(b) no later than 10 *business days* after the date on which an application for a permit, map, or other matter is *deemed complete*.

(b) Planning Commission Recommendation. Before the City Council decision, the Planning Commission shall hold a public hearing to consider the application. The hearing shall be noticed in accordance with Sections 112.0301(c), 112.0302, and 112.0303. The hearing may be continued if desired by the Commission to solicit and obtain information needed to make a recommendation. However, the hearing shall be concluded no later than 60 calendar days after the initial hearing date. At the conclusion of the public hearing, the Planning Commission shall make a written recommendation to the City Council to approve, conditionally approve, or deny the application. If the Planning Commission fails to act within this 60-day period the matter shall proceed to City Council without a recommendation.

(c) Decision Process. After receiving the Planning Commission's recommendation or expiration of the 60-day time period with no recommendation, the City Council shall hold a public hearing to consider the application. The hearing shall be noticed in accordance with Sections 112.0301(c), 112.0302, and 112.0303. The City Council may approve, conditionally approve, or deny the application at the conclusion of the hearing.

(d) Exception to Process Five. The City Council may waive the requirement of Section 112.0509(b) that the Planning Commission make a recommendation before a decision by the City Council when the City Council determines that action is required by a provision of the Municipal Code or is required to facilitate timely action by the City on a matter in accordance with state law.

§ 112.0510 Contents of Appeal Applications

(a) An application for an appeal of a Process Two decision shall include the following information:

(1) The name, address, and telephone number of the person filing the appeal;

(2) The name of the *applicant*;

(3) The decision being appealed and the date of the decision;

(4) The grounds for the appeal; and

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(5) Any information or exhibits supporting the appeal that are available at the time the appeal is filed.

(b) An application for an appeal of a Process Three or Process Four decision shall include the information required in Section 112.0510(a) and information that establishes the basis on which the appellant is an *interested person*.

§112.0511 No Development During Appeal Period

Development authorized by a permit, map, or other matter may not occur before the *date of final action*.

Article 3: Land Development Terms

Division 1: Definitions

§ 113.0101 Purpose of Definitions

The purpose of this division is to provide clear and concise definitions of words and phrases that have meanings specifically related to the Land Development Code and to apply these terms in a consistent way throughout the Land Development Code.

§ 113.0102 Identification of Definitions

Each word or phrase that is defined in this division appears in the text of the Land Development Code in italicized letters.

§ 113.0103 Definitions

Abutting property means a *lot* or parcel of land that shares all or part of a common *lot* line with another *lot* or parcel of land.

Accessory structure means a *structure* attached to or detached from a primary *structure* located on the same *premises* that is customarily incidental and subordinate to the primary *structure* or use. The term *accessory structure* includes accessory buildings.

Accessory use means a use of land or building, or portion thereof, that is customarily incidental to, related to, and clearly subordinate to a *primary use* of the land or building located on the same *premises*.

Advertising display sign means a *sign* where the *sign copy* does not pertain to the use of the property, a product sold, or the sale or lease of the property on which the *sign* is displayed and which does not identify the place of business as purveyor of the merchandise or services advertised on the *sign*. Such *signs* include vehicle-mounted *signs and billboards*.

Affiliate means business entities, organizations, or individuals who either directly or indirectly (1) control one another or have the power to control one another or (2) are controlled by a third party or are subject to control by a third party. *Affiliates* include chief executive officers and members of boards of directors or their equivalents.

Alley means a public way that is no wider than 25 feet that is dedicated as a secondary means of access to an *abutting property*.

Amended map means a map as set forth in the *Subdivision Map Act*, Section 66469 through 66472.1, that is used to correct errors or to amend an existing final map or *parcel map*.

Appealable area means the area, as defined by California Public Resources Code Section 30603, within the coastal zone that constitutes the appeal jurisdiction of the Coastal

§ 113.0103 Cont'd

Commission. The *appealable area* is shown on Map Drawing No. C-730, on file in the office of the City Clerk as Document No. 00-17067-1.

Applicant means any person who has filed an application for a permit, map, or other matter and that is the *record owner* of the real property that is the subject of the permit, map, or other matter; the record owner's authorized agent; or any other person who can demonstrate a legal right, interest, or entitlement to the use of the real property subject to the application.

Archaeological site, important (See *important archaeological site*)

Architectural projection means any building feature that extends beyond the *structural envelope* or above the roof or parapet line.

As-graded report means a report that summarizes the results of the observation and testing of *grading* operations.

Atrium means a roofed, interior building area that is open vertically through two or more *floor* levels and does not include enclosed stairways, elevators, escalators, plumbing, electrical, air conditioning, or other equipment.

Attic means a portion of the space immediately below a pitched roof and above the highest finished *floor*. See Section 113.0210 for additional information on determining *attic*.

Awning means a shelter supported entirely from the exterior wall of a building and composed of non-rigid and rigid material including the supporting framework.

Base flood elevation means the water surface elevation of a 100-year frequency *flood*.

Basement means a building area that is wholly or partially below *grade*.

Beach, coastal (See *coastal beach*)

Bedroom means an enclosed space within a dwelling unit that is designed or could be used for sleeping and has a permanent door permitting complete closure and separation from all *kitchen*, living room, and hallway areas. A room or other enclosed space is not considered a *bedroom* if it is the sole access to another *bedroom*.

Benefited area means the entire area that receives a benefit from a *public improvement* or *public improvements*.

Bluff, coastal (See *coastal bluff*)

Bluff edge, coastal (See *coastal bluff edge*)

Boarder means an individual resident who is furnished sleeping accommodations and meals in a residential *structure*.

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Breakaway wall means a wall that is not part of the structural support of the building and is designed and constructed to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

Building envelope means the three-dimensional space within which a *structure* could be located as established by the applicable *setbacks* and maximum allowable *structure height*. See Section 113.0213 for additional information on determining a *building envelope*.

Building facade means all walls, or portions thereof, of a building that are visible when projected perpendicularly to a single plane that is most parallel to the closest *public right-of-way*. See Section 113.0216 for additional information on determining *building facade*.

Business day means any day except a Saturday, Sunday, or holiday listed in Municipal Code Section 21.04, unless otherwise specified.

Certificate of Correction means a recorded document as set forth in the *Subdivision Map Act*, Sections 66469-66472.1 that is used to correct errors on a limited portion of a recorded *final map* or *parcel map*.

Certification means a *signed*, written statement that required inspections and tests have been performed and that the work performed complies with the applicable requirements.

Changeable copy sign means a *sign* on which copy can be changed either in the field or by remote means.

Channelization means artificial *flood* control works designed and constructed to contain all of a specified *flood* event.

Child care facility means a facility that provides nonmedical care for children less than 18 years of age, on less than a 24-hour basis including small family day care homes, large family day care homes, and child care centers.

Church means an institution that people regularly attend to participate in or hold religious services, meetings, or other activities. This term does not carry a secular connotation and includes the buildings or other locations in which the religious services of any denomination are held.

Clearing means the cutting and removal of existing vegetation from a *premises* without disturbance to the soil or surface or destruction of the root system.

Coastal beach means the land between the edge of the sea and the first line of terrestrial vegetation or *development* or the toe of an adjacent *sensitive coastal bluff* or seawall, whichever is most seaward.

Coastal bluff means an escarpment or steep face of rock, decomposed rock, sediment, or soil resulting from erosion, faulting, or folding, of the land mass that has a vertical relief of 10 feet or more and is in the coastal zone.

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Coastal bluff edge means the seaward-most termination of the top of a *coastal bluff* where the downward gradient of the land surface begins to increase more or less continuously until it reaches the general gradient of the *coastal bluff face*. See Section 113.0219 for additional information on determining the *coastal bluff edge*.

Coastal bluff face means that portion of a *coastal bluff* lying between the toe of the existing bluff and the *coastal bluff edge*.

Coastal bluff, sensitive (See *sensitive coastal bluff*)

Coastal development means "development" as defined in the California Coastal Act of 1976, Section 30106 in the Coastal Overlay Zone.

Condominium conversion means the change in ownership from a single *structure* or group of *structures* used for residential rental units to individual ownership of apartments or units under a condominium plan or to a cooperative or stock apartment project pursuant to the applicable provisions of the laws of the State of California.

Construction permit means a permit issued pursuant to Land Development Code Chapter 12, Article 9. Construction permits include the following: Building Permits, Electrical Permits, Plumbing/Mechanical Permits, Demolition/Removal Permits, Grading Permits, Public Right-of-Way Permits, and Sign Permits.

Court, interior (See *interior court*)

Coverage, lot (See *lot coverage*)

Date of final action means the date all rights of appeal are exhausted for a permit, map, or other matter.

Decision date means the date a designated staff person approves or denies a permit or other matter.

Dedication means real property or an interest in real property offered to and accepted by the City for public use.

Dedication, unaccepted offer of (See *unaccepted offer of dedication*)

Deemed complete means that the City Manager has determined that an application includes all of the information, materials, fees, and deposits required.

Density means the relationship between the number of dwelling units existing or permitted on a *premises* and the area of the *premises*. See Section 113.0222 for additional information on calculating *density*.

Designated historical resource means a *historical building*, *historical district*, *historical landscape*, *historical object*, or *historical structure*, *important archaeological site* or *traditional cultural property* which has been designated by the Historical Resources Board pursuant to Land Development Code Chapter 12, Article 3, Division 2, is included

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in the City of San Diego Historical Resources Board Register, or has been listed in or determined to be eligible for listing in the California Register of Historic Resources or the National Register of Historic Places.

Development means the act, process, or result of dividing a parcel of land into two or more parcels; of erecting, placing, constructing, reconstructing, converting, establishing, altering, maintaining, relocating, demolishing, using, or enlarging any building, *structure*, improvement, *lot*, or *premises*; of *clearing*, *grubbing*, excavating, embanking, *filling*, managing brush, or agricultural *clearing* on public or private property including the construction of slopes and facilities incidental to such work; or of disturbing any existing vegetation.

Development permit means a permit issued pursuant to Land Development Code Chapter 12, Article 6. *Development permits* include the following: Neighborhood Use Permits, Conditional Use Permits, Neighborhood Development Permits, Site Development Permits, Planned Development Permits, Coastal Development Permits, and Variances.

Dormer means a roofed *structure* projecting from a sloping roof and usually housing a window or ventilating louver.

Dwelling unit, means a room or suite of rooms in a building or portion thereof, used, intended or designed to be used or occupied for living purposes by one *family*, and containing only one *kitchen*.

Dwelling unit, multiple (See *multiple dwelling unit*)

Dwelling unit, single (See *single dwelling unit*)

Encroachment means an intrusion of *development* into the *public right-of-way*, into *environmentally sensitive lands*, into lands containing a *historical resource*, or into required *yards*.

Environmentally sensitive lands means land containing *steep hillsides*, *sensitive biological resources*, *coastal beaches*, *sensitive coastal bluffs*, or *100-year floodplains*.

Excavation means the act, process, or result of earthen material or substance being removed, cut into, dug, quarried, uncovered, displaced, or relocated.

Existing grade means the *grade* of a *premises* that existed before any *development* occurred or the *grade* of an existing pad that was approved by a *tentative map*. See Section 113.0228 for additional information on determining *existing grade*.

Exploration means the search for minerals by geological, geophysical, geochemical, or other techniques including sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent, or quantity of minerals present.

Externally illuminated sign means a *sign* that reflects light from a source intentionally

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directed upon it, including silhouettes of letters or symbols placed before a background of reflected light.

Family means two or more persons related through blood, marriage, or legal adoption or joined through a judicial or administrative order of placement of guardianship; or unrelated persons who jointly occupy and have equal access to all areas of a dwelling unit and who function together as an integrated economic unit.

Fence means a vertical barrier or enclosure constructed of any material that supports no load other than its own weight.

Fence, open (See *open fence*)

Fence, solid (See *solid fence*)

Fill means any soil, rock, construction debris, or other material or substance that is added to any location on a *premises*.

Final map means a map as defined by the *Subdivision Map Act*, Section 66426, usually used to subdivide a property into five or more *lots*.

Findings means determinations based upon a statement or set of statements of factual evidence that are used as the criteria for making a decision on a discretionary action.

Flood means a general and temporary condition of partial or complete inundation of normally dry land areas.

Flood Hazard Boundary Map (FHBM) means the most current effective maps as defined by the Federal Emergency Management Agency or Federal Insurance Administration where the boundaries of *flood* and mudslide-related erosion areas having special hazards have been designated as Zones A, M, and/or E.

Flood Insurance Rate Map (FIRM) means the most current effective maps as defined by the Federal Emergency Management Agency or Federal Insurance Administration that delineates the areas of *special flood hazards* and the risk premium zones applicable to the community.

Flood, 100-year frequency (See *100-year frequency flood*)

Flood proofing means any combination of structural and nonstructural additions, changes, or adjustments to *structures* that reduce or eliminate the damage to a *premises* and its contents that would otherwise result from a *flood*.

Floodplain, 100-year (See *100-year floodplain*)

Floodplain fringe means all that land in a *100-year floodplain* not lying within a *floodway*, as shown on the *Flood Hazard Boundary Maps*.

Floodway means the area within a *100-year floodplain*, as shown on the *Flood Hazard*

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Boundary Maps, needed to carry a *100-year frequency flood* within a theoretical channel without increasing the water surface elevation more than 1 foot at any point from that of a nonconfined *100-year frequency flood* in the natural undeveloped floodplain, and having taken into consideration the cumulative effect of all existing and anticipated *development* in the watershed of the affected watercourse.

Floor means a horizontal, continuous, supporting, or nonsupporting surface of a *structure.*

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.

Freeway means a limited-access roadway as provided by the California Streets and Highways Code.

Geotechnical report means a preliminary report that states existing soil conditions and provides recommendations for the proposed construction operations. For purposes of the Land Development Code, the term *geotechnical report* includes soils reports, geological reconnaissance, geotechnical investigations, and seismic studies.

Grade means the elevation of the surface of the ground.

Grade, existing (See *existing grade*)

Grade, proposed (See *proposed grade*)

Grading means any earthwork that involves *grubbing*, excavating, embanking, or *filling.*

Gross floor area means the sum of the horizontal square footage of all existing, proposed, and phantom *floors* of a building which may or may not be completely enclosed within the exterior surface of the surrounding exterior walls. See Section 113.0234 for additional information on calculating *gross floor area.*

Ground sign means any *sign* supported wholly by uprights, braces, or poles in or on the ground including poster panels, painted bulletins, *signs* on *fences*, and *signs* on *structures* other than buildings and canopies.

Grubbing means the removal or destruction of vegetation by disturbance to the root system or soil surface by mechanical, chemical, or other means.

Guest room means any rented or leased room that is used or designed to provide sleeping accommodations for one or more guests in *hotels*, *motels*, bed and breakfast facilities, private clubs, lodges, and fraternity or sorority houses.

Hardscape means patterned paving material including tiles; mortared pavers; wood timbers; colored, patterned concrete with a tile, brick, or stone appearance; or a patterned paving material with enhanced concrete that has an exposed aggregate, colored, or salt finish.

§ 113.0103 Cont'd

Hazardous waste means waste that because of its quantity, concentration, or physical, chemical, or infectious characteristics may either cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, disposed of, or otherwise managed. Unless expressly provided otherwise, the term *hazardous waste* shall include extremely *hazardous waste* as defined in the Code of Federal Regulations (40 CFR Part 264).

Height, structure (See *structure height*)

Historical building means a construction that possesses historical, scientific, architectural, aesthetic, or cultural significance that was created principally to shelter human activity (such as a house, barn, *church*, *hotel*, or similar construction).

Historical district means a significant concentration, linkage, or continuity of sites, buildings, *structures*, or objects that are united historically, geographically, or aesthetically by plan or physical *development* and that have a special character, historical interest, cultural or aesthetic value, or that represents one or more architectural periods or styles in the history and *development* of the City.

Historical landscape means a modified feature of the land that possesses historical, scientific, aesthetic, cultural, or ethnic significance to a neighborhood or community.

Historical object means a construction of historical, scientific, aesthetic, cultural, or ethnic significance that is usually by design or nature movable and primarily artistic in nature or relatively small in scale and simply constructed (such as *signs*, light fixtures, and *street* or garden furniture).

Historical resource means a *designated historical resource, historical building, historical structure, historical object, important archaeological site, historical district, historical landscape*, or *traditional cultural property*.

Historical structure means a functional construction that possesses historical, scientific, architectural, aesthetic, or cultural significance, usually made for purposes other than sheltering human activity (such as large-scale engineering projects, water control systems, transportation systems, mine shafts, kilns, ovens, lighthouses, and radio telescopes).

Hotel/Motel means a building containing six or more *guest rooms* that are rented for less than 30 days and used or designed to be used for sleeping purposes. *Hotel* or *motel* does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention home, or other institution in which human beings are housed and detained under legal restraint.

Important archaeological site means a site or location of past human occupation with significant subsurface deposits, where important prehistoric or historic activities or events occurred, that possesses unique historical, scientific, cultural, religious, or ethnic value of local, regional, state, or federal importance. *Important archaeological sites* include:

§ 113.0103 Cont'd

(a) Archaeological sites listed in the City of San Diego Historical Resources Board Register or listed in or determined to be eligible for listing in the California Register of Historical Resources or in the National Register of Historic Places;

(b) Areas of past human occupation where important prehistoric or historic activities or events occurred (such as villages or large camps); and

(c) Locations of past or current traditional religious or ceremonial observances as defined by California Public Resources Code Section 5097.9, et seq., and protected under Public Law 95-341, the American Indian Religious Freedom Act (such as burials, pictographs, petroglyphs, solstice observation sites, and sacred shrines).

Interested person means a person who was present at a public hearing from which an appeal arose and who had filed a speaker slip with the decision maker at that public hearing or a person who expressed an interest in the decision in writing to that decision maker before the close of the public hearing.

Interior court means a space that is open and unobstructed to the sky and is bounded on three or more sides by walls that extend above *grade*.

Internally illuminated sign means a *sign* that has the light source enclosed within it so the source is not visible to the eye.

Kitchen means facilities used or designed to be used for the preparation of food and contains a sink, a refrigerator and stove, and a range top or oven.

Land use plans means the Progress Guide and General Plan and adopted community plans, specific plans, precise plans, and sub-area plans.

Lateral access means the public access along the shoreline paralleling the water's edge.

Local Coastal Program has the same meaning as stated in the California Coastal Act of 1976, Section 30108.6.

Lodger means any person renting a room in a residential *structure* for living or sleeping purposes without having free access to and use of the rest of the *structure*.

Lot means a parcel, tract, or area of land established by plat, *subdivision*, or other legal means to be owned, used, or developed. See Section 113.0237 for additional information on determining a *lot*.

Lot coverage means that portion of a *lot* that is occupied by buildings or *structures* that are roofed or otherwise covered or that are unroofed and have a finished *floor* that extends more than 3 feet above *grade*. *Lot coverage* is expressed as a percentage. See Section 113.0240 for additional information on calculating *lot coverage*.

Low income means any household whose income exceeds 50 percent but does not exceed 80 percent of the median income as adjusted for household size as defined by the U.S. Department of Housing and Urban Development for the San Diego Standard

§ 113.0103 Cont'd

Metropolitan Statistical Area.

Lowest floor means the *lowest floor* of the lowest enclosed area. An unfinished or *flood-resistant* enclosure that is usable solely for parking vehicles, building access, or storage is not considered a building's *lowest floor*.

Luminous tube lighting means gas-filled tubing that, when subjected to high voltage, becomes luminescent in a color characteristic of the gas used.

Map, amended (See *amended map*)

Manufactured home means a *structure* that is transportable in one or more sections that has been built on a permanent chassis and designed for use as a dwelling when attached to the required utilities. The term *manufactured home* does not include a recreational vehicle.

Map, final (See *final map*)

Map, parcel (See *parcel map*)

Map, subdivision (See *subdivision map*)

Map, tentative (See *tentative map*)

Market value means the current dollar value of a *structure* that is determined in accordance with procedures established by the City Manager.

Marquee means a permanent, roofed *structure* that is attached to and supported by a building and that projects over the *public right-of-way*.

MHPA means multiple habitat planning area as identified by the City of San Diego *MSCP Subarea Plan*. The *MHPA* includes areas to be preserved as well as those areas where *development* will be allowed.

Mined lands means the surface, subsurface, and groundwater of an area in which *surface mining* operations are proposed to be, are being, or have been conducted, including private ways or roads appurtenant to these areas, land excavations, workings, *mining waste*, and areas in which *structures*, facilities, equipment, machines, tools, or other materials or property that result from or are used in *surface mining* operations are located.

Mining waste means the residual soil, rock, mineral, liquid, vegetation, equipment, machines, tools, or other materials or property directly resulting from or displaced by *surface mining* operations.

Mobilehome means a *structure* that is transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width, or 30 feet or more in length, or, when erected on-site, has 240 or more square feet of *lot coverage*, and which is built on a permanent chassis and designed to be used as a dwelling when connected to the required

§ 113.0103 Cont'd

utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any *structure* which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a *certification* and complies with the standards established under this part. Mobilehome includes a mobilehome subject to the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C. and 5401, et seq.).

Moderate income means any household whose income exceeds 80 percent but does not exceed 120 percent of the median income as adjusted for household size as defined by the U.S. Department of Housing and Urban Development for the San Diego Standard Metropolitan Statistical Area.

Motel (See *hotel/motel*)

MSCP Subarea Plan means the City of San Diego plan implementing the Multiple Species Conservation Program.

Multiple dwelling unit means a building containing two or more *dwelling units* on a single *lot*. The term does not include companion units or employee housing.

Off-street parking space means an unobstructed area not located in a public *street* or *alley* that is maintained exclusively for the parking of one passenger vehicle.

100-year floodplain means the lands adjoining, and including, the channel of a river, stream, water course, bay, or other body of water that is subject to inundation by the *flood* waters of a *100-year frequency flood*. The *100-year floodplain* includes the *floodway* and *floodplain fringe* as identified in the *flood hazard boundary maps*.

100-year frequency flood means a *flood* that has a 1 percent probability of occurring in any given year, as determined by a statistical analysis of stream flow records available for the watershed and rainfall and run off characteristics of the region.

Open fence means a *fence* that has at least 35 percent of the vertical surface area of each 6-foot section open to light.

Owner, record (See *record owner*)

Parcel map means a map as defined by the *Subdivision Map Act*, Section 66426, usually used to subdivide a property into four *lots* or less.

Parking, shared (See *shared parking*)

Parking space, off-street (See off-street parking space)

Parking structure, underground (See *underground parking structure*)

§ 113.0103 Cont'd

Parkway means the area within the *public right-of-way* between the curb of a *street* and the *public right-of-way* line.

Penthouse means a *structure* for enclosing mechanical equipment or stairs that is located on the roof of a multi-story building and set back from the vertical projections of the exterior building walls.

Permit holder means an *applicant* who has been granted a permit, or the *applicant's* successor, or the person using the property that is subject to the permit.

Premises means an area of land with its *structures* that, because of its unity of use, is regarded as the smallest conveyable unit.

Previously conforming means the circumstance where a use, *structure*, or *premises* complied with all applicable state and local laws when it was first built or came into existence, but because of a subsequent change in zone or development regulations, is not in conformance with the current zone or all development regulations applicable to that zone.

Previously conforming density means the circumstance where a residential *development* is currently an allowed use in the zone and was constructed with a lawful number of units, but due to a change in the zone or zoning regulations, now has a greater number of units than is allowed in the zone.

Prezoning ordinance means an ordinance adopted by the City Council that delineates the zoning of territory not yet incorporated into the City.

Primary use means the allowed use on a *premises* that occupies a majority of the area of the *premises*.

Projecting sign means a *sign* other than any type of *wall sign* that is attached to and extends from the face of a *structure*.

Property line means a line that defines the boundaries of a *lot* or *premises* for purposes of applying development regulations. See Section 113.0246 for additional information on determining *property lines*.

Proposed 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*.

Public improvement means the act or result of construction, reconstruction, or repair of improvements that are for or incidental to a public purpose.

Public nuisance has the same meaning as stated in Municipal Code Section 11.0210.

Public park means a publicly owned area that is designated as a park.

Public right-of-way means a public easement for *streets*, *alleys*, or other uses.

§ 113.0103 Cont'd

Public service easement means any easement granted to the City of San Diego for public utilities of any kind and related facilities.

Public vantage point means any publicly accessible location on dedicated or publicly owned property, including roadways and parks, that affords a view of open space areas, unblocked by existing or potential *structures* built in accordance with provisions of the applicable zone. Open space areas include the ocean, a coastal lagoon, a canyon, a hillside, or any other open space area identified in an adopted community plan.

Public utility means a person or entity furnishing gas, electricity, or communication services to the citizens of San Diego under a franchise granted by the City or the State of California.

Reclamation means the process of treating land to minimize water degradation, air pollution, damage to aquatic or wildlife habitat, *flooding*, erosion and other adverse effects from *surface mining* operations, including adverse surface effects incidental to underground mines, so that they are usable for alternate land uses and create no danger to public health or safety.

Record owner means the owner of real property as shown on the latest equalized property tax assessment rolls of the San Diego County Assessor.

Recyclable material means material that is suitable for reuse, remanufacture, or reconstitution, including glass, plastic, paper, and metal. *Recyclable material* does not include general refuse, *hazardous waste*, or *hazardous waste* materials.

Recyclable construction and demolition debris means material generated at construction and demolition sites that is suitable for reuse, remanufacture, or reconstitution, including asphalt, concrete, aggregates, bricks, rocks, ceramics, drywall, metals, wood, soils or other material.

Recycling facility means a center for the collection or processing of *recyclable materials*. A facility that uses *recyclable materials* to manufacture an end product that does not require further processing is a manufacturing facility, not a *recycling facility*.

Recycling Market Development Zones means industrial areas that have been designated by the City Council to stimulate businesses that manufacture recycled products and process *recyclable material*.

Reimbursement district means the *benefitted area* within which a property is subject to a reimbursement charge for the purpose of reimbursing a developer or the City, or both, for the cost of *public improvements* that are not attributable to the project that funded the entire cost of *public improvements*.

Remainder parcel means that portion of a subdivided property that is not divided for the purpose of sale, lease, or financing as defined in the *Subdivision Map Act*, Section 66424.6.

Remaining yard means the portion of the *yards* on a *premises* that is not within the *street*

§ 113.0103 Cont'd

yard.

Resolution of lien means the resolution passed by the City Council establishing the amount due from each parcel within a *reimbursement district.*

Retaining wall means a wall designed to resist the lateral displacement of soil or other materials.

Roof deck means an enclosed or partially enclosed area, with or without an overhead *structure*, cover, or roof, that is located on a flat or relatively flat roof of a building. Any walled area erected exclusively to *screen* mechanical equipment is not a *roof deck.*

Roof eave means the lowest part of a roof that overhangs the wall below and from which rain would drain.

Roof line means the top edge of a roof or the top of the parapet, whichever is the higher elevation.

Roof sign means a *sign* erected upon, against, or directly above a roof or *roof eave*, atop or above the parapet, or on an architectural adjunct above the roof or *roof eave.*

School means an institution of learning that offers instruction in those courses of study required by the California Education Code or that is maintained pursuant to standards set by the State Board of Education. This definition does not include a vocational or professional institution or an institution of higher education, including a community or junior college, college, or university.

Screen means the act, process, or result of visually shielding or obscuring a *structure* or use from adjacent property by fencing, walls, berms, or densely planted vegetation.

Seismic safety study means the most recent update of the document so titled, including the Geologic Hazard Maps, Geotechnical Land Use Maps, and Fault Maps, as approved by the City Engineer and on file with the City Engineer and the City Clerk.

Sensitive biological resources means upland and/or *wetland* areas that meet any one of the following criteria:

(a) Lands that have been included in the City of San Diego Multiple Species Conservation Program Preserve;

(b) *Wetlands*;

(c) Lands outside the *MHPA* that contain Tier I Habitats, Tier II Habitats, Tier IIIA Habitats, or Tier IIIB Habitats;

(d) Lands supporting species or subspecies listed as rare, endangered, or threatened under Section 670.2 or 670.5, Title 14, California Code of Regulations, or the Federal Endangered Species Act, Title 50, Code of Federal Regulations, Section 17.11 or 17.12, or candidate species under the California Code of Regulations; or

§ 113.0103 Cont'd

(e) Lands containing habitats with Narrow Endemic Species as listed in the Biology Guidelines in the Land Development manual.

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

Sensitive coastal bluff means a *coastal bluff* that is designated within hazard category numbers 41 through 47, inclusive, on the City's Geologic Hazard Maps plus the area of an additional 100-foot strip located landward and contiguous to the *coastal bluff edge*.

Setback means a required distance inward from and perpendicular to a *property line* at or behind which all *structures* must be located unless otherwise specified. See Section 113.0252 for additional information on measuring *setbacks*.

Setback line means a continuous line located at the *setback* running parallel to the closest *property line*. See Section 113.0249 for additional information on determining *setback line*.

Sex offender means any individual who has been charged by criminal indictment or complaint or convicted of a sex-related offense outside the *family* unit as defined by the California Penal Code, Part 1, Title 9, Chapter 1, or in Sections 286, 286.5, 288, 288a, 289 of Chapter 5, or in Section 314 of Chapter 8, or any amendment or recodification of any such sections.

Sex offender treatment and counseling facility means a medical treatment or counseling facility that physically or psychologically treats five or more *sex offenders* within 1 calendar year.

Shared parking means the sharing, under legal agreement, of an off-street parking facility or facilities by two or more uses.

Side street means a *street* abutting a corner *lot* that is approximately parallel to the line along which lot depth is measured as described in Section 113.0243.

Sign means any identification, description, illustration, or device, illuminated or nonilluminated, that is visible from a public place or is located on private property and exposed to the public and which directs attention to a product, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise with the exception of window displays, and any emblem, painting, banner, pennant, placard, or temporary *sign* designed to advertise, identify, or convey information.

Sign, advertising display (See *advertising display sign*)

Sign, changeable copy (See *changeable copy sign*)

Sign copy means the words, symbols, or emblems on a *sign* surface, whether in permanent or removable form.

§ 113.0103 Cont'd

Sign copy area means the area of the smallest geometric figure that can enclose the words, symbols, or emblems of a *wall sign*. For internally illuminated *wall signs*, the entire illuminated *sign face* is the *sign copy area*. See Section 113.0255 for additional information on how to calculate *sign copy area*.

Sign, externally illuminated (See *externally illuminated sign*)

Sign face means the entire area of a *sign* on which *sign copy* could be placed for *roof signs*, *ground signs*, *projecting signs*, and *advertising display signs*. See Section 113.0258 for additional information on how to calculate *sign face*.

Sign, ground (See *ground sign*)

Sign, internally illuminated (See *internally illuminated sign*)

Sign, projecting (See *projecting sign*)

Sign, roof (See *roof sign*)

Sign, wall (See *wall sign*)

Single dwelling unit means a detached *dwelling unit* or attached *dwelling units* where each dwelling unit is on an individual *lot*.

Social service institution means an organization engaged in activities that promote social welfare, including philanthropic assistance to the sick, needy, or unfortunate. This term does not include residential care facilities, provisions for on-site residence or confinement, adult day care, alcohol recovery facilities, and parolee rehabilitation services.

Solid fence means a *fence* that provides a solid screen.

Special flood hazard means any *100-year floodplain* or area shown on the Federal Insurance Rate Map or *Flood Hazard Boundary Map* as Zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE, V, M, or E.

Specified anatomical areas means and includes less than completely and opaquely covered human genitals, pubic region, buttocks, anus, female breasts below a point immediately above the top of the areolae, or human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified sexual activities means and includes the fondling or other touching of human genitals, pubic region, buttocks, anus, or female breasts; sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; masturbation, actual or simulated; or excretory functions as part of or in connection with any of the activities set forth above.

SRO (single room occupancy) hotel means a *hotel* of which at least 20 percent of the guest rooms are *SRO hotel rooms*. An *SRO hotel* does not include any institution in

§ 113.0103 Cont'd

which persons are housed or detained under legal restraint or hospitalized or otherwise under medical, nursing or psychiatric care.

SRO hotel room means a guest room in an SRO hotel that is at least 70 square feet but not more than 220 square feet which may have private or shared sanitary facilities but does not contain a *kitchen*.

Stabilization means the act, process, or result of applying measures designed to reestablish a weather-resistant enclosure or the structural stability of an unsafe or deteriorated property while maintaining the property's basic existing form.

Steep hillsides means all lands that have a slope with a natural gradient of 25 percent (4 feet of horizontal distance for every 1 foot of vertical distance) or greater and a minimum elevation differential of 50 feet, or a natural gradient of 200 percent (1 foot of horizontal distance for every 2 feet of vertical distance) or greater and a minimum elevation differential of 10 feet.

Story means the area between *grade* and finished *floor*, the area between finish-*floor* elevations or the area between the finish-*floor* elevation and the roof elevation. See Section 113.0261 for additional information on measuring *story*.

Street means that portion of the *public right-of-way* that is dedicated or condemned for use as a public road and includes highways, boulevards, avenues, places, drives, courts, lanes, or other thoroughfares dedicated to public travel, but does not include *alleys*.

Street frontage means the length of one *premises' property line* along the *street* it borders.

Street, side (See *side street*)

Street wall means all contiguous walls of a building whose overall limits make up the *building facade*. See Section 113.0264 for additional information on determining the *street wall*.

Street wall line means the *street wall* and a line extending outward from the outermost points of the *street wall* parallel to the *street* until the extensions of the lines intersect the side or rear *property lines* or encircle the building. See Section 113.0267 for additional information on determining *street wall line*.

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

Structural envelope means the three-dimensional space enclosed by the exterior surfaces of a building or *structure*.

Structure means an edifice or building of any kind or any construction built up or composed of parts joined together in some definite manner including a wall, *fence*, pier, post, *sign*, or shelter.

§ 113.0103 Cont'd

Structure height means the vertical distance between all points on top of a *structure* or any of its appurtenances and *grade* directly below. See Section 113.0270 for additional information on measuring *structure height.*

Subdivider has the same meaning as stated in the *Subdivision Map Act*, Section 66423.

Subdivision has the same meaning as stated in the *Subdivision Map Act*, Section 66424.

Subdivision map means any map that is filed for the purpose of subdividing property as defined by the *Subdivision Map Act*. It may be a final map or a *parcel map.*

Subdivision Map Act means the provisions found in California Government Code Section 66410, et seq.

Substantial conformance means that a revision to a *development* that was approved through a permit or *tentative map* complies with the objectives, standards, guidelines, and conditions for that permit or *tentative map.*

Surface mining means all or any part of the process involved in the mining of minerals by removing overburden and mining directly from the mineral deposits, by open-pit mining of minerals naturally exposed, by mining by the auger method, or by dredging and quarrying or surface work that is incidental to an underground mine. *Surface mining* operations include in-

place distillation, retorting, or leaching; the production and disposal of *mining waste*; or any exploratory activities.

Tentative map has the same meaning as stated in the *Subdivision Map Act*, Section 66424.5.

Traditional cultural property means a locale which has been, and may continue to be, of religious, mythological, economic, or social importance to an identifiable ethnic group. This includes sacred areas where religious ceremonies were or are practiced or that are central to a group's origins as a people (such as a mountain, river, or cave). Also included are areas where plants or other materials were or are gathered for food, medicine, or other economic purposes.

Transit area means (1) the area within a one-quarter-mile radius of either public *streets* identified in Map No. C-846 on file in the office of the City Clerk as Document No. 00-17836 (or its successor maps) as having the location, mix of densities, mix of uses, and *development* patterns that can generate sufficient bus ridership to support a frequent and consistent level of bus service (as typified by a 10 to 15-minute frequency of service); or, (2) existing and proposed trolley stops and major bus transfer centers that have been approved for *development* by the Metropolitan Transit Development Board (MTDB) with identified, available funding.

Unaccepted offer of dedication means real property or an interest in real property offered to, but not accepted by, the City for public use and on which the City retains the right to accept the offer of *dedication* at a later date.

§ 113.0103 Cont'd

Uncontrolled fill means any *fill* on which no soil testing was performed or no compaction reports or other soils reports were prepared or submitted during or after placement.

Underfloor means the usable or unusable space under the lowest usable finished *floor* of a *structure* on a sloping *lot*.

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*.

Vehicular use area means the area of a *premises* used for parking and vehicular traffic for all types of vehicles excluding covered parking *structures* or underground parking areas.

Very low income means any household whose income does not exceed 50 percent of median income as adjusted for household size as defined by the U.S. Department of Housing and Urban Development for the San Diego Standard Metropolitan Statistical Area.

Visibility area means the area necessary to allow adequate sight distance for safe vehicle and pedestrian movement at intersections involving a *public right-of-way*. See Section 113.0273 for additional information on measuring *visibility areas*.

Wall, retaining (See *retaining wall*)

Wall sign means a *sign* attached to, or a *sign copy area* on, a *structure* or adjunct of a *structure*, including an equipment *screen* or *dormer* that completely *screens* the mechanical equipment of the *structure*, and has its exposed *sign face* parallel or approximately parallel to the plane of the *structure* to which the *sign* is attached.

Wetland buffer means an area or feacture(s) that protects the functions and values of the adjacent *wetland*.

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

1. All areas persistently or periodically containing naturally occurring *wetland* vegetation communities characteristically dominated by hydrophytic vegetation, including but not limited to salt marsh, brackish marsh, freshwater marsh, riparian forest, oak riparian forest, riparian woodlands, riparian scrub, and vernal pools;

2. Areas that have hydric soils or *wetland* hydrology and lack naturally occurring *wetland* vegetation communities because human activities have removed the historic *wetland* vegetation or catastrophic or recurring natural events or processes have acted to preclude the establishment of *wetland* vegetation as in the case of salt pannes and mudflats;

3. Areas lacking *wetland* vegetation communities, hydric soils and *wetland* hydrology due to non-permitted filling of previously existing *wetlands*;

§ 113.0103 Cont'd

4. Areas mapped as *wetlands* on Map No. C-713 as shown in Chapter 13, Article 2, Division 6 (Sensitive Coastal Overlay Zone).

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

Yard means an open area that lies between the *setback line* and the nearest parallel *property line* within which no *structures* may be located, unless otherwise specified. See Section 113.0276 for additional information on determining *yards*.

Article 3: Land Development Procedures

Division 2: Rules for Calculation and Measurement

§ 113.0201 Purpose of Rules for Calculation and Measurement

The purpose of this division is to clarify and define the manner in which specific land development terms and development regulations are applied. The intent is to provide the rules for calculating, determining, establishing, and measuring those aspects of the natural and built environment that are regulated by the Land Development Code.

§ 113.0202 When Rules for Calculation and Measurement Apply

This division applies to *development* when the applicable regulations include terms or concepts that are shown in Table 113-02A. The Rules for Calculation and Measurement clarify development regulations and land development terms by expanding on the regulations and providing detailed explanations of pertinent aspects of the regulation. These rules govern the way in which the development regulations are implemented. The land *development* terms and the sections for the corresponding rules are provided in Table 113-02A. The Rules for Calculation and Measurement of one regulation or term may be used in conjunction with another.

Table 113-02A
Rules for Calculation and Measurement

Land *Development* Term or Concept	Section
Attic	113.0210
Building envelope	113.0213
Building facade	113.0216
Coastal bluff edge	113.0219
Density	113.0222
Distance Between Uses	113.0225
Grade:	
Existing *Grade*	113.0228
Proposed *Grade*	113.0231
Gross floor area	113.0234
Lot	113.0237
Lot coverage	113.0240
Lot Depth and Width	113.0243
Property line	113.0246
Setback line	113.0249
Setbacks	113.0252
Sign copy area	113.0255
Sign face	113.0258
Story	113.0261
Street wall	113.0264
Street wall line	113.0267

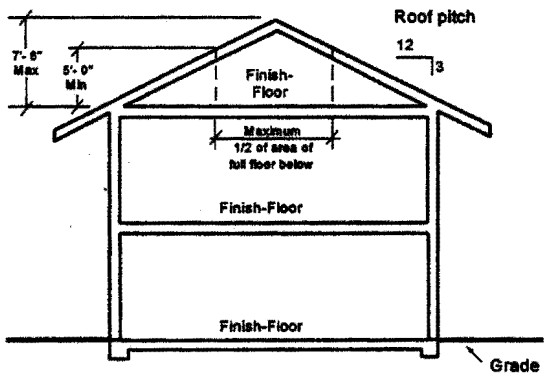
§ 113.0202 Cont'd

Land *Development* Term or Concept	Section
Structure height	113.0270
Visibility area	113.0273
Yards	113.0276

§ 113.0210 Determining Attic

An *attic* is the area under a sloped roof that has a pitch of at least 3:12 (3 vertical feet to 12 horizontal feet) with a height of at least 5 feet and no more than 7 feet, 6 inches, measured from the highest finish-*floor* elevation to the finish roof above. The *floor* area of an *attic* shall not exceed one-half of the *floor* area of the nearest full *story* below. This is illustrated in Diagram 113-02A.

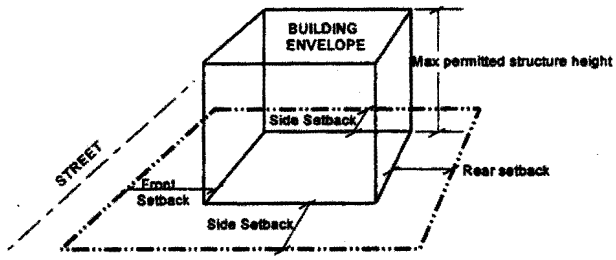
Diagram 113-02A
Attic



§ 113.0213 Determining Building Envelope

The *building envelope* is the three-dimensional space determined by identifying the maximum permitted *structure height* and the *setbacks* for a *premises*. The outline of the *building envelope* extends upward from the *setback lines* in an imaginary plane, to the maximum permitted *structure height*, thereby defining the three-dimensional space. This is illustrated in Diagram 113-02B.

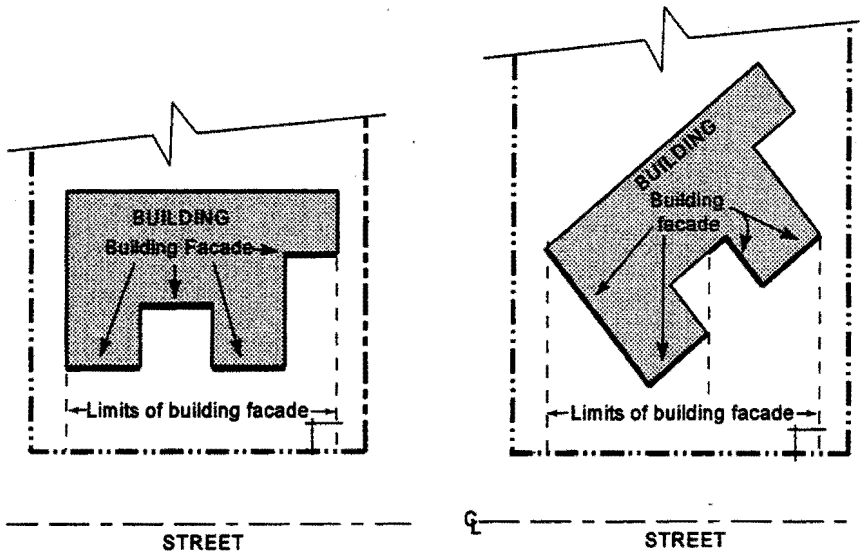
Diagram 113-02B
Building Envelelope



§ 113.0216 Determining Building Facade

The *building facade* is made up of the outer surfaces of all walls, or portions of walls, that are visible when projected perpendicularly to a single plane that is most parallel to the closest abutting *public right-of-way*, as shown in Diagram 113-02C.

Diagram 113-02C
Building Facade

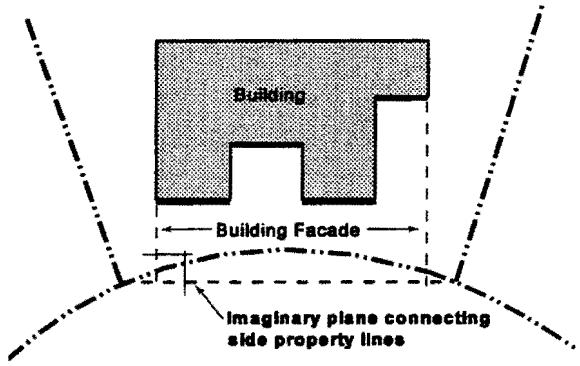


The *building facade* is determined as follows:

(a) For a corner *lot*, the *building facade* is determined separately for each *street frontage*.

(b) For a *premises* abutting a curved *public right-of-way*, the plane used for determining the *building facade* is an imaginary line connecting the intersections of the two side *property lines* with the *public right-of-way*, as shown in Diagram 113-02D.

Diagram 113-02D
Building Facade with Curved Street Frontage



§ 113.0216 Cont'd

(c) The length of the *building facade* is the distance between the outer limits of the *building facade* measured along the single plane used to determine the *building facade*.

(d) The area of the *building facade* is determined by multiplying the height of the walls by the length of the *building facade*. The area of the *building facade* includes the area of all doors and windows and also includes the area of the roof, in elevation, as viewed from the single plane used to determine the *building facade*.

§ 113.0219 Determining Coastal Bluff Edge

Coastal bluff edge is determined as follows:

(a) The *coastal bluff edge* is the uppermost termination of the *coastal bluff face* and the seaward-most termination of the top of bluff on a *premises*.

(b) When the top edge of the *coastal bluff face* is rounded toward the top of bluff as a result of erosional processes related to the presence of the bluff face, the *coastal bluff edge* is that point nearest the bluff face beyond which the downward gradient of the land surface begins to increase more or less continuously until it reaches the general gradient of the *coastal bluff face*.

(c) The *coastal bluff edge* is a continuous line across the length of the bluff on the *premises* from which all *coastal bluff edge setbacks* shall be measured.

(d) The top of bluff is flat or contains a generally consistent gradient that is significantly less than that of the *coastal bluff face*.

(e) In the case where there is a step-like feature at the top of the *coastal bluff*, the landward edge of the topmost riser-like landform on the *premises* is the *coastal bluff edge* for that *premises*.

(f) The precise location of the *coastal bluff edge* shall be as determined by the City Manager in accordance with the regulations in Section 113.0219(a) through (e) and the Coastal Bluffs and Beaches Guidelines.

§ 113.0222 Calculating Density

(a) Multiple Dwelling Unit Development

For *multiple dwelling unit development*, the maximum number of units that may be permitted on any *premises* is determined by dividing the lot area of the *premises* by the number of square feet required for each dwelling unit (maximum permitted density), as prescribed by the applicable base zone.

(1) If the quotient resulting from this calculation exceeds a whole number by 0.50 or more, the number of dwelling units may be increased to the next whole number.

(2) The maximum number of dwelling units permitted on any *premises* that is located in more than one zone shall be the sum of the number of units permitted in each of the zones based on the area of the *premises* in each zone. The dwelling units may be located on the *premises* without regard to the zone boundaries.

(3) In determining the maximum permitted *density*, the rounding provisions of Section 113.0222(a)(1) may be used only once. For example, if multiple calculations are required as with application of the *density* bonus provision, the result of only one

§ 113.0222 Cont'd

calculation may be increased to the next whole number.

Example of calculation of *density* for *multiple dwelling unit development*:

Lot Area: 1.5 acres x 43,560 (sq. ft./ac.) = 65,340 sq. ft.

Maximum Permitted *Density*: 1 dwelling unit/2000 sq. ft.

Units Permitted = 65,340 ÷ 2,000 = 32.67 dwelling units

Since the quotient exceeds a whole number by more than 0.50, the maximum number of permitted dwelling units may be rounded up to 33 dwelling units.

(b) Single Dwelling Unit Development

For *single dwelling unit development*, no more than one dwelling unit is permitted on a *lot*. The maximum number of permitted *lots* that can be created by subdivision is determined by dividing the total lot area of the site by the minimum lot area prescribed by the applicable base zone. The quotient from this calculation is rounded down to the next whole number.

Example of calculation of *density* for *single dwelling unit development*:

Lot Area: 15 acres x 43,560 (sq. ft./ac.) = 653,400 sq. ft.

Minimum Lot Area Prescribed by Zone: 5,000 sq. ft.

Lots Permitted = 653,400 ÷ 5,000 = 130.68 *lots*

Round down to whole number for a total of 130 *lots*. A maximum of 130 dwelling units is permitted.

§ 113.0225 Measuring Distance Between Uses

When there is a separation requirement between uses, the distance of the separation shall be measured as follows (this is illustrated in Diagram 113-02E).

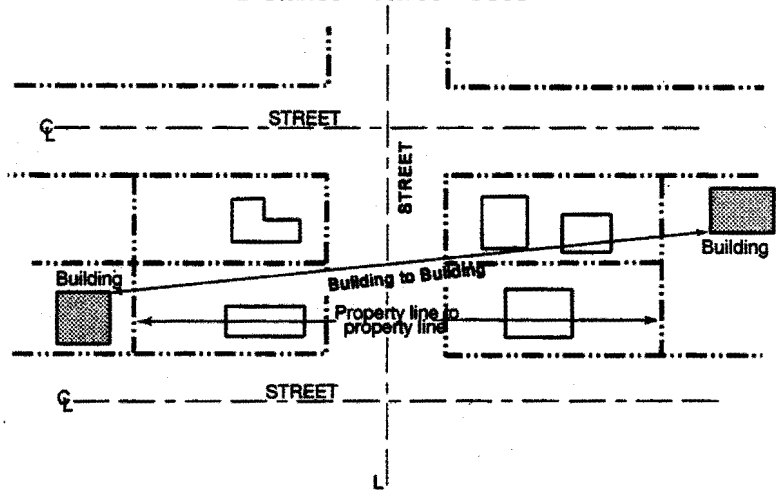
(a) The distance shall be measured between *property lines*, buildings, or use locations, as required by the regulations for the particular use.

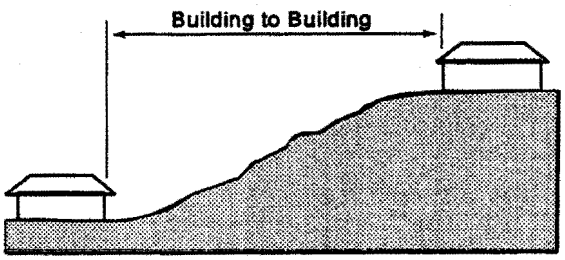
(b) The distance shall be measured in a straight line between the two closest points of the *property lines*, buildings, or use locations.

(c) The distance shall be measured horizontally without regard to topography or *structures* that would interfere with a straight-line measurement.

§ 113.0225 Cont'd

Diagram 113-02E
Distance Between Uses



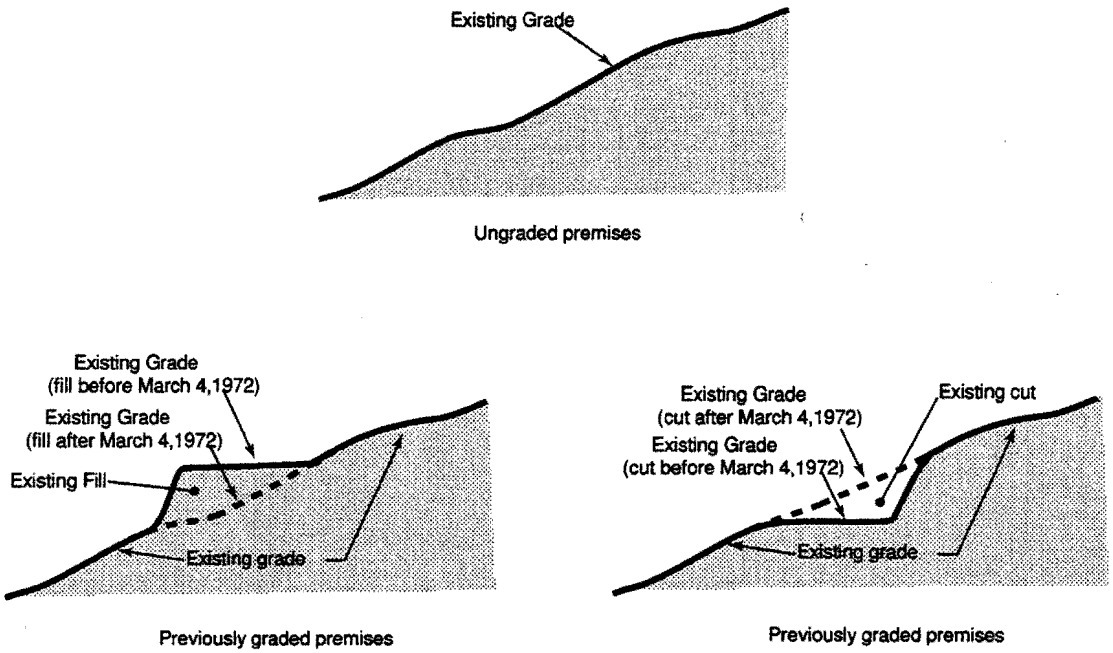


§ 113.0228 Determining Existing Grade

(a) *Existing grade* is the ground elevation of the surface of a *premises* that has never been *graded* or, for a *premises* that has been *graded*, the ground elevation that existed on March 4, 1972. This is illustrated in Diagram 113-02F.

§ 113.0228 Cont'd

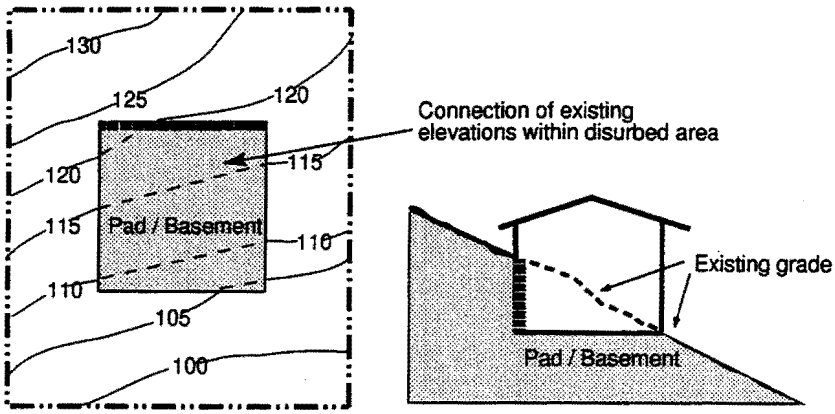
Diagram 113-02F
Existing Grade



(b) If *grading* was approved and conducted as part of an approved *tentative map*, *existing grade* is the ground elevation of the *premises* following completion of the approved *grading* operation.

(c) When *existing grade* on a *previously graded premises* is not readily apparent, the City Manager may use the *grade* adjacent to the *previously graded* area or the *grade* on adjacent properties to establish the *existing grade* for the *previously graded* area. *Existing grade* at the disturbed area shall be an imaginary plane that connects elevations of *existing grade* through the *previously graded* area, as shown in Diagram 113-02G.

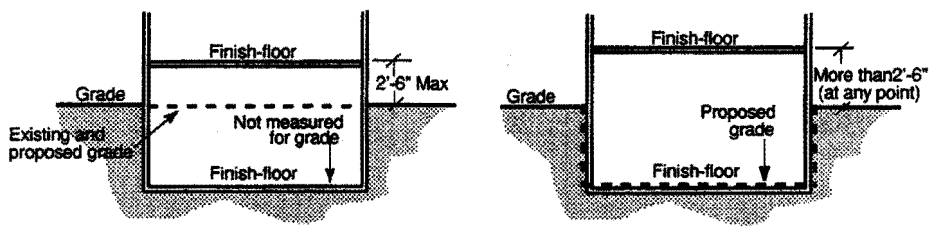
Diagram 113-02G
Connecting Elevations for Existing Grade



§ 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 *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 more, 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
Proposed Grade With Basement



§ 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(c). Gross floor area does not include the elements listed in Section 113.0234(d).

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

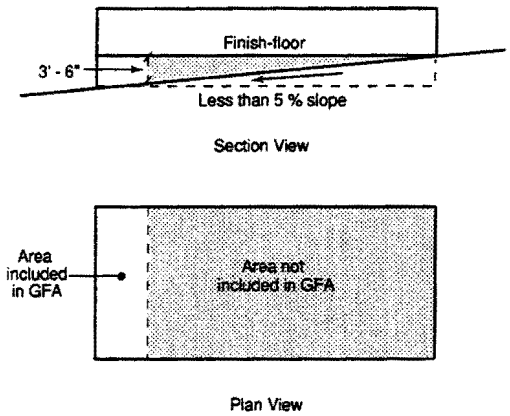
(1) *Gross floor area* includes all existing and proposed *floors* within the horizontal area delineated by the exterior surface of the surrounding exterior walls of the building.

(2) *Gross floor area* includes *basements* 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.

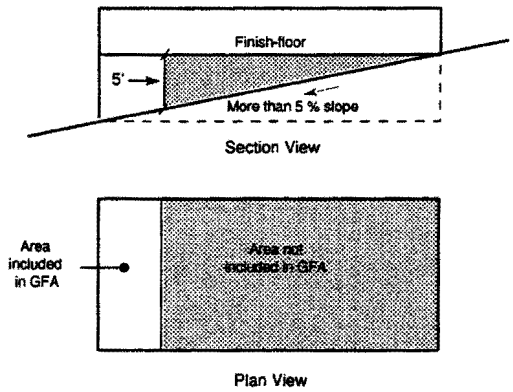
§ 113.0234 Cont'd

Diagram 113-02I
Basements with Less than 5 Percent Slope



(B) For *lots* that slope 5 percent or more along any 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 5 feet, as shown in Diagram 113-02J.

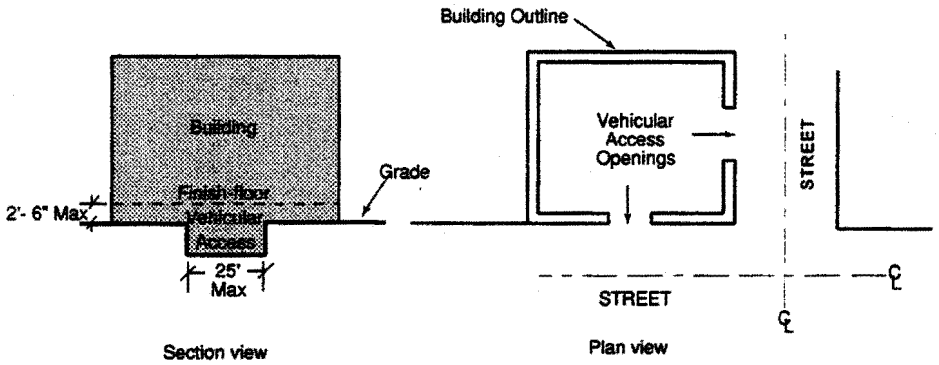
Diagram 113-02J
Basements with 5 Percent or More Slope



(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 2 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.

§ 113.0234 Cont'd

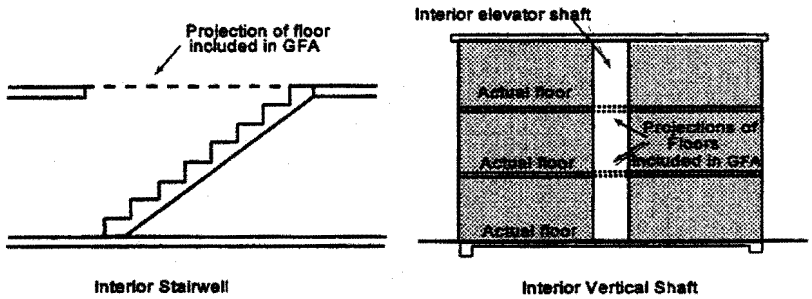
Diagram 113-02K
Underground Parking Structures



(4) *Gross floor area* includes enclosed exterior stairwells and enclosed exterior elevator shafts.

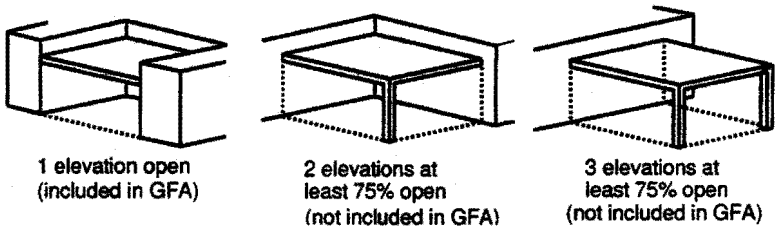
(5) *Gross floor area* includes interior shafts such as elevator shafts, ventilation shafts, and other similar vertical shafts, interior stairwells, ramps, and mechanical equipment rooms. *Gross floor area* includes the area of the horizontal projection into the interior shaft of each *floor* in plan view that is served by the elevator, shaft, stairwell, or ramp, as shown in Diagram 113-02L.

Diagram 113-02L
Interior Stairwells and Vertical Shafts



(6) *Gross floor area* includes on- or above-grade parking *structures*, garages, and carports that are constructed and maintained with less than two elevations of the element that are at least 75 percent completely open, as shown in Diagram 113-02M.

Diagram 113-02M
Parking Structures



(7) *Gross floor area* includes *penthouses*, except in the following instances:

§ 113.0234 Cont'd

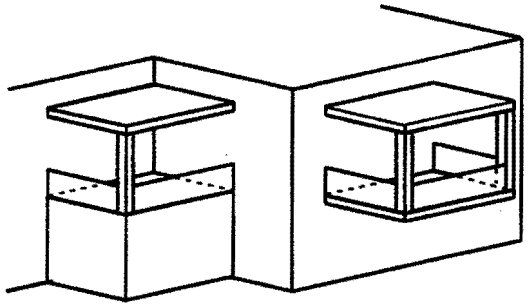
(A) When height of the enclosure above the highest roofline of the building or *structure* upon which the enclosure is located is no more than 13 feet for an elevator shaft or 9 feet for a stairwell; and

(B) When total plan area of the enclosure or enclosures is not more than 10 percent of the area of the roof plan of the building.

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

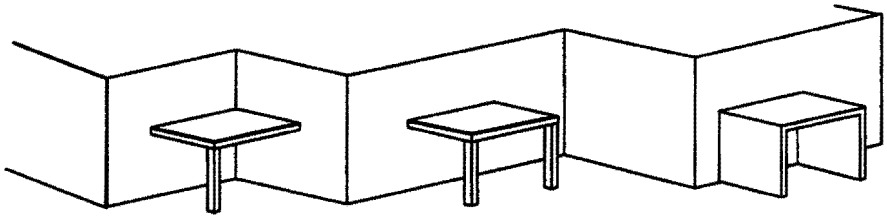
(1) *Gross floor area* includes roofed porches, entrances, exterior balconies, and patios when they project from the primary *structure* and are constructed and maintained with at least two elevations of the element that are less than 40 percent permanently open, as shown in Diagram 113-02N.

Diagram 113-02N
Projecting Porches and Balconies



2 elevations at least 40% open (not included in GFA)

3 elevations at least 40% open (not included in GFA)



2 elevations more than 40% open (not included in GFA)

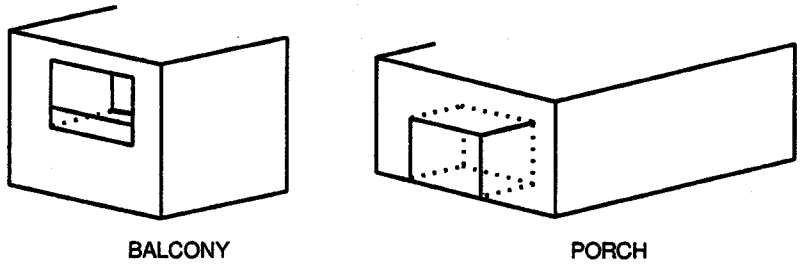
3 elevations more than 40% open (not included in GFA)

1 elevation open with building area on only 1 side (included in GFA)

(2) *Gross floor area* includes roofed porches, entrances, exterior balconies, and patios when (1) the element is recessed or partially recessed in the *structure* and surrounded or partially surrounded on three sides by the enclosed building, except that 100 square feet of the recessed portion of the element is not included in *gross floor area*, or (2) the elevation of the fourth side of the element is less than 40 percent open. This is illustrated in Diagram 113-02O.

§ 113.0234 Cont'd

Diagram 113-02O
Recessed Porches and Balconies

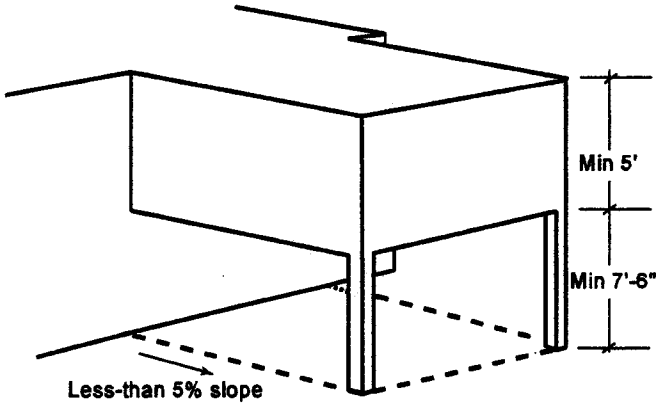


1 elevation at least 40% open with building area on 3 sides (not included in GFA if recessed area is less than 100 sq. ft.)

1 elevation open with building area on 3 sides (not included in GFA if recessed area is less than 100 sq. ft.)

(3) *Gross floor area* includes at-*grade* space that is built with enclosed space above, when the enclosed space above 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 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 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.

Diagram 113-02P
Carport with Enclosed Space Above



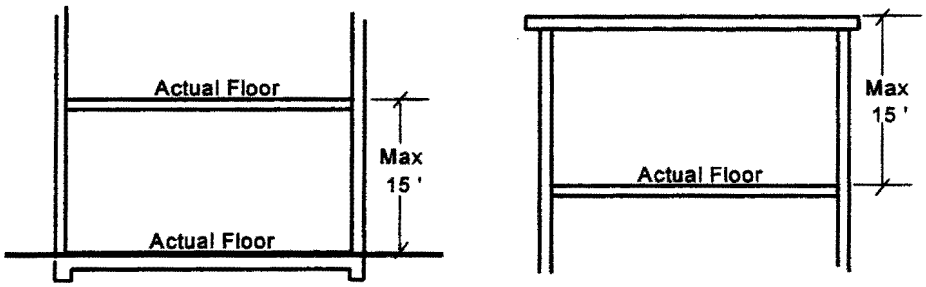
At-grade space and enclosed space above count as GFA

(4) *Gross floor area* includes any projected *floor* area and other phantom *floors* within the building's exterior walls where specified dimensions are met. Phantom *floors* are located within the space above or below actual *floors* within a building, and are measured separately above each actual *floor* or below the lowest actual *floor* for under *floor* area, described as follows:

(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.

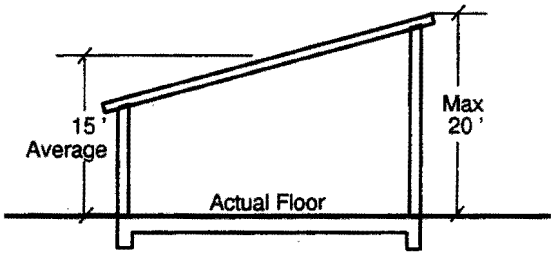
§ 113.0234 Cont'd

Diagram 113-02Q
One Floor Below Actual Floor and Flat Roof



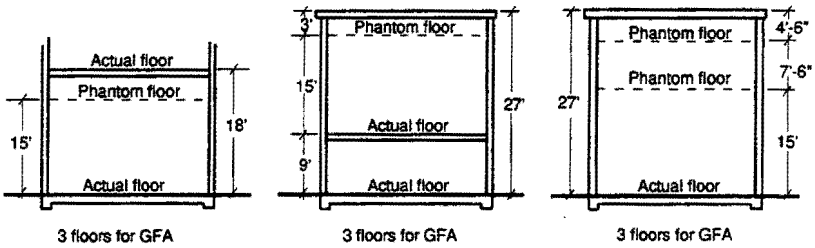
When the vertical distance between the finish-*floor* elevation and the elevation at the midpoint of the sloped roof immediately above that has at least a 2:12 pitch (2 vertical feet to 12 horizontal feet) pitch does not exceed 15 feet, and the elevation of the highest point of the roof does not exceed 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 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, or portion thereof, of height above the 15-foot height, as shown in Diagram 113-02S.

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

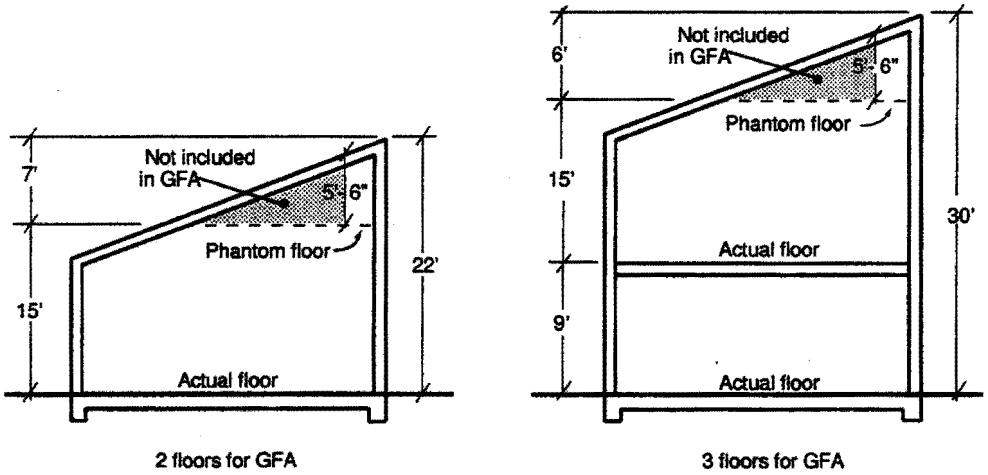


When the vertical distance between the finish-*floor* elevation and the elevation at the midpoint of the sloped roof immediately above that has at least a 2:12 pitch (2

§ 113.0234 Cont'd

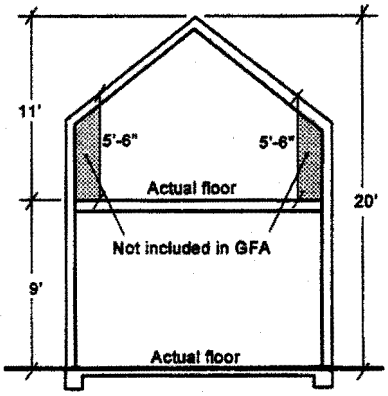
vertical feet to 12 horizontal feet) exceeds 15 feet or the elevation of the highest point of the roof immediately above exceeds 20 feet, *gross floor area* includes the area of the actual *floor* plus the area of a phantom *floor* at 15 feet of height and at each 7-foot, 6-inch increment of height above 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



(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. 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

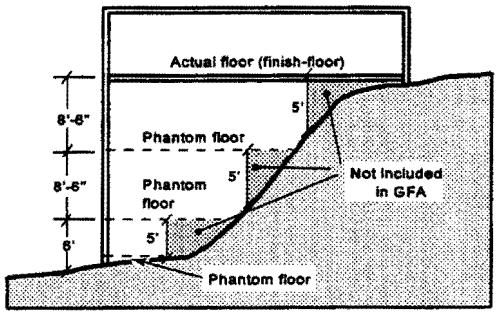


(C) Underfloor Area. For sloping *lots* with a minimum slope of 5 percent within the building footprint, *gross floor area* includes additional phantom *floors* within the enclosed space below the lowest finish-*floor* elevation. In this case, the area of a

§ 113.0234 Cont'd

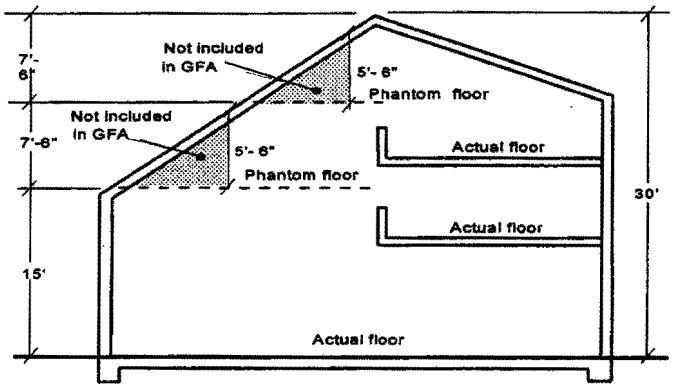
phantom *floor* is included in *gross floor area* at each 8-foot, 6-inch increment, or portion thereof, of height between the lowest finish-*floor* elevation and *grade*, measured vertically from the lowest finish-*floor* elevation, as shown in Diagram 113-02V. *Gross floor area* excludes any area where 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



(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 113-02W. 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.

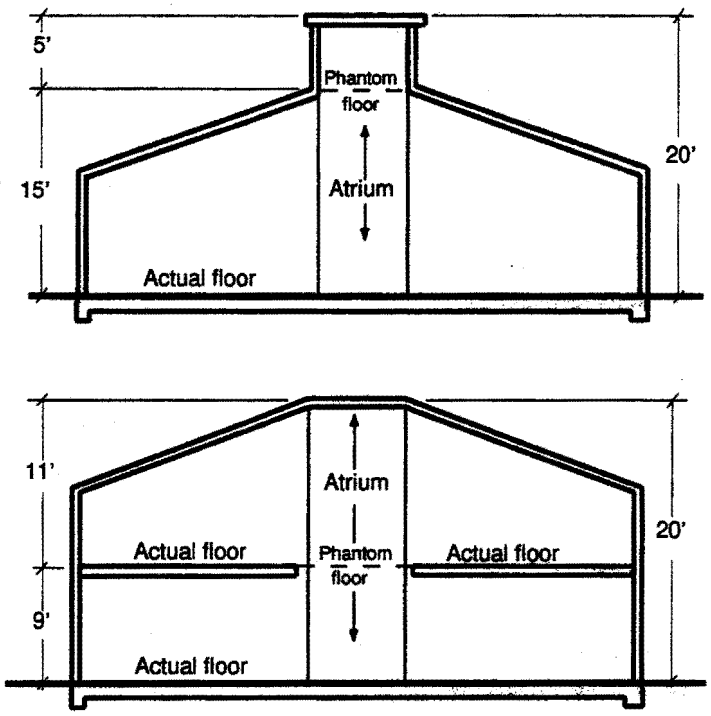
Diagram 113-02W
Mezzanines



(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* exists, the regulations for phantom *floors* in Section 113.0234(b)(4)(A) apply to the space within the *atrium*. This is illustrated in Diagram 113-02X.

§ 113.0234 Cont'd

Diagram 113-02X
Atriums



(5) *Roof Decks. Gross floor area* includes *roof decks* when any portion of the deck's parapet, guardrail, wall, or *fence* (open or solid) enclosing the area exceeds an average of 42 inches in height, or exceeds 54 inches in height at any point.

(c) Additional Elements Included in *Gross Floor Area* in Commercial and Industrial Zones (for other than residential development)

(1) *Gross floor area* includes *atriums*, provided, however, that only proposed or existing actual *floors* are included.

(2) *Gross floor area* includes porches when completely enclosed on all sides.

(d) Elements Not Included in *Gross Floor Area*

(1) *Interior Courts*, as defined in Section 113.0103; and

(2) Interior modifications, including additions of actual *floor* area, that do not affect the outer limits of the existing *structural envelope*.

§ 113.0237 Determining a Lot

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

(1) The *lot* is an individual parcel designated with a number or letter on a *subdivision* 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

§ 113.0237 Cont'd

5, 1954, or a division plat approved by and filed with the Development Services Department;

(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 Land Development Code procedure;

(3) The *lot* was held as a separate parcel before March 4, 1972 and has at least 15 feet of *street frontage* or other legal access to a dedicated *street* as approved by the City Engineer; or

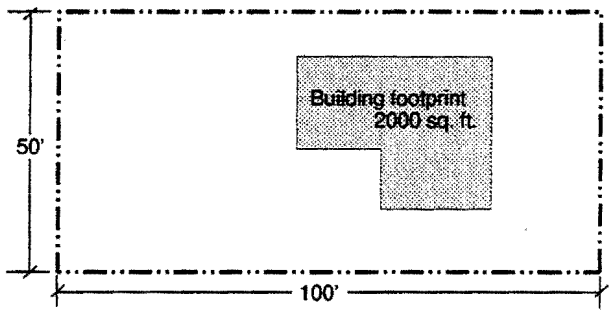
(4) The *lot* was held as a separate parcel upon annexation to the City of San Diego.

(b) Any *lot* or parcel that does not comply with the minimum lot area or required lot dimensions may nevertheless be used in compliance with the applicable zone if the *lot* is a legal *lot* as determined by Section 113.0237(a).

§ 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.

Diagram 113-02Y
Lot Coverage



$$\text{Lot coverage} = \frac{2{,}000 \text{ sq.ft.}}{5{,}000 \text{ sq.ft.}} = 40\%$$
(lot area)

The following *structures* are not included in calculating *lot coverage*:

(a) Exterior balconies, entrances, canopies, rigid *awnings*, stoops, openly supported terraces, openly supported exterior stairways, and sun baffles or shades when these structures do not project more than 6 feet from the supporting *structure* and are constructed and maintained with 40 percent or more of the vertical surface permanently open;

(b) Roofed areas enclosed by three or fewer exterior walls of a building that provide shelter to exterior balconies, entrances, stoops, terraces, and stairways;

(c) *Architectural projections*;

(d) Those portions of *underground parking structures*, first *stories*, and *basements* lying 3 feet

§ 113.0240 Cont'd

or less above *grade*; and

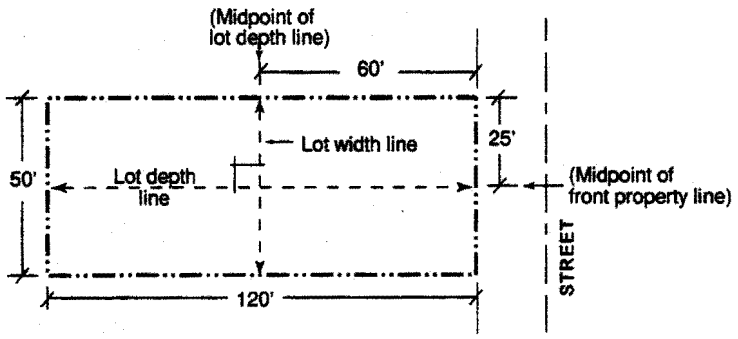
(e) Those portions of solar energy systems lying outside of the exterior surfaces of walls.

§ 113.0243 Measuring Lot Depth and Lot Width

(a) Lot depth is measured along an imaginary straight line drawn from the midpoint of the front *property line* of the *lot* to the midpoint of the rear *property line*.

(b) Lot width is measured along an imaginary straight line drawn at right angles to the lot depth line, between the side *lot* lines at the point midway between the front and rear *property lines*. Diagram 113-02Z illustrates how to measure lot depth and width.

Diagram 113-02Z
Lot Depth and Width



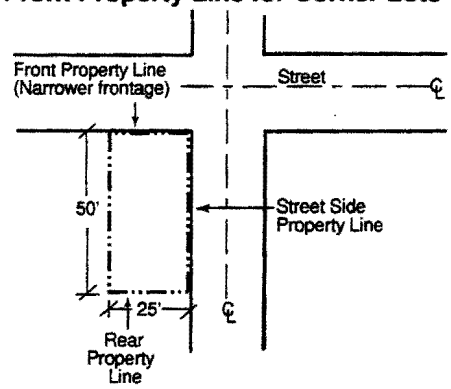
§ 113.0246 Determining Property Lines

The *property lines* define the perimeter of a *lot* or *premises* and separate one *lot* or *premises* from any other *lot* or *premises* or from the *public right-of-way*. These rules for determining *property lines* are for purposes of applying and interpreting development regulations only and are not intended to affect ownership rights or responsibilities. These rules apply regardless of ownership of property extending into the *public right-of-way*.

(a) Front *Property Line*. The front *property line* separates a *lot* from the *public right-of-way* or private street. On corner *lots*, the front *property line* lies along the narrowest *street frontage*, as shown in Diagram 113-02AA.

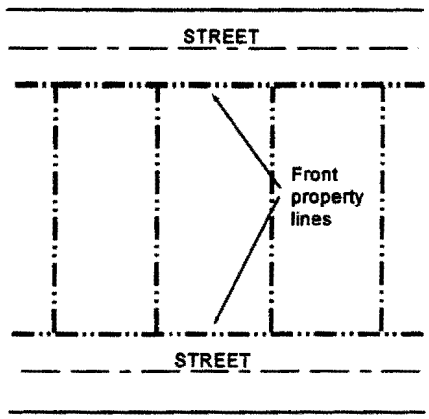
§ 113.0246 Cont'd

Diagram 113-02AA
Front Property Line for Corner Lots



(b) Front *Property Line* for Double-Fronted *Lots*. When a *lot* extends from one *street* to another *street*, the front *property line* lies along both frontages, as shown in Diagram 113-02BB, unless the right of vehicular access has been waived to one of the *streets* as required by a governmental agency. In this case, the line separating the *lot* from the *street* where access is waived becomes the rear *property line*.

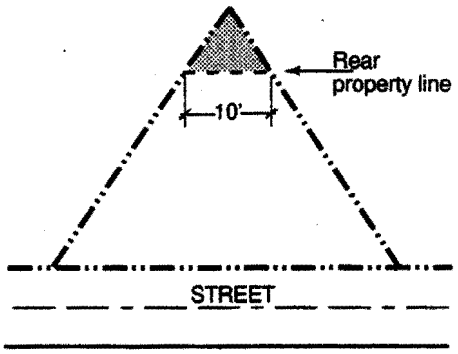
Diagram 113-02BB
Front Property Line for Double-Fronted Lots



(c) Rear *Property Line*. The rear *property line* is the *property line* opposite and most distant from the front *property line*, as shown in Diagram 113-02AA. For a triangular *lot*, the rear *property line* is a line 10 feet in length within the *lot* that connects the two side *property lines* and is parallel to the front *property line*, or parallel to the chord of a curved front *property line*, and at the maximum distance from it, as shown in Diagram 113-02CC.

§ 113.0246 Cont'd

Diagram 113-02CC
Rear Property Line on Triangular Lot



(d) Side and Street Side *Property Lines*. The side *property lines* connect the front *property lines* to the rear *property lines* at the corners of the *lot*. The side *property line* that abuts the *public right-of-way* is the *street* side *property line*.

§ 113.0249 Determining Setback Line

(a) The *setback line* is a line that runs parallel to the nearest *property line* at a distance inward from the *property line* equal to the *setback*. The area between the *setback line* and the parallel *property line* is the required *yard*. A continuous line connecting all *setback lines* defines the boundaries of the *building envelope* at ground level.

(b) *Setbacks* established by the Land Development Code may be modified by ordinance, approved final *subdivision*, record of survey, or division plat. In these situations the *setback line* will be as described in the pertinent document.

§ 113.0252 Measuring Setbacks

(a) The distance of the *setback* is measured inward from and perpendicular to the nearest *property line*, as follows:

(1) The front *setback* is measured perpendicular to the front *property line*;

(2) The side *setback* is measured perpendicular to the side *property line*;

(3) The *street* side *setback* is measured perpendicular to the *street* side *property line*; and

(4) The rear *setback* is measured perpendicular to the rear *property line*.

(b) Those portions of *underground parking structures*, first *stories*, and *basements* that are completely below *grade* are not subject to *setback* requirements except in zones that require landscaping in the front *yard*.

§ 113.0255 Calculating Sign Copy Area

(a) For *wall signs*, the copy area of a *sign* is the area of the smallest geometric figure that can

§ 113.0255 Cont'd

enclose the actual *sign copy*. See Diagram 113-02DD.

(b) For *internally illuminated signs*, the entire illuminated face is considered the copy area.

§ 113.0258 Calculating Sign Face

The *sign face*, as shown in Diagram 113-02DD, is calculated by multiplying the length of the *sign* by the width of the *sign*.

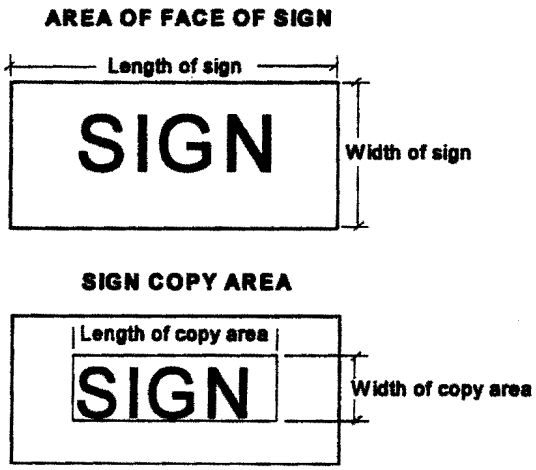
(a) The *sign face* of any two-faced *sign* with parallel faces, or V-type *sign* with an interior angle of 45 degrees or less, is the area of the single face, unless otherwise provided in the Land Development Code.

(b) The *sign face* for all other multiple-faced *signs* is the total area of all faces or panels.

(c) The *sign face* of painted *signs*, individual letter *signs*, and *internally illuminated signs* is calculated on the basis of the smallest rectangle, circle, or spherical figure that will enclose the entire copy area of the *sign*.

(d) The *sign face* does not include incidental striping and lighting elements used to highlight architectural features of the building such as parapets, facade breaks, window lines, entries, or demarcation of surface texture break. Striping and lighting elements may not connect to or through the actual copy area of the *sign* or constitute an enclosing frame or a highlighting of the *sign copy*. A minimum separation of 12 inches, or 6 inches for each 12 inches of *sign copy* height, shall be maintained between any element of the *sign copy* and the striping and lighting element.

Diagram 113-02DD
Sign Face and Sign Copy Area



§ 113.0261 Determining a Story

A *story* is that portion of a building between finish-*floor* elevations, between finish-*floor* and roof elevations, and between *grade* and finish-*floor* elevations.

(a) First *Story*

§ 113.0261 Cont'd

The first *story* is the lowest *story* or ground *story* of any building, the *floor* of which is not more than 2 feet, 6 inches above *existing grade* or *proposed grade*, whichever is lower, measured to the finish-*floor* elevation.

(b) *Attic*

An *attic* is a *story* if it meets one of the following criteria:

(1) It has a mansard or similar roof;

(2) It has a height that exceeds 7 feet, 6 inches from the finish-*floor* elevation to the peak of the roof immediately above;

(3) It has *dormers* projecting from a sloping roof where the *attic* can be used as a habitable area, unless the *dormer* is designed exclusively for ventilation and is not accessible from a habitable area; or

(4) The proposed *floor* area of the *attic* exceeds one-half of the *floor* area of the *story* immediately below.

(c) *Penthouse*

A *penthouse* is a *story* if it meets one of the following criteria:

(1) Its height above the *roof line* is more than 13 feet for an elevator shaft or more than 9 feet for a stairwell; or

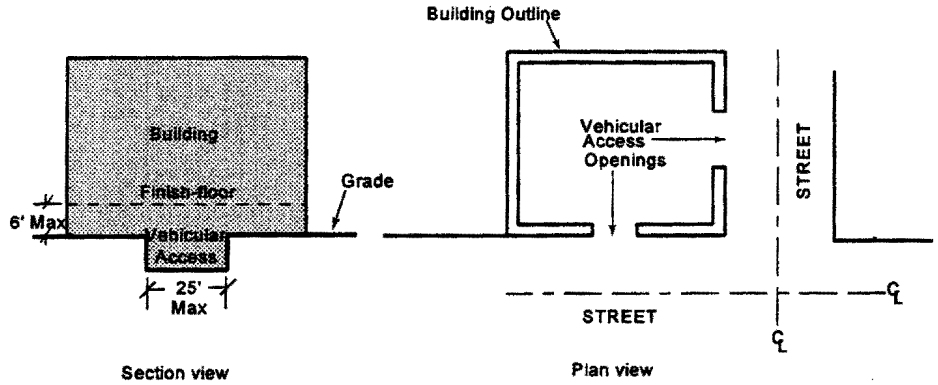
(2) Its total plan area is more than 10 percent of the roof plan area of the building.

(d) *Underground Parking Structures* and *Basements*

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.

§ 113.0261
Cont'd

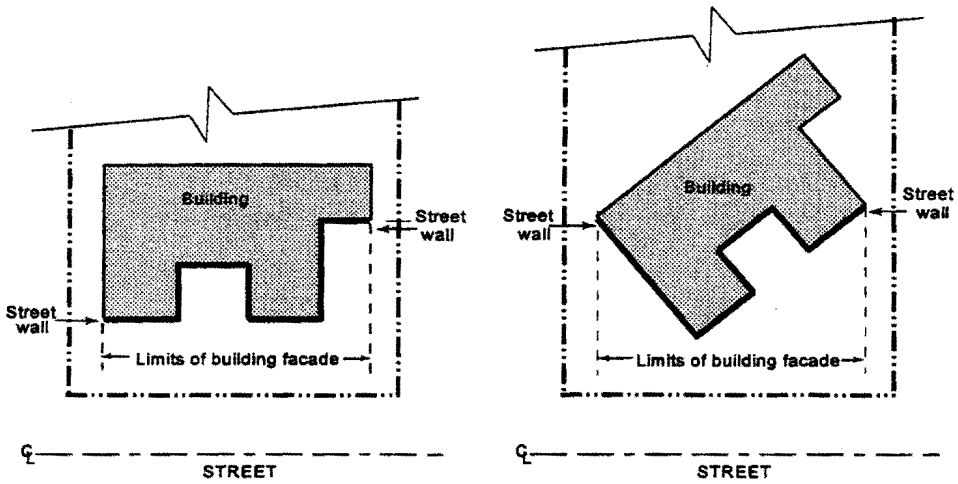
Diagram 113-02EE
Underground Parking Structures and Basements



§ 113.0264 Determining Street Wall

(a) The *street wall* is made up of the outer surfaces of all walls in all planes along that portion of the building that is between the limits of the *building facade*. The *street wall* follows all indentations along the *building facade*, as shown in Diagram 113-02FF.

Diagram 113-02FF
Street Wall



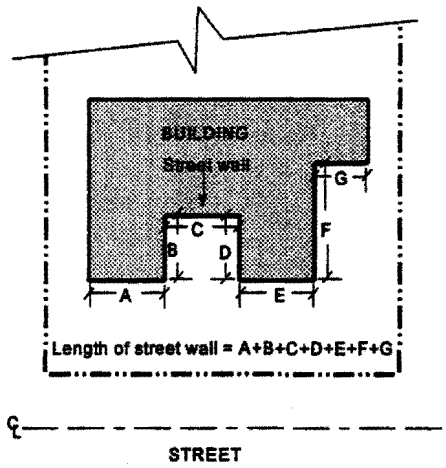
(b) The *street wall* is determined in accordance with the following.

(1) On a corner *lot*, each *street frontage* has a separate *street wall*.

(2) The length of the *street wall* is the sum of the lengths of all walls along that portion of the building that is between the limits of the *building facade*, as shown in Diagram 113-02GG.

§ 113.0264 Cont'd

Diagram 113-02GG
Length of Street Wall

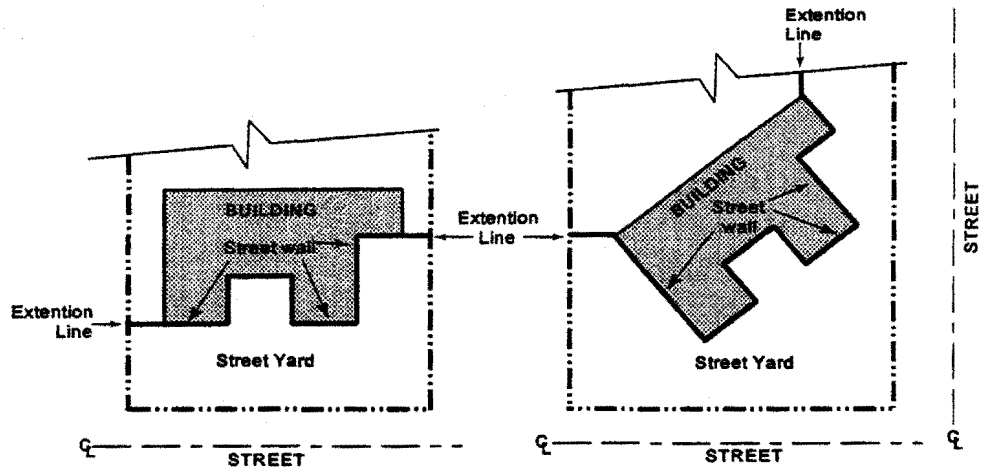


(c) The area of the *street wall* is determined by multiplying the height of all the walls by the length of the *street wall*. The area of the *street wall* includes the area of all doors and windows but does not include the area of the roof.

§ 113.0267 Determining Street Wall Line

The *street wall line* is used to delineate the *street yard*. The *street wall line* includes the *street wall* plus a line extending outward from the limits of the *street wall*, as shown in Diagram 113-02HH. The extension lines shall be parallel to the *street* or single plane used to determine the *building facade*. Porches more than 3 feet above *grade* and site walls that are integral in material, design, and placement with the building and which maintain a minimum height of 4 feet may be included in determining the *street wall line*. For a corner lot, the street wall line includes the street walls for both frontages.

Diagram 113-02HH
Street Wall Line



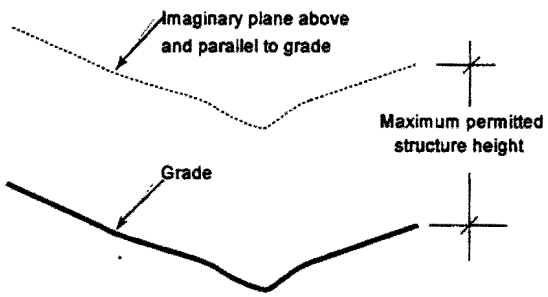
§ 113.0270 Measuring Structure Height

Structure height is measured in accordance with the following.

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

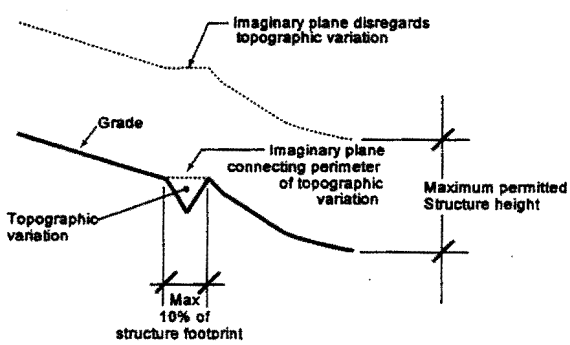
(1) The maximum permitted *structure height* is specified in the applicable zone and defines the upper limits of the *building envelope* for a *premises*. It is measured vertically from the *existing grade* or *proposed grade*, whichever is lower, to form an imaginary plane that is parallel to *grade*, below which all buildings and *structures* must be located, except as described in 113.0270(a)(3). This is illustrated in Diagram 113-02II.

Diagram 113-02II
Maximum Permitted Structure Height



(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.

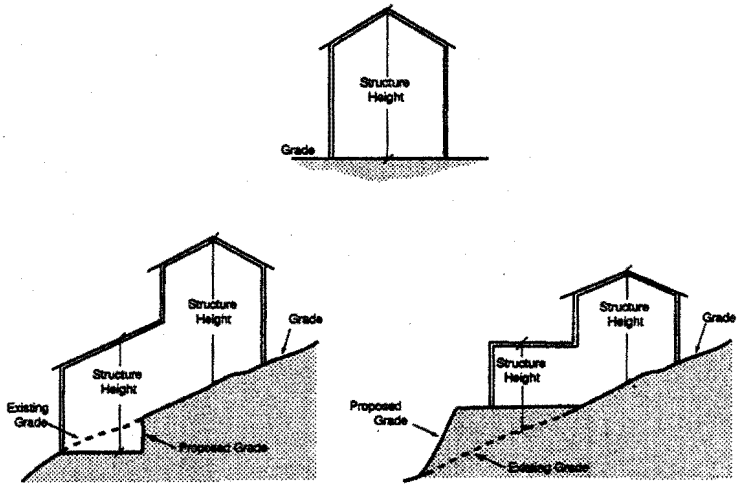
Diagram 113-02JJ
Extreme Topographic Variation



(3) 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. 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).

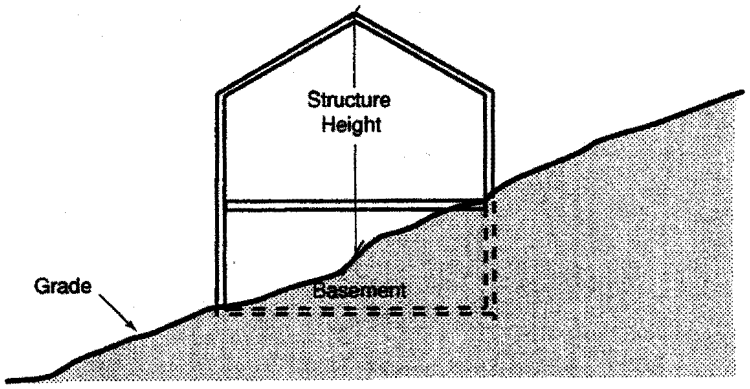
§ 113.0270 Cont'd

Diagram 113-02KK
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*.

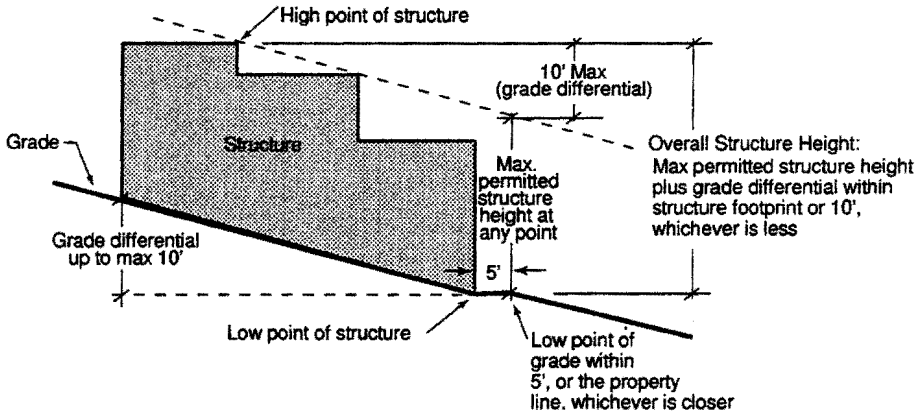
Diagram 113-02LL
Structure Height at Basement



(5) 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 113-02MM.

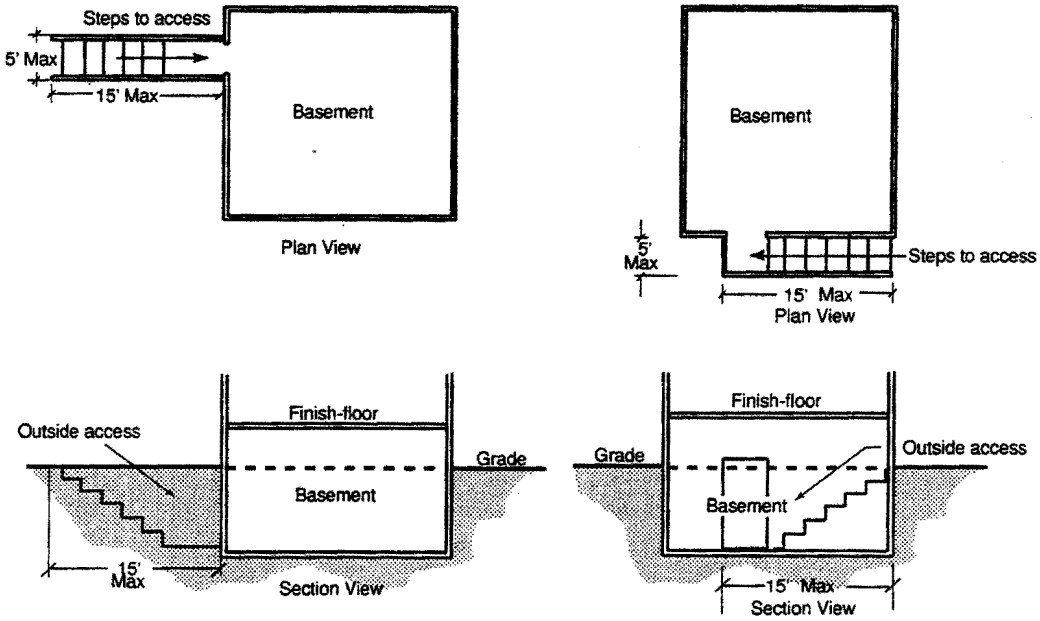
§ 113.0270 Cont'd

Diagram 113-02MM
Overall Structure Height



(6) For the purpose of measuring 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*, as shown in Diagram 113-02NN.

Diagram 113-02NN
Access 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.

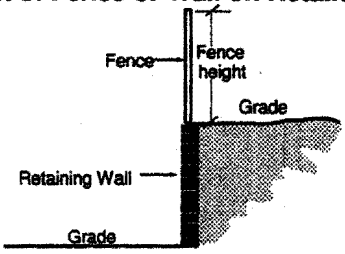
(b) *Structure Height* of *Fences*, Walls, and *Retaining Walls*

(1) *Fence* and Wall Height

§ 113.0270 Cont'd

(A) The height of any portion of a *fence* or wall is measured from the lowest *grade* abutting the *fence* or wall to the top of the *fence* or wall, except that the height of a *fence* or wall on top of a *retaining wall* is measured from *grade* on the higher side of the *retaining wall*, as shown in Diagram 113-02OO.

Diagram 113-02OO
Height of Fence or Wall on Retaining Wall

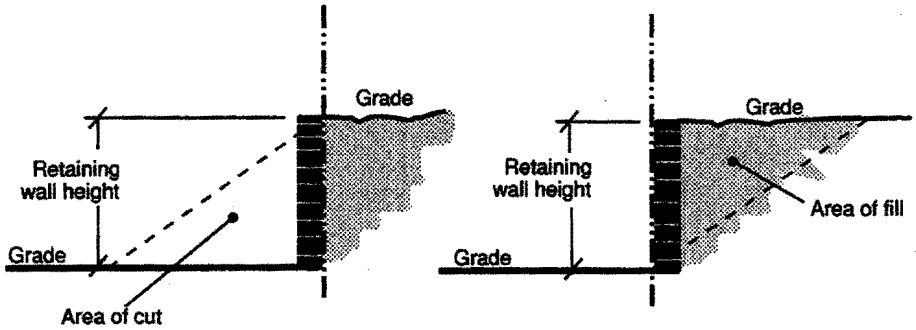


(B) The height of a *fence* or wall may be averaged between two points along the *property line* to create a straight line along the top of the *fence* or wall, provided that the average height does not exceed the maximum permitted.

(2) *Retaining Wall* Height

The height of a *retaining wall* is measured from *grade* on the lower side of the *retaining wall* to the top of the *retaining wall*, as shown in Diagram 113-02PP.

Diagram 113-02PP
Retaining Wall Height



(c) *Structure Height* of *Signs*

The height of a ground *sign* is measured from the lowest point of the *existing grade* or *proposed grade*, whichever is lower, immediately adjacent to the base of the *sign* to the highest point at the top of the *sign structure*.

§ 113.0273 Measuring Visibility Area

The *visibility area* is a triangular portion of a premises formed by drawing one line perpendicular to and one line parallel to the *property line* or *public right-of-way* for a specified length and one line diagonally joining the other two lines, as shown in Diagram 113-02QQ. No *structures* may be located within a *visibility area* unless otherwise provided by the applicable zone or the regulations in Chapter 14, Article 2 (General Development Regulations).

§ 113.0273 Cont'd

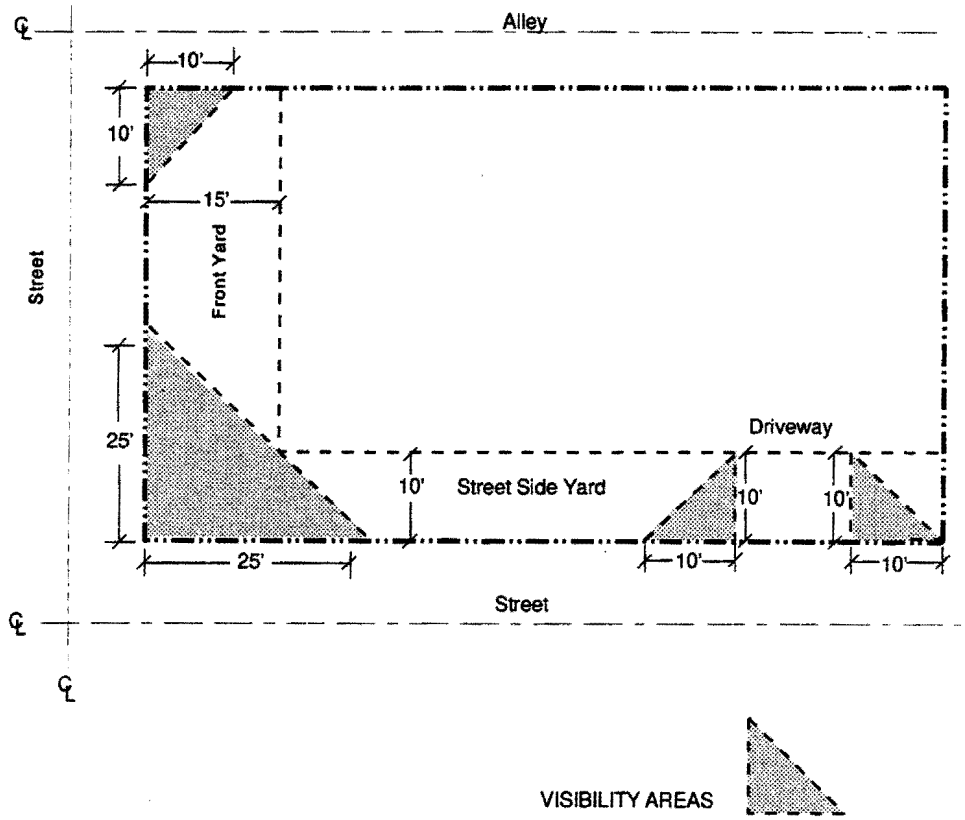
(a) For *visibility areas* at the intersection of *streets*, two sides of the triangle extend along the intersecting *property lines* for 25 feet and the third side is a diagonal line that connects the two.

(b) For *visibility areas* at the intersection of a *street* and *alley*, two sides of the triangle extend along the intersecting *property lines* for 10 feet and the third side is a diagonal line that connects the two.

(c) For *visibility areas* at the intersection of a *street* and driveway, one side of the triangle extends from the intersection of the *street* and the driveway for 10 feet along the *property line*. The second side extends from the intersection of the *street* and driveway for 10 feet inward along the driveway edge and the third side of the triangle connects the two.

(d) Where the required front and street side yards measure less than 25 feet when combined, that measurement or 15 feet, whichever is greater, establishes the *visibility area*.

Diagram 113-02QQ
Visibility Area



§ 113.0276 Determining Yards

(a) *Yards* are determined in the hierarchy described below and shown in Diagram 113-02RR:

(1) Front *Yard*. The front *yard* is determined first. It is the area between the front *property line* and the front *setback line* and extends the full width of the *lot*.

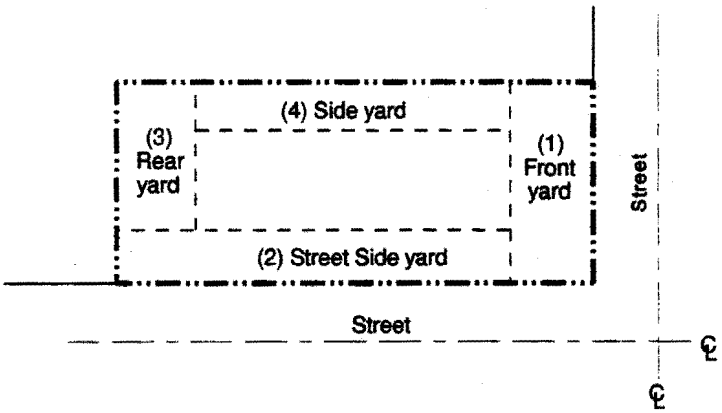
§ 113.0276 Cont'd

(2) Street Side Yard. The street side yard, when applicable, is determined next. It is the area between the street side *property line* and the street side *setback line* that extends along the depth of the *lot* from the front *setback* to the rear *property line*. It does not include the front *yard*.

(3) Rear *Yard*. The rear *yard* is determined after the front and street side yards. It is the area between the rear *property line* and the rear *setback line* that extends along the width of the *lot* between the rear *property line* and the rear *setback*. It does not include the street side yard if one exists.

(4) Side *Yard*. The side *yard* is determined last. It is the area between the side *property line* and the side *setback line* that extends along the length of the *lot* from the front *setback* to the rear *setback* along the side *setback line* parallel to the side *property line*.

Diagram 113-02RR
Yards



(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.

San Diego Municipal Code

Land Development/ Zoning Code Update

Chapter 12

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Article 1: General Information Required on Reviews and Enforcement

Division 1: General Rules for Land Development Review

§ 121.0101 Purpose of City Review

The purpose of City review is to help ensure that *development* in the City of San Diego is protective of the public health, safety, and welfare. The intent of the Land Development Code is to provide different review processes appropriate to the different types of *development.*

The Land Development Code provides procedures to review *land use plans*, zoning actions, maps, and permit applications. Map and permit reviews are divided into two major categories: development review and construction review. A proposed map or permit may require either type or both types of review as specified. Development review is the review of conceptual or schematic plans. Development review is required when conditions must be applied to a map or permit or when adjustments or exceptions from regulations are proposed street. Construction review is review of final or construction plans for compliance with regulations of the Land Development Code.

§ 121.0102 Limitation on the Time for Action Challenging a Land Development Decision

Any action or proceeding to challenge, review, or void any decision made in accordance with the Land Development Code shall commence no later than 90 calendar days after the date on which the decision becomes final. Thereafter; all persons are barred from taking any such action or invoking any defense of invalidity or unreasonableness of the decision.

Article 1: General Information on Required Reviews and Enforcement

Division 2: Enforcement Authorities For the Land Development Code

§ 121.0201 Purpose of Enforcement Authorities for the Land Development Code

The purpose of this division is to ensure the protection of the public health, safety, and welfare by providing enforcement authority and remedies.

§ 121.0202 General Enforcement Authority Regarding the Land Development Code

(a) In addition to the enforcement authority provided in Municipal Code Section 12.0102, the City Manager or designated code enforcement official shall have the authority to promulgate policies and regulations reasonably necessary to implement the intent and provisions of the Land Development Code including all provisions of the Building, Electrical, Plumbing, and Mechanical Regulations. The City Manager or designated code enforcement official shall coordinate and develop programs and policies for the consistent and uniform enforcement of the Land Development Code.

(b) Violations of the Land Development Code may also be enforced by using any of the enforcement remedies referred to in Municipal Code Chapter 1, Article 2, Division 1 and in this division. This division and any other applicable sections of the Municipal Code shall be read together in any administrative or judicial proceeding to form the basis of a Land Development Code violation. General enforcement definitions that may govern the application of this article are in Municipal Code Chapter 1, Article 1, Division 2.

§ 121.0203 Authority to Inspect Private Property

(a) Pursuant to the general authority to inspect private property provided in Municipal Code Section 12.0103, the City Manager or designated Code Enforcement Official has the authority to enter a *structure* or *premises* to determine the following:

(1) Whether a building is unsafe, substandard, or dangerous as defined in Chapter 12, Article 1, Division 4 (Procedures for Abatement of Unsafe, Dangerous, or Substandard Structures);

(2) Whether a building is of unreinforced masonry bearing wall construction; or

(3) Whether Municipal Code or applicable state code violations exist.

(b) In addition to the powers set forth in Section 121.0203(a), the City Manager or designated Code Enforcement Official has the authority to enter any *structure*, during reasonable hours or at any time that extreme danger exists, in the discharge of official duties to do the following:

(1) Inspect, reinspect, or test the installation of electrical wiring, devices, appliances, and equipment;

(2) Disconnect or cut any wire if necessary to protect public safety or property or if the wire may interfere with the work of the Fire Department;

(3) Disconnect or order the discontinuance of electrical service to any electrical wiring, device, appliance, or equipment found to be dangerous to the public safety or property because it is defective or defectively installed or maintained;

§ 121.0203 Cont'd

(4) Disconnect or remove any appliance, installation, fixture, or meter associated with a plumbing, heating, mechanical, hydraulic, ventilating, air conditioning, electrical, or refrigeration system or any related technology or application when necessary for the protection of public health and safety; or

(5) Inspect any *sign* that is required to have a Sign Permit Sticker.

§ 121.0204 Authority to Report Violations

The City Manager or designated Code Enforcement Official may report violations of the Land Development Code to the State Contractors License Board or other appropriate state licensing or regulatory agency.

§ 121.0205 Authority to Issue Stop Orders

The City Manager or designated Code Enforcement Official may issue a Stop Work Order or a Stop Use Order in accordance with Sections 121.0309 or 121.0310.

§ 121.0206 Liability

(a) The City Manager or designated Code Enforcement Official charged with the enforcement of the Land Development Code, acting in good faith and without malice in the discharge of the duties required by the Land Development Code or other applicable law or ordinance, shall not be held personally liable for damages to persons or property as a result of an act, or by reason of an act, or omission in the discharge of these duties. A suit brought against the City Manager or designated Code Enforcement Official because of any act or omission by the City Manager or employee in the enforcement of any provision of the Land Development Code or other applicable laws or ordinances implemented through the enforcement of the Land Development Code, or enforced by the code enforcement agency, shall be defended by the City until termination of the proceedings, and the City shall assume responsibility for any resulting judgment.

(b) The Land Development Code shall not be construed to relieve from, or lessen the responsibility of, any person who owns, operates, or controls any *structure* for any damages to person or property caused by defects. The City Manager, the code enforcement agency, or the City shall not be held liable by reason of the inspections authorized by the Land Development Code or any permits or certificates issued under the Land Development Code.

Article 1: General Information on Required Reviews And Enforcement

Division 3: Violations of The Land Development Code And General Remedies

§ 121.0301 Purpose of General Remedies

The purpose of this division is to require compliance with the Land Development Code, to state what activities violate the Land Development Code, and to establish general remedies for these violations.

§ 121.0302 Required Compliance with the Land Development Code

(a) It is unlawful for any person to maintain or use any *premises* in violation of any of the provisions of the Land Development Code, without a required permit, contrary to permit conditions, or without a required variance.

(b) It is unlawful for any person to engage in any of the following activities, or cause any of the following activities to occur in a manner contrary to the provisions of the Land Development Code:

(1) To erect, place, construct, convert, establish, alter, use, enlarge, repair, move, remove, equip, maintain, improve, occupy, or demolish any *premises*;

(2) To *grade*, excavate, clear, *fill*, grub, build an embankment, construct slopes, or disturb sensitive natural or biological resources on any *lot* or *premises*; or

(3) To change *density* or intensity of the use of land; or

(4) To maintain or allow the existence of any condition that creates a *public nuisance*.

(c) It is unlawful for any person, whether as owner, architect, contractor, or otherwise to engage in any of the following activities:

(1) To install any electrical wiring, device, appliance, or equipment in such a manner that it does not comply with the provisions of the Land Development Code;

(2) To maintain an electrical system that was not installed in accordance with the Land Development Code, or that, notwithstanding compliance with the Land Development Code, is maintained in an unsafe condition as determined by the designated Code Enforcement Official;

(3) To sell, offer for sale, lend, rent, or dispose of by gift or premium any electrical material, device, or appliance designed or intended for attachment directly or indirectly to any electrical system, circuit, or electrical service for light, heat, or power in the City of San Diego, unless the electrical material, device, or appliance complies with the provisions of the Land Development Code; or

(4) To install or modify any device, *structure*, or addition that will cause a capacity demand greater than the existing electrical, plumbing, mechanical, or structural system was designed and approved to handle.

(d) It is unlawful for any person, firm, or corporation to erect, install, alter, repair, relocate, add to, replace, use, or maintain plumbing, heating, ventilating, air conditioning, or refrigeration equipment, or cause the same to be done, contrary to or in violation of any provision of the

§ 121.0302 Cont'd

Land Development Code.

(e) Maintenance of plumbing, heating, ventilating, air conditioning, or refrigeration equipment that was unlawful at the time it was installed shall constitute a continuing violation of the Land Development Code. Existing plumbing, heating, ventilating, air conditioning, and refrigeration equipment, however, shall be deemed to have conformed with applicable law in effect at the time of installation if the Building Official or designated code enforcement official determines that the existing equipment is currently in good and safe condition and is working properly. The existing equipment may be retained and used in connection with alterations or repairs if it has been determined to be properly maintained in good and safe condition.

(f) The Building Official may disconnect or cease the operation of gas or electrical services when a *structure* is not occupied or is unfit or unsafe for occupancy.

(g) When any *structure* or *premise* has been inspected by the Building Official or designated Code Enforcement Official and the new or existing plumbing, heating, ventilating, air conditioning, or refrigeration is found to be defective, hazardous, or in violation of the provisions of the Land Development Code, the Building Official may abate such conditions or *structures* in accordance with the provisions of Chapter 12, Article 1, Division 4 (Procedures for Abatement of Unsafe, Dangerous, or Substandard Structures).

(h) Any *structure* that is proposed for relocation that has been damaged, has had portions removed, has been cut into sections, or has been otherwise structurally altered after the pre-relocation examination may be considered a substandard *structure* or nuisance and may be abated in accordance with the Land Development Code.

(i) The City may take any appropriate enforcement action to abate a *public nuisance*, despite the issuance of any permits to maintain, alter, expand, demolish, or reconstruct a *structure*, or to operate or resume operation of a use.

§ 121.0308 No Permission to Violate Codes

(a) The issuance or granting of any *development permit* or *construction permit* or any plan, specifications, computations, or inspection approval does not constitute a permit for, or an approval of, any violation of any of the provisions of the Land Development Code, including the Building, Electrical, Plumbing, or Mechanical Regulations or any other ordinance of the City. *Development permits*, *construction permits*, or inspections presuming to give authority to violate or cancel the provisions of the Land Development Code, Building, Electrical, Plumbing, or Mechanical Regulations or other ordinances of the City are not valid.

(b) The issuance of a *development permit* or *construction permit* based on plans, specifications, and other data does not prevent the City Manager from subsequently requiring the correction of errors in the plans, specifications, and other data or the Building Official from stopping building operations that are in violation of the Land Development Code or any other applicable law.

§ 121.0309 Procedure for Issuing a Stop Work Order

(a) Issuing a Stop Work Order. Whenever any work is being performed that is contrary to the provisions of the Land Development Code, the City Manager may order the work stopped by issuing a Stop Work Order. The Stop Work Order shall be in writing and shall be served on any person engaged in the work or causing the work to be performed. The person served with the Stop Work Order shall stop the work until authorized by the City Manager to proceed.

§ 121.0309 Cont'd

(b) City Attorney Review. The City Attorney shall approve all Stop Work Orders before issuance except where irreparable harm is imminent so as to warrant an emergency Stop Work Order. Where emergency circumstances exist, the order shall be issued according to the discretion of the City Manager or designated code enforcement official with immediate subsequent review by the City Attorney.

(c) Appeal of Order. A Stop Work Order may be appealed to the City Manager. When the alleged violation involves the Building, Electrical, Plumbing, or Mechanical Regulations, the appeal shall be reviewed by the Building Official. All other appeals shall be reviewed by the Director of Development Services. The decision maker will provide informal rapid access for appellants in these matters in order to minimize unnecessary disruption of construction activities.

§ 121.0310 Procedure for Issuing a Stop Use Order

Whenever any *structure* or equipment regulated by the Land Development Code is being used contrary to the provisions of the Land Development Code, the City Manager may order the use discontinued and the *structure*, or portion thereof, vacated by issuing a Stop Use Order. The Stop Use Order shall be in writing and shall be served on any person engaged in the use to be discontinued. The person served with the Stop Use Order shall discontinue the use within the time stated in the Stop Use Order until authorized by the City Manager to proceed.

§ 121.0311 Remedies

Violations of the Land Development Code shall be treated as strict liability offenses regardless of intent. Violations of the Land Development Code may be prosecuted as misdemeanors subject to the fines and custody as provided in Municipal Code Section 12.0201. The City Manager or designated Code Enforcement Official may also seek criminal or civil injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code Section 12.0202 or pursue any administrative remedy provided in Municipal Code Chapter 1, including administrative abatement, revocation of permits, recordation of notice of violation, and withholding of issuance of City permits.

§ 121.0312 Restoration and Mitigation as a Remedy

(a) In addition to other enforcement remedies provided for in Municipal Code Chapter 1, the City Manager may order the reasonable restoration of a *structure*, *premises*, and any adjacent and affected site to its lawful condition or may require reasonable mitigation. These requirements may be attached as conditions to applicable permits or enforcement actions and orders as appropriate.

(b) Any restoration or mitigation imposed by the City Manager or Building Official shall be at the sole cost of the responsible person.

(c) Mitigation may be appropriate where the City Manager determines that restoration of the *premises* or adjacent site to its pre-existing condition is not feasible or that irreparable damage has been done to the *premises*, an *environmentally sensitive land*, or a *historical structure*.

(d) Mitigation may include the purchase or exchange of like-kind real property or *structures* of a similar or greater quality and value.

(e) The City Manager or Building Official may require a combination of restoration and mitigation of the *structure* or *premises* if warranted by the circumstances.

§ 121.0312 Cont'd

(f) The City Manager or Building Official may promulgate additional administrative guidelines and regulations to implement and clarify the authority to require restoration and mitigation.

§ 121.0313 Permit Revocation Authority and Procedures

Except as otherwise provided, if the City Manager determines that there has been a violation of the terms, conditions, lawful requirements, or provisions of any *development permit*, *construction permit*, or approval issued by the City, the City Manager may, in addition to any other remedies provided in Municipal Code Chapter 1 or in this division, issue a notice of intent to revoke the permit or approval to the *permit holder*. The notice of intent to revoke shall inform the *permit holder* of the violation and provide a reasonable time for compliance with the applicable conditions or regulations. If the *permit holder* fails to correct the violations outlined in the notice of intent to revoke within the specified period of time, the City Manager may schedule a hearing to revoke or modify the permit or approval.

§ 121.0314 Permit Revocation Hearing Procedures

The hearing provisions of Process Three, in addition to the requirements of this section, apply when determining whether to revoke or modify a *development permit*, a *construction permit*, or any other approval.

(a) Notice. The City Manager shall mail a notice of the revocation hearing to the *permit holder* and to any persons who request the notice at least 10 *business days* before the date of the revocation hearing. A Notice of Application is not required.

(b) Presentation of Evidence. The City Manager shall present evidence of any violations at the hearing, and the *permit holder* shall be provided a reasonable opportunity to rebut the evidence.

(c) *Findings*. The permit or approval may be revoked or modified if the Hearing Officer finds any of the following:

(1) The permit or approval was obtained by misrepresentation or fraud;

(2) The permit or approval was approved in error;

(3) One or more of the conditions of the permit or approval have not been satisfied or have been violated;

(4) The use permitted by the permit or approval violates an applicable statute, ordinance, law, or regulation; or

(5) The use permitted by the permit or approval is detrimental to the public health, safety, or welfare or constitutes a *public nuisance*.

§ 121.0315 Revocation Appeal

The Hearing Officer's decision to revoke or to not revoke a permit may be appealed to the Planning Commission in the following manner:

(a) Persons Who Can Appeal. A revocation decision may be appealed by the following persons:

(1) The *applicant*;

§ 121.0315 Cont'd

(2) The *permit holder*; or

(3) Any person who participated in the revocation proceedings before the Hearing Officer either by being present at the hearing and submitting a speaker slip or by having expressed an interest in the revocation proceedings in writing to the Hearing Officer before the decision on the revocation.

(b) Filing an Appeal. An appeal of a revocation decision may be initiated by filing an application with the City Manager no later than 10 *business days* after the date of the Hearing Officer's decision.

(c) Scheduling Appeal Hearings. Within 30 calendar days after the date on which an appeal application is filed, the City Manager shall set a hearing before the Planning Commission. The appeal hearing shall be noticed in accordance with Municipal Code Section 112.0308.

(d) Power to Act on Appeal. After the conclusion of the public hearing, the Planning Commission may affirm, reverse, or modify the decision on the revocation. The decision of the Planning Commission is final.

§ 121.0316 Recordation of Permit Revocation or Modification

(a) If a permit is revoked, the City shall forward a copy of the declaration of the decision maker revoking the permit to the County Recorder for recordation. Upon recording of the declaration, the permit shall be void.

(b) If the permit is modified, the City shall forward a copy of the permit, as modified, to the County Recorder for recordation.

Article 1: General Information on Required Reviews And Enforcement

Division 4: Procedures For Abatement of Unsafe, Dangerous, or Substandard Structures

§ 121.0401 Purpose of Procedures for Abatement of Unsafe, Dangerous, or Substandard Structures

(a) The purpose of these procedures is to provide for the immediate abatement of unsafe, dangerous, or substandard *structures* by repair, rehabilitation, demolition, or removal to protect and preserve the safety of the citizens and communities where these *structures* are located.

(b) The procedures established in this division are in addition to any other administrative, criminal, or civil remedy established by law that may be pursued to address violations of the Municipal Code. This division does not affect or alter other *public nuisance* abatement procedures established in the Municipal Code.

§ 121.0402 When the Procedures for Abatement of Unsafe, Dangerous, or Substandard Structures Apply

Any *structure* that is determined by the City Manager or designated code enforcement official to be an unsafe, dangerous, or substandard *structure* in accordance with Sections 121.0403, 121.0404, or 121.0405, is declared to be a *public nuisance* and is subject to all the enforcement procedures of the Municipal Code for *public nuisances* as well as the specific abatement procedures of this division.

§ 121.0403 Criteria for Determining That a Structure Is Unsafe

The City Manager or designated Code Enforcement Official may determine that a *structure* is unsafe if any of the following conditions exists to the extent that it threatens the life, health, safety, or property of its occupants:

(a) The building contains one or more structural components that cannot withstand 100 percent of the vertical design standards as required by the applicable version of the Building Regulations;

(b) The building contains one or more structural components of the lateral load resisting system that cannot withstand 25 percent of the wind or earthquake forces as required by the applicable version of the Building Regulations; or

(c) The building contains parapet walls or other building appendages that are not capable of resisting the wind or earthquake forces as required by the applicable Building Regulations.

§ 121.0404 Criteria for Determining That a Structure Is Dangerous

The City Manager or designated Code Enforcement Official may determine that a *structure* is dangerous if any of the following conditions exists to the extent that it threatens the health, safety, or property of its occupants or the public:

(a) The walking surface of any aisle, passageway, stairway, or other means of exit is so warped, worn, loose, torn, or otherwise unsafe that it does not provide a safe and adequate means of exit in case of fire or panic;

§ 121.0404 Cont'd

(b) Any portion, member, or appurtenance of the *structure* has been damaged by fire, earthquake, wind, *flood*, or by any other cause to such an extent that it is likely to partially or completely collapse, fail, detach, or dislodge;

(c) Any portion of the *structure* is likely to partially or completely collapse because of dilapidation, deterioration, or decay; faulty construction; the removal, movement, or instability of any portion of the ground necessary to support the building; the deterioration, decay, or inadequacy of its foundation; or any other cause;

(d) The *structure* has been so damaged by fire, wind, earthquake, or *flood* or has become so dilapidated or deteriorated as to become an attractive nuisance; a harbor for transients, vagrants, or criminals; or would enable persons to commit unlawful acts;

(e) The *structure* is used or is intended to be used for dwelling purposes but is unsanitary, unfit for human habitation, or in a condition likely to cause sickness or disease because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, or because of inadequate light, air, or sanitation facilities;

(f) The *structure* creates a fire hazard by virtue of its obsolescence; dilapidated condition; deterioration; damage; inadequate exits; lack of sufficient fire-resistive construction; faulty electrical wiring, gas connections, heating apparatus; or by another cause;

(g) The *structure* constitutes a *public nuisance* as defined by law;

(h) A portion of the *structure* (including the foundation or slab on *grade*) remains on the site after the demolition or destruction of the *structure* or the *structure* has been abandoned for a period of more than 6 months so it constitutes an attractive nuisance or hazard to the public;

(i) The exits of the *structure* or the means to exit do not conform with the applicable provisions of the Municipal Code regarding the number of exits, their width, or any other features that may cause a hazard to the life or safety of the occupants or the general public;

(j) Defective or overloaded electrical systems, faulty or leaking fuel piping systems, deteriorated fuel combustion equipment, or combustion product vents are present; or

(k) The existing use or occupancy violates the fire, health, or Building, Electrical, Plumbing, and Mechanical Regulations of the Municipal Code.

§ 121.0405 Criteria for Determining That a Structure Is Substandard

The City Manager or designated Code Enforcement Official shall determine that a *structure* is substandard if it meets the definition of "Substandard Building" or "Substandard Structure" in accordance with California Health and Safety Code Section 17920.3.

§ 121.0406 Issuance of Abatement Notice for Unsafe, Dangerous, or Substandard Structures

(a) Whenever the City Manager or designated Code Enforcement Official determines that a *structure*, or any portion thereof, is an unsafe *structure*, a dangerous *structure*, or a substandard *structure* in accordance with this division, the City Manager or designated

Code Enforcement Official shall issue an Abatement Notice and Order in accordance with Municipal Code Section 12.0603 and this division.

(b) Content of Abatement Notice and Order for Unsafe, Dangerous, or Substandard *Structures*

§ 121.0406 Cont'd

(1) The Abatement Notice and Order shall contain a description of the property in general terms reasonably sufficient to identify the location of the property.

(2) The Abatement Notice and Order shall refer to the criteria in Sections 121.0403, 121.0404, and 121.0405 that make the property or *structure* unsafe, dangerous, or substandard.

(3) The Abatement Notice and Order shall describe the action required to abate the *public nuisance*, which may include any or all of the following measures:

(A) Repair and Rehabilitation. If the City Manager determines that the *structure* can be reasonably repaired, the Abatement Notice and Order shall require that the responsible person obtain all necessary permits immediately and begin the repair work within a specified time. The City Manager shall establish reasonable time frames to obtain permits and complete all repairs.

(B) Demolition. If the City Manager determines that the *structure* cannot be reasonably repaired within the guidelines established in California Health and Safety Code Section 17980, the Abatement Notice and Order shall require that the responsible person obtain all necessary permits immediately and complete demolition within the period of time established by the City Manager.

(C) Vacation and Notice to Tenants. If the City Manager determines that vacation of the *structure* is necessary for demolition or repairs, the Abatement Notice and Order shall require the responsible person to expeditiously vacate the *structure* in accordance with applicable laws and within the period of time established by the City Manager.

(D) Clean and Secure. If the *structure* is vacant or abandoned before or during repairs, rehabilitation, or demolition, or after the tenants have vacated, the Abatement Notice and Order may require the responsible person to immediately clean and secure the property according to the procedures and standards in Municipal Code Chapter 5, Article 4, Division 3 (Abatement of Vacant Structures).

(4) The Abatement Notice and Order shall explain the consequences should the responsible person fail to comply with the terms of the Abatement Notice and Order.

(5) The Abatement Notice and Order shall identify all hearing rights.

(6) If the *structure* is rented or leased for residential occupancy, the Abatement Notice and Order shall notify the responsible person about the possible denial of state income tax benefits, pursuant to definitions and procedures in California Health and Safety Code Section 17980(d).

(7) The Abatement Notice and Order shall require the responsible person to provide the City Manager with a written statement of his or her intent to abate the *public nuisance* within 10 calendar days from the date on which the notice is served.

(c) The Abatement Notice and Order, and any supplemental Abatement Notice and Order, shall be served by one of the methods of service set forth in Municipal Code Section 11.0301.

(d) A copy of the Abatement Notice and Order shall be provided to all tenants of a residential building pursuant to California Health and Safety Code Section 17980(c).

§ 121.0407 Request for Extension of Time to Comply with Abatement Notice and Order

The responsible person may submit a written request for an extension of time to comply with the Abatement Notice and Order. The City Manager may grant an extension of time if all of the following circumstances exist:

(a) The responsible person enters into an agreement to comply with the Abatement Notice and Order if allowed a specified additional amount of time;

(b) The extension of time will not create or perpetuate a situation that is dangerous to life or property;

(c) Circumstances that justify the delay are beyond the direct control of the responsible person; and

(d) The extension of time shall not exceed an additional 120 calendar days to complete the repairs, rehabilitation, or demolition.

§ 121.0408 Recordation of Abatement Notice and Order

(a) At any time after the Abatement Notice and Order is served upon the responsible person, the City Manager may record the Abatement Notice and Order with the County Recorder's Office in accordance with Municipal Code Section 12.0304.

(b) Whenever the responsible person or the City completes the repairs or demolition as required by the Abatement Notice and Order, the City Manager shall file a notice with the County Recorder that certifies that the *structure* is no longer unsafe, substandard, or dangerous. This shall have the effect of canceling the recorded Abatement Notice and Order.

§ 121.0409 Administrative Enforcement Hearing on Unsafe, Dangerous, or Substandard Structures

(a) The City Manager shall schedule an administrative enforcement hearing in accordance with Municipal Code Chapter 1, Article 2, Division 4, when any of the following circumstances exists:

(1) The responsible person served with the Abatement Notice and Order submits a written request for a hearing within 10 calendar days of the service of the Abatement Notice and Order;

(2) The responsible person served with the Abatement Notice and Order fails to comply with any of its terms; or

(3) The required work or demolition is not started or finished within the time specified in the Abatement Notice and Order or is not performed in compliance with all applicable regulations.

(b) The hearing shall be conducted according to the administrative enforcement hearing procedures set forth in Municipal Code Chapter 1, Article 2, Division 4 (Administrative Enforcement Hearing Procedures) .

(c) The Enforcement Hearing Officer shall consider evidence that is relevant to the following issues only:

§ 121.0409 Cont'd

(1) Whether the conditions of the *structure* listed in the Abatement Notice constitute a *public nuisance*;

(2) Whether the time frame and method of abatement by repair, rehabilitation, vacation, or demolition as listed in the Abatement Notice are reasonable under the circumstances; and

(3) Whether the City may abate the conditions causing the *public nuisance* if the responsible person fails to do so.

§ 121.0410 Enforcement Hearing Officer Decision on Abatement of a Public Nuisance

After all evidence and testimony have been completed, the Enforcement Hearing Officer shall either affirm, reject, or modify the City Manager's decision. If the Enforcement Hearing Officer confirms the existence of a *public nuisance*, the Enforcement Hearing Officer shall issue an order that compels the responsible person to abate, and permits the City to abate, the conditions causing the *public nuisance* pursuant to the procedures in Municipal Code Chapter 1, Article 2, Division 6 (Administrative Abatement).

§ 121.0411 Failure to Comply with Administrative Enforcement Order

If the responsible person served with an Administrative Enforcement Order fails to comply with the terms of the order, the responsible person may be prosecuted under Municipal Code Section 12.0413 and the City Manager may begin appropriate abatement action as authorized in the order.

§ 121.0412 Who May Perform Work

Any repair, demolition, work, or vacation of tenants that is undertaken by the City following service of the Administrative Enforcement Order may be accomplished by City personnel or by a private contractor as provided in Municipal Code Section 12.0606.

§ 121.0413 Interference with Repair or Demolition Work Prohibited

It is unlawful for any person to obstruct, impede, or interfere with any officer, employee, contractor, or authorized representative of the City of San Diego or any person who owns or holds any estate or interest in a *structure* while he or she conducts repairs, vacates tenants, or demolishes in accordance with the provisions of this division.

§ 121.0414 Vacant and Unsecured or Boarded Structures

Any owner of an unsafe, substandard, or dangerous *structure* that meets the definition of a vacant *structure* in Municipal Code Section 54.0302 may be subject to the provisions of Chapter 5, Article 4, Division 3 (Abatement of Vacant Structures).

§ 121.0415 Recovery of Repair, Demolition, or Vacation Costs

All costs incurred by the City to implement the Administrative Enforcement Order, including the costs for all administrative processing, physical work, and abatement hearings, shall be assessed and collected in accordance with Municipal Code Chapter 1, Article 3, Division 3 (Recovery of Abatement Costs).

§ 121.0416 Summary Abatement of an Imminent Hazard

(a) Notwithstanding the administrative procedures in this division for the abatement of a *public nuisance*, whenever the City Manager determines that a *structure* is unsafe, substandard, or dangerous and that it creates an imminent hazard to the life, health, and safety of its occupants or the general public, the City Manager may exercise any of the summary abatement powers and follow the procedures provided in Municipal Code Chapter 1, Article 2, Division 7 (Summary Abatement).

(b) After the City Manager has taken the appropriate summary abatement action, the City Manager may follow the administrative procedures as specified in this division or pursue any other judicial or administrative remedy available under the law.

§ 121.0417 Use of Nuisance Abatement Superfund to Pay Costs

The City's Nuisance Abatement Superfund, as established by Municipal Code Section 13.0308, may be used to pay for all costs incurred during the course of the administrative and summary abatement, including relocation costs and other special costs as determined by the City Manager.

§ 121.0418 Standards for Repair of Unsafe, Dangerous, or Substandard Structures

When the City Manager orders the repair, vacation, or demolition of any unsafe, substandard, or dangerous *structure*, the *structure* shall be repaired in accordance with the most recent Building, Electrical, Plumbing, and Mechanical Regulations as adopted by the City.

§ 121.0419 Special Procedures for Abatement Actions Involving Designated Historical Resources

Except as provided in Section 121.0416, *designated historical resources* shall not be substantially altered, demolished, or relocated as part of an abatement action without first obtaining a Neighborhood Development Permit or Site Development Permit in accordance with Chapter 14, Article 3, Division 2. The responsible person shall ensure that any and all corrective actions to a *designated historical resource* will comply with all applicable federal, state, and local regulations and ordinances.

§ 121.0420 Procedures for Tenant Relocation

(a) The responsible person is responsible for the relocation and associated costs of any tenants displaced as a result of an abatement action pursuant to this division and must follow applicable requirements of state law.

(b) If relocation costs are paid by the City, the costs shall be assessed against the responsible person as an abatement cost and may be recovered pursuant to procedures in Municipal Code Chapter 1, Article 3, Division 3 (Recovery of Abatement Costs). The City Manager will coordinate available public assistance to help in the relocation of any tenants.

§ 121.0421 Posting of Signs Declaring Structure Is Unsafe to Occupy

(a) After the City Manager orders the vacation of tenants, the City Manager shall post *signs* in substantially the following form at or near each entrance of the *structure*:

§ 121.0421 Cont'd

DO NOT ENTER
UNSAFE TO OCCUPY

It is a misdemeanor to enter or remain in this building or premises or to remove or deface this notice

San Diego Municipal Code
City of San Diego
Trespassers will be prosecuted

(b) Trespass. Once a *structure* has been posted in accordance with this section, it is unlawful for any person to enter or remain in that *structure* or *premises*, except that entry may be made to repair or demolish the *structure* with the proper permits.

(c) Defacement. It is unlawful for any person to remove or deface any *sign* or notice posted in accordance with this section until the required repairs have been completed or until demolition is finished and all debris have been removed in accordance with the proper permits.

Article 1: General Information on Required Reviews and Enforcement

Division 5: Sign Violations and Enforcement Procedures

§ 121.0501 Purpose of Sign Violation and Enforcement Procedures

The purpose of these procedures is to provide for the immediate abatement of unauthorized *signs* to protect public health and safety.

§ 121.0502 Presumption of Responsible Party

The responsible party for the placement or posting of *signs* in violation of this division or Chapter 14, Article 2, Division 12 (Sign Regulations) 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;

(b) The party supporting or opposing a ballot initiative or candidate;

(c) Any party whose name, telephone, facsimile, or address appears on a *sign* advertising property for sale, lease, or rent or providing directional information to the property;

(d) The property owner, lessee, or renter of a property used for commercial activities or events, including garage, alley, yard, or other similar sales;

(e) The party whose name, telephone, facsimile, or address appear on a *sign* advertising an event or activity; or

(f) The property owner, manager, or tenant of the property on which an activity or event occurs.

§ 121.0503 Procedure to Rebut Presumption of Responsible Party

(a) A person presumed to be the responsible party may rebut the presumption by filing a declaration that he or she was not responsible for the placement of any *sign*, nor did he or she derive any benefit from a *sign* that was placed in violation of Chapter 14, Article 2, Division 12 (Sign Regulations). The declaration shall be filed with the City Manager and shall be signed under penalty of perjury.

(b) The City Manager shall determine if a person has demonstrated that he or she is not the presumed responsible party.

§ 121.0504 Inspection and Abatement

(a) All *signs* that are required to have a Sign Permit Sticker are subject to inspection. The City Manager or designated code enforcement official is authorized to enter any property to inspect the *sign* for placement of the sticker in accordance with Section 121.0203.

(b) The City Manager may remove an unauthorized *sign* without notice to the responsible party. The costs incurred in removing an unauthorized *sign* may be recovered by using any of the administrative or judicial procedures that are provided in Municipal Code Chapter 1.

(c) If the City Manager finds that a *sign* might cause damage to private or public property, the City Manager shall notify the responsible party to remove the *sign* and associated material

§ 121.0504 Cont'd

within 10 calendar days. If the *sign* is not removed, the responsible party will be billed for the costs of removing the *sign* and repairing damage to public property.

(1) When immediate removal of the *sign* is necessary to protect public safety, the responsible party will be billed for the costs of removing the *sign* .

(2) A responsible party that elects to remove the *sign* and associated material is responsible for all costs for the removal and the repairs to damaged property.

(d) Any *sign* that has been removed by the City Manager may be returned to the responsible party when the administrative costs for removal are reimbursed to the City. If the responsible party of the *sign* does not request a Post Summary Abatement Hearing in accordance with Section 121.0506 or does not request the return of the *sign* and materials within 30 calendar days, the City Manager may dispose of the *sign*.

§ 121.0505 Sign Permit Violations

(a) It is unlawful to erect or maintain a *sign* contrary to any provision of Chapter 14, Article 2, Division 12 (Sign Regulations).

(b) It is unlawful to erect or maintain a *sign* subject to Chapter 14, Article 2, Division 12 (Sign Regulations) without a Sign Permit Sticker as required by the *Sign* Regulations.

§ 121.0506 Post Summary Abatement Hearing Procedures

(a) The responsible party for a *sign* that has been removed from public property in accordance with Section 121.0504 may request a Post Summary Abatement Hearing. The request must be submitted in writing to the City Manager within 10 calendar days of the date of the removal.

(b) The Post Summary Abatement Hearing shall be limited to determining if the *sign* was located on public property.

(c) The City Manager shall schedule a Post Summary Abatement Hearing within 30 calendar days of receiving a written request.

(d) A notice of the Post Summary Abatement Hearing shall be provided to the responsible party consistent with the noticing requirements of Municipal Code Chapter 1, Article 2, Division 4.

(e) The Post Summary Abatement Hearing shall be conducted by an Enforcement Hearing Officer following the City Manager's Enforcement Hearing Policies and Procedures.

(f) A written copy of the Enforcement Hearing Officer's decision shall be provided to the responsible party.

(g) The Enforcement Hearing Officer's decision is the final administrative remedy without further administrative appeals.

§ 121.0507 Administrative Citations Penalty Schedule

(a) In accordance with Municipal Code Section 12.0801, the City Manager may establish a civil penalty schedule for administrative citations for *signs* in violation of Chapter 14, Article 2, Division 12 (Sign Regulations).

(b) In establishing the schedule, consideration shall be given to the costs that are incurred by the City in enforcing the *sign* regulations.

§ 121.0508 Liability for Injury or Damage

(a) The provisions of the Land Development Code shall not be construed as relieving or limiting in any way the responsibility or liability of any person who erects or owns a *sign*, for personal injury or property damage resulting from the placing of the *sign* or resulting from the negligence or willful acts of such person, his or her agents or employees, or workers in the construction, maintenance, repair, or removal of any *sign* erected in conformance with a permit issued in accordance with the Land Development Code.

(b) The provisions of the Land Development Code shall not 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 the Land Development Code.

(c) The provisions of the Land Development Code shall not be construed as making the City responsible or liable for any failure to remove any *sign* that violates the Land Development Code.

Article 1: General Information on Required Reviews and Enforcement

Division 6: Denial of Permits for Campaign Law Violation

§ 121.0601 Purpose of Denial of Permits for Campaign Law Violation

The purpose of this division is to protect the City's land development process by ensuring that permits, maps, and other matters are to be granted only by means of a process that is conducted under the highest standards of integrity and honesty. The intent is to provide for the denial of a permit, map, or other matter because of an *applicant* or affiliate's violation of campaign disclosure laws as a sanction to be imposed only in the public interest to avoid undue influence or the appearance of undue influence in the land development process and not for purposes of punishment.

§ 121.0602 Effect of Campaign Law Violation on Issuance of Permit, Map, or Other Matter

(a) Unless the decision maker finds that denial of a particular permit, map, or other matter would adversely affect an applicant's vested rights to the permit, map, or other matter, the decision maker shall deny an applicant's request for any permit, map, or other matter listed in Section 121.0603 if the decision maker finds the following:

(1) The *applicant* or *affiliate* has been convicted in a court of law for violations of California Government Code sections 84300(c) and 84301 (sections of the California Political Reform Act requiring disclosure of true campaign donor) as they existed on May 15, 1996, or as amended thereafter, and these violations occurred on or after May 15, 1996 with respect to a City election; or

(2) The *applicant* or *affiliate* is subject to a Fair Political Practices Commission ("FPPC") enforcement order, either following a hearing or by stipulation, that makes a finding of a violation of California Government Code sections 84300(c) and 84301 as those sections existed on May 15, 1996, or as amended thereafter, and these violations occurred on or after May 15, 1996 with respect to a City election.

(b) The decision maker's determination under Section 121.0602(a) as to whether an applicant's vested right to a permit, map, or other matter will be adversely affected may be made only after consultation with the City Attorney.

(c) The decision maker's duty under this section to deny permits, maps, or other matters to an *applicant* extends to all divisions or other organizational elements of the *applicant*, unless the prohibition is limited by its terms to specific divisions, organizational elements, or commodities. The City may extend the prohibition to include an *affiliate* if the *affiliate* is (1) specifically named and (2) given written notice of the proposed prohibition and an opportunity to respond.

(d) The City's obligation to deny a permit, map or other matter under Section 121.0602(a) shall cease three years from the date of conviction in a court of law, or date of an FPPC enforcement order, finding a violation of California Government Code sections 84300(c) and 84301.

§ 121.0603 Land Use Authorities and Permits Subject to Campaign Law Regulations

The following types of discretionary permits, maps, or other matters are subject to Section 126.0602:

(a) Zone changes issued pursuant to Chapter 12, Article 3 that are not commenced by the City;

(b) Variances issued pursuant to Chapter 12, Article 6, Division 8;

(c) *Development permits* issued pursuant to Chapter 12, Article 6, Divisions 1 through 7;

(d) Tentative or *parcel maps* issued pursuant to Chapter 12, Article 5;

(e) Development Agreements entered into pursuant to Chapter 12, Article 4; and

(f) Any other similar permit, map, or other matter identified by the City Manager.

§ 121.0604 List of Persons Subject to Campaign Law Regulations

(a) The City Manager shall compile and maintain a current, consolidated list of all persons whose application for permits, maps, or other matters is required to be denied under Section 121.0602(a); shall periodically revise and distribute the list and issue supplements; and shall establish procedures to provide for effective use of the list to ensure that the City does not issue permits, maps, or other matters to anyone on the list.

(b) The list maintained by the City Manager under this section shall indicate the following:

(1) The names and addresses of all persons who have been denied permits, maps, or other matters under Section 121.0602(a) with cross references when more than one name is involved in a single action;

(2) The cause for the action; and

(3) The termination date for each listing.

§ 121.0605 Scope of Campaign Law Regulations

(a) The fraudulent, criminal, or other seriously improper conduct of any officer, director, shareholder, partner, employee, or other individual associated with an *applicant* may be imputed to the *applicant* when the conduct occurred in connection with the individual's performance of duties for, or on behalf of, the *applicant* or with the applicant's knowledge, approval, or acquiescence. The applicant's acceptance of the benefits derived from the conduct shall be evidence of knowledge, approval, or acquiescence.

(b) The fraudulent, criminal, or other seriously improper conduct of an *applicant* may be imputed to any officer, director, shareholder, partner, employee, or other individual associated with the *applicant* who participated in, knew of, or had reason to know of the applicant's conduct.

(c) The fraudulent, criminal, or other seriously improper conduct of one *applicant* participating in a joint venture or similar arrangement may be imputed to other participating *applicants* if the conduct occurred for, on approval of, or with the acquiescence of these *applicants*.

§ 121.0605 Cont'd Acceptance of the benefits derived from the conduct shall be evidence of knowledge, approval, or acquiescence.

Article 2: Land Use Plans

Division 1: Adoption And Amendment Procedures for Land Use Plans

§ 122.0101 Purpose of Procedures for Adoption and Amendment of Land Use Plans

The purpose of these procedures is to standardize the review process for the adoption of new *land use plans* and the privately or publicly initiated amendment of adopted *land use plans*.

§ 122.0102 When Review of Land Use Plans Is Required

Any planning or *development* proposal that would require adoption or amendment of a *land use plan* shall be reviewed in accordance with this division.

§ 122.0103 Initiation of Adoption or Amendment of Land Use Plans

Preparation of a new *land use plan* or amendment of an existing *land use plan* requires initiation by one of the following methods.

(a) The City Council may, by resolution, direct the preparation of a new *land use plan* or an amendment to an applicable *land use plan*.

(b) The City Manager or an *applicant* may request that the Planning Commission initiate an amendment to a *land use plan* by filing an application in accordance with Section 112.0102.

(1) The City Manager may recommend that a larger area than that proposed by the *applicant* be included in the proposed amendment.

(2) The Planning Commission may approve the request to initiate the amendment only if the Planning Commission determines that the application meets the criteria listed in Section 122.0104.

(3) The Planning Commission shall deny the request to initiate the amendment if they determine that the criteria listed in Section 122.0104 have not been met. If the request is denied, the Planning Commission shall mail a notice to the *applicant* stating that the amendment has not been initiated. The notice shall be mailed to the *applicant* within 2 *business days* of the date of the Planning Commission's decision.

(4) An *applicant* whose request to initiate an amendment has been denied may submit a written request to the City Clerk that the application to initiate be considered by the City Council. The *applicant* must submit the request no later than 10 *business days* after the Planning Commission's decision.

(5) The City Council may initiate the amendment if it determines that the application meets the applicable criteria in Section 122.0104.

(6) The City Council shall not initiate the amendment if it determines that the criteria in Section 122.0104 have not been met.

§ 122.0104 Criteria for Initiation of Amendments to Land Use Plans

(a) Primary Criteria. An amendment to a *land use plan* may be initiated if any of the following criteria are met:

(1) The amendment is appropriate due to a map or text error or to an omission made when the *land use plan* was adopted or during subsequent amendments;

(2) Denial of initiation would jeopardize the public health, safety, or welfare; or

(3) The amendment is appropriate due to a material change in circumstances since the adoption of the *land use plan*, whereby denial of initiation would result in a hardship to the *applicant* by denying any reasonable use of the property.

(b) Supplemental Criteria. If none of the primary criteria listed in this section are met, an amendment to a *land use plan* may be initiated if all of the following supplemental criteria are met:

(1) The proposed *land use plan* amendment is consistent with the goals and objectives of the Progress Guide and General Plan;

(2) The proposed *land use plan* amendment appears to offer a public benefit to the community or City;

(3) Public services are available or are planned to be available to serve the proposed change in *density* or intensity of use; and

(4) City staff is available to process the proposed *land use plan* amendment without any work being deferred on General Fund-supported programs or on-going *land use plan* updates.

§ 122.0105 Decision Process for Land Use Plans

A decision on a *land use plan* or an amendment to a *land use plan* shall be made in accordance with Process Five.

(a) The City Council may make a minor change to a proposed *land use plan* during the public hearing.

(b) The City Council shall refer any material change to a proposed *land use plan* to the Planning Commission for its recommendation. The failure of the Planning Commission to provide a recommendation on the material change within 45 calendar days of the date of the conclusion of the Commission hearing shall be deemed a recommendation for approval.

§ 122.0106 Certification Requirements for Local Coastal Program Amendments

(a) Any new *land use plan* or amendment to an applicable land use plan that applies to property in the Coastal Overlay Zone constitutes an amendment to the *Local Coastal Program*.

(b) Notice of availability. At least 6 weeks before the City Council hearing to approve or deny an amendment to the *Local Coastal Program*, the City Manager shall distribute a notice of availability in accordance with the applicable provisions of the California Coastal Act and Guidelines and shall make available to the public a review draft of the amendment language.

§ 122.0106 Cont'd

(c) *Certification* of *Local Coastal Program* Amendments. An amendment to the City's *Local Coastal Program* must be certified by the California Coastal Commission in accordance with Coastal Commission regulations. If the Coastal Commission certifies the amendment with modifications, the City Council shall conduct a public hearing, noticed in accordance with Sections 112.0301(c) and 112.0305, to consider the modifications, no later than 6 months after the Coastal Commission action.

§ 122.0107 Adoption and Amendment of Specific Plans

(a) Specific plans adopted on or after [Clerk to insert the effective date of the LDC] shall be prepared pursuant to the California Government Code and shall be processed in accordance with the *land use plan* initiation criteria and the decision process described in this division.

(b) The specific plan shall include the required contents listed in California Government Code Section 65451. The required contents shall be formulated into a policy element and a regulatory element. The policy element shall contain detailed land use policies for the area covered by the specific plan and the decision process and permit type for subsequent *development* proposals that will implement the specific plan. The specific plan shall not establish new decision processes or permit types, but shall use Processes One through Process Five as established in Chapter 11 and the permit types described in Chapter 12. The zoning regulations shall consist of either:

(1) Application of existing base zones of Chapter 13; or

(2) Proposed base zones that shall be adopted into Chapter 13 as well as applied to the area covered by the specific plan. These zones shall become base zones that could be applied to other property in the City.

(c) A specific plan shall be adopted by a resolution of the City Council.

(d) Zoning or rezoning to implement the specific plan shall be adopted by ordinance of the City Council.

Article 3: Zoning

Division 1: Zoning and Rezoning Procedures

§ 123.0101 Purpose of Zoning and Rezoning Procedures

The purpose of these procedures is to establish the process for the inclusion or placement of any property within the City of San Diego into any zone as established and defined in Chapter 13.

§ 123.0102 When a Zoning or Rezoning Application Is Required

A proposal to apply a zone on any property that is not currently in a City of San Diego zone shall require an application for zoning. A proposal to change the zone on a piece of property shall require an application for rezoning.

§ 123.0103 Commencement of a Zoning or Rezoning Action

A proposed action to designate a zone on a property or change an existing zone may be commenced in the following manner:

(a) By Resolution. The City Council or the Planning Commission may initiate a zoning or rezoning action by resolution; or

(b) By Application. A property owner may commence a zoning or rezoning action by filing an application in accordance with Sections 112.0102 and 123.0104.

§ 123.0104 Applications for Zoning or Rezoning in the Planned Urbanizing Areas

An application to zone or rezone a property located in the planned urbanizing area, as defined in the Progress Guide and General Plan, will be accepted for processing only when the property is located within the boundaries of an applicable *land use plan* or when the zoning or rezoning application is processed concurrently with a *land use plan* proposal.

§ 123.0105 Decision Process for Zoning or Rezoning

(a) A decision on a proposed zoning or rezoning action shall be made in accordance with Process Five.

(b) The City Council may approve a zoning or rezoning action whenever public necessity or convenience, the general welfare, or good zoning practice justifies this action.

§ 123.0107 Failure of Planning Commission to Make a Recommendation on Zoning or Rezoning

If the Planning Commission fails to provide a recommendation on a proposed zoning or rezoning within 45 calendar days after the date of the public hearing before the Planning Commission, as may be extended by any continuance consented to by the *applicant*, the City Council shall direct that a public hearing be held before the Council without the Planning Commission recommendation if requested by the *applicant*.

§ 123.0108 Actions the City Council May Take on Zoning or Rezoning

The City Council may take any of the following actions at the conclusion of a public hearing to consider a proposed zoning or rezoning application:

(a) Adopt the proposed zoning or rezoning as recommended by the Planning Commission;

(b) Reject the recommendation of the Planning Commission;

(c) Modify the recommendation of the Planning Commission and adopt any other zone that has been identified for consideration in the public notice; or

(d) Adopt or reject the proposal or modify the proposal and adopt any other zone that has been identified for consideration in the public notice if the Planning Commission has not made a recommendation as described in Section 123.0107.

§ 123.0109 Certification of Local Coastal Program Amendments to Zoning Ordinances

(a) An amendment to a zoning ordinance as defined by California Government Code section 65850 that meets the requirements of, and implements the provisions of the California Public Resources Code, Division 20, California Coastal Act, constitutes an amendment to the City of San Diego *Local Coastal Program*.

(b) The amendment of a *Local Coastal Program* zoning ordinance must be certified by the Coastal Commission in accordance with Coastal Commission regulations. If the Coastal Commission certifies a zoning ordinance with modifications, the City Council shall conduct a public hearing noticed to consider the modifications no later than 6 months after the Coastal Commission action. The hearing shall be noticed in accordance with Sections 112.0301(c) and 112.0302(b).

§ 123.0110 Interim Emergency Zoning

After a rezone has been introduced, and before its adoption, the City Council may adopt an interim emergency zoning ordinance to delay *development* that would be inconsistent with the proposed rezone until a decision has been made by the City Council on the rezone. An interim emergency zoning action may be initiated only by the City Council or the Planning Commission.

(a) Notice. No public notice is required for the initial adoption of an interim emergency zoning ordinance.

(b) Decision Process. The City Council may approve or deny a proposed interim emergency zoning ordinance without a Planning Commission recommendation. Adoption of an interim emergency ordinance requires approval by a two-thirds vote of the elected members of the City Council.

(c) *Findings*. An interim emergency zoning ordinance may be adopted only if the City Council makes all of the following *findings*:

(1) Proposed *development* would be inconsistent with the zoning initiated by the City or would preempt the City's ability to implement adopted *land use plans* and policies;

(2) Proposed *development* would be detrimental to the public peace, property, health,

§ 123.0110 Cont'd

or safety;

(3) The proposed *development* appears imminent; and

(4) The emergency is set forth and defined in the preamble to the proposed ordinance.

(d) Effective Date. An interim emergency zoning ordinance is effective upon adoption and remains in effect for 180 calendar days.

(e) Extensions. The City Council may extend an interim emergency zoning ordinance for two 180-day periods or until a *land use plan* is adopted or amended for the property that is the subject of the zoning ordinance, whichever occurs first. The City Council may extend an interim emergency zoning ordinance in accordance with Process Five, except that a two-thirds vote of the elected members of the City Council is required to approve the extension.

§ 123.0111 Prezoning Ordinance

Pending incorporation of territory adjoining the City, the City Council may adopt a *prezoning ordinance* to delineate the zone that will apply to the property upon annexation to the City. A *prezoning ordinance* may be initiated only by the Planning Commission or the City Council. A *prezoning ordinance* shall become effective upon the annexation of the affected property. The City Council may approve or deny a *prezoning ordinance* in accordance with Process Five.

Article 3: Zoning

Division 2: Designation of Historical Resources Procedures

§ 123.0201 Purpose of Historical Resource Designation Procedures

The purpose of these procedures is to establish a process to identify and designate for preservation those *historical resources* that embody the special elements of the city's architectural, artistic, cultural, engineering, aesthetic, historical, political, social, and other heritages.

§ 123.0202 Designation Process for Historical Resources

(a) Nominations. Nominations of a *historical resource* to become a *designated historical resource* may originate from the Historical Resources Board, the City Manager, the City Council, or any member of the public including the property owner by submitting a research report or similar documentation, as identified in the Historical Resources Guidelines of the Land Development Manual, to the Board's administrative staff for consideration by the Board. Nominations from the City Manager may originate as a result of a site-specific survey required for the purpose of obtaining a construction or *development permit* consistent with Section 143.0212.

(b) Public Notice to Owner. The owner of a property being considered for designation by the Historical Resources Board shall be notified at least 10 *business days* before the Board hearing. Notice to the owner shall contain information about the potential impacts of designation and a request to contact the Board's administrative staff regarding information for making a presentation to the Board on the proposed designation. No action shall be taken by the Board to designate a *historical resource* except at a public hearing that provides all interested parties an opportunity to be heard.

(c) Adequacy of Research Report. The decision on whether or not to designate a *historical resource* shall be based on the information in a research report, as specified in the Historical Resources Guidelines of the Land Development Manual. If the Board determines, either by public testimony or other documentary evidence presented to it, that the research report is not adequate to assess the significance of the *historical resource*, the Board may continue its consideration of the property for up to two regular meetings and direct that a research report be prepared by the applicant with specific direction from staff as to the inadequacies of the original report. The revised research report may be prepared by City staff or volunteers, with a copy provided to the owner at least 10 *business days* before the next Board meeting at which the designation will be considered. If a final decision is not made within 90 calendar days of receipt of a nomination for designation, the consideration of the property by the Board shall terminate unless a continuance has been granted at the request of the property owner.

(d) Continuance. At the request of the property owner, the Historical Resources Board shall grant a continuance of one scheduled Board meeting after the motion has been made to designate a *historical resource.*

(e) Historical Resources Board Decision. The Historical Resources Board shall review the Research Report and shall make a decision on whether to designate a *historical resource* based on the criteria specified in, and consistent with the procedures of the Historical Resources Guidelines of the Land Development Manual. The action to designate shall require the affirmative vote by eight members of the Board.

(f) *Findings*. The decision to designate a *historical resource* shall be based on written *findings*

§ 123.0202 Cont'd

describing the historical significance of the property.

(g) Re-initiation of Designation Proceedings. Designation procedures may not be re-initiated within 5 years without owner consent, absent significant new information.

§ 123.0203 Appeal From Historical Resources Board Decision

(a) The action of the Historical Resources Board in the designation process is final 11 *business days* following the decision of the Board unless an appeal to the City Council is filed with the City Clerk no later than 10 *business days* after the action of the Board. The decision of the Historical Resources Board may be appealed by an *applicant* or an *interested person*. An appeal shall be in writing and shall specify wherein there was error in the decision of the Board. The City Council may reject designation on the basis of factual errors in materials or information presented to the Board, violations of bylaws or hearing procedures by the Board or individual member, or presentation of new information.

(b) Upon the filing of the appeal, the City Clerk shall set the matter for public hearing as soon as is practicable and shall give written notice to the property owner and the appellant of the time and date set for the hearing. At the public hearing on the appeal, the City Council may by resolution affirm, reverse, or modify the determination of the Board and shall make written *findings* in support of its decision.

§ 123.0204 Recordation of Designated Historical Resources

No later than 90 calendar days following the final decision to designate a *historical resource*, the City Manager shall record the designation with the County Recorder.

§ 123.0205 Amendment or Recision of Historical Resource Designation

The Historical Resources Board may amend or rescind any designation of a *historical resource* in the same manner and procedure as was followed in the original designation. This action may be taken only if there is new information, the discovery of earlier misinformation, or a change in circumstances surrounding the original designation.

§ 123.0206 State and National Register

The City Council shall consider endorsing the nomination of a *historical resource* for inclusion in the California Register of Historic Resources and the National Register of Historic Places upon recommendation of the Historical Resources Board.

Article 3: Zoning

Division 3: Zoning Use Certificate Procedures

§ 123.0301 Purpose of Zoning Use Certificate Procedures

The purpose of these procedures is to provide for review of proposed business uses for general conformance with the applicable zoning regulations and to establish the right of the business owner to initiate operations at a specific location.

§ 123.0302 When a Zoning Use Certificate Is Required

(a) A Zoning Use Certificate is required before the commencement of any nonresidential use of property within the City of San Diego.

(b) An application for a Zoning Use Certificate is required whenever an application is submitted for issuance of a Business Tax Certificate for a new business, a change of location, or a change of principal business activity. A Zoning Use Certificate is not required for renewal of a Business Tax Certificate.

§ 123.0303 General Rules for a Zoning Use Certificate

(a) Issuance of a Zoning Use Certificate is based upon information provided by the *applicant*.

(b) The Zoning Use Certificate establishes the applicant's right to initiate the business operations listed in the application at a specified location.

(c) The Zoning Use Certificate may restate applicable conditions of operation contained in the base zone regulations or in an applicable *development permit*.

(d) With the exception of emergency or interim ordinances, subsequent land use legislation does not preclude the initiation of the approved use, unless the Zoning Use Certificate was issued in error.

(e) The Zoning Use Certificate does not relieve the *applicant* from complying with all applicable development regulations or from obtaining all applicable permits and licenses required by the City of San Diego.

§ 123.0304 How to Apply for a Zoning Use Certificate

An *applicant* shall apply for a Zoning Use Certificate in accordance with Section 112.0102. The application shall include a description of the proposed use and the proposed location. The City Manager may require additional information as necessary to judge compliance with all applicable regulations.

§ 123.0305 Decision on a Zoning Use Certificate

A decision on an application for a Zoning Use Certificate shall be made in accordance with Process One. The City Manager shall review an application for a Zoning Use Certificate and shall approve the certificate if the City Manager determines that the proposed use conforms with the applicable use regulations of the zone and any applicable *development permit* or constitutes a

§ 123.0305 Cont'd *previously conforming* use in accordance with Chapter 12, Article 7 Previously Conforming Premises and Uses.

§ 123.0306 Issuance of a Zoning Use Certificate

The City Manager shall issue the Zoning Use Certificate when the required fees have been paid and the certificate has been approved.

§ 123.0307 Expiration of a Zoning Use Certificate

A Zoning Use Certificate expires 180 calendar days after issuance if the approved use has not commenced.

Article 3: Zoning

Division 4: Temporary Use Permit Procedures

§ 123.0401 Purpose of Temporary Use Permit Procedures

The purpose of these procedures is to establish the process for approval of certain uses for limited time periods in locations where the uses would not otherwise be allowed in the applicable zone.

§ 123.0402 When a Temporary Use Permit Is Required

A Temporary Use Permit is required for the following uses:

(a) Retail sales related to seasonal activities, such as holidays;

(b) Temporary public assembly and entertainment uses; and

(c) Temporary telecommunication facilities intended to provide service to citywide public events.

§ 123.0403 How to Apply for a Temporary Use Permit

An *applicant* shall apply for a Temporary Use Permit in accordance with Section 112.0102. The application shall include a description of the proposed use and the proposed location.

§ 123.0404 Decision on a Temporary Use Permit

A decision on an application for a Temporary Use Permit shall be made in accordance with Process One. The City Manager shall approve a Temporary Use Permit if it meets the following conditions:

(a) The proposed use, for the limited period of time, will not be detrimental to the purpose and intent of the applicable zone; and

(b) The approval of the proposed use would result in no more than two Temporary Use Permits for the same use at the same location in any 365-day period.

§ 123.0405 Issuance and Effective Date of a Temporary Use Permit

The City Manager shall issue a Temporary Use Permit when the required fees have been paid and the permit has been approved. The effective date shall be specified on the permit and shall not be later than 30 calendar days after the date of issuance.

§ 123.0406 Expiration of a Temporary Use Permit

The City Manager shall set an expiration date for each Temporary Use Permit. The expiration date shall not be later than 30 calendar days after the effective date for retail sales related to seasonal activities and temporary public assembly and entertainment uses. The expiration date shall not be later than 90 calendar days after the effective date for temporary telecommunication facilities.

Article 4: Agreements

Division 1: Development Agreement Procedures

§ 124.0101 Purpose of Development Agreement Procedures

The purpose of these procedures is to promote and facilitate orderly and planned growth and *development* through the provision of certainty in the development approval process by the City and through corresponding assurances by the developers. The intent of these regulations is to provide a process for review and approval of Development Agreements in the City in accordance with state law, California Government Code sections 65864 and following.

§ 124.0102 How to Apply for a Development Agreement

An application for a Development Agreement shall be filed with the City Manager in accordance with Section 112.0102 and the following provisions:

(a) Persons Who May Apply. Any person who has a legal or equitable interest in the subject real property may file an application for a Development Agreement. If submitted by the holder of an equitable interest, the application must include a title report and a statement of consent to proceed with the proposed agreement executed by the holder of the legal interest and acknowledged before a Notary Public for the State of California.

(b) Accompanying Documents. The application shall be accompanied by the proposed adoption ordinance and Development Agreement.

(c) Review of Documents. The City Manager shall review the submittal documents for compliance with technical requirements and consistency with the applicable *land use plan*, *Local Coastal Program*, and City policies and may negotiate additions or modifications to the proposed agreement.

(d) Fees. The *applicant* for a Development Agreement shall pay a filing fee in accordance with Section 112.0202 at the time of filing the application. This fee shall be in addition to any other required fees for permits relative to *development* of the property and shall be for the purpose of defraying the costs associated with City review and action on the application.

§ 124.0103 Contents of Development Agreements

A Development Agreement shall contain all of the provisions listed in California Government Code section 65865.2 including a provision specifying the party responsible for the cost of the periodic review.

§ 124.0104 Decision Process for Development Agreements

A decision on an application for a Development Agreement shall be made in accordance with Process Five and in the following manner:

(a) Planning Commission Recommendation. The Planning Commission shall recommend approval or denial of the Development Agreement and shall include written *findings* specifying the facts and information relied upon by the Planning Commission in making its recommendation. A copy of the resolution shall be filed with the City Clerk and with the City Manager.

§ 124.0104 Cont'd

(b) City Council Action. The City Council may approve or deny a Development Agreement after receiving the Planning Commission's recommendation. If the Planning Commission does not make a recommendation within 45 calendar days, the City Council shall take action on the Development Agreement by ordinance. The City Council's action is final.

(c) City Council *Finding*. To approve a Development Agreement, the City Council must find the Development Agreement consistent with the applicable *land use plans*, *Local Coastal Program*, and City policies.

(d) Notice of Denial. If a Development Agreement is denied, the City Clerk shall mail a notice of the denial to the *applicant* and to the Planning Commission no later than 10 *business days* after the denial.

§ 124.0105 Effective Date of Development Agreements

The effective date of a Development Agreement shall be determined by the terms of the Development Agreement.

§ 124.0106 Recordation of Development Agreements

The City Clerk shall forward a copy of the Development Agreement, and an ordinance that describes the land subject to the agreement, to the County Recorder for recordation no later than 10 *business days* after receipt of a fully executed Development Agreement. The agreement shall be binding upon, and the benefits of the agreement shall inure, to the parties and all successors in interest to the parties to the agreement.

§ 124.0107 Periodic Review of Development Agreements

The City Manager shall review an adopted Development Agreement at least every 12 months, at which time the owner of the property subject to the agreement shall be required to demonstrate good faith compliance with the terms of the agreement. The City Manager shall submit a report summarizing the review to the City Council. If after reviewing the report, and after a public hearing, the City Council finds on the basis of substantial evidence that the owner has not complied in good faith with the conditions of the agreement, the City Council may terminate or modify the agreement.

§ 124.0108 Amendment or Cancellation of Development Agreements

A Development Agreement may be amended or canceled by mutual consent of the parties to the agreement or their successors in interest. A decision on an amendment or cancellation shall be made in accordance with Section 124.0104.

§ 124.0109 Conformance with Existing and Subsequently Adopted Regulations

(a) Local Regulations. Unless otherwise provided by the Development Agreement, the rules, regulations, and official policies of the City governing permitted uses of the land, governing *density*, and governing design, improvement, and construction standards and specifications applicable to the subject property shall be those rules, regulations, and official policies in force at the time of execution of the agreement. The adoption of a Development Agreement, however, shall not prevent the City, in subsequent actions applicable to the property or to the City in general, from applying new rules, regulations, or policies that do not conflict with those applicable to the property at the time of execution of the Development Agreement. The existence of the Development Agreement shall not prevent the City from denying or

§ 124.0109 Cont'd

conditionally approving any subsequent application for *development* on the basis of the existing or new rules, regulations, and policies.

(b) State and Federal Regulations. If state or federal laws or regulations enacted after a Development Agreement has been entered into prevent or preclude compliance with one or more provisions of the Development Agreement, the provisions of the agreement shall be modified or suspended as may be necessary to comply with the state or federal laws or regulations, and every Development Agreement shall so provide.

§ 124.0110 Enforcement of Development Agreements

Subject to the provisions of Section 124.0109, a Development Agreement is enforceable by any party thereto, notwithstanding any change in any applicable *land use plan* or specific plan, zoning, *subdivision*, or building regulation adopted by the City that alters or amends the rules, regulations, or official policies specified in the Land Development Code or in the Development Agreement.

Article 5: Subdivision Procedures

Division 1: General Rules

§ 125.0101 Purpose of Subdivision Procedures

The purpose of these procedures is to regulate the division of lands and the associated design of improvements, and the acquisition and vacation of *public rights-of-way* and public easements within the City; to protect both the public and private interests in land *development* projects; and to supplement the provisions of the *Subdivision Map Act* and California Streets and Highways Code Sections 8300 through 8363.

§ 125.0110 Applicability of Subdivision Procedures

The filing of a map as specified in the *Subdivision Map Act* and this article is required for all *subdivisions*. Determination of whether a final map or *parcel map* is required for a *subdivision* shall be in accordance with the *Subdivision Map Act*, Section 66426, or as otherwise specified in this article.

§ 125.0111 Exclusions from Subdivision Procedures

This article does not apply to actions that are excluded or exempted under the *Subdivision Map Act*, except to provide for processing procedures consistent with the specified exclusion or exemption.

§ 125.0120 When a Map Waiver May Be Requested

A *subdivider* may request a waiver of *tentative map, parcel map*, or final map requirements as provided by the *Subdivision Map Act*, Sections 66428 and 66428.1 for any of the following:

(a) *Parcel Map* Waiver. The *subdivider* may request a waiver of the requirement to file a tentative *parcel map* or *parcel map* including those imposed by the *Subdivision Map Act*, Section 66426;

(b) Condominium Projects. For the construction of a condominium project on a single parcel that was previously mapped and monumented in a manner satisfactory to the City Engineer; or

(c) *Mobilehome Park* Conversion. For conversion of a *mobilehome park* to a condominium in accordance with the *Subdivision Map Act*, Section 66428.1.

§ 125.0121 Decision Process for Map Waivers

A decision on an application for a Map Waiver shall be made in accordance with Process Three. If the request is approved, the City Manager shall record a Certificate of Compliance or other suitable instrument as evidence of such approval in the office of the County Recorder.

§ 125.0122 Findings for Map Waivers

The decision maker may approve a Map Waiver if the decision maker finds that the proposed division of land complies with requirements of the *Subdivision Map Act* and the Land Development Code.

§ 125.0130 Vesting Maps

Whenever a provision of this article requires that a *tentative map* be filed, a vesting *tentative map* may be filed instead as provided by the *Subdivision Map Act.*

§ 125.0131 Vesting Rights

The vesting rights conferred by a vesting *tentative map* as provided by the *Subdivision Map Act* shall remain in effect for two years from the date of the recordation of the final map or *parcel map* in accordance with the *Subdivision Map Act.*

§ 125.0140 How to Apply for Correction and Amendment of Maps

An *applicant* shall file an application to correct or amend a recorded map as provided by the *Subdivision Map Act*, Chapter 3, Article 7, in accordance with Section 112.0102.

§ 125.0141 Decision Process for Correction and Amendment of Maps

A decision on an application to correct or amend a recorded map shall be made in accordance with the following:

(a) Errors and Omissions: If the proposed corrections or amendments to the recorded map consist of corrections to technical errors or omissions as provided by the *Subdivision Map Act*, Section 66469, the decision on the application for *Certificate of Correction* or *amended map* shall be made by the City Engineer in accordance with Process One;

(b) *Substantial Conformance*: If the proposed amendments to the recorded map are not to correct errors or omissions but are in *substantial conformance* with the approved *tentative map* and any associated permits and the application is filed before the latest date to which the *tentative map* could have been extended or one year after the recording date of the *parcel map* or final map, whichever date is later, the decision on the application for the *amended map* shall be made in accordance with Section 125.0530 for amended *parcel maps* or Section 125.0630 for amended final maps; and

(c) Modified Conditions: If the proposed amendments modify or eliminate conditions of approval of the recorded map or do not substantially conform with the approved *tentative map*, the City Council shall make the decision on the application for the *amended map* in accordance with Process Five.

§ 125.0142 Findings for Correction and Amendment of Maps

The decision maker may approve an application to correct or amend a recorded map if the decision maker makes one of the following *findings*:

(a) Errors and Omissions. A *Certificate of Correction* or *amended map* processed under Section 125.0141(a) may be approved if it complies with the provisions of the *Subdivision Map Act*, Chapter 3, Article 7, and the standards established in the Land Development Manual;

(b) *Substantial Conformance*. An *amended map* processed under Section 125.0141(b) may be approved if it complies with the provisions of the *Subdivision Map Act*, Section 66470, and the standards established in the Land Development Manual and is in *substantial conformance* with the approved *tentative map* and any associated *development permits*; or

§ 125.0142 Cont'd

(c) Modified Conditions. An *amended map* processed under Section 125.0141(c) may be approved if it complies with the provisions of the *Subdivision Map Act*, Section 66472.1.

§ 125.0143 Recordation for Correction and Amendment of Maps

If the *Certificate of Correction* or *amended map* is approved, the City Manager shall record the document in the office of the County Recorder.

Article 5: Subdivision Procedures

Division 2: Certificate of Compliance

§ 125.0201 Purpose of Certificate of Compliance Procedures

The purpose of these procedures is to process requests for City *certification* that a parcel was created in compliance with the *Subdivision Map Act* and the Land Development Code. The intent of this division is to provide an expeditious process and to comply with the provisions of the *Subdivision Map Act*, Sections 66499.34 and 66499.35. No *development* rights shall be conferred or impled by the issuance of a Certificate of Compliance.

§ 125.0210 When a Certificate of Compliance May Be Requested

Any person owning real property, or a prospective purchaser of real property, may request that the City certify whether the property complies with the provisions of the *Subdivision Map Act* and the Land Development Code.

§ 125.0220 How to Apply for a Certificate of Compliance

An applicant shall apply for a Certificate of Compliance accordance with Section 112.0102.

§ 125.0230 Decision Process for a Certificate of Compliance

An application for a Certificate of Compliance shall be approved or denied in accordance with Process One.

§ 125.0240 Issuance of a Certificate of Compliance

(a) Except as otherwise stated herein, a Certificate of Compliance or Conditional Certificate of Compliance can be provided only for an existing parcel, held separately in fee title.

(b) A Certificate of Compliance shall be issued if the real property complies with the applicable provisions of the *Subdivision Map Act* and the Land Development Code. If the real property does not comply with these provisions, a Conditional Certificate of Compliance shall be issued.

§ 125.0250 Recordation of a Certificate of Compliance

The City Manager shall provide a Certificate of Compliance or a Conditional Certificate of Compliance to the County Recorder for recordation.

Article 5: Subdivision Procedures

Division 3: Lot Line Adjustments

§ 125.0301 Purpose of Lot Line Adjustment Procedures

The purpose of these procedures is to process applications for *lot* line adjustments to implement the provisions of the *Subdivision Map Act*, Section 66412(d).

§ 125.0310 When a Lot Line Adjustment Is Required

A Lot Line Adjustment is required when land is taken from one or more parcels and added to one or more adjacent parcels, provided that the adjustment would not result in the creation of an additional parcel.

§ 125.0320 How to Apply for a Lot Line Adjustment

An *applicant* shall apply for a Lot Line Adjustment in accordance with Section 112.0102. An *applicant* may submit an application for a *parcel map* in accordance with Chapter 12, Article 5, Division 5 in lieu of an application for a Lot Line Adjustment.

§ 125.0330 Decision Process for a Lot Line Adjustment

A decision on an application for a Lot Line Adjustment shall be approved or denied in accordance with Process One.

§ 125.0340 Approval Requirements for a Lot Line Adjustment

The decision maker shall approve an application for a Lot Line Adjustment if the decision maker makes the following findings:

(a) The proposed adjustment complies with the applicable provisions of the *Subdivision Map Act*;

(b) Before adjustment, all *lots* or parcels are existing parcels of land created by separate fee conveyance and meeting the criteria for determination of a *lot* as specified in Section 113.0237;

(c) All adjusted *lots* or parcels comply with the minimum requirements of the Land Development Code and all existing *structures* comply with established *yards*, except for property for which a Variance has been granted pursuant to Chapter 12, Article 6, Division 8 (Variances) and for *previously conforming lots* or *structures*, for which the Lot Line Adjustment shall not increase the existing noncompliance; and

(d) The Lot Line Adjustment will not result in the creation of any additional parcels.

§ 125.0350 Recordation of a Lot Line Adjustment

If the Lot Line Adjustment is approved, the City shall provide a Certificate of Compliance or *parcel map* to the County Recorder for recordation and shall insure that the *subdivider* records the deeds for the new parcels.

Article 5: Subdivision Procedures

Division 4: Tentative Maps

§ 125.0401 Purpose of Tentative Map Procedures

The purpose of these procedures is to provide the process for approving *tentative maps* and the associated design and improvement of proposed *subdivisions* and to implement the provisions of the *Subdivision Map Act* to provide for the orderly division of land.

§ 125.0410 When a Tentative Map Is Required

A *tentative map* is required for each *subdivision* of land except for a *parcel map* that creates no additional *lots*.

§ 125.0420 How to Apply for a Tentative Map

An *applicant* shall apply for a *tentative map* in accordance with Section 112.0102. The content and form for *tentative maps* and the associated data submitted shall be as specified by the Land Development Manual and the *Subdivision Map Act*.

§ 125.0430 Decision Process for a Tentative Map

An application for a *tentative map* may be approved, conditionally approved, or denied in accordance with Process Three for Tentative *Parcel Maps* and Process Four for Tentative Final Maps except for those *tentative maps* that include proposals for the vacation of *public rights-of-way* or the abandonment of *public service easements*, which shall be made in accordance with Process Five.

§ 125.0431 Additional Notice for a Condominium Conversion Map

For a *tentative map* converting residential property into a condominium project, a community apartment project, or a stock cooperative project, the following notice shall be provided in addition to the notice required in Chapter 11, Article 2, Division 3 (Notice):

(a) Each tenant of, and each person applying for the rental of, a unit of the proposed project shall receive all notices required in Chapter 11, Article 2, Division 3 (Notice);

(b) Each tenant of the proposed project shall be given the notices required in the *Subdivision Map Act*, Section 66427.1; and

(c) The notices required in Sections 125.0431(a) and (b) shall include a statement advising the tenants that should the condominium project be approved, tenants may be required to vacate the *premises*.

§ 125.0440 Findings for a Tentative Map

A *tentative map* may be approved or conditionally approved only if the decision maker makes the following *findings* in accordance with the *Subdivision Map Act* and the Land Development Code:

(a) The proposed *subdivision* and its design or improvement are consistent with the policies, goals, and objectives of the applicable *land use plan*;

§ 125.0440 Cont'd

(b) The proposed *subdivision* complies with the applicable zoning and development regulations of the Land Development Code;

(c) The site is physically suitable for the type and *density* of *development*;

(d) The design of the *subdivision* or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

(e) The design of the *subdivision* or the type of improvement will not be detrimental to the public health, safety, and welfare;

(f) The design of the *subdivision* or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed *subdivision*;

(g) The design of the proposed *subdivision* provides, to the extent feasible, for future passive or natural heating and cooling opportunities; and

(h) The decision maker has considered the effects of the proposed *subdivision* on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.

§ 125.0441 Finding of Environmental Mitigation Infeasible

If the decision maker does not make the *finding* in Section 125.0440(d), the *tentative map* may still be approved as allowed in the *Subdivision Map Act*, Section 66474.01, if an environmental impact report was prepared for the project and a *finding* was made pursuant to California Public Resources Code Section 21081(a)(3) that specific economic, social, or other considerations make the mitigation measures or project alternatives identified in the environmental impact report infeasible.

§ 125.0442 Exception Findings for Tentative Maps in the Planned Urbanizing Area

The decision maker may approve a *tentative map* for property in the planned urbanizing area, as defined in the Progress Guide and General Plan, if the property is not within the boundaries of a community plan, specific plan, or precise plan adopted by the Planning Commission and City Council or otherwise does not meet the requirements of Section 123.0104, only if the decision maker makes the following *findings*, in addition to those required in Section 125.0440:

(a) The granting of *tentative map* approval on the subject property or the proposed timing and phasing of the *development* of the property will not jeopardize the achievement of the Progress Guide and General Plan objectives of assuring adequate public facilities at the time of *development*; and

(b) The requirements of Section 144.0206 have been fulfilled.

§ 125.0444 Findings for Tentative Maps for Condominium Conversion

The decision maker may approve a *tentative map* for the purposes of the conversion of residential property into a condominium project, a community apartment project, or a stock cooperative project, in accordance with the *Subdivision Map Act*, Section 66427.1, if the decision maker makes the following *findings*, in addition to those required in Section 125.0440:

§ 125.0444 Cont'd

(a) The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or *low income* housing; and

(b) For any project that was developed to provide housing for the elderly, disabled or to provide *low income* housing, provisions have been made to perpetuate the use for which the project was developed.

§ 125.0450 Filing of Tentative Map Resolutions

After approval of a *tentative map*, the resolution shall be filed with the City Clerk and a copy shall be mailed to the *applicant*.

§ 125.0460 Expiration of a Tentative Map

An approved or conditionally approved *tentative map* expires 36 months after its approval or conditional approval. After expiration of an approved or conditionally approved *tentative map*, a final map or *parcel map* shall not be filed without the approval of a new *tentative map*.

§ 125.0461 Extension of Time for a Tentative Map

The expiration date of a *tentative map* may be extended as follows:

(a) The expiration date of a *tentative map* may be extended one or more times if the extensions do not exceed a total of 60 months in accordance with the *Subdivision Map Act*.

(1) Request for Extension. An application for Extension of Time for a *tentative map* shall be filed before the expiration date of the *tentative map*, but not more than 60 calendar days before the expiration date, in accordance with Section 112.0102. When an application for Extension of Time is filed, the *tentative map* shall be automatically extended for a period of 60 calendar days from the expiration date or until a decision on the Extension of Time has been made, whichever occurs last.

(2) Decision Process. An application for Extension of Time for a *tentative map* shall be approved, conditionally approved, or denied in accordance with Process Three for tentative *parcel maps* or with Process Four for tentative final maps.

(3) *Findings*. The decision maker may conditionally approve or deny a request for extension of time if the decision maker makes one of the following *findings*:

(A) The failure to conditionally approve or deny the request would place the residents of the *subdivision* or the immediate community in a condition dangerous to their health or safety; or

(B) The condition or denial is required to comply with state or federal law.

(b) Extensions of Time for filing multiple maps in accordance with the *Subdivision Map Act* may be approved or denied by the City Engineer in accordance with Process One.

§ 125.0470 Minor Modifications to a Tentative Map

Except as otherwise provided, a revision to a previously approved *tentative map* that is in *substantial conformance* with that *tentative map* shall be considered a minor modification. The

§ 125.0470 Cont'd City Engineer shall decide whether the revision is in *substantial conformance* with the previously approved *tentative map* in accordance with Process One.

§ 125.0471 Amendments to a Tentative Map

Except as otherwise provided, any revision to an approved *tentative map* that is not in *substantial conformance* with the approved *tentative map* requires an amendment to the *tentative map*, as follows:

(a) Request for Amendment. An application for an amendment to a *tentative map* shall be filed in accordance with Section 112.0102; and

(b) Decision Process. The decision on an application for an amendment shall be made in the same manner as the original *tentative map*.

Article 5: Subdivision Procedures

Division 5: Parcel Maps

§ 125.0501 Purpose of Parcel Map Procedures

The purpose of these procedures is to provide the process for approving applications for *parcel maps*. The intent of these regulations is to supplement the provisions of the *Subdivision Map Act*.

§ 125.0510 When a Parcel Map Is Required

A *parcel map* is required for any *subdivision* of land for which a map is required in Section 125.0110 and for which a final map is not required by the *Subdivision Map Act*. An *applicant* may also file a *parcel map* for purposes of a Lot Line Adjustment in accordance with Chapter 12, Article 5, Division 3 (Lot Line Adjustments).

§ 125.0520 How to Apply for a Parcel Map

An applicant shall apply for a *parcel map* in accordance with Section 112.0102. The preparation, content, and form of *parcel maps* shall conform to the provisions in the *Subdivision Map Act* and the Land Development Manual.

§ 125.0530 Decision Process for a Parcel Map

(a) A decision on a *parcel map* that includes vacations, agreements, or other conditions that require City Council approval shall be made by the City Council in accordance with the *Subdivision Map Act*. A decision on all other *parcel maps* shall be made by the City Engineer in accordance with Process One and the *Subdivision Map Act*.

(b) The City Manager may accept *dedications* of *public rights-of-way* and easements in conjunction with a *parcel map*.

§ 125.0540 Approval Requirements for a Parcel Map

(a) A *parcel map* must comply with the provisions of Chapter 14, Article 4 (Subdivision Regulations).

(b) Any condition imposed as part of the approval of the *tentative map* must be satisfied before the City Engineer executes the *parcel map* Certificate in accordance with the *Subdivision Map Act*, Section 66450. Where *parcel maps* are submitted to the City Council for approval, improvement conditions may be satisfied by an agreement as outlined in the *Subdivision Map Act*.

§ 125.0550 Recordation of Parcel Maps

After approval of a *parcel map*, the City shall submit the map to the County Recorder for recordation and filing in accordance with the *Subdivision Map Act*. Upon acceptance by the County Recorder, the City shall notify the *subdivider* that the map is of public record.

Article 5: Subdivision Procedures

Division 6: Final Maps

§ 125.0601 Purpose of Final Map Procedures

The purpose of these procedures is to establish the process for approving applications for final maps within the City and to supplement the provisions of the *Subdivision Map Act.*

§ 125.0610 When a Final Map Is Required

A final map is required to be filed for any *subdivision* in accordance with Section 125.0110.

§ 125.0620 How to Apply for a Final Map

An applicant shall apply for a final map in accordance with Section 112.0102. The content and form of final maps shall conform to the provisions of the *Subdivision Map Act* and the Land Development Manual.

§ 125.0630 Decision Process for a Final Map

The City Council shall approve or deny a final map in accordance with the *Subdivision Map Act.*

§ 125.0640 Approval Requirements for a Final Map

(a) The City Council shall not approve a final map unless the final map and any associated documents have been prepared in accordance with the Land Development Manual, the required fees and deposits have been paid, and all other conditions of the *tentative map* and any other associated permits have been met.

(b) In order to approve a final map for a condominium conversion, the City Council shall find that notice has been given in accordance with Section 125.0431.

§ 125.0650 Recordation of a Final Map

After approval of a final map, the City shall submit the map to the County Recorder for recordation and filing in accordance with the *Subdivision Map Act.* Upon acceptance by the County Recorder, the City shall notify the *subdivider* that the map is of public record.

Article 5: Subdivision Procedures

Division 7: Merger of Parcels

§ 125.0701 Purpose of Merger of Parcels Procedures

The purpose of these procedures is to provide the process for the merger of substandard parcels. The intent of these regulations is to implement the merger provisions of the *Subdivision Map Act.*

§ 125.0710 When a Parcel Shall Be Merged

Unless exempted by the *Subdivision Map Act*, Section 66451.11, any parcel or unit of land that does not conform to standards for minimum parcel size under the applicable zone shall be merged with a contiguous parcel or unit of land held by the same owner if the following are met as required by the *Subdivision Map Act.*

(a) At least one of the affected parcels or units of land is either:

(1) Not developed with any *structure* for which a Building Permit was issued or required at the time of construction; or

(2) Developed with a single *structure*, other than an *accessory structure*, that is also partially sited on a contiguous parcel or unit.

(b) At least one of the affected parcels or units of land has one or more of the following conditions:

(1) Comprises less than 5,000 square feet in area at the time of the determination of merger;

(2) Was not created in compliance with applicable laws and ordinances in effect at the time of its creation;

(3) Does not meet current standards for sewage disposal and domestic water supply;

(4) Does not meet slope stability standards;

(5) Has no legal access that is adequate for vehicular and safety equipment access and maneuverability;

(6) Contains *development* that would create health or safety hazards; or

(7) Is inconsistent with the applicable *land use plans* other than minimum *lot* size or *density* standards.

§ 125.0720 Initiation of Parcel Merger

(a) The City Manager may initiate the merger of parcels by mailing a Notice of Intention to Determine Status by certified mail to each owner of affected property. The notice shall inform the owner that the affected property may be merged pursuant to the *Subdivision Map Act* and Section 125.0710. The notice shall state that the owner may request a hearing on the determination of status and may present evidence at the hearing that the property does not meet the criteria for merger.

§ 125.0720 Cont'd

(b) The Notice of Intention to Determine Status shall be recorded with the County Recorder on the date that the notice is mailed.

§ 125.0730 Decision Process for Determination of Status of the Merger of Parcels

The determination of status of the merger of parcels shall be made in accordance with Process Two with the following modifications to Process Two procedures as required by the *Subdivision Map Act*:

(a) A Notice of Intention to Determine Status of the merger of parcels shall be provided in accordance with Section 125.0720 and a Notice of Future Decision specified in Section 112.0503(a).

(b) An application for an appeal hearing may be filed within 30 calendar days after the recording of the Notice of Intention to Determine Status in place of the time specified in Section 112.0504(b). If the owner does not file a request for a hearing within 30 calendar days after the recordation of the Notice of Intention to Determine Status, the City Manager may record the Notice of Merger.

(c) An appeal hearing shall be scheduled not more than 60 calendar days following receipt of the property owner's request for hearing, in place of the time specified in Section 112.0504(c), but the time period may be continued or postponed with the mutual consent of the City and the property owner.

§ 125.0740 Findings for Determination of Status for Merger of Parcels

The decision maker shall determine that the parcels are merged if the decision maker finds that the parcels meet the requirements specified in Section 125.0710.

§ 125.0750 Recordation of Notice of Merger of Parcels

The City Manager shall record the Notice of Merger within 30 calendar days of the *decision date*. A merger of parcels becomes effective when a Notice of Merger specifying the names of the *record owners* and describing the real property is recorded with the County Recorder. Upon recordation of the Notice of Merger, the merged parcels, units, or *lots* shall constitute a single parcel for all regulatory purposes and no component parcel, unit, or *lot* of the merged parcel shall be separately conveyed or developed.

§ 125.0751 Determination Not to Merge Parcels

If the decision maker determines that the property is not merged, a release of the Notice of Intention to Determine Status shall be recorded with the County Recorder and a letter of clearance shall be mailed to the all of the current property owners.

§ 125.0760 Temporary Merger of Parcels for Development

Parcels may be temporarily merged as a condition of a permit or other approval for *development* by a "Covenant to Hold as One Parcel." The covenant shall be recorded in the Office of the County Recorder and shall run with the land. The City Manager shall release the burden of the covenant at such time the restriction is no longer needed by a change in *development* or a change in the regulations requiring the covenant. The release of covenant shall be recorded in the Office of the County Recorder.

§ 125.0761 Voluntary Merger of Parcels

An owner of real property may voluntarily merge or partially merge one or more contiguous parcels into one or more newly created parcels by filing a *parcel map* pursuant to Chapter 12, Article 5, Division 5 and Section 144.0330 or by filing a *parcel map* or final map and using the provisions of the *Subdivision Map Act*, Section 66499.20 1/2. In either case, all parcels shall be legally merged or resubdivided and all public easements and *streets* not delineated thereon shall be abandoned and vacated subject to the restrictions contained in the *Subdivision Map Act* Section 66499.20 1/2.

Article 5: Subdivision Procedures

Division 8: Reversion to Acreage

§ 125.0801 Purpose of Reversion to Acreage Procedures

The purpose of these procedures is to establish a process for processing petitions for reversion of a subdivided real property to acreage and to supplement the provisions of the *Subdivision Map Act*, Chapter 6, Article 1.

§ 125.0810 When a Reversion to Acreage May Be Initiated

Proceedings for Reversion to Acreage may be initiated by the City Council or by petition of all the owners of record of the real property within a *subdivision* created by a *parcel map* or final map.

§ 125.0820 How to Apply for Reversion to Acreage

An applicant shall file for a Petition for Reversion to Acreage in accordance with Section 112.0102. The content and form of a Petition for Reversion to Acreage shall conform to the provisions of the *Subdivision Map Act* and the Land Development Manual.

§ 125.0830 Decision Process for Reversion to Acreage

A decision on a Petition for Reversion to Acreage shall be made in accordance with Process Five.

§ 125.0840 Findings for Reversion to Acreage

Subdivided real property may be reverted to acreage only if the decision maker makes the following *findings*:

(a) *Dedications* or offers of *dedication* to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and

(b) One of the following facts exists:

(1) All owners of an interest in the real property within the *subdivision* have consented to the reversion;

(2) None of the improvements required as map conditions have been made within 2 years from the date the final or *parcel map* was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or

(3) No *lots* shown on the final or *parcel map* have been sold within 5 years from the date the map was recorded.

§ 125.0850 Recording of Reversion to Acreage

After approval of a Reversion Map or a *Parcel Map*, if one is prepared pursuant to the *Subdivision Map Act*, Section 66499.20 1/4, the City shall provide the resolution, map, and any accompanying documents to the County Recorder for recordation.

§ 125.0860 Return of Fees and Deposits; Release of Security

When a reversion is effective, all unused fees and deposits shall be returned and all improvement security shall be released by the City Manager, except those reserved pursuant to the *Subdivision Map Act*, Section 66499.17.

Article 5: Subdivision Procedures

Division 9: Public Right-of-Way Vacations

§ 125.0901 Purpose of Public Right-of-Way Vacation Procedures

The purpose of these procedures is to establish a process for approving applications to vacate a *public right-of-way* and to supplement the provisions of California Streets and Highways Code, Sections 8300 through 8363.

§ 125.0910 When a Public Right-of-Way Vacation May Be Initiated

(a) The vacation of a *public right-of-way* may be initiated by resolution of the City Council or by petition or request of any person. A *public right-of-way* also may be vacated by filing a *tentative map* and a *parcel map* or final map pursuant to the *Subdivision Map Act*, Section 66499.20 1/2, and in accordance with the provisions of this article.

(b) A *public right-of-way* may be summarily vacated if it does not contain *public utility* facilities, does not contain active *public utility* facilities, or contains *public utility* facilities that would not be affected by the vacation and if any of the following applies:

(1) The *public right-of-way*, or portion of the *public right-of-way*, is excess *public right-of-way* and is not required for *street* or highway purposes;

(2) The *public right-of-way* lies within one ownership and does not continue through that ownership or touch the property of another owner;

(3) The *public right-of-way* has been impassable for vehicular travel for a period of 5 years and public funds have not been expended for maintenance of the *public right-of-way* during that period.

(4) The *public right-of-way* is intercepted by a state *freeway* and an agreement has been entered into pursuant to California Streets and Highways Code Section 100.2.

(5) The *public right-of-way* has been superseded by relocation, provided the vacation would not cut off all access to an individual property that, before relocation, adjoined the *public right-of-way*.

(c) Public facilities within the *public right-of-way* shall be deemed unaffected by the vacation if they are to be relocated with no impact on service or if an appropriate easement is reserved from the vacation to provide for the continued use and maintenance of the public facility.

§ 125.0920 How to Apply for a Public Right-of-Way Vacation

An application for vacation of a *public right-of-way* shall be filed in accordance with Section 112.0102. A *parcel map* may be filed in lieu of a vacation plat for the purpose of a *public right-of-way* vacation.

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

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

§ 125.0940 Cont'd

(a) The Notice of Public Hearing required by Section 112.0301(c) shall be distributed 14 calendar days before the date of the public hearing, in accordance with California Streets and Highways Code Section 8322. The Notice of Public Hearing shall be posted in accordance with California Streets and Highways Code Section 8323.

(b) Before a City Council hearing to vacate a *public right-of-way*, the City Council shall approve a Resolution of Intention that specifies the time and place of the hearing in accordance with California Streets and Highways Code Section 8320.

(c) A summary vacation of a *public right-of-way* pursuant to Section 125.0910(b) does not require a Resolution of Intention as specified in Section 125.0940(b) or a recommendation by the Planning Commission.

§ 125.0941 Findings for Public Right-of-Way Vacation Approval

A *public right-of-way* may be vacated only if the decision maker makes the following *findings*:

(a) There is no present or prospective public use for the *public right-of-way*, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated;

(b) The public will benefit from the action through improved use of the land made available by the vacation;

(c) The vacation does not adversely affect any applicable *land use plan* or; and

(d) The public facility for which the *public right-of-way* was originally acquired will not be detrimentally affected by the vacation.

§ 125.0950 Recording of a Public Right-of-Way Vacation

If the vacation is approved, the City shall provide the resolution and any accompanying documents to the County Recorder for recordation. If the resolution contains conditions, it shall not be provided to the County Recorder for recordation until the City Engineer has determined that all conditions have been met. The filing for record of a *subdivision map* pursuant to the *Subdivision Map Act*, Section 66499.20 1/2, shall have the same effect.

Article 5: Subdivision Procedures

Division 10: Easement Abandonments

§ 125.1001 Purpose of Easement Abandonment Procedures

The purpose of these procedures is to establish the process to abandon *public service easement* and other easements granted to the public or the City of San Diego and to supplement the provisions of California Streets and Highways Code Sections 8300 through 8363.

§ 125.1010 When an Easement Abandonment May Be Initiated

(a) The abandonment of a *public service easement* or other easement may be initiated by resolution of the City Council or by petition or request by any person who has a property interest in the abandonment.

(b) A *public service easement* or other easement may also be abandoned by filing a *tentative map* and a *parcel map* or final map pursuant to the *Subdivision Map Act*, Section 66499.20 1/2, and in accordance with the provisions of this article.

(c) A *public service easement* or other easement may be summarily abandoned if it does not contain *public utility* facilities or does not contain active *public utility* facilities that would be affected by the abandonment and if any one of the following applies:

(1) The easement has not been used for the purpose for which it was dedicated or acquired for 5 consecutive years immediately proceeding the proposed abandonment;

(2) The date of *dedication* or acquisition is less than 5 years and more than 1 year immediately proceeding the proposed abandonment, and the easement has not been used continuously since the date of *dedication*; or

(3) The easement has been superseded by relocation and there are no other public facilities located within the easement.

§ 125.1020 How to Apply for an Easement Abandonment

An application for abandonment of a *public service easement* or other easement shall be filed in accordance with Section 112.0102.

§ 125.1030 Decision Process for an Easement Abandonment

A decision on an application to abandon a *public service easement* or other easement shall be made in accordance with Process Five, with the following exceptions to Process Five procedures.

(a) The Notice of Public Hearing required by Section 112.0301(c) shall be distributed 14 calendar days before the date of the public hearing, in accordance with California Streets and Highways Code Section 8322. The Notice of Public Hearing shall be posted in accordance with California Streets and Highways Code Section 8323.

(b) Before a City Council hearing to abandon a *public service easement* or other easement, the City Council shall approve a Resolution of Intention that specifies the time and place of the hearing in accordance with California Streets and Highways Code Section 8320.

§ 125.1030 Cont'd

(c) A summary abandonment of a *public service easement* or other easement pursuant to Section 125.1010(c) does not require a Resolution of Intention as specified in Section 125.1030(b) or a recommendation by the Planning Commission.

§ 125.1040 Findings for a Public Service Easement Abandonment

A *public service easement* or other easement may be abandoned only if the decision maker makes the following *findings*:

(a) There is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated;

(b) The public will benefit from the action through improved utilization of the land made available by the abandonment;

(c) The abandonment is consistent with any applicable *land use plan*; and

(d) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the abandonment or the purpose for which the easement was acquired no longer exists.

§ 125.1050 Recording of Easement Abandonments

If the abandonment is approved, the City shall provide the resolution and any accompanying documents to the County Recorder for recordation. If the resolution contains conditions, it shall not be provided to the County Recorder for recordation until the City Engineer has determined that all conditions have been met. The filing for record of a *subdivision map* pursuant to the *Subdivision Map Act*, Section 66499.20 1/2, shall have the same effect as filing a resolution of abandonment.

Article 6: Development Permits

Division 1: General Development Permit Procedures

§ 126.0101 Purpose of Development Review Procedures

The purpose of these procedures is to provide a review for the types of *developments* where the applicable regulations may need to be supplemented by project-specific conditions. Development review is not required for all projects. When development review is required, the intent is to provide review at the conceptual or schematic design stage preceding issuance of *construction permits*. A variety of *development permits* are provided with varying levels of review to address the variety in size, location, and complexity of *developments* throughout the City.

§ 126.0102 When Development Permit Procedures Apply

The following permits require development review and the *development permit* procedures apply to these permits: Neighborhood Use Permits, Conditional Use Permits, Neighborhood Development Permits, Site Development Permits, Planned Development Permits, Coastal Development Permits, and Variances.

§ 126.0103 How to Apply for a Development Permit

An *applicant* for a *development permit* shall file an application for one or more permits, as required, in accordance with Section 112.0102.

§ 126.0104 Decision Processes for a Development Permit

A decision on an application for a *development permit* shall be made in accordance with Process Two, Process Three, Process Four, or Process Five as indicated in Chapter 12, Article 6, Divisions 1 through 8, for each type of *development permit*.

§ 126.0105 Findings for Development Permit Approval

An application for a *development permit* may be approved only if the decision maker determines that the *development*, as proposed or as conditioned, meets all *findings* for that permit as provided in Chapter 12, Article 6, Divisions 2 through 6. If the decision maker determines that the *findings* are not met, the application shall be denied. The decision maker shall record the decision in writing and shall specify the evidence or statements presented that support the *findings*.

§ 126.0106 Recordation of a Development Permit

(a) *Development permits* affect title to, use of, or possession of real property and shall be recorded in the Office of the County Recorder of San Diego County.

(b) After the date on which all rights of appeal have expired, the *applicant* shall sign and return a copy of the approved permit to the City. The City will forward the permit and the resolution approving the permit to the County Recorder for recordation. Before the City forwards the permit for recordation, the *applicant* may submit a request in writing to the City Manager that the City obtain a certified copy of the permit from the County Recorder. The *applicant* shall pay the fees to obtain the certified copy.

§ 126.0107 Issuance of a Development Permit

(a) A *development permit* will be issued to the *applicant* within 5 *business days* of the date on which the original recorded permit or a certified copy of the permit is returned to the City from the County Recorder.

(b) It is unlawful for any *applicant* to begin work or use of the property that is authorized by a *development permit* until the *development permit* has been issued. If a *construction permit* is also required, construction may not begin until the *construction permit* has been issued.

§ 126.0108 Initial Utilization of a Development Permit

(a) A *development permit* grants the *applicant* 36 months to initiate utilization of the permit. If none of the actions listed in Section 126.0108(b) has occurred within 36 months after the date on which all rights of appeal have expired, the *development permit* shall be void.

(b) A *development permit* may be utilized by the following methods:

(1) Issuance of a *construction permit* for the entire project or for a substantial portion of the activity regulated by the *development permit*, as determined by standards developed by the City Manager;

(2) Compliance with the terms contained in the individual permit, such as a phasing program, or the terms contained in an approved Development Agreement;

(3) Evidence of substantial use in progress, according to standards as developed by the City Manager; or

(4) Approval of a *final map* or a *parcel map*, if the map was a condition of the *development permit*.

§ 126.0109 Maintaining Utilization of a Development Permit

(a) If issuance of a *construction permit* in accordance with Section 126.0108 is the method used for initial utilization of the *development permit*, the *construction permit* shall be kept active until completion of the final inspection or issuance of the certificate of occupancy to maintain utilization of the *development permit*.

(b) If the *construction permit* is allowed to expire before completion of the project, the initial utilization of the *development permit* gained by that *construction permit* shall become void.

(c) A *development permit* that is voided in accordance with 126.0109(b) may be reactivated by obtaining a new *construction permit* either during the original 36-month timetable for that *development permit*, or during the timeline as may have been extended in accordance with Section 126.0111.

§ 126.0110 Cancellation of a Development Permit

An owner or permittee may request cancellation of a *development permit* at any time before initial utilization of the permit. The owner or permittee shall submit the request for cancellation in writing to the City Manager. The *development permit* shall not be canceled less than 120 calendar days after the request is received by the City Manager. The City shall forward a written

§ 126.0110 Cont'd declaration of the cancellation to the County Recorder for recordation in accordance with Section 126.0106. The *development permit* shall be void on the date that the declaration of cancellation is recorded with the County Recorder. The City shall mail a copy of the declaration of cancellation to the owner or permittee.

§ 126.0111 Extension of Time of a Development Permit

(a) Expiration Date. The expiration date of an approved *development permit* may be extended one or more times, provided the extensions do not exceed a total of 36 months beyond the expiration of the initial utilization period.

(b) Request for Extension. Before the expiration of an approved *development permit*, but not more than 60 calendar days before the expiration date, an *applicant* may file an application for an extension of time to a *development permit* in accordance with Section 112.0102. If an application for extension of time is filed, the *development permit* shall be automatically extended for a period of 60 calendar days from the expiration date or until a decision on the extension of time has been made, whichever occurs last.

(c) Review of Application. An application for an extension of time of a *development permit* shall be reviewed by the City Manager to determine whether the proposed *development* has significantly changed or is in *substantial conformance* with the approved *development permit*. If the proposed *development* is not in *substantial conformance* with the approved *development permit*, an application for an amendment to the *development permit* will be required. An *applicant* for an extension of time may also submit an application for, and concurrently process, an amendment to the approved *development permit* in order to extend the existing permit in case the extension of time request is denied.

(d) Decision Process. A decision on an application for an extension of time of a *development permit* shall be made in accordance with the same process required for a new application for the same *development permit*.

(e) *Findings* for Approval. An extension of time may be approved without new conditions if the decision maker makes both of the following *findings*:

(1) The project as originally approved and without any new conditions would not place the occupants of the proposed *development* or the immediate community in a condition dangerous to their health or safety; and

(2) No new condition is required to comply with state or federal law.

(f) *Findings* for Conditional Approval. An extension of time may be approved with new conditions if the decision maker makes one of the following *findings*:

(1) New conditions are necessary to protect the health or safety of the residents of the *development* or the immediate community; or

(2) New conditions are necessary to comply with applicable state or federal law.

(g) Denial of the Extension of Time. The decision maker shall deny the extension of time if the project, even as conditioned, would place the residents of the proposed *development* or the immediate community in a condition dangerous to their health or safety, or would not comply with state or federal law.

§ 126.0112 Minor Modifications to a Development Permit

A proposed minor modification to an approved *development permit* may be submitted to the City Manager to determine if the revision is in *substantial conformance* with the approved permit. If the revision is determined to be in *substantial conformance* with the approved permit, the revision shall not require an amendment to the *development permit*.

§ 126.0113 Amendments to a Development Permit

(a) A proposed revision to an approved *development permit* that would significantly reduce the scope of the *development* or is not in *substantial conformance* with the approved permit requires an amendment to the approved permit or an application for a new permit.

(b) A proposed change in use from one use category to another or the change, addition, or deletion of a use within the same use category may require an amendment to a Neighborhood Use Permit or a Conditional Use Permit, depending on the uses allowed by the permit.

(c) An application for an amendment to a *development permit* shall be acted upon in accordance with the same process as would a new application for the same permit. The application is subject to environmental review and will be evaluated in accordance with the State California Environmental Quality Act (CEQA) Guidelines, Sections 15162-215164. The decision maker may revise existing conditions or impose new conditions.

(d) An amendment to an existing *development permit* does not affect the original expiration date of the permit.

Article 6: Development Permits

Division 2 Neighborhood Use Permit Procedures

§ 126.0201 Purpose of the Neighborhood Use Permit Procedures

The purpose of these procedures is to establish a review process for *developments* that propose new uses, changes to existing uses, or expansions of existing uses that could have limited impacts on the surrounding properties. The intent of these procedures is to determine if the *development* complies with all applicable regulations of the zone and any supplemental regulations pertaining to the use, and to apply conditions that may be necessary to help ensure compliance.

§ 126.0202 General Rules for a Neighborhood Use Permit

(a) All existing and proposed uses on the site shall be identified in the permit, including existing or new uses permitted by right in the applicable zone, any uses subject to a use permit, and those proposed uses that require the Neighborhood Use Permit.

(b) In granting a Neighborhood Use Permit, the decision maker may impose reasonable conditions as deemed necessary and desirable to protect the public health, safety, and welfare.

(c) The privileges and conditions of a Neighborhood Use Permit are a covenant that runs with the land and, in addition to binding the permittee, bind each successor in interest.

(d) The decision maker may assign an expiration date to the permit.

§ 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.

Bed and breakfast establishments (under circumstances described in Section 141.0603)
Communication antennas (under circumstances described in Section 141.0405)
Community gardens
Community identification signs
Eating and drinking establishments abutting residential zones (under circumstances described in Section 141.0607)
Employee housing
Guest quarters
Home occupations (under circumstances described in Section 141.0308)
Outpatient medical clinics
Parking facilities as a primary use
Pushcarts
Reallocation of sign area allowance
Recycling facilities (under circumstances described in Section 141.0620)
Revolving projecting signs
Sidewalk cafes
Signs with automatic changing copy
Temporary construction storage yards located off-site
Theater marquees

§ 126.0203 Cont'd

(b) The following activities require a Neighborhood Use Permit in any zone:

(1) Resumption of a *previously conforming* use that has been discontinued for more than 2 years, as described in Section 127.0108; or

(2) Expansion of a *previously conforming* use of up to 20 percent of the existing *gross floor area* of the *structure*, as described in Section 127.0109.

§ 126.0204 Decision Process for a Neighborhood Use Permit

A decision on an application for a Neighborhood Use Permit shall be made in accordance with Process Two.

§ 126.0205 Findings for Neighborhood Use Permit Approval

A Neighborhood Use Permit may be approved or conditionally approved only if the decision maker makes the following *findings*:

(a) The proposed *development* will not adversely affect the applicable *land use plan*;

(b) The proposed *development* will not be detrimental to the public health, safety, and welfare; and

(c) The proposed *development* will comply with the applicable regulations of the Land Development Code.

§126.0206 Violations of a Neighborhood Use Permit

It is unlawful for any person to maintain, use, or develop any *premises* without a Neighborhood Use Permit if such a permit is required for that use or *development* or to maintain, use, or develop any *premises* contrary to the requirements or conditions of the Neighborhood Use Permit. Violation of any provision of this division shall be subject to the enforcement provisions contained in Chapter 12, Article 1. Violations of this division shall be treated as strict liability offenses regardless of intent.

Article 6: Development Permits

Division 3: Conditional Use Permit Procedures

§ 126.0301 Purpose of the Conditional Use Permit Procedures

The purpose of these procedures is to establish a review process for the *development* of uses that may be desirable under appropriate circumstances, but are not permitted by right in the applicable zone. The intent of these procedures is to review these uses on a case-by-case basis to determine whether and under what conditions the use may be approved at a given site. Further, the intent is that each use be developed so as to fully protect the public health, safety, and welfare of the community. To provide this protection, conditions may be applied to address potential adverse effects associated with the proposed use.

§ 126.0302 General Rules for a Conditional Use Permit Regarding Conditions, Adjustments to Regulations, and Combination of Uses

(a) In granting a Conditional Use Permit, the decision maker may impose reasonable conditions as deemed necessary and desirable to protect the public health, safety, and welfare including making any applicable use regulations or regulations of the zone more restrictive, unless otherwise provided.

(b) All existing and proposed uses on the site shall be identified in the permit, including existing or new uses permitted by right in the applicable zone, any uses subject to a use permit, and those proposed uses that require the Conditional Use Permit.

(c) The privileges and conditions of a Conditional Use Permit are a covenant that runs with the land and, in addition to binding the permittee, bind each successor in interest.

(d) The decision maker may assign an expiration date to the permit.

§ 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
Agriculture-related supplies and equipment sales
Alcoholic beverage outlets (under circumstances described in Section 141.0502)
Automobile service stations
Bed and breakfast establishments (under circumstances described in Section 141.0603)
Boarding kennels
Child care facilities
Churches and places of religious assembly
Commercial stables
Communication antennas (under circumstances described in Section 141.0405)
Companion units
Educational facilities
Employee housing
Energy generation and distribution stations

§ 126.0303 Cont'd

Equestrian show and exhibition facilities
Fraternities, sororities, and student dormitories
Historical buildings used for purposes not otherwise allowed in the zone
Housing for senior citizens
Impound storage yards
Instructional studios
Major transmission, relay, or communication switching station
Museums
Newspaper publishing plants
Outdoor storage and display of new, unregistered motor vehicles as a *primary use*
Parking facilities as a *primary use*
Plant nurseries
Private clubs, lodges, and fraternal organizations
Processing and packaging of plant products and animal by-products grown off-premises
Recycling facilities (under circumstances described in Section 141.0620)
Residential care facilities for 7 to 12 persons
Swap meets and other large outdoor retail facilities
Transitional housing for 7 to 12 persons
Veterinary clinics and hospitals

(b) Conditional Use Permits Decided by Process Four

Botanical gardens and arboretums
Camping parks
Cemeteries, mausoleums, and crematories
Correctional placement centers
Exhibit halls and convention centers
Golf courses, driving ranges, and pitch and putt courses
Hazardous waste research facilities
Homeless facilities
Hospitals, intermediate care facilities, and nursing facilities
Interpretive centers
Junk yards
Marine-related uses in the Coastal Overlay Zone
Mining and extractive industries
Nightclubs and bars over 5,000 square feet in size
Privately operated recreational facilities over 10,000 square feet in size
Residential care facilities for 13 or more persons
Social service institutions
Theaters that are outdoor or over 5,000 square feet in size
Transitional housing for 13 or more persons
Wrecking and dismantling of motor vehicles

(c) Conditional Use Permits Decided by Process Five

Airports
Amusements parks
Fairgrounds
Hazardous waste treatment facilities
Helicopter landing facilities
Sports arenas and stadiums
Very heavy industrial uses
Zoological parks

§ 126.0304 Decision Processes for a Conditional Use Permit

(a) Process Three

A decision on an application for a Conditional Use Permit for the uses listed in Section 126.0303(a) shall be made in accordance with Process Three. The decision may be appealed to the Planning Commission in accordance with Section 112.0506.

(b) Process Four

A decision on an application for a Conditional Use Permit for the uses listed in Section 126.0303(b) shall be made in accordance with Process Four.

(c) Process Five

A decision on an application for a Conditional Use Permit for the uses listed in Section 126.0303(c) shall be made in accordance with Process Five.

§ 126.0305 Findings for Conditional Use Permit Approval

An application for a Conditional Use Permit may be approved or conditionally approved only if the decision maker makes the following *findings*:

(a) The proposed *development* will not adversely affect the applicable *land use plan*;

(b) The proposed *development* will not be detrimental to the public health, safety, and welfare;

(c) The proposed *development* will comply to the maximum extent feasible with the regulations of the Land Development Code; and

(d) The proposed use is appropriate at the proposed location.

§ 126.0306 Violations of a Conditional Use Permit

It is unlawful for any person to maintain, use, or develop any *premises* without a Conditional Use Permit if such a permit is required for that use or *development* or to maintain, use, or develop any *premises* contrary to the requirements or conditions of an existing Conditional Use Permit. Violation of any provision of this division shall be subject to the enforcement provisions contained in Chapter 12, Article 1. Violations of this division shall be treated as strict liability offenses regardless of intent.

Article 6: Development Permits

Division 4 Neighborhood Development Permit Procedures

§ 126.0401 Purpose of The Neighborhood Development Permit Procedures

The purpose of these procedures is to establish a review process for proposed *development* that may be desirable but may have some limited physical impacts on the surrounding properties. The intent of these procedures is to determine if the proposed *development* complies with the development regulations of the applicable zone, as well as supplemental regulations for the type of *development* proposed, and to apply limited conditions if necessary to achieve conformance with these regulations.

§ 126.0402 When a Neighborhood Development Permit Is Required

(a) A Neighborhood Development Permit is required for the following types of *development* on sites with *previously conforming premises* or uses:

(1) Maintenance, repair, or alteration of a *previously conforming structure* that incorporates *previously conforming* uses or *density* if costs would exceed 50 percent of *market value* as described in Section 127.0104;

(2) Reconstruction of a *structure* with *previously conforming* nonresidential uses if costs would exceed 50 percent of *market value* as described in Section 127.0105;

(3) Expansion or enlargement of a *previously conforming structural envelope* where the existing *previously conforming structure* does not conform with current zoning regulations for *density* or use as described in Section 127.0106;

(4) Expansion or enlargement of a *previously conforming structure* where the new construction proposes up to 20 percent reduction in the required *setback* as described in Section 127.0106; and

(5) Maintenance, repair, rebuilding, or alteration of a *previously conforming advertising display sign* where the costs of new construction would exceed 50 percent of the assessed value of the existing *advertising display sign*, but would not expand beyond the existing *structural envelope* as provided in Section 127.0303.

(b) A Neighborhood Development Permit is required for *single dwelling unit development* on an individual *lot* that is less than or equal to 15,000 square feet and contains *steep hillsides*, *100-year floodplains*, or *sensitive biological resources* as described in Section 143.0110.

(c) A Neighborhood Development Permit is required for *single dwelling unit development* on a *lot* containing *historical resources* other than *designated historical resources* and *historical districts* as described in Section 143.0210 unless exempted in accordance with Section 143.0220.

(d) A Neighborhood Development Permit is required for commercial *development* proposing tandem parking as described in Section 142.0555(b).

(e) A Neighborhood Development Permit is required for *mobilehome parks* in any RM zone, as described in Section 143.0302, regardless of the unit number requirements in Table 126-

§ 126.0402 Cont'd

05A.

(f) A Neighborhood Development Permit is required for relocating a building to a *premises* where an existing building is to remain as described in Section 143.0302.

(g) A Neighborhood Development Permit is required for *development* proposing *fences*, walls, or *retaining walls* that exceed the height permitted in Chapter 14, Article 2, Division 3, by 20 percent or less as described in Section 142.0350.

(h) A Neighborhood Development Permit is required for nonresidential *development* exceeding the maximum permitted parking as described in Section 142.0540(b).

(i) A Neighborhood Development Permit is required for *development* providing shared parking for uses not specified in Section 142.0545(c) as described in Section 142.0545(b)(7).

§ 126.0403 Decision Process for a Neighborhood Development Permit

A decision on a Neighborhood Development Permit shall be made in accordance with Process Two.

§ 126.0404 Findings for Neighborhood Development Permit Approval

A Neighborhood Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0404(a) and the supplemental *findings* in Section 126.0404(b) through (f) that are applicable to the proposed *development* as specified in this section.

(a) Findings for all Neighborhood Development Permits

(1) The proposed *development* will not adversely affect the applicable *land use plan*;

(2) The proposed *development* will not be detrimental to the public health, safety, and welfare; and

(3) The proposed *development* will comply with the applicable regulations of the Land Development Code.

(b) Supplemental Findings--Environmentally Sensitive Lands

A Neighborhood Development Permit required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0404(a):

(1) The site is physically suitable for the design and siting of the proposed *development* and the *development* will result in minimum disturbance to *environmentally sensitive lands*;

(2) The proposed *development* will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, *flood* hazards, or fire hazards;

(3) The proposed *development* will be sited and designed to prevent adverse impacts on any adjacent *environmentally sensitive lands*; and

§ 126.0404 Cont'd

(4) The proposed *development* will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

(c) Supplemental Findings--Environmentally Sensitive Lands Deviation

A Neighborhood Development Permit required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* where a deviation is requested in accordance with Section 143.0125 may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0404(a) and the supplemental *findings* in Section 126.0404(b):

(1) There are no feasible measures that can further minimize the potential adverse effects on *environmentally sensitive lands*; and

(2) The deviation requested is the minimum necessary to afford relief from special circumstances or conditions applicable to the land and not of the *applicant's* making.

(d) Supplemental Findings-- Important Archaeological Sites and Traditional Cultural Properties

A Neighborhood Development Permit required in accordance with Section 143.0210 because of potential impacts to an *important archaeological site* or a *traditional cultural property* may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0404(a):

(1) The site is physically suitable for the design and siting of the proposed *development*, the *development* will result in minimum disturbance to *historical resources*, and measures to fully mitigate for any disturbance have been provided by the *applicant*; and

(2) All feasible measures to protect and preserve the special character or the special historical, archaeological, or cultural value of the resource have been provided by the *applicant*.

§ 126.0405 Violations of a Neighborhood Development Permit

It is unlawful for any person to maintain, use, or develop any *premises* without a Neighborhood Development Permit if such a permit is required for that use or *development* or to maintain, use or develop any *premises* contrary to the requirements or conditions of an existing Neighborhood Development Permit. Violation of any provision of this division shall be subject to the enforcement provisions contained in Chapter 12, Article 1. Violations of this division shall be treated as strict liability offenses regardless of intent.

Article 6 Development Permits

Division 5: Site Development Permit Procedures

§ 126.0501 Purpose of the Site Development Permit Procedures

The purpose of the Site Development Permit procedures is to establish a review process for proposed *development* that, because of its site, location, size, or some other characteristic, may have significant impacts on resources or on the surrounding area, even if developed in conformance with all regulations. The intent of these procedures is to apply site-specific conditions as necessary to assure that the *development* does not adversely affect the applicable *land use plan* and to help ensure that all regulations are met.

§ 126.0502 When a Site Development Permit Is Required

(a) A Site Development Permit decided in accordance with Process Three is required where *environmentally sensitive lands* are present for the following types of development.

(1) City public works projects on a *premises* containing *environmentally sensitive lands* , as described in Section 143.0110.

(2) *Single dwelling unit development* that involves any of the following:

(A) *Development* on a *premises* containing *sensitive coastal bluffs* or *coastal beaches*, as described in Section 143.0110;

(B) *Development* on *lots* greater than 15,000 square feet containing *sensitive biological resources*, *steep hillsides*, or 100-year floodplains as described in Section 143.0110;

(C) *Development* on *lots* less than or equal to 15,000 square feet that are joined in ownership to a contiguous *lot* so that the total area of contiguous ownership exceeds 15,000 square feet where *sensitive biological resources*, *steep hillsides*, or floodplains are present, as described in Section 143.0110.

(3) Multiple unit residential *development* on a *premises* containing *environmentally sensitive lands* , as described in Section 143.0110.

(4) Commercial *development* on a *premises* containing *environmentally sensitive lands* , as described in Section 143.0110.

(5) Industrial *development* on a *premises* containing *environmentally sensitive lands* , as described in Section 143.0110.

(b) A Site Development Permit decided in accordance with Process Three is required for residential *development* that involves any of the following.

(1) *Development* with an affordable housing *density* bonus that deviates from the *density* bonus provisions or affordable housing provisions, as described in Section 141.0760.

(2) *Development* with an affordable housing *density* bonus that includes a transfer of bonus *density*, as described in Section 141.0750.

(3) *Development* with an affordable housing *density* bonus within the RE, RS, RX, RT, and

§ 126.0502 Cont'd

AR zones.

(4) *Development* of *mobilehome parks* within the RS or RX zones, as described in Section 143.0302.

(5) Within the Mobilehome Park Overlay Zone, discontinuance of a *mobilehome park*, as described in Section 143.0630.

(6) Within any multiple unit residential zone, multiple unit residential *development* that exceeds the number of dwelling units indicated in Table 126-05A on *lots* which are consolidated or otherwise joined together for the purpose of accommodating the *development*.

Table 126-05A
Multiple Dwelling Unit Developments
Requiring a Site Development Permit

Multiple dwelling unit zones	Number of dwelling units on consolidated *lots*
RM-1-1	3 Dwelling Units
RM-1-2	4 Dwelling Units
RM-1-3	7 Dwelling Units
RM-2-4	9 Dwelling Units
RM-2-5	11 Dwelling Units
RM-2-6	16 Dwelling Units
RM-3-7	19 Dwelling Units
RM-3-8	20 Dwelling Units
RM-3-9	20 Dwelling Units
RM-4-10	20 Dwelling Units
RM-4-11	20 Dwelling Units

(7) Multiple unit residential *development* that varies from minimum parking requirements, as described in Section 142.0525(a).

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

(1) In the Community Plan Implementation Overlay Zone, as described in Section 132.1402, *development* in the area designated "Type B" or *development* in the area designated "Type A" that does not comply with the *development* standards in the applicable community plan.

(2) *Development* in the Mission Trails Design District, as described in Section 132.1202.

(3) *Development* in the Urban Village Overlay Zone, as described in Section 132.1102.

(4) *Public improvements* required in association with private *development* that involve *development* of more than 3,000 feet of property frontage, as described in Section

§ 126.0502 Cont'd

142.0612.

(5) *Public improvements* required in association with private *development* for which adopted City standards do not apply, as described in Section 142.0612.

(6) *Development* of manufactured slopes at a gradient steeper than 25 percent (4 horizontal feet to 1 vertical foot) and a height of 25 feet or more as described in Section 142.0103.

(7) Nonresidential *development* that varies from the minimum parking requirements by proposing a Transportation Demand Management Plan, as described in Section 142.0540(c).

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

(1) Within *historical districts* or when *designated historical resources* are present, unless exempt under Section 143.0220:

(A) *Subdivisions*;

(B) Single or multiple unit residential *development*;

(C) Commercial or industrial *development*;

(D) Public works projects; and

(E) *Development* that deviates from the *historical resources* regulations, as described in Section 143.0210.

(2) Where *historical resources* other than *historical districts* or *designated historical resources* are present, unless exempt under Section 143.0220:

(A) *Subdivisions*;

(B) *Multiple dwelling unit* residential *development*;

(C) Commercial or industrial *development*;

(D) Public works construction projects; and

(E) *Development* that deviates from the *historical resources* regulations, as described in Section 143.0210.

(3) *Subdivision* of a *premises* that contains *environmentally sensitive lands*, as described in Section 143.0110.

(4) *Development* that deviates from any portion of the *environmentally sensitive lands* regulations, as described in Section 143.0110.

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

(1) In the Airport Approach Overlay Zone, *development* proposals that receive an FAA determination of hazard and that are not exempt, as described in Section 132.0202.

§ 126.0502 Cont'd

(2) In the Airport Environs Overlay Zone, *development* for which a City Council override is requested, as described in Section 132.0302.

(3) In the Clairemont Mesa Height Limit Overlay Zone, *development* for which an exception to the height limit is requested, as described in Section 132.1306.

§ 126.0503 Decision Processes for Site Development Permits

(a) Process Three

A decision on an application for a Site Development Permit for the types of *development* listed in Section 126.0502(a) shall be made in accordance with Process Three. The decision may be appealed to the Planning Commission in accordance with Section 112.0506.

(b) Process Four

(1) A decision on an application for a Site Development Permit for the types of *development* listed in Section 126.0502(b) shall be made in accordance with Process Four.

(2) A recommendation of the Historical Resources Board is required prior to the Planning Commission decision on a Site Development Permit when a *historical district* or *designated historical resource* is present.

(c) Process Five

A decision on an application for a Site Development Permit for the types of *development* listed in 126.0502(c) shall be made in accordance with Process Five.

§ 126.0504 Findings for Site Development Permit Approval

A Site Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0504(a) and the supplemental *findings* in Section 126.0504(b) through (m) that are applicable to the proposed *development* as specified in this section.

(a) Findings for all Site Development Permits

(1) The proposed *development* will not adversely affect the applicable *land use plan*;

(2) The proposed *development* will not be detrimental to the public health, safety, and welfare; and

(3) The proposed *development* will comply with the applicable regulations of the Land Development Code.

(b) Supplemental Findings--Environmentally Sensitive Lands

A Site Development Permit required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0504(a):

(1) The site is physically suitable for the design and siting of the proposed *development* and

§ 126.0504 Cont'd

the *development* will result in minimum disturbance to *environmentally sensitive lands*;

(2) The proposed *development* will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, *flood* hazards, or fire hazards;

(3) The proposed *development* will be sited and designed to prevent adverse impacts on any adjacent *environmentally sensitive lands*;

(4) The proposed *development* will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan;

(5) The proposed *development* will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply; and

(6) The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed *development*.

(c) Supplemental Findings--Environmentally Sensitive Lands Deviations

A Site Development Permit required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* where a deviation is requested in accordance with Section 143.0150 may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0504(a) and the supplemental *findings* in Section 126.0504(b):

(1) There are no feasible measures that can further minimize the potential adverse effects on *environmentally sensitive lands*; and

(2) The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant's making.

(d) Supplemental Findings--Environmentally Sensitive Lands Deviation from Federal Emergency Management Agency Regulations

A Site Development Permit required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* where a deviation is requested from the Federal Emergency Management Agency regulations as specified in Section 143.0150(b) may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0504(a) and the supplemental *findings* in Section 126.0504(b):

(1) The proposed *development* will not result in an increase in *flood* levels within any designated *floodway* during the base *flood* discharge; and

(2) The deviation would not result in additional threats to public safety, in extraordinary public expense, or create a *public nuisance*.

(e) Supplemental Findings--Steep Hillsides Development Area Regulations Alternative Compliance

A Site Development Permit required in accordance with Section 143.0110 because of potential impacts to *steep hillsides* where alternative compliance is requested in accordance

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with Section 143.0151 may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the findings in Section 126.0504(a) and the supplemental *findings* in Section 126.0504(b):

(1) The proposed *development* is in conformance with the Steep Hillside Guidelines;

(2) The proposed *development* conforms to the applicable *land use plan*; and

(3) Strict application of the steep hillside development area regulations would result in conflicts with other City regulations, policies, or plans.

(f) Supplemental Findings--Important Archaeological Sites and Traditional Cultural Properties

A Site Development Permit required in accordance with Section 143.0210 because of potential impacts to an *important archaeological site*or *traditional cultural property* may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0504(a) :

(1) The site is physically suitable for the design and siting of the proposed *development*, the *development* will result in minimum disturbance to *historical resources*, and measures to fully mitigate for any disturbance have been provided by the *applicant*; and

(2) All feasible measures to protect and preserve the special character or the special historical, architectural, archaeological, or cultural value of the resource have been provided by the *applicant*.

(g) Supplemental Findings--Historical Resources Deviation for Important Archaeological Sites and Traditional Cultural Properties

A Site Development Permit required in accordance with Section 143.0210 because of potential impacts to an *important archaeological site* or *traditinal cultural property* where a deviation is requested in accordance with Section 143.0260 may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0504(a):

(1) There are no feasible measures, including a less environmentally damaging location or alternative, that can further minimize the potential adverse effects on *historical resources*;

(2) The proposed deviation is the minimum necessary to afford relief and accommodate the *development* and all feasible measures to mitigate for the loss of any portion of the resource have been provided by the *applicant*; and

(3) There are special circumstances or conditions apart from the existence of *historical resources*, applying to the land that are peculiar to the land and are not of the applicant's making, whereby the strict application of the provisions of the *historical resources* regulations would deprive the property owner of reasonable use of the land.

(h) Supplemental Findings--Historical Resources Deviation for Relocation of a Designated Historical Resource

A Site Development Permit required in accordance with Section 143.0210 because of potential impacts to *historical resources* where a deviation is requested in accordance with Section 143.0260 for relocation of a *designated historical resource* may be approved or

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conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0504(a):

(1) There are no feasible measures, including maintaining the resource on site, that can further minimize the potential adverse effects on *historical resources*;

(2) The proposed relocation will not destroy the historical, cultural, or architectural values of the *historical resource*, and the relocation is part of a definitive series of actions that will assure the preservation of the *designated historical resource*.

(3) There are special circumstances or conditions apart from the existence of *historical resources*, applying to the land that are peculiar to the land and are not of the applicant's making, whereby the strict application of the provisions of the *historical resources* regulations would deprive the property owner of reasonable use of the land.

(i) Supplemental Findings--Historical Resources Deviation for in Substantial Alteration of a Designated Historical Resource or Within a Historical District

A Site Development Permit required in accordance with Section 143.0210 because of potential impacts to *designated historical resources* where a deviation is requested in accordance with Section 143.0260 for substantial alteration of a *designated historical resource* or within a *historical district* or new construction of a *structure* located within a *historical district* may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0504(a) :

(1) There are no feasible measures, including a less environmentally damaging alternative, that can further minimize the potential adverse effects on the *designated historical resource* or *historical district*;

(2) The deviation is the minimum necessary to afford relief and accommodate the *development* and all feasible measures to mitigate for the loss of any portion of the *historical resource* have been provided by the *applicant*; and

(3) The denial of the proposed *development* would result in economic hardship to the owner. For purposes of this finding, "economic hardship" means there is no reasonable beneficial use of a property and it is not feasible to derive a reasonable economic return from the property.

(j) Supplemental Findings--Clairemont Mesa Height Limit

A Site Development Permit required in accordance with Section 132.1306 because an exception from the Clairemont Mesa height limit is requested may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0504(a):

(1) The granting of an exception will not significantly interfere with public views from western Clairemont Mesa to Mission Bay and the Pacific Ocean within the surrounding area; and

(2) The granting of an exception is appropriate because there are existing *structures* over 30 feet in height and the proposed *development* will be compatible with surrounding one,

§ 126.0504 Cont'd

two, or three-story *structures*; or the granting of an exception is appropriate because there are topographic constraints peculiar to the land; or the granting of the exception is needed to permit roofline and facade variations, accents, tower elements, and other similar elements and the elements will not increase the *floor* area of the *structure*.

(k) Supplemental Findings--Mobilehome Park Discontinuance

A Site Development Permit required in accordance with Section 132.0702 because a discontinuance of a *mobilehome park* is proposed may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0504(a):

(1) The discontinuance of use of the land for a *mobilehome park* or *mobilehome* spaces will not deprive the community of a needed facility;

(2) The discontinuance of use of the land for a *mobilehome park* or *mobilehome* spaces, because of the associated relocation plan and conditions that have been applied to the discontinuance, will not be detrimental to the public health, safety, and welfare of persons living in the *mobilehome park*; and

(3) The use to which the *applicant* proposes to put the property will provide a greater public benefit than continued use of the property as a *mobilehome park* or *mobilehome* spaces.

(l) Supplemental Findings--Affordable Housing Density Bonus

A project that includes an affordable housing *density* bonus and requires a Site Development Permit in accordance with Sections 143.0750 because the *development* involves a transfer of bonus *density* may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0504(a):

(1) The proposed *development* will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City;

(2) The proposed *development* will not lead to over-concentration of persons and *families* of *low income* or *very low income* within any given community; and

(3) Approving the Site Development Permit will not adversely affect the applicable *land use plan*, cause significant adverse effects upon the environment, adversely affect solar access to neighboring property, or violate the relevant regulations of the Land Development Code.

(m) Supplemental Findings--Density Bonus and Affordable Housing Deviation

A project that includes an affordable housing *density* bonus and requires a Site Development Permit in accordance with Section 141.0760 because the *development* involves a deviation from the *density* bonus and affordable housing provisions may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0504(a):

(1) The proposed *development* will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City;

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(2) The proposed *development* will not lead to over-concentration of persons and *families* of *low income* or *very low income* within any given community; and

(3) Approving the Site Development Permit will not adversely affect the applicable *land use plan*, cause significant adverse effects upon the environment, adversely affect solar access to neighboring property, or violate the relevant regulations of the Municipal Code.

(4) Because of special circumstances applicable to the proposed *development* including property characteristics, economic constraints, location, or surroundings, the strict application of the provisions of Sections 143.0730 and 143.0740 would cause failure of the *development*.

§126.0505 Violations of a Site Development Permit

It is unlawful for any person to maintain, use, or develop any *premises* without a Site Development Permit if such a permit is required for the use or *development*, or to maintain, use, or develop any *premises* contrary to the requirements or conditions of an existing Site Development Permit. Violation of any provision of this division shall be subject to the enforcement provisions contained in Chapter 12, Article 1. Violations of this division shall be treated as strict liability offenses regardless of intent.

Article 6: Development Permits

Division 6: Planned Development Permit Procedures

§ 126.0601 Purpose of the Planned Development Permit Procedures

The purpose of these procedures is to establish a review process for *development* that allows an *applicant* to request greater flexibility from the strict application of the regulations than would be allowed through a deviation process. The intent is to encourage imaginative and innovative planning and to assure that the *development* achieves the purpose and intent of the applicable *land use plan* and that it would be preferable to what would be achieved by strict conformance with the regulations.

§ 126.0602 When a Planned Development Permit May Be Requested

(a) The following types of *development* may be requested with a Planned Development Permit decided in accordance with Process Three.

(1) Residential *development* within the areas described in this section when the community plan recommends a Planned Development Permit in conjunction with another requested discretionary action, as described in Section 143.0402:

(A) Within the Carmel Mountain Ranch Community Plan area, residential *development* within certain areas as identified in the community plan;

(B) Within the Linda Vista Community Plan area, all new *multiple-dwelling unit development*;

(C) Within the Midway-Pacific Highway Corridor Community Plan area, mixed-use residential and commercial *development*;

(D) Within the Mira Mesa Community Plan area, residential *development* that includes a rezone or *subdivision*;

(E) Within the Miramar Ranch North Community Plan area, all proposed residential *development*;

(F) Within the Rancho Penasquitos Community Plan area, *subdivisions* creating 5,000 square foot *lots* consistent with the low *density* residential land use category;

(G) Within the Sabre Springs Community Plan area, residential *development* on those parcels identified in Section 4.4 of the community plan;

(H) Within the Scripps Miramar Ranch Community Plan area, residential *development* in Areas C or E as identified in the community plan; and

(I) Within the Torrey Pines Community Plan area, all new *multiple-dwelling unit development*.

(2) Commercial *development* within the areas listed below when the community plan recommends a Planned Development Permit in conjunction with another requested discretionary action, as described in Section 143.0402:

§ 126.0602 Cont'd

(A) Within the Carmel Mountain Ranch Community Plan area, commercial *development* located within the area designated for planned commercial *development* on Figure 35 of the community plan;

(B) Within the Kearny Mesa Community Plan area, any visitor accomodation facilities;

(C) Within the Midway-Pacific Highway Corridor Community Plan area, all commercial and residential mixed-use *development*;

(D) Within the Mira Mesa Community Plan area, commercial *development* that includes a rezone or *subdivision*;

(E) Within the Miramar Ranch North Community Plan area, all commercial *development*;

(F) Within the Navajo Community Plan area, commercial *development* that includes a rezone or *subdivision*;

(G) Within the Otay Mesa-Nestor Community Plan area, commercial *development* of property identified by the Plan's Commercial Land Use Map as requiring discretionary review;

(H) Within the Peninsula Community Plan, commercial *development* on the block bounded by Lowell Street, Keats Street, Rosecrans Street, and Locust Street; and

(I) Within the Rancho Penasquitos Community Plan area, commercial *development* located in the Towne Centre.

(3) Industrial *development* within the areas listed below when the community plan recommends a Planned Development Permit in conjunction with another requested discretionary action, as described in Section 143.0402:

(A) Within the Kearny Mesa Community Plan area, industrial *development* in the area known as Allred-Collins East;

(B) Within the Mira Mesa Community Plan area, industrial *development* that includes a rezone or *subdivision*;

(C) Within the Navajo Community Plan area, industrial *development* that includes a rezone or *subdivision*;

(D) Within the Sabre Springs Community Plan area, *development* on parcels 3 and 9 of the Sabre Springs Industrial Park;

(E) Within the Scripps Miramar Ranch Community Plan area, *development* of a 3.7-acre storage facility as identified in the community plan and all *development* in the Scripps Business Park; and

(F) Within the Torrey Pines Community Plan area, *development* in the Carrol Canyon Corridor as identified in the community plan.

(b) The following types of *development* may be requested with a Planned Development Permit to be decided in accordance with Process Four.

§ 126.0602 Cont'd

(1) *Development* that does not comply with all base zone regulations or all development regulations, or proposes to exceed limited deviations allowed by the regulations in Chapter 14, as described in Section 143.0402.

(2) Rural Cluster *development* in the OR and AR zones, as described in Section 143.0402.

(3) *Developments* involving a Planned Development Permit within RS zones in urbanized communities as designated in the Progress Guide and General Plan, as described in Section 143.0402.

(c) The following types of *development* may be requested with a Planned Development Permit to be decided in accordance with Process Five.

Rural cluster residential *development* in the AR-1-1 and OR-1-2 zones that proposes a *density* that exceeds one dwelling unit per 10 acres but is not more than one dwelling unit per 4 acres, with no potential for *development* on the remainder of the *premises*, as described in Section 143.0402.

§ 126.0603 Decision Process for Planned Development Permits

(a) A decision on an application for a Planned Development Permit for the type of *development* listed in Section 126.0602(a) shall be made in accordance with Process Three. The decision may be appealed to the Planning Commission in accordance with Section 112.0506.

(b) A decision on an application for a Planned Development Permit for the types of *development* listed in Section 126.0602(b) shall be made in accordance with Process Four.

(c) A decision on an application for a Planned Development Permit for the *development* listed in Section 126.0602(c) shall be made in accordance with Process Five.

§ 126.0604 Findings for Planned Development Approval

A Planned Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0604(a) and the supplemental *findings* in Section 126.0604(b) that are applicable to the proposed *development* as specified in this section.

(a) Findings for all Planned Development Permits

(1) The proposed *development* will not adversely affect the applicable *land use plan*;

(2) The proposed *development* will not be detrimental to the public health, safety, and welfare;

(3) The proposed *development* will comply with the regulations of the Land Development Code;

(4) The proposed *development*, when considered as a whole, will be beneficial to the community; and

(5) Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

(b) Supplemental Findings--Future Urbanizing Area

§ 126.0604 Cont'd

A project involving rural cluster in the AR-1-1 zone or the OR-1-12 zone within the future urbanizing area as designated in the Progress Guide and General Plan where increased *density* is proposed may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0604(a):

(1) The proposed *development* will assist in accomplishing the goal of permanently preserving lands designated in the Progress Guide and General Plan as part of the environmental tier through the provision of public and private open space easements or *dedications*;

(2) The proposed *development* will not foreclose future decisions regarding the size of major primary arterials, expressways, or *freeways* that may traverse the property;

(3) The proposed *development* will be adjacent to areas presently served by water and sewer lines, thereby avoiding leapfrog *development*;

(4) The proposed *development* will be at least fiscally neutral, thereby not imposing a burden upon the City's capital and operating budgets;

(5) The proposed *development* will provide housing on the property affordable to lower income *families*, as certified by the San Diego Housing Commission;

(6) The proposed *development* comprehensively addresses framework planning issues including land use, character, and scale of *development*; environmental resources; and public facilities and the increase in *density* will not adversely affect the biological goals and objectives of the Multiple Species Conservation Program Subarea Plan;

(7) Within the North City future urbanizing area, as designated in the Progress Guide and General Plan, the proposed *development* will be consistent with the approved subarea plan; and

(8) The *applicant* and property owner have agreed in a recorded document that in return for the present increase in *density* granted by the City Council, no future *development* rights shall remain on the property.

§126.0605 Violations of a Planned Development Permit

It is unlawful for any person to maintain, use, or develop any *premises* without a Planned Development Permit if such a permit is required for the use or *development*, or to maintain, use, or develop any *premises* contrary to the requirements or conditions of an existing Planned Development Permit. Violations of any provision of this division shall be subject to the enforcement provisions contained in Chapter 12, Article 1. Violation of this division shall be treated as strict liability offenses regardless of intent.

Article 6: Development Permits

Division 7: Coastal Development Permit Procedures

§ 126.0701 Purpose of the Coastal Development Permit Procedures

The purpose of these procedures is to establish a City review process for *coastal development* that is consistent with the *Local Coastal Program*, the California Coastal Act of 1976 (Public Resources Code section 30000, et seq.) and the California Code of Regulations, Title 14, Division 5.5., Chapter 8, Subchapter 2, Article 17.

§ 126.0702 When a Coastal Development Permit Is Required

(a) Permits Issued by the City. A Coastal Development Permit issued by the City is required for all *coastal development* of a *premises* within the Coastal Overlay Zone described in Chapter 13, Article 2, Division 4, unless exempted by Section 126.0704, or if the proposed project site lies completely within the Coastal Commission Permit Jurisdiction or the Deferred Certification Area as described in Section 126.0702(b).

(b) Permits Issued by the Coastal Commission. Coastal Development Permit requirements for all proposed *coastal development* on a project site located partially or completely within the Coastal Commission Permit Jurisdiction or in the Deferred Certification Area must be obtained from the Coastal Commission. The Coastal Commission Permit Jurisdiction and the Deferred Certification Area are shown on Map No. C-730.1 on file in the Development Services Department, the San Diego office of the Coastal Commission, and in the office of the City Clerk as Document No. 00-17067-1.

§ 126.0704 Exemptions from a Coastal Development Permit

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

(a) Improvements to existing *structures* are exempt, except if the improvements involve any of the following:

(1) Improvements to any *structure* located on a beach, *wetland*, stream, or where the *structure* or proposed improvements would encroach within 50 feet of a *coastal bluff edge*.

(2) Improvements to any *structure* that would result in an increase of 10 percent or more of interior *floor* area or building height where the *structure* is located between the sea and first public roadway paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line where there is no beach, whichever is the greater distance. The first public roadway is shown on Map No. C-730.1 filed in the office of the County Recorder as Document No. 00-17069.

(3) Improvements that result in an intensification of use. For purposes of this section, intensification of use means a change in the use of a *lot* or *premises* which, based upon the provisions of the applicable zone, requires more off-street parking than did any legal use of the *lot* within the 12 months immediately preceding the date of application for a construction permit.

(b) Repair or maintenance activities are exempt except if the repairs or maintenance involve any

§ 126.0704 Cont'd

of the following:

(1) Repair or maintenance of a seawall revetment, bluff *retaining wall*, breakwater, groin, culvert, outfall, or similar shoreline work that involves substantial alteration to the foundation of the *structure*; the placement of riprap, artificial berms, or solid materials on a beach or in coastal waters, streams, *wetlands*, or on a shoreline protective wall; the replacement of 20 percent or more of the materials of an existing *structure*; the placement, whether temporary or permanent, of mechanized construction equipment on any sand area, *coastal bluff*, or within 20 feet of coastal waters or streams, except that the use of such equipment solely for routine beach and park maintenance shall not require a Coastal Development Permit.

(2) Any repair or maintenance to facilities or *structures* or any work located within a *wetland*, within 50 feet of a *coastal bluff edge*, or within 20 feet of any coastal waters or streams, except that *public utility* repair and maintenance, as provided under Section 126.0704(c), below, shall not require a Coastal Development Permit.

(c) *Public utility* installation of new or increased service to *development* approved or exempted in the Municipal Code, and *public utility* repair or maintenance as exempted under the Coastal Commission's Interpretive Guidelines on Exclusions from Permit Requirements filed with the City Clerk as Document No. OO-17067-2.

(d) Any action necessary to abate a *public nuisance* as provided under California Public Resources Code Section 30005(b).

(e) Agricultural *grading* on land that has been cultivated within the previous 10 years.

(f) The replacement of any *structure* destroyed by a disaster, except a public works facility. The replacement *structure* shall comply with the applicable zone, shall be for the same use as the destroyed *structure*, shall not exceed the *floor area ratio*, height, or bulk of the destroyed *structure* by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed *structure*.

§ 126.0705 How to Apply for a Coastal Development Permit

An *applicant* shall file an application for a City-issued Coastal Development Permit in accordance with Section 112.0102. The application shall include the required submittal materials and any other information that in the opinion of the City Manager is necessary to adequately review the proposed *coastal development*. If the site is located within the watershed of Los Penasquitos Lagoon and would involve *grading* or construction of impervious surfaces, a computation of the required Los Penasquitos Lagoon Restoration and Enhancement Fee as set forth in Section 126.0720 shall be included with the application.

§ 126.0706 Determination of Appellate Jurisdiction

The City Manager shall determine whether the proposed *coastal development* lies within the *appealable area* at the time the application for the Coastal Development Permit is submitted to the City. The City Manager's determination may be reviewed by the Executive Director of the Coastal Commission in accordance with Coastal Commission regulations.

§ 126.0707 Decision Process for a Coastal Development Permit

(a) A decision on an application for a City-issued Coastal Development Permit in the *non-appealable area* of the Coastal Overlay Zone shall be made in accordance with Process Two.

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The decision may be appealed to the Planning Commission in accordance with Section 112.0504.

(b) A decision on an application for a City-issued Coastal Development Permit in the *appealable area* of the Coastal Overlay Zone shall be made in accordance with Process Three. The decision may be appealed to the Planning Commission in accordance with Section 112.0506.

(b) Conditions may be imposed by the decision maker when approving a Coastal Development Permit to carry out the purpose and the requirements of this division. The conditions may include a provision for public access, open space, or conservation easements or the relocation or redesign of proposed site improvements. When conditions pertaining to public access, open space, or conservation easements are imposed, the City Manager shall notify the Executive Director of the Coastal Commission as set forth in Section 126.0719.

§ 126.0708 Findings for Coastal Development Permit Approval

An application for a Coastal Development Permit may be approved or conditionally approved only if the decision maker makes the following *findings*:

(a) The proposed *coastal development* will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a *Local Coastal Program land use plan*; nor will it significantly obstruct identified views to and along the ocean and other scenic coastal areas from *public vantage points* as identified in a *Local Coastal Program land use plan*;

(b) The proposed *coastal development* will not adversely affect sensitive coastal resource areas; and

(c) The proposed *coastal development* will conform with the *Local Coastal Program*.

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

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

(b) Contents of Notice of Final City Action. The Notice of Final City Action shall include the following:

(1) The conditions of approval for the Coastal Development Permit;

(2) The written *findings* required to approve the Coastal Development Permit; and

(3) The procedure for appealing the City's action to the Coastal Commission for decisions which are appealable to the Coastal Commission.

§ 126.0710 Appeals to the Coastal Commission

(a) A Coastal Development Permit that has been approved by the City may be appealed to the Coastal Commission if the *coastal development* that is authorized by the permit is located within the *appealable area* of the Coastal Overlay Zone.

(b) A Coastal Development Permit that has been approved or denied for a major public works project or a major energy facility as these are defined by California Public Resources Code Sections 30114 and 30107, respectively, may be appealed to the Coastal Commission if the *development* authorized by the permit is located anywhere within the Coastal Overlay Zone.

(c) A Coastal Development Permit within the *appealable area* that has been denied may be appealed to the Coastal Commission only if the permit is for a major public works project or a major energy facility or if the decision maker approves all other required *development permits* or maps but does not make the *findings* for the Coastal Development Permit.

(d) Exhaustion of City Appeal. A decision on a Coastal Development Permit may be appealed to the Coastal Commission only after all appeal remedies of the City have been exhausted.

(e) Coastal Commission Responsibility

(1) If the Coastal Commission determines that a substantial issue exists in an appeal of a City Coastal Development Permit, the *coastal development* authorized by that permit becomes the responsibility of the Coastal Commission. All future responsibility pertaining to the *coastal development* authorized by that Coastal Development Permit lies with the Coastal Commission, including any future amendment to, extension to, or enforcement of the conditions of approval of the permit.

(2) If an appeal is filed with the Coastal Commission and the Coastal Commission does not determine that a substantial issue exists, the City's action is upheld and the City's decision on the permit is final.

§ 126.0711 Recordation of a Coastal Development Permit

A Coastal Development Permit that will be issued by the City shall be recorded in accordance with Section 126.0106. The recordation of easement documents shall comply with Section 126.0719.

§ 126.0712 Issuance of a Coastal Development Permit

(a) The City shall issue the Coastal Development Permit in accordance with Section 126.0107 only after receiving notification that:

(1) The appeal period to the Coastal Commission has ended and no appeal was filed; or

(2) An appeal was filed and the Coastal Commission made a determination of no substantial issue with the City's decision.

(b) If a decision on a Coastal Development Permit is appealed to the Coastal Commission and the Coastal Commission determines that a substantial issue exists, the issuance of the permit will be regulated by the Coastal Commission.

§ 126.0713 Initial Utilization of a Coastal Development Permit

A Coastal Development Permit issued by the City shall be initially utilized in accordance with Section 126.0108.

§ 126.0714 Maintaining Utilization of a Coastal Development Permit

Continued utilization of a Coastal Development Permit issued by the City shall be in accordance with Section 126.0109.

§ 126.0715 Time Extension for a Coastal Development Permit

A Coastal Development Permit issued by the City may be extended in accordance with Section 126.0111.

§ 126.0716 Modifications and Amendments to a Coastal Development Permit

Minor modifications and amendments to a previously approved Coastal Development Permit issued by the City shall be decided in accordance with Sections 126.0112 and 126.0113.

§ 126.0717 Permits Issued by the Coastal Commission

Any person who has a valid Coastal Development Permit issued by the Coastal Commission is not required to obtain a Coastal Development Permit for that same *coastal development* from the City. The Coastal Commission is exclusively responsible for the issuance of an amendment to a Coastal Development Permit that has been approved by the Coastal Commission, regardless of the jurisdictional boundaries governing applications for Coastal Development Permits. The City may not grant a Coastal Development Permit for the same *coastal development* on a site that has a previously approved Coastal Development Permit issued by the Coastal Commission unless the previously approved permit has expired or been forfeited to the Coastal Commission.

§ 126.0718 Procedures for Emergency Coastal Development Permits

(a) Coastal Emergency. A coastal emergency is a sudden, unexpected occurrence within the Coastal Overlay Zone that demands immediate action to prevent or mitigate loss of or damage to life, health, property, or essential public services.

(b) Application. When a coastal emergency exists, an *applicant* may use the procedures of this section instead of the standard application and decision procedures for a Coastal Development Permit. However, all emergency Coastal Development Permits require the subsequent processing of a standard Coastal Development Permit application for any work authorized on an emergency basis by these procedures. The *applicant* may apply for an emergency Coastal Development Permit in person, by letter to the City Manager, or by telephone.

(c) Contents of Application. The application shall include the following information:

(1) The nature of the coastal emergency;

(2) The cause of the coastal emergency;

(3) The location of the coastal emergency;

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(4) The remedial, protective, or preventive work required to deal with the coastal emergency; and

(5) The circumstances during the coastal emergency that justify the course of action taken or to be taken, including the probable consequences of failing to take emergency action.

(d) Verification. The City Manager shall verify the facts, including the existence and nature of the coastal emergency, to the extent that time allows.

(e) Decision on Permit. A decision to approve, conditionally approve, or deny the emergency Coastal Development Permit shall be made by the City Manager.

(f) *Findings*. An emergency Coastal Development Permit may be approved or conditionally approved only if the City Manager makes the following *findings*:

(1) A coastal emergency exists that requires action more quickly than would be permitted by the normal procedures for acquiring a Coastal Development Permit;

(2) Public comment on the proposed coastal emergency action has been solicited and reviewed to the extent feasible; and

(3) The proposed emergency work is consistent with the *Local Coastal Program*.

(g) Conditions. The City Manager may approve an emergency Coastal Development Permit with conditions, including an expiration date. All emergency Coastal Development Permits shall include a condition requiring the processing of a regular Coastal Development Permit application for any work authorized by the City Manager.

(h) Notice. The City Manager shall provide public notice of the emergency work, with the extent and type of notice determined by the nature and time constraints of the coastal emergency.

§ 126.0719 Public Access, Open Space, or Conservation Easements Associated with a Coastal Development Permit

(a) Documents to be Approved. The City Manager shall forward any legal documents used in complying with required conditions of a Coastal Development Permit that pertains to public access, open space, or conservation easements to the Executive Director of the Coastal Commission for approval before the issuance of the Coastal Development Permit.

(b) Revisions to Documents. If the Executive Director of the Coastal Commission recommends revisions to the format of the legal documents, the Coastal Development Permit shall not be issued until all deficiencies have been resolved to the satisfaction of the Executive Director of the Coastal Commission.

(c) Permit Issued. A Coastal Development Permit shall not be issued until the legal documents have been recorded with the County Recorder and verification of the recordation has been sent to, and receipt has been acknowledged by, the Executive Director of the Coastal Commission.

§ 126.0720 Payment of Los Penasquitos Watershed Restoration and Enhancement Fee for Grading and Creation of Impervious Surfaces

(a) An *applicant* for a Coastal Development Permit, as identified in Document No. 00-17068 on file in the City Clerk's office, for a *coastal development* proposal located in the watershed of Los Penasquitos Lagoon that involves *grading* or would construct any impervious surfaces shall, as a condition of *development* approval, be required to pay a fee to the Los Penasquitos Lagoon Enhancement Fund and escrow account for restoration of the lagoon and watershed. The fee shall not be required for *coastal developments* that are exempt under Section 126.0704.

(b) The fee shall be based on the site surface affected by *grading* for urban *development*, agriculture, transportation, and other public service facility improvements, exclusive of habitat restoration or enhancement areas. The fee shall be computed at a rate of $0.005 per square foot for all areas to be graded, with an additional rate of $0.03 per square foot for any impervious surfaces to be created by the finished *development*. The amount of the fee shall be based on the *grading* and impervious surfaces proposed under the initial Coastal Development Permit and for any additional *development* increments (*grading* or impervious surfaces) for which permits are required. Fees for the maintenance and administration of the escrow account shall also be required.

(c) The required fee shall be computed by the *applicant* and the information shall be included with the permit application. The calculations shall be verified by the City Manager. The *applicant* shall deposit the required fee in an escrow account established by the City of San Diego, the California Coastal Commission, and the State Coastal Conservancy. Administration of the funds shall be the responsibility of the State Coastal Conservancy in accordance with the terms of the escrow account. The *applicant* shall provide evidence satisfactory to the City Manager that the deposit has been made before the Coastal Development Permit is issued.

§ 126.0721 Los Penasquitos Watershed Maintenance and Conservation Fund

An *applicant* for a Coastal Development Permit for a *coastal development* located in the watershed of Los Penasquitos Lagoon shall, as a condition of the permit, agree to participate in any benefit assessment district or other financing mechanism created to fund the permanent maintenance and conservation of the stream channels and related habitats located in the watershed and within the boundaries of the City of San Diego.

§ 126.0722 Violations of a Coastal Development Permit

It is unlawful for any person to maintain, use, or develop any *premises* without a Coastal Development Permit if such a permit is required for the use or *development* or to maintain, use, or develop any *premises* contrary to the requirements or conditions of an existing Coastal Development Permit. Violation of any provision of this division shall be subject to the enforcement provisions contained in Chapter 12, Article 1. Violations of this division shall be treated as strict liability offenses regardless of intent.

Article 6: Development Permits

Division 8: Variance Procedures

§ 126.0801 Purpose of Variance Procedures

The purpose of these procedures is to provide relief for cases in which, because of special circumstances applicable to the property including size, shape, topography, location, or surroundings, the strict application of the development regulations would deprive the property of privileges enjoyed by other property in the vicinity and under the same land use designation and zone.

§ 126.0802 When a Variance May Be Requested

A variance may be requested for proposed *development* that would not comply with an applicable development regulation of the Land Development Code, except that *density* shall not be increased through a variance.

§ 126.0803 Application for a Variance

An application for a variance shall be filed in accordance with Section 112.0102.

§ 126.0804 Decision Processes for a Variance

A decision on an application for a variance shall be made in accordance with Process Three. The decision may be appealed to the Board of Zoning Appeals unless otherwise specified by the Land Development Code.

§ 126.0805 Findings for Variance Approval

The decision maker may approve or conditionally approve an application for a variance only if the decision maker makes the following *findings*:

(a) There are special circumstances or conditions applying to the land or *premises* for which the variance is sought that are peculiar to the land or *premises* and do not apply generally to the land or *premises* in the neighborhood, and these conditions have not resulted from any act of the *applicant* after the adoption of the applicable zone regulations;

(b) The circumstances or conditions are such that the strict application of the regulations of the Land Development Code would deprive the *applicant* of reasonable use of the land or *premises* and the variance granted by the City is the minimum variance that will permit the reasonable use of the land or *premises*;

(c) The granting of the variance will be in harmony with the general purpose and intent of the regulations and will not be detrimental to the public health, safety, or welfare; and

(d) The granting of the variance will not adversely affect the applicable *land use plan*.

Article 7: Previously Conforming Premises and Uses

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

§ 127.0101 Purpose of Procedures for Previously Conforming Premises and Uses

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

§ 127.0102 General Rules for Previously Conforming Premises and Uses

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

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

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

(c) Documentation of *market value* shall be in accordance with procedures established by the City Manager.

(d) *Previously conforming premises* and uses that comply with the provisions of this division may continue to exist and operate unless an amortization period is specified elsewhere in the Municipal Code.

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

(f) *Previously conforming premises* and uses are subject to all other regulations and any *development permits* that may otherwise be required by the Land Development Code. The required review process shown in Table 127-01A and described in Sections 127.0103 through 127.0108 pertains only to the review required for the *previously conforming premises* or use. Proposed *development* sites located in the Coastal Overlay Zone or other geographic overlay zones are subject to the regulations of, and may require *development permit* review in accordance with, those overlay zones. The *previously conforming* regulations do not grant any deviation from the height regulations of the Coastal Height Limit Overlay Zone or any other height limit overlay zone.

(g) If a *previously conforming premises* or use is brought into conformance by a change in use or new *development*, the *previously conforming* status is terminated and the *premises* or use cannot revert to a *previously conforming* status.

§ 127.0102 Cont'd

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

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

§ 127.0103 Review Process for Previously Conforming Premises and Uses

The required review process for different types of proposed *development* or activity, based on the existing *structural envelope*, *density*, and uses are shown in Table 127-01A and described in text in Sections 127.0104 through 127.0108.

Table 127-01A
Review Process for Previously Conforming Premises and Uses

Development/Activity Proposed	REQUIRED REVIEW PROCESS					
	Existing *Structural Envelope*		Existing *Density*		Existing Use	
	C	PC	C	PC	C	PC
Maintenance, repair or alteration (less than or equal to 50% of *market value* of entire *structure* or improvement) that does not expand the *structural envelope*. See Section 127.0104.	1	1	1	1	1	1
Maintenance, repair or alteration (greater than 50% of *market value* of entire *structure* or improvement) that does not expand the *structural envelope*. See Section 127.0104.	1	1	1	2	1	2
Reconstruction (following fire, natural disaster, act of the public enemy). See Section 127.0105.	n/a	1	1	1	1	1(1) 2(2)
Expansion/enlargement, where new construction conforms with all current development regulations. See Sections 127.0106(a) and (b).	1	1	1	2	1	2(3)
Expansion/enlargement where new construction requests a reduction of up to 20% from required *setbacks*. See Section 127.0106(c).	3	2	3	2	3	2(3)
Change to another *previously conforming* use within the same use category. See Section 127.0107.	n/a	n/a	n/a	n/a	n/a	1
Operating a *previously conforming* use, including resumption of *previously conforming* use (up to 2 years after discontinuance). See Sections 127.0108(a) and (c).	n/a	n/a	n/a	n/a	n/a	1
Resumption of a *previously conforming* use (after 2 years discontinuance). See Sections 127.0108(b) and (c).	n/a	n/a	n/a	n/a	n/a	2
Increase in *floor* area to a particular *previously conforming* use (less than or equal to 20% of *gross floor area* of the existing *structure*). See Section 127.0109.	n/a	n/a	n/a	n/a	n/a	2(3)

Legend to Table 127-01A:

C = Conforming at the Time of Proposed *Development*
PC = *Previously Conforming*
1 = Process One Approval Required
2 = Process Two Approval Required
n/a = Not Applicable

§ 127.0103 Cont'd

Footnotes to Table 127-201A:

(1) Applies to reconstruction of any *previously conforming structure*, including *structures* with *previously conforming density* or *previously conforming* residential uses with no limitation on cost. Partial reconstruction of *structures* with *previously conforming* nonresidential uses (less than or equal to 50 percent of *market value* of entire *structure* or improvement).

(2) Applies to reconstruction of *previously conforming* nonresidential uses when the cost of reconstruction is greater than 50 percent of *market value*.

(3) *Findings* of fact for this permit shall include the presumption that expansion of the following *previously conforming* uses would be detrimental to the public health, safety, and welfare: industrial uses in residential zones, auto repair or dismantling uses in residential zones, and any use in a zone that would require a Conditional Use Permit in accordance with Section 126.0303.

§ 127.0104 Maintenance, Repair, or Alteration of Previously Conforming Structures Is Required

(a) Maintenance, repair, or alteration of a *previously conforming structure*, where the new construction would not expand beyond the existing *structural envelope*, is subject to the review procedures required for conforming *structures* except as described in Section 127.0104(b).

(b) Maintenance, repair, or alteration of a *previously conforming structure* containing *previously conforming density* or a *previously conforming* use, where the cost of the new construction would be greater than 50 percent of the *market value* of the existing *structure*,. and the new construction would not expand beyond the existing *structural envelope*, requires a Neighborhood Development Permit.

§ 127.0105 Reconstruction of Previously Conforming Structures

(a) The reconstruction provisions of this section apply only to rebuilding of a *previously conforming structure* that has been destroyed, in whole or in part, as a result of fire, natural disaster, or act of the public enemy.

(b) Reconstruction of any *previously conforming structure*, including a *structure* with *previously conforming density* or a *previously conforming* residential use, is subject to the same review procedures required for conforming *structures*.

(c) Partial reconstruction of a *structure* containing a *previously conforming* nonresidential use is subject to the review procedures required for conforming *structures*, if the cost of the reconstruction is less than or equal to 50 percent of the *market value* of the *structure* prior to destruction.

(d) Reconstruction of a *structure* containing a *previously conforming* nonresidential use requires a Neighborhood Development Permit if the cost of the reconstruction is greater than 50 percent of the *market value* of the *structure* prior to the destruction.

(e) This section, or any Neighborhood Development Permit issued for reconstruction, does not exempt any person from any requirement to obtain other applicable *development permits* and does not grant any deviation from the height limit regulations of the Coastal Height Limit Overlay Zone or any other applicable height limit overlay zone. All *construction permits*

§ 127.0105 Cont'd that would be required for conforming *premises* or uses must be obtained for reconstruction of *previously conforming premises* or uses.

§ 127.0106 Expansion or Enlargement of Previously Conforming Structures

(a) Proposed expansion or enlargement of a *previously conforming structural envelope* is subject to the procedural requirements for conforming *structures* if the existing *density* and use comply with all applicable development regulations of the Land Development Code and if the new construction will comply with all applicable development regulations.

(b) Proposed expansion or enlargement of a *previously conforming structural envelope*, where the existing *previously conforming structure* does not comply with applicable zoning regulations as to *density* or use, requires a Neighborhood Development Permit.

(c) Proposed expansion or enlargement of a *previously conforming structural envelope* where the expansion would comply with regulations, but which proposes a reduction less than or equal to 20 percent from a required *setback*, for a Neighborhood Development Permit.

§ 127.0107 Change in Use of a Previously Conforming Use

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

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

§ 127.0108 Abandonment of Previously Conforming Uses

(a) A *previously conforming* use may continue to operate or may resume operations if discontinued for a period of less than 2 consecutive years. Resumption of operations within 2 years is subject to the review procedures for conforming uses.

(b) It is unlawful to reinstate any *previously conforming* use after the use has been discontinued for a period of 2 or more consecutive years, unless the property owner has obtained a Neighborhood Use Permit. Discontinuance of the use for a period of 2 or more consecutive years creates a presumption in favor of abandonment, against which the owner or person asserting *previously conforming* rights may offer evidence.

(c) If the *previously conforming* use is discontinued temporarily while repairs, remodeling, or major alterations of the *structure* are under construction, maintenance of an active *construction permit* and continuance of the Business Tax Certificate constitutes conclusive evidence that the use has not been abandoned during the construction.

§ 127.0109 Expansion of a Previously Conforming Use

(a) A 20 percent or less gross floor area expansion of a structure with a *previously conforming* use requires a Neighborhood Use Permit.

(b) When making the *findings* for a Neighborhood Use Permit for the proposed expansion of a

§ 127.0109 Cont'd

previously conforming use, the following uses are conclusively presumed to be detrimental to public health, safety, and welfare:

(1) Industrial uses in residential zones;

(2) Commercial and personal vehicle repair and maintenance in residential zones; and

(3) Any use that requires a Conditional Use Permit in the applicable zone in accordance with Section 126.0303.

Article 7: Previously Conforming Premises and Uses

Division 2: Review Procedures for Previously Conforming Signs

§ 127.0201 Purpose of Review Procedures for Previously Conforming Signs

The purpose of these procedures is to establish controls of *signs* that were legally constructed but became *previously conforming* when regulations were changed. The intent is to protect the public and the aesthetic character of the community and to identify rights with respect to *previously conforming signs*.

§ 127.0202 General Rules for Previously Conforming Signs

Except as specified in Section 127.0202(b), any *sign* that was constructed, erected, or affixed after April 5, 1973 in compliance with the Municipal Code, and which has subsequently become *previously conforming* shall maintain its *previously conforming* status until a proposal is made that requires a Sign Permit for the *previously conforming sign*.

(b) Notwithstanding Section 127.0202(a), any *sign* that was constructed, erected, or affixed in compliance with the Municipal Code and which became *previously conforming* because of a rezone of the property on which the *sign* is located, shall be considered *previously conforming* only for 7 years from the date of the rezone. After the 7-year period has expired, any such *sign* is in violation of these regulations, is subject to abatement, and shall be modified to comply with the Land Development Code or shall be removed.

(c) *Signs* in existence on April 5, 1973, that were constructed, erected, affixed, or maintained in compliance with all previous regulations but which do not comply with applicable zone regulations enacted after April 5, 1973, were required to be removed or brought into compliance with the Municipal Code by May 15, 1984 or May 1, 1988, if an extension of time was granted. Any such *signs* still remaining are in violation of the Land Development Code, are subject to abatement, and shall be modified to be in compliance with the Land Development Code or shall be removed.

(d) These *previously conforming sign* procedures do not apply to *signs* that have been designated as *historical resources*. A designated *historical sign* is subject to Chapter 14, Article 3, Division 2 (Historical Resources Regulations).

(e) *Signs* located on newly annexed properties shall be brought into compliance with the Land Development Code or shall be removed within 5 years after the effective date of annexation.

Article 7: Previously Conforming Premises and Uses

Division 3: Review Procedures for Previously Conforming Advertising Display Signs

§ 127.0301 Purpose of Review Procedures for Previously Conforming Advertising Display Signs

The purpose of these procedures is to establish controls that provide reasonable opportunity for maintenance of legally constructed *advertising display signs* while protecting the public through preserving a positive aesthetic character. The intent of these procedures is to clarify the status of *advertising display signs* that existed before July 19, 1983 and to identify rights respecting existing inventory of these *previously conforming advertising display signs*.

§ 127.0302 When Previously Conforming Advertising Display Sign Procedures Apply

This division shall not apply to the following *advertising display signs*:

(a) Any *advertising display sign* that is acquired by a governmental entity through the use of eminent domain.

(b) *Advertising display signs* that meet all of the criteria of California Business and Professions Code Section 5412, as set forth below. These displays may be removed without compensation, as specified in California Business and Professions Code Section 5412.1.

(1) The display is located within an area shown as residential in an adopted community plan.

(2) The display is located within an area zoned for residential use.

(3) The display is not located within 660 feet from the edge of the right-of-way of an interstate or primary highway with its copy visible from the highway, nor is it placed or maintained beyond 660 feet from the edge of the right-of-way of an interstate or primary highway with the purpose of its message being read from the main traveled way.

(4) The display is not required to be removed because of an overlay zone or any other special zoning district whose primary purpose is the removal or control of *signs*.

(5) The display is allowed to remain in existence for a period of 7 years after July 19, 1983, or the date upon which it becomes applicable to the display, and after giving notice of the removal requirement to the display owner and the owner of the underlying property.

§ 127.0303 General Rules for Previously Conforming Advertising Display Signs

(a) Any *advertising display sign* that was lawfully erected before July 19, 1983 is considered a *previously conforming advertising display sign*.

(b) Any legally constructed *advertising display sign* located on a site is considered a separate business use of that site and conformance of the permitted use and of the *advertising display sign* shall be considered independently.

(c) Maintenance, repair, rebuilding, or alteration of a *previously conforming advertising display sign* where the construction would be less than or equal to 50 percent of assessed value and would not expand beyond the existing *structural envelope*, is subject to review by the City

§ 127.0303 Cont'd

Manager in accordance with Process One. The *applicant* shall submit plans showing existing and proposed site conditions.

(d) Maintenance, repair, rebuilding, or alteration of a *previously conforming advertising display sign* where the construction would exceed 50 percent of the assessed value of the existing *advertising display sign*, but would not expand beyond the existing *structural envelope*, requires a Neighborhood Development Permit.

(e) Any *advertising display sign* that is repaired or altered according to the provisions of Section 127.0303(c) or (d) shall retain its *previously conforming* status.

§ 127.0304 Approval Criteria for a Neighborhood Development Permit for a Previously Conforming Advertising Display Sign

(a) An application for a Neighborhood Development Permit for maintenance, repair, rebuilding, alteration, or improvement of an existing *previously conforming advertising display sign* may only be approved within the CC-5-2, IL-3-1, IL-2-1, or IH-2-1 zones.

(b) An application for a Neighborhood Development Permit for maintenance, repair, rebuilding, alteration, or improvement to an existing *previously conforming advertising display sign* shall not be approved on a site or *premises* that is:

(1) Located within the Coastal Overlay Zone;

(2) Located within 660 feet when the display is visible from the edge of the right-of-way of a landscaped *freeway* as designated by the California Department of Transportation;

(3) Located within 660 feet when the advertising display sign is visible from the edge of the right-of-way of a *freeway* or highway designated as a Scenic Highway or City Scenic Route as described by the Progress Guide and General Plan;

(4) Located within 200 feet of any *premises* zoned for residential purposes or containing a *school*, *church*, or similar place of worship; a historical site or building; a cemetery or similar place of internment; a public or private park; or an outdoor recreational facility;

(5) Located within 500 feet of any other advertising display sign on the same side of the same *street*;

(6) For purposes of (2) and (3) above, measurements shall be made from the edge of the right-of-way along a line perpendicular to the center line of the highway; and

(7) For purposes of (4) and (5) above, measurements shall be made along the center line of the *street* from which the display is designed to be primarily viewed, from a line perpendicular to the center line of that *street* passing through the nearest edge of the existing *sign* or *premises* to a line perpendicular to the center line passing through the nearest edge of the *sign* as reconstructed. This section shall not be interpreted so as to require measurement on a radial basis.

§ 127.0305 Structure Limitations on Advertising Display Sign

Rebuilding of an *advertising display sign* shall comply with the following:

(a) The *sign face* of a rebuilt *advertising display sign* shall be no larger than the *sign face* of the original *advertising display sign*. Flashing lights and rotating or revolving *signs* are not permitted;

(b) A rebuilt *advertising display sign* shall not exceed 45 feet in height, measured to the top of the *advertising display sign* from the ground level or from the level of the roadbed from which the *advertising display sign* is designed to be viewed;

(c) A rebuilt *advertising display sign* shall comply with all *setback* and *yard* requirements of the applicable zone; and

(d) A rebuilt *advertising display sign* shall be mounted or built with no more than two supporting posts.

Article 8: Implementation Procedures For The California Environmental Quality Act and the State CEQA Guidelines

Division 1: General Procedures and Authorities for Implementation of the California Environmental Quality Act and the State Guidelines

§ 128.0101 Purpose of the Environmental Quality Implementation Procedures

The purpose of these procedures is to implement the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, and to provide additional specific procedures for accurate, objective, timely, and orderly evaluation disclosure of potential environmental effects of proposed projects in the City.

§ 128.0102 Incorporation of CEQA by Reference

(a) CEQA and the State CEQA Guidelines, as applicable, are incorporated and made a part of this article as fully as though set forth herein, and all officers and employees of the City of San Diego are hereby authorized and directed to enforce and comply with each and every applicable provision of CEQA and the State CEQA Guidelines.

(b) This article shall be applied in such manner as to afford the fullest consideration of environmental protection of the environment within the reasonable scope of the statutory language.

§ 128.0103 Powers and Duties of the Development Services Director in Implementing Environmental Quality Procedures

The Development Services Director shall be responsible for implementing this article.

(a) The Development Services Director shall have the following powers as required for all projects or activities as defined by CEQA, whether proposed by private *applicants*, the City, or other public agencies:

(1) To conduct environmental reviews including a determination of the information required to perform the review;

(2) To issue administrative guidelines consistent with CEQA, the State CEQA Guidelines, current case law, and City Council policy;

(3) To determine environmental significance based on applicable administrative guidelines;

(4) To determine the type of environmental document required;

(5) To prepare environmental documents as required by this article, CEQA, and the State CEQA Guidelines;

(6) To implement any three-party agreement or memorandum of understanding used for preparation of an environmental document and to set standards to help ensure that only qualified environmental consultants prepare these documents;

(7) To ensure to the maximum extent possible, that before public review, all environmental documents incorporate the latest pertinent technical or scientific information and are factually accurate and consistent; and

§ 128.0103 Cont'd

(8) To help ensure that *applicants* incorporate all required environmental mitigation measures or project alternatives as adopted by the decision makers to minimize, if not preclude, adverse impacts to the environment from the project, consistent with CEQA.

(b) The Development Services Director shall establish and maintain that degree of independence in the performance of these functions and duties as will assure the City Council, the City Manager, the Planning Commission, and the people of the City of San Diego that the review and analysis of the environmental consequences of projects, are in accordance with CEQA, are independent and wholly objective, and are not prepared for the purpose of either supporting or detracting from any project, plan, or position, whether advanced by the City, any other governmental agency, or private interest.

§ 128.0104 Authority to Require Mitigation and Monitoring Programs

When the conditions of a project approval require mitigation and monitoring, the City Manager and the Development Services Director are responsible for promulgating mitigation and monitoring standards and guidelines for public and private projects consistent with the requirements of CEQA Section 21081.6. The Development Services Director or City Manager may require appropriate surety instruments or bonds from private project *applicants* to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its costs to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

Article 8: Implementation Procedures For The California Environmental Quality Act and the State CEQA Guidelines

Division 2: Procedures for Determination of Exemption or Type of Environmental Document Required

§ 128.0201 Purpose of Procedures for Determinations of Exemption or Type of Environmental Document Required

The purpose of these procedures is to implement CEQA and the State CEQA Guidelines within the City of San Diego, to identify the types of actions that are exempt from environmental review, consistent with the requirements of CEQA and the State CEQA Guidelines, and for nonexempt actions, to provide procedures for determining the type of environmental document that is required.

§ 128.0202 Actions That Require Compliance with CEQA

Except as otherwise provided, CEQA and this article shall apply to the following discretionary activities located within the City of San Diego:

(a) Activities directly undertaken by the City such as construction of *streets*, bridges, or other public *structures* or adoption of plans and zoning regulations;

(b) Activities financed in whole or in part by the City of San Diego; and

(c) Private activities that require approval from the City of San Diego such as adoption and amendment of *land use plans* and the *Local Coastal Program*, zoning and rezoning actions, *development* agreements, *subdivision* activities, *development* and use permits, and variances.

§ 128.0203 Actions Exempt from CEQA

An action or activity may be exempt from CEQA if it meets any of the following conditions:

(a) The activity is not a project as defined in the State CEQA Guidelines, Section 15378;

(b) The project has been granted an exemption by statute (State CEQA Guidelines, Article 18, commencing with Section 15260) or by categorical exemption (State CEQA Guidelines, Article 19, commencing with Section 15300).

(1) CEQA exempts ministerial actions by statute. City approval decided in accordance with Process One is a ministerial action, including issuance of a *construction permit*. The following are *construction permits*: Building Permits, Plumbing Permits, Electrical Permits, Mechanical Permits, Grading Permits, Public Right-Of-Way Permits, Demolition Permits, Removal and Relocation Permits, and Sign Permits.

(2) Activities within the City of San Diego that typcially are exempt by statute or categorical exemption from CEQA are provided in the CEQA Administrative Guidelines of the Land Development Manual.

(c) The activity is covered by the general rule in the State CEQA Guidelines, Section 15061(b)(3), that states that CEQA applies only to projects that have the potential for causing a significant effect on the environment.

§ 128.0204 Environmental Review for Extensions of Time

An application for an extension of time to a previously approved *development permit* or other discretionary action is subject to environmental review. A previously certified environmental document may be reused in accordance with Section 128.0209. The extension of time shall be evaluated in accordance with State CEQA Guidelines, Sections 15162 through 15164 to determine the appropriate environmental document, if any, necessary to address the issues. An extension of time to a final *subdivision map*, authorized pursuant to the *Subdivision Map Act*, Section 66452.6(a), is a ministerial action and is exempt from the requirements of CEQA.

§ 128.0205 How to Apply for Environmental Review

An application for a *development permit* made in accordance with Section 112.0102 also serves as the application for environmental review. A separate application for an Environmental Initial Study may be required for a discretionary action that does not require a *development permit*.

§ 128.0206 Establishment and Collection of Fees or Deposits

Fees and deposits may be charged for environmental review in accordance with Section 112.0201. Any party proposing a project subject to the provisions of this article shall be required to submit the required fees or deposit in accordance with Section 112.0202.

§ 128.0207 Review for Exemption from the Requirements of CEQA

As part of the preliminary review of an activity proposed within the City of San Diego, the Development Services Director shall determine whether the proposed activity is exempt from CEQA as described in Section 128.0203 and in the State CEQA Guidelines, Section 15061.

§ 128.0208 Determination of Type of Environmental Document

(a) After an application for a discretionary permit or action is *deemed complete*, the Development Services Director shall take one of the following actions:

(1) Determine that the project is exempt from CEQA as described in the State CEQA Guidelines, Section 15061;

(2) Conduct an Environmental Initial Study to determine what type of environmental document will need to be prepared as described in the State CEQA Guidelines, Section 15063; or

(3) Omit the Environmental Initial Study and proceed directly to the preparation of an Environmental Impact Report (EIR) if it is clear that an EIR will be required for the project, consistent with the State CEQA Guidelines, Section 15060.

(b) The following types of environmental documents may be required consistent with CEQA, depending on the specific circumstances:

(1) A Negative Declaration;

(2) A Mitigated Negative Declaration;

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(3) An Environmental Impact Report, including a Supplement; or

(4) An Addendum to a previously certified environmental document.

(c) The Development Services Director shall notify the *applicant* of the scope of the required environmental document and the additional information required, if any, in accordance with the State CEQA Guidelines, Section 15060.

§ 128.0209 When a Previous Environmental Document May Be Used

(a) A previously certified EIR or Negative Declaration, including any supplement or addendum, may be used when changes in the project or circumstances have occurred, unless the Development Services Director determines that one or more of the situations identified in the State CEQA Guidelines, Section 15162, exist.

(b) If a previously certified document is to be used, the Development Services Director shall provide the decision-making body with an explanatory cover letter stating that none of the conditions specified in the State CEQA Guidelines, Section 15162, exists.

(c) An EIR prepared in connection with an earlier project may be used for a later project, if the circumstances of the projects are essentially the same and are consistent with the State CEQA Guidelines, Section 15153.

§ 128.0210 When a National Environmental Policy Act (NEPA) Document or Joint Document May Be Used

(a) NEPA applies to projects that are carried out, financed, or approved in whole or in part by federal agencies. If a project will require compliance with both CEQA and NEPA, the Development Services Director should use the NEPA document rather than preparing a separate CEQA document if the following two conditions exist:

(1) The NEPA document would be prepared before the CEQA document would otherwise be completed for the project; and

(2) The NEPA document complies with the provisions of the State CEQA Guidelines. Because NEPA does not require separate discussion of mitigation measures or growth inducing impacts, these points of analysis would need to be added, supplemented, or identified before an Environmental Impact Statement (EIS) could be used as an EIR.

(b) If the NEPA document would not be prepared by the federal agency by the time the City of San Diego would need to consider an environmental document consistent with this article, the Development Services Director should try to prepare a combined NEPA-11CEQA document. Preparation of this joint environmental document shall involve the federal agency to avoid the need for the federal agency to prepare a separate document for the same project.

Article 8: Implementation Procedures for the California Environmental Quality Act and the State CEQA Guidelines

Division 3: Procedures for Preparation and Review of Environmental Documents and Completion of the Environmental Review Process

§ 128.0301 Purpose of Procedures for Preparation and Review of Environmental Documents and Completion of the Environmental Review Process

The purpose of these procedures is to implement CEQA and the State CEQA Guidelines for the adequate, independent, and timely preparation and review of environmental documents and completion of the environmental review process.

§ 128.0302 Time Limits for Preparation of Environmental Documents

(a) In accordance with CEQA, Section 21151.5, completion and certification of a Negative Declaration shall not exceed 180 calendar days from the date the application for proposed *development* is *deemed complete*. Completion and certification of an EIR shall not exceed one year from the date the application is *deemed complete*.

(b) These time limits for document preparation and review are contingent upon the project applicant's actions and shall be in conformance with the provisions of the Permit Streamlining Act, Government Code Section 65920, et. seq., except that time limits may be suspended as provided in the State CEQA Guidelines, Section 15109.

(c) The one year time limit set forth in (a) above may be extended once for a period of not more than 90 days upon consent of the Development Services Director and the *applicant*.

§ 128.0303 Who May Prepare an Environmental Document for the City

(a) The Development Services Director shall be responsible for preparation of environmental documents required by this article. The Development Services Director is authorized to retain consultants to implement the provisions of this section and expend funds collected in accordance with Section 128.0206 for this purpose.

(b) The Development Services Director may choose one or more of the following alternatives for preparing a draft environmental document:

(1) Have City staff prepare the draft environmental document;

(2) Contract with another entity, public or private, to prepare the draft environmental document;

(3) Execute a three-party agreement or memorandum of understanding with the *applicant* and an independent environmental consultant to govern the preparation of a draft environmental document by the independent environmental consultant based on a scope of work prepared by the Development Services Director; or

(4) Allow a draft environmental document to be prepared by an environmental consultant retained by the *applicant* based on a scope of work prepared by the Development Services Director.

(c) An environmental document prepared in accordance with this section shall be subject to the requirements for independent review and analysis set forth in Section 128.0103(b) and shall

§ 128.0303 Cont'd

not be released for public review until the Development Services Director determines that the document is adequate.

(d) The Development Services Director shall review and consider for inclusion in an environmental document any information regarding the project submitted by any person.

§ 128.0304 Notice of Preparation of an Environmental Impact Report

After the Development Services Director has determined that an EIR is required for a project, the Development Services Director shall send to each Responsible Agency, each Federal Agency involved in approving or funding the project, and each Trustee Agency responsible for natural resources affected by the project a Notice of Preparation stating that an EIR will be prepared. The contents, distribution, and procedures for the Notice of Preparation shall be consistent with the State CEQA Guidelines, Section 15082.

§ 128.0305 Public Notice of Draft Environmental Documents

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

(1) Content. The Notice of Availability of a draft environmental document shall include the following information:

(A) A brief description of the proposed *development* and its location;

(B) The address at which copies of the draft environmental document will be available for public review;

(C) The dates of the public review period; and

(D) The address to which written comments may be sent.

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

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

(B) By sending copies of the Notice of Availability to all organizations and individuals who have previously requested the notice;

(C) By sending a copy of the Notice of Availability to the officially recognized community planning group that represents the planning area where the proposed *development* is located; and

(D) By sending a copy of the Notice of Availability to the public library serving the area involved.

(3) Community Newspaper Notification. The City Manager may send a copy of the Notice of Availability to a community newspaper within the community planning area where the proposed *development* is located.

(b) In addition, as soon as a draft EIR is completed, a Notice of Completion must be filed with the State Office of Planning and Research consistent with the State CEQA Guidelines,

Section 15085.

§ 128.0306 Required Time Periods for Public Review and Comment of Draft Environmental Documents

Other public agencies and members of the public shall have the following time periods to review and comment on draft environmental documents:

(a) Negative Declarations, Mitigated Negative Declarations, and Environmental Impact Reports

The public review period shall be consistent with that established by CEQA and the State CEQA Guidelines.

(b) Addenda

All addenda for environmental documents certified more than 3 years before the date of application shall be distributed for public review for 14 calendar days along with the previously certified environmental document. However, this review period for the addenda shall not extend the time for action beyond that required under law, and the failure to allow review of addenda, or allow sufficient time to review addenda, shall not invalidate any discretionary approval based upon an addendum under review.

§ 128.0307 Requests for Additional Public Review Time on the Draft Environmental Document

The Development Services Director may approve a request from the affected officially recognized community planning group or *interested party* if there is no officially recognized community planning group for an additional review period not to exceed 14 calendar days. The additional time for review shall not extend the time for action beyond that required under law. The failure to allow additional time for review shall not invalidate any discretionary approval based upon the document for which the additional review time was requested.

§ 128.0308 Responses to Comments on the Draft Environmental Documents

The Development Services Director shall prepare, or supervise preparation of, written responses to letters of comment received during the public review period for all environmental documents. Both the letters of comment and the responses shall be attached to the final environmental document.

§ 128.0309 Recirculation of a Draft Environmental Document

When significant new information is added to an environmental document after notice is given of the availability of the document for public review but before it is certified, the Development Services Director shall recirculate the draft environmental document consistent with the State CEQA Guidelines, Section 15088.5.

§ 128.0310 Final Environmental Document Preparation, Distribution and Public Review

A final environmental document consisting of all information required by CEQA and the State CEQA Guidelines and any other information the Development Services Director may add shall be prepared and distributed for review.

(a) Final Environmental Document Distribution

Article 9: Construction Permits

Division 1: General Construction Permit Authority and Procedures

§ 129.0101 Purpose of Construction Review Procedures

The purpose of these procedures is to establish a review process for construction plans before construction, demolition, or installation and for inspection of construction work before use or occupancy. The intent is to determine compliance with applicable codes and other regulations to safeguard public health, safety, and welfare.

§ 129.0102 When Construction Permit Procedures Apply

The following permits require construction review, and the procedures for *construction permits* apply to these permits unless stated otherwise in this article: Building Permits, Electrical Permits, Plumbing or Mechanical Permits, Demolition/Removal Permits, Grading Permits, public right-of-way Permits, and Sign Permits.

§ 129.0103 Interpretation of Differing Regulations

Where different sections of the Building, Electrical, Plumbing, and Mechanical Regulations may specify different materials, methods of construction, or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall apply.

§ 129.0104 Construction Permit Authorities

(a) The powers and duties of the Building Official are as follows:

(1) To administer and enforce the Building, Electrical, Plumbing, and Mechanical Regulations.

(2) To review applications for Building Permits, Electrical Permits, Plumbing Permits, and Mechanical Permits including plans, specifications, and other data.

(3) To determine if proposed work is in compliance with the Building, Electrical, Plumbing, and Mechanical Regulations and other applicable provisions of the Municipal Code and to make the decision to approve and issue the appropriate *construction permit.*

(4) To make interpretations of the Building, Electrical, Plumbing, and Mechanical Regulations. The interpretations, rules, and regulations shall be in conformance with the intent and purposes of the Building, Electrical, Plumbing, and Mechanical Regulations.

(5) To grant modifications for individual cases when there are practical difficulties involved in carrying out the provisions of the Building, Electrical, Plumbing, or Mechanical Regulations. The Building Official shall first find that a special individual reason makes the strict application of the Building, Electrical, Plumbing, or Mechanical Regulations impractical, that the modification is in conformance with the purpose and intent of the Building, Electrical, Plumbing, or Mechanical Regulations, and that the modification does not lessen any fire protection requirements or any degree of structural integrity. The details of any action granting modification shall be recorded and entered in the project file.

§ 129.0104 Cont'd

(6) To adopt policies and regulations reasonably necessary to clarify the application of the Building, Electrical, Plumbing, and Mechanical Regulations. The policies and regulations shall be in conformance with the purpose and intent of these regulations.

(7) To request an interpretation of any provisions of this article or Chapter 14, Articles 5, 6, and 7, or the suitability of alternate materials and types of construction from the Board of Building Appeals and Advisors.

(8) To keep complete records of all permits issued, inspections and reinspections made, and other official work performed in accordance with the provisions of the Land Development Code.

(9) To require the recordation of documents with the County Recorder as necessary to effectively enforce the requirements of the Land Development Code.

(10) To request and receive the assistance and cooperation of other City officials in carrying out these duties.

(11) To require plans, computations, and specifications to be prepared and designed by an engineer or architect licensed by the State of California, even if not required by state law.

(b) The powers and duties of the City Engineer with respect to *construction permits* are as follows:

(1) To administer and enforce the applicable provision of the Land Development Code and Municipal Code Chapter 6, Article 2 (Public Rights-of-Way and Improvements).

(2) To review applications for Grading Permits, Public Improvement Permits, Encroachment Permits, and Traffic Control Permits including plans, specifications, and other data to determine if an application is in compliance with the Municipal Code, adopted City standards, and engineering standards of practice.

(3) To inspect construction activity including *public improvements*, *grading*, *encroachments*, and traffic control in the *public rights-of-way* to determine if the construction activity is in compliance with the issued permit, the Municipal Code, and adopted City standards.

(4) To make interpretations of the applicable provisions of the Land Development Code. The interpretations shall be in conformance with the purpose and intent of the Land Development Code.

(5) To grant modifications for individual cases when there are practical difficulties involved in carrying out the applicable provisions of the Municipal Code. The City Engineer shall first find that a special individual reason makes the strict application of the Land Development Code impractical, that the modification is in conformance with the purpose and intent of the Municipal Code, and that the modification does not lessen any fire protection requirements or any degree of public safety. The details of any action granting modification shall be recorded and entered in the project files.

(6) To adopt policies and regulations reasonably necessary to clarify the application of the applicable provisions of the Land Development Code. The policies and regulations shall be in conformity with the purposes and intent of the Land Development Code.

§ 129.0104 Cont'd

(7) To request an interpretation of any provisions of this article or the suitability of alternate materials and types of construction from the Board of Engineering Appeals and Advisors.

(8) To require the recordation of documents with the County Recorder as necessary to effectively enforce the applicable provisions of the Land Development Code.

(9) To request and receive the assistance and cooperation of other City officials in carrying out these duties.

(10) To inspect any property within the City of San Diego to determine compliance with the applicable provisions of the Land Development Code.

(11) To require plans, computations, and specifications to be prepared and designed by a an engineer or architect licensed by the State of California, even if not so required by state law.

§ 129.0105 How to Apply for Construction Permit Review

(a) An *applicant* for a *construction permit* shall submit an application for one or more permits, as required, in accordance with Section 112.0102.

(b) If a proposed *development* requires one or more *development permits*, the required *development permits* must be issued before an application is submitted for a *construction permit* except as provided in Section 129.0105(c).

(c) The Building Official may waive the requirement that all *development permits* be issued before an application for a *construction permit* is accepted, if the Building Official determines that the *development permit* issues will not affect the *construction permit* review.

(d) The Building Official may waive submittal requirements for plans, specifications, designs, or computations; requirements for construction inspection; or other data if the Building Official determines that, because of the nature of the proposed work, review of plans or other submittal materials is not required to determine compliance with the Building, Electrical, Plumbing, or Mechanical Regulations.

§ 129.0106 Fees for Construction Permits

A fee for each *construction permit* application shall be paid at the time of application. The full *construction permit* fees shall be based on the reasonable cost of application, plan review, inspections, and other services as required for permit approval. The fees shall be paid in accordance with the schedule of fees established by resolution of the City Council and filed in the office of the City Clerk.

§ 129.0107 Decision Process for Construction Permits

A decision on an application for a *construction permit* shall be made in accordance with Process One. The type of permit and the decision maker are described in Chapter 12, Article 9, Divisions 1 through 8.

§ 129.0108 Issuance of a Construction Permit

After all required approvals, including any required *development permits*, have been obtained and all required fees have been paid, the Building Official may issue a *construction permit*. Construction shall not begin until the required permits have been issued.

§ 129.0109 Use of Alternate Materials, Design, or Construction Methods

(a) The provisions of the Building, Electrical, Plumbing, or Mechanical Regulations are not intended to prevent the use of any alternate material, design, or construction method not specifically prescribed by the Building, Electrical, Plumbing, or Mechanical Regulations, provided the Building Official approves of their use.

(b) The Building Official may approve use of any alternate material, design, or construction method if the Building Official determines the following:

(1) That the proposed alternate material, design, or construction method would comply with the Building, Electrical, Plumbing, or Mechanical Regulations;

(2) That the proposed alternate material, design, or construction method is at least equivalent to the standards prescribed in the applicable regulation in terms of suitability, quality, strength, effectiveness, fire resistance, durability, safety, and sanitation; and

(3) That sufficient evidence has been submitted to substantiate any claims that may be made regarding the use of any proposed alternate material, design, or construction method.

(c) The details of any action granting approval of an alternate material, design, or construction method shall be entered into the file for that individual permit and a record of the action shall be maintained in accordance with the procedures established by the City Manager.

§ 129.0110 Testing of Materials, Designs, or Construction Methods

(a) Whenever the Building Official determines that the evidence submitted is insufficient to establish compliance with the applicable provisions of the Building, Electrical, Plumbing, or Mechanical Regulations, the Building Official may require tests to prove compliance. These tests shall be made at no expense to the City.

(b) Test methods shall be as specified by the applicable provisions of the Building, Electrical, Plumbing, or Mechanical Regulations or by other recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the Building Official shall determine test procedures.

(c) All tests shall be made by an agency approved by the City. Reports of such tests shall be retained by the Building Official for the period required for the retention of public records.

§ 129.0111 General Rules for Construction Permit Inspections

All work for which a *construction permit* is issued shall be subject to inspection by the Building Official. Required inspections shall be performed in accordance with the inspection procedures established by the City Manager, except as may be exempted by the Land Development Code. Inspections that may be required are listed in the Land Development Manual.

§ 129.0111 Cont'd

(a) The permittee shall be informed of the inspections and the sequence of inspections required for the *construction permit*.

(b) No work shall be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official.

(c) No portion of any construction work shall be concealed until inspected and approved.

(d) After making the requested inspections, the Building Official shall either indicate that the inspected portion of the construction is satisfactory as completed or shall notify the permittee or an agent of the permittee that the inspected portion fails to comply with the Building, Electrical, Plumbing, or Mechanical Regulations or with other applicable regulations of the Municipal Code.

(e) Any portions of work that do not comply with requirements shall be corrected and such portion shall not be covered or concealed until inspected and authorized by the Building Official.

(f) A survey of the *lot* may be required to verify that the *structure* is located in accordance with the approved plans.

(g) A final inspection, with approval of all *structures* and installations, is required before occupancy and use, unless specifically excepted. If *grading* is involved, final inspection shall be after finish *grading*.

§ 129.0112 Responsibilities of Permittee or Authorized Agent Regarding Inspections

(a) Requesting an Inspection. It shall be the responsibility of the permittee or the person doing the work authorized by a *construction permit* to notify the Building Official when work is ready for inspection. The request shall be in accordance with procedures established by the City Manager. The Building Official may require that every request for inspection be filed at least one *business day* before the inspection is desired.

(b) Providing Access for Inspections. The person requesting any inspection required by the Building, Electrical, Plumbing, or Mechanical Regulations or the Land Development Code shall be responsible for providing access to, and means for inspection of, the work to be inspected. Neither the Building Official nor the City shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

(c) Reinspection. A fee may be assessed for reinspection if the inspected work is determined to be incomplete. If reinspection fees have been assessed on a site, no additional inspection of the work will be performed until the required fees have been paid.

(d) Maintaining Inspection Record Card. Before beginning any permitted work the *permit holder* shall post an inspection record card on the site or the card shall be otherwise conveniently accessible to the Building Official or City Engineer. The card shall be kept accessible by the *permit holder* until final approval has been granted by the Building Official or City Engineer.

§ 129.0113 When a Certificate of Occupancy Is Required

(a) No *structure* shall be used or occupied, and no change in the existing occupancy classification of a *structure* or portion of a *structure* shall be made until the Building Official has issued a certificate of occupancy approving that use or occupancy, except that existing

§ 129.0113 Cont'd

Group R, Division 3 and Group U Occupancies do not require a Certificate of Occupancy.

(b) Changes in the character or use of a building shall not be made except as specified in the Uniform Building Code Section 3405.

§ 129.0114 Issuance of a Certificate of Occupancy

The Building Official shall inspect the *structure* and if the Building Official finds no violations of the Land Development Code or other regulations that are enforced by the City's designated Code Enforcement Officials, the Building Official shall issue a Certificate of Occupancy. All work for which a Building Permit was issued must be complete and have had a final inspection before issuance of a Certificate of Occupancy, except in accordance with Section 129.0115. The Certificate of Occupancy must be signed by the Building Official.

§ 129.0115 Issuance of a Temporary Certificate of Occupancy

If the Building Official finds that no substantial hazard will result from occupancy of any *structure* or portion of a *structure* before all work is completed, a temporary certificate of occupancy may be issued for the use of a *structure*, or portion of a *structure* before the completion of the entire *structure*. A Certificate of Occupancy is required upon completion of the remainder of the work.

§ 129.0116 Posting of Certificate of Occupancy

The Certificate of Occupancy shall be posted in a conspicuous place on the *premises* and shall not be removed except by the Building Official.

§ 129.0117 Temporary Construction Permit

The Building Official may issue a temporary *construction permit* in any zone for the construction of storage yards or temporary construction project offices. If a *development permit* has been issued for the site, the temporary *construction permit* shall be reviewed to determine that the proposed temporary construction is in accordance with the conditions of the *development permit*. The temporary uses may be allowed for a period not to exceed 9 months.

§ 129.0118 Suspension or Revocation of a Certificate of Occupancy

The Building Official may suspend or revoke a Certificate of Occupancy if the certificate was issued in error, or on the basis of incorrect information, or if the Building Official determines that the *structure* or a portion of the *structure* is in violation of any ordinance, regulation, or provision of the Municipal Code.

§ 129.0119 Bond Required for Construction Permit for Grading or Public Improvements

(a) Persons performing work under Public Right-of-Way or Grading Permits issued in accordance with this article shall furnish a bond in accordance with the following provisions:

(1) The bond shall be issued by a surety company authorized to do business in the State of California and shall be approved by the City. The bond shall be in favor of the City of San Diego and shall be conditioned upon the completion, free of liens, of the work authorized by the permit in accordance with the requirements of this article and the conditions prescribed by the permit. The bond shall be conditioned upon the surety company completing the required work or in employing a contractor to complete the

§ 129.0119 Cont'd

work.

(2) Whenever the City Manager finds that a default has occurred in the performance of any term or condition of work authorized by a permit, the department shall give written notice of the default to the principal and surety of the bond. The notice shall state the work remaining to be done and the estimated cost of completion of the work. After receipt of the notice, the principal or the surety must, within 21 calendar days, notify the City of its intent to complete the construction or, within 35 calendar days, deposit with the City Manager an estimate of the completion cost plus an additional sum equal to 25 percent of the cost, not to exceed the amount of the required bond.

(3) If the principal or surety deposits the estimated cost plus 25 percent as set forth in the notice, the City Manager shall cause the required work to be completed. The unexpended money shall be returned to the depositor at the completion of the work, together with an itemized accounting of the cost. The principal and surety shall hold the City harmless from any liability in connection with the work so performed by the City or contractor employed by the City. The City shall not be liable in connection with the work other than for the expenditure of the money.

(4) If the principal or surety fails to deposit the estimated cost plus 25 percent with the City, the City Manager may cause the required work to be completed. The principal and the surety shall be liable for the cost of completing all necessary work including all administrative costs, and overhead incurred by the City to complete the work and collect the costs. The City shall reserve the right to accept bonds from the surety companies as related to the future project.

(5) If the principal or surety issues a notice of cancellation, the notice of cancellation shall be sent to the City Manager with sufficient information describing the project, permit type, permit number, date issued, and purpose of the permit.

(6) The amount of the bond covering a specific project shall be approved by the City Manager based on the amount of the estimate of the cost of work and the following schedule:

(A) Appurtenances: 100 percent of the estimated cost of private drainage *structures* or other *grading* appurtenances;

(B) Revegetation: 50 percent of the estimated cost of revegetation and irrigation systems;

(C) *Grading*: 100 percent of the estimated cost up to $5,000 and $5,000 plus 50 percent of the estimated cost above $5,000 and up to $50,000;

(D) *Public Improvements*: 110 percent of the estimated cost of *public improvements* and *structures*;

(E) *Encroachments*: 110 percent of the estimated cost of repair and restoration of the *public right-of-way* to its original condition.

(b) The permittee may utilize an annual and continuing bond for more than one permit provided the total amount of the bond exceeds the aggregate bond amount of the permits outstanding. Annual and continuing bonds shall contain a clause providing the City Manager with 30 calendar days notice before cancellation.

§ 129.0119 Cont'd

(c) In lieu of a bond, the permittee may post a cash deposit, or other security acceptable to the City Manager, with the City Treasurer in an amount equal to the required bond. In the event of a default, the notice of the default as provided above shall be given to the principal and if the default is not corrected within the time specified, the City Manager shall proceed without delay and without further notice of proceeding to use the cash deposit or other security or any portion of the deposit or security to complete the required work. The balance, if any, of the cash deposit shall, upon completion of the work, be returned to the *applicant* after deducting the cost of the work.

(d) No bond, under the provisions of this article, shall be required from the State of California, its political *subdivisions*, or any governmental agency.

(e) Permits issued directly to a contractor pursuant to an approved application by the State of California, any of its political *subdivisions*, or any governmental agency shall require a bond unless proof is submitted that the work is covered by a bond inuring to the benefit of the state or agency.

(f) The City Manager may waive the requirement for a bond, as established in the Land Development Manual.

Article 9: Construction Permits

Division 2: Building Permit Procedures

§ 129.0201 Purpose of Building Permit Procedures

The purpose of these procedures is to establish the process for review of Building Permit applications for compliance with the minimum standards necessary to safeguard life or limb, public health, property, and welfare. The intent of these procedures is to review the proposed design, construction methods, and type and quality of materials used for new construction or for construction involving existing *structures*.

§ 129.0202 When a Building Permit Is Required

(a) No *structure* regulated by the Land Development Code shall be erected, constructed, enlarged, altered, repaired, improved, converted, permanently relocated or partially demolished unless a separate Building Permit for each *structure* has first been obtained from the Building Official, except as exempted in Sections 129.0202(b) and 129.0203.

(b) Separate Building Permits are not required for a dwelling and associated *accessory structures* located on the same property and described in the Building Permit application, plot plan, and other drawings.

(c) The placement of factory-built housing, meaning one or more factory-assembled components comprising a single *structure* suitable for human occupancy that is brought to the job site for connection to a foundation, requires a Building Permit in accordance with this division.

§ 129.0203 Exemptions from a Building Permit

(a) A Building Permit is not required for the following *structures* and activities.

(1) One-story detached accessory buildings used as tool and storage sheds, playhouses, or similar uses provided the projected roof area is 120 square feet or less.

(2) *Fences* that are 6 feet in height or less.

(3) Oil derricks.

(4) Cases, counters, and partitions that are 69 inches high or less.

(5) *Retaining walls* that are 3 feet in height or less, measured from the top of the footing to the top of the wall unless supporting a surcharge or impounding flammable liquids.

(6) Water tanks supported directly upon *grade* if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two to one.

(7) Platforms, walks, and driveways that are 30 inches or less above *grade* and not over any *basement* or *story*.

(8) Painting, papering, and similar finish work.

(9) Temporary motion picture, television, and theater stage sets and scenery.

§ 129.0203 Cont'd

(10) Window *awnings* supported by an exterior wall of Group R, Division 3, and Group M Occupancies when they do not project more than 54 inches.

(11) Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent *grade* and the capacity does not exceed 5,000 gallons.

(12) Patio cover *structures* attached to or detached from *single dwelling units* in the RE, RS, and RX zones in the following circumstances, except in the *appealable area* of the Coastal Overlay Zone or in Planned Developments:

(A) The patio cover *structure* has 300 square feet or less of projected roof area.

(B) The patio cover *structure* does not encroach into any *yard.*

(C) The patio cover *structure* is 12 feet or less above *grade.*

(13) Antennas supported on the roof.

(14) *Awnings* projecting horizontally out to 6 feet or less and attached to the exterior walls of buildings of Group R, Division 3 or Group U, Division 1 Occupancies.

(15) Electrolier standards, flag poles, and antennas that are 30 feet or less in height above finish *grade* when fully extended.

(16) Exterior walking decks that are supported on *grade* and extend 30 inches or less above *grade* and are accessory to buildings of Group R, Division 3 (dwellings) and Group U, Division 1 (residential *accessory structures*) Occupancies.

(17) Renewal of roof coverings on any buildings.

(18) Repairs that involve only the replacement of components or existing work with similar materials for the purpose of maintenance, that do not have an aggregate valuation of over $1,000.00, and that do not affect any electrical or mechanical installations. Repairs exempt from permit requirements shall not include any addition, change, or modification in construction, exit facilities, or permanent fixtures or equipment. The following repairs are exempt from permit requirements without limit to valuation:

(A) Painting and decorating;

(B) Installation of floor covering;

(C) Cabinet work; and

(D) Outside paving.

(19) Hospital buildings as defined in California Health and Safety Code, Section 15026.

(20) Specific *structures* as determined by the Building Official for a particular and justifiable reason.

(b) The exemptions in Section 129.0203(a) are not exemptions from the electrical, plumbing, and mechanical permit requirements. Unless the proposed work is exempt under another section of the Land Development Code, separate electrical, plumbing, and mechanical

§ 129.0203 Cont'd

permits may be required.

(c) The exemptions in Section 129.0203(a) do not apply to alterations, repairs, or improvements of *historical resources* as described in Section 143.0220.

(d) Exemption from the permit requirements of the Building Regulations does not authorize any work to be done in any manner in violation of the provisions of the Building Regulations or any other applicable local or state regulations.

§ 129.0204 How to Apply for a Building Permit

(a) An application for a Building Permit shall be submitted in accordance with Sections 112.0102 and 129.0105.

(b) Every application shall include the following information:

(1) A description of the work for which the application is submitted;

(2) A legal description and a *street* address or similar description that will definitively locate the proposed building or work;

(3) An indication of the proposed use or occupancy;

(4) The valuation for any addition, improvement, or alteration to an existing *structure* or the valuation of any new *structure* proposed.

(c) Submittal documents including plans, specifications, diagrams and computations, inspection requirements, and other data may be required. The submittal documents for an application shall be in accordance with the requirements of the Land Development Manual.

(d) Plans and specifications shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and to show in detail that it will comply with the provisions of the Building Regulations and all applicable laws, ordinances, rules, and regulations.

(e) An application for permanent relocation of a *structure* on a new site shall include a request for a pre-relocation examination, unless the *structure* is to be placed at a storage site that is an approved use as a storage site in accordance with the Land Development Code.

§ 129.0205 Deferred Submittals of Required Building Permit Application Materials

Before issuing a Building Permit, the Building Official may allow deferral of submittal documents relating to a specific portion of the design. The Building Official shall specify a maximum time period for submittal of the deferred documents. The Building Permit for the non-deferred portions may be issued and construction may start on the non-deferred portions of the work, before the deferred submittals are submitted. The deferred submittal items shall not be installed until their design and submittal documents have been approved by the Building Official.

§ 129.0206 Who May Prepare Plans for Building Permits

If plans or other material submitted are not prepared by an architect or engineer licensed by the State of California, the Building Official may require the *applicant* to demonstrate that state law does not require the material to be prepared by a licensed architect or engineer. The Building Official may require plans, computations, and specifications to be prepared by an architect or

§ 129.0206 Cont'd engineer licensed by the State of California, in circumstances where preparation by a licensed professional is not required by state law.

§ 129.0207 Designation of Architect or Engineer of Record on Plans

When state law requires that documents be prepared by an architect or engineer licensed by the State of California, the architect or engineer of record shall be designated on the plans in the manner required by state law.

§ 129.0208 Coordination Responsibilities of Architect or Engineer of Record

(a) The architect or engineer of record shall be responsible for reviewing and coordinating all submittal documents prepared by others for compatibility with the design of the building.

(b) If deferred submittals are requested and approved, the architect or engineer of record shall list the deferred submittals on the plans. The architect or engineer of record shall be responsible for reviewing and coordinating deferred submittals and for forwarding them to the Building Official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building.

§ 129.0209 Change of Architect or Engineer of Record

If the circumstances require and in accordance with state law, the *applicant* or permittee may designate a substitute architect or engineer of record licensed by the State of California who shall perform all of the duties required of the original architect or engineer of record. The Building Official shall be notified in writing by the *applicant* or permittee if the architect or engineer of record is changed or is unable to continue to perform the duties.

§ 129.0210 Plan Review Procedures

The application, plans, specifications, and other data filed by an *applicant* for a Building Permit shall be reviewed by the Building Official. The plans may be reviewed by other departments of the City to verify compliance with any other applicable provisions of the Municipal Code.

§ 129.0211 Closing of Building Permit Application

If 360 calendar days have elapsed since the date of submittal of a Building Permit application and the *applicant* has not requested that a Building Permit be issued, the application file shall be closed. Plans and other data submitted for review may be returned to the *applicant* or destroyed by the Building Official. To reapply, the *applicant* shall submit a new Building Permit application with required submittal materials and shall be subject to all applicable fees and regulations in effect on the date the new application is filed.

§ 129.0212 Decision Process for a Building Permit

A decision on an application for a Building Permit shall be made by the Building Official in accordance with Process One. The Building Permit shall be approved if the Building Official finds that the work described in the permit application, plans, specifications, and other data comply with the requirements of the Building Regulations, other applicable laws and ordinances, and any applicable *development permit.*

§ 129.0213 Issuance of a Building Permit

(a) The Building Permit may be issued after all approvals have been obtained and the required fees have been paid. In addition to plan check approvals, other documentation may be required before the permit is issued, in conformance with the requirements of the Land Development Code or the laws or requirements of other applicable local, state, or federal jurisdictions.

(b) A Building Permit shall not be issued for a *development* that requires a *development permit* until the *development permit* has been issued.

(c) Any security required by the Land Development Code for relocation of a *structure* shall be deposited with the City before the Building Permit is issued.

(d) If a pre-relocation examination finds that a residential *structure* is substandard, no Building Permit shall be issued until the plans are revised to include additional work that will eliminate the substandard condition.

§ 129.0214 Requirements for Approved Plans

(a) Plans and specifications that are approved as part of the application for a Building Permit shall be signed and stamped "APPROVED" by the Building Official and shall be filed as an attachment to the Building Permit. Approved plans and specifications shall not be changed, modified, or altered without authorization of the Building Official.

(b) One set of the approved plans and specifications shall be returned to the *applicant* and that set shall be kept on the site of the *structure* or work at all times during which the work authorized by those plans is in progress.

(c) One set of the approved plans, specifications, and computations shall be retained by the Building Official for at least 90 calendar days from date of completion of the work authorized by those plans.

§ 129.0215 Issuance of a Building Permit for a Part of a Structure

The Building Official may issue a permit, and work may begin, for the construction of part of a *structure* before the plans and specifications for the entire *structure* have been submitted or approved, if adequate information and detailed statements have been submitted complying with all applicable requirements of the Building Code. As a condition of issuance, the permittee shall agree that he or she proceeds at his or her own risk without assurance that the Building Permit for the entire *structure* will be issued. The partial construction shall comply with the Building Regulations and any other regulation in effect on the date the complete permit application is submitted to, and is accepted by, the Development Services Director.

§ 129.0216 Initial Utilization of a Building Permit

A Building Permit shall become void if the work authorized by the permit has not begun within 180 calendar days of the date of permit issuance.

§ 129.0217 Maintaining Utilization of a Building Permit

A Building Permit shall become void if at any time after the work is begun, the *structure* or work authorized by the Building Permit is suspended or abandoned for a continuous period of 180 calendar days.

§ 129.0218 Expiration of a Building Permit

(a) A Building Permit shall expire by limitation and become void 24 months after the date of permit issuance, unless an exception is granted in accordance with Section 129.0218(b).

(b) When the permit is issued, the Building Official may approve an expiration date exceeding 24 months if the permittee can demonstrate that the complexity or size of the project makes completion of the project within 24 months unreasonable. The expiration date for the Building Permit shall be specified on the permit.

(c) If the building or work authorized by a Building Permit has not received final inspection approval by the permit expiration date, all work shall stop until a new permit is issued.

§ 129.0219 Extension of Time for a Building Permit

(a) Except for relocation of *structures*, a permittee may submit an application for an extension of time before the expiration date of the Building Permit. The Building Official may extend the Building Permit one time, for a period not exceeding 180 calendar days, if the Building Official determines that circumstances beyond the control of the permittee prevented completion of the work.

(b) If an application for an extension of time has been filed before expiration and in accordance with this section, the existing Building Permit shall automatically be extended until the Building Official has made a decision on the application for an extension.

(c) If the Building Permit has expired before an application is submitted for an extension of time, no extension shall be granted. If the previous permittee or any other *applicant* wants to proceed with the same *development*, a new application is required and the application is treated in all respects as a new application.

(d) If an extension of time has been previously approved in accordance with Section 129.0219(a), the Building Official may extend the expiration of the Building Permit one additional time if the Building Official finds the following:

(1) There has not been a significant change in the regulations applicable to the site since the date the permit was issued;

(2) The additional extension is in the public interest; and

(3) Circumstances beyond the control of the *applicant* prevented the authorized work from proceeding.

§ 129.0220 Issuance of a Building Permit for Relocation of a Structure

(a) Before the Building Official issues a Building Permit for relocation of a *structure*, a surety bond issued by a surety company authorized to do business in the State of California or other

§ 129.0220 Cont'd

form of security approved by the Building Official, shall be deposited with the City of San Diego, except that no security shall be required from the State of California, its political subdivisions, or any governmental agency. The surety bond or other form of security shall be in an amount equal to the actual cost of the work to be performed plus 25 percent of that amount to insure the satisfactory performance and completion of the work. The actual cost of the work shall be determined by the Building Official. The surety or other form of security shall be on a form that has been approved by the City Attorney.

(b) If the performance of the work is secured by a surety bond, the bond shall be conditioned as follows:

(1) That upon the occurrence of a default the surety is obligated to obtain a Building Permit within 30 calendar days of the date of the default and the surety is obligated to complete the work in accordance with the permitted set of plans;

(2) The bond shall be in joint and several form and shall inure to the benefit of the City of San Diego;

(3) All permitted work shall be completed in accordance with the approved plans and the requirements of this section;

(4) The permittee, owner, and surety shall hold harmless the City, its officers, employees, agents, and contractors from any liability in connection with the proposed work or the abatement of the *structure* and any related work;

(5) The bond shall obligate the permittee, owner, and surety to repair damage occurring on the *public right-of-way* as a result of removing, transporting, or relocating a *structure*; and

(6) The bond shall contain any other provisions that the Building Official and City Attorney deem necessary and proper to secure the satisfactory completion of the permitted work, which may include the abatement of the *structure* or condition in accordance with, but not limited by, the provisions contained in Municipal Code Chapter 1.

(c) If the performance of the work is secured by any other form of security, as approved by the Building Official, the security shall also be conditioned as required by Section 129.0204(b) and (c).

(d) If the surety does not timely perform its obligations, the Building Official may elect not to proceed against the bond, but rather to abate the *structure* or condition and recover the City's costs in accordance with, but not limited by, the provisions contained in Municipal Code Chapter 1.

§ 129.0221 Expiration of a Building Permit for Relocation of a Structure

(a) A Building Permit for relocation of a *structure* shall not be extended. If a Building Permit for relocation of a *structure* expires or otherwise becomes void in accordance with the provisions of Sections 129.0216, 129.0217, or 129.0218, a default shall be deemed to have occurred.

(b) The Building Official shall, in accordance with the notice provisions of Municipal Code Chapter 1, notify the surety of the occurrence of a default. Upon notification, the surety shall be obligated to comply with the conditions of the bond that require timely obtaining of a new Building Permit and timely completion of the work.

Article 9: Construction Permits

Division 3: Electrical Permit Procedures

§ 129.0301 Purpose of Electrical Permit Procedures

The purpose of these procedures is to establish the process for review of Electrical Permit applications for compliance with the minimum standards necessary to safeguard public health, safety, and welfare.

§ 129.0302 When an Electrical Permit Is Required

No electrical wiring, device, appliance, or equipment shall be installed within or on any *structure* or *premises* nor shall any alteration, addition, or replacement be made in any existing wiring, device, appliance, or equipment unless an Electrical Permit has been obtained for the work, except as exempted in Section 129.0303.

§ 129.0303 Exemptions from an Electrical Permit

An Electrical Permit is not required for the following work:

(a) Minor work such as replacing fuses, replacing or repairing switches, circuit breakers, lampholders, ballasts, or receptacles where the replacement is the same size and general type as the original equipment and the work is done in accordance with the provisions of this article;

(b) The replacement of lamps or the connection of portable appliances to suitable receptacles that have been permanently installed;

(c) Installation, alteration, or repair of wiring, devices, appliances, or equipment that operates at a voltage not exceeding 25 volts between conductors and not capable of supplying more than 50 watts of energy;

(d) Installation made by a public service corporation acting as permitted in the 1993 National Electrical Code, Section 90-2; or

(e) Installation of remote-control switching devices on privately owned appliances when the devices are installed by the San Diego Gas and Electric Company or its authorized agents as part of the Peak-Shift energy conservation program, provided that specifications for the installations are approved in writing by the Building Official.

§ 129.0305 General Rules for Electrical Permits

(a) An Electrical Permit shall be obtained before work is started except in cases where emergency or urgent necessity can be shown to exist, in which case a permit shall be obtained within 24 hours of beginning work, not including Saturdays, Sundays, and holidays.

(b) A separate Electrical Permit is required for each *structure* that stands alone, except for garages that are accessory to single-unit residences and located on the same *premises*.

(c) Permits for privately owned conduits or other materials in public places and in and across *streets* and *alleys* may be issued only after approval has been granted for the installation by

§ 129.0305 Cont'd

the City Engineer.

(d) The Building Official may withhold permission to connect electrical service to any *structure* until the *structure* is approved for occupancy.

§ 129.0306 Qualifications for Obtaining an Electrical Permit

An Electrical Permit may be issued only to a person, firm, or corporation that holds a valid California State Contractor's License that permits electrical installation or to the property owner or lessee.

§ 129.0307 How to Apply for an Electrical Permit

(a) An application for an Electrical Permit shall be submitted in accordance with Sections 112.0102 and 129.0105.

(b) Every application shall include the following information:

(1) The location of the work proposed to be installed; and

(2) The amount and kind of work proposed.

(c) Submittal documents including plans, specifications, and schedules may be necessary to determine whether the installation as described will be in compliance with the requirements of this article.

(d) Electrical plans shall be submitted for the following types of installations:

(1) All commercial and industrial installations;

(2) Multiple dwelling buildings that have electrical heating and contain three or more units; and

(3) Multiple dwelling buildings that have no electrical heating and contain four or more units.

(e) All submitted plans shall show a single line diagram of service, feeders, conduit, and wire sizes. Electrical calculations shall accompany all submitted plans. Signed Certification of Compliance with California Administrative Code Title 24 shall appear on the plans.

(f) All submitted plans shall be signed as required by the California Business and Professions Code Division 3.

(g) All plans required for hospitals and electrical installations operating in excess of 600 volts shall be signed by a State Registered Electrical Engineer.

§ 129.0308 Decision Process for an Electrical Permit

A decision on an application for an Electrical Permit shall be made by the Building Official in accordance with Process One. The Electrical Permit shall be approved if the Building Official determines that the work described in the permit application and the accompanying plans

complies with the requirements of the Electrical Regulations, other applicable laws and ordinances, and any applicable *development permit*.

§ 129.0309 Issuance of an Electrical Permit

(a) An Electrical Permit may be issued after all approvals have been obtained and the required fees have been paid.

(b) An Electrical Permit shall not be issued for a *development* that requires a *development permit* until the *development permit* has been issued.

§ 129.0310 Initial Utilization of an Electrical Permit

An Electrical Permit shall become void if the work authorized by the Electrical Permit has not begun within 180 calendar days of the date of permit issuance.

§ 129.0311 Maintaining Utilization of an Electrical Permit

An Electrical Permit shall become void if the work authorized by the Electrical Permit is suspended or abandoned for a continuous period of 180 calendar days.

§ 129.0312 Expiration of an Electrical Permit

An Electrical Permit shall expire by limitation and become void 24 months after the date of permit issuance, unless an exception is granted in accordance with Section 129.0218(a). If the work authorized by the Electrical Permit has not received final inspection approval by the permit expiration date, all work shall stop until a new permit is issued.

§ 129.0313 No Extension of Time for an Electrical Permit

(a) An expired Electrical Permit may not be renewed unless extended by the Building Official in connection with the extension of a Building Permit.

(b) A new Electrical Permit is required to finish any work that was not finished because of the expiration of the permit; however, unfinished work may be removed without a permit. All work under a new Electrical Permit must comply with the regulations in effect at the time the new permit is issued.

§ 129.0314 Required Inspections for an Electrical Permit

All construction work and equipment authorized by an Electrical Permit shall be inspected by the Building Official in accordance with Section 129.0111 and the inspection requirements of the Land Development Manual.

§ 129.0315 Notification of Incomplete Installations

(a) If any person to whom an Electrical Permit has been issued quits an installation, the permittee, owner, or owner's authorized representative shall notify the Building Official in writing. The notice shall be given within 2 calendar days of the date on which work was discontinued and shall include a request for inspection of the work installed. Upon receipt of this notification by the Building Official, the Electrical Permit shall become void.

(b) No person shall resume work on any incomplete installation until the installation has been released by the Building Official and a new Electrical Permit has been obtained. A copy of the notice shall accompany the application for the new permit.

§ 129.0316 No Deviation from Electrical Permit Without Approval

The Electrical Permit shall be for the installation described in the permit application and no deviation shall be made from the installation so described without the written approval of the Building Official.

§ 129.0317 Temporary Electrical Permit

(a) The Building Official may issue a Temporary Electrical Permit for the following types of electrical installations:

(1) Construction Power. The temporary power authorization shall be for the time construction is in progress;

(2) Carnivals, Conventions, Festivals, Fairs, and similar events. The temporary power authorization shall be for the time the event is in progress, not to exceed 90 calendar days; and

(3) The Testing of Any Permanent System of Wiring Prior to the Final Approval of That System. The temporary power authorization shall be for the time required for testing, not to exceed 30 calendar days.

(b) The Building Official shall determine that the safety of life and property will not be jeopardized by the temporary electrical installation.

(c) All temporary installations shall conform as nearly as practicable with the requirements of the Electrical Regulations for permanent installations. The Building Official may permit deviations that will not cause hazard to life or property.

(d) If the Building Official subsequently determines that the electrical installation is a hazard to life or property, the Building Official may immediately rescind or cancel the temporary permit covering the installations and disconnect or order disconnection of all energy to the equipment.

(e) Upon the expiration of the time designated in the temporary permit, the Building Official may disconnect or order disconnection of all electrical energy authorized by the temporary permit.

Article 9: Construction Permits

Division 4: Plumbing/Mechanical Permit Procedures

§ 129.0401 Purpose of Plumbing/Mechanical Permit Procedures

The purpose of these procedures is to establish the process for review of Plumbing/Mechanical Permit applications for compliance with the minimum standards necessary to safeguard public health, safety, and welfare.

§ 129.0402 When a Plumbing/Mechanical Permit Is Required

(a) No plumbing system, or portion of a plumbing system, shall be installed within or on any *structure* or *premises*, nor shall any alteration, addition, or replacement be made in any existing plumbing system unless a Plumbing/Mechanical Permit has been obtained for the work except as exempted in Section 129.0403.

(b) No heating, ventilating, air conditioning, or refrigeration system or part thereof shall be installed, altered, replaced, or repaired unless a Plumbing/Mechanical Permit has been obtained for the work except as exempted in Section 129.0404.

§ 129.0403 Exemptions from a Plumbing/Mechanical Permit for Plumbing Work

A Plumbing/Mechanical Permit is not required for the following plumbing repair work:

(a) Stopping of leaks in drains, soil, waste, or vent pipe. However, this exemption does not apply for the replacement of any drain pipe, soil, waste, or vent pipe with new material in any part as part of the repair.

(b) Clearing of stoppages, or the repair of leaks in soil, waste, or vent pipes, valves, fixtures, or replacement of exposed traps in existing plumbing systems serving lavatories, sinks, laundry trays, or similar fixtures.

§ 129.0404 Exemptions from a Plumbing/Mechanical Permit for Heating, Ventilation, Air Conditioning, and Refrigeration Work

A Plumbing/Mechanical Permit is not required for the following heating, ventilation, air conditioning, or refrigeration repair work:

(a) The repair of heating, ventilation, air conditioning, or refrigeration equipment, provided the work does not require removal of the equipment from its installed position or the replacement of faulty controls, valves, driers, or filters in the system;

(b) Installing temperature controls, repairing leaks, or recharging refrigeration compressors or systems;

(c) Installing, servicing, or repairing ice machines;

(d) Unit refrigeration system freezers and window-type air conditioners; or

(e) Any unit-system refrigerator or refrigerated drinking fountain.

§ 129.0405 General Rules for Plumbing/Mechanical Permits

(a) A Plumbing/Mechanical Permit shall be obtained before work is started except in cases where emergency or urgent necessity can be shown to exist, in which case a permit shall be obtained within 2 *business days* of beginning work.

(b) A separate Plumbing/Mechanical Permit is required for each building in which rough work for a plumbing fixture, or heating, ventilating, air conditioning, or refrigeration is installed, except in the case of an unoccupied accessory building or a garage that is part of the plumbing system of a *single dwelling unit.*

(c) No privately owned lines, equipment, duct work, or other facilities shall be installed over, under, or across any public property without first complying with the requirements in Municipal Code Chapter 6, Article 2.

(d) The Building Official may withhold permission to install or operate any gas or electrical meter for a *structure* until the *structure* is approved for occupancy.

(e) The Building Official shall inspect, and reinspect as the Official determines to be necessary, all plumbing, heating, ventilating, air conditioning, or refrigeration system installations and shall keep complete records of all permits, inspections, and reinspections.

§ 129.0406 Qualifications for Obtaining a Plumbing/Mechanical Permit

A Plumbing/Mechanical Permit for plumbing work may be issued only to the following:

(a) Contractors licensed by the State of California who are entitled to engage in the business of, or act in the capacity of, a contractor relating to plumbing;

(b) Property owners or lessees; or

(c) Businesses or organizations properly licensed by the City of San Diego to engage in the installation of special equipment or systems that require connection of the equipment or systems into the water or gas supply system where such work is not covered by State of California Contractor licensing laws. Heating, ventilating, air conditioning, or other contractors may obtain permits for the extension of gas piping only to equipment they are installing within their classifications of work as determined by the California Contractor's State License Board. They may not obtain permits for the repiping of a gas system, or work at the installation of gas piping to heating or air conditioning equipment, installed by others. Work authorized by any permit issued under Section 129.0406(a) shall not entitle the holder to perform work other than the connection of equipment or systems into an existing water or gas piping system.

§ 129.0407 How to Apply for a Plumbing/Mechanical Permit

(a) An application for a Plumbing/Mechanical Permit shall be submitted in accordance with Sections 112.0102 and 129.0105.

(b) Every application shall include the following information:

(1) Location of the work proposed to be installed; and

(2) The amount and kind of work proposed.

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(c) Submittal documents including plans, specifications, and schedules may be necessary to determine whether the installation as described will be in compliance with the requirements of the Plumbing and Mechanical Regulations.

(d) One or more sets of plumbing/mechanical plans shall be submitted as required by the Building Official.

(e) The Building Official may require plans to be signed by a mechanical engineer or shall require signature as otherwise specified by state law.

(f) All pertinent changes in mechanical plans submitted for plan check that are made before a Building Permit is issued, must be indicated by appropriate revision marks and the date of revision.

(g) An owner, or the owner's authorized representative, may request in writing, and be granted, a temporary waiver of mechanical plan check clearance before completion of regular mechanical plan check for the purpose of obtaining a building foundation permit under the following circumstances:

(1) Estimated data for sizing and locating the sewer connection and water meter are indicated on the plans;

(2) The fees are paid for the required water meter and sewer connections;

(3) Complete mechanical plans are submitted and plan check approval is obtained before a Building Permit is issued; and

(4) The owner or the owner's authorized representative agrees in writing to make any necessary changes in the plumbing system, size of water meter, or sewer connection necessary to make the installed plumbing system comply with the Plumbing and Mechanical Regulations and to pay any required additional water meter or sewer connection fees before the Building Permit for the remainder of the *structure* is issued.

§ 129.0409 Decision Process for a Plumbing/Mechanical Permit

A decision on an application for a Plumbing/Mechanical Permit shall be made by the Building Official in accordance with Process One. The Plumbing/Mechanical Permit shall be approved if the Building Official determines that the work described in the permit application and the accompanying plans comply with the Plumbing and Mechanical Regulations, other applicable laws and ordinances, other applicable *construction permits*, or any applicable *development permits*.

§ 129.0410 Issuance of a Plumbing/Mechanical Permit

A Plumbing/Mechanical Permit may be issued after all approvals have been obtained and the required fees have been paid. A Plumbing/Mechanical Permit shall not be issued for a *development* that requires a *development permit* until the *development permit* has been issued.

§ 129.0411 Initial Utilization of a Plumbing/Mechanical Permit

A Plumbing/Mechanical Permit shall become void if the work authorized by the Plumbing/Mechanical Permit has not begun within 180 calendar days of the date of permit issuance.

§ 129.0412 Maintaining Utilization of a Plumbing/Mechanical Permit

A Plumbing/Mechanical Permit shall become void if the work authorized by the Plumbing/Mechanical Permit is suspended or abandoned for a continuous period of 180 calendar days.

§ 129.0413 Expiration of a Plumbing/Mechanical Permit

A Plumbing/Mechanical Permit shall expire 12 months from the date of permit issuance. If the work authorized by the Plumbing/Mechanical Permit has not received final inspection approval by the permit expiration date, all work shall stop until a new permit is issued.

§ 129.0414 No Extension of Time for a Plumbing/Mechanical Permit

(a) An expired Plumbing/Mechanical Permit may not be renewed, unless extended by the Building Official in connection with the extension of a Building Permit.

(b) The recipient of a new Plumbing/Mechanical Permit is required to finish any work that was not finished because of the expiration of the permit; however, unfinished work may be removed without a permit. All work under a new Plumbing/Mechanical Permit must comply with the regulations in effect at the time the new permit is issued.

§ 129.0415 Required Inspections for a Plumbing/Mechanical Permit

(a) All construction work and equipment authorized by a Plumbing/Mechanical Permit shall be inspected by the Building Official in accordance with Section 129.0111 and the inspection requirements of the Land Development Manual.

(b) No equipment regulated by the Plumbing and Mechanical Regulations shall be connected to the fuel or power supply until it complies with all applicable Plumbing and Mechanical Regulations and a final inspection approval has been issued, except when approved otherwise by the Building Official for construction or test purposes.

(c) The Building Official may revoke final inspection approval, upon notice, if the Official finds that the plumbing, heating, ventilating, comfort cooling, or refrigeration systems fail in any respect to comply with the Plumbing and Mechanical Regulations or that the installation is unsafe, dangerous, or a hazard to life or property.

§ 129.0416 Notification of Incomplete Installations

(a) If any person to whom a Plumbing/Mechanical Permit has been issued quits an installation, the permittee, owner, or owner's authorized representative shall notify the Building Official in writing. The notice shall be given within 2 calendar days of the date on which work was discontinued and shall include a request for inspection of the work installed. Upon receipt of this notification by the Building Official, the Plumbing/Mechanical Permit shall become void.

(b) Upon receipt of this notification by the Building Official, the Plumbing/Mechanical Permit shall become void. No person shall resume work on any incomplete installation until the installation has been released by the Building Official and a new Plumbing/Mechanical Permit has been obtained. A copy of the notice shall accompany the application for the new permit.

§ 129.0419 No Deviation from Plumbing/Mechanical Permit Without Approval

The Plumbing/Mechanical Permit shall be for the installation described in the permit application and no deviation shall be made from the installation so described without the written approval of the Building Official.

§ 129.0420 Temporary Plumbing Permit

(a) The Building Official may issue a Temporary Plumbing Permit for the following types of plumbing installations:

(1) Use during construction. The temporary plumbing authorization shall be for the time construction is in progress; and

(2) Other temporary uses. The authorization for other temporary uses shall not exceed 30 calendar days.

(b) Approval to place temporary plumbing over the *street* area or other public property must be obtained from the City Engineer.

(c) All temporary installations shall conform as nearly as practicable with the requirements of the Plumbing Regulations for permanent installations. The Building Official may permit deviations that will not cause hazard to life or property.

(d) If the Building Official subsequently determines that the plumbing installation is a hazard to life or property, the Building Official may immediately rescind or cancel the permit covering the installations and disconnect or order disconnection and removal of the plumbing installation.

§ 129.0421 Temporary Gas Permit

(a) The Building Official may issue a Temporary Gas Permit for gas service for construction purposes before final heating inspection. The authorization shall be for the time construction is in progress.

(b) The Building Official shall send a Temporary Gas Service Release Notice to the gas utility company, provided the gas piping system has been inspected, tested, and approved.

(c) A Temporary Gas Permit may be issued only to those possessing a valid Gas Permit.

(d) A Temporary Gas Permit and Release Notice may be revoked at the discretion of the Building Official. A Temporary Gas Permit will automatically be revoked if any portion of the building is occupied without authorization of the Building Official. The Building Official will notify the gas utility company when any Temporary Gas Release Notice is revoked.

(e) It is unlawful to use gas from, or supply gas to, any system after the Temporary Gas Release Notice has been revoked.

Article 9: Construction Permits

Division 4: Plumbing/Mechanical Permit Procedures

§ 129.0401 Purpose of Plumbing/Mechanical Permit Procedures

The purpose of these procedures is to establish the process for review of Plumbing/Mechanical Permit applications for compliance with the minimum standards necessary to safeguard public health, safety, and welfare.

§ 129.0402 When a Plumbing/Mechanical Permit Is Required

(a) No plumbing system, or portion of a plumbing system, shall be installed within or on any *structure* or *premises*, nor shall any alteration, addition, or replacement be made in any existing plumbing system unless a Plumbing/Mechanical Permit has been obtained for the work except as exempted in Section 129.0403.

(b) No heating, ventilating, air conditioning, or refrigeration system or part thereof shall be installed, altered, replaced, or repaired unless a Plumbing/Mechanical Permit has been obtained for the work except as exempted in Section 129.0404.

§ 129.0403 Exemptions from a Plumbing/Mechanical Permit for Plumbing Work

A Plumbing/Mechanical Permit is not required for the following plumbing repair work:

(a) Stopping of leaks in drains, soil, waste, or vent pipe. However, this exemption does not apply for the replacement of any drain pipe, soil, waste, or vent pipe with new material in any part as part of the repair.

(b) Clearing of stoppages, or the repair of leaks in soil, waste, or vent pipes, valves, fixtures, or replacement of exposed traps in existing plumbing systems serving lavatories, sinks, laundry trays, or similar fixtures.

§ 129.0404 Exemptions from a Plumbing/Mechanical Permit for Heating, Ventilation, Air Conditioning, and Refrigeration Work

A Plumbing/Mechanical Permit is not required for the following heating, ventilation, air conditioning, or refrigeration repair work:

(a) The repair of heating, ventilation, air conditioning, or refrigeration equipment, provided the work does not require removal of the equipment from its installed position or the replacement of faulty controls, valves, driers, or filters in the system;

(b) Installing temperature controls, repairing leaks, or recharging refrigeration compressors or systems;

(c) Installing, servicing, or repairing ice machines;

(d) Unit refrigeration system freezers and window-type air conditioners; or

(e) Any unit-system refrigerator or refrigerated drinking fountain.

§ 129.0405 General Rules for Plumbing/Mechanical Permits

(a) A Plumbing/Mechanical Permit shall be obtained before work is started except in cases where emergency or urgent necessity can be shown to exist, in which case a permit shall be obtained within 2 *business days* of beginning work.

(b) A separate Plumbing/Mechanical Permit is required for each building in which rough work for a plumbing fixture, or heating, ventilating, air conditioning, or refrigeration is installed, except in the case of an unoccupied accessory building or a garage that is part of the plumbing system of a *single dwelling unit.*

(c) No privately owned lines, equipment, duct work, or other facilities shall be installed over, under, or across any public property without first complying with the requirements in Municipal Code Chapter 6, Article 2.

(d) The Building Official may withhold permission to install or operate any gas or electrical meter for a *structure* until the *structure* is approved for occupancy.

(e) The Building Official shall inspect, and reinspect as the Official determines to be necessary, all plumbing, heating, ventilating, air conditioning, or refrigeration system installations and shall keep complete records of all permits, inspections, and reinspections.

§ 129.0406 Qualifications for Obtaining a Plumbing/Mechanical Permit

A Plumbing/Mechanical Permit for plumbing work may be issued only to the following:

(a) Contractors licensed by the State of California who are entitled to engage in the business of, or act in the capacity of, a contractor relating to plumbing;

(b) Property owners or lessees; or

(c) Businesses or organizations properly licensed by the City of San Diego to engage in the installation of special equipment or systems that require connection of the equipment or systems into the water or gas supply system where such work is not covered by State of California Contractor licensing laws. Heating, ventilating, air conditioning, or other contractors may obtain permits for the extension of gas piping only to equipment they are installing within their classifications of work as determined by the California Contractor's State License Board. They may not obtain permits for the repiping of a gas system, or work at the installation of gas piping to heating or air conditioning equipment, installed by others. Work authorized by any permit issued under Section 129.0406(a) shall not entitle the holder to perform work other than the connection of equipment or systems into an existing water or gas piping system.

§ 129.0407 How to Apply for a Plumbing/Mechanical Permit

(a) An application for a Plumbing/Mechanical Permit shall be submitted in accordance with Sections 112.0102 and 129.0105.

(b) Every application shall include the following information:

(1) Location of the work proposed to be installed; and

(2) The amount and kind of work proposed.

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(c) Submittal documents including plans, specifications, and schedules may be necessary to determine whether the installation as described will be in compliance with the requirements of the Plumbing and Mechanical Regulations.

(d) One or more sets of plumbing/mechanical plans shall be submitted as required by the Building Official.

(e) The Building Official may require plans to be signed by a mechanical engineer or shall require signature as otherwise specified by state law.

(f) All pertinent changes in mechanical plans submitted for plan check that are made before a Building Permit is issued, must be indicated by appropriate revision marks and the date of revision.

(g) An owner, or the owner's authorized representative, may request in writing, and be granted, a temporary waiver of mechanical plan check clearance before completion of regular mechanical plan check for the purpose of obtaining a building foundation permit under the following circumstances:

(1) Estimated data for sizing and locating the sewer connection and water meter are indicated on the plans;

(2) The fees are paid for the required water meter and sewer connections;

(3) Complete mechanical plans are submitted and plan check approval is obtained before a Building Permit is issued; and

(4) The owner or the owner's authorized representative agrees in writing to make any necessary changes in the plumbing system, size of water meter, or sewer connection necessary to make the installed plumbing system comply with the Plumbing and Mechanical Regulations and to pay any required additional water meter or sewer connection fees before the Building Permit for the remainder of the *structure* is issued.

§ 129.0409 Decision Process for a Plumbing/Mechanical Permit

A decision on an application for a Plumbing/Mechanical Permit shall be made by the Building Official in accordance with Process One. The Plumbing/Mechanical Permit shall be approved if the Building Official determines that the work described in the permit application and the accompanying plans comply with the Plumbing and Mechanical Regulations, other applicable laws and ordinances, other applicable *construction permits*, or any applicable *development permits*.

§ 129.0410 Issuance of a Plumbing/Mechanical Permit

A Plumbing/Mechanical Permit may be issued after all approvals have been obtained and the required fees have been paid. A Plumbing/Mechanical Permit shall not be issued for a *development* that requires a *development permit* until the *development permit* has been issued.

§ 129.0411 Initial Utilization of a Plumbing/Mechanical Permit

A Plumbing/Mechanical Permit shall become void if the work authorized by the Plumbing/Mechanical Permit has not begun within 180 calendar days of the date of permit issuance.

§ 129.0412 Maintaining Utilization of a Plumbing/Mechanical Permit

A Plumbing/Mechanical Permit shall become void if the work authorized by the Plumbing/Mechanical Permit is suspended or abandoned for a continuous period of 180 calendar days.

§ 129.0413 Expiration of a Plumbing/Mechanical Permit

A Plumbing/Mechanical Permit shall expire 12 months from the date of permit issuance. If the work authorized by the Plumbing/Mechanical Permit has not received final inspection approval by the permit expiration date, all work shall stop until a new permit is issued.

§ 129.0414 No Extension of Time for a Plumbing/Mechanical Permit

(a) An expired Plumbing/Mechanical Permit may not be renewed, unless extended by the Building Official in connection with the extension of a Building Permit.

(b) The recipient of a new Plumbing/Mechanical Permit is required to finish any work that was not finished because of the expiration of the permit; however, unfinished work may be removed without a permit. All work under a new Plumbing/Mechanical Permit must comply with the regulations in effect at the time the new permit is issued.

§ 129.0415 Required Inspections for a Plumbing/Mechanical Permit

(a) All construction work and equipment authorized by a Plumbing/Mechanical Permit shall be inspected by the Building Official in accordance with Section 129.0111 and the inspection requirements of the Land Development Manual.

(b) No equipment regulated by the Plumbing and Mechanical Regulations shall be connected to the fuel or power supply until it complies with all applicable Plumbing and Mechanical Regulations and a final inspection approval has been issued, except when approved otherwise by the Building Official for construction or test purposes.

(c) The Building Official may revoke final inspection approval, upon notice, if the Official finds that the plumbing, heating, ventilating, comfort cooling, or refrigeration systems fail in any respect to comply with the Plumbing and Mechanical Regulations or that the installation is unsafe, dangerous, or a hazard to life or property.

§ 129.0416 Notification of Incomplete Installations

(a) If any person to whom a Plumbing/Mechanical Permit has been issued quits an installation, the permittee, owner, or owner's authorized representative shall notify the Building Official in writing. The notice shall be given within 2 calendar days of the date on which work was discontinued and shall include a request for inspection of the work installed. Upon receipt of this notification by the Building Official, the Plumbing/Mechanical Permit shall become void.

(b) Upon receipt of this notification by the Building Official, the Plumbing/Mechanical Permit shall become void. No person shall resume work on any incomplete installation until the installation has been released by the Building Official and a new Plumbing/Mechanical Permit has been obtained. A copy of the notice shall accompany the application for the new permit.

§ 129.0419 No Deviation from Plumbing/Mechanical Permit Without Approval

The Plumbing/Mechanical Permit shall be for the installation described in the permit application and no deviation shall be made from the installation so described without the written approval of the Building Official.

§ 129.0420 Temporary Plumbing Permit

(a) The Building Official may issue a Temporary Plumbing Permit for the following types of plumbing installations:

(1) Use during construction. The temporary plumbing authorization shall be for the time construction is in progress; and

(2) Other temporary uses. The authorization for other temporary uses shall not exceed 30 calendar days.

(b) Approval to place temporary plumbing over the *street* area or other public property must be obtained from the City Engineer.

(c) All temporary installations shall conform as nearly as practicable with the requirements of the Plumbing Regulations for permanent installations. The Building Official may permit deviations that will not cause hazard to life or property.

(d) If the Building Official subsequently determines that the plumbing installation is a hazard to life or property, the Building Official may immediately rescind or cancel the permit covering the installations and disconnect or order disconnection and removal of the plumbing installation.

§ 129.0421 Temporary Gas Permit

(a) The Building Official may issue a Temporary Gas Permit for gas service for construction purposes before final heating inspection. The authorization shall be for the time construction is in progress.

(b) The Building Official shall send a Temporary Gas Service Release Notice to the gas utility company, provided the gas piping system has been inspected, tested, and approved.

(c) A Temporary Gas Permit may be issued only to those possessing a valid Gas Permit.

(d) A Temporary Gas Permit and Release Notice may be revoked at the discretion of the Building Official. A Temporary Gas Permit will automatically be revoked if any portion of the building is occupied without authorization of the Building Official. The Building Official will notify the gas utility company when any Temporary Gas Release Notice is revoked.

(e) It is unlawful to use gas from, or supply gas to, any system after the Temporary Gas Release Notice has been revoked.

Article 9: Construction Permits

Division 5: Demolition/Removal Permit Procedures

§ 129.0501 Purpose of Demolition/Removal Permit Procedures

The purpose of these procedures is to establish the process for review of Demolition/Removal Permit applications for compliance with the minimum standards necessary to safeguard public health, safety, and welfare. The intent of these procedures is to protect the public against personal injury or property damage and to insure completion of the demolition or removal and cleanup of the site.

§ 129.0502 When a Demolition/Removal Permit Is Required

No person shall demolish, cause to be demolished, or remove any *structure* unless a valid Demolition/Removal Permit has been issued and is in effect for that *structure*, except as exempted from this requirement in Section 129.0503.

§ 129.0503 Exemptions from a Demolition/Removal Permit

(a) A Demolition/Removal Permit is not required to demolish or remove any *structure* that is exempt from a Building Permit in accordance with Section 125.0203.

(b) A Demolition/Removal Permit is not required to demolish the following:

(1) A one-story frame *structure* that is 500 square feet or less in area, unless the *structure* has been determined to be a contributing element to a designated *historical structure* or site;

(2) A temporary construction shed or office; or

(3) A temporary tract or *subdivision* office for which a temporary *construction permit* had been previously issued.

(c) A Demolition/Removal Permit is not required to demolish only a part of a *structure*. A partial demolition may require a Building Permit in accordance with Chapter 12, Article 9, Division 2.

§ 129.0504 How to Apply for a Demolition/Removal Permit

An application for a Demolition/Removal Permit shall be submitted in accordance with Sections 112.0102 and 129.0105.

(a) If the demolition is for a *multiple dwelling unit structure* containing four or more units, the *applicant* shall certify on the application that each tenant who may be affected by the proposed demolition has been notified of the owner's intent to apply for a Demolition/Removal Permit. The form of the notice shall be prescribed by the Building Official. Service of the notice shall be by U.S. Mail or by personal delivery.

(b) The Building Official may waive the Demolition/Removal Permit fee, and bond, public liability, and damage insurance fees for demolition of a *structure* that is two *stories* or less in height and has been declared by a government authority to be unsafe or a *public nuisance*. A copy of the letter of declaration from the government authority must be presented when

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applying for the Demolition/Removal Permit. Workers' compensation insurance requirements still apply even if fees are waived.

§ 129.0505 Decision Process on a Demolition/Removal Permit

A decision on an application for a Demolition/Removal Permit shall be made by the Building Official in accordance with Process One. The Demolition/Removal Permit shall be approved if the Building Official finds that the work described in the permit application, plans, specifications, and other data, complies with the requirements of the Land Development Code, other applicable laws and ordinances and any applicable *development permit*.

§ 129.0506 Issuance of a Demolition/Removal Permit

(a) A Demolition/Removal Permit may be issued after all required approvals and documentation have been obtained and the required fees have been paid. In addition to plan check approvals, other documentation may be required before permit issuance, in conformance with the requirements of the Land Development Code, or the laws or requirements of other local, state, or federal jurisdictions. A Demolition/Removal Permit shall not be issued for a *development* that requires a *development permit* until the required *development permit* has been issued. Documentation of required insurance and surety shall be presented in accordance with Sections 129.0508 and 129.0509.

(b) A Demolition/Removal Permit for demolition work shall be issued only to an *applicant* who holds a valid State of California Contractor's license that authorizes the *applicant* to perform demolitions or to the owner of the real property on which the *structure* to be demolished is situated.

§ 129.0507 Qualifications to Do Demolition Work

No person may demolish a *structure* unless the person holds a valid State of California Contractor's License authorizing demolition work or is the owner of the real property on which the *structure* to be demolished is situated.

§ 129.0508 Surety Required Prior to Demolition

(a) A security in the amount of $10,000, either in the form of a surety bond issued by a surety company authorized to do business in the State of California or in cash, or the equivalent amount in other security approved by the Building Official, is required to be filed with the City of San Diego before a Demolition/Removal Permit is issued, except that no surety shall be required from the following:

(1) Any owner of, or contractor for, a demolition of a *structure* that is less than 6,000 square feet in *floor* area;

(2) Any owner required to demolish a *structure* that is two *stories* or less in height and has been declared by a governmental authority to be unsafe or a *public nuisance*;

(3) The State of California, its political *subdivisions*, or any governmental agency.

(b) The surety bond or other security shall be joint and several in form and inure to the benefit of the City of San Diego, conditioned upon the completion of the demolition and associated work in accordance with the terms of the sections regulating demolition of *structures* and within the period of time as provided in Sections 129.0511 and 129.0512. A surety bond or

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other security shall be conditioned upon the payment to the City of any costs incurred by the City in completing the work in accordance with the terms of the sections regulating wrecking of *structures* or in employing a private contractor to complete the work.

(c) Whenever the City Manager determines that a default has occurred in the performance of any term or condition of the work authorized by the permit, the City Manager shall give written notice of the default to the principal and the surety on the bond, or any other party standing in the capacity of a surety to the principal. The notice shall identify the work remaining to be done, the estimated cost of completion of the work, and the period of time deemed by the City Manager to be reasonably necessary for the completion of the work.

(d) After receipt of the notice, the principal or the surety on the bond must, within the time specified, either cause the required work to be performed or deposit with the City of San Diego the estimated cost of doing the work as set forth in the notice, plus an additional sum equal to 10 percent of the cost; however, this amount shall not exceed the amount of the bond that was posted. The principal and any surety shall be jointly and severally liable for the cost of completing the work.

(e) If the principal or surety fails to complete the work within the time specified in the notice, the City Manager shall proceed by any method deemed convenient to cause the required work to be completed.

(f) Any unexpended deposits shall be returned to the depositor at the completion of the work, together with an itemized accounting of the cost.

(g) The principal and surety on the bond shall hold the City harmless from any liability in connection with the work so performed by the City, its authorized agent, or a contractor employed by the City. The City shall not be liable in connection with the work other than for the expenditure of the money.

(h) If a cash deposit or equivalent security has been posted, notice of default as provided above shall be given to the principal and, if compliance is not achieved within the time specified, the City Manager shall proceed without delay and without further notice of proceedings to use the cash deposit or equivalent to cause the required work to be done by contract or otherwise in the City Manager's discretion. The balance, if any, of the cash deposit or equivalent shall, upon completion of the work, be returned or released to the depositor or to its successors or assigns after deducting the cost of the work.

§ 129.0509 Insurance Requirements for Demolition Work

(a) Every person demolishing a *structure* or causing the same to be done shall take out and maintain public liability insurance to protect against loss from liability for damages on account of bodily injury, including death, and to protect against loss for liability or damages to any property caused directly or indirectly by the demolition or associated work of the *structure* except that:

(1) A policy of insurance shall not be required from the State of California, its political *subdivision*, or any governmental agency; or

(2) Any owner required to demolish a *structure* that is two *stories* or less in height and has been declared by a governmental authority to be unsafe or a *public nuisance*.

(b) The amount of insurance shall be not less than $50,000 for one person injured in one accident, not less than $100,000 for more than one person injured in one accident, and not

§ 129.0509 Cont'd

less than $5,000 with respect to any property damage. The insurance policy shall be maintained in full force and effect during the demolition and associated work on the *structure* and site. Proof of insurance acceptable to and approved by the Building Official shall be filed with the City of San Diego and shall provide that copies of all cancellation notices shall be sent to the City. The provisions of this section shall not be construed as limiting in any way the extent to which the permittee may be held responsible for the payment of damages.

(c) Upon expiration of the Demolition/Removal Permit, the Building Official shall notify the permittee, owner, and surety that the Demolition/Removal Permit has expired. Service of the notice shall be made in accordance with the notice provisions of Municipal Code Chapter 1. Failure to do so, however, shall not extend the permit nor otherwise validate an expired permit.

(d) The permittee, owner, or surety may extend the permit in accordance with Section 129.0512.

(e) If the permittee, owner, or surety fails to extend the Demolition/Removal Permit and the work is not completed, or if the permit is extended once and the work is not completed when the extended permit expires, a default shall be deemed to have occurred.

(f) The Building Official shall, in accordance with the notice provisions of Municipal Code Chapter 1, notify the surety of the occurrence of a default. Upon notification, the surety shall be obligated to comply with the conditions of the bond that require timely obtainment of a Demolition/Removal Permit and timely completion of the work.

§ 129.0510 Initial Utilization of a Demolition/Removal Permit

A Demolition/Removal Permit shall become void if the work authorized and required by the permit has not begun within 60 calendar days of the date of permit issuance.

§ 129.0511 Expiration of a Demolition/Removal Permit

A Demolition/Removal Permit shall expire and become void if all the work authorized has not been completed and approved within 90 calendar days of the date of permit issuance.

§ 129.0512 Extension of Time for a Demolition/Removal Permit

(a) Before the expiration date of a Demolition/Removal Permit, a permittee may submit an application for an extension of time.

(b) The Building Official may approve the extension of time for a Demolition/Removal Permit if the Official determines that circumstances beyond the control of the *applicant* prevented completion of the work.

(c) The permit extension shall provide an additional 60 calendar days, starting from the original permit expiration date, to complete the work authorized by the permit.

(d) No additional extension of time shall be granted and if the work is not completed by the end of the extension of time a default shall be deemed to have occurred.

§ 129.0513 Required Inspection for a Demolition/Removal Permit

All work authorized by a Demolition/Removal Permit shall be inspected by the Building Official in accordance with Section 129.0111 and the inspection requirements of the Land Development Manual.

§ 129.0514 Notification of Default

The Building Official shall notify the surety of the occurrence of a default in accordance with the notice provisions of Municipal Code Chapter 1. Upon notification, the surety shall be obligated to comply with the conditions of the bond that require timely obtainment of a Demolition/Removal Permit and timely completion of the work.

Article 9: Construction Permits

Division 5: Demolition/Removal Permit Procedures

§ 129.0501 Purpose of Demolition/Removal Permit Procedures

The purpose of these procedures is to establish the process for review of Demolition/Removal Permit applications for compliance with the minimum standards necessary to safeguard public health, safety, and welfare. The intent of these procedures is to protect the public against personal injury or property damage and to insure completion of the demolition or removal and cleanup of the site.

§ 129.0502 When a Demolition/Removal Permit Is Required

No person shall demolish, cause to be demolished, or remove any *structure* unless a valid Demolition/Removal Permit has been issued and is in effect for that *structure*, except as exempted from this requirement in Section 129.0503.

§ 129.0503 Exemptions from a Demolition/Removal Permit

(a) A Demolition/Removal Permit is not required to demolish or remove any *structure* that is exempt from a Building Permit in accordance with Section 125.0203.

(b) A Demolition/Removal Permit is not required to demolish the following:

(1) A one-story frame *structure* that is 500 square feet or less in area, unless the *structure* has been determined to be a contributing element to a designated *historical structure* or site;

(2) A temporary construction shed or office; or

(3) A temporary tract or *subdivision* office for which a temporary *construction permit* had been previously issued.

(c) A Demolition/Removal Permit is not required to demolish only a part of a *structure*. A partial demolition may require a Building Permit in accordance with Chapter 12, Article 9, Division 2.

§ 129.0504 How to Apply for a Demolition/Removal Permit

An application for a Demolition/Removal Permit shall be submitted in accordance with Sections 112.0102 and 129.0105.

(a) If the demolition is for a *multiple dwelling unit structure* containing four or more units, the *applicant* shall certify on the application that each tenant who may be affected by the proposed demolition has been notified of the owner's intent to apply for a Demolition/Removal Permit. The form of the notice shall be prescribed by the Building Official. Service of the notice shall be by U.S. Mail or by personal delivery.

(b) The Building Official may waive the Demolition/Removal Permit fee, and bond, public liability, and damage insurance fees for demolition of a *structure* that is two *stories* or less in height and has been declared by a government authority to be unsafe or a *public nuisance*. A copy of the letter of declaration from the government authority must be presented when

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applying for the Demolition/Removal Permit. Workers' compensation insurance requirements still apply even if fees are waived.

§ 129.0505 Decision Process on a Demolition/Removal Permit

A decision on an application for a Demolition/Removal Permit shall be made by the Building Official in accordance with Process One. The Demolition/Removal Permit shall be approved if the Building Official finds that the work described in the permit application, plans, specifications, and other data, complies with the requirements of the Land Development Code, other applicable laws and ordinances and any applicable *development permit*.

§ 129.0506 Issuance of a Demolition/Removal Permit

(a) A Demolition/Removal Permit may be issued after all required approvals and documentation have been obtained and the required fees have been paid. In addition to plan check approvals, other documentation may be required before permit issuance, in conformance with the requirements of the Land Development Code, or the laws or requirements of other local, state, or federal jurisdictions. A Demolition/Removal Permit shall not be issued for a *development* that requires a *development permit* until the required *development permit* has been issued. Documentation of required insurance and surety shall be presented in accordance with Sections 129.0508 and 129.0509.

(b) A Demolition/Removal Permit for demolition work shall be issued only to an *applicant* who holds a valid State of California Contractor's license that authorizes the *applicant* to perform demolitions or to the owner of the real property on which the *structure* to be demolished is situated.

§ 129.0507 Qualifications to Do Demolition Work

No person may demolish a *structure* unless the person holds a valid State of California Contractor's License authorizing demolition work or is the owner of the real property on which the *structure* to be demolished is situated.

§ 129.0508 Surety Required Prior to Demolition

(a) A security in the amount of $10,000, either in the form of a surety bond issued by a surety company authorized to do business in the State of California or in cash, or the equivalent amount in other security approved by the Building Official, is required to be filed with the City of San Diego before a Demolition/Removal Permit is issued, except that no surety shall be required from the following:

(1) Any owner of, or contractor for, a demolition of a *structure* that is less than 6,000 square feet in *floor* area;

(2) Any owner required to demolish a *structure* that is two *stories* or less in height and has been declared by a governmental authority to be unsafe or a *public nuisance*;

(3) The State of California, its political *subdivisions*, or any governmental agency.

(b) The surety bond or other security shall be joint and several in form and inure to the benefit of the City of San Diego, conditioned upon the completion of the demolition and associated work in accordance with the terms of the sections regulating demolition of *structures* and within the period of time as provided in Sections 129.0511 and 129.0512. A surety bond or

§ 129.0508 Cont'd

other security shall be conditioned upon the payment to the City of any costs incurred by the City in completing the work in accordance with the terms of the sections regulating wrecking of *structures* or in employing a private contractor to complete the work.

(c) Whenever the City Manager determines that a default has occurred in the performance of any term or condition of the work authorized by the permit, the City Manager shall give written notice of the default to the principal and the surety on the bond, or any other party standing in the capacity of a surety to the principal. The notice shall identify the work remaining to be done, the estimated cost of completion of the work, and the period of time deemed by the City Manager to be reasonably necessary for the completion of the work.

(d) After receipt of the notice, the principal or the surety on the bond must, within the time specified, either cause the required work to be performed or deposit with the City of San Diego the estimated cost of doing the work as set forth in the notice, plus an additional sum equal to 10 percent of the cost; however, this amount shall not exceed the amount of the bond that was posted. The principal and any surety shall be jointly and severally liable for the cost of completing the work.

(e) If the principal or surety fails to complete the work within the time specified in the notice, the City Manager shall proceed by any method deemed convenient to cause the required work to be completed.

(f) Any unexpended deposits shall be returned to the depositor at the completion of the work, together with an itemized accounting of the cost.

(g) The principal and surety on the bond shall hold the City harmless from any liability in connection with the work so performed by the City, its authorized agent, or a contractor employed by the City. The City shall not be liable in connection with the work other than for the expenditure of the money.

(h) If a cash deposit or equivalent security has been posted, notice of default as provided above shall be given to the principal and, if compliance is not achieved within the time specified, the City Manager shall proceed without delay and without further notice of proceedings to use the cash deposit or equivalent to cause the required work to be done by contract or otherwise in the City Manager's discretion. The balance, if any, of the cash deposit or equivalent shall, upon completion of the work, be returned or released to the depositor or to its successors or assigns after deducting the cost of the work.

§ 129.0509 Insurance Requirements for Demolition Work

(a) Every person demolishing a *structure* or causing the same to be done shall take out and maintain public liability insurance to protect against loss from liability for damages on account of bodily injury, including death, and to protect against loss for liability or damages to any property caused directly or indirectly by the demolition or associated work of the *structure* except that:

(1) A policy of insurance shall not be required from the State of California, its political *subdivision*, or any governmental agency; or

(2) Any owner required to demolish a *structure* that is two *stories* or less in height and has been declared by a governmental authority to be unsafe or a *public nuisance*.

(b) The amount of insurance shall be not less than $50,000 for one person injured in one accident, not less than $100,000 for more than one person injured in one accident, and not

§ 129.0509 Cont'd

less than $5,000 with respect to any property damage. The insurance policy shall be maintained in full force and effect during the demolition and associated work on the *structure* and site. Proof of insurance acceptable to and approved by the Building Official shall be filed with the City of San Diego and shall provide that copies of all cancellation notices shall be sent to the City. The provisions of this section shall not be construed as limiting in any way the extent to which the permittee may be held responsible for the payment of damages.

(c) Upon expiration of the Demolition/Removal Permit, the Building Official shall notify the permittee, owner, and surety that the Demolition/Removal Permit has expired. Service of the notice shall be made in accordance with the notice provisions of Municipal Code Chapter 1. Failure to do so, however, shall not extend the permit nor otherwise validate an expired permit.

(d) The permittee, owner, or surety may extend the permit in accordance with Section 129.0512.

(e) If the permittee, owner, or surety fails to extend the Demolition/Removal Permit and the work is not completed, or if the permit is extended once and the work is not completed when the extended permit expires, a default shall be deemed to have occurred.

(f) The Building Official shall, in accordance with the notice provisions of Municipal Code Chapter 1, notify the surety of the occurrence of a default. Upon notification, the surety shall be obligated to comply with the conditions of the bond that require timely obtainment of a Demolition/Removal Permit and timely completion of the work.

§ 129.0510 Initial Utilization of a Demolition/Removal Permit

A Demolition/Removal Permit shall become void if the work authorized and required by the permit has not begun within 60 calendar days of the date of permit issuance.

§ 129.0511 Expiration of a Demolition/Removal Permit

A Demolition/Removal Permit shall expire and become void if all the work authorized has not been completed and approved within 90 calendar days of the date of permit issuance.

§ 129.0512 Extension of Time for a Demolition/Removal Permit

(a) Before the expiration date of a Demolition/Removal Permit, a permittee may submit an application for an extension of time.

(b) The Building Official may approve the extension of time for a Demolition/Removal Permit if the Official determines that circumstances beyond the control of the *applicant* prevented completion of the work.

(c) The permit extension shall provide an additional 60 calendar days, starting from the original permit expiration date, to complete the work authorized by the permit.

(d) No additional extension of time shall be granted and if the work is not completed by the end of the extension of time a default shall be deemed to have occurred.

§ 129.0513 Required Inspection for a Demolition/Removal Permit

All work authorized by a Demolition/Removal Permit shall be inspected by the Building Official in accordance with Section 129.0111 and the inspection requirements of the Land Development Manual.

§ 129.0514 Notification of Default

The Building Official shall notify the surety of the occurrence of a default in accordance with the notice provisions of Municipal Code Chapter 1. Upon notification, the surety shall be obligated to comply with the conditions of the bond that require timely obtainment of a Demolition/Removal Permit and timely completion of the work.

Article 9: Construction Permits

Division 6: Grading Permit Procedures

§ 129.0601 Purpose of Grading Permit Procedures

The purpose of these procedures is to establish the process for review of Grading Permit applications for compliance with the regulations set forth in Chapter 14, Article 2, Division 1 and to protect persons, property and the environment.

§ 129.0602 When a Grading Permit is Required

A Grading Permit is required for the following work:

(a) Any *grading* within open space easements or City-owned open space;

(b) Any *grading* required for the restoration of unauthorized *grading*;

(c) Any *grading* within the *100-year floodplain*;

(d) Any *grading* in accordance with a Grading Permit required as a condition of a *development permit* to assure compliance with the *development* permit conditions.

(e) Any *grading* that includes the following conditions:

(1) *Excavation* or *fill* that results in a slope with a gradient of 25 percent or greater (4 horizontal feet to 1 vertical foot) and for which the depth or height at any point is more than 5 feet measured vertically at the face of the slope from the top of the slope to the bottom of the slope;

(2) *Excavation* or *fill* for which the depth or height at any point from the lowest *grade* to the highest *grade* at any time during the proposed *grading* is more than 5 feet measured vertically;

(3) *Grading* that creates manufactured slopes at a gradient exceeding that specified in Section 142.0133;

(4) *Grading* for which the graded area is more than 1 acre;

(5) *Grading* that adversely affects the existing drainage pattern by altering the drainage pattern, concentrating runoff, increasing the quantity of runoff, or increasing the velocity of runoff to adjacent properties;

(6) Placing *fill* material that contains more than 5 percent, by volume, of broken concrete, asphalt, masonry, or construction debris;

(7) Placing *fill* material that has any piece larger than 12 inches in any direction; or

(8) *Grading* that includes blasting or other use of explosives.

(f) Any *grading* work on a property that contains a *historical resource* as described in Section 143.0210.

§ 129.0603 Exemptions from Requirement for a Grading Permit

A Grading Permit is not required for the work listed below unless section 129.0602 requires otherwise.

(a) *Excavation* below finished *grade* for the *basement* or footing of a building, for a *retaining wall*, or for any other *structure* authorized by a valid Building Permit provided that the excavated material is disposed of at a legal disposal site in a safe and sanitary manner. This paragraph shall not exempt any *fill* made with material from the *excavation* that exceeds thresholds established in Section 129.0602.

(b) The deposit of material in any disposal area operated or licensed by the City where the operation and conduct thereof does not block or divert any natural drainage way, affect the lateral support of, or unduly increase the stresses in or pressures upon any adjacent or contiguous property.

(c) Gravel pits, mines, quarries, or the processing and stockpiling of soil, rock and gravel, aggregate, or clay where these operations are conducted in accordance with an approved Conditional Use Permit, and where the operation does not block or divert any natural drainage way, affect the lateral support of, or unduly increase the stresses in or pressures upon any adjacent or contiguous property. This paragraph shall not exempt *grading* work required by an approved restoration plan.

(d) Any operation in which *grading* is routinely conducted as an integral process to the operation in accordance with an approved Conditional Use Permit, where the operation does not block or divert any natural drainage way, affect the lateral support of, or unduly increase the stresses in or pressures upon any adjacent or contiguous property.

(e) *Excavation* or *fill* performed by a governmental agency or *public utility*, or the contractor of either, in connection with the construction of roadways, pipelines, or utility lines within their rights-of-way.

(f) Subsurface *exploration* activity which shall be restored to the pre-existing *grade*.

(g) Agricultural *grading* in the agricultural zones.

(h) *Excavation* for individual cemetery graves, provided that the operation of the cemetery is conducted in accordance with an approved conditional use permit.

(i) Drilling of wells.

§ 129.0610 How to Apply for a Grading Permit

An application for a Grading Permit shall be submitted in accordance with Sections 112.0102 and 129.0105. The submittal requirements for Grading Permits including *geotechnical reports* are listed in the Land Development Manual.

§ 129.0620 Qualifications to Prepare Plans and Perform Construction Work for Grading

The preparation of plans for, and the construction of, *grading* work regulated by this division shall be performed only by persons with the following qualifications:

(a) *Grading* plans required by this division shall be prepared by professionals as licensed and

§ 129.0620 Cont'd

allowed by the California Business and Professions Code;

(b) *Geotechnical reports* required for work authorized under this division shall be prepared by professionals as licensed and allowed by the California Business and Professions Code and as specified in Land Development Manual;

(c) Drainage reports required for work authorized under this division shall be prepared by a civil engineer;

(d) Landscaping plans for revegetation or planting in *public rights-of-way* required for work authorized under this division shall be prepared by a landscape architect or other professional as licensed and authorized by the California Business and Professions Code; and

(e) All *grading* and construction work required by this division shall be performed by a contractor licensed by the State of California except that any person owning property that is or will be that person's primary residence may perform *grading* on that property and any *grading* authorized by a Grading Permit as a result of application by a *public utility* may be performed by the *public utility*.

§ 129.0630 Decision Process for Grading Permits

(a) A decision on an application for a Grading Permit shall be made in accordance with Process One.

(b) A Grading Permit shall be approved if the proposed work is consistent with the Municipal Code, applicable *development* standards, and any *development permits* approved for that project.

§ 129.0641 Issuance of a Grading Permit

(a) An approved Grading Permit shall be issued after the prescribed fees have been paid, the required insurance has been guaranteed, and the prescribed bond has been posted.

(b) The *applicant* shall not begin any work, construction, or use on the property that will be authorized by a Grading Permit until the required permit has been issued.

(c) A Grading Permit shall not be issued for a *development* that requires a *development permit* until the *development permit* has been issued.

§ 129.0642 Initial Utilization of a Grading Permit

A Grading Permit shall become void if the work authorized by the permit had not begun within 180 calendar days of the date of permit issuance.

§ 129.0643 Maintaining Utilization of Grading Permit

A Grading Permit shall become void if, at any time after the work has begun, the *grading* or other work authorized by the Grading Permit is suspended or abandoned for a continuous period of 180 calendar days.

§ 129.0650 Expiration of a Grading Permit

(a) A Grading Permit shall expire by limitation and become void 24 months after the date of permit issuance, unless an exception is granted in one of the following ways:

(1) At the time of permit issuance, the City Manager may approve an expiration date exceeding 24 months if the permittee can demonstrate that the complexity or size of the project makes completion of the project within 24 months unreasonable. The expiration date for the Grading Permit shall be specified on the permit; or

(2) A Grading Permit issued as part of a *subdivision* improvement agreement shall expire in accordance with the terms of that agreement.

(b) If the *grading* or work authorized by a Grading Permit has not received final inspection approval by the permit expiration date, all work shall stop until a new permit is issued.

§ 129.0651 Extension of Time for a Grading Permit

(a) A permittee may submit an application for an extension of time to the City before, but no earlier than 60 calendar days before, the expiration date of the Grading Permit. The City Manager may extend the Grading Permit for a period not exceeding 180 calendar days if the City Manager determines that circumstances beyond the control of the permittee prevented completion of the work. A Grading Permit shall not be extended more than once except as provided in Section 129.0651(d).

(b) If an application for an extension of time has been submitted before the expiration date of the Grading Permit and in accordance with this section, the existing permit shall automatically be extended until the City Manager has made a decision on the application for an extension.

(c) If the Grading Permit has expired before an application is submitted for an extension of time, an extension shall not be granted. To proceed with the same *development*, a new application shall be required and the application is treated as a new application.

(d) If an extension of time has been previously approved in accordance with Section 129.0651(a), the City Manager may extend the expiration of the Grading Permit one additional time if the City Manager finds the following:

(1) There has not been a significant change in the regulations applicable to the site since the date of permit issuance;

(2) The additional extension is in the public interest; and

(3) Circumstances beyond the control of the *applicant* prevented the authorized work from proceeding.

§ 129.0652 Construction Change to a Grading Permit

(a) Proposed construction change to a Grading Permit must be approved before commencement of the construction change. A decision on a construction change shall be made in accordance with Section 129.0630.

(b) A proposed construction change to a Grading Permit that was approved in conjunction with another permit or map may be approved if the proposed change is in *substantial*

§ 129.0652 Cont'd

conformance with the other approved permit or map. If the proposed change is not in *substantial conformance* with the other approved permit or map, the other permit or map must be amended before consideration of the construction change.

§ 129.0660 Inspection of Grading

All *grading* operations authorized by a Grading Permit shall be inspected by the City Engineer in accordance with Section 129.0111 and the inspection requirements of the Land Development Manual. Professional inspection of *grading* operations shall be provided by the Engineer of Record as designated by the permittee.

§ 129.0661 Designation of Engineer of Record

(a) The permittee shall retain and designate an Engineer of Record for each area of technical expertise needed to provide professional inspection services as required by the City Engineer and described in the Land Development Manual.

(b) If an Engineer of Record is changed during *grading*, the work shall be stopped until the replacement Engineer has agreed in writing to accept responsibility within the area of technical competence for approval upon completion of the work. The permittee is responsible for notifying the City Engineer in writing of any change before *grading* resumes.

§ 129.0670 Completion of Grading

The permittee shall notify the City Engineer when the *grading* operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protection devices, and all erosion-control measures have been completed in accordance with the final approved *grading* plan and the *As-Graded Reports* have been submitted and approved by the City Engineer in accordance with standards established in the Land Development Manual. If the *grading* is for creating building pads, a Building Permit shall not be issued until the *grading* is completed by the permittee and approved by the City.

Article 9: Construction Permits

Division 7: Public Right-of-Way Permits

§ 129.0701 Purpose of Public Right-of-Way Permit Procedures

The purpose of these procedures is to establish the process for review of Public Right-of-Way Permit applications for compliance with the regulations set forth in Chapter 5, Article 4 and Chapter 6, Article 2 and to protect the public health, safety, and welfare.

§ 129.0702 When a Public Right-of-Way Permit Is Required

(a) A Public Right-of-Way Permit is required for the following:

(1) The private construction of *public improvements*;

(2) The construction of privately owned *structures* or facilities in the *public right-of-way* to be maintained by the adjacent property owner;

(3) Any construction activity within a *public right-of-way* as required by Municipal Code Sections 54.0116 and 54.0117;

(4) The moving of any vehicle, load, trailer, or combination thereof, that exceeds the height, width, length, size, or weight of vehicle or load limitations provided in California Vehicle Code Division 15, over or across any *public right-of-way* under the jurisdiction of the City;

(5) The planting of any tree, shrub, or plant in the *public right-of-way*; and

(6) The trimming, cutting, removal, destruction, defacing, or in any other way injuring or endangering, of any tree, shrub, or plant growing in the *public right-of-way*;

(b) The City Manager may waive the requirement for a Public Right-of-Way Permit as provided in the Land Development Manual.

§ 129.0703 Exemptions from Requirement for a Public Right-of-Way Permit

A Public Right-of-Way Permit is not required for the following work if pedestrian or vehicular access will not be impeded:

(a) The installation of underground irrigation systems in the *parkway* that will be maintained by the fronting property owner; and

(b) The installation of landscaping in the *parkway* that is less than 30 inches high and will be maintained by the adjacent property owner.

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

An application for a Public Right-of-Way Permit shall be submitted in accordance with Sections 112.0102 and 129.0105. The submittal requirements for Public Right-of-Way Permits are listed in the Land Development Manual.

§ 129.0720 Qualifications to Prepare Plans and Perform Construction Work in the Public Right-of-Way

The preparation of plans for, and the construction of, work regulated by this division shall only be performed by persons with the following qualifications:

(a) Public Improvement Plans required for work authorized under this division shall be prepared by a civil engineer licensed by the State of California;

(b) *Geotechnical reports* required for work authorized under this division shall be prepared by professionals as licensed and allowed by the California Business and Professions Code and as specified in Land Development Manual;

(c) Drainage reports required for work authorized under this division shall be prepared by a civil engineer licensed by the State of California;

(d) *Grading* plans required by this division shall be prepared by professionals as licensed and allowed by the California Business and Professions Code;

(e) Landscaping plans for revegetation or planting in *public rights-of-way* required for work authorized under this division shall be prepared by a landscape architect or other professional as licensed and authorized by the California Business and Professions Code; and

(f) All construction work required by this division shall be performed by a contractor licensed by the State of California except that any person owning property that is or will be that person's primary residence may perform *grading* on that property and any construction work authorized by a Public Right-of-Way Permit as a result of application by a *public utility* may be performed by the *public utility*.

§ 129.0730 Decision Process for Public Right-of-Way Permits

A decision on an application for a Public Right-of-Way Permit shall be made in accordance with Process One. A Public Right-of-Way Permit shall be approved if the proposed work is consistent with the Municipal Code, applicable *development* standards, and any *development permits* approved for that project.

§ 129.0741 Issuance of a Public Right-of-Way Permit

(a) A Public Right-of-Way Permit may be issued after the construction plans have been approved by the City Engineer, the prescribed fees have been paid, the required insurance has been guaranteed, and the required bond has been posted.

(b) A Public Right-of-Way Permit shall not be issued for a *development* that requires a *development permit* until the *development permit* has been isssued.

§ 129.0742 Commencement of Work Within a Public Right-of-Way

(a) The *applicant* shall not begin any work, construction, or use within the *public right-of-way* that will be authorized by a Public Right-of-Way Permit until the required permit has been issued.

§ 129.0742 Cont'd

(b) Work within the *public right-of-way* shall be performed only during the dates and hours specified in the permit or on the approved traffic control plans.

§ 129.0743 Initial Utilization of a Public Right-of-Way Permit

A Public Right-of-Way Permit shall become void if the work authorized by the permit has not begun within 180 calendar days of the date of permit issuance.

§ 129.0744 Maintaining Utilization of a Public Right-of-Way Permit

A Public Right-of-Way Permit shall become void if, at any time after the work has begun, the work authorized by the permit is suspended or abandoned for a period of 180 calendar days.

§ 129.0750 Expiration of a Public Right-of-Way Permit

(a) A Public Right-of-Way Permit shall expire by limitation and become void 24 months after the date of permit issuance, unless an exception is granted in one of the following ways:

(1) At the time of permit issuance, the City Manager may approve an expiration date exceeding 24 months if the permittee can demonstrate that the complexity or size of the project makes completion of the project within 24 months unreasonable. The expiration date for the Public Right-of-Way Permit shall be specified on the permit; or

(2) A Public Right-of-Way Permit issued as part of a *subdivision* improvement agreement shall expire in accordance with the terms of that agreement.

(b) If the work authorized by a Public Right-of-Way Permit has not received final inspection approval by the permit expiration date, all work shall stop until a new permit is issued.

§ 129.0751 Extension of Time for a Public Right-of-Way Permit

The expiration date for a Public Right-of-Way Permit may be extended as follows:

(a) An application for an extension of time shall be filed with the City Manager before, but no earlier than 60 calendar days before, the permit expiration date. The City Manager may extend the Public Right-of-Way Permit for a period not exceeding 180 calendar days if the City Manager determines that circumstances beyond the control of the permittee prevented completion of the work. A Public Right-of-Way Permit shall not be extended more than once except as provided in Section 129.0751(d).

(b) If an application for an extension of time has been submitted by the expiration date, and in accordance with this section, the existing Public Right-of-Way Permit shall automatically be extended until the City Manager has made a decision on the application for an extension.

(c) If a Public Right-of-Way Permit expires before an application is submitted for an extension of time, an extension shall not be granted. To proceed with the same *development*, a new application is required and the application shall be treated as a new application.

(d) If an extension of time has been previously approved in accordance with Section 129.0751(a), the City Manager may extend the expiration of a Public Right-of-Way Permit one additional time if the City Manager finds the following:

§ 129.0751 Cont'd

(1) There has not been a significant change in the regulations applicable to the site since the date of permit issuance;

(2) The additional extension is in the public interest; and

(3) Circumstances beyond the control of the *applicant* prevented the authorized work from proceeding.

§ 129.0752 Construction Change to a Public Right-of-Way Permit

(a) A proposed construction change to a Public Right-of-Way Permit must be approved before the commencement of the construction change. A decision on a construction change shall be made in accordance with Section 129.0730.

(b) A proposed construction change to a Public Right-of-Way Permit that was approved in conjunction with another permit or map may be approved only if the proposed change is in *substantial conformance* with the other approved permit or map. If the proposed change is not in *substantial conformance* with the other approved permit or map, the other permit or map must be amended before consideration of the construction change.

§ 129.0760 Inspection of Work in the Public Right-of-Way

All work in the *public right-of-way* that is authorized by a Public Right-of-Way Permit shall be inspected by the City Engineer in accordance with Section 129.0111 and the inspection requirements of the Land Development Manual. Professional inspection in accordance with Section 129.0761 shall be provided by the Engineer of Record as designated by the permittee.

§ 129.0761 Designation of Engineer of Record

(a) The permittee shall retain and designate an Engineer of Record for each area of technical expertise needed to provide professional inspection services as required by the City Engineer and described in the Land Development Manual.

(b) If an Engineer of Record is changed, the work shall be stopped until the replacement Engineer has agreed in writing to accept responsibility as Engineer of Record. The permittee is responsible for notifying the City Engineer in writing of any change before work resumes.

§ 129.0770 Completion of Work

The permittee shall notify the City Engineer when the work is ready for final inspection. Final approval shall not be given until all work has been completed in accordance with the final approved plans and the as-built plans and *As-Graded Reports* have been submitted to and approved by the City Engineer in accordance with standards established in the Land Development Manual. If the work in the *public right-of-way* is a requirement for a Building Permit, the Certificate of Occupancy shall not be issued until the work is completed by the permittee and approved by the City.

Article 9: Construction Permits

Division 8: Sign Permit Procedures

§ 129.0801 Purpose of Sign Permit Procedures

The purpose of these procedures is to establish the process for review of Sign Permit applications for proposed *signs* in the City.

§ 129.0802 When a Sign Permit Is Required

A Sign Permit is required for the installation or alteration of any *sign*, except for those *signs* specifically exempted in Section 129.0803. Sign Permit Stickers are required for each *sign*. The sticker is applicable to one *sign* at one location only, and is transferable to a new owner or lessee.

§ 129.0803 Exemptions from a Sign Permit

A Sign Permit is not required for the following *signs* or activities:

(1) Changing the copy of a *sign* or maintenance of a *sign* that does not involve structural or electrical changes;

(2) Interior *signs*, except for theater lobby *signs*;

(3) *Public utility* and safety *signs* that are required by law;

(4) *Signs* that are required by law, other than *public utility* and safety *signs*, that do not exceed the minimum dimensions specified by law;

(5) Real estate *signs* that are not illuminated;

(6) Construction site *signs* that are not illuminated;

(7) Nameplate identification *signs* and combination name plates and address *signs* with letters that do not exceed 3 inches in height, are not illuminated, and do not exceed 4 square feet in area;

(8) Accessory warning *signs* that provide warnings such as "no parking," "watch dogs," and "security service" that are not illuminated, do not exceed 12 square feet in area, and do not project over a *public right-of-way*;

(9) Window *signs*;

(10) *Signs* required by the Fire Department to designate fire lanes;

(11) Tablets, memorials, and cornerstones that are built into the walls of a building, and provide information such as the name of the building and the date of construction;

(12) Bulletin boards for charitable or religious organizations provided that the *signs* do not exceed 16 square feet in area, do not project over a *public right-of-way*, and are not illuminated; and

(13) Temporary on-site banners, streamers, and pennants.

§ 129.0804 General Rules for Sign Permits

(a) A separate Sign Permit is required for each *sign* on a *premises*.

(b) A Sign Permit will include authorization for any electrical work within the *sign*. If a structural or electrical engineering analysis is required for a *structure* because of the proposed *sign*, the analysis must be approved by the Building Official.

(c) If the installation of a *sign* requires modification of a *structure*, a Building Permit may also be required.

(d) A Sign Permit shall not be issued if there is a *previously conforming sign*, or a *sign* on the *premises* that is in violation of Chapter 14, Article 2, Division 12 (Sign Regulations). The Sign Permit shall not be issued until any violation or *previously conforming sign* is either removed or brought into conformance with Chapter 14, Article 2, Division 12.

(e) A Sign Permit Sticker will be issued for each *sign* for which a Sign Permit is issued. Each sticker is applicable to only one *sign* and for only the location specified in the permit. The sticker is not transferable from one *sign* to another; however, the sticker is transferable to a new owner or lessee. Stickers must be maintained in a legible state.

§ 129.0805 How to Apply for a Sign Permit

(a) An *applicant* for a Sign Permit shall file an application for one or more permits as required in accordance with Sections 112.0102 and 129.0105.

§ 129.0806 Sign Permit Fees

(a) A fee for each Sign Permit application shall be paid at the time of application. Fees for Sign Permits shall be paid in accordance with the schedule of fees established by resolution of the City Council and filed in the office of the City Clerk.

(b) The City Manager is authorized to issue refunds for all of a portion of the fees, in the event that the work authorized by the Sign Permit has not been performed and no inspections have been made. The refund will be issued within 90 calendar days from the date of permit issuance. Before a refund is issued, the *applicant* shall return the permittee's copy of the issued permit and the Sign Permit Sticker.

§ 129.0807 Decision Process for Sign Permits

A decision on a Sign Permit application shall be made in accordance with Process One. The Sign Permit shall be approved if the decision maker finds that the work described in the permit application, specifications, and any other required data complies with the requirements of the Land Development Code.

§ 129.0808 Issuance of a Sign Permit

(a) The Sign Permit may be issued after all approvals have been obtained and all required fees have been paid.

(b) A Sign Permit shall not be issued for any *sign* that requires a *development permit* until the *development permit* has been issued.

§ 129.0809 Initial Utilization of a Sign Permit

A Sign Permit shall become void if the work authorized by the permit has not begun within 180 calendar days of the date of permit issuance. If a Sign Permit becomes void before the authorized work has begun, the *applicant* shall apply for a new permit and shall pay the full permit fee.

§ 129.0810 Maintaining Utilization of a Sign Permit

A Sign Permit shall become void if the work that is authorized by the permit has begun, but is suspended or abandoned for a period of 180 calendar days. If the work is suspended or abandoned for 180 calendar days, a new permit application is required. The permit fee shall be one-\half the standard permit fee, provided that no change has been made to the original plans and that the work has not been abandoned or suspended for more than one year.

§ 129.0811 Expiration of a Sign Permit

A Sign Permit shall expire by limitation and become void 24 months after the date of permit issuance. If the work authorized by the Sign Permit has not been completed and has not received final inspection approval by the permit expiration date, all work shall stop until a new permit is issued. If a Sign Permit expires, a new permit application, with the full permit fee, is required.

§ 129.0812 Extension of Time for a Sign Permit

(a) Before the expiration date of a Sign Permit, a permittee may submit a written application for an extension of time. The City Manager may extend a Sign Permit for a period not exceeding 180 calendar days if the City Manager determines that, based on evidence provided by the permittee, circumstances beyond the control of the permittee prevented completion of the work.

(b) A Sign Permit may not be extended more than two times.

(c) A Sign Permit that has expired shall not be eligible to receive an extension of time.

§ 129.0813 Sign Permit Inspections

All work authorized by a Sign Permit shall be inspected in accordance with Section 129.0111 and the inspection requirements of the Land Development Manual.

§ 129.0814 Temporary Sign Permits

(a) Temporary Sign Permits for temporary *signs* expire 1 year from the date of issuance and may be renewed on a yearly basis with payment of fees as required by schedule of fees established by the City Council.

(b) Temporary Sign Permits for holiday decorations shall expire 20 calendar days after the holiday to which they pertain.

San Diego Municipal Code

Land Development/ Zoning Code Update

Chapter 13

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Article 1: Base Zones

Division 1: General Rules for Base Zones

§ 131.0101 Purpose of Base Zones

The purpose of this article is to establish base zones to help ensure that land uses within the City are properly located and that adequate space is provided for each type of *development* identified. Base zones are intended to regulate uses; to minimize the adverse impacts of these uses; to regulate the zone *density* and intensity; to regulate the size of buildings; and to classify, regulate, and address the relationships of uses of land and buildings.

§ 131.0102 Amendments to Base Zones

On the effective date of Ordinance O-_____, (date) all zones that were established in Municipal Code Chapter 10, Article 1, Division 4 shall be amended and replaced with the base zones established in Chapter 13, Article 1, Divisions 1 through 6.

§ 131.0103 Official Zoning Maps

(a) Base zones are represented on the Official Zoning Maps to be prepared by the City. The Official Zoning Maps shall be identified as an exhibit accompanying the ordinance that the City Council approves for any zoning or rezoning action. The Official Zoning Maps are the authority for identifying the boundary of any application of a base zone.

(b) Where uncertainty exists with respect to the boundaries of zones shown on the Official Zoning Maps the following rules shall apply:

(1) Where a zone boundary follows a *lot* line, the *lot* line shall be the boundary.

(2) Where a zone boundary follows a public *street*, the centerline of the *street* shall be the boundary.

(3) Where any unzoned *public right-of-way* is officially vacated or abandoned, the zone boundary applied to *abutting property* shall be the centerline of the vacated or abandoned *public right-of-way*.

(4) Where a zone boundary divides a *lot* or parcel, the location of the boundary shall be determined by the scale contained on the Official Zoning Map.

(5) Where there is an obvious mistake that can be corrected by reference to documents on file or by reference to the legislative record, the City Manager may identify the zone boundary.

§ 131.0110 Determination of Use Category and Subcategory

(a) A use shall be identified as belonging to a use category and use subcategory based upon the descriptions in Section 131.0112 and the facility needs and operational characteristics of the use including type of use, intensity of use, and *development* characteristics of use. The Use Regulations Tables in the base zones shall be used to determine in which base zones the use is permitted. If a particular use could meet the description of more than one use subcategory, the subcategory with the most direct relationship to the specific use shall apply. The City

§ 131.0110 Cont'd

Manager shall identify a particular uses's category and subcategory upon request of an *applicant* or a property owner.

(b) If the *applicant* or property owner disputes the City Manager's determination, the City Manager may place the question of the appropriate use category and use subcategory for that particular use on the Planning Commission's agenda. The City Manager shall present the factors used in the determination and the position of the *applicant* or property owner. The Planning Commission shall recommend to the City Manager its interpretation of the appropriate use category or use subcategory for the particular use.

(c) If an appropriate use category and use subcategory cannot be determined for a specific use by referring to the Use Regulations Tables, an amendment to the Use Regulations Table may be initiated in accordance with Chapter 12, Article 3, Division 1 (Zoning and Rezoning Procedures).

§ 131.0111 Grouping of Use Categories

For the purpose of determining applicable development regulations, use categories shall be grouped according to the following:

(a) Any use within the open space use category is considered an open space use or open space *development.*

(b) Any use within the agricultural use category is considered an agricultural use or agricultural *development.*

(c) Any use within the residential use category is considered a residential use or residential *development.*

(d) Any use within the institutional, retail sales, commercial services, offices, and vehicle and vehicular equipment sales and services categories is considered a commercial use or commercial *development.*

(e) Any use within the wholesale, distribution, storage, and industrial categories is considered an industrial use or industrial *development.*

§ 131.0112 Descriptions of Use Categories and Subcategories

(a) The following are descriptions of each use category and subcategory found in the Use Regulations Tables of each base zone. These descriptions shall be used to classify specific uses into use subcategories for the purpose of determining applicable use regulations, in accordance with Section 131.0110. A description of separately regulated uses is located in Section 131.0112(b).

(1) Open Space Use Category
This category includes uses that may occur on land that has been identified for public recreational uses or to be left in a generally natural state. The open space subcategories are:

(A) Active Recreation -- Public park facilities that require major land *development* for installation, require a high level of maintenance, and can accommodate large assemblages of people.

(B) Natural Resources Preservation -- Undeveloped land left in a natural state for specific

§ 131.0112 Cont'd

use as visual open space or environmental mitigation.

(C) Park Maintenance Facilities -- Major *structures* or facilities used in conjunction with the maintenance of *public parks*.

(D) Passive Recreation -- Recreational facilities associated with pastimes that are incidental to natural open space. These facilities require minor land *development* for installation, require minimum maintenance, do not attract large assemblages of people, and have little impact on natural open space.

(2) Agriculture Use Category
This category includes uses that involve the raising and harvesting of crops, the raising of animals, and the processing of plant and animal by-products. The agriculture subcategories are:

(A) Agricultural Processing -- Uses related to the processing or preparation of crops, animals, or animal by-products grown or raised on the same *premises* for consumption or transportation to markets.

(B) Aquaculture Facilities -- Uses that grow plants and animals in a water medium, either indoors or outdoors.

(C) Dairies -- Uses related to the milking of livestock and *processing* milk for consumption or transportation to markets.

(D) Horticulture Nurseries and Greenhouses -- Uses that propagate and grow plants in containers or in the ground and the associated sales of those plants.

(E) Raising and Harvesting of Crops -- Uses that involve the planting, maintaining, and harvesting of crops for consumption or for commercial purposes.

(F) Raising, Maintaining, and Keeping of Animals -- Uses that involve the feeding, housing, and maintenance of animals for private or commercial purposes.

(3) Residential Use Category
This category includes uses that provide living accommodations for one or more persons. The residential subcategories are:

(A) Group Living Accommodations -- Dwellings where multiple residents share living accommodations and facilities and where meals or other services are provided.

(B) *Mobilehome* Parks -- A *premises* with two or more mobilehomes used as dwelling units other than companion units or employee housing.

(C) *Multiple Dwelling Units* -- Dwelling units where more than one dwelling unit is located on a single *lot*. *Multiple dwelling units* do not include uses allowed in *single dwelling unit* zones.

(D) *Single Dwelling Units* -- Dwelling units where no more than one dwelling unit is located on a *lot*, usually detached, and occupied by a single household unit.

(4) Institutional Use Category
This category includes uses that provide unique services that are of benefit to society as a whole. All of the uses in this use category are separately regulated uses. See Section

§ 131.0112 Cont'd

131.0112(b).

(5) Retail Sales Use Category
This category includes uses involving the sale, lease or rental of new or used goods to the general public. The retail sales subcategories are:

(A) Building Supplies and Equipment -- Uses that provide goods to repair, maintain, or visually enhance a *structure* or *premises*.

(B) Consumer Goods, Furniture, Appliances, and Equipment -- Uses that provide goods, large and small, functional and decorative, for use, entertainment, comfort, or aesthetics.

(C) Food, Beverages, and Groceries -- Uses that provide food for consumption off of the *premises*.

(D) Pets and Pet Supplies -- Uses that provide household pets and pet supplies for sale; grooming services.

(E) Sundries, Pharmaceuticals, and Convenience Sales -- Uses that provide goods for personal grooming and for the day-to-day maintenance of personal health and well-being.

(F) Wearing Apparel and Accessories -- Uses that provide goods to cover, protect, or visually enhance the human form.

(6) Commercial Services Use Category
This category includes uses that provide for consumer or business services, for the repair and maintenance of a wide variety of products, and for entertainment. The commercial services subcategories are:

(A) Building Services -- Uses that provide maintenance and repair services for all structural and mechanical elements of *structures*, as well as the exterior spaces of a *premises*.

(B) Business Support -- Uses that provide personnel services, printing, copying, and photographic services, or communication services.

(C) Eating and Drinking Establishments -- Uses that prepare or serve food or beverages for consumption on or off the *premises*.

(D) Financial Institutions -- Uses related to the exchange, lending, borrowing, and safe-keeping of money.

(E) Funeral and Morturary Services -- Uses that provide services related to the death of a human.

(F) Maintenance and Repair -- Uses that provide maintenance, cleaning and repair services for consumer goods.

(G) Off-Site Services -- Uses that provide for deliveries of a wide variety of products and that provide services that are used at a location separate from the business providing the delivery or service.

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(H) Personal Services -- Uses that provide a variety of services associated with personal grooming and the maintenance of health and well-being.

(I) Assembly and Entertainment -- Uses that provide gathering places for large numbers of people for recreation, physical fitness, entertainment, or other assembly.

(J) Radio and Television Studios -- Uses that provide for the production, recording, and broadcasting of radio and television shows and motion pictures.

(K) Visitor Accommodations -- Uses that provide lodging, or a combination of lodging, food, and entertainment, primarily to visitors and tourists. (Includes single room occupancy hotels.)

(7) Office Use Category
This category includes uses in an enclosed building that focus on business, government, professional, medical, or financial services. The offices subcategories are:

(A) Business and Professional -- Uses related to earning a livelihood through a commercial or mercantile endeavor or through the practice of a vocation requiring specialized training or education.

(B) Government -- Uses related to the administration of the regulations of local, state, or federal government.

(C) Medical, Dental, and Health Practitioner -- Uses related to diagnosis and treatment of human illness and physical malfunction that can be performed in an office setting. Medical and dental laboratories are included in this subcategory, unless otherwise indicated.

(D) Regional and Corporate Headquarters -- Uses related to the administration of large or geographically widespread businesses that may be located separately from the main activity of those businesses.

(8) Vehicle and Vehicular Equipment Sales and Services Use Category
This category includes uses that provide for the sale, rental, maintenance, or repair of new or used vehicles and equipment. The Vehicle and vehicular equipment sales and services subcategories are:

(A) Commercial Vehicle Repair and Maintenance -- Uses that repair and maintain the mechanical components or the bodies of large trucks, mass transit vehicles, large construction or agricultural equipment, aircraft, or commercial boats.

(B) Commercial Vehicle Sales and Rentals -- Uses that provide for the sale or rental of large trucks, mass transit vehicles, large construction or agricultural equipment, aircraft, or commercial boats.

(C) Personal Vehicle Repair and Maintenance -- Uses that repair the mechanical components or the bodies of autos, small trucks or vans, motorcycles, motor homes, or recreational vehicles including recreational boats or that wash, clean, or otherwise protect the exterior and interior surfaces of these vehicles.

(D) Personal Vehicle Sales and Rentals -- Uses that provide for the sale or rental of new or used autos, small trucks or vans, motorcycles, motor homes, or recreational

§ 131.0112 Cont'd

vehicles including recreational boats.

(E) Vehicle Equipment and Supplies Sales and Rentals -- Uses related to the sale, lease, or rental of new or used parts, tools, or supplies for the purpose of repairing or maintaining vehicles, including distribution of products from the same *premises* that sells, leases, or rents them.

(9) Wholesale, Distribution, Storage Use Category
This category includes uses that provide and distribute goods in large quantities, especially to retail sales establishments. Long-term and short-term storage of commercial goods and personal items is included. The wholesale, distribution, storage subcategories are:

(A) Equipment and Materials Storage Yards -- Uses related to outdoor storage of large equipment or products or large quantities of materials.

(B) Moving and Storage Facilities -- Uses engaged in the moving of household or office furniture, appliances, and equipment from one location to another, including the temporary storage of those same items.

(C) Warehouse -- Uses engaged in long-term and short-term storage of goods in bulk as well as storage by individuals in separate storage compartments.

(D) Wholesale Distribution -- Uses engaged in the bulk storage and distribution of goods. Wholesale showrooms are also included.

(10) Industrial Use Category
This category includes uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage, and handling of these products and the materials from which they are produced. The industrial subcategories are:

(A) Heavy Manufacturing -- Uses that process or treat materials for the fabrication of large base-sector products. Assembly of large equipment and machines is included in this subcategory as well as manufacturing uses that typically produce noise, dust, or other pollutants capable of harming or annoying adjacent uses.

(B) Light Manufacturing -- Uses that process, fabricate, assemble, treat, or package finished parts or products without the use of explosive, petroleum or radioactive materials. (This subcategory does not include the assembly of large equipment and machinery.)

(C) Marine Industry -- Uses that produce, distribute, and store commercial marine vessels and equipment.

(D) Research and Development -- Uses engaged in scientific research and testing leading to the development of new products and processes.

(E) Trucking and Transportation Terminals -- Uses engaged in the dispatching and long-term or short-term storage of large vehicles. Minor repair and maintenance of vehicles stored on the *premises* is also included.

(11) *Signs* Use Category
This category includes all *structures* that provide identification of businesses, products,

§ 131.0112 Cont'd

services, or sites. The *sign* subcategories are:

Allowable *Signs* -- *Structures* that are placed on the ground, or on *building facades* or roofs, whose *sign copy* identifies a business, a *premises*, activities on a *premises*, or direction to a *premises*. See Section 142.1205.

(b) Separately regulated uses are uses that may or may not meet the description of a use subcategory but are listed separately from any subcategory because in some or all zones they are regulated differently from other uses. Each use category contains a list of separately regulated uses, some of which may meet the description of a use subcategory within the same or another category. The use regulations identified for the separately regulated use shall supersede the use regulations for the use subcategory that may match the particular use.

§ 131.0120 Applicable Overlay Zones in Base Zones

In addition to the regulations of the base zones applied to property as described in this article, overlay zone regulations may also apply. Overlay zone regulations are located in Chapter 13, Article 2.

§ 131.0125 Accessory Use Regulations for All Base Zones

(a) When the Use Regulations Table in any base zone identifies a use as a limited use or requiring a Neighborhood Use Permit or Conditional Use Permit, that use shall be subject to the same use regulations and use permit requirements whether or not the use is deemed a *primary use* or an *accessory use* on the *premises*.

(b) A use that belongs in a subcategory where the subcategory is identified as not permitted in a particular base zone may be permitted as an *accessory use* in that zone, subject to all of the following requirements:

(1) The use must meet the definition of an *accessory use*, as specified in Section 113.0103;

(2) The use must comply with any regulations applicable to that use in any other base zone in the same type of zone (open space, agricultural, residential, commercial, or industrial);

(3) The *floor* area of a single *accessory use* shall not exceed 25 percent of the *gross floor area* of the *structures* on the *premises*;

(4) At least 51 percent of the *gross floor area* on the *premises* shall be occupied by a *primary use* or combination of multiple allowed uses;

(5) When a *premises* contains multiple tenants, the determination of *accessory use* shall be based on the *gross floor area* of the individual tenant.

(c) A separately regulated use that is identified as not permitted in a particular zone is not permitted as an *accessory use* in that zone.

§ 131.0140 Use of Yards and Landscaped Areas in All Base Zones

The following regulations are related to other development regulations that are addressed in the Development Regulations Tables in each of the base zones and are applicable to all base zones. Except as specified by the applicable zone, *yards* and landscaped areas may be used only for the following items and purposes:

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(a) Incidental passage and use by occupants.

(b) Living landscape materials, or other landscape elements, constructed and installed to complement living landscape material, and not exceeding a height of 3 feet within front and street side yards.

(c) *Fences* and walls as permitted in Chapter 14, Article 2, Division 3 (Fence Regulations).

(d) Directional and other notification *signs* as permitted in Chapter 14, Article 2, Division 12 (Sign Regulations).

(e) Walkways and paved driveways consistent with zone standards and applicable parking and landscape regulations.

(f) Items that the City Manager may determine to be necessary to accommodate a temporary period of construction, site modification, or equipment change, when there is evidence of frequent and diligent physical effort to complete work.

(g) Parking in accordance with Section 142.0510.

(h) Storage of items when *screened* in accordance with Chapter 14, Article 2, Division 11 (Outdoor Storage and Display Regulations).

Article 1: Base Zones

Division 2: Open Space Base Zones

§ 131.0201 Purpose of Open Space Zones

The purpose of the open space zones is to protect lands for outdoor recreation, education, and scenic and visual enjoyment; to control urban form and design; and to facilitate the preservation of *environmentally sensitive lands*. It is intended that these zones be applied to lands where the *primary uses* are parks or open space or to private land where *development* must be limited to implement open space policies of adopted *land use plans* or applicable federal and state regulations and to protect the public health, safety, and welfare.

§ 131.0202 Purpose of the OP (Open Space--Park) Zones

(a) The purpose of the OP zones is to be applied to *public parks* and facilities, once they are dedicated as park land pursuant to City Charter Section 55 in order to promote recreation and facilitate the implementation of *land use plans*. The uses permitted in these zones will provide for various types of recreational needs of the community.

(b) The OP zones are differentiated based on the uses allowed as follows:

- OP-1-1 allows developed, active parks
- OP-2-1 allows parks for passive uses with some active uses

§ 131.0203 Purpose of the OC (Open Space--Conservation) Zone

The purpose of the OC zone is to protect natural and cultural resources and *environmentally sensitive lands*. It is intended that the uses permitted in this zone be limited to aid in the preservation of the natural character of the land, thereby implementing *land use plans*.

§ 131.0204 Purpose of the OR (Open Space--Residential) Zones

(a) The purpose of the OR zones is to preserve privately owned property that is designated as open space in a *land use plan* for such purposes as preservation of public health and safety, visual quality, *sensitive biological resources*, *steep hillsides*, and conrol of urban form, while retaining private *development* potential. These zones are also intended to help implement the habitat preservation goals of the City and the *MHPA* by applying development restrictions to lands wholly or partially within the boundaries of the *MHPA*. *Development* in these zones will be limited to help preserve the natural resource values and open space character of the land.

(b) The OR zones are differentiated based on the uses allowed as follows:

- OR-1-1 allows open space with limited private residential *development*
- OR-1-2 allows open space with limited private residential *development* and to implement the *MHPA*

§ 131.0205 Purpose of the OF (Open Space--Floodplain) Zone

The purpose of the OF zone is to control *development* within floodplains to protect the public health, safety, and welfare and to minimize hazards due to *flooding* in areas identified by the FIRM on file with the City's floodplain administrator. It is the intent of the OF zone to preserve

§ 131.0205 Cont'd

the natural character of floodplains while permitting *development* that will not constitute a dangerous condition or an impediment to the flow of floodwaters. It is also the intent to minimize the expenditure of public money for costly *flood* control projects and to protect the functions and values of the floodplains relating to groundwater recharge, water quality, moderation of *flood* flows, wildlife movement, and habitat.

§ 131.0215 Where Open Space Zones Apply

On the effective date of Ordinance O-_____, all open space zones that were established in Municipal Code Chapter 10, Article 1, Division 4 shall be 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 _____.	**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

§ 131.0220 Use Regulations of Open Space Zones

The regulations of Section 131.0222 apply in the open space zones unless otherwise specifically provided by footnotes indicated in Table 131-02B. The uses permitted in any zone may be further limited if *environmentally sensitive lands* are present, pursuant to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

(a) Within the open space zones no *structure* or improvement, or portion thereof, shall be constructed, established, or altered nor shall any *premises* be used or maintained except for one or more of the purposes or activities listed in Table 131-02B. It is unlawful to establish, maintain, or use any *premises* for any purpose or activity inconsistent with this section or Section 131.0222.

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

(c) *Accessory uses* in the open space zones may be permitted in accordance with Section 131.0125.

(d) Temporary uses may be permitted in the open space zones for a limited period of time with a Temporary Use Permit in accordance with Chapter 12, Article 3, Division 4 (Temporary Use Permit Procedures).

§ 131.0220 Cont'd

(e) For any use that cannot be readily classified, the City Manager shall determine the appropriate use category and use subcategory pursuant to Section 131.0110.

§ 131.0222 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

Symbol in Table 131-02B	Description of Symbol
P	Use or use category is permitted. Regulations pertaining to a specific use may be referenced.
L	Use is permitted with limitations, which may include location limitations or the requirement for a use or *development permit*. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
N	Neighborhood Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
C	Conditional Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
-	Use or use category is not permitted.

Table 131-02B
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-
	3rd »	1-	2-	1-	1-		1-
	4th »	1	1	1	1	2	1
Open Space							
Active Recreation		P	P[2]	-	-		P[7]
Natural Resources Preservation		P	P	P	P		P
Park Maintenance Facilities		P	P[2]	-	-		-
Passive Recreation		P	P	P[6]	P[6]		P[6]
Agriculture							
Agricultural Processing		-	-	-	-		P[5]
Aquaculture Facilities		-	-	-	P		P[7]
Dairies		-	-	-	-		-
Horticulture Nurseries & Greenhouses		-	-	-	-		-
Raising & Harvesting of Crops		-	-	-	P		P
Raising, Maintaining & Keeping of Animals		-	-	-	P[4]		P[4]
Separately Regulated Agriculture Uses							

§ 131.0222 Cont'd

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-
	3rd »	1-	2-	1-	1-		1-
	4th »	1	1	1	1	2	1
Agricultural Equipment Repair Shops		-	-	-	-		-
Commercial Stables		-	C	-	C		C
Community Gardens		-	N	-	N		L
Equestrian Show & Exhibition Facilities		-	-	-	-		-
Open Air Markets for the Sale of Agriculture-Related Products & Flowers		-	-	-	L		L
Residential							
Group Living Accommodations		-	-	-	-		-
Mobilehome Parks		-	-	-	-		-
Multiple Dwelling Units		-	-	-	-		-
Single Dwelling Units		-	-	-	P		-
Separately Regulated Residential Uses:							
Boarder & *Lodger* Accommodations		-	-	-	L		-
Companion Units		-	-	-	C		-
Employee Housing:							
6 or Fewer Employees		-	-	-	L[10]		-
12 or Fewer Employees		-	-	-	L[10]		-
Greater than 12 Employees		-	-	-	-		-
Fraternities, Sororities and Student Dormitories		-	-	-	-		-
Garage, Yard, & Estate Sales		-	-	-	L		-
Guest Quarters		-	-	-	N		-
Home Occupations		-	-	-	L		-
Housing for Senior Citizens		-	-	-	-		-
Live/work Quarters		-	-	-	-		-
Residential Care Facilities:							
6 or Fewer Persons		-	-	-	P		-
7 or More Persons		-	-	-	C		-
Transitional Housing:							
6 or Fewer Persons		-	-	-	P		-
7 or More Persons		-	-	-	C		-
Watchkeeper Quarters		-	-	-	-		-
Institutional							
Separately Regulated Institutional Uses							
Airports		-	-	-	-		-

§ 131.0222 Cont'd

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-
	3rd »	1-	2-	1-	1-		1-
	4th »	1	1	1	1	2	1
Botanical Gardens & Arboretums		P	P	-	-		-
Cemeteries, Mausoleums, Crematories		-	-	-	-		-
Churches & Places of Religious Assembly		-	-	-	C		-
Communication Antennas:							
Minor Telecommunication Facility		L	L	-	L		L
Major Telecommunication Facility		C	C	-	C		C
Satellite Antennas		L	L	L	L		L
Correctional Placement Centers		-	-	-	-		-
Educational Facilities:							
Kindergarten Through Grade 12		-	-	-	-		-
Colleges / Universities		-	-	-	-		-
Vocational / Trade Schools		-	-	-	-		-
Energy Generation & Distribution Facilities		-	-	-	-		-
Exhibit Halls & Convention Facilities		P[2]	-	-	-		-
Flood Control Facilities		-	-	-	-		L
Historical Buildings Used for Purposes Not Otherwise Allowed		-	-	-	-		-
Homeless Facilities:							
Congregate Meal Facilities		-	-	-	-		-
Emergency Shelters		-	-	-	-		-
Homeless Day Centers		-	-	-	-		-
Hospitals, Intermediate Care Facilities & Nursing Facilities		-	-	-	-		-
Interpretive Centers		P	P[2]	C	-		-
Museums		P	-	-	-		-
Major Transmission, Relay, or Communications Switching Stations		-	-	-	-		-
Social Service Institutions		-	-	-	-		-
Retail Sales							
Building Supplies & Equipment		-	-	-	-		-
Food, Beverages and Groceries		-	-	-	-		-
Consumer Goods, Furniture, Appliances, Equipment		-	-	-	-		-
Pets & Pet Supplies		-	-	-	-		-
Sundries, Pharmaceuticals, & Convenience Sales		-	-	-	-		-
Wearing Apparel & Accessories		-	-	-	-		-
Separately Regulated Retail Sales Uses:							
Agriculture Related Supplies & Equipment		-	-	-	-		-

§ 131.0222 Cont'd

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-
	3rd »	1-	2-	1-	1-		1-
	4th »	1	1	1	1	2	1
Alcoholic Beverage Outlets		-	-	-	-		-
Plant Nurseries		-	-	-	-		-
Swap Meets & Other Large Outdoor Retail Facilities		-	-	-	-		C
Commercial Services							
Building Services		-	-	-	-		-
Business Support		-	-	-	-		-
Eating & Drinking Establishments		P[2]	-	-	-		-
Financial Institutions		-	-	-	-		-
Funeral & Mortuary Services		-	-	-	-		-
Maintenance & Repair		-	-	-	-		-
Off-site Services		-	-	-	-		-
Personal Services		-	-	-	-		-
Assembly & Entertainment		P[2]	-	-	-		-
Radio & Television Studios		-	-	-	-		-
Visitor Accommodations		-	-	-	-		-
Separately Regulated Commercial Services Uses							
Adult Entertainment Establishments:							
Adult Book Store		-	-	-	-		-
Adult Cabaret		-	-	-	-		-
Adult Drive-In Theater		-	-	-	-		-
Adult Mini-Motion Picture Theater		-	-	-	-		-
Adult Model Studio		-	-	-	-		-
Adult *Motel*		-	-	-	-		-
Adult Motion Picture Theater		-	-	-	-		-
Adult Peep Show Theater		-	-	-	-		-
Adult Theater		-	-	-	-		-
Body Painting Studio		-	-	-	-		-
Massage Establishment		-	-	-	-		-
Sexual Encounter Establishment		-	-	-	-		-
Bed & Breakfast Establishments:							
1-2 Guest Rooms		-	-	-	N		-
3-5 Guest Rooms		-	-	-	N		-
6+ Guest Rooms		-	-	-	C		-
Boarding Kennels		-	-	-	-		-

§ 131.0222 Cont'd

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-
	3rd »	1-	2-	1-	1-	1-
	4th »	1	1	1	1 | 2	1
Camping Parks		C	C	-	-	C
Child Care Facilities:						
Child Care Centers		C[2]	-	-	-	-
Large Family Day Care Homes		-	-	-	L	-
Small Family Day Care Homes		-	-	-	P	-
Eating and Drinking Establishments Abutting Residentially Zoned Property		-	-	-	-	-
Fairgrounds		-	-	-	-	C
Golf Courses, Driving Ranges, and Pitch & Putt Courses		C	C	-	C[9]	C
Helicopter Landing Facilities		-	-	-	-	C
Instructional Studios		C	C	-	-	-
Massage Establishments, Specialized Practice		-	-	-	-	-
Nightclubs & Bars over 5,000 square feet in size		-	-	-	-	-
Outpatient Medical Clinics		-	-	-	-	-
Parking Facilities as a *primary use*:						
Permanent Parking Facilities		-	-	-	-	-
Temporary Parking Facilities		-	-	-	-	-
Private Clubs, Lodges and Fraternal Organizations		-	-	-	-	-
Privately Operated Outdoor Recreation Facilities over 40,000 square feet in size[3]		C[2]	-	-	-	-
Pushcarts:						
Pushcarts on Private Property		L	-	-	-	-
Pushcarts in Public-Right-of-Way		N	-	-	-	-
Recycling Facilities:						
Large Collection Facility		-	-	-	-	-
Small Collection Facility		-	-	-	-	-
Large Construction & Demolition Debris *Recycling Facility*		-	-	-	-	-
Small Construction & Demolition Debris *Recycling Facility*		-	-	-	-	-
Drop-off Facility		L	L	-	-	-
Green Materials Composting Facility		-	-	-	-	-
Mixed Organic Composting Facility		-	-	-	-	-
Large Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial & Industrial Traffic		-	-	-	-	-
Large Processing Facility Accepting All Types of Traffic		-	-	-	-	-

§ 131.0222 Cont'd

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-
	3rd »	1-	2-	1-	1-		1-
	4th »	1	1	1	1	2	1
Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables From Commercial & Industrial Traffic		-	-	-	-		-
Small Processing Facility Accepting All Types of Traffic		-	-	-	-		-
Reverse Vending Machines		-	-	-	-		-
Tire Processing Facility		-	-	-	-		-
Sidewalk Cafes		-	-	-	-		-
Sports Arenas & Stadiums		-	-	-	-		-
Theaters that are outdoor or over 5,000 square feet in size		P[2]	-	-	-		-
Veterinary Clinics & Animal Hospitals		-	-	-	-		-
Zoological Parks		C	-	-	-		-
Offices							
Business & Professional		-	-	-	-		-
Government		-	-	-	-		-
Medical, Dental, & Health Practitioner		-	-	-	-		-
Regional & Corporate Headquarters		-	-	-	-		-
Separately Regulated Office Uses:							
Real Estate Sales Offices & Model Homes		-	-	-	L		-
Sex Offender Treatment & Counseling		-	-	-	-		-
Vehicle & Vehicular Equipment Sales & Service							
Commercial Vehicle Repair & Maintenance		-	-	-	-		-
Commercial Vehicle Sales & Rentals		-	-	-	-		-
Personal Vehicle Repair & Maintenance		-	-	-	-		-
Personal Vehicle Sales & Rentals		-	-	-	-		-
Vehicle Equipment & Supplies Sales & Rentals		-	-	-	-		-
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses:							
Automobile Service Stations		-	-	-	-		-
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a *Primary Use*		-	-	-	-		-
Wholesale, Distribution, Storage							
Equipment & Materials Storage Yards		-	-	-	-		-
Moving & Storage *Facilities*		-	-	-	-		-
Warehouses		-	-	-	-		-
Wholesale Distribution		-	-	-	-		-

§ 131.0222 Cont'd

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-
	3rd »	1-	2-	1-	1-	1-
	4th »	1	1	1	1 2	1
Separately Regulated Wholesale, Distribution, and Storage Uses:						
Impound Storage Yards		-	-	-	-	-
Junk Yards		-	-	-	-	-
Temporary Construction Storage Yards Located Off-site		-	-	-	-	-
Industrial						
Heavy Manufacturing		-	-	-	-	-
Light Manufacturing		-	-	-	-	-
Marine Industry		-	-	-	-	-
Research & Development		-	-	-	-	-
Trucking & Transportation Terminals		-	-	-	-	-
Separately Regulated Industrial Uses:						
Hazardous Waste Research Facility		-	-	-	-	-
Hazardous Waste Treatment Facility		-	-	-	-	-
Marine Related Uses Within the Coastal Overlay Zone		-	-	-	-	-
Mining and Extractive Industries		-	-	-	C[8]	C
Newspaper Publishing Plants		-	-	-	-	-
Processing & Packaging of Plant Products & Animal By-Products Grown Off-Premises		-	-	-	-	-
Very Heavy Industrial Uses		-	-	-	-	-
Wrecking & Dismantling of Motor Vehicles		-	-	-	-	-
Signs						
Allowable *Signs*		P	P	P	P	P
Separately Regulated *Signs* Uses:						
Community Identification *Signs*		-	-	-	-	-
Reallocation of *Sign* Area Allowance		-	-	-	-	-
Revolving *Projecting Signs*		-	-	-	-	-
Signs with Automatic Changing Copy		-	-	-	-	-
Theater *Marquees*		-	-	-	-	-

Footnotes for Table 131-02B

(1) All uses in the OR zone, except passive recreation and natural resource preservation, shall be located within the allowable development area in accordance with Section 131.0250.

(2) This use is permitted only if consistent with an approved park general development plan or

§ 131.0222 Cont'd

master plan and is subject to any requirements identified in the plan.

(3) The 40,000 square feet includes all indoor and outdoor areas that are devoted to the recreational use; it does not include customer parking areas.

(4) Excluding the maintaining, raising, feeding, or keeping of swine. The maintaining, raising, feeding, or keeping of more than 10 domestic animals requires a *premises* of at least 5 acres.

(5) Excluding storage of vehicles, containers, chemicals, and other items that may be hazards during or after a *flood*.

(6) The City Manager will determine if a particular use is appropriate as a passive use in conformance with an approved development plan, park plan, or other plans applicable to the property.

(7) No *structures*, except portable *structures*, are permitted within a *floodway*.

(8) This use is only allowed in the OR-1-2 zone subject to the regulations in Section 141.1001 and the regulations in Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

(9) No driving ranges or night use are permitted within the *MHPA*.

(10) For housing 6 or fewer employees, see Section 141.0303 to determine which use regulations apply.

§ 131.0230 Development Regulations of Open Space Zones

(a) Within the open space zones no *structure* or improvement shall be constructed, established, or altered, nor shall any *premises* be used unless the *premises* complies with the regulations and standards in this division and with any applicable development regulations in Chapter 13, Article 2 (Overlay Zones) and Chapter 14 (General Regulations).

(b) A Neighborhood Development Permit or Site Development Permit is required for the types of *development* identified in Table 143-03A.

(c) The regulations in this division apply to all *development* in the open space base zones whether or not a permit or other approval is required except where specifically identified.

§ 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.

§ 131.0231 Cont'd

Table 131-02C
Development Regulations of Open Space Zones

Development Regulations	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* (DU Per *Lot*)		--		--	1[2]	1[5]	--
Min Lot Area (ac)		--		--	10	10	10
Allowable *Development* Area (%)		--		--	25[3]	25[4]	--
Min Lot Dimensions							
Lot Width (ft)		--		--	200	200	500
Street Frontage (ft)		--		--	200	200	500
Lot Depth (ft)		--		--	200	200	500
***Setback* Requirements**							
Min Front *Setback* (ft)		--		--	25	25	--
Min Side *Setback* (ft)		--		--	20	20	--
Min Rear *Setback* (ft)		--		--	25	25	--
Max *Structure Height* (ft)		--		--	30	30	--
Max *Lot Coverage* (%)		--		--	10	10	--
Max *Floor Area Ratio*		--		--	0.10	0.10	--

Footnotes for Table 131-02C

(1) Refer to Section 143.0145 for supplemental development regulations for the OF zone.

(2) See Section 131.0240(a).

(3) See Section 131.0250(a).

(4) See Section 131.0250(b).

(5) See Section 131.0240(b).

§ 131.0240 Maximum Permitted Residential Density in Open Space Zones

(a) Within the OR-1-1 zone, an exception to the permitted residential density of one *single dwelling unit* per *lot* may be requested as a rural cluster development through a Planned Development Permit in accordance with Process Four subject to the following:

(1) The proposed *development* shall comply with Chapter 14, Article 3, Division 4 (Planned Development Permit Regulations).

(2) Dwelling units shall be clustered within the allowable development area as described in Section 131.0250(a) and need not be located on individual *lots* provided the overall *density* does not exceed one dwelling unit per 10 acres.

§ 131.0240 Cont'd

(3) The remainder of the *premises* shall be maintained in its natural state.

(b) Within the OR-1-2 zone, an exception to the permitted residential *density* of one *single dwelling unit* per *lot* may be requested as a rural cluster development through a Planned Development Permit in accordance with Process Four subject to the following:

(1) The proposed *development* shall comply with Chapter 14, Article 3, Division 4 (Planned Development Permit Regulations).

(2) Dwelling units shall be clustered within the allowable development area as described in Section 131.0250(b) and need not be located on individual *lots* provided the overall *density* does not exceed one dwelling unit per 10 acres, except as described in Section 131.0240(b)(4).

(3) The remainder of the *premises* shall be maintained in its natural state.

(4) Within the future urbanizing area, an increase in *density* of up to one dwelling unit per 4 acres of lot area may be requested through a Planned Development Permit in accordance with Process Five subject to the regulations in Section 143.0402. The remainder of the *premises* shall be left undeveloped in perpetuity.

§ 131.0250 Allowable Development Area in OR Zones

(a) Within the OR-1-1 zone, up to 25 percent of the *premises* may be developed subject to the following:

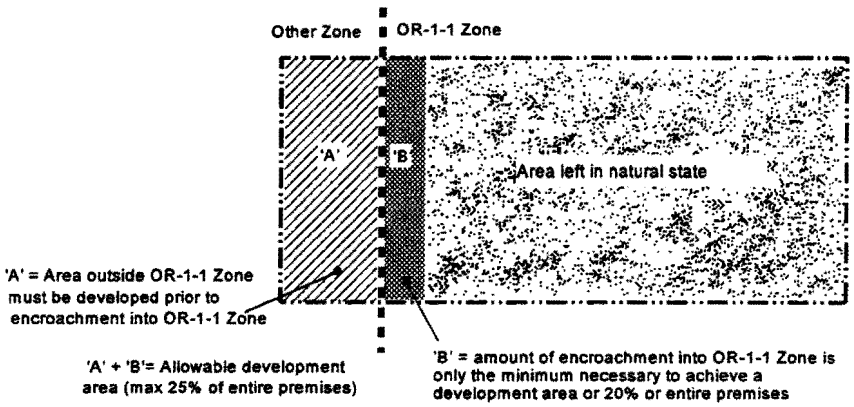
(1) If 25 percent or more of the entire site is not in its natural state due to existing *development*, any new *development* proposed shall occur within the disturbed portion of the site and no additional development area is permitted.

(2) If the OR-1-1 zone applies only to a portion of a *premises*, the following regulations apply:

(A) If less than 25 percent of the *premises* is outside the OR-1-1 zone, the portion that is outside the OR-1-1 zone shall be developed before any *encroachment* into the OR-1-1 zoned portion. *Encroachment* into the OR-1-1 zone may be permitted to achieve a maximum development area of 25 percent of the entire site. See Diagram 131-02A.

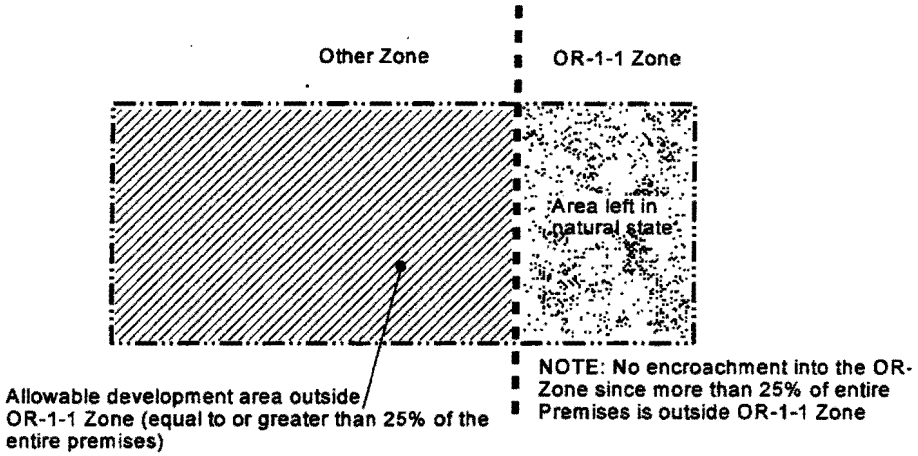
§ 131.0250 Cont'd

Diagram 131-02A
Allowable Development Area with Encroachment Into OR-1-1 Zone



(B) If more than 25 percent of the *premises* is outside the OR-1-1 zone, the area outside the OR-1-1 zone may be developed and no additional development area is permitted. See Diagram 131-02B.

Diagram 131-02B
Allowable Development Area Without Encroachment into OR-1-1 Zone

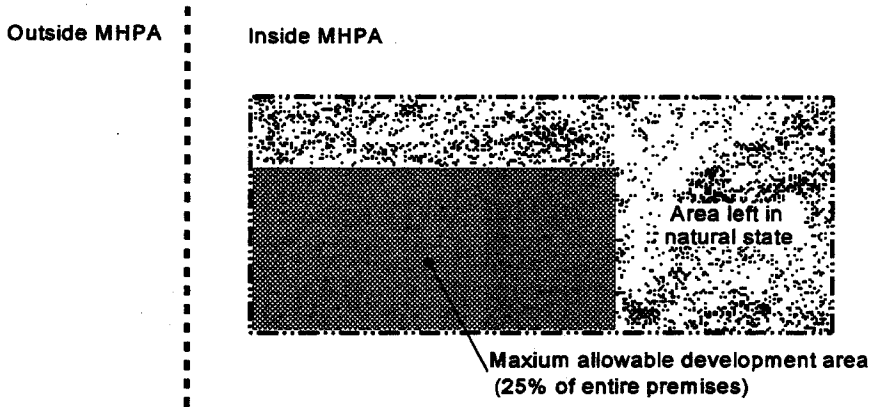


(b) A *premises* within the OR-1-2 zone and within or partially within the *MHPA* is subject to the following regulations:

(1) If the *premises* is located entirely within the boundary of the *MHPA*, a maximum of 25 percent of the site may be developed. See Diagram 131-02C.

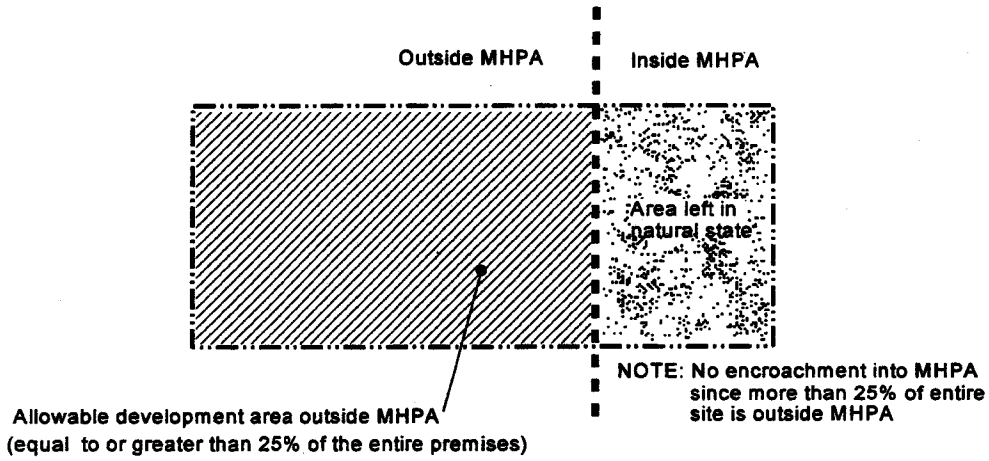
§ 131.0250 Cont'd

Diagram 131-02C
Allowable Development Area Entirely Within MHPA



(2) If the *premises* is located partially within the boundary of the *MHPA*, any *development* proposed must occur on the portion of the *premises* not within the *MHPA*. See Diagram 131-02D. If the portion of the *premises* not within the *MHPA* is greater than 25 percent of the *premises* area, the allowable *development* area may include all of the area outside of the *MHPA*, except as limited by Sections 143.0141(b) and (g) and 143.0142(a)(2).

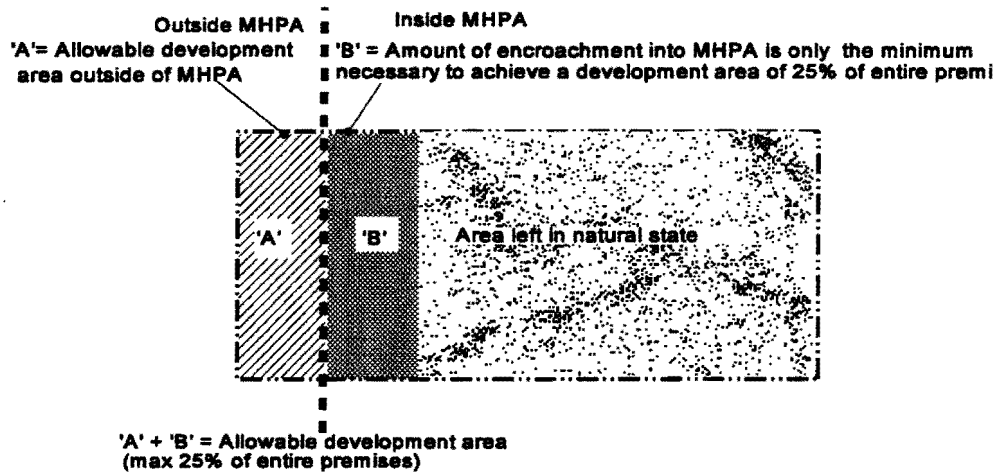
Diagram 131-02D
Allowable Development Area without Encroachment into MHPA



(3) If the portion of the *premises* not within the *MHPA* boundary is less than 25 percent of the *premises* area, encroachment into the *MHPA* may be permitted to achieve a maximum development area of 25 percent of the *premises*. See Diagram 131-02E.

§ 131.0250
Cont'd

Diagram 131-02E
Allowable Development Area with Encroachment Into MHPA



(4) Up to 5 percent of additional *development* area is permitted to accommodate essential public facilities only, as identified in the applicable land use plan as long as the total *development* area does not exceed 30 percent of the *premises*. This additional development area shall require mitigation.

(5) The allowable development area shall be 1 acre for a *premises* with a total area of less than 4 acres provided the width of the *MHPA* is at least 1,000 feet where the *premises* is located. Mitigation will be required for any impacts from *development* in excess of 25 percent of the *premises* area.

(6) The portions of the *premises* within the *MHPA* that are not included in the allowable development area shall be maintained in their natural state and may be used only for passive uses consistent with the *Multiple Species Conservation Program Plan*.

(7) *Development* within the OR-1-2 zone is subject to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations) and the Biology Guidelines in the Land Development Manual.

(8) Any *development* within the*MHPA* shall occur in the least sensitive areas first, in accordance with the Biology Guidelines in the Land Development Manual.

(9) Any exception to the allowable development area regulations in this section is subject to Section 143.0150.

Article 1: Base Zones

Division 3: Agricultural Base Zones

§ 131.0301 Purpose of Agricultural Zones

The purpose of the agricultural zones is to provide for areas that are rural in character or areas where agricultural uses are currently desirable. The agricultural zones are intended to accommodate a wide range of agriculture and agriculture-related uses as well as *single dwelling units*.

§ 131.0302 Purpose of the AG (Agricultural--General) Zones

(a) The purpose of the AG zones is to accommodate all types of agricultural uses and some minor agricultural sales on a long-term basis. Nonagricultural uses are limited in the AG zones in order to strengthen the presence and retention of traditional agricultural uses.

(b) The AG zones are differentiated based on the minimum *lot* size as follows:

- AG-1-1 requires minimum 10-acre *lots*
- AG-1-2 requires minimum 5-acre *lots*

§ 131.0303 Purpose of the AR (Agricultural--Residential) Zones

(a) The purpose of the AR zones is to accommodate a wide range of agricultural uses while also permitting the *development* of *single dwelling unit* homes at a very low *density*. The agricultural uses are limited to those of low intensity to minimize the potential conflicts with residential uses. This zone is applied to lands that are in agricultural use or that are undeveloped and not appropriate for more intense zoning. Residential *development* opportunities are permitted with a Planned development permit at various densities that will preserve land for open space or future *development* at urban intensities when and where appropriate.

(b) The AR zones are differentiated based on the minimum *lot* size as follows:

- AR-1-1 requires minimum 10-acre *lots*
- AR-1-2 requires minimum 1-acre *lots*

§ 131.0315 Where Agricultural Zones Apply

On the effective date of Ordinance O-_____, all agricultural zones that were established in Municipal Code Chapter 10, Article 1, Division 4 shall be 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 _____.	**Applicable Zone of this Division**
A-1-1	AR-1-2
A-1-5, A-1-10	AR-1-1
A-1-20	None

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Previous Chapter 10 Agricultural Zone Replaced With New Agricultural Zone Established by This Division	
Agricultural Zone that Existed on _____.	**Applicable Zone of this Division**
A-1-40	None
No Existing Zone	AG-1-1
No Existing Zone	AG-1-2

§ 131.0320 Use Regulations of Agricultural Zones

The regulations of Section 131.0322 apply in the agricultural zones unless otherwise specifically provided by footnotes indicated in Table 131-03B. The uses permitted in any zone may be further limited if *environmentally sensitive lands* are present, pursuant to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

(a) Within the agricultural zones, no *structure* or improvement, or portion thereof, shall be constructed, established, or altered nor shall any *premises* be used or maintained except for one or more of the purposes or activities listed in Table 131-03B. It is unlawful to establish, maintain, or use any *premises* for any purpose or activity not listed in this section or Section 131.0322.

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

(c) *Accessory uses* in the agricultural zones may be permitted in accordance with Section 131.0125.

(d) Temporary uses may be permitted in the agricultural zones for a limited period of time with a Temporary Use Permit in accordance with Chapter 12, Article 3, Division 4.

(e) For any use that cannot be readily classified, the City Manager shall determine the appropriate use category and use subcategory pursuant to Section 131.0110.

§ 131.0322 Use Regulations Table for Agricultural Zones

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

Legend for Table 131-03B

Symbol in Table 131-03B	Description of Symbol
P	Use or use category is permitted. Regulations pertaining to a specific use may be referenced.
L	Use is permitted with limitations, which may include location limitations or the requirement for a use or *development permit*. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
N	Neighborhood Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
C	Conditional Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
-	Use or use category is not permitted.

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Cont'd

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					
Active Recreation		-		P	
Passive Recreation		P		P	
Natural Resources Preservation		P		P	
Park Maintenance Facilities		-		-	
Agriculture					
Agricultural Processing		P(4)		P(4)	
Aquaculture Facilities		P		P	
Dairies		P		P(8)	
Horticulture Nurseries & Greenhouses		P(6)		P(6)	
Raising & Harvesting of Crops		P		P	
Raising, Maintaining & Keeping of Animals		P(2)		P(2),(3)	
Separately Regulated Agriculture Uses					
Agricultural Equipment Repair Shops		C		-	
Commercial Stables		L		L	
Community Gardens		L		L	
Equestrian Show & Exhibition Facilities		C		C	
Open Air Markets for the Sale of Agriculture-Related Products & Flowers		L		L	
Residential					
Group Living Accommodations		-		-	
Mobilehome Parks		-		-	
Multiple Dwelling Units		-		-	
Single Dwelling Units		P(1),		P	
Separately Regulated Residential Uses					
Boarder & Lodger Accommodations		L		L	
Companion Units		-		C	
Employee Housing:					
6 or fewer employees		L(7)		L(7)	
12 or Fewer employees		L(7)		L(7)	
Greater than 12 employees		N		C	
Fraternities, Sororities and Student Dormitories		-		-	

§ 131.0322 Cont'd

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
Garage, Yard, & Estate Sales		-		L	
Guest Quarters		-		N	
Home Occupations		-		L	
Housing for Senior Citizens		-		-	
Live/Work Quarters		-		-	
Residential Care Facilities:					
6 or fewer persons		-		P	
7 or more persons		-		C	
Transitional Housing:					
6 or fewer persons		-		P	
7 or more persons		-		C	
Watchkeeper Quarters		-		-	
Institutional					
Separately Regulated Institutional Uses					
Airports		C		C	
Botanical Gardens & Arboretums		C		C	
Cemeteries, Mausoleums, Crematories		C		C	
Churches & Places of Religious Assembly		-		C	
Communication Antennas:					
Minor Telecommunication Facility		L		L	
Major Telecommunication Facility		C		C	
Satellite Antennas		L		L	
Correctional Placement Centers		-		-	
Educational Facilities					
Kindergarten through Grade 12		-		C	
Colleges / Universities		-		C	
Vocational / Trade School		-		-	
Energy Generation & Distribution Facilities		C		C	
Exhibit Halls & Convention Facilities		-		-	
Flood Control Facilities		L		L	
Historical Buildings Used for Purposes Not Otherwise Allowed		C		C	
Homeless Facilities:					
Congregate Meal Facilities		-		-	
Emergency Shelters		-		-	
Homeless Day Centers		-		-	
Hospitals, Intermediate Care Facilities & Nursing Facilities		-		C	

§ 131.0322 Cont'd

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
Interpretive Centers		P		P	
Museums		-		-	
Major Transmission, Relay, or Communications Switching Stations		C		C	
Social Service Institutions		-		-	
Retail Sales					
Building Supplies & Equipment		-		-	
Food, Beverages and Groceries		-		-	
Consumer Goods, Furniture, Appliances, Equipment		-		-	
Pets & Pet Supplies		-		-	
Sundries, Pharmaceuticals, & Convenience Sales		-		-	
Wearing Apparel & Accessories		-		-	
Separately Regulated Retail Sales Uses					
Agriculture Related Supplies & Equipment		C		C	
Alcoholic Beverage Outlets		-		-	
Plant Nurseries		C		C	
Swap Meets & Other Large Outdoor Retail Facilities		-		C	
Commercial Services					
Building Services		-		-	
Business Support		-		-	
Eating & Drinking Establishments		-		-	
Financial Institutions		-		-	
Funeral & Mortuary Services		-		-	
Maintenance & Repair		-		-	
Off-Site Services		-		-	
Personal Services		-		-	
Assembly & Entertainment		-		-	
Radio & Television Studios		-		-	
Visitor Accommodations		-		-	
Separately Regulated Commercial Services Uses					
Adult Entertainment Establishments:		-		-	
Adult Book Store		-		-	
Adult Cabaret		-		-	
Adult Drive-In Theater		-		-	
Adult Mini-Motion Picture Theater		-		-	

§ 131.0322 Cont'd

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
Adult Model Studio		-		-	
Adult *Motel*		-		-	
Adult Motion Picture Theater		-		-	
Adult Peep Show Theater		-		-	
Adult Theater		-		-	
Body Painting Studio		-		-	
Massage Establishment		-		-	
Sexual Encounter Establishment		-		-	
Bed & Breakfast Establishments:					
1-2 Guest Rooms		-		L	
3-5 Guest Rooms		-		N	
6+ Guest Rooms		-		C	
Boarding Kennels		L		L	
Camping Parks		C		C	
Child Care Facilities:					
Child Care Centers		-		C	
Large Family Day Care Homes		-		L	
Small Family Day Care Homes		-		P	
Eating and Drinking Establishments Abutting Residentially Zoned Property		-		-	
Fairgrounds		-		C	
Golf Courses, Driving Ranges, and Pitch & Putt Courses		C		C	
Helicopter Landing Facilities		C		C	
Instructional Studios		-		-	
Massage Establishments, Specialized Practice		-		-	
Nightclubs & Bars over 5,000 square feet in size		-		-	
Outpatient Medical Clinics		-		-	
Parking Facilities as a *Primary Use*:					
Permanent Parking Facilities		-		-	
Temporary Parking Facilities		-		-	
Private Clubs, Lodges and Fraternal Organizations		-		-	
Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size(5)		-		C	
Pushcarts					
Pushcarts on Private Property		-		-	
Pushcarts in *public right-of-way*		-		-	

§ 131.0322 Cont'd

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
Recycling Facilities:					
Large Collection Facility		N		N	
Small Collection Facility		L		L	
Large Construction & Demolition Debris *Recycling Facility*		-		-	
Small Construction & Demolition Debris *Recycling Facility*		-		-	
Drop-off Facility		-		-	
Green Materials Composting Facility		L		N	
Mixed Organic Composting Facility		C		C	
Large Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial & Industrial Traffic		-		-	
Large Processing Facility Accepting All Types of Traffic		-		-	
Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables From Commercial & Industrial Traffic		-		-	
Small Processing Facility Accepting All Types of Traffic		-		-	
Reverse Vending Machines		-		-	
Tire Processing Facility		-		-	
Sidewalk Cafes		-		-	
Sports Arenas & Stadiums		-		-	
Theaters that are outdoor or over 5,000 square feet in size		-		-	
Veterinary Clinics & Animal Hospitals		C		C	
Zoological Parks		C		C	
Offices					
Business & Professional		-		-	
Government		-		-	
Medical, Dental, & Health Practitioner		-		-	
Regional & Corporate Headquarters		-		-	
Separately Regulated Office Uses					
Real Estate Sales Offices & Model Homes		-		L	
Sex Offender Treatment & Counseling		-		-	
Vehicle & Vehicular Equipment Sales & Service					
Commercial Vehicle Repair & Maintenance		-		-	
Commercial Vehicle Sales & Rentals		-		-	
Personal Vehicle Repair & Maintenance		-		-	
Personal Vehicle Sales & Rentals		-		-	
Vehicle Equipment & Supplies Sales & Rentals		-		-	
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses					

§ 131.0322 Cont'd

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
Automobile Service Stations		-		-	
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a *Primary Use*		-		-	
Wholesale, Distribution, Storage					
Equipment & Materials Storage Yards		-		-	
Moving & Storage *Facilities*		-		-	
Warehouses		-		-	
Wholesale Distribution		-		-	
Separately Regulated Wholesale, Distribution, and Storage Uses					
Impound Storage Yards		-		-	
Junk Yards		-		-	
Temporary Construction Storage Yards Located Off-Site		N		N	
Industrial					
Heavy Manufacturing		-		-	
Light Manufacturing		-		-	
Marine Industry		-		-	
Research & Development		-		-	
Trucking & Transportation Terminals		-		-	
Separately Regulated Industrial Uses					
Hazardous Waste Research Facility		-		C	
Hazardous Waste Treatment Facility		-		C	
Marine Related Uses Within the Coastal Overlay Zone		-		-	
Mining and Extractive Industries		C		C	
Newspaper Publishing Plants		-		-	
Processing & Packaging of Plant Products & Animal By-products Grown Off-premises		C		-	
Very Heavy Industrial Uses		-		-	
Wrecking & Dismantling of Motor Vehicles		-		-	
Signs					
Allowable *Signs*		L		L	
Separately Regulated *Signs* Uses					
Community Identification *Signs*		N		N	
Reallocation of *Sign* Area Allowance		-		-	
Revolving *Projecting Signs*		-		-	
Signs with Automatic Changing Copy		-		-	
Theater *Marquees*		-		-	

§ 131.0322 Cont'd

Footnotes for Table 131-03B

(1) This use is permitted only as an *accessory use* to a permitted agricultural use.

(2) Maintaining, raising, feeding, or keeping of 10 or more domestic animals requires a *premises* of at least 5 acres.

(3) Excludes maintaining, raising, feeding, or keeping of swine.

(4) See Section 131.0323(a).

(5) The 40,000 square feet includes all indoor and outdoor areas that are devoted to the recreational use; it does not include customer parking areas.

(6) See Section 131.0323(b).

(7) For housing 6 or fewer employees, see Section 141.0303 to determine which use regulations apply.

(8) Dairies require a *premises* of at least 5 acres.

§ 131.0323 Additional Use Regulations of Agricultural Zones

The uses in this section are permitted within the agricultural zones as indicated subject to the regulations listed.

(a) Agricultural processing is permitted as an *accessory use* subject to the following:

(1) The processing must be accessory to a primary agricultural use located on the same *premises*;

(2) At least 60 percent of the products to be processed must be produced on the same *premises*; and

(3) Killing or dressing of animals other than poultry, fowl, or rabbits raised on the same *premises* is not permitted. Any building used for this purpose shall not be closer than 50 feet to any *property line*.

(b) Horticulture nurseries are permitted subject to the following:

(1) Only plants are permitted to be sold on the *premises*. The sale of nonplant items requires a Conditional Use Permit for a plant nursery in accordance with Section 141.0504;

(2) At least 75 percent of the plants available for sale must be propagated or grown from saplings on the *premises*; and

(3) The only buildings permitted on the *premises* are greenhouses, maintenance equipment storage buildings, and one building with a maximum area of 300 square feet for sales transactions.

§ 131.0330 Development Regulations of Agricultural Zones

(a) Within the agricultural zones, no *structure* or improvement shall be constructed, established, or altered, nor shall any *premises* be used unless the *premises* complies with the regulations

§ 131.0330 Cont'd

and standards in this division and with any applicable development regulations in Chapter 13, Article 2 (Overlay Zones) and Chapter 14 (General Regulations).

(b) A Neighborhood Development Permit or Site Development Permit is required for the types of *development* identified in Table 143-03A.

(c) The regulations in this division apply to all *development* in the agricultural base zones whether or not a permit or other approval is required except where specifically identified.

§ 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	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**					
Min Front *Setback* (ft)		25	25	25	25
Min Side Setback(ft)(6)		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* (%)(8)		10	20	10	20
Min *Floor* Area(7)		applies	applies	applies	applies

Footnotes for Table 131-03C

(1) A *single dwelling unit* is permitted only as an *accessory use* to a permitted agricultural use on the same *premises*.

(2) See Section 131.0340(a).

(3) See Section 131.0340(b).

(4) See Section 131.0342(a).

(5) See Section 131.0342(b).

§ 131.0331 Cont'd

(6) See Section 131.0343.

(7) Each dwelling unit shall have a *gross floor area* of at least 650 square feet, not including the garage.

(8) *Structures* that are used to provide shade areas for growing plants, such as green houses and agricultural shade *structures*, are not included for determining *lot coverage*.

§ 131.0340 Maximum Permitted Residential Density in Agricultural Zones

(a) Within the AR-1-1 zone, an exception to the permitted residential *density* of one *single dwelling unit* per *lot* may be requested as a rural cluster development through a Planned Development Permit in accordance with Process Four subject to the following:

(1) The proposed *development* shall comply with Chapter 14, Article 3, Division 4 (Planned Development Permit Regulations).

(2) Dwelling units shall be clustered and need not be located on individual *lots* provided the overall *density* does not exceed one dwelling unit per 10 acres, except as described in Section 131.0340(a)(4).

(3) The remainder of the *premises* shall be left undeveloped until and if complete *development* at urban intensity is appropriate.

(4) Within the future urbanizing area, an increase in *density* of up to one dwelling unit per 4 acres of lot area may be requested through a Planned Development Permit in accordance with Process Five subject to the regulations in Section 143.0402. The remainder of the *premises* shall be left undeveloped in perpetuity.

(b) Within the AR-1-2 zone, an exception to the permitted residential *density* of one *single dwelling unit* per *lot* may be requested as a rural cluster development through a Planned Development Permit in accordance with Process Four subject to the following:

(1) The proposed *development* shall comply with Chapter 14, Article 3, Division 4 (Planned Development Permit Regulations).

(2) Dwelling units shall be clustered and need not be located on individual *lots* provided the overall *density* does not exceed one dwelling unit per acre.

(3) The remainder of the *premises* shall be left undeveloped until and if complete *development* at urban intensity is appropriate.

§ 131.0342 Minimum Lot Dimensions in Agricultural Zones

(a) In the AR-1-2 zone, the front 25 percent of a *lot* may be tapered to coincide with the *street frontage* permitted in accordance with Section 131.0342(b) if that *lot* abuts the end of a *public right-of-way* where no provision is made for its future extension.

(b) In the AR-1-2 zone, the required *street frontage* may be reduced to 60 feet for *lots* located at the end of a *street* where no provision is made for its future extension.

§ 131.0343 Setback Requirements in Agricultural Zones

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.

§ 131.0344 Maximum Structure Height in Agricultural Zones

A *structure* may exceed the 30-foot *structure height* limit if the front, side, and rear *setbacks* are each increased by 10 feet for each 10 feet, or portion thereof, of *structure height* above 30 feet, except as limited by the regulations in Chapter 13, Article 2 (Overlay Zones).

Article 1: Base Zones

Division 4: Residential Base Zones

§ 131.0401 Purpose of Residential Zones

The purpose of the residential zones is to provide for areas of residential *development* at various specified densities throughout the City. The residential zones are intended to accommodate a variety of housing types and to encourage the provision of housing for all citizens of San Diego. It is also intended that the residential zones reflect desired *development* patterns in existing neighborhoods while accommodating the need for future growth.

§ 131.0402 Purpose of the RE (Residential–Estate) Zones

(a) The purpose of the RE zones is to provide for *single dwelling units* on large *lots* with some accessory agricultural uses. It is intended that this zone be applied to areas that are rural in character, where the retention of low *density* residential *development* is desired.

(b) The RE zones are differentiated based upon applicable development regulations as follows:

- RE-1-1 requires *development* on minimum 10-acre *lots*
- RE-1-2 requires *development* on minimum 5-acre *lots*
- RE-1-3 requires *development* on minimum 1-acre *lots*

§ 131.0403 Purpose of the RS (Residential–Single Unit) Zones

(a) The purpose of the RS zones is to provide appropriate regulations for the *development* of *single dwelling units* that accommodate a variety of *lot* sizes and residential dwelling types and which promote neighborhood quality, character, and livability. It is intended that these zones provide for flexibility in development regulations that allow reasonable use of property while minimizing adverse impacts to adjacent properties.

(b) The RS zones are differentiated based on the minimum *lot* size and whether the *premises* is located in an urbanized community or a planned urbanizing community, as follows:

(1) Urbanized Communities

- RS-1-1 requires minimum 40,000-square-foot *lots*
- RS-1-2 requires minimum 20,000-square-foot *lots*
- RS-1-3 requires minimum 15,000-square-foot *lots*
- RS-1-4 requires minimum 10,000-square-foot *lots*
- RS-1-5 requires minimum 8,000-square-foot *lots*
- RS-1-6 requires minimum 6,000-square-foot *lots*
- RS-1-7 requires minimum 5,000-square-foot *lots*

(2) Planned Urbanizing Communities

- RS-1-8 requires minimum 40,000-square-foot *lots*
- RS-1-9 requires minimum 20,000-square-foot *lots*
- RS-1-10 requires minimum 15,000-square-foot *lots*
- RS-1-11 requires minimum 10,000-square-foot *lots*
- RS-1-12 requires minimum 8,000-square-foot *lots*

§ 131.0403 Cont'd

- RS-1-13 requires minimum 6,000-square-foot *lots*
- RS-1-14 requires minimum 5,000-square-foot *lots*

§ 131.0404 Purpose of the RX (Residential–Small Lot) Zones

(a) The purpose of the RX zones is to provide for both attached and detached *single dwelling units* on smaller *lots* than are required in the RS zones. It is intended that these zones provide an alternative to *multiple dwelling unit developments* where *single dwelling unit developments* could be developed at similar densities. The RX zone provides for a wide variety of residential *development* patterns.

(b) The RX zones are differentiated based on the minimum *lot* size as follows:

- RX-1-1 requires minimum 4,000-square-foot *lots*
- RX-1-2 requires minimum 3,000-square-foot *lots*

§ 131.0405 Purpose of the RT (Residential–Townhouse) Zones

(a) The purpose of the RT zones is to provide for attached, single-dwelling unit residential *development* on small *lots* with *alley* access. It is intended that these zones provide for more urbanized, single-unit living at densities that are historically more typical of multiple-unit zones. The RT zones provide transition opportunities between single-unit neighborhoods and higher *density* multiple-unit neighborhoods and in some instances may replace multiple-unit zones at similar densities. The RT zones are intended to be applied on subdivided blocks with *alleys* that are within or close to highly urbanized areas, *transit areas*, and redevelopment areas.

(b) The RT zones are differentiated based on the minimum *lot* size as follows:

- RT-1-1 requires minimum 3,500-square-foot *lots*
- RT-1-2 requires minimum 3,000-square-foot *lots*
- RT-1-3 requires minimum 2,500-square-foot *lots*
- RT-1-4 requires minimum 2,200-square-foot *lots*

§ 131.0406 Purpose of the RM (Residential–Multiple Unit) Zones

(a) The purpose of the RM zones is to provide for *multiple dwelling unit development* at varying densities. The RM zones individually accommodate *developments* with similar densities and characteristics. Each of the RM zones is intended to establish *development* criteria that consolidates common development regulations, accommodates specific dwelling types, and responds to locational issues regarding adjacent land uses.

(b) The RM zones are differentiated based on the uses allowed and the permitted *density* as follows:

(1) The following zones permit lower *density multiple dwelling units* with some characteristics of *single dwelling units*:

- RM-1-1 permits a maximum *density* of 1 dwelling unit for each 3,000 square feet of *lot* area
- RM-1-2 permits a maximum *density* of 1 dwelling unit for each 2,500 square feet of *lot* area
- RM-1-3 permits a maximum *density* of 1 dwelling unit for each 2,000 square feet of

§ 131.0406 Cont'd lot area

(2) The following zones permit medium *density multiple dwelling units*:

- RM-2-4 permits a maximum *density* of 1 dwelling unit for each 1,750 square feet of *lot* area
- RM-2-5 permits a maximum *density* of 1 dwelling unit for each 1,500 square feet of *lot* area
- RM-2-6 permits a maximum *density* of 1 dwelling unit for each 1,250 square feet of lot area

(3) The following zones permit medium *density multiple dwelling units* with limited commercial uses:

- RM-3-7 permits a maximum *density* of 1 dwelling unit for each 1,000 square feet of *lot* area
- RM-3-8 permits a maximum *density* of 1 dwelling unit for each 800 square feet of *lot* area
- RM-3-9 permits a maximum *density* of 1 dwelling unit for each 600 square feet of lot area

(4) The following zones permit urbanized, high *density multiple dwelling units* with limited commercial uses:

- RM-4-10 permits a maximum *density* of 1 dwelling unit for each 400 square feet of *lot* area
- RM-4-11 permits a maximum *density* of 1 dwelling unit for each 200 square feet of lot area

(5) RM-5-12 permits visitor accommodations or medium *density multiple dwelling units* at a maximum *density* of 1 dwelling unit for each 1,000 square feet of lot area.

§ 131.0415 Where Residential Zones Apply

On the effective date of Ordinance O-_____, all residential zones that were established in Municipal Code Chapter 10, Article 1, Division 4 shall be 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_____.	**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 ____	RS-1-1
R1-20,000 in Urbanized Communities as of ____	RS-1-2
R1-15,000 in Urbanized Communities as of ____	RS-1-3
R1-10,000 in Urbanized Communities as of ____	RS-1-4

§ 131.0415 Cont'd

Previous Chapter 10 Residential Zone Replaced With New Residential Zone Established by This Division	
Residential Zone That Existed on_____.	**Applicable Zone of This Division**
R1-8,000 in Urbanized Communities as of _____	RS-1-5
R1-6,000 in Urbanized Communities as of _____	RS-1-6
R1-5,000 in Urbanized Communities as of _____	RS-1-7
R1-40,000 in Planned Urbanizing Communities and Future Urbanizing Area as of _____	RS-1-8
R1-20,000 in Planned Urbanizing Communities and Future Urbanizing Area as of _____	RS-1-9
R1-15,000 in Planned Urbanizing Communities and Future Urbanizing Area as of _____	RS-1-10
R1-10,000 in Planned Urbanizing Communities and Future Urbanizing Area as of _____	RS-1-11
R1-8,000 in Planned Urbanizing Communities and Future Urbanizing Area as of _____	RS-1-12
R1-6,000 in Planned Urbanizing Communities and Future Urbanizing Area as of _____	RS-1-13
R1-5,000 in Planned Urbanizing Communities and Future Urbanizing Area as of _____	RS-1-14
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

§ 131.0420 Use Regulations of Residential Zones

The regulations of Section 131.0422 apply in the residential zones unless otherwise specifically provided by footnotes indicated in Table 131-04B. The uses permitted in any zone may be further limited if *environmentally sensitive lands* are present, pursuant to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

§ 131.0420 Cont'd

(a) Within the residential zones, no *structure* or improvement, or portion thereof, shall be constructed, established, or altered, nor shall any *premises* be used or maintained except for one or more of the purposes or activities listed in Table 131-04B. It is unlawful to establish, maintain, or use any *premises* for any purpose or activity not listed in this section or Section 131.0422.

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

(c) *Accessory uses* in the residential zones may be permitted in accordance with Section 131.0125.

(d) Temporary uses may be permitted in the residential zones for a limited period of time with a Temporary Use Permit in accordance with Chapter 12, Article 3, Division 4.

(e) For any use than cannot be readily classified, the City Manager shall determine the appropriate use category and use subcategory pursuant to Section 131.0110.

§ 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

Symbol In Table 131-04B	Description Of Symbol
P	Use or use category is permitted. Regulations pertaining to a specific use may be referenced.
L	Use is permitted with limitations, which may include location limitations or the requirement for a use or *development permit*. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
N	Neighborhood Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
C	Conditional Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
-	Use or use category is not permitted.

Table 131-04B
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																								
Active Recreation		P			P														P		P			P
Passive Recreation		P			P														P		P			P

§ 131.0422 Cont'd

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
Natural Resources Preservation		P			P														P		P			
Park Maintenance Facilities		-			-														-		-			
Agriculture																								
Agricultural Processing		-			-														-		-			
Aquaculture Facilities		-			-														-		-			
Dairies		-			-														-					
Horticulture Nurseries & Greenhouses		-			-														-		-			
Raising & Harvesting of Crops		P(3)			-														-		-			
Raising, Maintaining & Keeping of Animals		P(3)(10)			-														-		-			
Separately Regulated Agriculture Uses																								
Agricultural Equipment Repair Shops		-			-														-		-			
Commercial Stables		-			-														-		-			
Community Gardens		N			N														N		N			
Equestrian Show & Exhibition Facilities		-			-														-		-			
Open Air Markets for the Sale of Agriculture-Related Products & Flowers		-			-														-		-			
Residential																								
Group Living Accommodations		-			-														-		-			
Mobilehome Parks		-			P(1)														P(1)		-			
Multiple Dwelling Units		-			-														-		-			
Single Dwelling Units		P			P														P		P			
Separately Regulated Residential Uses																								
Boarder & *Lodger* Accommodations		L			L														L		L			
Companion Units		C			C														C		-			
Employee Housing:																								
6 or Fewer Employees		L			L														L		L			
12 or Fewer Employees		-			-														-		-			
Greater than 12 Employees		-			-														-		-			
Fraternities, Sororities and Student Dormitories		-			-														-		-			
Garage, Yard, & Estate Sales		L			L														L		L			
Guest Quarters		N			N														N		-			
Home Occupations		L			L														L		L			
Housing for Senior Citizens		C			C														C		C			
Live/Work Quarters		-			-														-		-			
Residential Care Facilities:																								
6 or Fewer Persons		P			P														P		P			

§ 131.0422 Cont'd

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
7 or More Persons		C			C														C		C			
Transitional Housing:																								
6 or Fewer Persons		P			P														P		P			
7 or More Persons		C			C														C		C			
Watchkeeper Quarters		-			-														-		-			
Institutional																								
Separately Regulated Institutional Uses																								
Airports		-			-														-		-			
Botanical Gardens & Arboretums		C			C														C		C			
Cemeteries, Mausoleums, Crematories		-			-														-		-			
Churches & Places of Religious Assembly		C			C														C		C			
Communication Antennas:																								
Minor Telecommunication Facility		L			L														L		L			
Major Telecommunication Facility		C			C														C		C			
Satellite Antennas		L			L														L		L			
Correctional Placement Centers		-			-														-		-			
Educational Facilities:																								
Kindergarten through Grade 12		C			C														C		C			
Colleges / Universities		C			C														C		C			
Vocational / Trade School		-			-														-		-			
Energy Generation & Distribution Facilities		-			-														-		-			
Exhibit Halls & Convention Facilities		-			-														-		-			
Flood Control Facilities		L			L														L		L			
Historical Buildings Used for Purposes Not Otherwise Allowed		C			C														C		C			
Homeless Facilities:																								
Congregate Meal Facilities		-			-														-		-			
Emergency Shelters		-			-														-		-			
Homeless Day Centers		-			-														-		-			
Hospitals, Intermediate Care Facilities & Nursing Facilities		-			-														-		-			
Interpretive Centers		-			-														-		-			
Museums		C			C														C		C			
Major Transmission, Relay, or Communications Switching Stations		-			-														-		-			
Social Service Institutions		-			-														-		-			

§ 131.0422 Cont'd

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
Retail Sales																								
Building Supplies & Equipment		-			-														-		-			-
Food, Beverages and Groceries		-			-														-		-			-
Consumer Goods, Furniture, Appliances, Equipment		-			-														-		-			-
Pets & Pet Supplies		-			-														-		-			-
Sundries, Pharmaceuticals, & Convenience Sales		-			-														-		-			-
Wearing Apparel & Accessories		-			-														-		-			-
Separately Regulated Retail Sales Uses																								
Agriculture Related Supplies & Equipment		-			-														-		-			-
Alcoholic Beverage Outlets		-			-														-		-			-
Plant Nurseries		-			-														-		-			-
Swap Meets & Other Large Outdoor Retail Facilities		-			-														-		-			-
Commercial Services																								
Building Services		-			-														-		-			-
Business Support		-			-														-		-			-
Eating & Drinking Establishments		-			-														-		-			-
Financial Institutions		-			-														-		-			-
Funeral & Mortuary Services		-			-														-		-			-
Maintenance & Repair		-			-														-		-			-
Off-Site Services		-			-														-		-			-
Personal Services		-			-														-		-			-
Radio & Television Studios		-			-														-		-			-
Assembly & Entertainment		-			-														-		-			-
Visitor Accommodations		-			-														-		-			-
Separately Regulated Commercial Services Uses																								
Adult Entertainment Establishments:																								
Adult Book Store		-			-														-		-			-
Adult Cabaret		-			-														-		-			-
Adult Drive-In Theater		-			-														-		-			-
Adult Mini-Motion Picture Theater		-			-														-		-			-
Adult Model Studio		-			-														-		-			-
Adult *Motel*		-			-														-		-			-
Adult Motion Picture Theater		-			-														-		-			-
Adult Peep Show Theater		-			-														-		-			-
Adult Theater		-			-														-		-			-

§ 131.0422 Cont'd

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
Body Painting Studio		-			-														-		-			
Massage Establishment		-			-														-		-			
Sexual Encounter Establishment		-			-														-		-			
Bed & Breakfast Establishments:																								
1-2 Guest Rooms		N			N														N		-			
3-5 Guest Rooms		N			C														C		-			
6+ Guest Rooms		C			C														-		-			
Boarding Kennels		-			-														-		-			
Camping Parks		-			-														-		-			
Child Care Facilities:																								
Child Care Centers		C			C														C		C			
Large Family Day Care Homes		L			L														L		L			
Small Family Day Care Homes		P			P														P		P			
Eating and Drinking Establishments Abutting Residentially Zoned Property		-			-														-		-			
Fairgrounds		-			-														-		-			
Golf Courses, Driving Ranges, and Pitch & Putt Courses		C			C														C		C			
Helicopter Landing Facilities		-			-														-		-			
Instructional Studios		-			-														-		-			
Massage Establishments, Specialized Practice		-			-														-		-			
Nightclubs & Bars over 5,000 square feet in size		-			-														-		-			
Outpatient Medical Clinics		-			-														-		-			
Parking Facilities as a *Primary Use*:																								
Permanent Parking Facilities		-			-														-		-			
Temporary Parking Facilities		-			-														-		-			
Private Clubs, Lodges and Fraternal Organizations		-			-														-		-			
Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size[4]		-			-														-		-			
Pushcarts:																								
Pushcarts on Private Property		-			-														-		-			
Pushcarts in *public right-of-way*		-			-														-		-			
Recycling Facilities:																								
Large Collection Facility		-			-														-		-			
Small Collection Facility		-			-														-		-			
Large Construction & Demolition Debris *Recycling Facility*		-			-														-		-			

§ 131.0422 Cont'd

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
Small Construction & Demolition Debris *Recycling Facility*		-			-														-		-			
Drop-off Facility		-			-														-		-			
Green Materials Composting Facility		-			-														-		-			
Mixed Organic Composting Facility		-			-														-		-			
Large Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial & Industrial Traffic		-			-														-		-			
Large Processing Facility Accepting All Types of Traffic		-			-														-		-			
Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables From Commercial & Industrial Traffic		-			-														-		-			
Small Processing Facility Accepting All Types of Traffic		-			-														-		-			
Reverse Vending Machines		-			-														-		-			
Tire Processing Facility		-			-														-		-			
Sidewalk Cafes		-			-														-		-			
Sports Arenas & Stadiums		-			-														-		-			
Theaters that are outdoor or over 5,000 square feet in size		-			-														-		-			
Veterinary Clinics & Animal Hospitals		-			-														-		-			
Zoological Parks		-			-														-		-			
Offices																								
Business & Professional		-			-														-		-			
Government		-			-														-		-			
Medical, Dental, & Health Practitioner		-			-														-		-			
Regional & Corporate Headquarters		-			-														-		-			
Separately Regulated Office Uses																								
Real Estate Sales Offices & Model Homes		L			L														L		L			
Sex Offender Treatment & Counseling		-			-														-		-			
Vehicle & Vehicular Equipment Sales & Service																								
Commercial Vehicle Repair & Maintenance		-			-														-		-			
Commercial Vehicle Sales & Rentals		-			-														-		-			
Personal Vehicle Repair & Maintenance		-			-														-		-			
Personal Vehicle Sales & Rentals		-			-														-		-			
Vehicle Equipment & Supplies Sales & Rentals		-			-														-		-			
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses																								
Automobile Service Stations		-			-														-		-			

§ 131.0422 Cont'd

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
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a *Primary Use*		-			-														-		-			
Wholesale, Distribution, Storage																								
Equipment & Materials Storage Yards		-			-														-		-			
Moving & Storage Facilities		-			-														-		-			
Warehouses		-			-														-		-			
Wholesale Distribution		-			-														-		-			
Separately Regulated Wholesale, Distribution, and Storage Uses																								
Impound Storage Yards		-			-														-		-			
Junk Yards		-			-														-		-			
Temporary Construction Storage Yards Located off-site		N			N														N		N			
Industrial																								
Heavy Manufacturing		-			-														-		-			
Light Manufacturing		-			-														-		-			
Marine Industry		-			-														-		-			
Research & Development		-			-														-		-			
Trucking & Transportation Terminals		-			-														-		-			
Separately Regulated Industrial Uses																								
Hazardous Waste Research Facility		-			-														-		-			
Hazardous Waste Treatment Facility		-			-														-		-			
Marine Related Uses Within the Coastal Overlay Zone		-			-														-		-			
Mining and Extractive Industries		-			-														-		-			
Newspaper Publishing Plants		-			-														-		-			
Processing & Packaging of Plant Products & Animal By-products Grown Off-premises		-			-														-		-			
Very Heavy Industrial Uses		-			-														-		-			
Wrecking & Dismantling of Motor Vehicles		-			-														-		-			
Signs																								
Allowable *Signs*		P			P														P		P			
Separately Regulated *Signs* Uses																								
Community Identification *Signs*		N			N														N		N			
Reallocation of *Sign* Area Allowance		-			-														-		-			
Revolving *Projecting Signs*		-			-														-		-			
Signs with Automatic Changing Copy		-			-														-		-			
Theater *Marquees*		-			-														-		-			

§ 131.0422 Cont'd

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													
Active Recreation		P			P			P			P		P
Passive Recreation		P			P			P			P		P
Natural Resources Preservation		P			P			P			P		P
Park Maintenance Facilities		-			-			-			-		-
Agriculture													
Agricultural Processing		-			-			-			-		-
Aquaculture Facilities		-			-			-			-		-
Dairies		-			-			-			-		-
Horticulture Nurseries & Greenhouses		-			-			-			-		-
Raising & Harvesting of Crops		-			-			-			-		-
Raising, Maintaining & Keeping of Animals		-			-			-			-		-
Separately Regulated Agriculture Uses													
Agricultural Equipment Repair Shops		-			-			-			-		-
Commercial Stables		-			-			-			-		-
Community Gardens		N			N			N			N		-
Equestrian Show & Exhibition Facilities		-			-			-			-		-
Open Air Markets for the Sale of Agriculture-Related Products & Flowers		-			-			-			-		-
Residential													
Group Living Accommodations		P(7)			P(7)			P(7)			P(7)		P(7)
Mobilehome Parks		P(2)			P(2)			P(2)			P(2)		-
Multiple Dwelling Units		P(5)			P(5)			P(5)			P(5)		P
Single Dwelling Units		P			P			P			P		-
Separately Regulated Residential Uses													
Boarder & Lodger Accommodations		L			L			L			L		L
Companion Units		-			-			-			-		-
Employee Housing:													
6 or Fewer Employees		L			L			L			L		-
12 or Fewer Employees		-			-			-			-		-
Greater than 12 Employees		-			-			-			-		-
Fraternities, Sororities and Student Dormitories		C			C			C			C		-
Garage, Yard, & Estate Sales		L			L			L			L		-
Guest Quarters		-			-			-			-		-
Home Occupations		L			L			L			L		-

§ 131.0422 Cont'd

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
Housing for Senior Citizens		C			C			C			C		-
Live/Work Quarters		-			-			-			-		-
Residential Care Facilities:													
6 or fewer persons		P			P			P			P		-
7 or more persons		C			C			C			C		-
Transitional Housing:													
6 or fewer persons		P			P			P			P		-
7 or more persons		C			C			C			C		-
Watchkeeper Quarters		-			-			-			-		-
Institutional													
Separately Regulated Institutional Uses													
Airports		-			-			-			-		-
Botanical Gardens & Arboretums		C			C			C			C		-
Cemeteries, Mausoleums, Crematories		-			-			-			-		-
Churches & Places of Religious Assembly		P			P			P			P		-
Communication Antennas:													
Minor Telecommunication Facility		L			L			L			L		L
Major Telecommunication Facility		C			C			C			C		C
Satellite Antennas		L			L			L			L		L
Correctional Placement Centers		-			-			-			-		-
Educational Facilities:													
Kindergarten through Grade 12		P			P			P			P		-
Colleges / Universities		C			C			C			C		-
Vocational / Trade School		-			-			-			-		-
Energy Generation & Distribution Facilities		-			-			-			C		C
Exhibit Halls & Convention Facilities		-			-			-			-		-
Flood Control Facilities		L			L			L			L		-
Historical Buildings Used for Purposes Not Otherwise Allowed		C			C			C			C		C
Homeless Facilities:													
Congregate Meal Facilities		-			-			C			C		-
Emergency Shelters		-			-			C			C		-
Homeless Day Centers		-			-			C			C		-
Hospitals, Intermediate Care Facilities & Nursing Facilities		C			C			C			C		-
Interpretive Centers		-			-			-			-		-
Museums		-			-			-			-		-

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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
Major Transmission, Relay, or Communications Switching Stations		-			-			-			-		-
Social Service Institutions		-			-			-			-		-
Retail Sales													
Building Supplies & Equipment		-			-			-			-		-
Food, Beverages and Groceries		-			-			P(9)			P(9)		P(9)
Consumer Goods, Furniture, Appliances, Equipment		-			-			-			-		-
Pets & Pet Supplies		-			-			-			-		-
Sundries, Pharmaceuticals, & Convenience Sales		-			-			P(9)			P(9)		P(9)
Wearing Apparel & Accessories		-			-			-			-		-
Separately Regulated Retail Sales Uses													
Agriculture Related Supplies & Equipment		-			-			-			-		-
Alcoholic Beverage Outlets		-			-			-			-		-
Plant Nurseries		-			-			-			-		-
Swap Meets & Other Large Outdoor Retail Facilities		-			-			-			-		-
Commercial Services													
Building Services		-			-			-			-		-
Business Support		-			-			-			-		-
Eating & Drinking Establishments		-			-			-			-		-
Financial Institutions		-			-			-			-		-
Funeral & Mortuary Services		-			-			-			-		-
Maintenance & Repair		-			-			-			-		-
Off-Site Services		-			-			-			-		-
Personal Services		-			-			P(9)			P(9)		P(9)
Assembly & Entertainment		-			-			-			-		-
Radio & Television Studios		-			-			-			-		-
Visitor Accommodations		-			-			-			P(6)		P(6)
Separately Regulated Commercial Services Uses													
Adult Entertainment Establishments:													
Adult Book Store		-			-			-			-		-
Adult Cabaret		-			-			-			-		-
Adult Drive-in Theater		-			-			-			-		-
Adult Mini-Motion Picture Theater		-			-			-			-		-
Adult Model Studio		-			-			-			-		-
Adult *Motel*		-			-			-			-		-

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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
Adult Motion Picture Theater		-			-			-			-		-
Adult Peep Show Theater		-			-			-			-		-
Adult Theater		-			-			-			-		-
Body Painting Studio		-			-			-			-		-
Massage Establishment		-			-			-			-		-
Sexual Encounter Establishment		-			-			-			-		-
Bed & Breakfast Establishments:													
1-2 Guest Rooms		L			L			L			P		P
3-5 Guest Rooms		N			N			L			P		P
6+ Guest Rooms		C			N			N			P		P
Boarding Kennels		-			-			-			-		-
Camping Parks		-			-			-			-		-
Child Care Facilities:													
Child Care Centers		C			C			C			C		-
Large Family Day Care Homes		L			L			L			L		-
Small Family Day Care Homes		P			P			P			P		-
Eating and Drinking Establishments Abutting Residentially Zoned Property		-			-			-			-		-
Fairgrounds		-			-			-			-		-
Golf Courses, Driving Ranges, and Pitch & Putt Courses		C			C			C			C		-
Helicopter Landing Facilities		-			-			-			-		-
Instructional Studios		-			-			-			-		-
Massage Establishments, Specialized Practice		-			-			-			-		-
Nightclubs & Bars over 5,000 square feet in size		-			-			-			-		-
Outpatient Medical Clinics		-			-			-			-		-
Parking Facilities as a *Primary Use*													
Permanent Parking Facilities		-			-			-			-		-
Temporary Parking Facilities		-			-			-			-		-
Private Clubs, Lodges and Fraternal Organizations		-			-			-			-		P
Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size(4)		-			-			-			-		-
Pushcarts:													
Pushcarts on Private Property		-			-			-			-		-
Pushcarts in Public Right of Way		-			-			-			-		-
Recycling Facilities:													
Large Collection Facility		-			-			-			-		-

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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
Small Collection Facility		-			-			-			-		-
Large Construction & Demolition Debris *Recycling Facility*		-			-			-			-		-
Small Construction & Demolition Debris *Recycling Facility*		-			-			-			-		-
Drop-off Facility		-			-			-			-		-
Green Materials Composting Facility		-			-			-			-		-
Mixed Organic Composting Facility		-			-			-			-		-
Large Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial & Industrial Traffic		-			-			-			-		-
Large Processing Facility Accepting All Types of Traffic		-			-			-			-		-
Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables From Commercial & Industrial Traffic		-			-			-			-		-
Small Processing Facility Accepting All Types of Traffic		-			-			-			-		-
Reverse Vending Machines		-			-			-			-		-
Tire Processing Facility		-			-			-			-		-
Sidewalk Cafes		-			-			-			-		-
Sports Arenas & Stadiums		-			-			-			-		-
Theaters That Are Outdoor or over 5,000 Square Feet in Size		-			-			-			-		-
Veterinary Clinics & Animal Hospitals		-			-			-			-		-
Zoological Parks		-			-			-			-		-
Offices													
Business & Professional		-			-			-			-		-
Government		-			-			-			-		-
Medical, Dental, & Health Practitioner		-			-			P(8)			P(8)		-
Regional & Corporate Headquarters		-			-			-			-		-
Separately Regulated Office Uses													
Real Estate Sales Offices & Model Homes		L			L			L			L		-
Sex Offender Treatment & Counseling		-			-			L			L		-
Vehicle & Vehicular Equipment Sales & Service													
Commercial Vehicle Repair & Maintenance		-			-			-			-		-
Commercial Vehicle Sales & Rentals		-			-			-			-		-
Personal Vehicle Repair & Maintenance		-			-			-			-		-
Personal Vehicle Sales & Rentals		-			-			-			-		-
Vehicle Equipment & Supplies Sales & Rentals		-			-			-			-		-

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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
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses													
Automobile Service Stations		-			-			-			-		-
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a *Primary Use*		-			-			-			-		-
Wholesale, Distribution, Storage													
Equipment & Materials Storage Yards		-			-			-			-		-
Moving & Storage Facilities		-			-			-			-		-
Warehouses		-			-			-			-		-
Wholesale Distribution		-			-			-			-		-
Separately Regulated Wholesale, Distribution, and Storage Uses													
Impound Storage Yards		-			-			-			-		-
Junk Yards		-			-			-			-		-
Temporary Construction Storage Yards Located off-site		N			N			N			N		-
Industrial													
Heavy Manufacturing		-			-			-			-		-
Light Manufacturing		-			-			-			-		-
Marine Industry		-			-			-			-		-
Research & Development		-			-			-			-		-
Trucking & Transportation Terminals		-			-			-			-		-
Separately Regulated Industrial Uses													
Hazardous Waste Research Facility		-			-			-			-		-
Hazardous Waste Treatment Facility		-			-			-			-		-
Marine Related Uses Within the Coastal Overlay Zone		-			-			-			-		-
Mining and Extractive Industries		-			-			-			-		-
Newspaper Publishing Plants		-			-			-			-		-
Processing & Packaging of Plant Products & Animal By-products Grown Off-premises		-			-			-			-		-
Very Heavy Industrial Uses		-			-			-			-		-
Wrecking & Dismantling of Motor Vehicles		-			-			-			-		-
Signs													
Allowable *Signs*		P			P			P			P		P
Separately Regulated *Signs* Uses													
Community Identification *Signs*		N			N			N			N		N
Reallocation of *Sign* Area Allowance		-			-			-			-		-
Revolving *Projecting Signs*		-			-			-			-		-

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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
Signs with Automatic Changing Copy		-			-			-			-		-
Theater *Marquees*		-			-			-			-		-

Footnotes for Table 131-04B

(1) *Development* of a *mobilehome park* in any RS or RX zone is subject to Section 143.0302.

(2) *Development* of a *mobilehome park* in the RM zones is subject to Section 143.0302.

(3) This use is permitted only if as an *accessory use*, but shall not be subject to the *accessory use* regulations in Section 131.0125.

(4) The 40,000 square feet includes all indoor and outdoor areas that are devoted to the recreational use; it does not include customer parking areas.

(5) Non-owner occupants must reside on the *premises* for at least 7 consecutive calendar days.

(6) Two *guest rooms* are permitted for visitor accommodations per the specified square footage of lot area required per dwelling unit (maximum permitted *density*), as indicated on Table 131-04G.

(7) See Section 131.0423(c).

(8) See Section 131.0423(a).

(9) See Section 131.0423(b).

(10) Maintaining, raising, feeding, or keeping of 10 or more domestic animals requires a *premises* of at least 5 acres. Maintaining, raising, feeding, or keeping of swine is not permitted.

§ 131.0423 Additional Use Regulations of Residential Zones

The following uses are permitted in the residential zones indicated in Table 131-04B, subject to the additional use regulations in this section.

(a) Medical, dental, and health practitioner offices are permitted subject to the following:

(1) No overnight patients are permitted; and

(2) Not more than two practitioners, and not more than three employees of each practitioner, shall work on the *premises*.

(b) Retail sales and commercial service uses, where identified in the RM zones, are permitted subject to the following:

(1) Identified retail and commercial services uses are permitted only as a mixed-use in *developments* with 25 or more residential dwelling units;

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(2) Retail and commercial uses must be located on the ground *floor*; and

(3) Retail and commercial uses shall not occupy more than a total of 25 percent of the *gross floor area* of the ground *floor*.

(c) Group living accommodations are permitted subject to the following:

(1) Group living accommodations shall not contain more than 5 *guest rooms*.

(2) No more than 2 renters per *guest room* are permitted.

(3) Meals may be provided for renters only.

(4) Renters of *guest rooms* must reside on the *premises* for at least 7 consecutive calendar days.

§ 131.0430 Development Regulations of Residential Zones

(a) Within the residential zones, no *structure* or improvement shall be constructed, established, or altered, nor shall any *premises* be used unless the *premises* complies with the regulations and standards in this division and with any applicable development regulations in Chapter 13, Article 2 (Overlay Zones) and Chapter 14 (General Regulations).

(b) A Neighborhood Development Permit or Site Development Permit is required for the types of *development* identified in Table 143-03A.

(c) The regulations in this division apply to all *development* in the residential base zones whether or not a permit or other approval is required except where specifically identified.

§ 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	Zone designator	Zones		
	1st & 2nd »	RE-		
	3rd »	1-	1-	1-
	4th »	1	2	3
Max permitted *density* (DU per *lot*)		1	1	1
Min lot area (ac)		10	5	1
Min lot dimensions				
Lot width (ft)		200	200	100

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Development Regulations	Zone designator	Zones		
	1st & 2nd »	RE-		
	3rd »	1-	1-	1-
	4th »	1	2	3
street frontage (ft) [See Section 131.0442(a)]		200	200	100
Lot width (corner) (ft)		200	200	100
Lot depth (ft)		200	200	150
***Setback* requirements**				
Min Front *setback* (ft) [See Section 131.0443(a)(1) and (2)]		25	25	25
Min Side *setback* (ft) [See Section 131.0443(a)(3)]		20	20	20
Min *Street* side *setback* (ft) [See Section 131.0443(a)(3)]		20	20	20
Min Rear *setback* (ft) [See Section 131.0443(a)(4)]		25	25	25
Setback* requirements for resubdivided corner *lots [See Section 131.0443(i)]		applies	applies	applies
Max *structure height* (ft) [See Section 131.0444(a)]		30	30	30
Lot coverage* for sloping *lots [See Section 131.0445(a)]		applies	applies	applies
Max *floor area ratio*		0.10	0.20	0.35
Max paving/ *hardscape* [See Section 131.0447]		applies	applies	applies
Accessory uses* and *structures [See Section 131.0448 (a),(b)]		applies	applies	applies
Garage regulations [See Section 131.0449(a)]		applies	applies	applies
Building spacing [See Section 131.0450]		applies	applies	applies
Max third *story* dimensions		--	--	--
Architectural projections* and *encroachments [See Section 131.0461(a)]		--	--	--
Supplemental requirements [See Section 131.0464(a)]		applies	applies	applies
Diagonal plan dimension		--	--	--

(b) RS Zones

Table 131-04D
Development Regulations of RS Zones

Development Regulations	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*)		1	1	1	1	1	1	1
Min lot area (sf)		40,000	20,000	15,000	10,000	8,000	6,000	5,000
Min lot dimensions								
Lot width (ft)		100	80	75	65	60	60	50
Street frontage (ft) [See Section 131.0442(a)]		100	80	75	65	60	60	50

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Development Regulations	Zone Designator	Zones						
	1st & 2nd »	RS-						
	3rd »	1-	1-	1-	1-	1-	1-	1-
	4th »	1	2	3	4	5	6	7
Lot width (corner) (ft)		110	85	80	70	65	65	55
Lot depth (ft)		100	100	100	100	100	95	95
***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)		10(2)	10(2)	6(2)	6(2)	6(2)	5(2)	4(2)
Min *Street* side *setback* (ft)		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)]		applies	applies	applies	applies	applies	applies	applies
Max *structure height* (ft)		24/30(4)	24/30(4)	24/30(4)	24/30(4)	24/30(4)	24/30(4)	24/30(4)
Lot coverage* for sloping *lots [See Section 131.0445(a)]		applies	applies	applies	applies	applies	applies	applies
Max *floor area ratio*		0.45	varies(5)	varies(5)	varies(5)	varies(5)	varies(5)	varies(5)
Max paving/ *hardscape* [See Section 131.0447]		applies	applies	applies	applies	applies	applies	applies
Accessory uses* and *structures [See Section 131.0448 (a),(b)]		applies	applies	applies	applies	applies	applies	applies
Garage regulations [See Section 131.0449(a)]		applies	applies	applies	applies	applies	applies	applies
Building spacing [See Section 131.0450]		applies	applies	applies	applies	applies	applies	applies
Max third *story* dimensions [See Section 131.0460]		--	applies	applies	applies	applies	applies	applies
Architectural projections* and *encroachments [See Section 131.0461(a)]		applies	applies	applies	applies	applies	applies	applies
Supplemental requirements [See Section 131.0464(a)]		applies	applies	applies	applies	applies	applies	applies
Diagonal plan dimension [See Section 131.0465]		--	--	--	--	--	--	applies

Development Regulations	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*)		1	1	1	1	1	1	1
Min lot area (sf)		40,000	20,000	15,000	10,000	8,000	6,000	5,000
Min lot dimensions								
Lot width (ft)		100	80	75	65	60	60	50
street frontage (ft) [See Section 131.0442(a)]		100	80	75	65	60	60	50

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Development Regulations	Zone Designator	Zones						
	1st & 2nd »	RS-						
	3rd »	1-	1-	1-	1-	1-	1-	1-
	4th »	8	9	10	11	12	13	14
Lot width (corner) (ft)		110	85	80	70	65	65	55
Lot depth (ft)		100	100	100	100	100	95	95
***Setback* requirements**								
Min Front *setback* (ft) [See Section 131.0443(a)(1)]		25	25	25	20	15	15	15
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)]		applies	applies	applies	applies	applies	applies	applies
Max *structure height* (ft)		35	35	35	35	35	35	35
Lot coverage* for sloping *lots [See Section 131.0445(a)]		-	-	-	-	-	-	-
Max floor area ratio [See Section 131.0446(b)]		0.45	0.60	0.60	0.60	0.60	0.60	0.60
Max paving/ *hardscape* [See Section 131.0447]		applies	applies	applies	applies	applies	applies	applies
Accessory uses* and *structures [See Section 131.0448 (a),(b)]		applies	applies	applies	applies	applies	applies	applies
Garage regulations [See Section 131.0449(a)]		applies	applies	applies	applies	applies	applies	applies
Building spacing [See Section 131.0450]		applies	applies	applies	applies	applies	applies	applies
Max third *story* dimensions		-	-	-	-	-	-	-
Architectural projections* and *encroachments [See Section 131.0461(a)]		applies	applies	applies	applies	applies	applies	applies
Supplemental requirements [See Section 131.0464(a)]		applies	applies	applies	applies	applies	applies	applies
Diagonal plan dimension		-	-	-	-	-	-	-

Footnotes for Table 131-04D

(1) 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).

(c) RX Zones

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(c) RX Zones

Table 131-04E
Development Regulations of RX Zones

Development Regulations	Zone designator	Zones	
	1st & 2nd »	RX-	
	3rd »	1-	1-
	4th »	1	2
Maximum permitted *density* (DU per *lot*)		1	1
Min lot area (sf) [See Section 131.0441]		4,000	3,000
Min lot dimensions			
Lot width (ft)		35	35(1)
street frontage (ft) [See Section 131.0442(b)]		35	35(1)
Lot width (corner) (ft)		35	35(1)
Lot depth (ft)		50	50
***Setback* requirements**			
Min Front *setback* (ft) [See Section 131.0443(b)(1)]		15	15
Min Side *setback* (ft) [See Section 131.0443(b)(2)] Detached Attached		 3/0 0	 3/0 0
Min *Street* Side *Setback* (ft) [See Section 131.0443(b)(2)]		3	3
Min Rear *setback* (ft) [See Section 131.0443(b)(3)]		10	10
Max *structure height* (ft) [See Section 131.0444(c)]		30	30
Max *floor area ratio* [See Section 131.0446(c)]		0.70	0.80
Accessory uses* and *structures [See Section 131.0448(a),(b)]		applies	applies
Garage regulations [See Section 131.0449(a)]		applies	applies
Building spacing [See Section 131.0450]		applies	applies
Architectural projections* and *encroachments [See Section 131.0461(a)]		applies	applies
Requirements for attached units [See Section 131.0462]		applies	applies
Roof design variation [See Section 131.0463]		applies	applies
Supplemental regulations [See Section 131.0464(b)]		applies	applies
Diagonal plan dimension [See Section 131.0465]		applies	applies

Footnote for Table 131-04E

(1) If a *lot* abuts an *alley*, see Section 131.0442(c).

(d) RT Zones

Table 131-04F
Development Regulations of RT Zones

Development Regulations	Zone Designator	Zones			
	1st & 2nd »	RT-			
	3rd »	1-	1-	1-	1-
	4th »	1	2	3	4
Maximum permitted *density* (DU per *lot*)		1	1	1	1
Min lot area (sf) [See Section 131.0441]		3,500	3,000	2,500	2,200
Min lot dimensions					
Lot width (ft)		25	25	25	25
street frontage (ft)		25	25	25	25
Lot width (corner) (ft)		25	25	25	25
Lot depth (ft)		100	100	90	80
***Setback* requirements**					
Min Front *setback* (ft) [See Section 131.0443(c)(1)] Max Front *Setback* (ft) [See Section 131.0443(c)(1)]		5 15	5 15	5 15	5 15
Side *setback* (ft) [See Section 131.0443(c)(2)]		0	0	0	0
Min *Street* side *setback* (ft)		5	5	5	5
Min Rear *setback* (ft)		3	3	3	3
Max *structure height* [See 131.0444(d)]					
1 and 2 *story* buildings (ft) slab *floor* raised *floor*		 21 25	 21 25	 21 25	 21 25
3 *story* buildings (ft) slab *floor* raised *floor*		 31 35	 31 35	 31 35	 31 35
Max *lot coverage* (%) [See Section 131.0445(b)]		60	65	70	75
Max *floor area ratio* [See 131.0446(d)]					
1 and 2 *story* buildings		0.85	0.95	1.00	1.10
3 *story* buildings		1.20	1.30	1.40	1.50
Accessory uses* and *structures [See Section 131.0448(a)]		applies	applies	applies	applies
Garage regulations [See Section 131.0449(b)]		applies	applies	applies	applies
Min *development* [See Section 131.0451]		applies	applies	applies	applies
***Parkway* requirement** [See Section 131.0452]		applies	applies	applies	applies
Architectural projections* and *encroachments [See Section 131.0461(b)]		applies	applies	applies	applies
Supplemental requirements [See Section 131.0464(c)]		applies	applies	applies	applies

§ 131.0431 Cont'd (e) RM Zones

Table 131-04G
Development Regulations of RM Zones

Development Regulations	Zone Designator	Zones					
	1st & 2nd »	RM-					
	3rd »	1-	1-	1-	2-	2-	2-
	4th »	1	2	3	4	5	6
Maximum permitted density[1],[2] (sf per DU)		3,000	2,500	2,000	1,750	1,500	1,250
Min lot area (sf)		6,000	6,000	6,000	6,000	6,000	6,000
Min lot dimensions							
Lot width (ft)		50	50	50	50	50	50
Street frontage (ft) [See Section 131.0442(a)]		50	50	50	50	50	50
Lot width (corner) (ft)		55	55	55	55	55	55
Lot depth (ft)		90	90	90	90	90	90
***Setback* requirements**							
Min Front *setback* (ft) Std Front *Setback* (ft)		15[3] 20[3]	15[3] 20[3]	15[3] 20[3]	15[7] 20[7]	15[7] 20[7]	15[7] 20[7]
Min Side *setback* (ft) Std Side *Setback* (ft)		5[4] 8[4]	5[4] 8[4]	5[4] 8[4]	5[8] -	5[8] -	5[8] -
Min *Street* side *setback*(ft)		10[5]	10[5]	10[5]	10[9]	10[9]	10[9]
Min Rear *setback* (ft)		15[6]	15[6]	15[6]	15[10]	15[10]	15[10]
Setback* requirements for resubdivided corner *lots [See Section 131.0443(i)]		applies	applies	applies	applies	applies	applies
Max *structure height* (ft)		30[17]	30[17]	30[17]	40[18]	40[18]	40[18]
Max *lot coverage*		-	-	-	-	-	-
Max *floor area ratio*		0.75	0.90[19]	1.05[19]	1.20[19,29]	1.35[19]	1.50[19]
Accessory uses* and *structures [See Section 131.0448(a)]		applies	applies	applies	applies	applies	applies
***Lot* consolidation regulations** [See Section 131.0453(a)]		applies	applies	-	-	-	-
Storage requirements [See Section 131.0454]		applies	applies	applies	applies	applies	applies
Private exterior open space		applies[22]	applies[22]	applies[22]	applies[23]	applies[23]	applies[23]
Common open space [See Section 131.0456		applies	applies	applies	applies	applies	applies
Architectural projections and *encroachments*		Permitted[15]	Permitted[15]	Permitted[15]	Permitted[16]	Permitted[16]	Permitted[16]
Supplemental requirements		applies[26]	applies[26]	applies[26]	applies[27]	applies[27]	applies[27]

§ 131.0431 Cont'd

Development Regulations	Zone Designator	Zones					
	1st & 2nd »	RM					
	3rd »	3-	3-	3-	4-	4-	5
	4th »	7	8	9	10	11	12
Maximum permitted density[1],[2] (sf per DU)		1,000	800	600	400	200	1,000[36]
Min lot area (sf)		7,000	7,000	7,000	7,000	7,000	10,000
Min lot dimensions							
Lot width (ft)		70	70	70	100	100	100
Street frontage (ft) [See Section 131.0442(a)]		70	70	70	100	100	100
Lot width (corner) (ft)		75	75	75	100	100	100
Lot depth (ft)		100	100	100	100	100	100
***Setback* requirements**							
Min Front *setback* (ft) Std Front *Setback* (ft)		10[11] 20[11]	10[11] 20[11]	10[11] 20[11]	varies[14]	varies[14]	15[30]
Min Side *setback* (ft) Std Side *Setback* (ft)		5[12] -	5[12] -	5[12] -	varies[14] -	varies[14] -	4[31] -
Min *Street* side *setback*(ft)		10[13]	10[13]	10[13]	varies[14]	varies[14]	10[32]
Min Rear *setback* (ft)		5	5	5	varies[14]	varies[14]	15[33]
Setback* requirements for resubdivided corner *lots [See Section 131.0443(i)]		applies	applies	applies	applies	applies	-
Max *structure height* (ft)		40	50	60	-	-	-
Max *lot coverage*		-	-	-	applies[21]	applies[21]	applies[34]
Max *floor area ratio*		1.80[20]	1.25[20]	2.70[20]	3.60[20]	7.20[20]	1.80[20],[35]
Accessory uses* and *structures [See Section 131.0448(a)]		applies	applies	applies	applies	applies	applies
***Lot* consolidation regulations**		-	-	-	-	-	-
Storage requirements [See Section 131.0454]		applies	applies	applies	applies	applies	applies
Private exterior open space		applies[24]	applies[24]	applies[24]	applies[25]	applies[25]	applies[25]
Common open space [See Section 131.0456]		applies	applies	applies	applies	applies	applies
Architectural Projections and *encroachments*		Permitted[16]	Permitted[16]	Permitted[16]	Permitted[16]	Permitted[16]	Permitted[16]
Supplemental requirements		applies[28]	applies[28]	applies[28]	-	-	-

Footnotes for Table 131-04G

(1) One dwelling unit per specified square foot of lot area as determined in accordance with Section 113.0222.

(2) An exception to the maximum permitted *density* may be permitted in accordance with Chapter 14, Article 1, Division 5 (Affordable Housing Density Bonus).

(3) See Section 131.0443(d)(1).

(4) See Section 131.0443(d)(2).

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(5) See Section 131.0443(d)(3).

(6) See Section 131.0443(d)(4).

(7) See Section 131.0443(e)(1).

(8) See Section 131.0443(e)(2).

(9) See Section 131.0443(e)(3).

(10) See Section 131.0443(e)(4).

(11) See Section 131.0443(f)(1).

(12) See Section 131.0443(f)(2).

(13) See Section 131.0443(f)(3).

(14) See Section 131.0443(g).

(15) See Section 131.0461(a).

(16) See Section 131.0461(c).

(17) See Section 131.0444(e).

(18) See Section 131.0444(f).

(19) See Section 131.0446(e).

(20) See Section 131.0446(f).

(21) See Section 131.0445(c).

(22) See Section 131.0455(a).

(23) See Section 131.0455(b).

(24) See Section 131.0455(c).

(25) See Section 131.0455(d).

(26) See Section 131.0464(d).

(27) See Section 131.0464(e).

(28) See Section 131.0464(f).

(29) With the Peninsula and Ocean Beach community plan areas, the maximum *floor area ratio* is 0.70.

(30) See Section 131.0443(h)(1).

(31) See Section 131.0443(h)(2).

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(32) See Section 131.0443(h)(3).

(33) See Section 131.0443(h)(4).

(34) See Section 131.0445(d).

(35) See Section 131.0446(g).

(36) Within the La Jolla, Pacific Beach, and Torrey Pines community plan areas, the maximum permitted *density* is one dwelling unit or two *guest rooms* for each 1,500 square feet of lot area.

§ 131.0441 Minimum Lot Area in Residential Zones

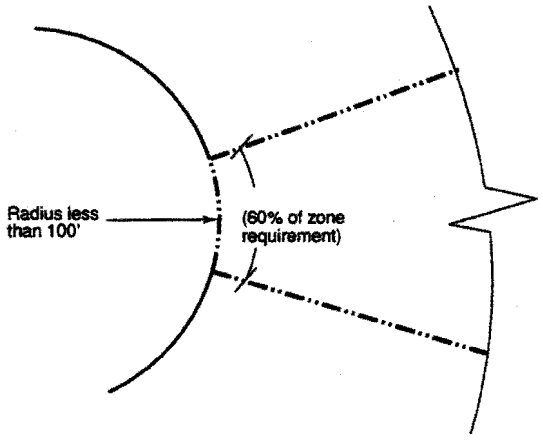
In the RX and RT zones, *lots* served by *alley* access may use a portion of the *alley* to meet the minimum lot area requirement. Up to one-half the width of the abutting *alley*, not to exceed 10 feet, may be applied toward the total lot area provided the *alley* area does not exceed 10 percent of the minimum lot area requirement.

§ 131.0442 Minimum Lot Dimensions in Residential Zones

(a) Exception to Minimum *Street Frontage* in the RE, RS, and RM Zones

The minimum *street frontage* for any *lot* in the RE, RS, and RM zones that fronts principally on a turnaround or curving *street* with a centerline radius of less than 100 feet, is 60 percent of the *street frontage* specified for the zone in which the *lot* is located as shown in Diagram 131-04A.

Diagram 131-04A
Lot Frontage on Curving Street



(b) Exception to Minimum *Street Frontage* in the RX Zones

The minimum *street frontage* is 28.5 feet for any *lot* in the RX zones that fronts principally on a turnaround or curving *street* with a centerline radius of less than 100 feet.

(c) Minimum Lot Dimensions in the RX-1-2 Zone

§ 131.0442 Cont'd

Where a *lot* in the RX-1-2 zone abuts an *alley* and access is taken from the *alley*, the indicated minimum lot dimensions are as follows:

Lot Width	25 feet
Street Frontage	25 feet
Lot Width (corner)	25 feet

§ 131.0443 Setback Requirements in Residential Zones

(a) *Setbacks* in RE and RS Zones

(1) Front *Setbacks* in RE and RS Zones

For that portion of a *lot* that fronts a cul-de-sac, the minimum front *setback* may be reduced 5 feet below the requirement specified in Tables 131-04C and 131-04D; however, in no case shall the *setback* be less than 5 feet.

(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.

(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* is 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

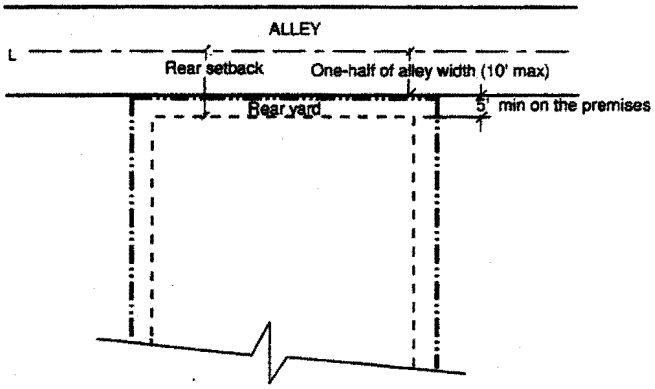
§ 131.0443 Cont'd

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.

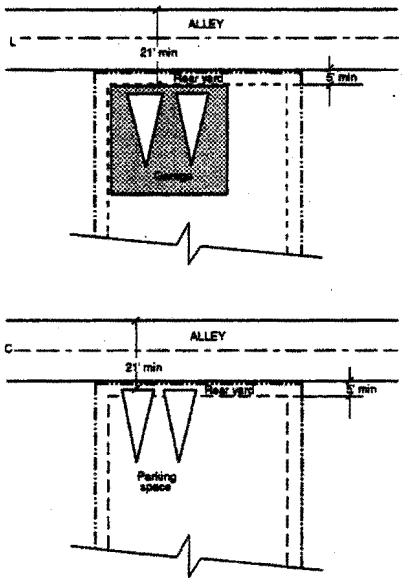
(B) Where a rear *yard* abuts an *alley*, one-half of the *alley* width, but not more than 10 feet, may be counted toward the required rear *setback*. In no case shall a rear *setback* using this provision be less than 5 feet on the *premises*. See Diagram 131-04B.

Diagram 131-04B
Rear Yard Abutting Alley



(C) Where access for parking is taken from the *alley* and the parking spaces are not parallel to the *alley*, a minimum distance of 21 feet shall be provided between the edge of the *alley public right-of-way* opposite the *lot* and the outside edge of the parking garage or parking stall closest to the *alley*. See Diagram 131-04C.

Diagram 131-04C
Parking Adjacent to Alley



§ 131.0443 Cont'd

(5) 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) *Setbacks* in RX Zones

(1) Front *Setback* in RX Zones

RX zone *developments* exceeding a total of four dwelling units are required to provide variable front *setbacks* as follows:

(A) Front *setbacks* of 15 feet are required for at least 25 percent of the total dwelling units, 10-foot front *setbacks* are required for at least 25 percent of the total dwelling units, and 20-foot front *setbacks* are required for at least 25 percent of the total dwelling units;

(B) No more than 40 percent of the total number of dwelling units are permitted to have front *setbacks* in any one category (i.e. 10 feet, 13 feet, or 16 feet) described in 131.0443(e)(2)(A); and

(C) Variable front *setbacks* described in this section shall be established by easement at the time of *tentative map* approval. The easements shall be established at the time of zone application if *lots* are existing and no map is proposed. If a Planned Development Permit is processed, the variable *setbacks* may be established with the permit in lieu of creating easements.

(2) Side and *Street* Side *Setbacks* in RX Zones

(A) For detached dwellings, the following shall apply:

(i) Minimum side and *street* side *setbacks* are at least 3 feet or 10 percent of the lot width, whichever is greater, but is not required to be more than 5 feet;

(ii) No side *setback* is required for one side only provided the side with no *setback* is adjacent to other property within an RX zone; and

(iii) A separation of at least 10 feet between buildings must be observed on at least one side of each building.

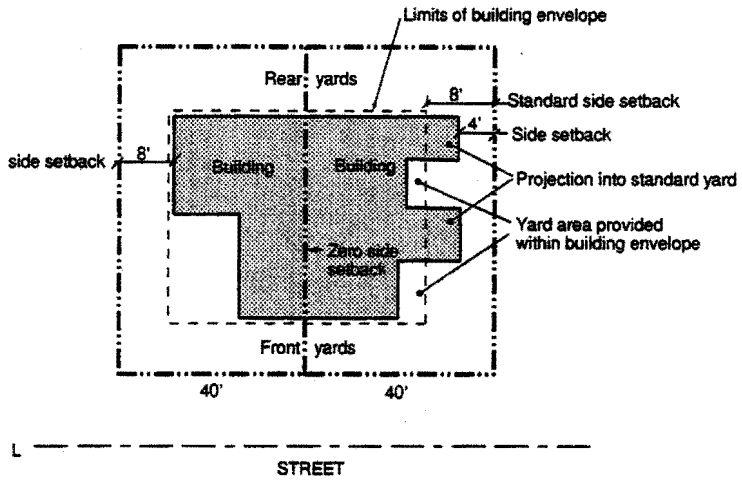
(B) For attached dwellings, the following shall apply:

(i) No side *setback* shall be observed on one side, excluding street side yard;

(ii) The opposite side *setback* is 6 feet or 20 percent of the lot width, whichever is greater, but is not required to be more than 10 feet. This side *setback* may be 4 feet if a vertical offset in the structure's side wall is provided so that a *yard* area within the *building envelope* is provided that is equal to or exceeds the area projecting into the required *yard*. See Diagram 131-04D.

§ 131.0443 Cont'd

Diagram 131-04D
Side Yard Offset in the RX Zones



(iii) Each separate dwelling unit shall have its own side *yard* wall construction that may abut another *dwelling unit* at the common property line. Common wall construction between two *dwelling units* is not permitted.

(3) Rear *Setback* in RX Zones

Rear *setbacks* shall be at least 10 feet or, if *alley* access exists, at least 4 feet.

(c) *Setbacks* in RT Zones

(1) Front *Setback* in RT Zones

(A) The minimum front *setback* is 10 percent of the depth of the *lot*, and in no case shall be less than 5 feet or more than 15 feet. At least some portion of the *building facade* shall be located within 1 foot of the *setback line*.

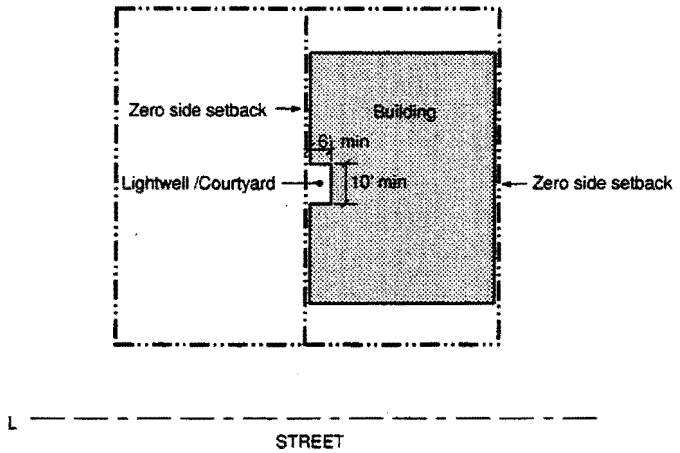
(B) 50 percent of the front *building facade* may encroach into the required front *yard* in accordance with Section 131.0461(b) provided that all supplemental requirements are met as set forth in Section 131.0464(c).

(2) Side *Setbacks* in RT Zones

(A) Side *yards* are not permitted except for lightwells and *court yards*, as shown in Diagram 131-04E, which shall be a minimum of 6 feet by 10 feet.

§ 131.0443 Cont'd

Diagram 131-04E
Lightwells and Courtyards in the RT Zones



(B) Each separate dwelling unit shall have its own side yard wall construction that may abut another *dwelling unit* at the common property line. Common wall construction between two *dwelling units* is not permitted.

(C) A minimum side *setback* of 3 feet is required adjacent to any *lot* that is not within an RT zone.

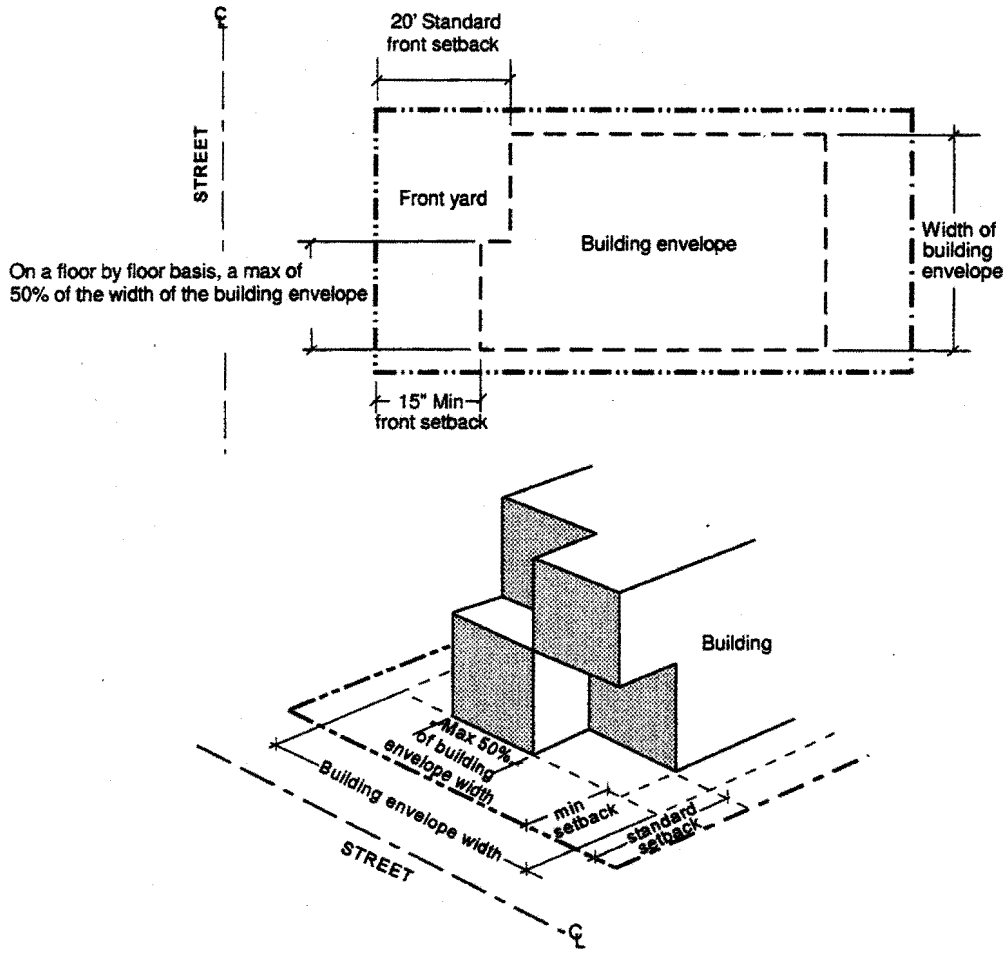
(d) *Setbacks* in RM-1-1, RM-1-2, RM-1-3 Zones

(1) Front *Setback* in RM-1-1, RM-1-2, RM-1-3 Zones

(A) Up to 50 percent of the width of the *building envelope* may observe the minimum 15-foot front *setback*, provided the remaining percentage of the *building envelope* width observes the standard 20-foot *setback*. This may occur on a *floor*-by-*floor* basis. See Diagram 131-04F.

§ 131.0443 Cont'd

Diagram 131-04F
Standard/Minimum Front Setback



(B) For any portion of a *lot* that fronts on a curving *street* with a centerline radius of less than 100 feet, the standard *setback* is 10 feet, and the minimum *setback* is 5 feet.

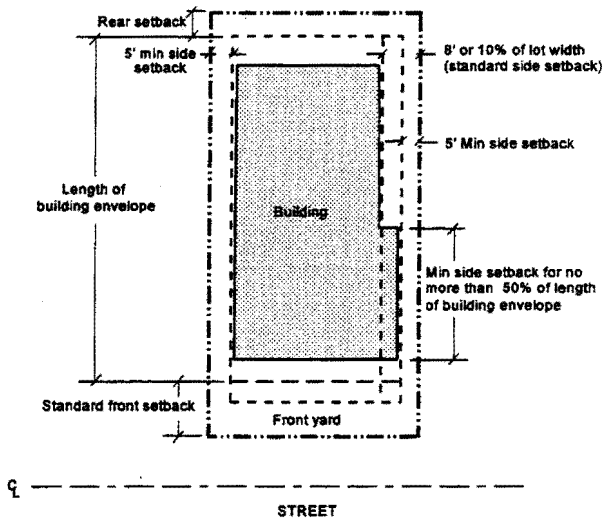
(2) Side *Setbacks* in RM-1-1, RM-1-2, RM-1-3 Zones

(A) Up to 50 percent of the length of the *building envelope* on one side of the *premises* may observe the minimum 5-foot side *setback*, provided the remaining percentage of the *building envelope* length observes at least the standard side *setback* of 8 feet or 10 percent of the lot width, whichever is greater.

One hundred percent of the length of the *building envelope* on the opposite side may observe the minimum side *setback* of 5 feet. See Diagram 131-04G.

§ 131.0443 Cont'd

Diagram 131-04G
Standard/Minimum Side Setback



(B) Exception: The minimum and standard side *setbacks* are at least 4 feet for a *premises* that is less than 50 feet but more than 25 feet wide. The minimum and standard side *setbacks* are at least 3 feet for a *premises* that is 25 feet wide or less.

(C) Where there is an existing *development* on the *premises* with the side *setback* less than the current requirement and the building is to be maintained, new *development* may observe the existing side *setback* for 50 percent of the length of the *building envelope* on a *floor*-by-*floor* basis.

(3) *Street* Side *Setback* in RM-1-1, RM-1-2, RM-1-3 Zones

The minimum *street* side *setback* is at least 10 feet or 10 percent of the *premises* width, whichever is greater.

(4) Rear *Setback* in RM-1-1, RM-1-2, RM-1-3 Zones

Where a rear *yard* abuts an *alley*, one-half of the *alley* width, but not more than 10 feet, may be counted toward the required rear *yard*. In no case shall a rear *setback* using this provision be less than 5 feet.

(e) *Setbacks* in RM-2-4, RM-2-5, RM-2-6 Zones

(1) Front *Setback* in RM-2-4, RM-2-5, RM-2-6 Zones

(A) Up to 50 percent of the width of the *building envelope* may observe the minimum 15-foot front *setback*, provided the remaining percentage of the *building envelope* width observes the standard 20-foot *setback*. This may occur on a *floor*-by-*floor* basis.

§ 131.0443 Cont'd

(B) For any portion of a *lot* that fronts on a curving *street* with a centerline radius of less than 100 feet, the standard front *setback* is 10 feet and the minimum *setback* is 5 feet.

(2) Side *Setbacks* in RM-2-4, RM-2-5, RM-2-6 Zones

(A) The minimum side *setback* is 5 feet or 10 percent of the *premises* width, whichever is greater.

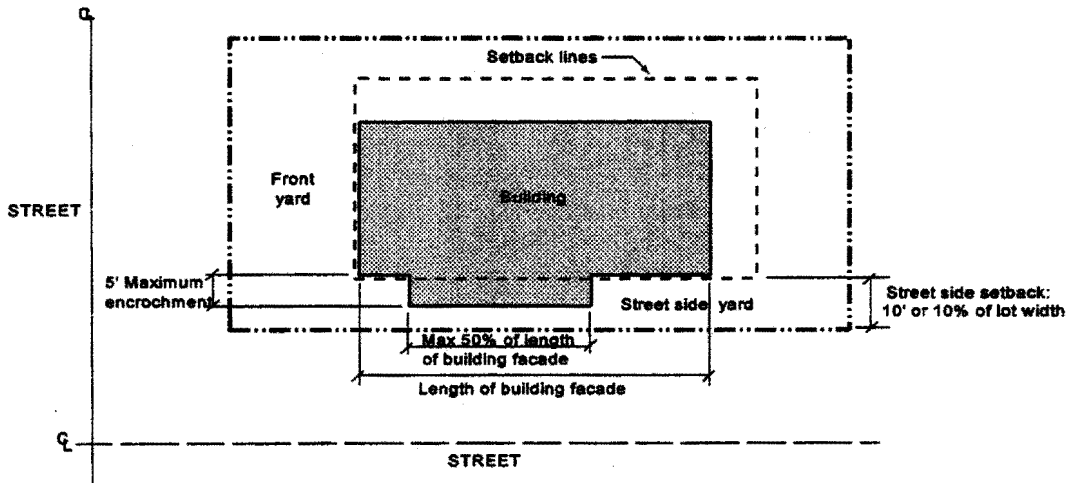
(B) Exception: The minimum side *setback* is 4 feet for a *premises* that is 40 to 50 feet in width.

(3) *Street* Side *Setback* in RM-2-4, RM-2-5, RM-2-6 Zones

(A) The minimum *street* side *setback* is 10 feet or 10 percent of the *premises* width, whichever is greater.

(B) Street Side Yard *Encroachment* Option. Up to 50 percent of the *building facade* may encroach up to 5 feet into the required street side yard. The *encroachment* may occur on a floor-by-*floor* basis. See Diagram 131-04H.

Diagram 131-04H
Street Side Yard Encroachment Option



(4) Rear *Setback* in RM-2-4, RM-2-5, RM-2-6 Zones

Where a rear *yard* abuts an *alley*, one-half of the *alley* width, but not more than 10 feet, may be counted toward the required rear *yard*. In no case shall a rear *setback* using this provision be less than 5 feet.

(f) *Setbacks* in RM-3-7, RM-3-8, RM-3-9 Zones

(1) Front *Setback* in RM-3-7, RM-3-8, RM-3-9 Zones

(A) Up to 50 percent of the width of the *building envelope* may observe the minimum

§ 131.0443 Cont'd

10-foot front *setback*, provided the remaining percentage of the *building envelope* width observes the standard 20-foot *setback*. This may occur on a *floor*-by-*floor* basis.

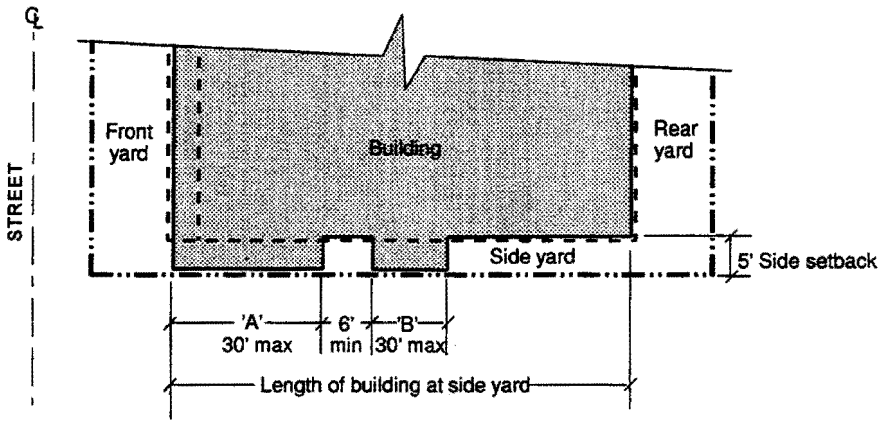
(B) For any portion of a *lot* that fronts on a curving *street* with a centerline radius of less than 100 feet, the standard front *setback* is 10 feet and the minimum *setback* is 5 feet.

(2) Side *Setbacks* in RM-3-7, RM-3-8, RM-3-9 Zones

(A) The minimum side *setback* is 5 feet or 10 percent of the *premises* width, whichever is greater.

(B) Up to 50 percent of the length of the building adjacent to the side *yard* may abut the side *property line*, provided that no encroaching element shall exceed 30 feet in length, that encroaching elements are separated by at least 6 feet, and that each dwelling unit has access to either the front or rear of the *lot*. See Diagram 131-04I.

Diagram 131-04I
Zero Side Setback Option



NOTE: The total length of 'A' plus 'B' shall not exceed 50% of the length of the building at side yard.

(3) *Street* Side *Setback* in RM-3-7, RM-3-8, RM-3-9 Zones

(A) The minimum *street* side *setback* is 10 feet or 10 percent of the *premises* width, whichever is greater.

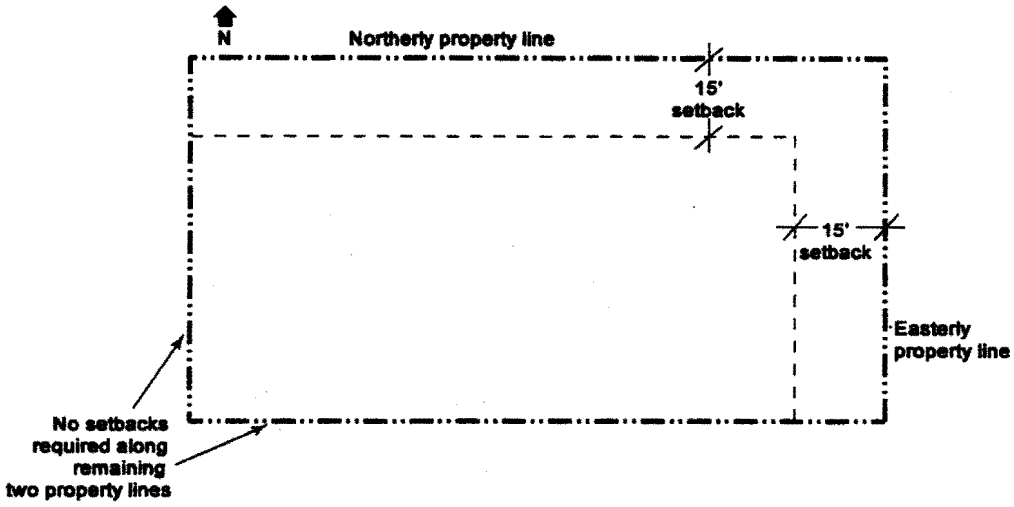
(B) Up to 50 percent of the *building facade* may encroach up to 5 feet into the required street side yard.

(g) *Setbacks* in RM-4-10, RM-4-11 Zones

(1) Two contiguous *yards* must observe *setbacks* of at least 15 feet on the northerly and easterly elevations, as shown in Diagram 131-04J.

§ 131.0443 Cont'd

Diagram 131-04J
Contiguous Yard Requirement



(2) The side *yard* and rear *yard* shall equal the requirements of the adjacent residential zone if that zone is more restrictive.

(h) *Setback* Requirements in the RM-5-12 Zone

(1) Front *Setback* in the RM-5-12 Zone

The minimum front *setback* is 10 feet for any portion of a *lot* that fronts on a turnaround or on a curving *street* with a centerline radius of less than 100 feet.

(2) Side *Setback* in the RM-5-12 Zone

The minimum side *setback* specified in Table 131-04G shall be increased 3 feet for each 12 feet of *structure height* over 24 feet.

(3) *Street* Side *Setback* in the RM-5-12 Zone

The minimum *street* side *setback* is as indicated in Table 131-04G, except as follows:

(A) 9 feet for any *lot* that is at least 45 but less than 50 feet wide;

(B) 8 feet for any *lot* that is at least 40 but less than 45 feet wide;

(C) 7 feet for any *lot* that is at least 35 but less than 40 feet wide;

(D) 6 feet for any *lot* that is at least 30 but less than 35 feet wide; and

(E) 5 feet for any *lot* that is less than 30 feet wide.

(4) Rear *Setback* in the RM-5-12 Zone

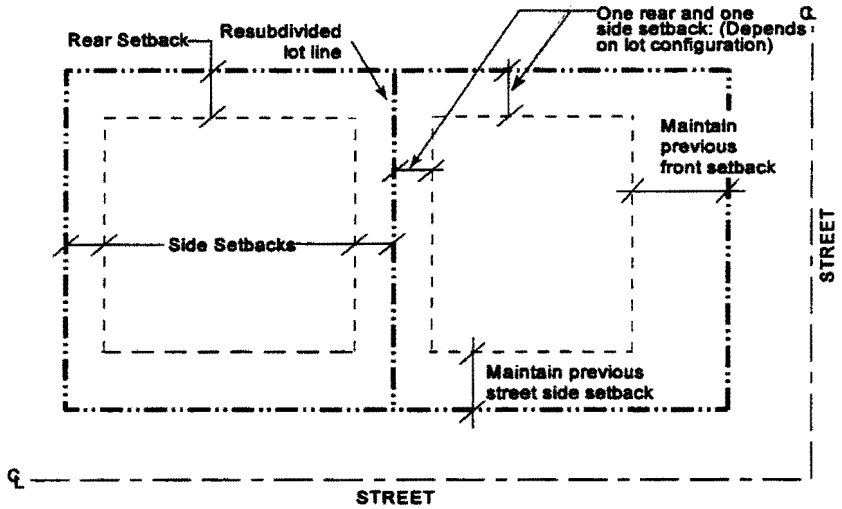
The rear *setback* specified in Table 131-04G shall be increased 3 feet for each 12 feet of *structure height* over 24 feet.

§ 131.0443 Cont'd

(i) *Setbacks* for Resubdivided Corner *Lots* in the RE, RS, and RM Zones

Corner *lots* that have been resubdivided shall maintain the front *setback* and *street* side *setback* in compliance with the requirements placed on the original *lot* configuration, as shown in Diagram 131-04K. The rear *yards* of the resubdivided *lots* shall be adjacent to the *property line* located opposite the front *property line* of the resubdivided *lots*.

Diagram 131-04K
Setbacks for Resubdivided Corner Lots



§ 131.0444 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*.

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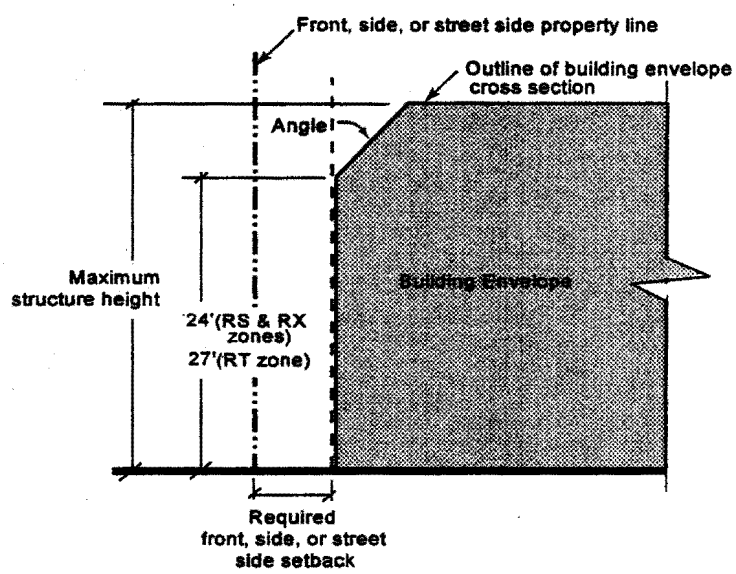
Table 131-04H
Required Angle Building Envelope Plane

Lot Width	Angle of Plane
Less than 75 feet	45 degrees
75 feet to 150 feet	30 degrees
Greater than 150 feet	0 degrees

The angled planes are measured from the vertical axis inward.

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

Diagram 131-04L
Angled Building Envelope Planes in RS, RX, and RT Zones



(c) 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. Chimneys may project into the space above the angled *building envelope* planes to the maximum *structure height* of 30 feet.

(d) In the RT zone, 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

§ 131.0444 Cont'd

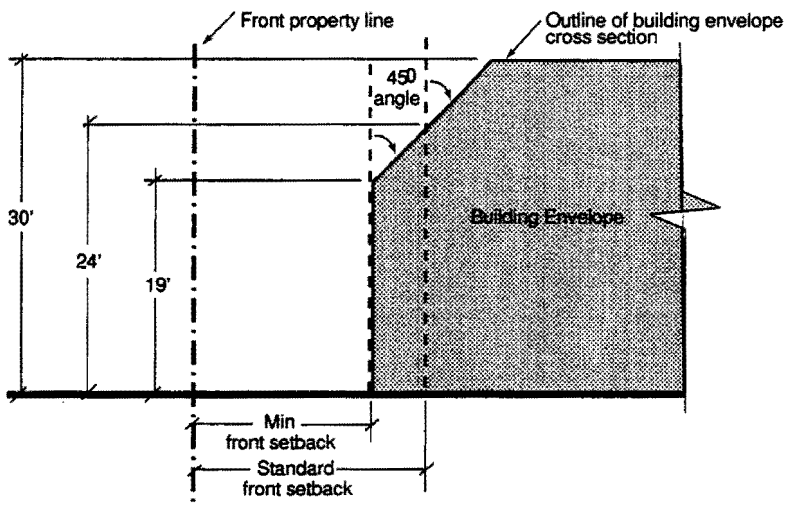
by a 30-degree angled *building envelope* plane slanting inward to the maximum permitted *structure height.* The angled *building envelope* planes shall be measured in accordance with Diagram 131-04L.

(e) *Structure Height* Requirements in RM-1-1, RM-1-2, RM-1-3 Zones

(1) *Structure height* shall not exceed the height of the *building envelope*, established as follows:

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

Diagram 131-04M
Angled Building Envelope at Front Setback



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.

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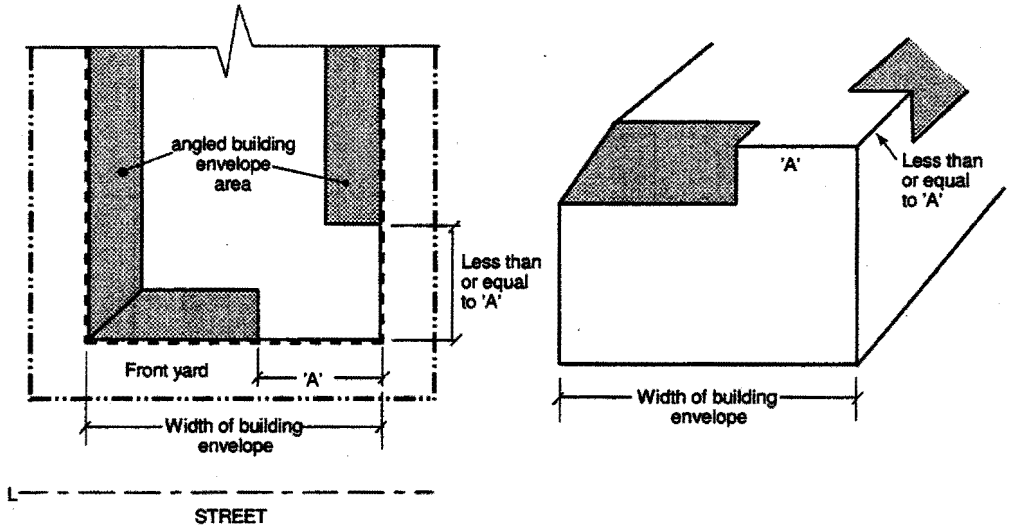
Diagram 131-04N
Exception for Angled Building Envelope Area



(B) 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) *Dormer* windows 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* window may not extend beyond a height of 30 feet;

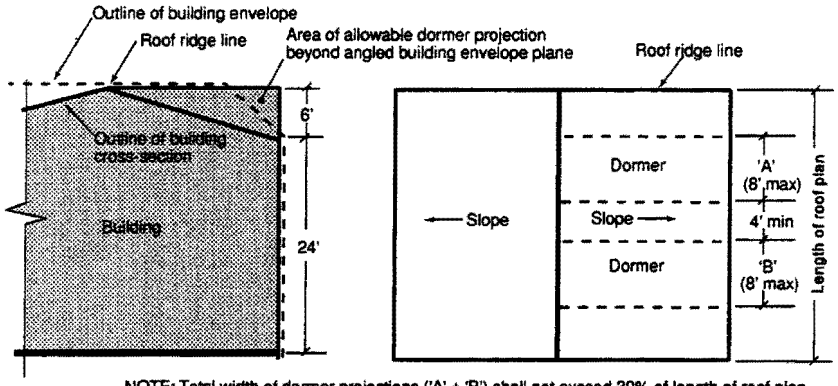
(B) The aggregate width of *dormer* windows may not exceed 30 percent of the length of the roof plan to which the *dormers* will be attached;

(C) Each *dormer* window may not exceed 8 feet in width measured at the widest point; and

(D) There shall be at least 4 feet between each *dormer* window.

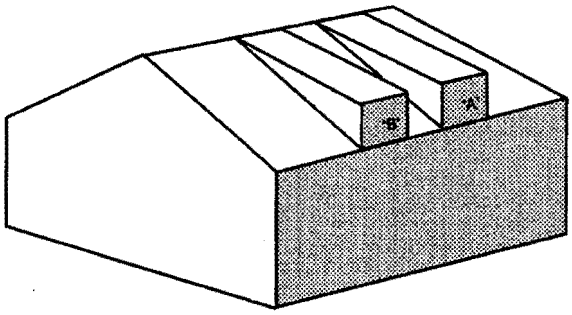
§ 131.0444 Cont'd

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



NOTE: Total width of dormer projections ('A' + 'B') shall not exceed 30% of length of roof plan 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

(f) *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:

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* windows 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 *dormer* windows may not exceed 50 percent of the length of the roof plan to which the *dormers* will be attached; and

(B) *Dormer* windows may not extend beyond a height of 40 feet.

§ 131.0445 Lot Coverage in Residential Zones

(a) In all RE zones and the RS-1-1, RS-1-2, RS-1-3, RS-1-4, RS-1-4, RS-1-5, RS-1-6, and RS-1-7 zones, the maximum permitted *lot coverage* is 50 percent on any *premises* where more than 50 percent of the *premises* contains *steep hillsides.*

(b) In the RT zones, garages of 525 square feet of *floor* area or less are not included in the calculation of *lot coverage.* Bay windows and turrets, when built at ground level, count as coverage. Roofed entryways (porches) and balconies with at least two elevations that are a minimum of 40 percent open do not count as coverage.

(c) In the RM-4-10 and RM-4-11 zones, maximum *lot coverage* is 50 percent for interior *lots* and 60 percent for corner *lots.*

(d) In the RM-5-12 zone, maximum *lot coverage* is 50 percent for interior *lots* and 60 percent for corner *lots,* except that maximum *lot coverage* for any *premises* that has a building exceeding 4 *stories* or 48 feet in *height* shall be reduced in accordance with Table 131-04I.

Table 131-04I
Lot Coverage in RM-5-12 Zone

Stories or *Structure Height*	Maximum *Lot Coverage*
1-4 *stories* or 48 feet	50/60%
5 *stories* or 60 feet	37%
6 *stories* or 72 feet	32%
7 *stories* or 84 feet	28%
8 *stories* or 96 feet	25%
9 *stories* or 108 feet	23%
More than 10 *stories* or 120 feet	21%

§ 131.0446 Maximum Floor Area Ratio in Residential Zones

(a) *Floor Area Ratio* for the RS-1-2, RS-1-3, RS-1-4, RS-1-5, RS-1-6, RS-1-7 Zones

(1) The maximum permitted *floor area ratio* is based on the lot area in accordance with Table 131-04J:

Table 131-04J
Maximum *Floor Area Ratio* in RS-1-2, RS-1-3, RS-1-4, RS-1-5, RS-1-6, RS-1-7 Zones

Lot Area (square feet)	*Floor Area Ratio*
3,000 and less	0.70
3,001 - 4,000	0.65
4.001 - 5,000	0.60
5,001 - 6,000	0.59

§ 131.0446 Cont'd

Lot Area (square feet)	*Floor Area Ratio*
6,001 - 7,000	0.58
7,001 - 8,000	0.57
8,001 - 9,000	0.56
9,001 - 10,000	0.55
10,001 - 11,000	0.54
11,001 - 12,000	0.53
12,001 - 13,000	0.52
13,001 - 14,000	0.51
14,001 - 15,000	0.50
15,001 - 16,000	0.49
16,001 - 17,000	0.48
17,001 - 18,000	0.47
18,001 - 19,000	0.46
19,001 and greater	0.45

(2) For *lots* that exceed the minimum *lot* area required by the applicable zone and where more than 50 percent of the *lot* area contains *steep hillsides*, the maximum permitted *floor area ratio* shall be based on the following:

(A) The area of the site not containing *steep hillsides* or the minimum *lot* area required by the applicable zone, whichever is greater; plus

(B) 25 percent of the remaining *lot* area not included in (A), above.

(b) 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, up to 400 square feet of garage area shall be excluded from the calculation of *gross floor area*.

(c) In the RX zone, the calculation of *floor area ratio* shall be based on the minimum *lot* area of the zone, or the area of the *lot* with a gradient less than 10 percent, whichever is greater.

(d) In the RT zones, up to 525 square feet of garage area may be excluded from the calculation of *gross floor area*.

(e) In the RM-1-2, RM-1-3, RM-2-4, RM-2-5, and RM-2-6 zones, a minimum of one-fourth of the permitted *floor area ratio* shall be reserved for required parking. If underground parking is provided, an area equal to the *gross floor area* of the underground parking may be added to the maximum *gross floor area* permitted for nonparking uses. The maximum *floor area ratio* for all *structures* on the *premises*, excluding *underground parking structures*, shall not exceed the maximum permitted *floor area ratio* for the zone as identified in Table 131-04G.

(f) In the RM-3-7, RM-3-8, RM-3-9, RM-4-10, RM-4-11, and RM-5-12 zones, a minimum of one-third of the permitted *floor area ratio* shall be reserved for required parking. If underground parking is provided, an area equal to the *gross floor area* of the underground

§ 131.0446 Cont'd

parking may be added to the maximum *gross floor area* permitted for nonparking uses. The maximum *floor area ratio* for all *structures* on the *premises*, excluding *underground parking structures*, shall not exceed the maximum permitted *floor area ratio* for the zone as identified in Table 131-04G.

(g) In the RM-5-12 zone, the maximum permitted *floor area ratio* for buildings exceeding 4 *stories* or 48 feet of *structure height* shall be increased in accordance with Table 131-04K.

Table 131-04K
Floor Area Ratio in the RM-5-12 Zone

Stories or *Structure Height*	Maximum *Floor Area Ratio*
1-4 *stories* or 48 feet	1.80
5 *stories* or 60 feet	1.85
6 *stories* or 72 feet	1.90
7 *stories* or 84 feet	1.95
8 *stories* or 96 feet	2.00
9 *stories* or 108 feet	2.05
More than 10 *stories* or 120 feet	2.10

§ 131.0447 Maximum Paving and Hardscape in Residential Zones

Within the required front *yard* of the RE and RS zones, the amount of paving and *hardscape*, including *architectural projections*, is limited to 70 percent of the total required *yard*.

§ 131.0448 Accessory Uses and Structures in Residential Zones

(a) *Accessory uses* within enclosed buildings are restricted to 25 percent of the permitted *gross floor area*.

(b) Accessory *Structures* in RE, RS, and RX Zones

For *lots* with less than 10,000 square feet of area, one-story accessory buildings, not including attached or detached patio *structures*, may encroach into the required side and rear *setbacks*, subject to the following conditions:

(1) 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.

(2) All required *visibility areas*, as set forth in Section 113.0273, shall be observed.

(3) No accessory building shall be used for living or sleeping purposes.

(4) In the RE and RS zones the accessory building shall not exceed 525 square feet in *gross floor area*.

§ 131.0448 Cont'd

(5) In the RX zones the accessory building shall not exceed 400 square feet in *gross floor area*.

(6) The length of any accessory building dimension within the required *yards* shall not exceed 30 feet.

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

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

(9) The accessory building may have electrical, gas, and water/sewer connections to provide the following activities:

(A) Lighting, washing machines, dryers, laundry tubs, and hot water heater;

(B) A one-half bathroom, limited to a water closet and a lavatory sink; and

(C) A shower provided the property owner signs an agreement recorded with the County Recorder and processed through the City Manager stating that the building will not be used for living or sleeping purposes.

§ 131.0449 Garage Regulations in Residential Zones

(a) Garages with an 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 131-04P, subject to the following conditions:

(1) The building is used only for required parking and incidental storage related to residential use;

(2) The building is located entirely within a pre-existing embankment at least 6 feet high, which shall be maintained. The embankment must have an average height of at least 6 feet within the area where the building is proposed.

(3) The *building facade* is set back a minimum of 6 feet from the *property line*;

(4) The building elevation facing the *street* is no more than 24 feet wide;

(5) No garage door opens so that it projects into the *public right-of-way* at any time;

(6) In the RE and RS zones the building does not exceed 525 square feet in *gross floor area*;

(7) In the RX zone the building does not exceed 400 square feet in *gross floor area*; and

(8) If the building is constructed in conjunction with a *retaining wall* that will be located within the required front *yard*, the *retaining wall* must be flared outward from the corners of the building at a minimum 45-degree angle to provide a *visibility area*.

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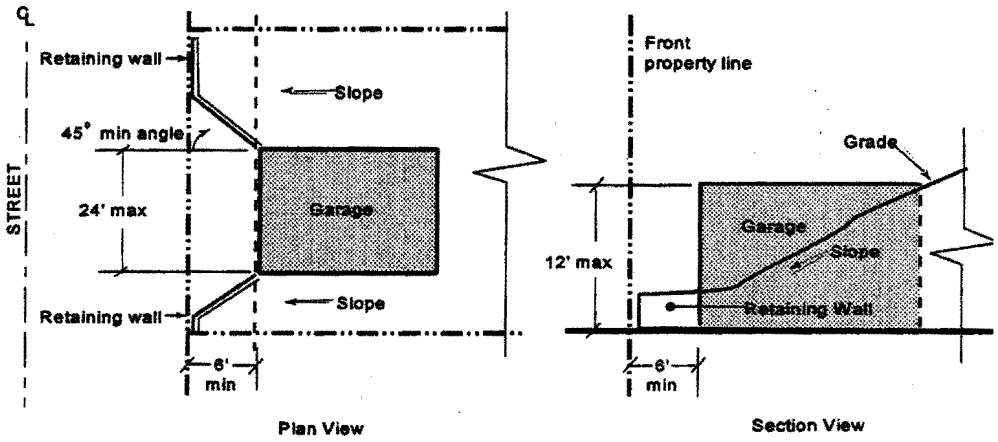
Diagram 131-04P
Garage Within Existing Embankment



(b) Garages in RT Zones

(1) An enclosed and detached two-car garage is required except as otherwise provided in this section.

(2) Access to required parking shall be from an *alley* abutting the *premises*. In lieu of public *alleys* in new *subdivisions*, private easements may be used to provide access for abutting residents and authorized service vehicles only.

(3) The garage shall provide at least two 9-foot by 20-foot parking spaces perpendicular to, and directly accessible from, the abutting *alley*.

(4) The garage shall be located within the rear 30 feet of the *lot*, except to the extent that it is necessary to accommodate a 21-foot distance between the edge of the garage and the edge of the *alley* opposite the *lot*.

(5) The detached garage may not exceed 12 feet in height.

(6) The garage may have a *roof deck* with open or solid safety fencing not to exceed 42 inches in height.

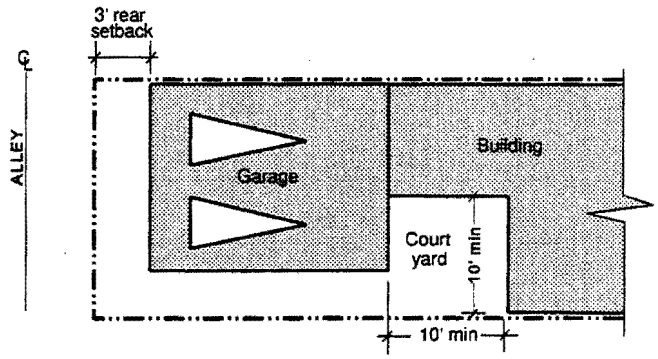
(7) The garage shall abut one interior *property line*.

(8) The garage may be attached to the dwelling unit, subject to the following conditions:

(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 131-04Q, 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;

§ 131.0449 Cont'd

Diagram 131-04Q
Courtyard Requirement with Attached Garage



(B) The vehicle entry facade of the garage may not be more than 24 feet from the rear *property line*; and

(C) The garage is subject to the same height limits as the dwelling unit.

(9) Habitable space may be located above an attached garage.

§ 131.0450 Building Spacing in Residential Zones

Detached dwellings shall maintain a minimum distance of 6 feet between dwellings and 3 feet between any dwelling and any detached, nonhabitable accessory building located on the same *premises*.

§ 131.0451 Minimum Development in the RT Zones

Townhouse *development* is permitted only if there is concurrent *development* of at least 300 feet of *street frontage* or a contiguous 50 percent of the *lots* in a block, whichever provides the greatest *street frontage*.

§ 131.0452 Parkway Requirement in the RT Zones

Subdivisions within the RT zones shall include a landscaped *parkway* between the *street* and the parallel public sidewalk that is at least 4 feet, 6 inches wide.

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

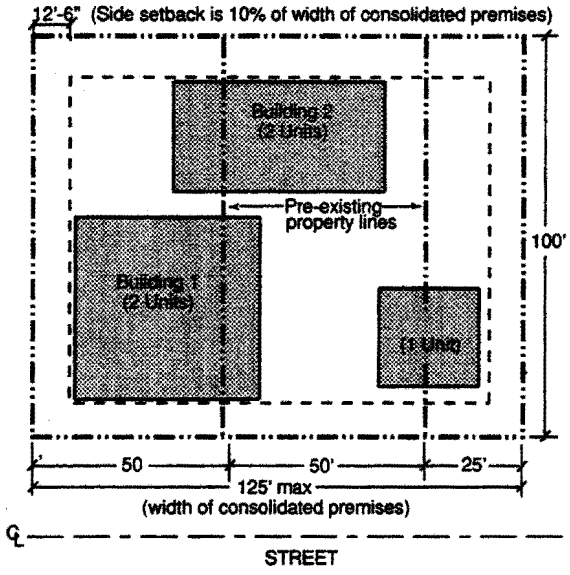
In the RM-1-1 and RM-1-2 zones within urbanized communities, *lot* consolidation is subject to the following:

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

(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 131-04R;

§ 131.0453 Cont'd

Diagram 131-04R
Buildings on Consolidated Lots



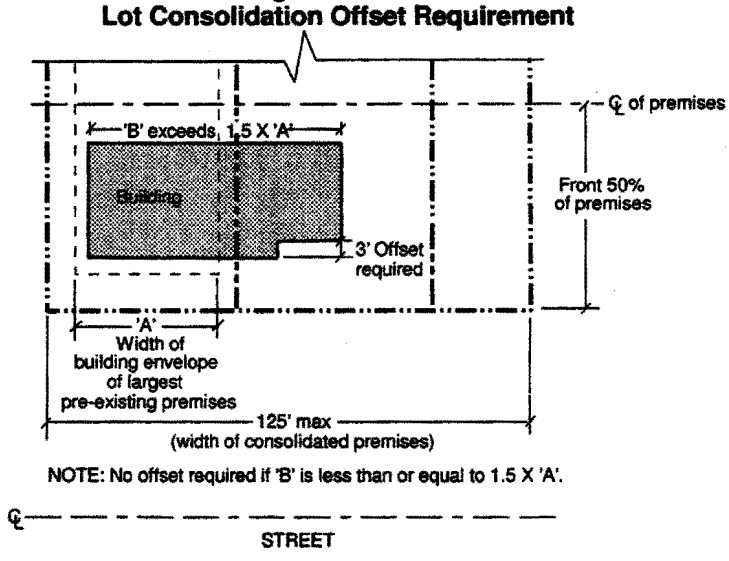
NOTE: Each building may cross only one pre-existing property line

NOTE: The max number of units in any one building may not exceed the number of units permitted on a single 50' X 100' lot (the largest pre-existing premises).

(c) If the depth of the *lots* to be consolidated is greater than 139 feet, only 139 feet shall be used in the calculation to determine the number of units permitted without a Site Development Permit; and

(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 131-04S.

Diagram 131-04S
Lot Consolidation Offset Requirement



NOTE: No offset required if 'B' is less than or equal to 1.5 X 'A'.

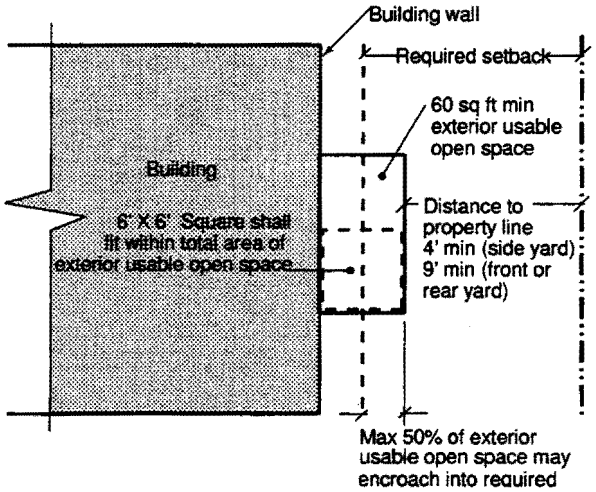
§ 131.0454 Storage Requirements in the RM Zones

In all RM zones, each dwelling unit shall have a fully enclosed, personal storage area outside the unit that is at least 240 cubic feet with a minimum 7-foot horizontal dimension along one plane.

§ 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 131-04T.

Diagram 131-04T
Private Exterior Open Space



(b) In the RM-2-4, RM-2-5, and RM-2-6 zones, at least 75 percent of the dwelling units shall be provided with at least 60 square feet of usable, private, exterior open space abutting the unit with a minimum dimension of 6 feet. The open space may be located in required front and rear *yards*, but shall be no closer than 9 feet to the front *property line*.

(c) In the RM-3-7, RM-3-8, and RM-3-9 zones, at least 75 percent of the dwelling units shall be provided with at least 60 square feet of usable, private, exterior open space abutting the unit with a minimum dimension of 6 feet. The open space may be located in the required front *yard*, but shall be no closer than 9 feet to the front *property line*.

(d) In the RM-4-10, RM-4-11, and RM-5-12 zones, at least 50 square feet of usable, private, exterior open space abutting each dwelling unit shall be provided with a minimum dimension of 4 feet.

§ 131.0456 Common Open Space in the RM Zones

In all RM zones, *premises* with more than four dwelling units shall include common open space as follows:

(a) The common open space area shall be at least 300 square feet, or 25 square feet per dwelling

§ 131.0456 Cont'd

unit, whichever is greater.

(b) At least one area of common open space shall be provided with minimum dimensions of 12 feet by 15 feet. This space shall be improved as a usable area with lawn or recreational facilities.

(c) Roofed *structures* may occupy a maximum of 50 percent of the common open space area. No enclosed buildings are permitted in the common open space area.

(d) Common open space may be provided in the required side and rear *yards*.

(e) Common open space shall be landscaped or improved with outdoor recreational facilities available only to the residents and guests of the *development*.

§ 131.0460 Maximum Third Story Dimensions in the RS Zones

In the RS-1-2, RS-1-3, RS-1-4, RS-1-5, RS-1-6, and RS-1-7 zones, the following shall apply:

(a) The width of the third *story* is limited to 70 percent of the width of the *lot*.

(b) The depth of the third *story* is limited to 50 percent of the depth of the *lot* or 100 percent of the maximum width dimension, whichever is greater.

§ 131.0461 Architectural Projections and Encroachments in Residential Zones

(a) The following are permitted *architectural projections* and *encroachments* into required *yards* 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 front and street side 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) Eave, cornice, and eyebrow projections may extend into the required *yard* subject to the following:

(A). The projection may extend a maximum of 6 feet into the required *yard* or 50 percent of the width of the required *yard*, whichever is less;

(B) The projection shall not be closer than 2 feet, 6 inches to the *property line*; and

(C) There shall be a minimum 6-foot, 8-inch clearance between *proposed grade* and the projection.

(2) Openly supported *architectural projections*, including trellises, may encroach into required *yards*, as shown in Diagram 131-04U, subject to the following:

(A) The height shall not exceed the height of the *roof eave* or the sill plate of the second *floor*, whichever is lower;

(B) The projection shall be at least 50 percent open in plan view;

(C) The projection may extend a maximum of 6 feet into the required *yard* or 50 percent of the width of the required *yard*, whichever is less;

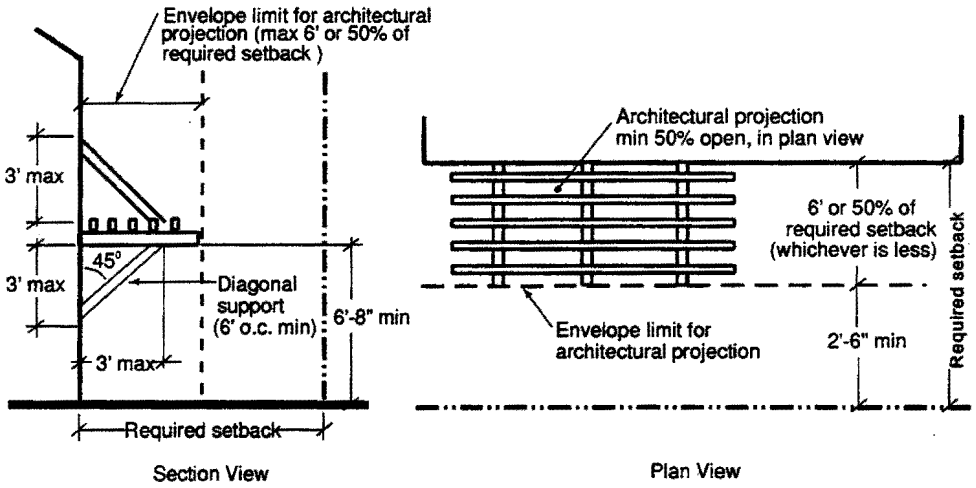
§ 131.0461 Cont'd

(D) The projection shall not be closer than 2 feet, 6 inches to the *property line*;

(E) There shall be a minimum 6-foot, 8-inch clearance between *proposed grade* and the lowest horizontal portion of the projection, not including the supports, as described in Section 131.0461(a)(2)(F), below; and

(F) Diagonal supports from the building wall, such as knee braces, extending within a 45-degree angle from the building wall to the horizontal portion of the projection are permitted, provided that the horizontal and vertical components of the supports do not exceed 3 feet. There shall be a minimum spacing of 6 feet between supports.

Diagram 131-04U
Openly Supported Architectural Projections



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

(A) There shall be a minimum 1-foot clearance between the lowest point of the bay window *structure* and *proposed grade* directly below;

(B) The bay window shall not project into the required *yard* more than 4 feet or 50 percent of the width of the required *yard*, whichever is less. The bay window shall not be closer than 4 feet to the *property line*;

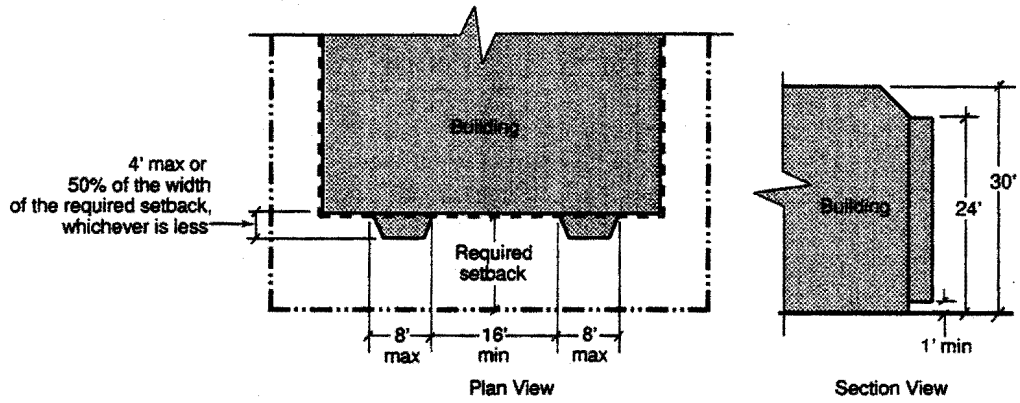
(C) The bay window shall not be more than 8 feet in width;

(D) The bay window may extend to the maximum permitted height of the *building envelope*; and

(E) There shall be a 16-foot or greater spacing between bay windows, and no more than two bay windows per elevation shall encroach into the required *yard*.

§ 131.0461 Cont'd

Diagram 131-04V
Bay Window Yard Projections



(4) Fireplace enclosures may encroach into required *yards* subject to the following requirements:

(A) The fireplace enclosure may not encroach into the required *yard* more than 2 feet, 6 inches or 50 percent of the width of the required *yard*, whichever is less. The fireplace shall not be closer than 2 feet, 6 inches to the *property line*;

(B) The fireplace and chimney are not be subject to the 45-degree sloped *building envelope* requirement and may extend to the maximum *structure height* at the required *setback*;

(C) The fireplace enclosure shall have a maximum width of 10 feet measured from *grade* to the *roof eave* or the sill plate of the second *floor*, whichever is lower, and a maximum width of 5 feet beyond that; and

(D) No more than two projecting fireplaces per building elevation are permitted.

(5) Electrical fuse boxes, gas meters, and 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;

(B) The *encroachment* shall not be closer than 2 feet, 6 inches to 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) Entry roofs and porches may encroach into the required front and street side *yards* subject to the following requirements:

(A) The *encroachment* shall not exceed 6 feet or 50 percent of the width of the required *yard*, whichever is less;

(B) The height of the entry roof shall not exceed 10 feet for flat roofs, 12 feet for pitched roofs, or 12 feet at the apex of an arched roof with 10 feet at the springline;

§ 131.0461 Cont'd

(C) The width of the *encroachment* shall not exceed 10 feet or 50 percent of the width of the habitable portion of the building elevation, whichever is greater; and

(D) Porches shall be maintained with at least two elevations that are at least 40 percent open.

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

(A) The height of the arbor shall not exceed 10 feet for flat-topped *structures* or 12 feet for sloping *structures*;

(B) The width of the arbor shall not exceed 6 feet, measured to the centerlines of the supports. A maximum 2-foot overhang is permitted on each side of the center of the supports, as long as the overhang does not project into the *public right-of-way*;

(C) The horizontal surface of the arbor, including overhang, must provide a minimum 6-foot, 8-inch clearance above *proposed grade*;

(D) Supports shall not exceed a maximum dimension of 12 inches by 12 inches;

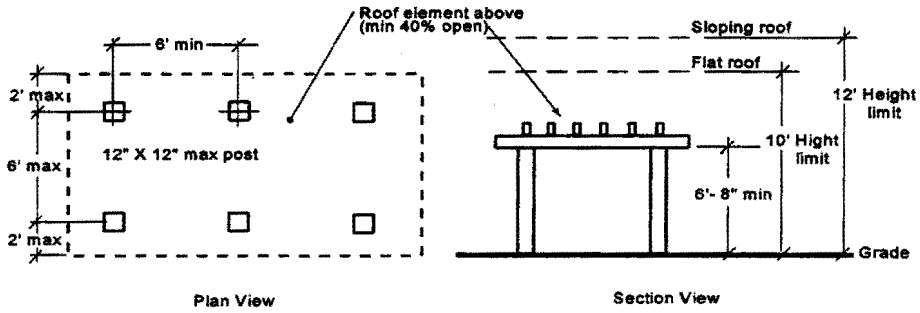
(E) There shall be at least 6 feet between supports along the length of the arbor;

(F) In plan view, the arbor shall be at least 40 percent open. Fencing between posts is subject to Chapter 14, Article 2, Division 3 (Fence Regulations);

(G) The arbor shall not be enclosed on any side other than the side attached to the building, if attached; and

(H) Arbors may encroach the entire width of the required *yard* but may not project beyond the *property line*.

Diagram 131-04W
Entry Arbor Yard Projections



(8) Patio *structures* may be located within a required side *yard* or rear *yard*, subject to the following requirements:

(A) The patio *structure* shall not be located closer than 5 feet to any *property line*;

(B) The patio shall be open on at least three sides except for support columns with maximum dimensions of 18 inches by 18 inches in plan view;

§ 131.0461 Cont'd

(C) The support columns shall have a minimum separation of 8 feet measured on center; and

(D) The height of the roof of the patio shall not exceed the *roof eave* or the sill plate of the second *floor*, whichever is lower.

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

(A) The total length of all *dormers* on a building wall may not exceed 30 percent of the total length of the building along that wall;

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

(C) There shall be a minimum of 4 feet between each *dormer*, including eaves;

(D) Projecting *dormers* may project through the 30/45-degree sloped *building envelope* plane and may encroach 4 feet into the required *yard* or 50 percent of the width of the adjacent required *yard*, whichever is less; provided, however, that the *dormer* may not be closer than 3 feet to the *property line*; and

(E) A *dormer* may be a vertical extension of a bay window.

(10) Unroofed *structures*: An unroofed portion of a *structure* not in excess of 3 feet above *proposed grade*, with an open safety railing not exceeding 42 inches in height, is permitted within a required side or rear *yard*.

(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) Projecting balconies may encroach into required minimum front and street side *yards* subject to the following requirements:

(A) One unenclosed projecting balcony is permitted for each *story* above the first *story*;

(B) A projecting balcony may encroach up to 4 feet into required minimum *yards*;

(C) Support posts to the ground below are not permitted unless the area below the balcony serves as a projecting entry and provides shelter for an access door to the dwelling unit; and

(D) The maximum permitted width of projecting balconies is 8 feet.

(2) Bay windows may encroach into required minimum front and street side *yards* subject to the following requirements:

(A) Bay windows are limited to two per *story*;

(B) The maximum permitted width of bay windows is 8 feet;

§ 131.0461 Cont'd

(C) Bay windows may encroach a up to 4 feet into required minimum *yards*; and

(D) Bay windows may extend to the height of the building or there may be a horizontal separation between the bay windows.

(3) Turrets with or without cupola may encroach into the required minimum front and street side *yards* and may extend into the sloped *building envelope* area subject to the following requirements:

(A) Only one turret per *lot* may be used;

(B) A turret located at the corner of the building on a corner *lot* may encroach into both the front and street side yards;

(C) A turret may encroach up to 4 feet into required *yards*; and

(D) A turret (and cupola) may also extend above the building height limit and into the sloped *building envelope* area so that the highest point is up to 5 feet above the maximum *structure height* of the zone.

(4) Projecting entries, either at *grade* or elevated with accompanying stairs and cover, may encroach into required minimum front and street side *yards* subject to the following requirements:

(A) Only one entry per elevation is permitted;

(B) The height of the *floor* of an elevated entry shall not exceed 42 inches above *proposed grade*;

(C) The entry may not be closer than 4 feet to the front *property line*; and

(D) The width of a projecting entry shall not exceed 50 percent of the width of the *building facade*.

(5) Trellis projections and eaves may project into required minimum front and street side yards subject to the following requirements:

(A) Trellises may project into required minimum *yards* up to the *property line*, but no portion of the trellis may extend beyond the *property line*;

(B) Eaves may project 2 feet, 6 inches into the required minimum *yards*; and

(C) There shall be at least 6 feet, 8 inches of clearance between *proposed grade* and the bottom of the projections.

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

(A) A maximum of two *dormers* are permitted per elevation;

(B) The maximum width of *dormers* shall be 5 feet; and

(C) *Dormers* may extend into the sloped *building envelope* area.

§ 131.0461 Cont'd

(7) A detached garage may encroach into the street side *yard* subject to the following requirements:

(A) The garage may not exceed 12 feet in height; and

(B) The garage must be located within the rear 30 feet of the *lot*.

(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 a required *visibility area* or a required turning radius or vehicle back-up area except where development regulations may allow.

(1) For front and rear *yards*, one *encroachment* is permitted per 50 feet of *building facade* length, with a minimum of 10 feet between *encroachments*.

(2) For side *yards*, two *encroachments* are permitted per 50 feet of *building facade* length, with a minimum of 10 feet between *encroachments*.

(3) A minimum of 3 feet must be provided between the *encroachment* and the *property line*.

§ 131.0462 Requirements for Attached Units in the RX Zones

The street wall of an attached dwelling unit shall be horizontally offset a minimum of 4 feet from the street wall of the dwelling unit to which it is attached.

§ 131.0463 Roof Design Variation Requirements in the RX Zones

In the RX zones, for *developments* exceeding 8 dwelling units, at least 30 percent of the units shall have roof designs that vary from the remainder of the dwelling units.

§ 131.0464 Supplemental Requirements for Residential Zones

(a) Supplemental Requirements for RE and RS Zones

(1) *Manufactured homes* are permitted as residential dwelling units subject to all regulations of the applicable zone in addition to the following supplemental regulations:

(A) Siding shall be of nonreflective material such as wood, vinyl, stucco, decorative stone, or masonry;

(B) Roofing materials shall be of nonreflective material such as concrete tiles, fiberglass shingles, or composition shingles, shakes, or tiles;

(C) Eaves shall be between 12 and 16 inches measured from the vertical side of the exterior wall; and

(D) The foundation along the exterior perimeter shall conform to the Building Regulations and shall consist of poured concrete, masonry, or approved all-weather material. If the foundation material is not masonry or concrete, it shall match the siding material of the home.

§ 131.0464 Cont'd

(b) Supplemental Requirements for RX Zones:

(1) For *lots* without *alley* access, a minimum of 25 percent of the length of the *building facade* on the ground *floor* must be utilized for habitable space.

(2) *Manufactured homes* are permitted as residential dwelling units provided they comply with the regulations in Section 131.0464(a)(1).

(c) Supplemental Requirements for RT Zones:

(1) When an RT *development* exceeds 12 units and the *lots* are greater than 90 feet in depth, the front facade of one-third of the dwelling units must be offset 3 feet from the front facade of the remaining units.

(2) For all dwelling units, 20 percent of the area of the front facade shall be used for door and window areas.

(3) One building articulation feature from each category listed below shall be incorporated into each dwelling unit:

Category A:
Elevated first *floor*
Projecting balcony
Bay windows (2)

Category B:
Turret (with or without cupola)
Inset balcony
Angled side planes (2)
Projecting (or inset) elevated entry

Category C
Planter boxes
Trellises
Inset windows
Projecting covered entry
Dormer windows
Inset entry

Building articulation features shall be provided in accordance with the following regulations. Those features that may project into the required front and street side yards are indicated and are subject to the requirements in Section 131.0461(c).

(A) Elevated First *Floor*. The elevation of the ground *story* (first *floor*) shall be 42 inches above *proposed grade.*

(B) Projecting Balcony. A maximum of one projecting balcony is permitted for each *story* above the first *story*. Each balcony may be roofed or unroofed. Open or solid safety railings not to exceed 42 inches in height are permitted. (See Section 131.0461(b)(1) for *yard encroachment* regulations).

(C) Bay Windows. At least two bay windows per elevation are required. A minimum of

§ 131.0464 Cont'd

40 percent of each bay window elevation shall be glass. (See Section 131.0461(b)(2) for *yard encroachment* regulations).

(D) Turret. The minimum size of a turret shall be 6 feet by 6 feet or shall have a 6-foot diameter in plan dimensions. Turrets shall extend from the ground (first *story*) level for the full height of the building or shall extend from the second *story* to the full height of the building. A turret may project into the space above the angled *building envelope* plane to 5 feet above the maximum permitted *structure height*. For each *story*, at least 40 percent of the turret elevation shall be glass. At the first *story*, an entry door may substitute for an equal square footage amount of glass area. Only one bay window per *story* may be used if a turret is provided. (See Section 141.0461(b)(3) for *yard* encroachment regulations).

(E) Inset Balcony. A maximum of two inset balconies are permitted per elevation. Each balcony may be roofed or unroofed. Open or solid safety railings not to exceed 42 inches in height are permitted.

(F) Angled Side Planes. At both side *setbacks*, the *structure* shall observe 60-degree planes sloping inward above 25 feet in height to the maximum permitted building height. At minimum, angled planes must be located on the front 50 percent of the *structure*. *Dormers* may project from the angled side planes to the side *property lines* but may not be closer than 3 feet to a *street* side *property line*.

(G) Projecting Elevated Entry. One projecting entry is permitted per elevation. The entry must be unenclosed on three sides and may have a maximum 42-inch-high open safety railing. The entry shall be a minimum of 6 feet and a maximum of 8 feet wide. The entry may have an unenclosed balcony with the same horizontal dimensions above it. Stairs providing access to the entry for buildings with an elevated first *floor* shall not be included in the determination of width. (See Section 131.0461(b)(4) for *yard encroachment* regulations).

(H) Planter Boxes. Planter boxes shall be of wood, brick, stone, or finished/patterned concrete construction. The minimum total area of the planter boxes shall be 40 square feet. The walls of the planter boxes shall be at least 24 inches and no more than 36 inches high. The planter boxes shall be located adjacent to the *structure*, entry, walkway, or *property line*. Wrought iron fencing (and gate), at least 50 percent open, may be placed in the required front *yard* either separately or in conjunction with the planter boxes, in accordance with the *fence* height regulations in Chapter 14, Article 2, Division 3 (*Fence* Regulations).

(I) Trellises. Trellises shall be at least 50 percent open in plan view. Diagonal supports from the building wall extending within a 45-degree angle from the building wall to the horizontal portion of the projection are permitted. (See Section 131.0461(b)(5) for *yard encroachment* regulations).

(J) Inset Windows. A maximum of two inset windows are permitted per *story*. The window surface must be set back at least 6 inches from the front facade.

(K) Projecting Covered Entry. One projecting covered entry is permitted per elevation. The entry shall be at least 6 feet but no more than 8 feet wide. The required cover shall be no more than 50 percent open. The entry may have an unenclosed balcony with the same horizontal dimensions, above it. (See Section 131.0461(b)(4) for *yard encroachment* regulations).

§ 131.0464 Cont'd

(L) *Dormer* Windows. *Dormers* may project into the space above the angled *building envelope* plane. *Dormers* may have pitched or curved roofs. The maximum width for *dormers* is 5 feet. At the side and *street* side *setbacks* a minimum separation of 10 feet between *dormers* is required. (See Section 131.0461(b)(6) for *yard encroachment* regulations).

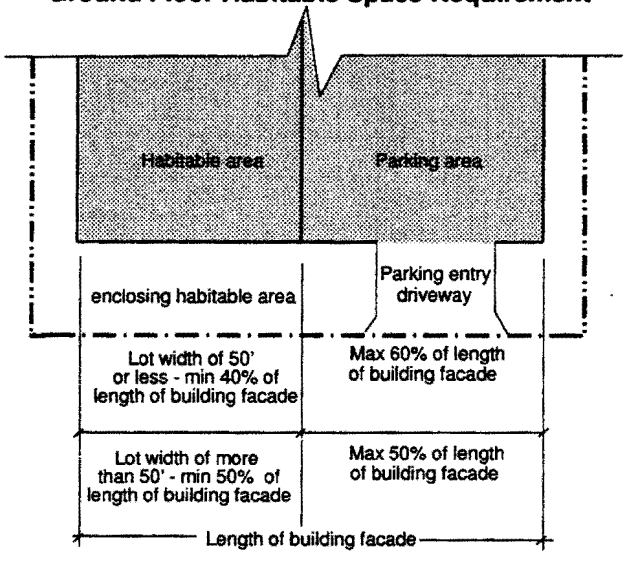
(M) Inset Entry. One inset entry is permitted per elevation. Inset entries shall be either at *grade* or elevated. The entry must be set back at least 24 inches from the facade and may have a maximum 42-inch-high open safety railing.

(d) Supplemental Requirements for RM-1-1, RM-1-2, RM-1-3 Zones

(1) For *lots* with a width of 60 feet or less, not more than two 10-foot-wide garage doors or garage entries or a single 16-foot-wide garage door or entry on the *building facade* is permitted, except when that door accesses underground parking. For each additional 25 feet of *street frontage*, an additional 10 feet maximum width garage door or garage entry is permitted.

(2) For *lots* with a width of 50 feet or less, at least 40 percent of the length of the *building facade* on the ground *floor* must enclose habitable area (not garage or parking entrance); for *lots* greater than 50 feet in width, at least 50 percent of the length of the *building facade* on the ground *floor* must enclose habitable area. See Diagram 131-04X.

Diagram 131-04X
Ground Floor Habitable Space Requirement



(3) Within the front facade on all *floors* above the first *floor*, a transparent glass window or windows with an aggregate area of at least 20 square feet shall be provided for each dwelling unit that faces the *street*.

(e) Supplemental Requirements for the RM-2-4, RM-2-5, RM-2-6 Zones

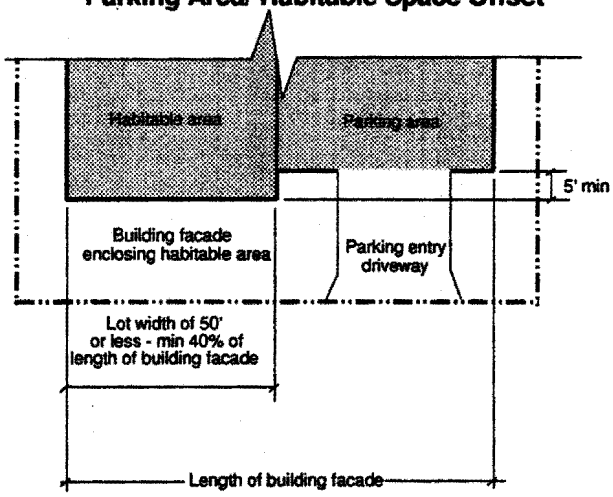
(1) For *lots* with a width of 60 feet or less, not more than two 10-foot-wide garage doors or garage entries or a single 16-foot-wide garage door or entry on the *building facade* is permitted, except when that door accesses underground parking. For each additional 25 feet of *street frontage*, an additional 10 feet maximum width garage door or garage entry is permitted.

§ 131.0464 Cont'd

(2) Garages, carports, and other parking entries in the *building facade* shall be set back at least an additional 5 feet from the facade wall enclosing habitable space, as shown in Diagram 131-04Y.

(3) For *lots* with a width of 50 feet or less, at least 40 percent of the length of the *building facade* on the ground *floor* must enclose habitable area (not a garage or parking entrance); for *lots* greater than 50 feet in width, at least 50 percent of the length of the *building facade* on the ground *floor* must enclose habitable area. See Diagram 131-04Y.

Diagram 131-04Y
Parking Area/ Habitable Space Offset



(4) Within the *building facade* on all *floors* above the first *floor*, a transparent glass window or windows with an aggregate area of at least 20 square feet shall be provided for each dwelling unit that faces the *street*.

(f) Supplemental Requirements for the RM-3-7, RM-3-8, RM-3-9 Zones

When the ground *floor* of a building is used for parking and the parking is adjacent to a required *yard*, the parking area must be *screened* by a minimum 6-foot-high *fence* or 6-foot-high landscaping. A pedestrian entry to the building from each *street* must be provided.

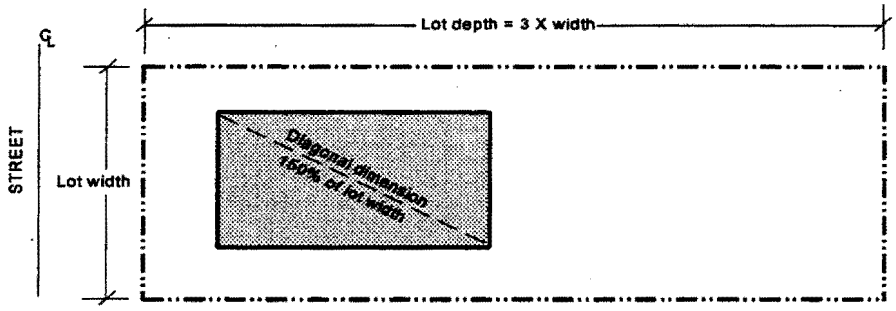
§ 131.0465 Diagonal Plan Dimension in Residential Zones

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.

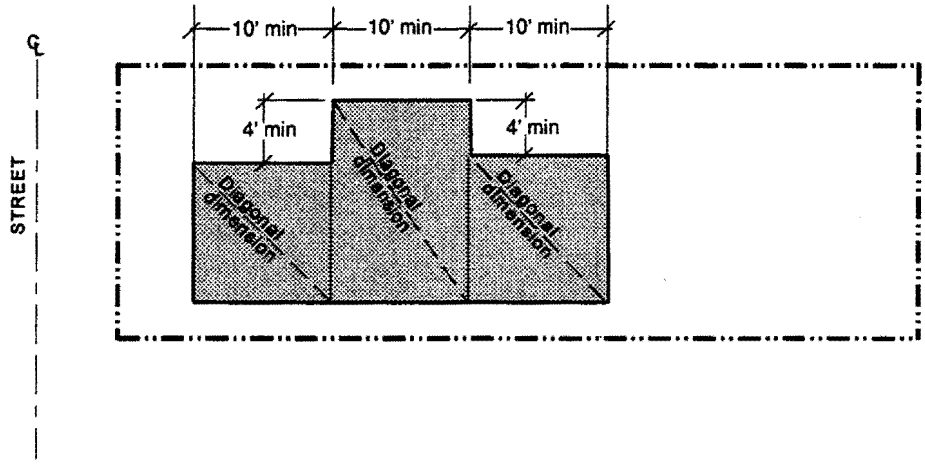
§ 131.0465 Cont'd

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



Article 1: Base Zones

Division 5: Commercial Base Zones

§ 131.0501 Purpose of Commercial Zones

The purpose of the commercial zones is to provide for the employment, shopping, services, recreation, and lodging needs of the residents of and visitors to the City. The intent of the commercial zones is to provide distinct regulations for size, intensity, and design to reflect the variety of the desired *development* patterns within San Diego's communities.

§ 131.0502 Purpose of the CN (Commercial–Neighborhood) Zones

(a) The purpose of the CN zones is to provide residential areas with access to a limited number of convenient retail and personal service uses. The CN zones are intended to provide areas for smaller scale, lower intensity *developments* that are consistent with the character of the surrounding residential areas. The zones in this category may include residential *development*. Property within the CN zones will be primarily located along local and selected collector *streets*.

(b) The CN zones are differentiated based on the permitted lot size and pedestrian orientation as follows:

- CN-1-1 allows *development* of a limited size with a pedestrian orientation
- CN-1-2 allows *development* with an auto orientation
- CN-1-3 allows *development* with a pedestrian orientation

§ 131.0503 Purpose of the CR (Commercial–Regional) Zones

(a) The purpose of the CR zones is to provide areas for a broad mix of business/professional office, commercial service, retail, wholesale, and limited manufacturing uses. The CR zones are intended to accommodate large-scale, high intensity *developments*. Property within these zones will be primarily located along major *streets*, primary arterials, and major public transportation lines.

(b) The CR zones are designed for auto-oriented *development* and are differentiated based on the uses allowed as follows:

- CR-1-1 allows a mix of regional serving commercial uses and residential uses, with an auto orientation
- CR-2-1 allows regional serving commercial and limited industrial uses with an auto orientation but no residential use

§ 131.0504 Purpose of the CO (Commercial–Office) Zones

(a) The purpose of the CO zones is to provide areas for employment uses with limited, complementary retail uses and medium to high *density* residential *development*. The CO zones are intended to apply in larger activity centers or in specialized areas where a full range of commercial activities is not desirable.

(b) The CO zones are differentiated based on the uses allowed as follows:

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- CO-1-1 allows a mix of office and residential uses with a neighborhood scale and orientation
- CO-1-2 allows a mix of office and residential uses that serve as an employment center

§ 131.0505 Purpose of the CV (Commercial--Visitor) Zones

(a) The purpose of the CV zones is to provide areas for establishments catering to the lodging, dining, and recreational needs of both tourists and the local population. The CV zones are intended for areas located near employment centers and areas with recreational resources or other visitor attractions.

(b) The CV zones are differentiated based on *development* size and orientation as follows:

- CV-1-1 allows a mix of large-scale, visitor-serving uses and residential uses
- CV-1-2 allows a mix of visitor-serving uses and residential uses with a pedestrian orientation

§ 131.0506 Purpose of the CP (Commercial--Parking) Zone

The purpose of the CP zone is to provide off-street parking areas for passenger automobiles. The CP zone is intended to be applied in conjunction with established commercial areas to provide needed or required off-street parking.

§ 131.0507 Purpose of the CC (Commercial--Community) Zones

(a) The purpose of the CC zones is to accommodate community-serving commercial services, retail uses, and limited industrial uses of moderate intensity and small to medium scale. The CC zones are intended to provide for a range of *development* patterns from pedestrian-friendly commercial *streets* to shopping centers and auto-oriented strip commercial *streets*. Some of the CC zones may include residential *development*. Property within the CC zones will be primarily located along collector *streets*, major *streets*, and public transportation lines.

(b) The CC zones are differentiated based on the uses allowed and regulations as follows:

(1) The following zones allow a mix of community-serving commercial uses and residential uses:

- CC-1-1 is intended to accommodate *development* with strip commercial characteristics
- CC-1-2 is intended to accommodate *development* with high intensity, strip commercial characteristics
- CC-1-3 is intended to accommodate *development* with an auto orientation

(2) The following zones allow community-serving uses with no residential uses:

- CC-2-1 is intended to accommodate *development* with strip commercial characteristics
- CC-2-2 is intended to accommodate *development* with high intensity, strip commercial characteristics
- CC-2-3 is intended to accommodate *development* with an auto orientation

(3) The following zones allow a mix of pedestrian-oriented, community-serving commercial uses and residential uses:

- CC-3-4 is intended to accommodate *development* with a pedestrian orientation

- CC-3-5 is intended to accommodate *development* with a high intensity, pedestrian orientation

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(4) The following zones allow heavy commercial uses and residential uses:

- CC-4-1 is intended to accommodate *development* with strip commercial characteristics
- CC-4-2 is intended to accommodate *development* with high intensity, strip commercial characteristics
- CC-4-3 is intended to accommodate *development* with an auto orientation
- CC-4-4 is intended to accommodate *development* with a pedestrian orientation
- CC-4-5 is intended to accommodate *development* with a high intensity, pedestrian orientation

(5) The following zones allow a mix of heavy commercial and limited industrial uses and residential uses:

- CC-5-1 is intended to accommodate *development* with strip commercial characteristics
- CC-5-2 is intended to accommodate *development* with high intensity, strip commercial characteristics
- CC-5-3 is intended to accommodate *development* with an auto orientation
- CC-5-4 is intended to accommodate *development* with a pedestrian orientation
- CC-5-5 is intended to accommodate *development* with a high intensity, pedestrian orientation

§ 131.0515 Where Commercial Zones Apply

On the effective date of Ordinance O-_____, all commercial zones that were established in Municipal Code Chapter 10, Article 1, Division 4 shall be 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 _____.	**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

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Previous Chapter 10 Commercial Zone Replaced with New Commercial Zone Established by this Division	
Commercial Zone that Existed on _____.	**Applicable Zone of this Division**
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

§ 131.0520 Use Regulations of Commercial Zones

The regulations of Section 131.0522 apply in the commercial zones unless otherwise specifically provided by footnotes indicated in Table 131-05B. The uses permitted in any zone may be further limited if *environmentally sensitive lands* are present, pursuant to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

(a) Within the commercial zones, no *structure* or improvement, or portion thereof, shall be constructed, established, or altered, nor shall any *premises* be used or maintained except for one or more of the purposes or activities listed in Table 131-05B. It is unlawful to establish, maintain, or use any *premises* for any purpose or activity not listed in this section or Section 131.0522.

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

(c) *Accessory uses* in the commercial zones may be permitted in accordance with Section 131.0125.

(d) Temporary uses may be permitted in the commercial zones for a limited period of time with a Temporary Use Permit in accordance with Chapter 12, Article 3, Division 4.

(e) For any use that cannot be readily classified, the City Manager shall determine the appropriate use category and use subcategory pursuant to Section 131.0110.

§ 131.0522 Use Regulations Table of Commercial Zones

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

Legend for Table 131-05B

Symbol in Table 131-05B	Description of Symbol
P	Use or use category is permitted. Regulations pertaining to a specific use may be referenced.
L	Use is permitted with limitations, which may include location limitations or the requirement for a use or *development permit*. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).

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Symbol in Table 131-05B	Description of Symbol
N	Neighborhood Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
C	Conditional Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
-	Use or use category is not permitted.

Table 131-05B
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											
Active Recreation		-			-	-	-		-		-
Passive Recreation		-			-	-	-		-		-
Natural Resources Preservation		-			-	-	-		-		-
Park Maintenance Facilities		-			-	-	-		-		-
Agriculture											
Agricultural Processing		-			-	-	-		-		-
Aquaculture Facilities		-			-	-	-		-		-
Dairies		-			-	-	-		-		-
Horticulture Nurseries & Greenhouses		-			-	-	-		-		-
Raising & Harvesting of Crops		-			-	-	-		-		-
Raising, Maintaining & Keeping of Animals		-			-	-	-		-		-
Separately Regulated Agriculture Uses											
Agricultural Equipment Repair Shops		-			P	P	-		-		-
Commercial Stables		-			-	-	-		L		-
Community Gardens		-			-		-		-		-
Equestrian Show & Exhibition Facilities		-			-	-	-		C		-
Open Air Markets for the Sale of Agriculture-related Products & Flowers		-			-	-	-		-		-
Residential											
Group Living Accommodations		-			-	-	-		-		-
Mobilehome Parks		-			-	-	-		-		-
Multiple Dwelling Units		P(2)			P(2)	-	P(2)		P(2)		-
Single Dwelling Units		-			-	-	-		-		-
Separately Regulated Residential Uses											
Boarder & Lodger Accommodations		L			L	-	L		L		-
Companion Units		-			-	-	-		-		-

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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
Employee Housing:											
6 or Fewer Employees		-			-	-	-		-		-
12 or Fewer Employees		-			-	-	-		-		-
Greater than 12 Employees		-			-	-	-		-		-
Fraternities, Sororities and Student Dormitories		C			C	-	C		C		-
Garage, Yard, & Estate Sales		-			-	-	-		-		-
Guest Quarter		-			-	-	-		-		-
Home Occupations		L			L	-	L		L		-
Housing for Senior Citizens		C			C	-	C		C		-
Live/Work Quarters		-			L	-	-		-		-
Residential Care Facilities:											
6 or Fewer Persons		P			P	-	P		P		-
7 or More Persons		C			C	-	C		C		-
Transitional Housing:											
6 or Fewer Persons		P			P	-	P		P		-
7 or More Persons		C			C	-	C		C		-
Watchkeeper Quarters		-			-	L	-		-		-
Institutional											
Separately Regulated Institutional Uses											
Airports		-			C	C	C		C		-
Botanical Gardens & Arboretums		-			P	P	C		P		-
Cemeteries, Mausoleums, Crematories		-			C	C	C		C		-
Churches & Places of Religious Assembly		C			C	C	C		C		-
Communication Antennas:											
Minor Telecommunication Facility		L			L	L	L		L		L
Major Telecommunication Facility		C			C	C	C		C		C
Satellite Antennas		L			L	L	L		L		L
Correctional Placement Centers		-			C	C	C		C		-
Educational Facilities:											
Kindergarten through Grade 12		C			C	C	C		C		-
Colleges / Universities		-			C	C	C		C		-
Vocational / Trade School		-			P	P	P		-		-
Energy Generation & Distribution Facilities		C			P	C	P		P		-
Exhibit Halls & Convention Facilities		-			P	P	C		P		-
Flood Control Facilities		L			L	L	L		L		-
Historical Buildings Used for Purposes Not Otherwise Allowed		C			C	C	C		C		-

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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
Homeless Facilities:											
Congregate Meal Facilities		C			C	-	C		C		-
Emergency Shelters		C			C	-	C		C		-
Homeless Day Centers		C			C	-	C		C		-
Hospitals, Intermediate Care Facilities & Nursing Facilities		-			P	P	C		P		-
Interpretive Centers		-			-	-	-		-		-
Museums		-			P	P	C		P		-
Major Transmission, Relay, or Communications Switching Stations		-			C	C	C		C		-
Social Service Institutions		-			C	C	C		C		-
Retail Sales											
Building Supplies & Equipment		P			P	P	-		-		-
Food, Beverages and Groceries		P			P	P	P		P		-
Consumer Goods, Furniture, Appliances, Equipment		P			P	P	P(3)		-		-
Pets & Pet Supplies		P			P	P	-		-		-
Sundries, Pharmaceutical, & Convenience Sales		P			P	P	P		P		-
Wearing Apparel & Accessories		P			P	P	-		-		-
Separately Regulated Retail Sales Uses											
Agriculture Related Supplies & Equipment		-			P	P	-		-		-
Alcoholic Beverage Outlets		L			L	L	L		L		-
Plant Nurseries		P			P	P	-		-		-
Swap Meets & Other Large Outdoor Retail Facilities		-			C	C	-		C		-
Commercial Services											
Building Services		-			P	P	P(6)		-		-
Business Support		P			P	P	P(7)		-		-
Eating & Drinking Establishments		P(4)			P	P	P(5)		P		-
Financial Institutions		P			P	P	P		-		-
Funeral & Mortuary Services		-			P	P	-		-		-
Maintenance & Repair		P			P	P	P(6)		-		-
Off-site Services		-			P	P	-		-		-
Personal Services		P			P	P	-		P		-
Assembly & Entertainment		-			P	P	-		P		-
Radio & Television Studios		-			P	P	-		-		-
Visitor Accommodations		-			P	P	-		P		-
Separately Regulated Commercial Services Uses											

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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
Adult Entertainment Establishments:											
Adult Book Store		L			L	L	-		-		-
Adult Cabaret		-			L	L	-		L		-
Adult Drive-In Theater		-			L	L	-		L		-
Adult Mini-Motion Picture Theater		-			L	L	-		L		-
Adult Model Studio		L			L	L	-		L		-
Adult *Motel*		-			L	L	-		L		-
Adult Motion Picture Theater		-			L	L	-		L		-
Adult Peep Show Theater		-			L	L	-		L		-
Adult Theater		-			L	L	-		L		-
Body Painting Studio		L			L	L	-		L		-
Massage Establishment		L			L	L	-		-		-
Sexual Encounter Establishment		L			L	L	-		L		-
Bed & Breakfast Establishments:											
1-2 Guest Rooms		-			P	P	-		P		-
3-5 Guest Rooms		-			P	P	-		P		-
6+ Guest Rooms		-			P	P	-		P		-
Boarding Kennels		-			C	C	C		C		-
Camping Parks		-			C	C	C		C		-
Child Care Facilities:											
Child Care Centers		L			L	-	L		L		-
Large Family Day Care Homes		L			L	-	L		L		-
Small Family Day Care Homes		P			P	-	P		P		-
Eating and Drinking Establishments Abutting Residentially Zoned Property		L			L	L	L		L		-
Fairgrounds		-			C	C	-		C		-
Golf Courses, Driving Ranges, and Pitch & Putt Courses		-			C	C	C		C		-
Helicopter Landing Facilities		-			C	C	C		C		-
Instructional Studios		P			P	P	C		C		-
Massage Establishments, Specialized Practice		L			L	L	-		-		-
Nightclubs & Bars over 5,000 square feet in size		-			C	C	C		C		-
Outpatient Medical Clinics		N			N	N	N		N		-
Parking Facilities as a *Primary Use*:											
Permanent Parking Facilities		-			P	P	C		C		P
Temporary Parking Facilities		-			N	N	C		C		N
Private Clubs, Lodges and Fraternal Organizations		C			C	P	P		P		-

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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
Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size(9)		-			C	C	-		C		-
Pushcarts:											
Pushcarts on Private Property		L			L	L	L		L		-
Pushcarts in Public Right of Way		N			N	N	N		N		-
Recycling Facilities:											
Large Collection Facility		N			N	N	N		N		-
Small Collection Facility		L			L	L	L		L		-
Large Construction & Demolition Debris *Recycling Facility*		-			-	-	-		-		-
Small Construction & Demolition Debris *Recycling Facility*		-			-	-	-		-		-
Drop-off Facility		L			L	L	L		L		-
Green Materials Composting Facility		-			-	-	-		-		-
Mixed Organic Composting Facility		-			-	-	-		-		-
Large Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial & Industrial Traffic		-			-	-	-		-		-
Large Processing Facility Accepting All Types of Traffic		-			-	-	-		-		-
Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables From Commercial & Industrial Traffic		-			-	-	-		-		-
Small Processing Facility Accepting All Types of Traffic		-			-	-	-		-		-
Reverse Vending Machines		L			L	L	L		L		-
Tire Processing Facility		-			-	-	-		-		-
Sidewalk Cafes		N			N	N	N		N		-
Sports Arenas & Stadiums		-			C	C	C		C		-
Theaters that are outdoor or over 5,000 square feet in size		-			C	C	C		C		-
Veterinary Clinics & Animal Hospitals		-			C	C	C		-		-
Zoological Parks		-			-	-	-		-		-
Offices											
Business & Professional		P(7)			P	P	P		-		-
Government		P			P	P	P		-		-
Medical, Dental, & Health Practitioner		P			P	P	P		P		-
Regional & Corporate Headquarters		P			P	P	P		-		-
Separately Regulated Office Uses											
Real Estate Sales Offices & Model Homes		L			L	-	L		L		
Sex Offender Treatment & Counseling		L			L	L	L		L		-
Vehicle & Vehicular Equipment Sales & Service											
Commercial Vehicle Repair & Maintenance		-			P	P	-		-		-

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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
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		-			C	C	C		C		-
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a *Primary Use*		-			C	C	-		-		-
Wholesale, Distribution, Storage											
Equipment & Materials Storage Yards		-			-	P	-		-		-
Moving & Storage Facilities		-			-	P	-		-		-
Warehouses		-			-	P(8)	-		-		-
Wholesale Distribution		-			-	P(8)	-		-		-
Separately Regulated Wholesale, Distribution, and Storage Uses											
Impound Storage Yards		-			-	C	-		-		-
Junk Yards		-			-	-	-		-		-
Temporary Construction Storage Yards Located off-site		L			L	L	L		L		-
Industrial											
Heavy Manufacturing		-			-	-	-		-		-
Light Manufacturing		-			-	P(8)	-		-		-
Marine Industry		-			-	-	-		-		-
Research & Development		-			P	P	P		-		-
Trucking & Transportation Terminals		-			P	P	-		-		-
Separately Regulated Industrial Uses											
Hazardous Waste Research Facility		-			-	-	-		-		-
Hazardous Waste Treatment Facility		-			-	-	-		-		-
Marine Related Uses Within the Coastal Overlay Zone		-			C	C	C		C		-
Mining and Extractive Industries		-			-	-	-		-		-
Newspaper Publishing Plants		-			C	C	C		C		-
Processing & Packaging of Plant Products & Animal By-products Grown Off-premises		-			-	-	-		-		-
Very Heavy Industrial Uses		-			-	-	-		-		-
Wrecking & Dismantling of Motor Vehicles		-			-	-	-		-		-
Signs											
Allowable *Signs*		P			P	P	P		P		P

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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
Allowable *Signs*		P			P	P	P		P		P
Separately Regulated *Signs* Uses											
Community Identification *Signs*		-			-	-	-		-		-
Reallocation of *Sign* Area Allowance		N			N	N	N		N		N
Revolving *Projecting Signs*		N			N	N	N		N		N
Signs with Automatic Changing Copy		N			N	N	N		N		N
Theater *Marquees*		-			N	N	-		N		-

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																					
Active Recreation		-			-			-		-					-						
Passive Recreation		-			-			-		-					-						
Natural Resources Preservation		-			-			-		-					-						
Park Maintenance Facilities		-			-			-		-					-						
Agriculture																					
Agricultural Processing		-			-			-		-					-						
Aquaculture Facilities		-			-			-		-					-						
Dairies		-			-			-		-					-						
Horticulture Nurseries & Greenhouses		-			-			-		-					-						
Raising & Harvesting of Crops		-			-			-		-					-						
Raising, Maintaining & Keeping of Animals		-			-			-		-					-						
Separately Regulated Agriculture Uses																					
Agricultural Equipment Repair Shops		P			P			-		P					P						
Commercial Stables		-			-			-		-					-						
Community Gardens		-			-			-		-					-						
Equestrian Show & Exhibition Facilities		-			-			-		-					-						
Open Air Markets for the Sale of Agriculture-Related Products & Flowers		-			-			-		-					-						
Residential																					
Group Living Accommodations		-			-			-		-					-						

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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
Mobilehome Parks		-	-	-	-	-
Multiple Dwelling Units		P(2)	-	P(2)	P(2)	P(2)
Single Dwelling Units		-	-	-	-	-
Separately Regulated Residential Uses						
Boarder & Lodger Accommodations		L	-	L	L	L
Companion Units		-	-	-	-	-
Employee Housing:						
6 or Fewer Employees		-	-	-	-	-
12 or Fewer Employees		-	-	-	-	-
Greater than 12 Employees		-	-	-	-	-
Fraternities, Sororities and Student Dormitories		C	-	C	C	C
Garage, Yard, & Estate Sales		-	-	-	-	-
Guest Quarters		-	-	-	-	-
Home Occupations		L	-	L	L	L
Housing for Senior Citizens		C	-	C	C	C
Live/Work Quarters		L	-	L	L	L
Residential Care Facilities:						
6 or Fewer Persons		P	-	P	P	P
7 or More Persons		C	-	C	C	C
Transitional Housing:						
6 or Fewer Persons		P	-	P	P	P
7 or More Persons		C	-	C	C	C
Watchkeeper Quarters		-	L	-	-	-
Institutional						
Separately Regulated Institutional Uses						
Airports		C	C	C	C	C
Botanical Gardens & Arboretums		C	C	C	C	C
Cemeteries, Mausoleums, Crematories		C	C	C	C	C
Churches & Places of Religious Assembly		L	L	C	L	C
Communication Antennas:						
Minor Telecommunication Facility		L	L	L	L	L
Major Telecommunication Facility		C	C	C	C	C
Satellite Antennas		L	L	L	L	L
Correctional Placement Centers		C	C	C	C	C
Educational Facilities:						
Kindergarten through Grade 12		C	C	C	C	C

§ 131.0522 Cont'd

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
Colleges / Universities		C			C			-		C					C				
Vocational / Trade School		P			P			-		P					P				
Energy Generation & Distribution Facilities		P			C			C		C					P				
Exhibit Halls & Convention Facilities		C			C			C		C					C				
Flood Control Facilities		L			L			L		L					L				
Historical Buildings Used for Purposes Not Otherwise Allowed		C			C			C		C					C				
Homeless Facilities:																			
Congregate Meal Facilities		C			-			C		C					C				
Emergency Shelters		C			-			C		C					C				
Homeless Day Centers		C			-			C		C					C				
Hospitals, Intermediate Care Facilities & Nursing Facilities		C			C			C		C					C				
Interpretive Centers		-			-			-		-					-				
Museums		C			C			C		C					C				
Major Transmission, Relay, or Communications Switching Stations		C			C			C		C					C				
Social Service Institutions		C			C			C		C					C				
Retail Sales																			
Building Supplies & Equipment		P			P			-		P					P				
Food, Beverages and Groceries		P			P			P		P					P				
Consumer Goods, Furniture, Appliances, Equipment		P			P			P		P					P				
Pets & Pet Supplies		P			P			P		P					P				
Sundries, Pharmaceutical, & Convenience Sales		P			P			P		P					P				
Wearing Apparel & Accessories		P			P			P		P					P				
Separately Regulated Retail Sales Uses																			
Agriculture Related Supplies & Equipment		-			-			-		P					P				
Alcoholic Beverage Outlets		L			L			L		L					L				
Plant Nurseries		P			P			P		P					P				
Swap Meets & Other Large Outdoor Retail Facilities		-			-			-		-					C				
Commercial Services																			
Building Services		-			-			-		P					P				
Business Support		P			P			P		P					P				
Eating & Drinking Establishments		P			P			P		P					P				
Financial Institutions		P			P			P		P					P				
Funeral & Mortuary Services		P			P			P		P					P				
Maintenance & Repair		P			P			P		P					P				
Off-site Services		-			-			-		P					P				

§ 131.0522 Cont'd

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
Personal Services		P			P			P		P					P				
Assembly & Entertainment		P			P			P		P					P				
Radio & Television Studios		P			P			P		P					P				
Visitor Accommodations		P			P			P		P					P				
Separately Regulated Commercial Services Uses																			
Adult Entertainment Establishments:																			
Adult Book Store		L			L			L		L					L				
Adult Cabaret		L			L			L		L					L				
Adult Drive-In Theater		L			L			L		L					L				
Adult Mini-Motion Picture Theater		L			L			L		L					L				
Adult Model Studio		L			L			L		L					L				
Adult Motel		L			L			L		L					L				
Adult Motion Picture Theater		L			L			L		L					L				
Adult Peep Show Theater		L			L			L		L					L				
Adult Theater		L			L			L		L					L				
Body Painting Studio		L			L			L		L					L				
Massage Establishment		L			L			-		-					L				
Sexual Encounter Establishment		L			L			L		L					L				
Bed & Breakfast Establishments:																			
1-2 Guest Rooms		P			P			P		P					P				
3-5 Guest Rooms		P			P			P		P					P				
6+ Guest Rooms		P			P			P		P					P				
Boarding Kennels		C			C			C		C					C				
Camping Parks		C			C			C		C					C				
Child Care Facilities:																			
Child Care Centers		L			-			L		L					L				
Large Family Day Care Homes		L			-			L		L					L				
Small Family Day Care Homes		P			-			P		P					P				
Eating and Drinking Establishments Abutting Residentially Zoned Property		L			L			L		L					L				
Fairgrounds		C			C			-		C					C				
Golf Courses, Driving Ranges, and Pitch & Putt Courses		C			C			C		C					C				
Helicopter Landing Facilities		C			C			C		C					C				
Instructional Studios		C			C			C		C					C				
Massage Establishments, Specialized Practice		L			L			-		-					L				
Nightclubs & Bars over 5,000 square feet in size		C			C			C		C					C				

§ 131.0522 Cont'd

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
Outpatient Medical Clinics		N			N			N			N					N				
Parking Facilities as a *Primary Use*:																				
Permanent Parking Facilities		P			C			P			P					P				
Temporary Parking Facilities		N			C			N			N					N				
Private Clubs, Lodges and Fraternal Organizations		P			C			P			P					P				
Privately Operated, Outdoor RecreationFacilities over 40,000 Square Feet in Size[9]		C			C			-			C					C				
Pushcarts:																				
Pushcarts on Private Property		L			L			L			L					L				
Pushcarts in *public right-of-way*		N			N			N			N					N				
Recycling Facilities:																				
Large Collection Facility		N			N			N			N					N				
Small Collection Facility		L			L			L			L					L				
Large Construction & Demolition Debris *Recycling Facility*		-			-			-			-					-				
Small Construction & Demolition Debris *Recycling Facility*		-			-			-			-					-				
Drop-off Facility		L			L			L			L					L				
Green Materials Composting Facility		-			-			-			-					-				
Mixed Organic Composting Facility		-			-			-			-					-				
Large Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial & Industrial Traffic		-			-			-			-					-				
Large Processing Facility Accepting All Types of Traffic		-			-			-			-					-				
Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables From Commercial & Industrial Traffic		-			-			-			C					C				
Small Processing Facility Accepting All Types of Traffic		-			-			-			C					C				
Reverse Vending Machines		L			L			L			L					L				
Tire Processing Facility		-			-			-			-					-				
Sidewalk Cafes		N			N			N			N					N				
Sports Arenas & Stadiums		C			C			C			C					C				
Theaters That Are Outdoor or over 5,000 Square Feet in Size		C			C			C			C					C				
Veterinary Clinics & Animal Hospitals		C			C			C			C					C				
Zoological Parks		-			-			-			-					-				
Offices																				
Business & Professional		P			P			P			P					P				
Government		P			P			P			P					P				
Medical, Dental, & Health Practitioner		P			P			P			P					P				
Regional & Corporate Headquarters		P			P			P			P					P				

§ 131.0522 Cont'd

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
Separately Regulated Office Uses						
Real Estate Sales Offices & Model Homes		L	-	L	L	L
Sex Offender Treatment & Counseling		L	L	L	L	L
Vehicle & Vehicular Equipment Sales & Service						
Commercial Vehicle Repair & Maintenance		-	-	-	P	P
Commercial Vehicle Sales & Rentals		-	-	-	P	P
Personal Vehicle Repair & Maintenance		P	P	-	P	P
Personal Vehicle Sales & Rentals		P	P	-	P	P
Vehicle Equipment & Supplies Sales & Rentals		P	P	-	P	P
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses						
Automobile Service Stations		C	C	C	C	C
Outdoor Storage & Display of New, unregistered Motor Vehicles as a *primary use*		C	C	-	C	C
Wholesale, Distribution, Storage						
Equipment & Materials Storage Yards		-	-	-	-	-
Moving & Storage Facilities		-	-	-	P	P
Warehouses		-	-	-	P(8)	P(8)
Wholesale Distribution		-	-	-	-	P(8)
Separately Regulated Wholesale, Distribution, and Storage Uses						
Impound Storage Yards		-	-	-	C	C
Junk Yards		-	-	-	-	-
Temporary Construction Storage Yards Located off-site		L	L	L	L	L
Industrial						
Heavy Manufacturing		-	-	-	-	-
Light Manufacturing		-	-	-	-	P(8)
Marine Industry		-	-	-	-	-
Research & Development		P	P	-	P	P
Trucking & Transportation Terminals		-	-	-	-	-
Separately Regulated Industrial Uses						
Extractive Industries		-	-	-	-	-
Hazardous Waste Research Facility		-	-	-	-	-
Hazardous Waste Treatment Facility		-	-	-	-	-
Marine Related Uses Within the Coastal Overlay Zone		C	C	C	C	C
Newspaper Publishing Plants		C	C	C	C	P

§ 131.0522 Cont'd

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
Processing & Packaging of Plant Products & Animal By-products Grown Off-premises		-			-			-		-					-				
Very Heavy Industrial Uses		-			-			-		-					-				
Wrecking & Dismantling of Motor Vehicles		-			-			-		-					-				
Signs																			
Allowable *Signs*		P			P			P		P					P				
Separately Regulated *Signs* Uses																			
Community Identification *Signs*		-			-			-		-					-				
Reallocation of *Sign* Area Allowance		N			N			N		N					N				
Revolving *Projecting Signs*		N			N			N		N					N				
Signs with Automatic Changing Copy		N			N			N		N					N				
Theater *Marquees*		N			N			N		N					N				

Footnotes to Table 131-05B

(1) Uses shall not begin operating before 6:00 a.m. or continue operating later than 12:00 midnight in CN zones.

(2) Residential use and residential parking are permitted only as part of a mixed-use (commercial/residential) project. Non-owner occupants must reside on the *premises* for a minimum of 7 consecutive calendar days.

(3) Only office furniture, appliances, and equipment establishments are permitted. The *gross floor area* occupied by these uses shall not exceed 2,500 square feet for each *premises*.

(4) 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.

(5) The sale of alcoholic beverages is not permitted as a *primary use*.

(6) The *gross floor area* occupied by these uses shall not exceed 2,500 square feet for each *premises*.

(7) Hiring halls are not permitted.

(8) These activities shall be located solely within an enclosed building that does not exceed 7,500 square feet of *gross floor area*. Activities that would require a permit from the Hazardous Materials Management Division of the County of San Diego or from the San Diego Air Pollution Control District are not permitted.

(9) The 40,000 square feet includes all indoor and outdoor areas that are devoted to the recreational use; it does not include customer parking areas.

§ 131.0530 Development Regulations of Commercial Zones

(a) Within the commercial zones, no *structure* or improvement shall be constructed, established, or altered, nor shall any *premises* be used unless the *premises* complies with the regulations and standards in this division and with any applicable development regulations in Chapter 13, Article 2 (Overlay Zones) and Chapter 14 (General Regulations).

(b) A Neighborhood Development Permit or Site Development Permit is required for the types of *development* identified in Table 143-03A.

(c) The regulations in this division apply to all proposed *development* in the commercial base zones whether or not a permit or other approval is required except where specifically identified.

§ 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	Zone designator	Zones		
	1st & 2nd »	CN-		
	3rd »	1-	1-	1-
	4th »	1	2	3
Max permitted residential density(1) (sf per du)		3,000	1,500	1,500
Supplemental residential regulations [See Section 131.0540]		applies	applies	applies
Lot area				
Min Lot Area (sf)		2,500	5,000	5,000
Max Lot Area (ac)		0.3	10	10
Lot dimensions				
Min Lot Width (ft)		25	50	50
Min *street frontage* (ft)		25	50	50
Min Lot Depth (ft)		100	--	--
***Setback* requirements**				
Min Front *setback* (ft) Max Front *setback* (ft) [See Section 131.0543(a)(1)]		-- 10(2)	-- --	-- 10(2)
Min Side *setback* (ft) Optional Side *setback* (ft) [See Section 131.0543(b)]		10 0	10 0	10 0
Side *Setback* abutting residential [See Section 131.0543(c)]		applies	applies	applies

§ 131.0531 Cont'd

Development Regulations	Zone designator	Zones		
	1st & 2nd »	CN-		
	3rd »	1-	1-	1-
	4th »	1	2	3
Min *Street* Side *setback* (ft) Max *Street* Side *setback* (ft) [See Section 131.0543(a)(1)]		-- 10(2)	-- --	-- 10(2)
Min Rear *setback* (ft) Optional Rear *setback* (ft) [See Section 131.0543(b)]		10 0	10 0	10 0
Rear *Setback* abutting residential [See Section 131.0543(c)]		applies	applies	applies
Max *structure height* (ft)		30	30	30
Max *floor area ratio*		1.0(3)	1.0(3)	1.0(3)
Floor Area Ratio bonus for mixed use/ Minimum percentage of bonus required for residential use [See Section 131.0546(a)]		0.5/100	0.75/50	0.75/50
Pedestrian paths [See Section 131.0550]		applies	applies	applies
Transparency [See Section 131.0552]		applies	--	applies
Building articulation [See Section 131.0554]		applies	applies	applies

Footnotes for Table 131-05C

(1) One dwelling unit per specified minimum square footage of lot area as determined in accordance with Section 113.0222.

(2) See Section 131.0543(a)(2).

(3) Within the Kearny Mesa Community Plan area, the maximum *floor area ratio* is 0.50 and the portion of the maximum allowed *gross floor area* that may be occupied by retail sales or eating and drinking establishments shall not exceed 70 percent.

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

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

Development Regulations	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 *density* (1) (sf per du)		1,500		1,000	1,500	1,500	1,500	--
Supplemental residential regulations [See Section 131.0540]		applies		applies	applies	applies	applies	--
Lot area								
Min Lot Area (sf)		15,000		5,000	5,000	15,000	5,000	--
Max Lot Area (ac)		--		--	--	--	--	--

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Development Regulations	Zone Designator	Zones					
	1st & 2nd »	CR-		CO-		CV-	CP-
	3rd »	1-	2-	1-		1-	1-
	4th »	1		1	2	1	2	1
Lot dimensions							
Min Lot Width (ft)		100		50	50	100	50	--
Min *street frontage* (ft)		100		50	50	100	50	--
Min Lot Depth (ft)		100		100	100	100	100	--
***Setback* requirements**							
Min Front *setback* (ft) Max Front *setback* (ft) [See Section 131.0543(a)(1)]		10 --		10 25(2)	10 --	10 --	-- 10(2)	10 --
Min Side *setback* (ft) Optional Side *setback* (ft)		10 --		10 0(3)	10 0(3)	10 --	10 0(3)	10 --
Side *Setback* abutting residential [See Section 131.0543(c)]		applies		applies	applies	applies	applies	applies
Min *Street* Side *setback* (ft) Max *Street* Side *setback* (ft) [See Section 131.0543(a)(1)		10 --		10 25(2)	10 --	-- --	-- 10(2)	-- --
Min Rear *setback* (ft) Optional Rear *setback* (ft)		10 --		10 0(3)	10 0(3)	10 --	10 0(3)	10 0(3)
Rear *Setback* abutting residential [See Section 131.0543(c)]		applies		applies	applies	applies	applies	applies
Max *structure height* (ft)		60		45	60	60	45	30
Min *lot coverage* (%)		--		--	--	--	35	--
Max *floor area ratio*		1.0(4)		0.75(4)	1.5(4)	2.0(4)	2.0(4)	1.0(4)
Floor Area Ratio bonus for mixed use/ Minimum percentage of bonus required for residential use [See Section 131.0546(a)]		1.0/50		1.0 /100	1.5/50	--	--	--
Floor Area Ratio bonus for child care [See Section 131.0546(b)]		applies		--	applies	--	--	--
Pedestrian paths [See Section 131.0550]		applies		applies	applies	applies	applies	--
Transparency [See Section 131.0552]		--		applies	--	--	applies	--
Building articulation [See Section 131.0554]		applies		applies	applies	applies	applies	--
***Street yard* parking restriction** [See Section 131.0555]		--		applies	--	--	--	--
Parking lot orientation [See Section131.0556]		applies		--	applies	applies	applies	--

Footnotes For Table 131-05D

(1) One dwelling unit per specified minimum square footage of lot area as determined in accordance with Section 113.0222.

(2) See section 131.0543(a)(2).

(3) See section 131.0543(b).

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(4) Within the Kearny Mesa Community Plan area, the maximum *floor area ratio* is 0.50 and the portion of the maximum allowed *gross floor area* that may be occupied by retail sales or eating and drinking establishments shall not exceed 70 percent.

(c) CC Zones

Table 131-05E
Development Regulations of CC Zones

Development Regulation	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(1) (sf per du)		1,500				1,500				1,500				1,500			1500		
Supplemental residential regulations [See Section 131.0540]		applies				applies				applies				applies			applies		
Lot area																			
Min Lot Area (sq.ft.)		5,000				5,000				5,000				2,500			2,500		
Max Lot Area (ac)		--				--				-				--			--		
Lot dimensions																			
Min Lot Width (ft)		50				50				100				25			25		
Min *street frontage* (ft)		50				50				100				25			25		
Min Lot Depth (ft) Max Lot Depth (ft)		100 150				100 150				-- --				-- --			-- --		
***Setback* requirements**																			
Min Front *setback* (ft) Max Front *setback* (ft) [See Section 131.0543(a)(1)]		100(2,3)				100(2,3)				-- --				10(2)			10(2)		
Min Side *setback* (ft) Optional Side *setback* (ft) [See Section 131.0543(b)]		10 0				10 0				10 0				10 0			10 0		
Side *Setback* abutting residential [See Section 131.0543(c)]		applies				applies				applies				applies			applies		
Min *Street* Side *setback* (ft) Max *Street* Side *setback* (ft) [See Section 131.0543(a)(1)]		-- --				-- --				-- --				-- 10(2)			-- 10(2)		
Min Rear *setback* (ft) Optional Rear *setback* (ft) [See Section 131.0543(b)]		10 0				10 0				10 0				10 0			10 0		
Rear *Setback* abutting residential [See Section 131.0543(c)]		applies				applies				applies				applies			applies		
Max *structure height* (ft)		30				60				45				30			100		
Min *lot coverage* (%)		--				--				--				35			35		
Max *floor area ratio*		0.75(4)				2.0(4)				0.75(4)				1.0(4)			2.0(4)		
Floor Area Ratio bonus for mixed use/ Minimum percentage of bonus required for residential use [See Section 131.0546(a)]		0.75/75				--				0.75/75				0.5/50			2.0/50		

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Development Regulation	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		
Pedestrian paths [See Section 131.0550]		applies				applies				applies				applies			applies		
Transparency [See Section 131.0552]		---				---				---				applies			applies		
Building articulation [See Section 131.0554]		applies				applies				applies				applies			applies		
Parking *lot* orientation [See Section 131.0556]		applies				applies				applies				-			-		

Footnotes for Table 131-05E

(1) One dwelling unit per specified minimum square feet of lot area as determined in accordance with Section 113.0222.

(2) See Section 131.0543(a)(2).

(3) See Section 131.0543(a)(3).

(4) Within the Kearny Mesa Community Plan area, the maximum *floor area ratio* is 0.50 and the portion of the maximum allowed *gross floor area* occupied by retail sales or eating and drinking establishments shall not exceed 70 percent.

§ 131.0540 Maximum Permitted Residential Density and Other Residential Regulations

The following regulations apply to all residential *development* within commercial zones:

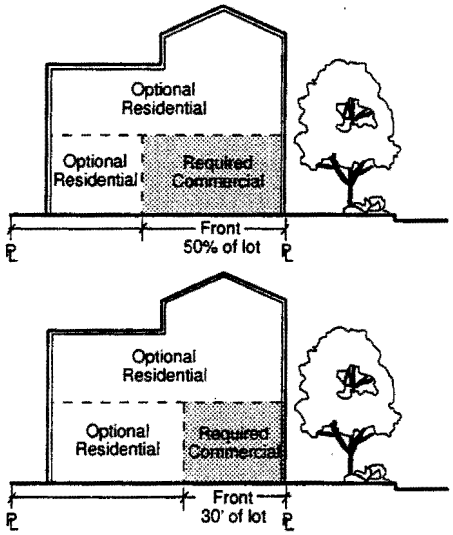
(a) Residential *Development* as a Permitted Use. Residential *development* is permitted in commercial zones only where it is identified in Table 131-05B.

(b) Mixed-Use or Multi-Use Requirement. Residential *development* is permitted only when a commercial *structure* exists on the *premises* or is a part of the proposed *development*.

(c) Ground *Floor* Restriction. Residential use and residential parking are prohibited on the ground *floor* in the front half of the *lot*, except in the CC-3-4, CC-3-5, CC-4-4, CC-4-5, CC-5-4, CC-5-5, and CV-1-2 zones, where these uses are prohibited on the ground *floor* in the front 30 feet of the *lot* as shown in Diagram 131-05A.

§ 131.0540 Cont'd

Diagram 131-05A
Ground Floor Restriction



(d) Residential *Development*. Where residential *development* is permitted, the development regulations of the RM-1-1, RM-2-5, and RM-3-7 zones as appropriate according to the maximum permitted residential *density* apply, except that the lot area, lot dimensions, *setback*, *floor area ratio*, and *structure height* requirements of the applicable commercial zone apply.

§ 131.0543 Setback Requirements for Commercial Zones

Setback requirements are specified in Tables 131-05C, 131-05D, and 131-05E and are subject to the following exceptions and additional regulations:

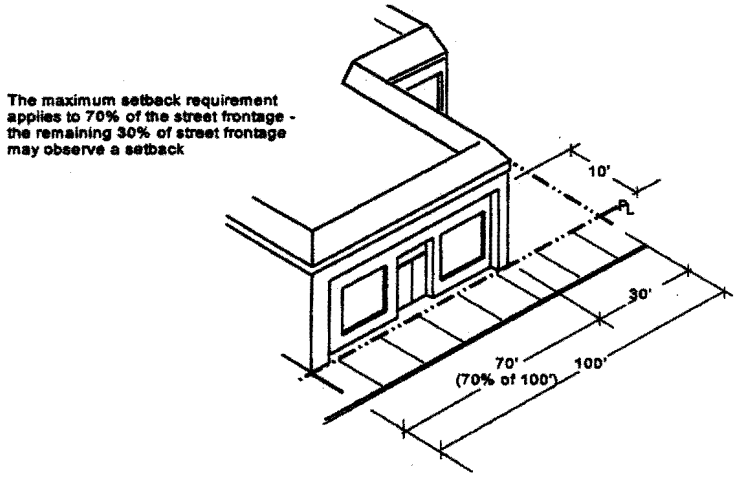
(a) Front and *Street* Side *Setback* Requirements

(1) Off-street parking in all commercial zones may be located within the required front *yard* and required street side yard adjoining the required landscaped strip abutting *public rights-of-way*.

(2) In the CN, CO, CV, and CC zones with a maximum front or *street* side *setback* as shown in Tables 131-05C, 131-05D, and 131-05E, the maximum *setback* shall apply to only 70 percent of the *street frontage*. There is no maximum *setback* for the remaining 30 percent. See Diagram 131-05B.

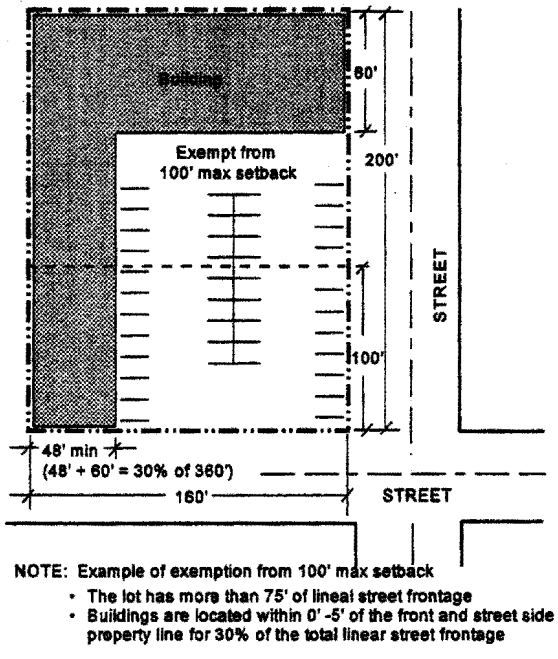
§ 131.0543 Cont'd

Diagram 131-05B
Maximum Setback Requirement



(3) In the CC-1-1, CC-1-2, CC-2-1, CC-2-2, CC-4-1, CC-4-2, CC-5-1, and CC-5-2 zones, the 100-foot maximum front *setback* does not apply to *lots* with more than 75 feet of *street frontage* if the proposed *development* is within 10 feet of the front or *street* side *property line* for at least 30 percent of the *street frontage*. See Diagram 131-05C.

Diagram 131-05C
Exception to Maximum Setback



(b) Minimum Side and Rear *Setback*

In zones that require a 10-foot minimum side or rear *setback* and provide the option for no side or rear *setbacks* as shown in Tables 131-05C, 131-05D, and 131-05E, the *structure* shall either be placed at the *property line* or shall be set back at least 10 feet.

§ 131.0543 Cont'd

(c) Commercial *Development* Abutting Residentially Zoned Properties

(1) The minimum side *setback* for *structures* placed at the side *property line* is as follows. Any portion of the *structure* exceeding 15 feet in height shall be stepped back from the side *property line* 10 feet, or 10 percent of the lot width but not less than 5 feet, whichever is less. Each 15 feet in height above 30 feet shall be stepped back at least 3 feet from the minimum *setback* of that portion of the *structure* immediately below.

(2) Minimum rear *setback* for *structures* placed at the rear *property line* is as follows. Any portion of the *structure* exceeding 15 feet in height shall be stepped back from the rear *property line* 10 feet, or 10 percent of the lot depth but not less than 5 feet, whichever is less. Each 15 feet in height above 30 feet shall be stepped back at least 3 feet from the minimum *setback* of that portion of the *structure* immediately below.

(3) For side and rear *yards*, if the *structure* is set back 10 feet or more from the *property line*, each 15 feet in height above 30 feet shall be stepped back at least 3 feet from the minimum *setback* of that portion of the *structure* immediately below.

§ 131.0546 Maximum Floor Area Ratio

Maximum *floor area ratio* is specified in Tables 131-05C, 131-05D, 131-05E and is subject to the following additional regulations:

(a) *Floor Area Ratio* Bonus for Mixed Use

An *floor area ratio* bonus is provided in some commercial zones, as indicated in Tables 131-05C, 131-05D, and 131-05E, for residential uses that are developed as a part of a mixed-use project. A minimum percentage of the FAR bonus is shown in the tables, which must be applied toward the residential portion of the project. The remainder of the bonus may be used for either commercial or residential uses.

(b) Child Care Facilities Bonus

In the CR-1-1, CR-2-1, and CO-1-2 zones, a bonus over the otherwise maximum allowable *gross floor area* is permitted at the rate of 4 square feet of additional *gross floor area* for each 1 square foot of *gross floor area* devoted to the *child care facility*. The area designated for the facility must be used for child care for a minimum of 10 years and must be in compliance with the requirements of Section 141.0606 (Child Care Facilities).

§ 131.0550 Pedestrian Paths

Where pedestrian paths are required in Tables 131-05C, 131-05D, or 131-05E, the number, location, and design of the paths shall be in accordance with the following.

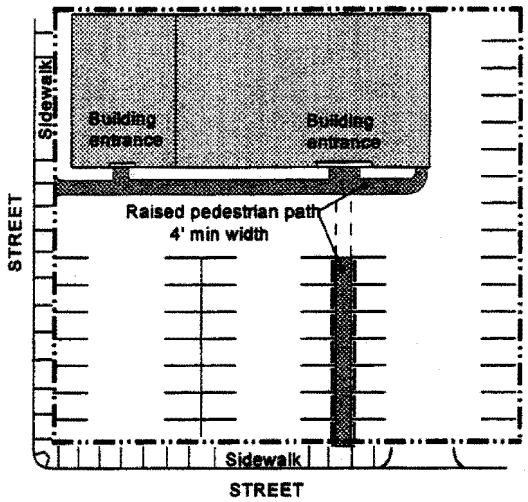
(a) Each commercial tenant space shall be accessible from an abutting public *street* by a pedestrian path that is at least 4 feet wide as shown on Diagram 131-05D. The path shall be continuous, clear of obstructions, easily identifiable as a pedestrian path, and visually distinguishable from other hardscaping. Pedestrian paths shall be separated from vehicular access areas by wheelstops, curbs, landscaping, or other physical barriers, except when crossing driveways or aisles.

(b) At least one pedestrian path shall be provided for each property frontage on an improved public *street* when at some point along the frontage the difference in elevation between the sidewalk in the *public right-of-way* and the building or vehicle use area closest to the

§ 131.0550 Cont'd

abutting *street frontage* is less than 4 feet, as shown in Diagram 131-05D. For a *premises* with more than three frontages, only three pedestrian paths are required.

Diagram 131-05D
Pedestrian Paths

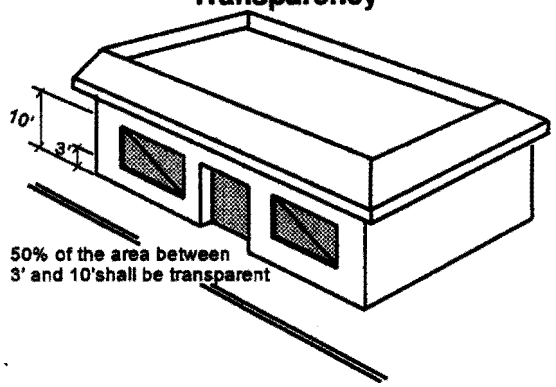


(c) Building entrances located at the front or *street* side *property line*, where the building *setback* is zero, qualify as a required pedestrian path.

§ 131.0552 Transparency

Where transparency is required by Tables 131-05C, 131-05D, or 131-05E, a minimum of 50 percent of *street wall* area between 3 and 10 feet above the sidewalk shall be transparent, with clear glass visible into a commercial or residential use. Windows or other transparent materials that provide visibility into a garage or similar area do not count toward the required transparency. See Diagram 131-05E.

Diagram 131-05E
Transparency



§ 131.0554 Building Articulation

Where building articulation is required by Tables 131-05C, 131-05D, or 131-05E, the following regulations apply.

(a) All building elevations fronting a *public right-of-way* shall be composed of offsetting planes that provide relief in the *building facade* by insetting or projecting surfaces (planes) of the building. The minimum number of offsetting planes and the minimum horizontal separation

§ 131.0554 Cont'd

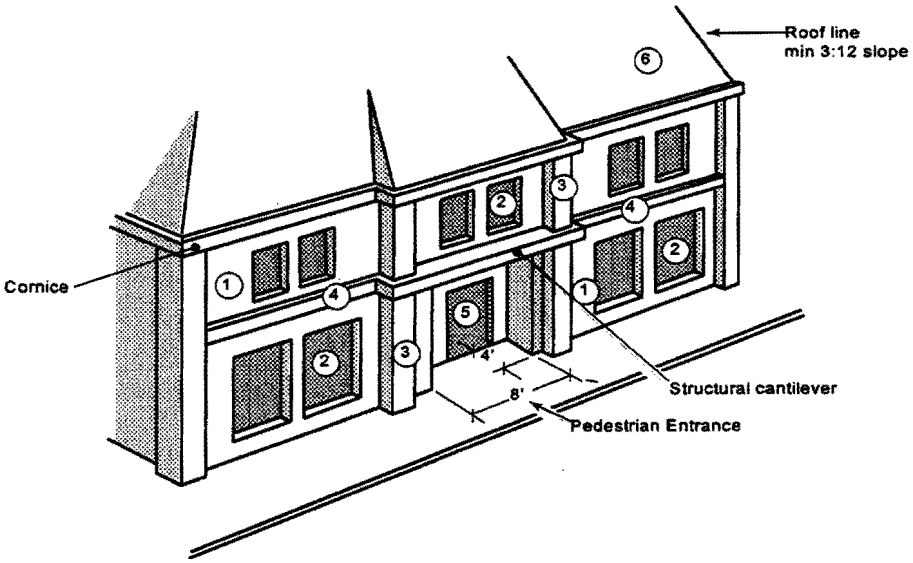
between planes is based on the length of the new *building facade*, as shown in Table 131-05F.

Table 131-05F
Offsetting Plane Requirements

Length of New *Building Facade*	Number of Offsetting Planes Required
25 ft or less	2 with a minimum separation of 3 inches
More than 25 ft. but less than or equal to 50 ft	4 planes consisting of : 2 with a minimum separation of 3 inches, and 2 with a minimum separation of 8 inches
More than 50 ft. but less than or equal to 100 ft	6 planes consisting of: 2 with a minimum separation of 3 inches, and 2 with a minimum separation of 8 inches, and 2 with a minimum separation of 3 feet
More than 100 ft	6 planes consisting of: 2 with a minimum separation of 3 inches, and 2 with a minimum separation of 8 inches, and 2 with a minimum separation of 3 feet, and plus 1 additional plane for each 50 feet of *building facade* length over 100 feet (maximum of 3 additional planes required with a minimum separation of 5 feet).

(1) For purposes of this section, the area of a plane may include separate surfaces that are non-contiguous but which all lie in the same plane. Each numbered surface of the building shown in Diagram 131-05F represents a different plane of the building facade. The sum of the area of each plane labeled with the same number in Diagram 131-05F is the total area of that plane.

Diagram 131-05F
Building Articulation



§ 131.0554 Cont'd

(2) For purposes of this section, an offset is the distance between two different planes of a *building facade* measured perpendicularly to the plane surface (for example, the dimension between plane 1 and 2 in Diagram 131-05F).

(b) Where a 3-inch or 8-inch offset between planes is required, the total area of any single offsetting plane shall be more than 5 percent and less than 50 percent of the total *building facade* area on that frontage.

(c) Where a 3-foot or 5-foot offset between planes is required, the total area of any single offsetting plane shall be more than 10 percent and less than 50 percent of the total *building facade* area on that frontage.

(d) The following elements of a *building facade* may be used to satisfy any one required building plane:

(1) Roofs with a minimum pitch from eave to peak of 3:12 (3 vertical feet to 12 horizontal feet) and a minimum area of 10 percent of the building elevation fronting on a *public right-of-way*;

(2) Pedestrian entrances with a minimum offset dimension of 4 feet from the primary plane of the *building facade* and a minimum width of 8 feet;

(3) A cornice equal to at least 70 percent of the length of the *building facade* that has a minimum offset of 1 foot, located along the *street wall*; and

(4) Structural cantilevers with combined lengths totaling at least 30 percent of the length of the *building facade*, with an average offset of at least 2 feet, located along the *street wall*. *Roof eaves* do not count as offsetting planes.

§ 131.0555 Parking Restriction

In the CO-1-1 zone, parking is not permitted in the required front and street side yard.

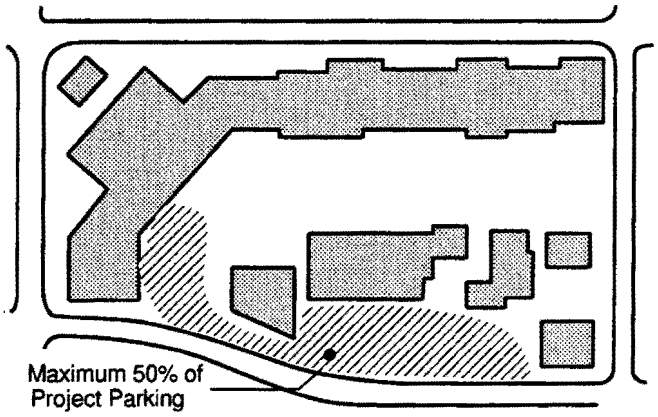
§ 131.0556 Parking Lot Orientation

In all zones where the parking lot orientation regulation applies, as indicated in Table 131-05D or 131-05E, proposed *development* with over 100,000 square feet of *gross floor area* and more than one *street frontage* shall locate no more than 50 percent of the *vehicular use area* between the longest *street frontage* providing public access to the *premises* and a building or buildings.

§ 131.0556 Cont'd

Diagram 131-05G
Parking Lot Orientation Restriction

Parking Lot Orientation Restriction



Article 1: Base Zones

Division 6: Industrial Base Zones

§ 131.0601 Purpose of Industrial Zones

The purpose of the industrial zones is to accommodate a range of industrial and manufacturing activities in designated areas to promote a balanced land use and economy and to encourage employment growth. The industrial zones are intended to provide flexibility in the design of new and redeveloped industrial projects while assuring high quality *development* and to protect land for industrial uses and limit nonindustrial uses.

§ 131.0602 Purpose of the IP (Industrial–Park) Zones

(a) The purpose of the IP zones is to provide for high quality science and business park *development*. The property *development* standards of this zone are intended to create a campus-like environment characterized by comprehensive site design and substantial landscaping. Restrictions on permitted uses and *signs* are provided to minimize commercial influence.

(b) The IP zones are differentiated based on the uses allowed as follows:

- IP-1-1 allows research and development uses with some limited manufacturing
- IP-2-1 allows a mix of light industrial and office uses

§ 131.0603 Purpose of the IL (Industrial–Light) Zones

(a) The purpose of the IL zones is to provide for a wide range of manufacturing and distribution activities. The *development* standards of this zone are intended to encourage sound industrial *development* by providing an attractive environment free from adverse impacts associated with some heavy industrial uses. The IL zones are intended to permit a range of uses, including nonindustrial uses in some instances.

(b) The IL zones are differentiated based on the uses allowed as follows:

- IL-1-1 allows primarily light industrial uses
- IL-2-1 allows a mix of light industrial and office uses with limited commercial
- IL-3-1 allows a mix of light industrial, office, and commercial uses

§ 131.0604 Purpose of the IH (Industrial–Heavy) Zones

(a) The purpose of the IH zones is to provide space for land-intensive industrial activities emphasizing base-sector manufacturing. The IH zones are intended to promote efficient industrial land use with minimal *development* standards, while providing proper safeguards for adjoining properties and the community in general. It is the intent of these zones to limit the presence of nonindustrial uses in order to preserve land that is appropriate for large-scale industrial users.

(b) The IH zones are differentiated based on the uses allowed as follows:

- IH-1-1 allows primarily manufacturing uses
- IH-2-1 allows manufacturing uses with some office

§ 131.0605 Purpose of the IS (Industrial--Small Lot) Zone

The purpose of the IS zone is to provide for small-scale industrial activities within urbanized areas. It is intended that the IS zones permit a wide range of industrial and nonindustrial land uses to promote economic vitality and a neighborhood scale in *development*. The property development regulations of the IS zone are intended to accommodate the *development* of small and medium sized industrial and commercial activities by providing reduced lot area, landscaping, and parking requirements.

§ 131.0615 Where Industrial Zones Apply

On the effective date of Ordinance O-_____, all industrial zones that were established in Municipal Code Chapter 10, Article 1, Division 4 shall be 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 _____.	**Applicable Zone of this Division**
SR	IP-1-1
M-IP	IP-2-1
M-1B	IL-2-1
M-SI	IS-1-1
M-1, M1-A	IL-3-1
M-2, M-2A, M-LI	IH-2-1
No Existing Zone	IL-1-1
No Existing Zone	IH-1-1

§ 131.0620 Use Regulations of Industrial Zones

The regulations of Section 131.0622 apply in the industrial zones unless otherwise specifically provided by footnotes indicated in Table 131-06B. The uses permitted in any zone may be further limited if *environmentally sensitive lands* are present, pursuant to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

(a) Within the industrial zones, no *structure* or improvement, or portion thereof, shall be constructed, established, or altered, nor shall any *premises* be used or maintained except for one or more of the purposes or activities listed in Table 131-06B. It is unlawful to establish, maintain, or use any *premises* for any purpose or activity not listed in this section and Section 131.0622.

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

(c) *Accessory uses* in the industrial zones may be permitted in accordance with Section 131.0125.

§ 131.0620 Cont'd

(d) Temporary uses may be permitted in the industrial zones for a limited period of time with a Temporary Use Permit in accordance with Chapter 12, Article 3, Division 4.

(e) For any use that cannot be readily classified, the City Manager shall determine the appropriate use category and use subcategory pursuant to Section 131.0110.

§ 131.0622 Use Regulations Table for Industrial Zones

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

Legend for Table 131-06B

Symbol in Table 131-06B	Description of Symbol
P	Use or use category is permitted. Regulations pertaining to a specific use may be referenced.
L	Use is permitted with limitations, which may include location limitations or the requirement for a use or *development permit*. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
N	Neighborhood Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
C	Conditional Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
-	Use or use category is not permitted.

Table 131-06B
Use Regulations Table of 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									
Active Recreation		P	P	-	P	P	-	P	P
Passive Recreation		P	P	-	-	-	-	-	-
Natural Resources Preservation		-	-	-	-	-	-	-	-
Park Maintenance Facilities		-	-	-	-	-	-	-	-
Agriculture									
Agricultural Processing		-	-	-	-	-	-	-	-
Aquaculture Facilities		-	-	P	P	P	P	P	P
Dairies		-	-	-	-	-	-	-	-
Horticulture Nurseries & Greenhouses		-	-	P	-	P	P	P	-
Raising & Harvesting of Crops		-	-	P	-	P	P	P	-
Raising, Maintaining & Keeping of Animals		-	-	-	-	-	-	-	-

§ 131.0622 Cont'd

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
Separately Regulated Agriculture Uses									
Agricultural Equipment Repair Shops		-	-	P	P	P	P	P	P
Commercial Stables		-	-	-	-	-	-	-	-
Community Gardens		-	-	N	-	N	N	N	N
Equestrian Show & Exhibition Facilities		-	-	-	-	-	-	-	-
Open Air Markets for the Sale of Agriculture-related Products & Flowers		-	-	-	-	-	-	-	-
Residential									
Group Living Accommodations		-	-	-	-	-	-	-	-
Mobilehome Parks		-	-	-	-	-	-	-	-
Multiple Dwelling Units		-	-	-	-	-	-	-	-
Single Dwelling Units		-	-	-	-	-	-	-	-
Separately Regulated Residential Uses									
Boarder & Lodger Accommodations		-	-	-	-	-	-	-	-
Companion Units		-	-	-	-	-	-	-	-
Employee Housing:									
6 or Fewer Employees		-	-	-	-	-	-	-	-
12 or Fewer Employees		-	-	-	-	-	-	-	-
Greater than 12 Employees		-	-	-	-	-	-	-	-
Fraternities, Sororities and Student Dormitories		-	-	-	-	-	-	-	-
Garage, Yard, & Estate Sales		-	-	-	-	-	-	-	-
Guest Quarters		-	-	-	-	-	-	-	-
Home Occupations		-	-	-	-	-	-	-	-
Housing for Senior Citizens		-	-	-	-	-	-	-	-
Live/Work Quarters		-	-	-	-	-	-	-	L
Residential Care Facilities:									
6 or Fewer Persons		-	-	-	-	-	-	-	-
7 or More Persons		-	-	-	-	-	-	-	-
Transitional Housing:									
6 or Fewer Persons		-	-	-	-	-	-	-	-
7 or More Persons		-	-	-	-	-	-	-	-
Watchkeeper Quarters		L	L	L	L	L	L	L	L
Institutional									
Separately Regulated Institutional Uses									
Airports		C	C	C	C	C	C	C	C
Botanical Gardens & Arboretums		-	-	-	-	-	-	-	-

§ 131.0622 Cont'd

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
Cemeteries, Mausoleums, Crematories		C	C	C	C	C	C	C	C
Churches & Places of Religious Assembly		C	C	-	C	L	-	-	C
Communication Antennas:									
Minor Telecommunication Facility		L	L	L	L	L	L	L	L
Major Telecommunication Facility		C	C	C	C	C	C	C	C
Satellite Antennas		L	L	L	L	L	L	L	L
Correctional Placement Centers		C	C	C	C	C	C	C	C
Educational Facilities:									
Kindergarten through Grade 12		-	C	-	C	C	-	-	C
Colleges / Universities		C	C	-	C	C	-	C	C
Vocational / Trade School		-	-	-	P	P	-	P	P
Energy Generation & Distribution Facilities		C	C	P	C	P	P	P	C
Exhibit Halls & Convention Facilities		-	C	C	C	C	C	C	C
Flood Control Facilities		L	L	L	L	L	L	L	L
Historical Buildings Used for Purposes Not Otherwise Allowed		C	C	C	C	C	C	C	C
Homeless Facilities:									
Congregate Meal Facilities		-	C	-	C	C	-	C	C
Emergency Shelters		-	C	-	C	C	-	C	C
Homeless Day Centers		-	C	-	C	C	-	C	C
Hospitals, Intermediate Care Facilities & Nursing Facilities		C	C	-	C	C	-	C	C
Interpretive Centers		-	-	-	-	-	-	-	-
Museums		-	-	-	-	-	-	-	-
Major Transmission, Relay, or Communications Switching Stations		C	C	C	C	C	P	C	C
Social Service Institutions		C	C	C	C	C	-	-	C
Retail Sales									
Building Supplies & Equipment		-	-	P(6)	P	P	-	P(6)	P
Food, Beverages and Groceries		-	-	-	-	P	-	-	-
Consumer Goods, Furniture, Appliances, Equipment		-	-	-	P(2)	P	-	-	P(3)
Pets & Pet Supplies		-	-	-	-	P	-	-	-
Sundries, Pharmaceuticals, & Convenience Sales		-	P(5)	P(5)	P(5)	P	P(5)	P(5)	P(4)
Wearing Apparel & Accessories		-	-	-	P(3)	P(3)	-	-	P(3)
Separately Regulated Retail Sales Uses									
Agriculture Related Supplies & Equipment		-	-	-	P	P		P	P
Alcoholic Beverage Outlets		-	-	-	-	L	-	-	-
Plant Nurseries		-	-	-	-	P	-	P	P

§ 131.0622 Cont'd

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
Swap Meets & Other Large Outdoor Retail Facilities		-	-	C	C	C	C	C	C
Commercial Services									
Building Services		-	-	P	P	P	-	P	P
Business Support		-	P(8)	P(8)	P	P	-	P(8)	P
Eating & Drinking Establishments		-	P(7)	P(7)	P(7)	P	-	P(7)	P(4)
Financial Institutions		-	P	-	P	P	-	-	P
Funeral & Mortuary Services		-	-	-	P	P	-	P	-
Maintenance & Repair		-	-	P	P	P	-	-	P
Off-site Services		-	P	P	P	P	-	P	P
Personal Services		-	-	-	P(9)	P(9)	-	-	-
Assembly & Entertainment		-	-	-	P(11)	P	-	-	P(12)
Radio & Television Studios		-	P	P	P	P	-	P	P
Visitor Accommodations		-	-	-	-	-	-	-	-
Separately Regulated Commercial Services Uses									
Adult Entertainment Establishments:									
Adult Book Store		-	-	-	L	L	-	L	L
Adult Cabaret		-	-	-	-	L	-	-	-
Adult Drive-in Theater		-	-	-	L	L	-	-	-
Adult Mini-Motion Picture Theater		-	-	-	L	L	-	-	L
Adult Model Studio		-	-	-	L	L	-	-	-
Adult *Motel*		-	-	-	-	-	-	-	-
Adult Motion Picture Theater		-	-	-	L	L	-	-	L
Adult Peep Show Theater		-	-	-	L	L	-	-	L
Adult Theater		-	-	-	L	L	-	-	L
Body Painting Studio		-	-	-	L	L	-	-	-
Massage Establishment		-	-	-	-	L	-	-	-
Sexual Encounter Establishment		-	-	-	-	-	-	-	-
Bed & Breakfast Establishments:									
1-2 Guest Rooms		-	-	-	-	-	-	-	-
3-5 Guest Rooms		-	-	-	-	-	-	-	-
6+ Guest Rooms		-	-	-	-	-	-	-	-
Boarding Kennels		-	C	C	C	C	C	C	C
Camping Parks		-	-	-	-	-	-	-	-
Child Care Facilities:									
Child Care Centers		L	L	-	L	L	-	L	L

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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
Large Family Day Care Homes		-	-	-	-	-	-	-	-
Small Family Day Care Homes		-	-	-	-	-	-	-	-
Eating and Drinking Establishments Abutting Residentially Zoned Property		-	-	-	-	L	-	-	-
Fairgrounds		-	C	C	C	C	C	C	C
Golf Courses, Driving Ranges, and Pitch & Putt Courses		-	C	C	C	C	C	C	C
Helicopter Landing Facilities		C	C	C	C	C	C	C	C
Instructional Studios		-	-	-	-	P	-	-	P
Massage Establishments, Specialized Practice		-	-	-	-	L	-	-	-
Nightclubs & Bars over 5,000 square feet in size		-	-	-	-	-	-	-	-
Outpatient Medical Clinics		-	L	-	L	P	-	L	L
Parking Facilities as a *Primary Use*:									
Permanent Parking Facilities		C	C	P	C	P	P	P	C
Temporary Parking Facilities		C	C	N	C	N	N	N	C
Private Clubs, Lodges and Fraternal Organizations		C	C	C	C	C	C	C	C
Privately Operated Outdoor Recreation Facilities over 40,000 square feet in size(13)		C	C	C	C	C	C	C	C
Pushcarts:									
Pushcarts on Private Property		L	L	L	L	L	L	L	L
Pushcarts in Public Right of Way		N	N	N	N	N	N	N	N
Recycling Facilities:									
Large Collection Facility		L	N	N	N	N	L	L	N
Small Collection Facility		L	L	L	L	L	L	L	L
Large Construction & Demolition Debris *Recycling Facility*		-	-	N	-	C	C	N	-
Small Construction & Demolition Debris *Recycling Facility*		-	-	N	-	C	N	N	-
Drop-off Facility		L	L	L	L	L	L	L	L
Green Materials Composting Facility		-	-	N	-	N	N	N	-
Mixed Organic Composting Facility		-	-	C	-	C	N	N	-
Large Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial & Industrial Traffic		-	C	L	L	L	L	L	C
Large Processing Facility Accepting All Types of Traffic		-	C	N	N	N	N	N	C
Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables From Commercial & Industrial Traffic		-	N	L	L	L	L	L	N
Small Processing Facility Accepting All Types of Traffic		-	N	N	N	N	N	N	N
Reverse Vending Machines		L	L	L	L	L	L	L	L
Tire Processing Facility		-	-	C	-	C	C	C	-
Sidewalk Cafes		-	N	N	N	N	-	N	N

§ 131.0622 Cont'd

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
Sports Arenas & Stadiums		-	C	-	C	C	-	C	-
Theaters that are outdoor or over 5,000 square feet in size		-	C	-	C	C	-	C	-
Veterinary Clinics & Animal Hospitals		-	C	C	C	P	C	C	C
Zoological Parks		-	-	-	-	-	-	-	-
Offices									
Business & Professional		-	P	-	P	P	-	-	P
Government		-	P	-	P	P	-	P	P
Medical, Dental, & Health Practitioner		-	-	-	P	P	-	-	P
Regional & Corporate Headquarters		P(1)	P	P(1)	P	P	-	P(14)	P
Separately Regulated Office Uses									
Real Estate Sales Offices & Model Homes		-	-	-	-	-	-	-	-
Sex Offender Treatment & Counseling		-	L	-	L	L	-	-	L
Vehicle & Vehicular Equipment Sales & Service									
Commercial Vehicle Repair & Maintenance		-	-	P	P	P	P	P	P
Commercial Vehicle Sales & Rentals		-	-	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
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses									
Automobile Service Stations		C	C	C	C	C	C	C	C
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a *primary use*		-	-	P	P	P	P	P	P
Wholesale, Distribution, Storage									
Equipment & Materials Storage Yards		-	-	P	P	P	P	P	P
Moving & Storage Facilities		-	-	P	P	P	P	P	P
Warehouses		-	-	P	P	P	P	P	P
Wholesale Distribution		-	P	P	P	P	P	P	P
Separately Regulated Wholesale, Distribution, and Storage Uses									
Impound Storage Yards		-	-	P	P	P	P	P	P
Junk Yards		-	-	C	C	C	C	C	C
Temporary Construction Storage Yards Located off-site		L	L	L	L	L	L	L	L
Industrial									
Heavy Manufacturing		-	-	-	-	-	P	P	-
Light Manufacturing		P(10)	P	P	P	P	P	P	P

§ 131.0622 Cont'd

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
Marine Industry		-	-	P	P	P	P	P	P
Research & Development		P	P	P	P	P	P	P	P
Trucking & Transportation Terminals		-	-	P	-	P	P	P	P
Separately Regulated Industrial Uses									
Hazardous Waste Research Facility		C	C	C	C	C	C	C	C
Hazardous Waste Treatment Facility		C	C	C	C	C	C	C	C
Marine Related Uses Within the Coastal Overlay Zone		-	-	P	P	P	P	P	P
Mining and Extractive Industries		-	C	C	C	C	C	C	C
Newspaper Publishing Plants		C	P	P	P	P	P	P	P
Processing & Packaging of Plant Products & Animal By-products Grown Off-premises		-	-	P	P	P	P	P	P
Very Heavy Industrial Uses		-	-	-	-	-	-	-	-
Wrecking & Dismantling of Motor Vehicles		-	-	C	C	C	P	C	C
Signs									
Allowable *Signs*		P	P	P	P	P	P	P	P
Separately Regulated *Signs* Uses									
Community 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	-	-	-

Footnotes for Table 131-06B

(1) A regional and corporate headquarters establishment shall have a *gross floor area* of at least 40,000 square feet.

(2) Household and office furniture, appliances, and equipment sales establishments shall occupy an area of at least 5,000 square feet in *gross floor area* unless the sales are of items that are manufactured on the same *premises*.

(3) See Section 131.0623(g).

(4) See Section 131.0623(h)

(5) See Section 131.0623(a).

(6) See Section 131.0623(f).

(7) See Section 131.0623(b).

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(8) See Section 131.0623(c).

(9) See Section 131.0623(d).

(10) See Section 131.0623(e).

(11) Assembly uses shall occupy at least 5,000 square feet of the *gross floor area*.

(12) Recreational facilities shall not exceed 2,500 square feet of *gross floor area* and 2,500 square feet of outdoor recreational use area.

(13) The 40,000 square feet includes all indoor and outdoor areas that are devoted to the recreational use; it does not include customer parking areas.

(14) Only one regional and corporate headquarters establishment is permitted on an individual parcel of land.

§ 131.0623 Additional Use Regulations of Industrial Zones

The uses in this section are permitted in the industrial zones where indicated in Table 131-06B, subject to the following regulations.

(a) Sundries, pharmaceuticals, and convenience sales are permitted subject to the following:

(1) An establishment offering these items for sale shall be limited to 1,000 square feet of *gross floor area*; and

(2) The total area occupied by these uses shall not exceed 10 percent of the *gross floor area* of the building in which they are located.

(b) Eating and drinking establishments are permitted subject to the following:

(1) Individual establishments are limited to 3,000 square feet of *gross floor area*;

(2) No live entertainment is permitted on the *premises*; and

(3) No drive-through services are permitted.

(c) Business support services are permitted subject to the following:

(1) Individual establishments are limited to 3,500 square feet of *gross floor area*; and

(2) The total area occupied by these uses shall not exceed 25 percent of the *gross floor area* of the building in which they are located.

(d) Personal appearance and health services are permitted subject to the following:

(1) Individual establishments are limited to 3,500 square feet of *gross floor area*; and

(2) The total area occupied by these uses shall not exceed 10 percent of the *gross floor area* of the building in which they are located.

(e) Light manufacturing and assembly uses in the IP-1-1 zone are limited to the following:

§ 131.0623 Cont'd

(1) Prototype fabrication;

(2) Production requiring advanced technology and skills and directly related to research and development activities on the *premises*;

(3) Manufacturing of biochemical research and diagnostic compounds to be used primarily by universities, laboratories, hospitals, and clinics for scientific research and developmental testing purposes;

(4) Production of experimental products;

(5) Development of production or operating systems to be installed and operated at another location, including manufacturing of products necessary for such development;

(6) Manufacturing of biological, biomedical, and pharmaceutical products; and

(7) Manufacturing of scientific, engineering, and medical instruments.

(f) Building supplies and equipment sales are permitted subject to the following:

(1) Items for sale shall be limited to equipment, parts, and products used in the installation or repair of permanent improvements to *structures* or *premises*; and

(2) Building supplies and equipment sales establishments shall occupy an area of at least 10,000 square feet of *gross floor area*.

(g) Retail sales uses subject to this section are permitted subject to the following:

(1) The items offered for sale must be manufactured on the *premises*; and

(2) A maximum of 25 percent of the *gross floor area* on the *premises* may be used for retail sales. At least 75 percent of the *gross floor area* shall be used for manufacturing, warehousing, or wholesale distribution of the products that are offered for sale.

(h) Convenience stores and eating and drinking establishments are permitted subject to the following:

(1) An individual establishment shall not exceed 1,000 square feet of *gross floor area*; and

(2) Drive-in and drive-through facilities are not permitted.

§ 131.0630 Development Regulations of Industrial Zones

(a) Within the industrial zones, no *structure* or improvement shall be constructed, established, or altered, nor shall any *premises* be used unless the *premises* complies with the regulations and standards in this division and with any applicable development regulations in Chapter 13, Article 2 (Overlay Zones) and Chapter 14 (General Regulations).

(b) A Neighborhood Development Permit or Site Development Permit is required for the types of *development* identified in Table 143-03A.

(c) The regulations in this division apply to all *development* in the industrial base zones whether or not a permit or other approval is required except where specifically identified.

§ 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 of Industrial Zones

Development Regulations	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									
Min Lot Area (sf)		40,000		15,000[1]			30,000		10,000
Max Lot Area (sf)		-		-			-		15,000
Min Lot Dimensions									
Lot Width (ft)		100		75			100		50
Street Frontage (ft)		100[2]		75			100		50
Lot Depth (ft)		200		100			150		100
***Setback* Requirements**									
Min Front *Setback* (ft) Std Front *Setback* (ft) [See Section 131.0643(b)]		20[3] 25[3]		15[3] 20[3]			20[3] 25[3]		10
Min Side *Setback* (ft)		15		10			15		5/0[8]
Min *Street* Side *Setback* (ft) Std *Street* Side *Setback* (ft)		20[4]		15[4],[5] 20[4],[5]			20[4],[5] 25[4],[5]		10[9]
Min Side *Setback* Abutting Residential (ft)		30		25			30		10
Min Rear *Setback* (ft) Std Rear *Setback* (ft)		25		0[6] 15[6]			20		10
Min Rear *Setback* Abutting Residential (ft)		50		25			30		15
Max *Structure Height* [See Section 131.0644]		-		-			-		-
Max *Floor Area Ratio*		1.0[7]		1.0[7]			1.0		2.0
***Street Wall* Requirements** [See Section 131.0660]		-		applies			applies		-
Outdoor Amenities [See Section 131.0665]		applies		applies			applies		-

Footnotes for Table 131-06C

(1) Within the Kearny Mesa Community Plan area, the minimum *lot* size is 40,000 square feet.

(2) See Section 131.0642.

(3) See Section 131.0643(a).

(4) See Section 131.0643(c).

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(5) See Section 131.0643(e).

(6) See Section 131.0643(d).

(7) Within the Kearny Mesa Community Plan area, the maximum *floor area ratio* is 0.50.

(8) See Section 131.0643(f).

(9) See Section 131.0643(g).

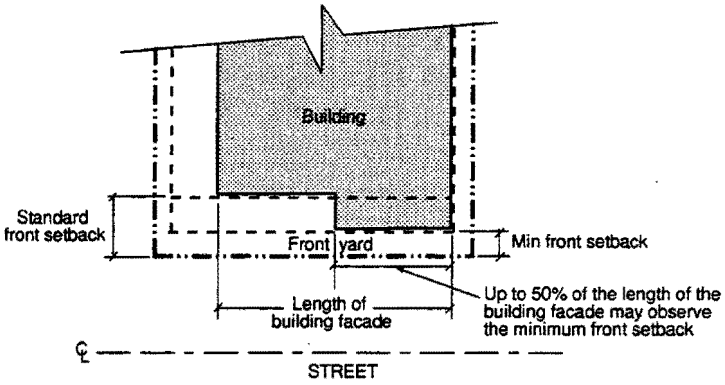
§ 131.0642 Lot Dimensions in Industrial Zones

The minimum *street frontage* is 60 feet for any *lot* in the IP zones that fronts principally on a turnaround or on a curving *street* with a centerline radius of less than 100 feet.

§ 131.0643 Setback Requirements in Industrial Zones

(a) Front *Setback* in the IP, IL, and IH Zones. Up to 50 percent of the length of the *building facade* may observe the minimum front *setback* provided the remaining percentage observes the standard front *setback*. This may occur on a floor-by-floor basis. See Diagram 131-06A.

Diagram 131-06A
Front Setback in the IP, IL, and IH Zones



(b) Parking *Encroachment* in Front *Yard* of All Industrial Zones. Parking may encroach up to 5 feet into the required standard front *yard* in all industrial zones, but may not be covered or enclosed.

(c) Parking *Encroachment* in Street Side Yard of IP, IL, and IH Zones. Parking may encroach up to 5 feet into the required standard street side yard of the IP, IL, and IH zones, but may not be covered or enclosed.

(d) Rear *Setback* in IL Zones. In the IL zones, no rear *setback* is required for up to 50 percent of the width of the *building envelope* provided the remainder of the *building envelope* observes at least the standard rear *setback* as shown in Diagram 131-06B.

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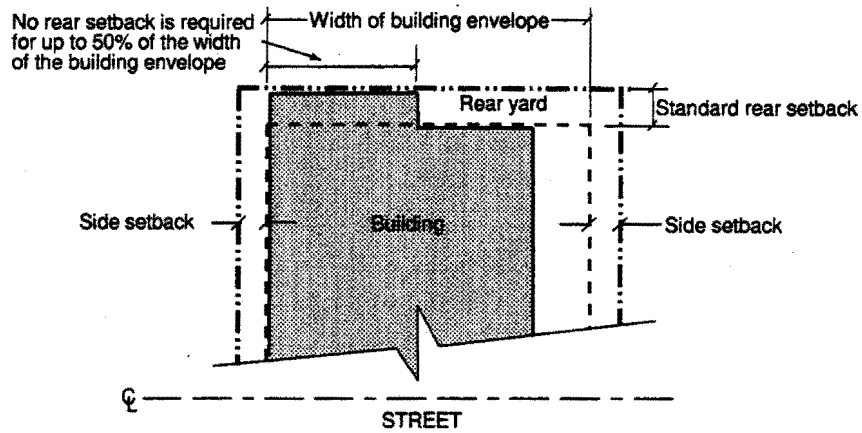
Diagram 131-06B
Zero Rear Setback in the IL Zone



(e) Standard/Minimum *Street* Side *Setback* in the IL and IH Zones. Up to 50 percent of the length of the *street* side *building facade* may observe the minimum *street* side *setback* provided the remaining percentage observes the standard *street* side *setback*. This may occur on a floor-by-floor basis.

(f) Side *Setbacks* in the IS Zone. In the IS zone, no side *setback* is required on one side of the *lot*. A minimum 5-foot *setback* is required for the opposite side.

(g) *Street* Side *Setbacks* in the IS Zone. In the IS zone, the minimum *street* side *setback* is 10 feet for a *premises* that is 100 feet wide or greater. For a *premises* that is less than 100 feet, the minimum is 10 percent of the *premises* width but not less than 5 feet.

§ 131.0644 Maximum Structure Height in Industrial Zones

There are no height limits for *structures* in the industrial zones except as limited by the regulations in Chapter 13, Article 2 (Overlay Zones).

§ 131.0660 Street Wall Requirements for Industrial Zones

In the IL and IH zones, a maximum of two loading docks or overhead doors may be located in the *street wall*. The total width of the loading docks or overhead doors shall not occupy more than 25 percent of the length of the *street wall*. See Diagram 131-06C.

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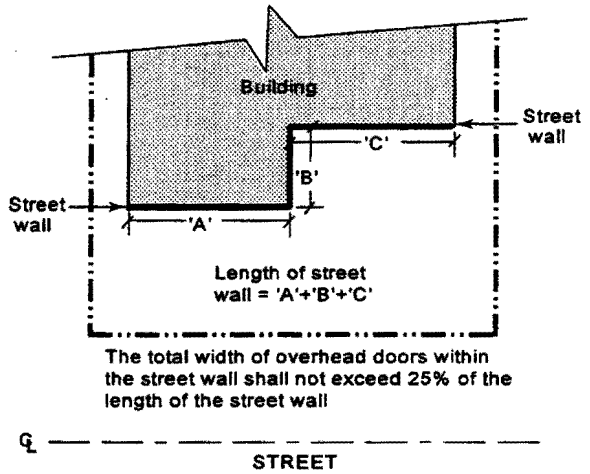
Diagram 131-06C
Street Wall Loading Docks in the IL and IH Zones



§ 131.0665 Outdoor Amenities in Industrial Zones

In the IP, IL, and IH zones, *development* on a *premises* that exceeds 10 acres in area shall include an outdoor eating and/or recreational facility. The outdoor amenity shall be at least 2,000 square feet in total area and shall be developed as usable space.

Article 2: Overlay Zones

Division 1: General Rules for Overlay Zones

§ 132.0101 Purpose of Overlay Zones

The purpose of overlay zones is to provide supplemental regulations that have been tailored to specific geographic areas of the City. Overlay zones are applied in conjunction with a base zone and modify or add to the regulations of the base zone to address specific issues such as *development* adjacent to airports, special height or parking requirements, or supplemental processing requirements.

§ 132.0102 Overlay Zone Designations

Overlay zones are designated on the Official Zoning Map as indicated in Table 132-01A. The overlay zone designation is shown after the base zone designation on the Official Zoning Map.

Table 132-01A
Overlay Zone Designations

Division Number	Title of overlay zone	Map Designation
Division 2	Airport Approach Overlay Zone	AAOZ
Division 3	Airport Environs Overlay Zone	AEOZ
Division 4	Coastal Overlay Zone	COZ
Division 5	Coastal Height Limit Overlay Zone	CHLOZ
Division 6	Sensitive Coastal Overlay Zone	SCOZ
Division 7	Mobilehome Park Overlay Zone	MHPOZ
Division 8	Parking Impact Overlay Zone	PIOZ
Division 9	Residential Tandem Parking Overlay Zone	RTPOZ
Division 10	Transit Area Overlay Zone	TAOZ
Division 11	Urban Village Overlay Zone	UVOZ
Division 12	Mission Trails Design District	MTDD
Division 13	Clairemont Mesa Height Limit Overlay Zone	CMHLOZ
Division 14	Community Plan Implementation Overlay Zone	CPIOZ

§ 132.0103 Official Zoning Maps

Section 131.0103, which contains regulations regarding the Official Zoning Maps for base zones, applies to the overlay zones in this article.

§ 132.0104 Applicability of Base Zone Regulations

The use and development regulations of the applicable base zone apply in the overlay zones except as modified by the supplemental overlay zone regulations.

Article 2: Overlay Zones

Division 2: Airport Approach Overlay Zone

§ 132.0201 Purpose of the Airport Approach Overlay Zone

The purpose of the Airport Approach Overlay Zone is to provide supplemental regulations for the property surrounding the approach path for San Diego International Airport, Lindbergh Field. The intent of these regulations is to help ensure the following:

(a) That the provisions of the Federal Aviation Act of 1958, as implemented through the Federal Aviation Administration (FAA) obstruction evaluation programs, are satisfied;

(b) That the applicable provisions of California Public Utilities Code Section 21659, as administered by the California Department of Transportation (CALTRANS), are satisfied;

(c) That the San Diego Unified Port District (Port District), as the proprietor of San Diego International Airport, Lindbergh Field, is provided the opportunity to participate in the evaluation process conducted by the FAA and CALTRANS; and

(d) That minimum vertical buffers are provided between the FAA-established approach paths as identified on Map No. C-842 and *structures* constructed within the Airport Approach Overlay Zone.

§ 132.0202 Where the Airport Approach Overlay Zone Applies

(a) This overlay zone applies to property surrounding San Diego International Airport, Lindbergh Field that is located within the boundaries shown on Map No. C-842, filed in the office of the City Clerk as Document No. OO-17756. This property is shown generally on Diagram 132-02A.

(b) Table 132-02A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* in this overlay zone.

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Cont'd

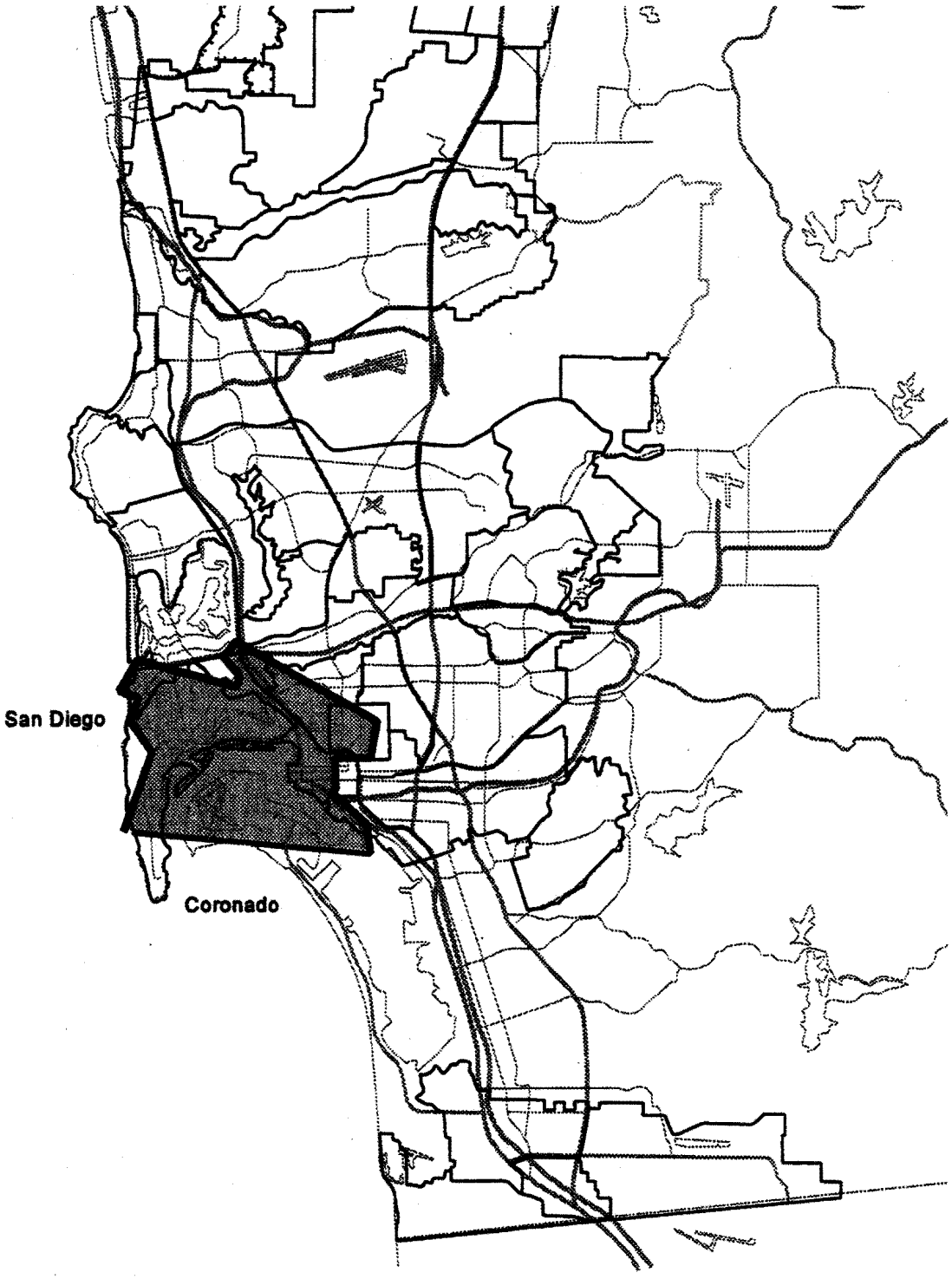

DIAGRAM 132-02A
Airport Approach Overlay Zone
This is a reproduction of Map C-842 for illustration purposes only.

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Table 132-02A
Airport Approach Overlay Zone Applicability

Type of *Development* Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) Interior modifications of existing *structures* that do not increase the height of the *structure*	None--Exempt from this division	No permit required by this division
(2) *Development* of *structures* that will not exceed 30 feet in height, except if the proposed *development* is located between Interstate 5, Ivy Street, Nutmeg Street, and Lindbergh Field	None--Exempt from this division	No permit required by this division
(3) Construction or alteration of any *structure*, or establishment of a new use that is not exempt under (1) or (2) of this table, and for which the FAA has issued a Determination of No Hazard	See Sections 132.0205-132.0208	No permit required by this division
(4) Construction or alteration of any *structure*, or establishment of a new use that is not exempt under (1) or (2) of this table, and for which the FAA has issued a Determination of Hazard	See Sections 132.0205-132.0209	No permit required by this division

§ 132.0205 Supplemental Development Regulations--Airport Approach Path Buffer

No *structure* shall be constructed or altered and no use shall be established that results in any permanent encroachment within 50 feet of the FAA-established approach paths as set forth in Drawing No. C-842. Proposed *structures* or uses that are 40 feet in height or less, measured from the grade of the property as established by Map No. C-842 or by the City Manager, shall not be limited by this section.

§ 132.0206 Notification Requirements

Upon receipt of an application for a Building Permit or *development permit* that is subject to this overlay zone, the City Manager will provide a notice of the proposed permit to the FAA and the Port of San Diego.

§ 132.0207 Supplemental Regulations for an FAA Determination of No Hazard and Port District Concurrence

The decision maker shall not issue a Building Permit or *development permit* within the Airport Approach Overlay Zone until the following have occurred:

(a) The *applicant* has obtained and provided to the City Manager (1) a letter from the FAA stating that the proposed *development* does not require notice to the FAA or (2) a Determination of No Hazard from the Air Traffic Division of the Western Pacific Regional Office of the FAA, stating that the proposed *development* has been determined not to be a hazard to air navigation and this determination has become final; and

(b) The Port District has concurred with the FAA determination in one of the following ways:

(1) The City Manager has provided the Port District with a copy of the FAA determination and has received a response stating that the Port District is aware of the proposed *development* and that it concurs with the determination made by the Regional Office of

§ 132.0207 Cont'd

the FAA; or

(2) The Port District has not responded within 40 calendar days from the date that the FAA determination was forwarded to the Port District. In this case, the decision maker will assume concurrence and may approve the Building Permit or *development permit.*

§ 132.0208 Supplemental Regulations for an FAA Determination of No Hazard and Port District Appeal

If the Port District does not concur with the FAA determination as described in Section 132.0207, and the Port District has notified the City Manager that it does not concur with the FAA determination and has filed an appeal of the determination with the FAA, the decision maker shall not issue a Building Permit or *development permit* until the following have occurred:

(a) The City Manager has received a letter of determination from the FAA National Headquarters Air Traffic Administrator stating that the proposed *development* does not constitute a hazard to air navigation and this determination has become final;

(b) At least 60 calendar days have elapsed from the date on which the Air Traffic Administrator's determination became final; and

(c) The proposed *development* complies with Section 132.0205.

§ 132.0209 Supplemental Regulations for an FAA Determination of Hazard

(a) If the FAA Regional Office or the National Headquarters issues a Determination of Hazard stating that the proposed construction will constitute a hazard to safe and efficient use of airspace, the *applicant* must obtain a permit from CALTRANS in accordance with California Public Utilities Code, Section 21659, before a Building Permit or a *development permit* can be issued. If CALTRANS issues the permit, the application for a Building Permit or *development permit* will be reviewed by the City Council. The City Manager shall provide the Port District with a copy of the Determination of Hazard and shall notify the Port District of the public hearing to review the permit application.

(b) The City Council shall consider the following in its review of the permit application:

(1) Aeronautical studies conducted by the FAA that determine the effect of the proposal upon the operation of air navigation facilities and the safe and efficient use of the navigable airspace;

(2) Quantified analyses conducted by the Port District that provide technical and economic statistics of the effect the proposed construction will have on existing airport operations;

(3) Consistency with the purpose and intent of the Airport Approach Overlay Zone; and

(4) The public health, safety, and welfare of the residents and property in the City.

(c) At the conclusion of the public hearing, the Building Permit or *development permit* may be approved, denied, or delayed as follows:

(1) *Development Permit* Applications. The City Council may approve or deny the permit or delay issuance of the permit until 120 calendar days following the conclusion of the

§ 132.0209 Cont'd

hearing if the City Council finds that the delayed issuance is in the public interest, based on the information provided at the hearing. A Building Permit application for development that has been approved under a *development permit* issued in accordance with this division shall not be subject to an additional public hearing to determine compliance with this division.

(2) Building Permit Applications. The Building Official may approve or deny the permit or delay issuance of the permit until 120 calendar days following the conclusion of the hearing if the City Council finds that the delayed issuance is in the public interest, based on the information provided at the hearing.

Article 2: Overlay Zones

Division 3: Airport Environs Overlay Zone

§ 132.0301 Purpose of the Airport Environs Overlay Zone

The purpose of the Airport Environs Overlay Zone is to provide supplemental regulations for property surrounding Brown Field, Montgomery Field, and Naval Air Station Miramar. The intent of these regulations is as follows:

(a) To ensure that land uses are compatible with the operation of airports by implementing the Comprehensive Land Use Plans for Brown Field, Montgomery Field, and Naval Air Station Miramar that have been adopted by the Airport Land Use Commission for the San Diego region; and

(b) To provide a mechanism whereby property owners receive information regarding the noise impacts and safety hazards associated with their property's proximity to airport operations.

§ 132.0302 Where the Airport Environs Overlay Zone Applies

(a) This overlay zone applies to properties that are identified in the Brown Field, Montgomery Field, or Naval Air Station Miramar Comprehensive Land Use Plans as areas within a noise contour zone, accident potential zone, or flight activity zone. These properties are located within the boundaries shown on Map Nos. C-803, C-804, and C-805, filed in the office of the City Clerk, and are shown generally on Diagram 132-03A.

(b) Table 132-03A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone.

§ 132.0302
Cont'd

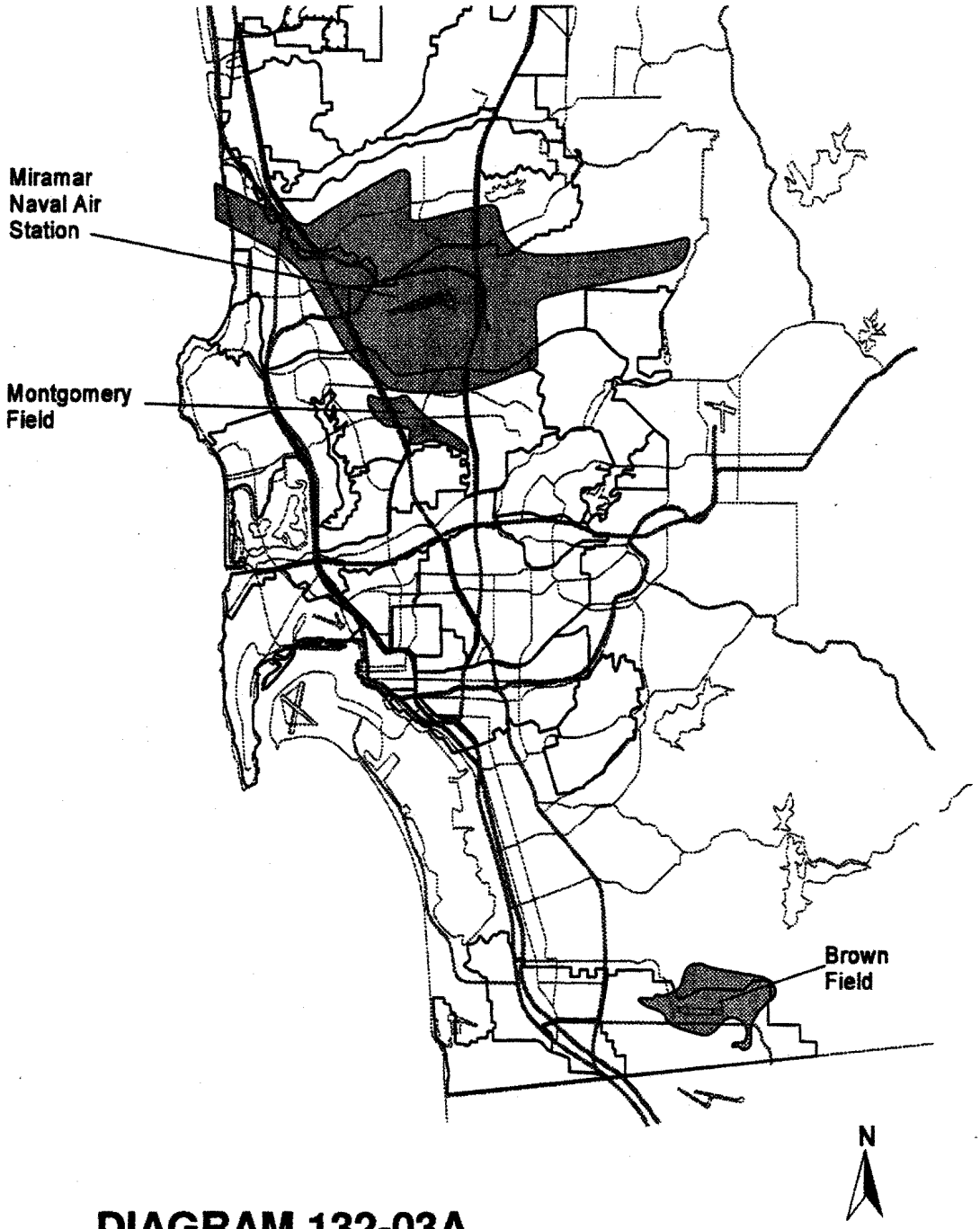


DIAGRAM 132-03A

Airport Environs Overlay Zone

This is a reproduction of map Nos. C-803, 804, and 805 for illustration purposes only.

§ 132.0302 Cont'd

Table 132-03A
Airport Environs Overlay Zone Applicability

Type of *Development* Proposal	Supplemental Development Regulations	Required Permit Type/Decision Process
(1) *Development* for which a permit was issued before March 18, 1991 if the *development* would not result in a greater degree of noncompliance with this division than the previously permitted *development*	None--Exempt from this division	No permit required by this division
(2) Additions to, replacement of, or remodeling of an existing *single dwelling unit*	None--Exempt from this division	No permit required by this division
(3) Any change in use or *development* that requires a Building Permit or *development permit* and that is not exempt under (1) or (2) of this table	See Sections 132.0306-132.0310	No permit required by this division

§ 132.0303 Exceptions to the Requirements of the Airport Environs Overlay Zone

The City Manager may grant an exception to the requirements of this division for proposed *development* that is minor, temporary, or incidental and is consistent with the intent of this division. The City Manager shall file a copy of the exception with the office of the City Clerk.

§ 132.0306 Supplemental Regulations of the Comprehensive Land Use Plans

Comprehensive Land Use Plans for Brown Field, Montgomery Field, and Naval Air Station Miramar contain community noise equivalent level contour maps, which identify areas subject to airport noise impacts, and accident potential zone maps or flight activity zone maps, which identify areas of safety hazards. The Comprehensive Land Use Plans also provide land use compatibility matrices or tables, which specify the types of land uses that are compatible, conditionally compatible, or incompatible within specified noise contours, accident potential zones, or flight activity zones.

(a) *Development* proposals shall comply with the airport noise/land use compatibility matrix or table of the applicable Comprehensive Land Use Plan. Indoor noise levels that are attributable to airport operations shall not exceed the levels indicated in the Comprehensive Land Use Plan. For uses not specifically identified, the City Manager shall determine the applicable standard.

(b) *Development* proposals shall comply with the accident potential zone/land use compatibility matrix, or the text regarding land use compatibility in the flight activity zones, of the applicable Comprehensive Land Use Plan.

(c) Uses identified in the land use compatibility matrices as being conditionally compatible are permitted only if the noise is attenuated and the *density* is restricted as indicated in the matrices.

§ 132.0307 Site Planning Standards in the Airport Environs Overlay Zone

All *development* proposals shall be reviewed by the City Manager for conformance with the following site planning standards:

(a) *Structures* shall be located as far away from the noise source or accident potential/flight activity zone as possible, taking maximum advantage of the topography and other site design

§ 132.0307 Cont'd

features to minimize noise impacts and safety hazards; and

(b) The amount of outdoor recreational space or other activity area where individuals would be subject to high levels of noise shall be minimized.

§ 132.0308 Acoustical Testing of Interior Noise Levels

An acoustical study may be required by the City Manager to determine if the *development* proposal meets the noise standards established in the Comprehensive Land Use Plan. If noncompliance with this division is alleged and the City Manager requires a field test to resolve the complaint, the complainant shall post a bond or place adequate funds in escrow to cover the cost of testing. The testing costs shall be charged to the complainant if field tests show that the *development* proposal complies with these regulations. If the tests show noncompliance, the testing costs shall be charged to the owner or builder and the owner or builder shall take actions to comply with the sound attenuation provisions of this division. For the purposes of field testing, the typical interior noise level must demonstrate that the builder or owner has complied with the appropriate Community Noise Equivalent Level established in the adopted Comprehensive Land Use Plan.

§ 132.0309 Requirement for Avigation Easement

Where a prescriptive right for avigation purposes exists, a *development permit* or Building Permit shall not be issued for any *development* or use subject to the Airport Environs Overlay Zone until an avigation easement is recorded in favor of the airport owner. The easement shall evidence an acknowledgment by the property owner of the existence of the easement, a description of the easement's elevation or elevations above the property, and the name or names of the property owner and any other information the County Recorder may require. The easement shall document the existing prescriptive rights in the airspace above the property in accordance with the standards for airspace uses as set forth in Federal Air Regulations, Part 77. The easement must permit the unconditioned right of flight of aircraft in the federally controlled air space above the property. Any other easement information shall be supplied in a form provided by the airport owner or operator whose prescriptive rights to airport approach paths are affected. The easement shall be recorded in the office of the County Recorder upon the title of the property.

§ 132.0310 City Council Override

(a) The *applicant* may file a petition to the City Council to override the City Manager's determination of noncompliance with the land use recommendations of the adopted Comprehensive Land Use Plan, within 10 *business days* of that decision. The City Council may, at its discretion, request a recommendation from the Airport Land Use Commission before deciding whether the petition will be heard.

(b) The City Council may, by a two-thirds vote, override the City Manager's decision and determine that the proposed use meets the intent of the Comprehensive Land Use Plan if the City Council makes the following findings:

(1) The proposed *development* will not be detrimental to the public health, safety, and welfare; and

(2) The proposed *development* will minimize the public's exposure to excessive noise and safety hazards to the extent feasible; and

(3) The proposed *development* will meet the purpose and intent of the California Public Utilities Code Section 21670.

Article 2: Overlay Zones

Division 4: Coastal Overlay Zone

§ 132.0401 Purpose of the Coastal Overlay Zone

The purpose of the Coastal Overlay Zone is to protect and enhance the quality of public access and coastal resources.

§ 132.0402 Where the Coastal Overlay Zone Applies

(a) This overlay zone applies to all property located within the boundaries designated on Map No. C-730.1, filed in the office of the City Clerk as Document No. 00-17067-1. These areas are shown generally on Diagram 132-04A.

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

Table 132-04A
Coastal Overlay Zone Applicability

Type of *Development* Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) *Coastal development* that is categorically excluded pursuant to order of the Coastal commission or that is exempted by Section 126.0704	None	No permit required by this division
(2) Any *coastal development* within this overlay zone that is partially or completely within the Coastal Commission Permit Jurisdiction or the Deferred Certification Area	See use and development regulations of the base zone	Coastal Development Permit issued by the Coastal Commission
(3) *Coastal development* in this overlay zone that is not exempt under (1) of this table or that is not in the area described in (2) of this table	See use and development regulations of the base zone	Coastal Development Permit/ProcessTwo or Three

§ 132.0402
Cont'd

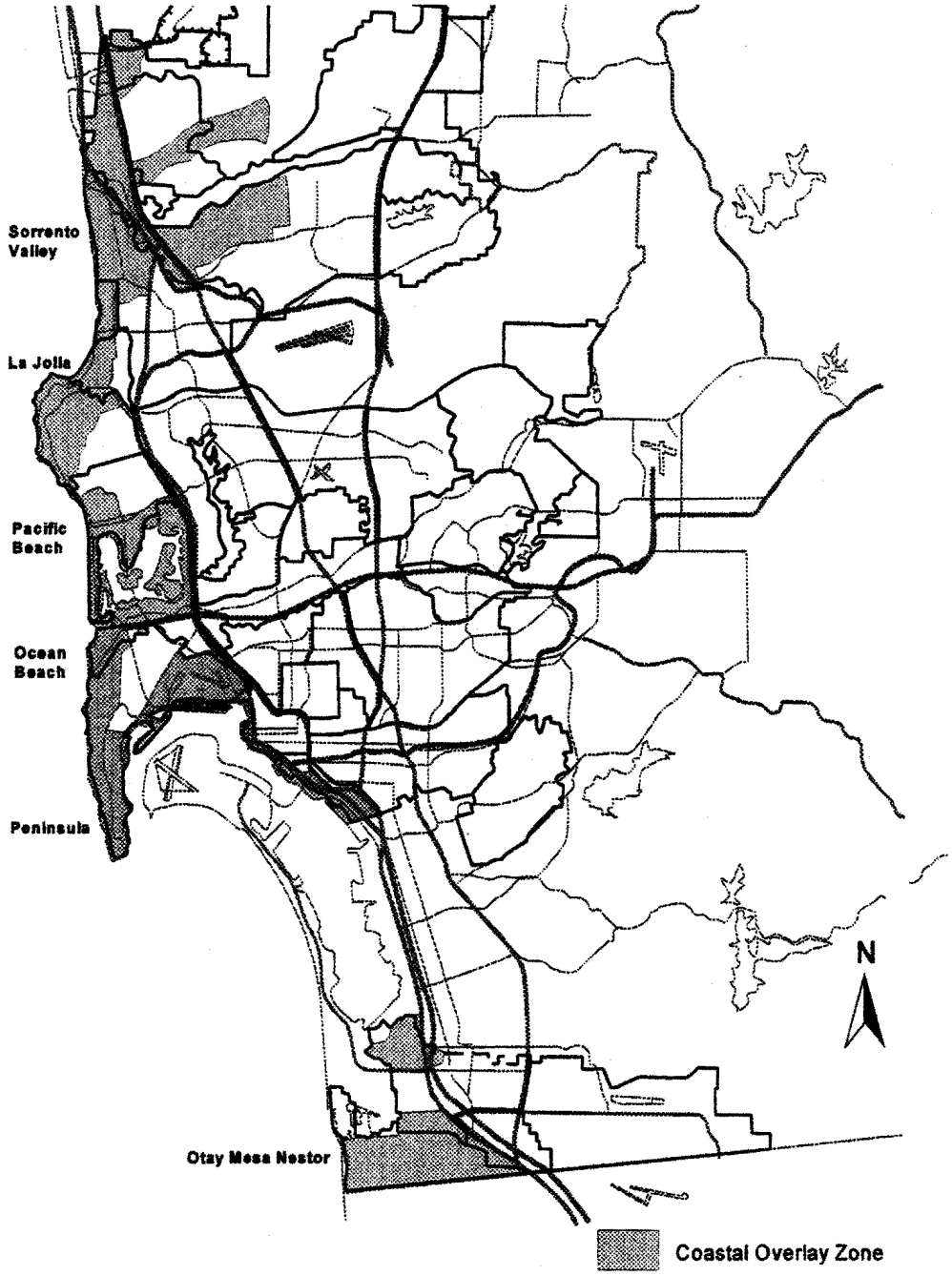


DIAGRAM 132-04A

Coastal Overlay Zone

This is a reproduction of the Coastal Overlay Zone Boundary, as shown on the official zoning maps, for illustration purposes only

Article 2: Overlay Zones

Division 5: Coastal Height Limit Overlay Zone

§ 132.0501 Purpose of the Coastal Height Limit Overlay Zone

The purpose of the Coastal Height Limit Overlay Zone is to provide a supplemental height limit for specific coastal areas as enacted by the voters of the City of San Diego.

§ 132.0502 Where the Coastal Height Limit Overlay Zone Applies

(a) This overlay zone applies to the coastal area that is described in Section 132.0505(b) and is shown on Map No. C-380, filed in the office of the City Clerk as Document No. 743737. This area is shown generally on Diagram 132-05A.

(b) Table 132-05A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone.

Table 132-05A
Coastal Height Limit Overlay Zone Applicability

Type of *Development* Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
Any building or addition to a building within this overlay zone	See Section 132.0505	No permit required by this division

§ 132.0502
Cont'd

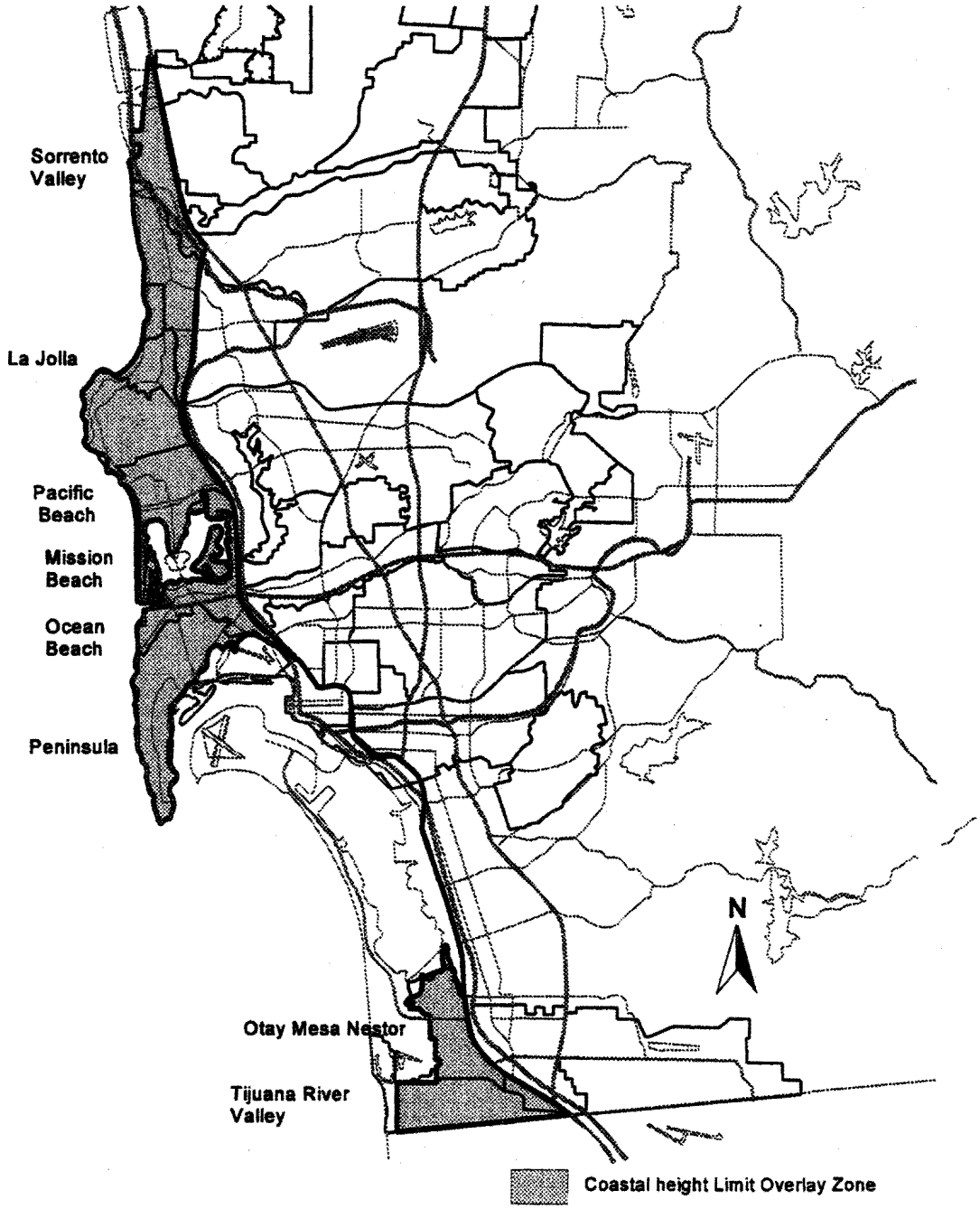


DIAGRAM 132-05A

Coastal Height Limit Overlay Zone

This is a reproduction of Map No. C380 for illustration purposes only

§ 132.0505 Coastal Height Limit

(a) Notwithstanding any section to the contrary, no building or addition to a building shall be constructed with a height in excess of 30 feet within the Coastal Zone of the City of San Diego, as shown on Drawing No. C-0380, on file in the office of the City Clerk as Document No. 743737.

(b) The words "Coastal Zone" as used within this section shall mean that land and water area of the City of San Diego from the northern City limits, south to the border of the Republic of Mexico, extending seaward to the outer limits of City jurisdiction and extending inland to the location of Interstate 5 on January 1, 1971. This limitation shall not apply to that land area of the Coastal Zone bounded by National City on the south, San Diego Bay on the west and Laurel Street or the southwesterly projection of Laurel Street on the north.

(c) The base of measurement of the height shall be in accordance with the Uniform Building Code of 1970.

(d) Notwithstanding any section to the contrary, there shall be no exception to the provisions of this section.

[Editor's Note: Section 132.0505 is codification of Proposition D, which was adopted by the people of the City of San Diego and became effective on December 7, 1972.]

Article 2: Overlay Zones

Division 6: Sensitive Coastal Overlay Zone

§ 132.0601 Purpose of the Sensitive Coastal Overlay Zone

The purpose of the Sensitive Coastal Overlay Zone is to help protect and enhance the quality of *sensitive coastal bluffs*, *coastal beaches*, and *wetlands*.

§ 132.0602 Where the Sensitive Coastal Overlay Zone Applies

(a) This overlay zone applies to all *sensitive coastal bluffs*, *coastal beaches*, and *wetlands* located within the boundaries designated on Map No. C-713, filed in the office of the City Clerk as Document No. 00-17062. These areas are shown generally on Diagram 132-06A.

(b) Where any portion of a parcel is located within the Sensitive Coastal Overlay Zone, this division shall apply to all portions of the parcel that are in the Coastal Overlay Zone as described in Chapter 13, Article 2, Division 4. This division shall not apply to any property or portion thereof that is removed from the Coastal Overlay Zone through proper legislative authority.

(c) Table 132-06A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone.

Table 132-06A
Sensitive Coastal Overlay Zone Applicability

Type of *Development* Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
Any *development* on property wholly or partially within this overlay zone	See the *environmentally sensitive lands* regulations in Section 143.0110	See Section 143.0110

§ 132.0602 Cont'd

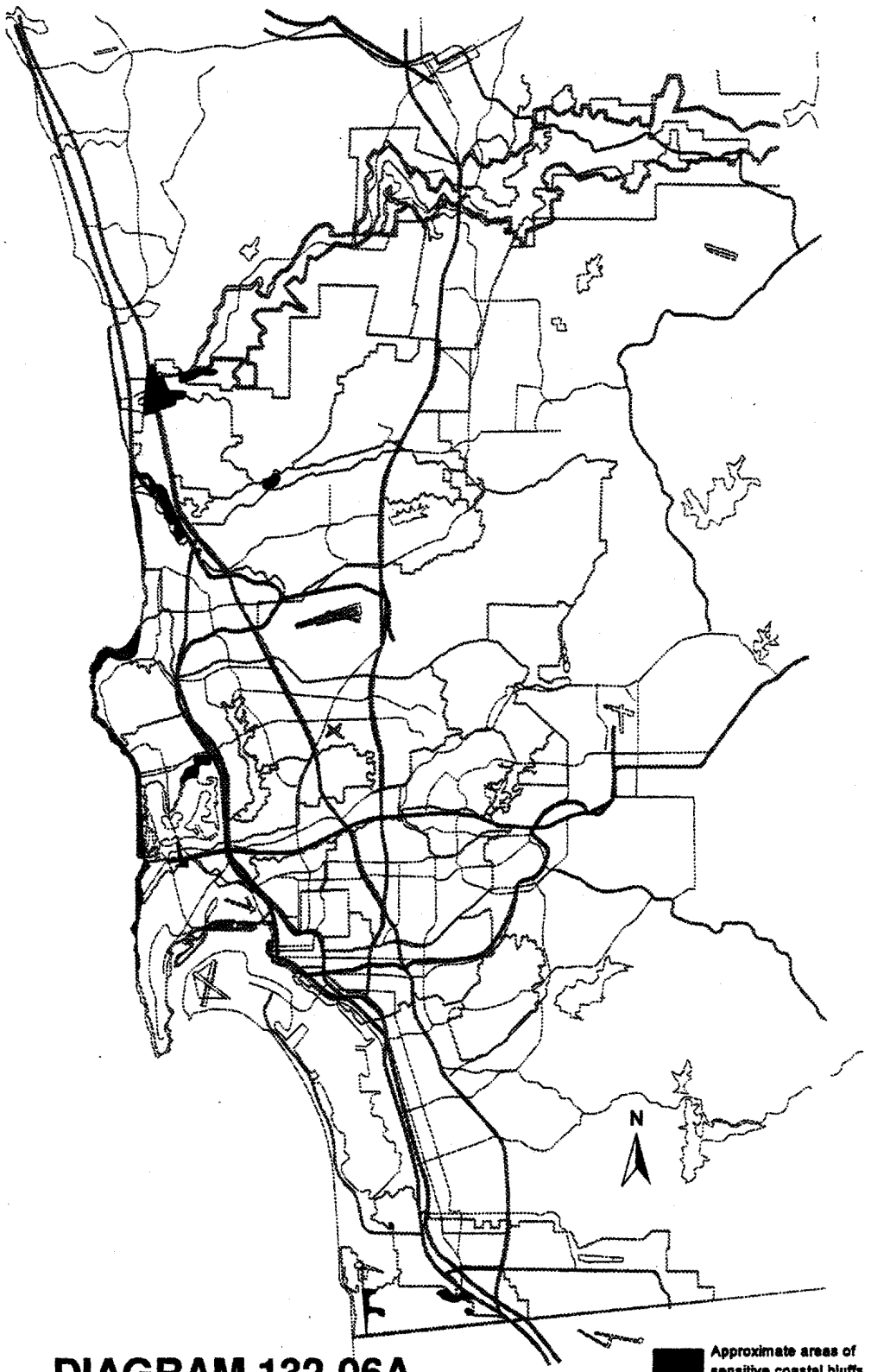


DIAGRAM 132-06A

Sesitive Coastal Overlay Zone

This is a reproduction of Map No. C-713 for illustration purposes only.

Article 2: Overlay Zones

Division 7: Mobilehome Park Overlay Zone

§ 132.0701 Purpose of the Mobilehome Park Overlay Zone

The purpose of the Mobilehome Park Overlay Zone is to preserve existing *mobilehome* park sites, consistent with the City's goal of accommodating alternative housing types, and to provide supplemental regulations for the discontinuance of *mobilehome* parks and the relocation of the *mobilehome* park tenants.

§ 132.0702 Where the Mobilehome Park Overlay Zone Applies

(a) This overlay zone applies to all property located within the boundaries shown on Map Nos. C-669, C-672, C-673, C-674.1, and B-3552, filed in the office of the City Clerk. These areas are shown generally on Diagram 132-07A.

(b) Table 132-07A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone.

Table 132-07A
Mobilehome Park Overlay Zone Applicability

Type of *Development* Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) Any *development* of *mobilehomes* in the RM zones	See Section 132.0705 and the regulations for *mobilehome* parks in Section 143.0340	Neighborhood Development Permit/Process Two
(2) Any *development* of *mobilehomes* in the RS or RX zones	See Section 132.0705 and the regulations for *mobilehome* parks in Section 143.0340	Site Development Permit/ Process Three
(3) Any proposal to discontinue a *mobilehome* park that is located within this overlay zone	See the regulations for *mobile-home* park discontinuance in Sections 143.0610-143.0640	Site Development Permit/ Process Three

§ 132.0702
Cont'd

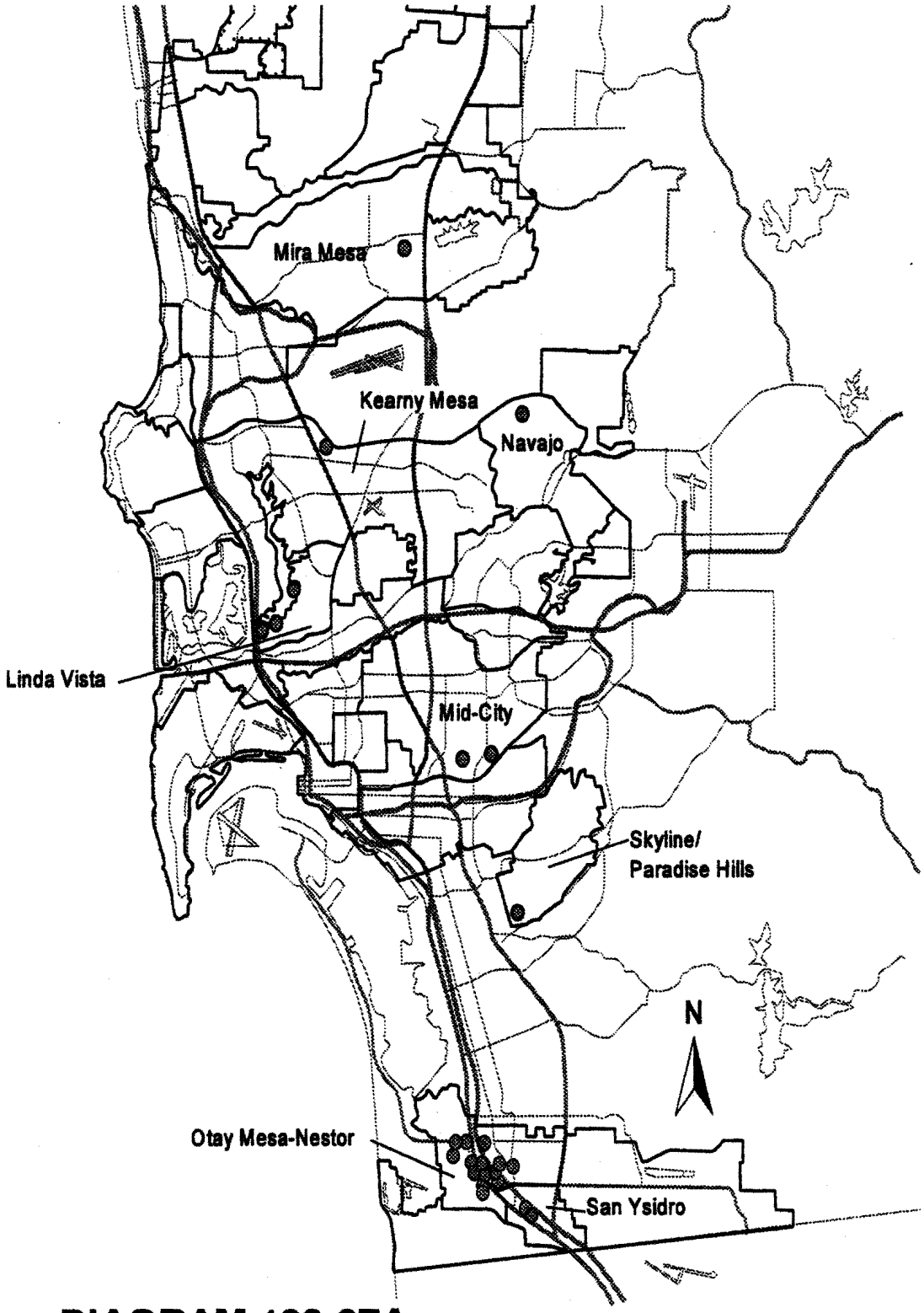


DIAGRAM 132-07A

MobileHome Park Overlay Zone

This is a reproduction of Map Nos. C-669, 672, 673, 674.1, and B-3552 for illustration purposes only.

§ 132.0705 Supplemental Use Regulations of the Mobilehome Park Overlay Zone

Only the following uses may be permitted in the Mobilehome Park Overlay Zone:

(a) *Mobilehome* parks to accommodate *mobilehomes* intended for use as single-unit dwellings; and

(b) The following *accessory uses*:

(1) Recreation buildings, game courts, swimming pools, and other similar facilities intended only for the use of the residents of the *mobilehome* park and their guests;

(2) Nonresidential occupancy *accessory structures* such as private garages, carports, and storage sheds;

(3) Home occupations in accordance with Section 141.0308; and

(4) *Signs* as permitted by the applicable zone.

Article 2: Overlay Zones

Division 8: Parking Impact Overlay Zone

§ 132.0801 Purpose of the Parking Impact Overlay Zone

The purpose of the Parking Impact Overlay Zone is to provide supplemental parking regulations for specified coastal, beach, and campus areas that have parking impacts. The intent of this overlay zone is to identify areas of high parking demand and increase the off-street parking requirements accordingly.

§ 132.0802 Where the Parking Impact Overlay Zone Applies

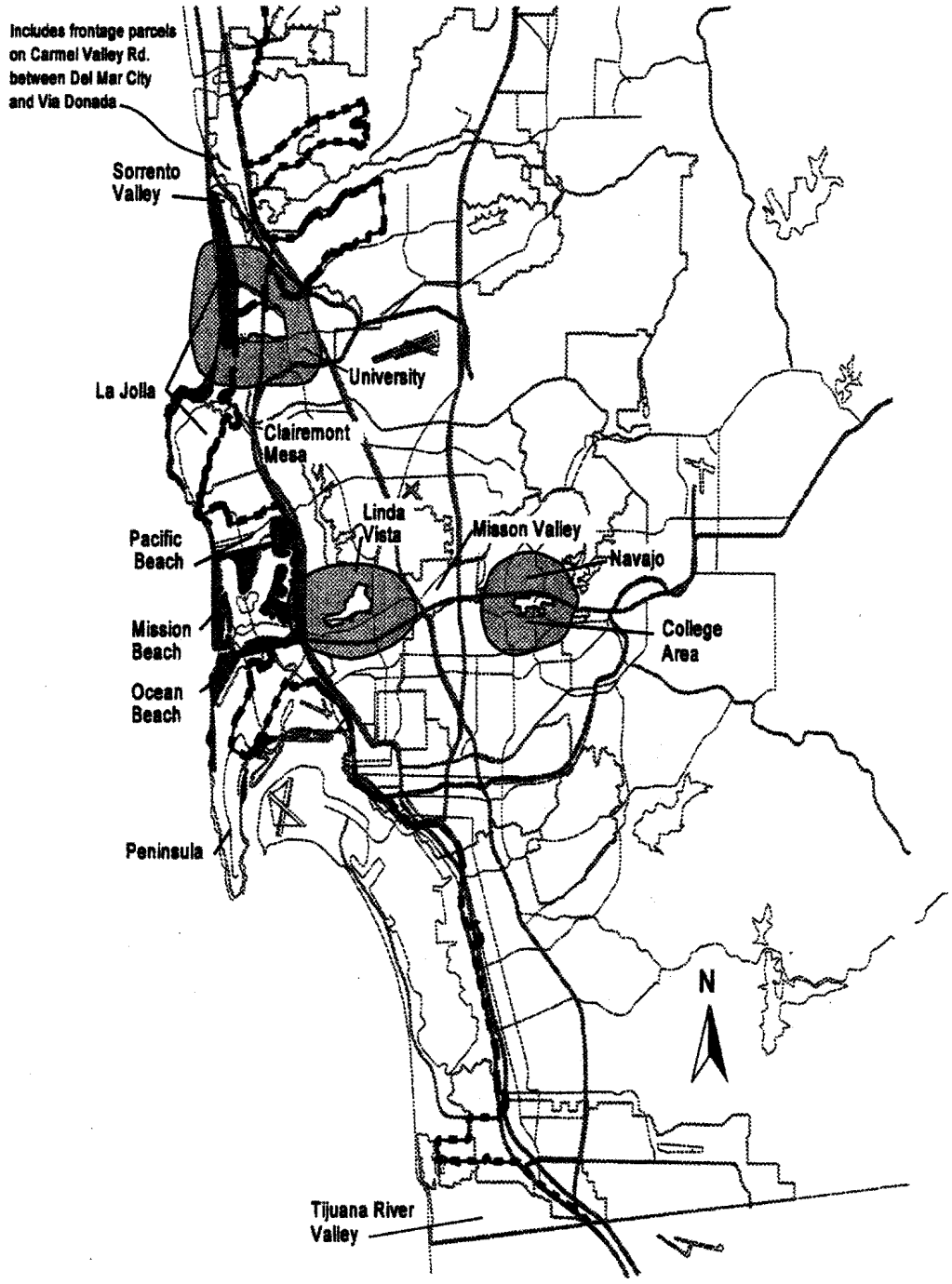
(a) This overlay zone applies to property located within the beach impact area, the campus impact area, and the coastal impact area as shown on Map Nos. C-731 and C-795, filed in the office of the City Clerk. These areas are shown generally on Diagram 132-08A.

(b) Table 132-08A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone.

Table 132-08A
Parking Impact Overlay Zone Applicability

Type of *Development* Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) Any *single dwelling unit development* located within the campus impact area	See the parking regulations in Section 142.0520	No permit required by this division
(2) Any *multiple dwelling unit development* located within the beach impact area or campus impact area	See the parking regulations in Section 142.0525	No permit required by this division
(3) Any eating and drinking establishment that is located in the coastal impact area and in the CC-5-2, CC-5-4, or CC-3-5 zones	See the parking regulations in Section 142.0530(b)	No permit required by this division

§ 132.0802 Cont'd



Beach Impact Area
Includes all frontage parcels on inland side of boundary streets, except Rosecrans St.

Campus Impact Area

Coastal Impact Area Boundary
(Coastal Impact Area is all areas west of the Coastal Impact Area Boundary)

DIAGRAM 132-08A

Parking Impact Area Overlay Zone

This is a reproduction of Map Nos. C-731 and 795
For illustration purposes only.

Article 2: Overlay Zones

Division 9: Residential Tandem Parking Overlay Zone

§ 132.0901 Purpose of the Residential Tandem Parking Overlay Zone

The purpose of the Residential Tandem Parking Overlay Zone is to identify the conditions under which tandem parking may be counted as two parking spaces in the calculation of required parking.

§ 132.0902 Where the Residential Tandem Parking Overlay Zone Applies

(a) This overlay zone applies to property located within the boundaries shown on Map No. C-846, filed in the office of the City Clerk under Document No. 00-17836. This area is shown generally on Diagram 132-09A.

(b) Table 132-09A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone.

Table 132-09A
Residential Tandem Parking Overlay Zone Applicability

Type of *Development* Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
Any *development* proposing tandem parking in a *single dwelling unit* or *multiple dwelling unit* zone located within this overlay zone	See Section 132.0905	No permit required by this division

§ 132.0905 Supplemental Development Regulations of the Residential Tandem Parking Overlay Zone

(a) Tandem parking may be counted as two parking spaces toward the off-street parking required by Chapter 14, Article 2, Division 5 (Parking Regulations) only in the following locations and circumstances:

(1) In the Golden Hill Community Plan area, the La Jolla Community Plan area, the Mission Beach Precise Plan area, the Mission Valley Community Plan area, the Uptown Community Plan area, and all community plan areas in Council District 5.

(2) In the City Heights neighborhood of the Mid-City Community Plan Area only for *structures* with one or two dwelling units.

(3) If at least 25 percent of the project area is located within the Transit Area Overlay Zone as shown in Diagram 132-10A and the project area is not located in the Greater North Park Community Plan area, the Pacific Beach Community Plan area, the Southeast San Diego Community Plan area, the Skyline/Paradise Hills Community Plan Area, or the Mid-City Communities Plan area other than the City Heights neighborhood.

(4) Within the beach impact area of the Parking Impact Area Overlay Zone where access is

§ 132.0905 Cont'd

provided to the tandem space from an abutting *alley*.

(b) At least one of the two parking spaces shall be within a completely enclosed *structure*.

(c) Both of the tandem spaces shall be assigned to the same dwelling unit.

(d) The tandem parking spaces shall be assigned, and the use restrictions shall be enforced, by the owner of the *premises* or the owners's assigned representative.

§ 132.0905 Cont'd

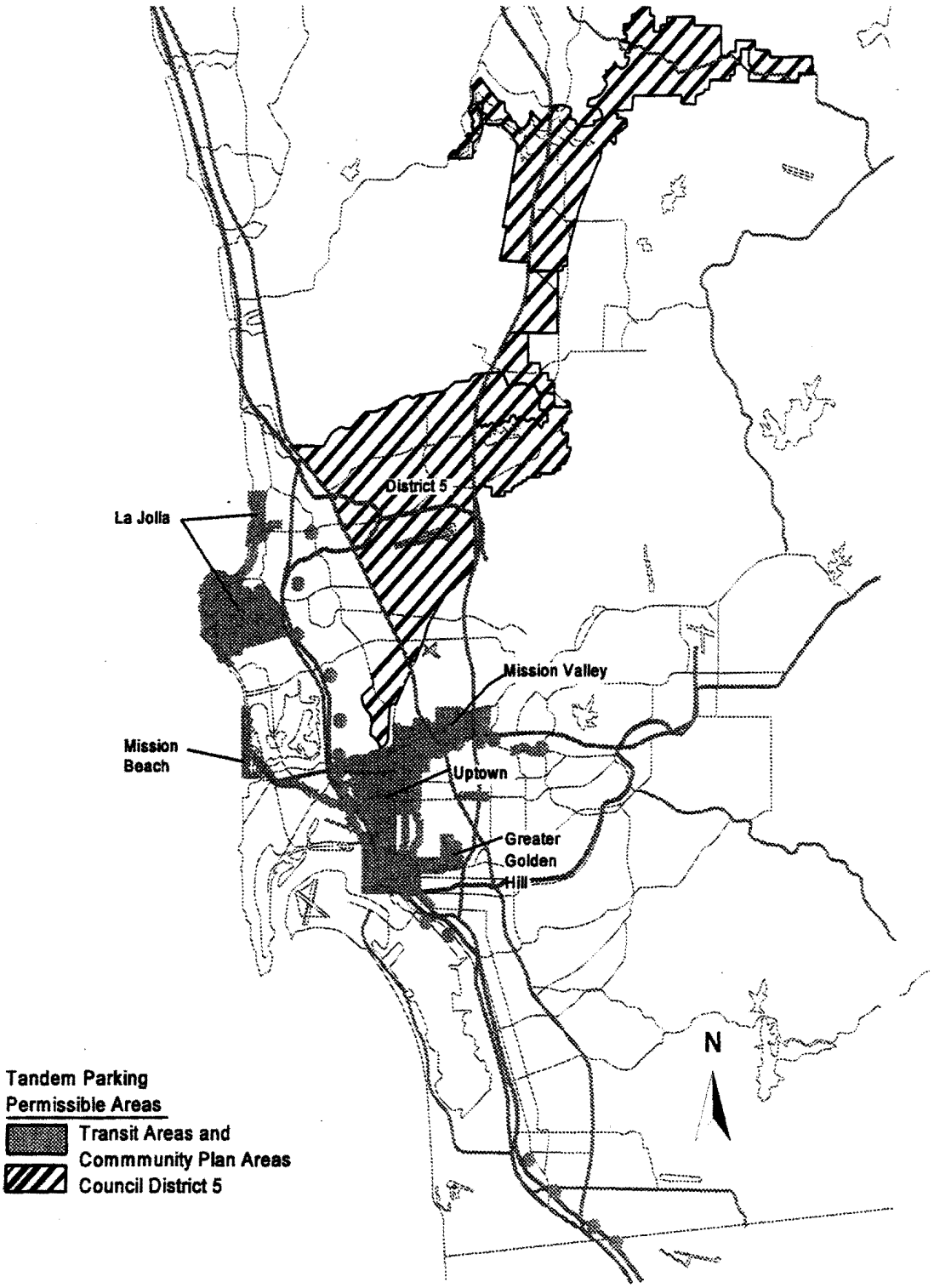


DIAGRAM 132-09A

Residential Tandem Parking Overlay Zone

This is a reproduction of Map No. C-846 for illustration purposes only.

Article 2: Overlay Zones

Division 10: Transit Area Overlay Zone

§ 132.1001 Purpose of the Transit Area Overlay Zone

The purpose of the Transit Area Overlay Zone is to provide supplemental parking regulations for areas receiving a high level of transit service. The intent of this overlay zone is to identify areas with reduced parking demand and to lower off-street parking requirements accordingly.

§ 132.1002 Where the Transit Area Overlay Zone Applies

(a) This overlay zone applies to property located within the boundaries shown on Map No. C-846, filed in the office of the City Clerk as Document No. 00-17837. These areas are shown generally on Diagram 132-10A.

(b) Table 132-10A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone.

Table 132-10A
Transit Area Overlay Zone Applicability

Type of *Development* Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
Any *multiple dwelling unit development* located within this overlay zone	See the parking regulations in Section 142.0525	No permit required by this division
Any nonresidential *development* located within this overlay zone	See the parking regulations in Section 142.0530	No permit required by this division

§ 132.1002
Cont'd

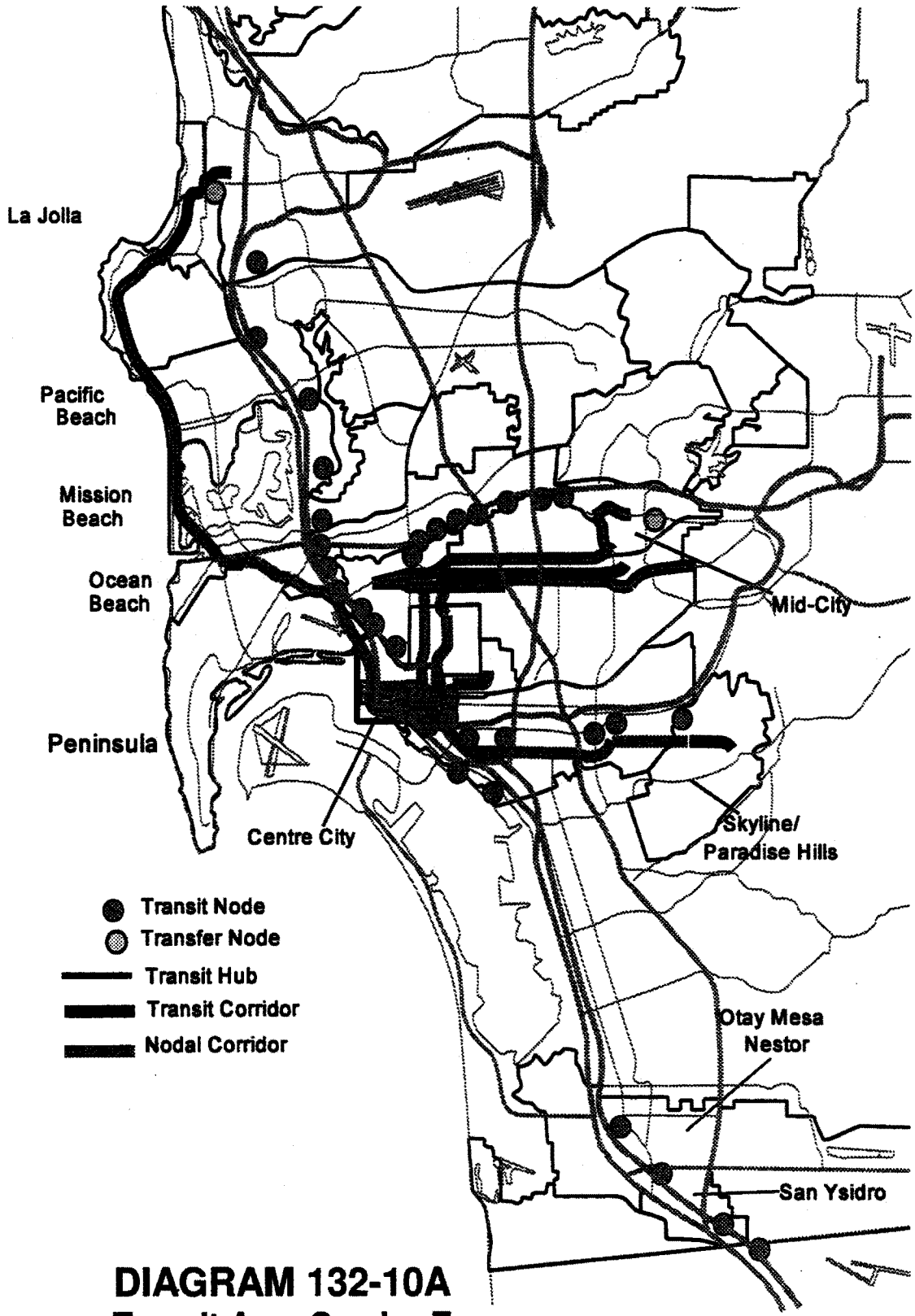


DIAGRAM 132-10A

Transit Area Overlay Zone

This is a reproduction of Map Nos. C-846 for illustration purposes only.

Article 2: Overlay Zones

Division 11: Urban Village Overlay Zone

§ 132.1101 Purpose of the Urban Village Overlay Zone

The purpose of the Urban Village Overlay Zone is to provide regulations that will allow for greater variety of uses, flexibility in site planning and development regulations, and intensity of land use than is generally permitted in other Citywide zones. The intent of these regulations is to create a mix of land uses in a compact pattern that will reduce dependency on the automobile, improve air quality, and promote high quality, interactive neighborhoods. Urban villages are characterized by interconnected *streets*, building entries along the *street*, and architectural features and outdoor activities that encourage pedestrian activity and transit accessibility. The regulations of this division are intended to be used in conjunction with the Transit-Oriented Development Design Guidelines of the Land Development Manual and the applicable *land use plan*.

§ 132.1102 Where the Urban Village Overlay Zone Applies

(a) This overlay zone may be applied as part of a *land use plan* implementation program or at the request of an *applicant*.

(b) Table 132-11A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone.

Table 132-11A
Urban Village Overlay Zone Applicability

Type of *Development* Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
Any *development* within this overlay zone	See Sections 132.1103-132.1110	Site Development Permit/ Process Three

§ 132.1105 Required Land Uses and Site Plan Standards for Urban Villages

Each urban village shall include a mixed-use core component, a residential land use component, and a public land use component as described in this section. The minimum percentage of the *development* site that is required to be devoted to each component is provided in Section 132.1106.

(a) Mixed-Use Core Component

(1) The mixed-use core shall contain public, commercial, and residential uses centrally located within the project area. It should be the most intensely developed component of the urban village.

(2) Residents, employees, and transit users should be able to easily walk or bike to the jobs, stores, and service providers located in the mixed-use core. Retail uses similar to those permitted in the mixed-use core should not be permitted outside of the core area. Residential uses may be in separate buildings or over commercial uses in the same building.

§ 132.1105 Cont'd

(3) The size and mix of uses in the core area may vary depending on the size, location, and overall function of the urban village in the community and the region.

(b) Residential Land Use Component

The residential land use component shall include a mix of housing densities, ownership patterns, and cost and building types. Residential units should be located so that the higher *density* units are closer to transit stops than the lower *density* units. Townhouses and courtyard housing should be used as a transition between commercial areas and lower *density* residential areas.

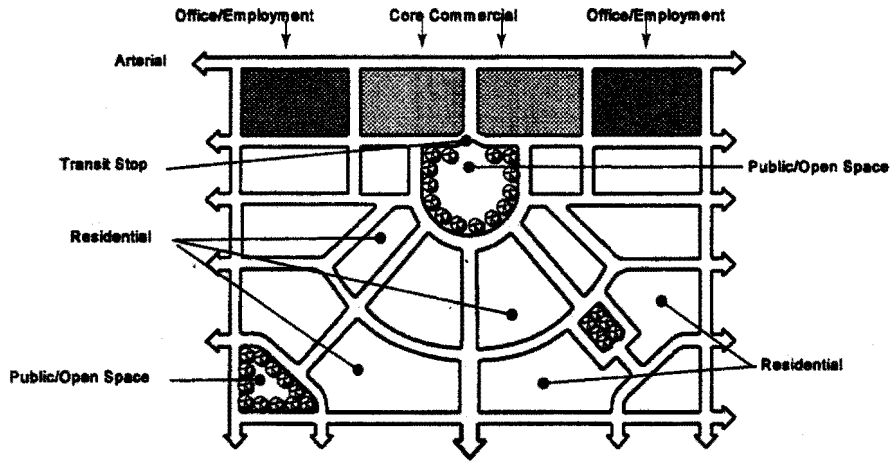
(c) Public Land Use Component

(1) The public land use component shall include parks, plazas, squares, town halls, and other community facilities that are open to the public and that contribute to the civic or recreational life of the community. Public uses may be publicly or privately owned.

(2) Public uses shall be the focus of the urban village and should be located next to public *streets*, residential areas, and retail uses. The edges of outdoor public spaces should be clearly defined by adjacent *streets*, sidewalks, street trees, and building frontages. Adjacent residences and businesses should have opportunities for views into the public areas.

(3) Remnants of land on the fringes of the urban village shall not be used to satisfy the public use requirement. See Diagram 131-11A.

Diagram 132-11A
Conceptual Urban Village Site Plan



§ 132.1106 Land Use Mix for Urban Villages

The minimum percentage of the proposed *development* site that is required for each land use component is shown in Table 132-11B. Areas of the site that are required for *public rights-of-way* and portions of the site that can not be developed because of environmentally sensitive resources shall not be included in the calculation of the percentage of the site that is devoted to each use. The percentages listed do not preclude additional uses on upper *floors*. The balance of

§ 132.1106 Cont'd the site area may be developed as commercial, residential, mixed use, open space, or public use as needed to implement the applicable land use plan.

Table 132-11B
Urban Village Land Use Mix

Minimum Land Use Mix	
Land Use Component	**Minimum Percentage of *Development* Site**
Mixed-Use Core	10 percent
Residential Land Use	20 percent
Public Land Use	10 percent

§ 132.1107 Residential Development Regulations for Urban Villages

(a) *Density*. The combined mixed-use core and residential components of the urban village shall have an average *density* of at least 18 dwelling units per net acre. Maximum permitted *density* shall be determined by the base zone regulations. A 10 percent *density* bonus over the base zone *density* may be permitted for projects located within 2,000 feet of an existing or planned light rail transit station or other trunk transit line station, unless stated otherwise in the applicable *land use plan*.

(b) Design. To improve the human scale of the *street*, single-unit homes shall be designed so that the front door to each home is closer to the *street* than the garage door.

§ 132.1108 Mixed-Use Core Development Regulations for Urban Villages

(a) *Floor Area Ratio*, Height, and Coverage. The *floor area ratio*, height, and coverage requirements shall be determined by the base zone. A *floor area ratio* bonus of 0.5 and a height bonus of one story over the maximum specified in the base zone may be permitted for projects located within 2,000 feet of an existing or planned light rail transit station or other trunk transit line station, unless stated otherwise in the applicable land use plan. The height bonus shall not apply in the Coastal Height Limit Overlay Zone.

(b) *Street* Orientation. Commercial and mixed-use buildings shall be oriented so that functional pedestrian entrances face the *street* and parking areas are located underground or to the rear or side of the building.

(c) Pedestrian Paths. Pedestrian paths shall be provided to connect commercial building entries with adjacent *streets*, uses, and parcels. Pedestrian paths should be visually distinguishable from other hardscaping and should be separated from parking areas by wheel stops, curbs, landscaping, or other physical barriers, except when crossing driveways or aisles.

(d) Transparency. Along predominantly retail *streets* in the mixed-use core component, a minimum of 50 percent of the *street wall* area between 3 and 10 feet above the sidewalk shall be transparent, with clear glass visible into a commercial or residential use. Windows or other transparent materials that provide visibility into a garage or similar area shall not be used to meet the minimum transparency requirement.

(e) Building Articulation. *Building facades* shall be varied and articulated to provide visual interest to pedestrians. This can be accomplished by incorporating offsetting planes, changes

§ 132.1108 Cont'd

in wall texture and color, special architectural elements, plazas and courtyards, and trees and vines into the design of the buildings.

(f) Parking. The parking regulations in Chapter 14, Article 2, Division 5 permit a reduced parking ratio for urban village *development*. The *shared parking* requirements in Section 142.0545 should also be used when they can further reduce the required amount of parking.

§ 132.1109 Street and Sidewalk Regulations in Urban Villages

(a) *Street* Pattern. The layout of the *street* system shall be in a grid pattern or modified grid pattern, emphasizing interconnected *streets* and the ability to reach local destinations without crossing major *streets* or primary arterials. It is desirable to have *streets* with block faces of 400 feet in length or less. The use of *alleys* is encouraged. Where possible, *streets* should frame vistas of the mixed-use core, public buildings, parks, and natural features.

(b) Street Trees. The design of the *public right-of-way* should provide for planting street trees adjacent to the curb in planting strips or tree grates, as appropriate.

(c) *Street* Width. The number and width of travel lanes should be reduced to the extent feasible in accordance with the Street Design Standards of the Land Development Manual.

§ 132.1110 Phasing of Urban Village Development

(a) Development Phasing Plan Required. For any urban village that is proposed to be constructed in phases, the *applicant* shall submit a *development* phasing plan that specifies the chronology of *development* including required land use components, *structures*, public facilities, and infrastructure. Projects shall be phased so that supporting public facilities and infrastructure will be provided concurrent with their need and completed before occupancy of the *structures*.

(b) Public Area Reservations and Development. Public plazas, squares, halls, and other areas used to satisfy the public use component of the urban village shall be reserved concurrent with the initial phase of *development*. These reserved areas shall be developed concurrent with any abutting *development*.

(c) Commercial Component Phasing. If the applicable *land use plan* indicates that the community lacks commercial uses, the decision maker shall apply conditions on the phasing of commercial uses so that some portion of the commercial component will be provided before completion of the residential component.

Article 2: Overlay Zones

Division 12: Mission Trails Design District

§ 132.1201 Purpose of the Mission Trails Design District

(a) The purpose of the Mission Trails Design District is to provide supplemental development regulations for property surrounding Mission Trails Regional Park. The intent of these regulations is to ensure that *development* along the edges of Mission Trails Regional Park enhances the park's natural qualities and promotes the aesthetic and functional quality of park/urbanization relationships, while recognizing the right to reasonable *development* within the Design District.

(b) The Master Development Plan for Lake Murray, Cowles and Fortuna Mountains Regional Park (renamed Mission Trails Regional Park) that was adopted in 1976 by the City Council recommends the creation of a transitional buffer on the periphery of the park. The Design District is intended to provide guidelines for design and review of *development* proposals surrounding the park to enhance the transition from cityscape to parkscape.

§ 132.1202 Where the Mission Trails Design District Applies

(a) This overlay zone applies to those portions of the Navajo, Tierrasanta, and East Elliott communities that are within the boundaries shown on Map No. C-667.1, filed in the office of the City Clerk as Document No. OO-15566. These areas are shown generally on Diagram 132-12A.

(b) Table 132-12A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone.

Table 132-12A
Mission Trails Design District Applicability

Type of *Development* Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) Interior or exterior repairs or modifications that do not require a construction permit	Exempt from this division	No permit required by this division
(2) Any *development* of new structures, alteration of existing structures, or grading in the Mission Trails Design District	Refer to the design criteria and standards in the Mission Trails Design Guidelines of the Land Development Manual	Site Development Permit/ Process Three

§ 132.1202
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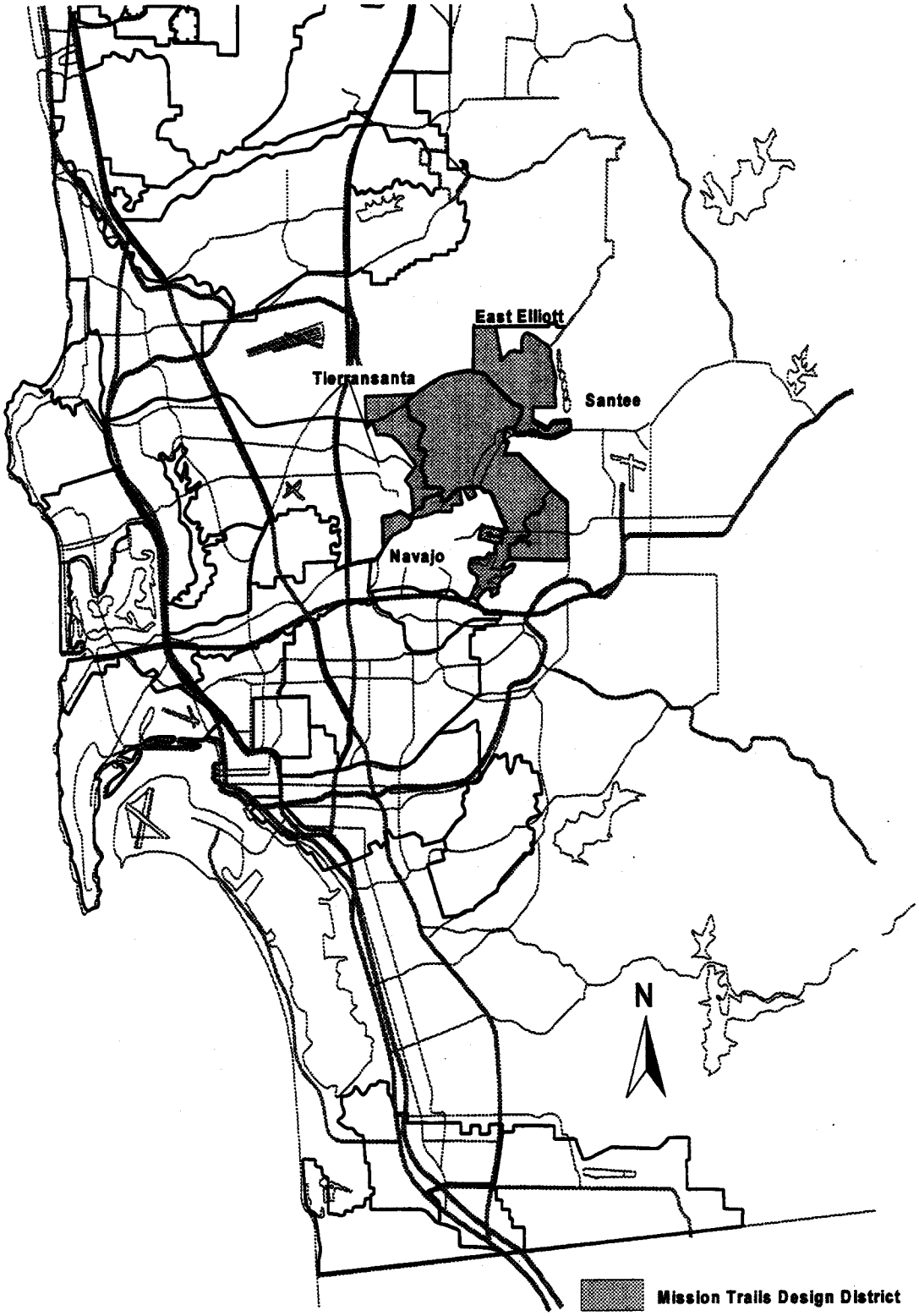

DIAGRAM 132-12A

Mission Trails Design District

This is a reproduction of Map No. C-667.1 for illustration purposes only.

§ 132.1205 Supplemental Design Criteria

All proposed *development* shall comply with the design criteria and standards of the Mission Trails Design Guidelines in the Land Development Manual.

Article 2: Overlay Zones

Division 13: Clairemont Mesa Height Limit Overlay Zone

§ 132.1301 Purpose of the Clairemont Mesa Height Limit Overlay Zone

The purpose of the Clairemont Mesa Height Limit Overlay Zone is to provide supplemental height regulations for western Clairemont Mesa. The intent of these regulations is to ensure that the existing low profile *development* in Clairemont Mesa will be maintained and that public views from western Clairemont Mesa to Mission Bay and the Pacific Ocean are protected.

§ 132.1302 Where the Clairemont Mesa Height Limit Overlay Zone Applies

(a) This overlay zone applies to that portion of Clairemont Mesa that is located within the boundaries shown on Map No. C-791, filed in the office of the City Clerk as Document No. 00-17353. This area is shown generally on Diagram 132-13A.

(b) Table 132-13A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone.

Table 132-13A
Clairemont Mesa Height Limit Overlay Zone Applicability

Type of *Development* Proposal	Supplemental Development Regulations	Required Permit Type/Decision Process
(1) Any *development* within this overlay zone that complies with the height limit in Section 132.1305	See Section 132.1305	No permit required by this division
(2) Any *development* for which an exception to the height limit in Section 132.1305 is requested	See Sections 132.1305-132.1306	Site Development Permit/ Process Five

§ 132.1305 Height Limit

The maximum *structure height* within the Clairemont Mesa Height Limit Overlay Zone shall be as follows:

(a) For new *structures* or alteration of existing *structures*, the maximum *structure height* is 30 feet, except as provided in Section 132.1305 (b) and (c).

§ 132.1305
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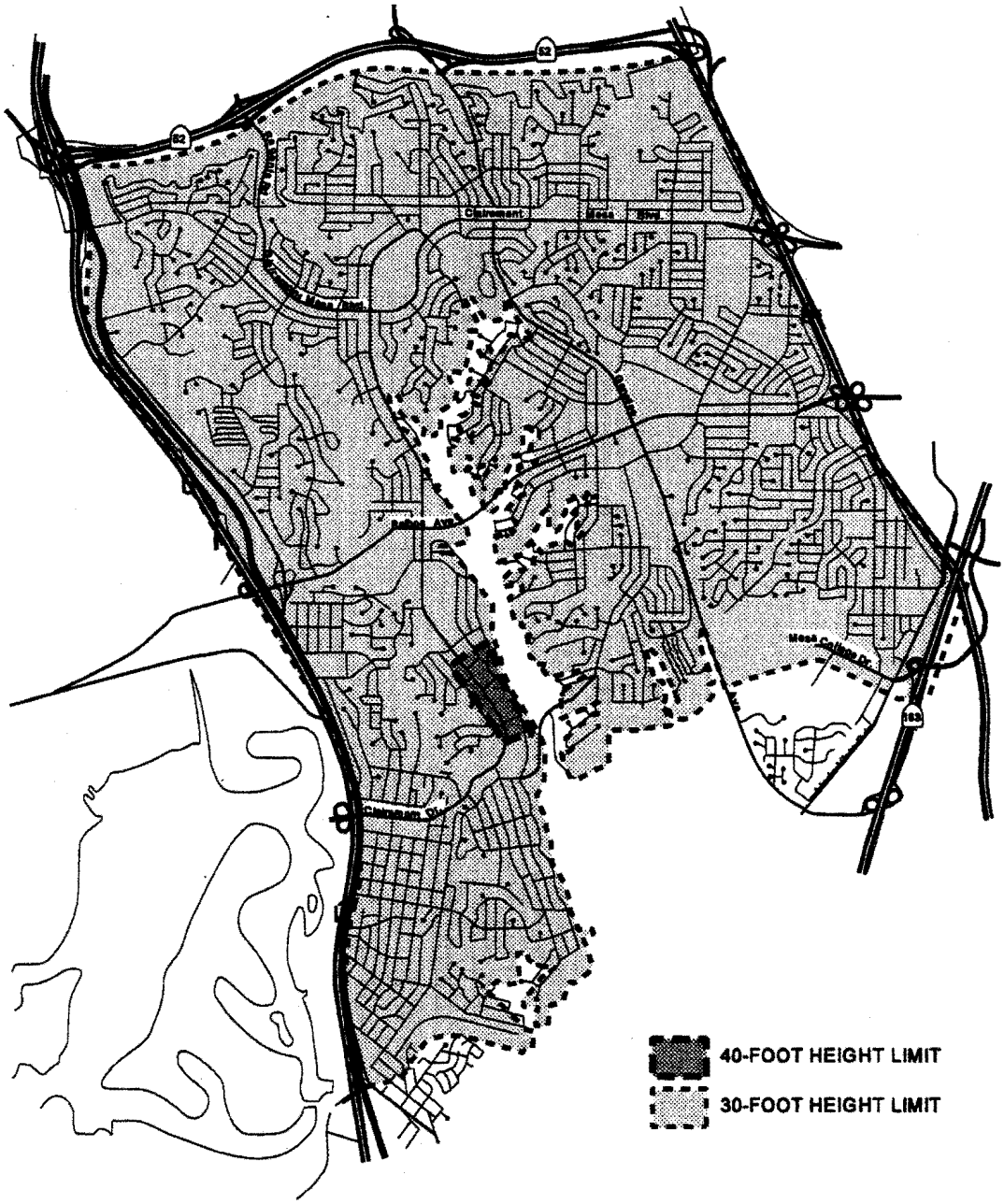

DIAGRAM 132-13A

Clairmont Mesa Height Limit Overlay Zone

This is a reproduction of Map No. C-791
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N

§ 132.1305 Cont'd

(b) For new *structures* located on that property known as Villamar and the Buena Vista Gardens and described as Blocks 2 through 5 and a portion of Block 6, Clairemont Garden, Map 2947, as well as Villamar Unit No. 1, Map 11004, the maximum *structure height* is 40 feet and the *structure* shall not exceed 3 *stories*.

(c) Existing *structures* that exceed 30 feet in height, for which a Building Permit was issued on or before November 1, 1989, may be repaired, altered, or modified if the repairs, alterations, or modifications do not increase the height of the *structure*.

§ 132.1306 Exceptions to the Clairemont Mesa Height Limit

An *applicant* may request an exception from the Clairemont Mesa Height Limit by applying for a Site Development Permit. The Site Development Permit shall be considered by the City Council in accordance with Process Five. Exceptions may be made only when the City Council makes the *findings* for Site Development Permit approval in Section 126.0504.

Article 2: Overlay Zones

Division 14: Community Plan Implementation Overlay Zone

§ 132.1401 Purpose of the Community Plan Implementation Overlay Zone

The purpose of the Community Plan Implementation Overlay Zone is to provide supplemental development regulations that are tailored to specific sites within community plan areas of the City. The intent of these regulations is to ensure that *development* proposals are reviewed for consistency with the use and *development* criteria that have been adopted for specific sites as part of the community plan update process.

§ 132.1402 Where the Community Plan Implementation Overlay Zone Applies

(a) This overlay zone applies to properties that are identified in a community plan as areas requiring supplemental development regulations or processing of a *development permit* and that have been incorporated by ordinance into this overlay zone. Table 132-14A lists the community plan areas in which this overlay zone has been applied and the corresponding rezone maps that indicate which properties are within the boundaries of the overlay zone. These maps are filed in the office of the City Clerk. The properties within this overlay zone are shown generally on Diagrams 132-14A through 132-14K.

Table 132-14A
Community Plans with Property in the Community Plan Implementation Overlay Zone

Community Plan	Map Number Showing Boundaries of CPIOZ Area
Clairemont Mesa (See Diagram 132-14A)	C-771.1, B-3951
College Area (See Diagram 132-14B)	C-761.1
Linda Vista (See Diagram 132-14C)	C-750
Midway/Pacific Highway Corridor (See Diagram 132-14D)	C-782
Navajo (See Diagram 132-14E)	C-779
Pacific Beach (See Diagram 132-14F)	B-3737.1, B-3857
Peninsula (See Diagram 132-14G)	C-744, C-781
Rancho Bernardo (See Diagram 132-14H)	C-773.1
Rancho Penasquitos (See Diagram 132-14I)	B-4024
University (See Diagram 132-14J)	C-725, C-751.2
Uptown (See Diagram 132-14K)	C-780.2

(b) Table 132-14B shows the location of the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone.

§ 132.1402 Cont'd

Table 132-14B
Community Plan Implementation Overlay Zone Applicability

Type of *Development* Proposal		Supplemental Development Regulations	Required Permit Type/ Decision Process
(1)	Interior building improvements that do not involve a change in use or provide additional *floor* area, or improvements that do not require a *construction permit*	None--Exempt from this division	No permit required by this division
(2)	Any *development* within the boundaries shown on a map identified in Section 132.1402, where the map shows "Type A"	Refer to the applicable community plan	No permit required by this division
(3)	Any *development* within the boundaries shown on a map identified in Section 132.1402, where the map shows "Type A" and the proposed *development* does not comply with the *development* standards or criteria in the applicable community plan	Refer to the applicable community plan	Site Development Permit/ Process Three
(4)	Any *development* within the boundaries shown on a map identified in Section 132.1402, where the map shows "Type B"	Refer to the applicable community plan	Site Development Permit/ Process Three

§ 132.1403 Exception to the Community Plan Implementation Overlay Zone

The City Manager may grant an exception to the requirements of this division for proposed *development* that is minor, temporary, or incidental and is consistent with the intent of this division. Exceptions made by the City Manager shall be filed with the office of the City Clerk.

§ 132.1403
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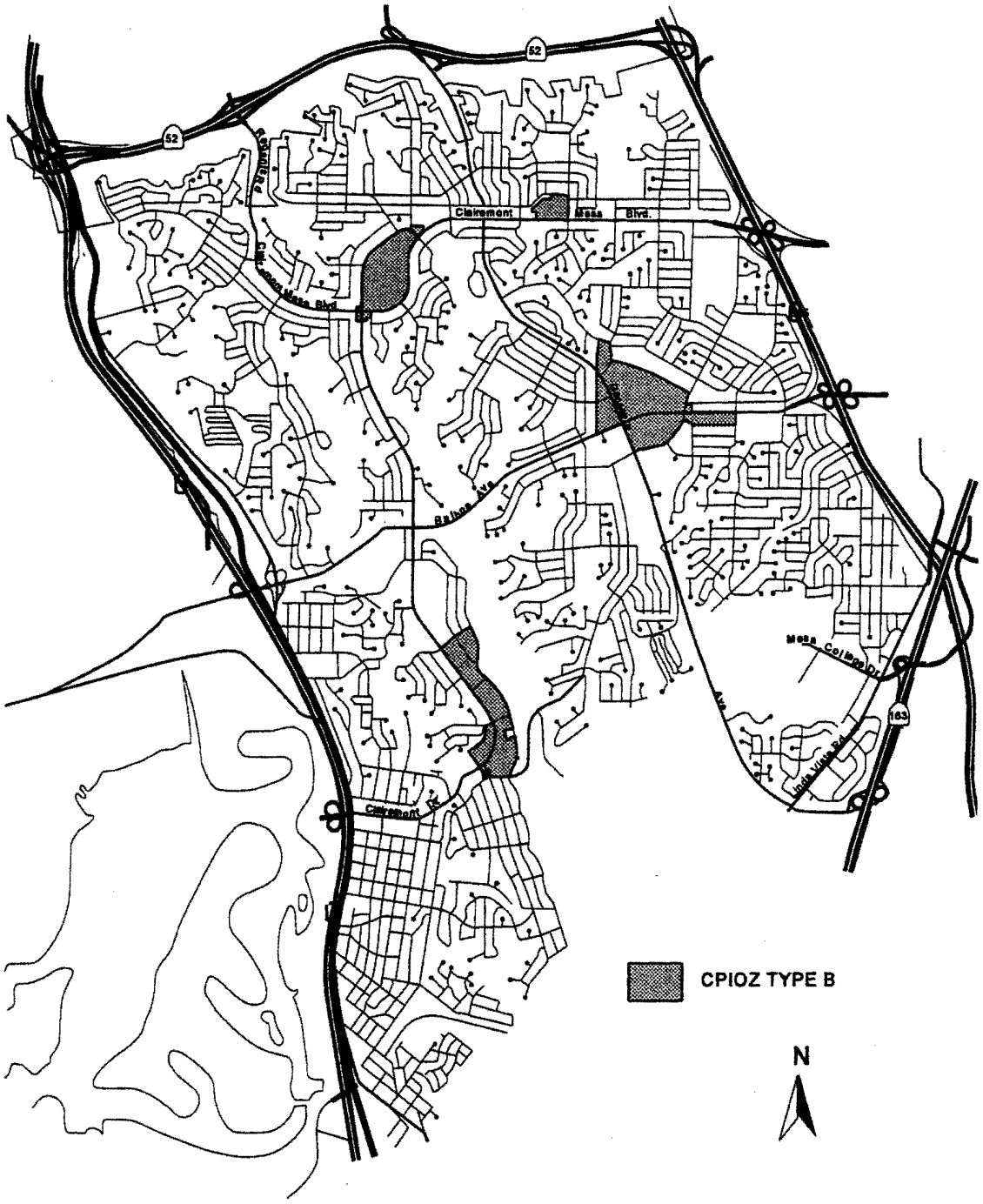

DIAGRAM 132-14A

Clairmont Mesa Community Plan Implementation Overlay Zone

this is a reproduction of Map Nos. C-771.1 & B-3951 for illustration purposes only.

§ 132.1403
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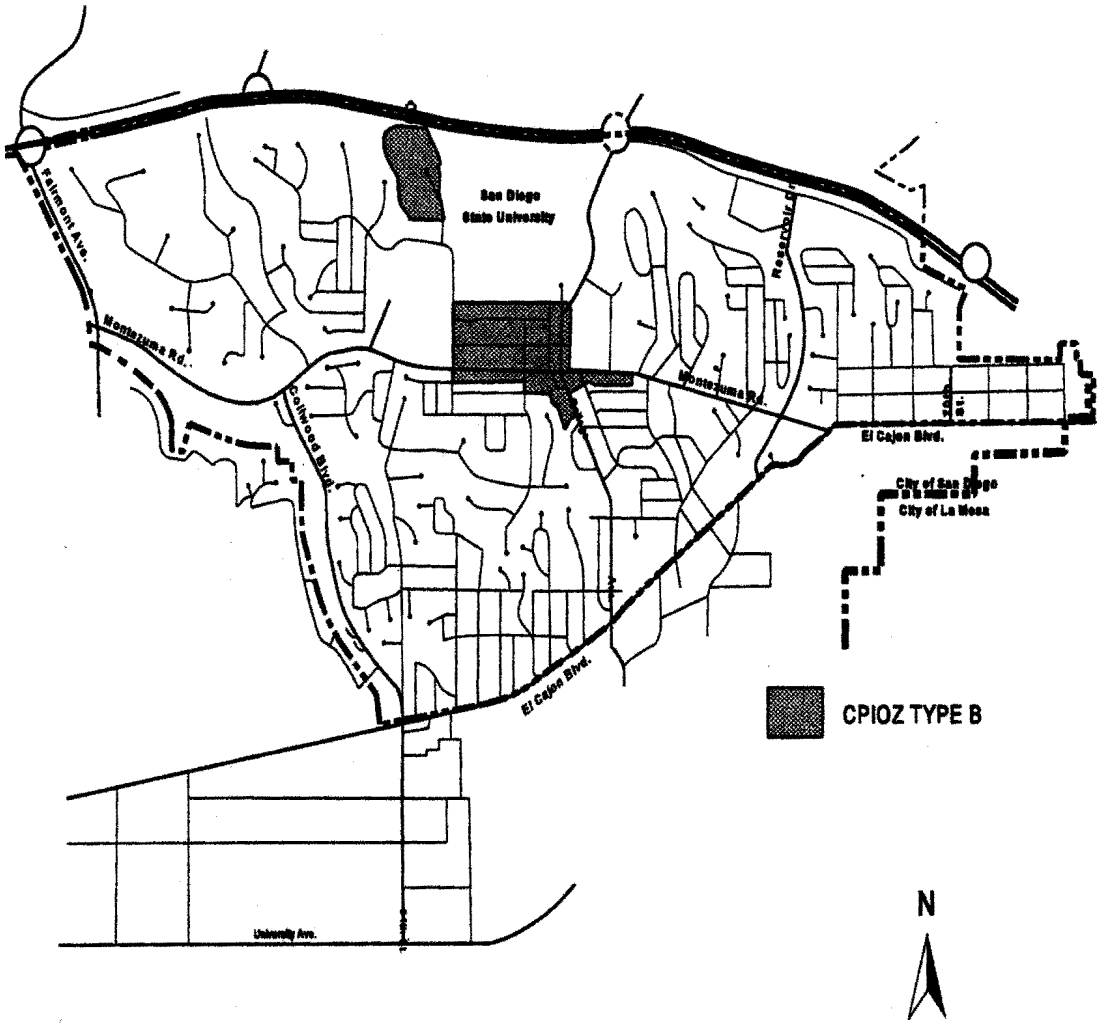

DIAGRAM 132-14B

College Area Community Plan Implementation Overlay Zone

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§ 132.1403
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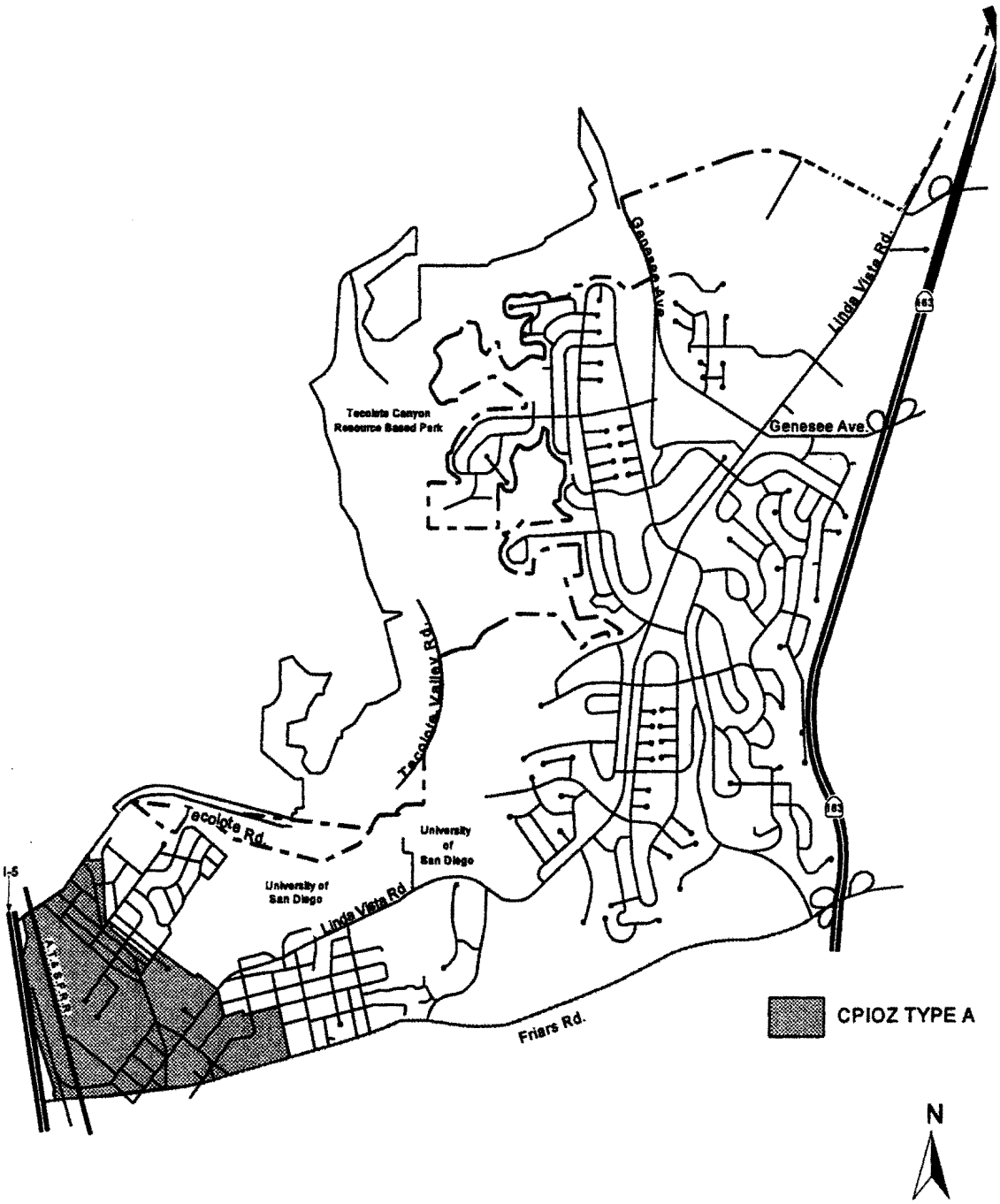

DIAGRAM 132-14C

Linda Vista Community Plan Implementation Overlay Zone

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§ 132.1403
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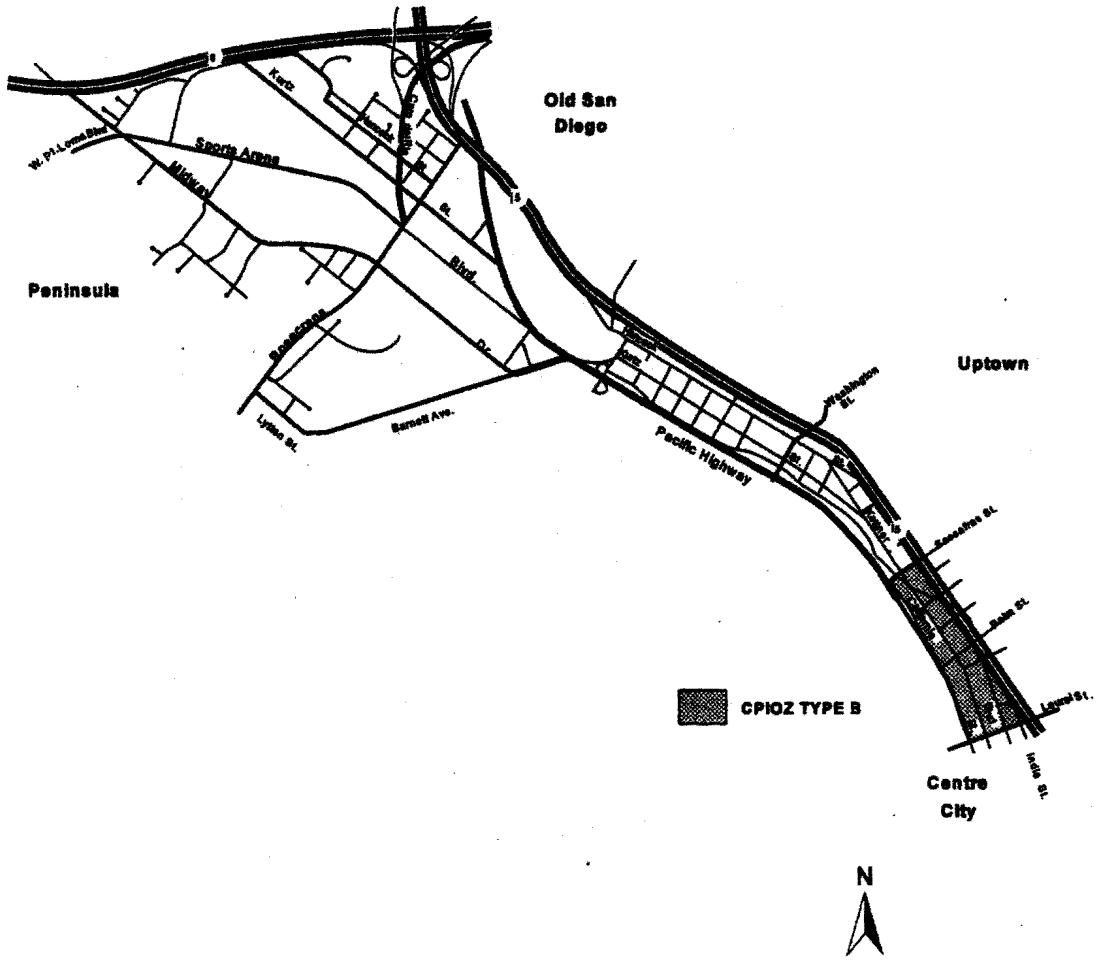

DIAGRAM 132-14D

Midway/Pacific Highway Corridor Community Plan Implementation Overlay Zone

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§ 132.1403
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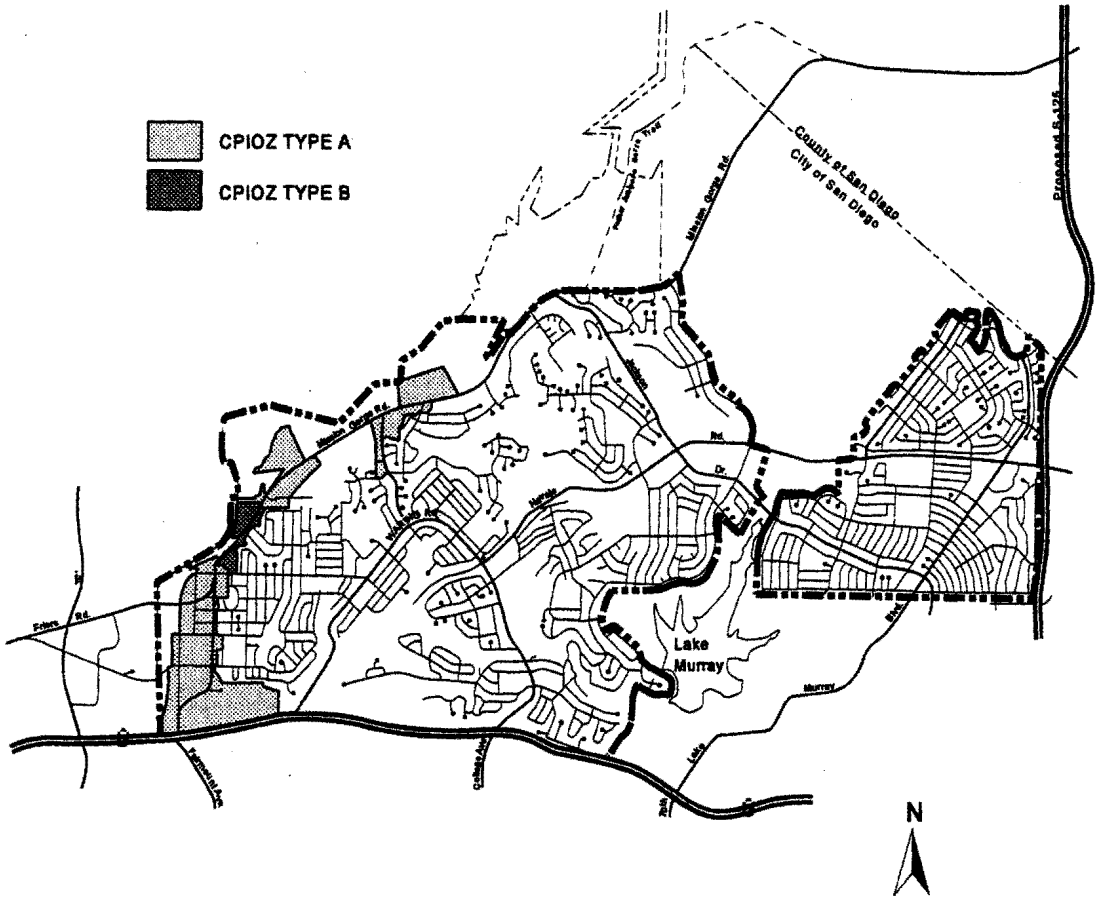

DIAGRAM 132-14E

Navajo Community Plan Implementation Overlay Zone

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§ 132.1403
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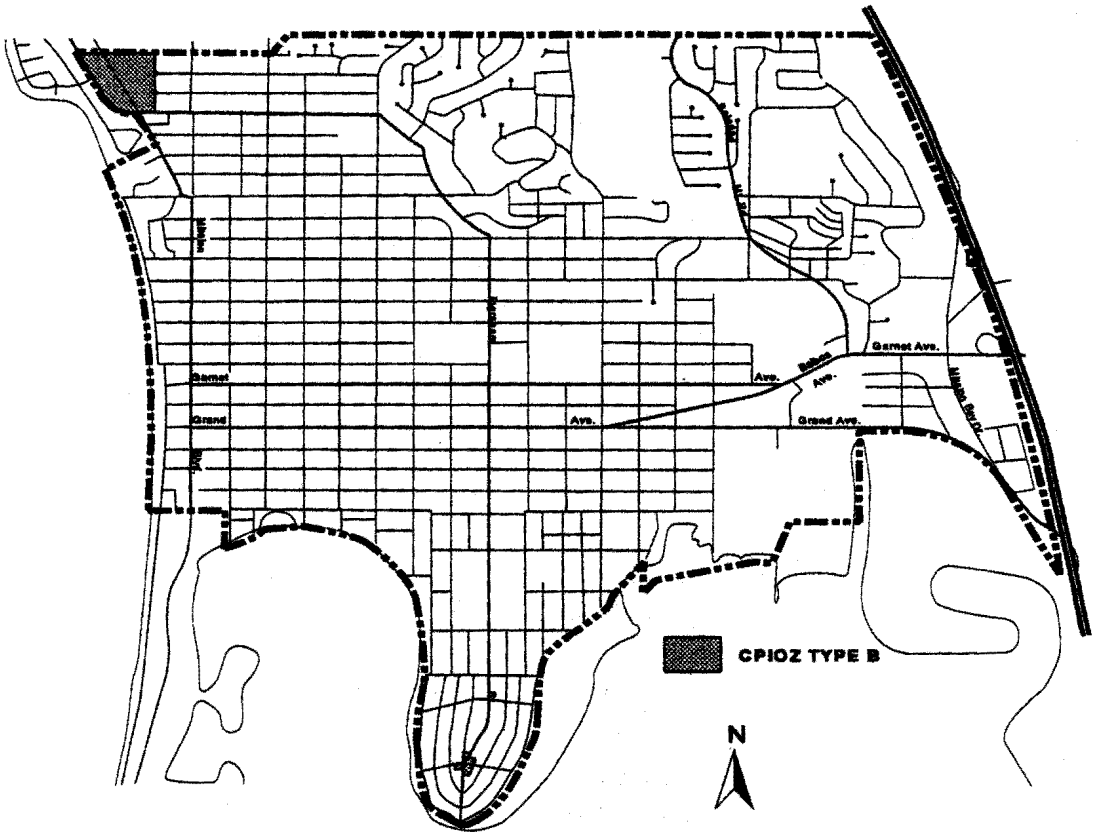

DIAGRAM 132-14F

Pacific Beach Community Plan Implementation Overlay Zone

this is a reproduction of Map Nos. B-3737.1 & B-3857 for illustration purposes only.

§ 132.1403
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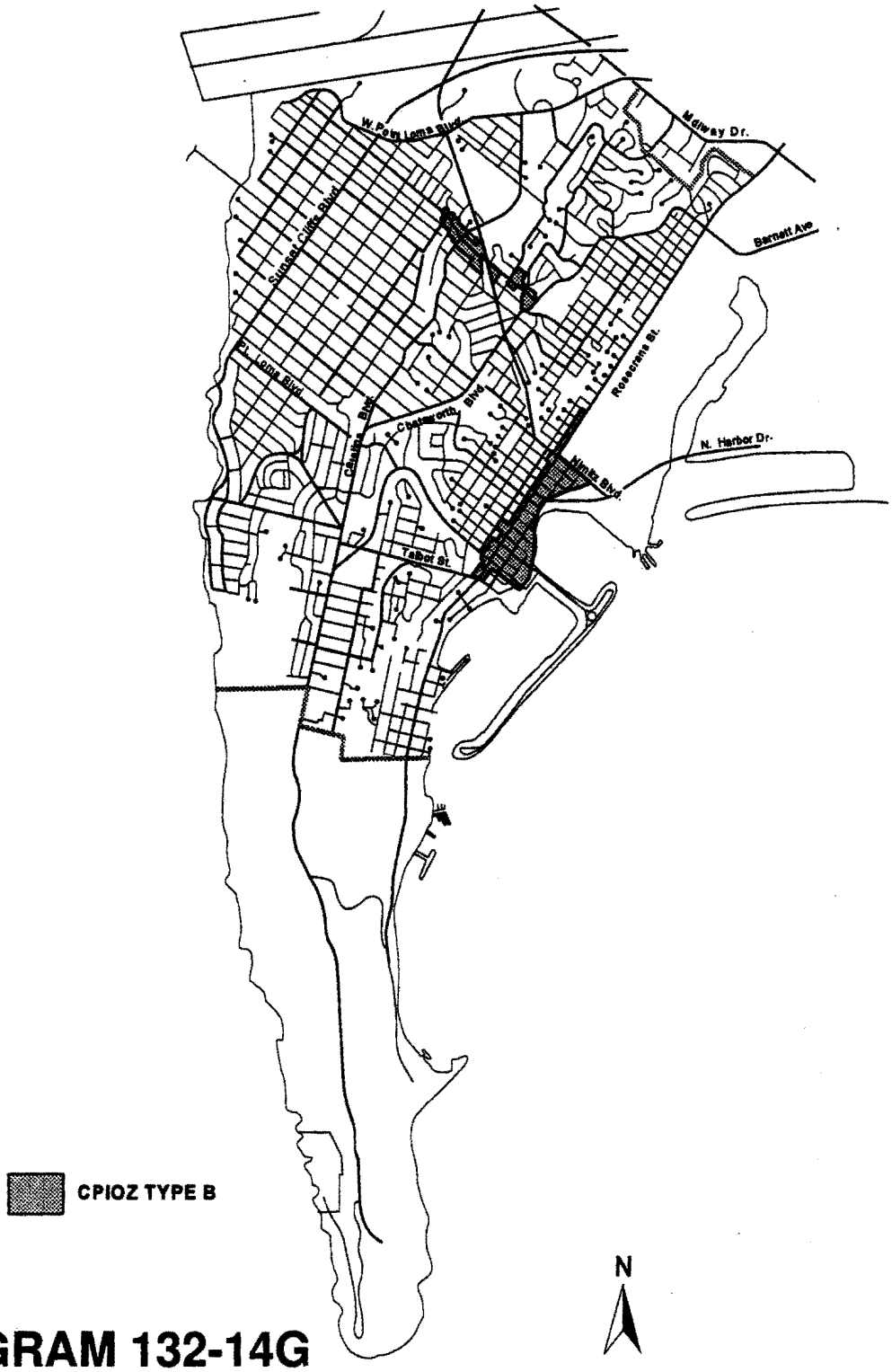

DIAGRAM 132-14G

Peninsula Community Plan Implementation Overlay Zone

this is a reproduction of Map Nos. C-744 & C-781 for illustration purposes only.

§ 132.1403 Cont'd

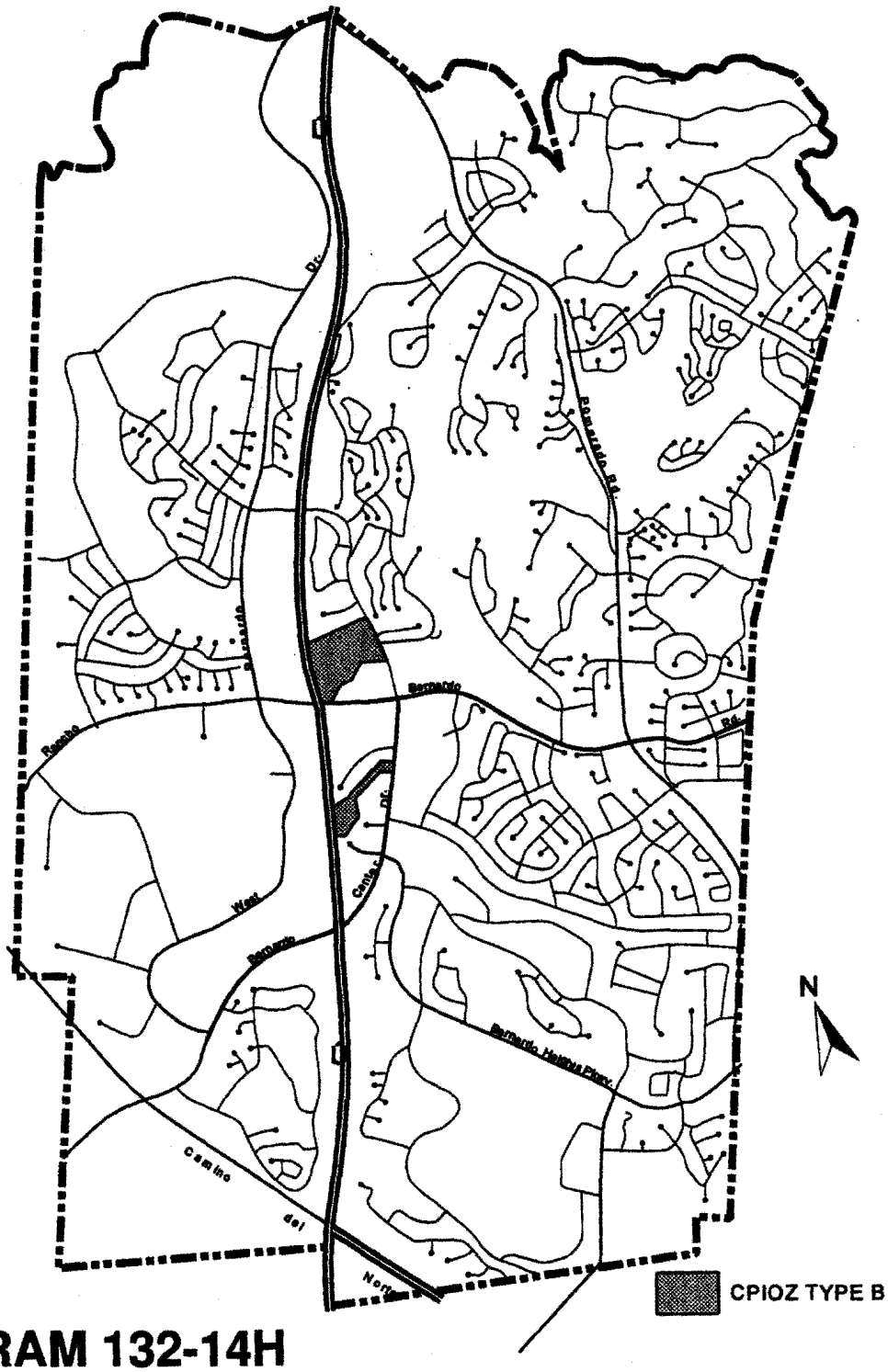

DIAGRAM 132-14H

Rancho Bernardo Community Plan Implementation Overlay Zone

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§ 132.1403
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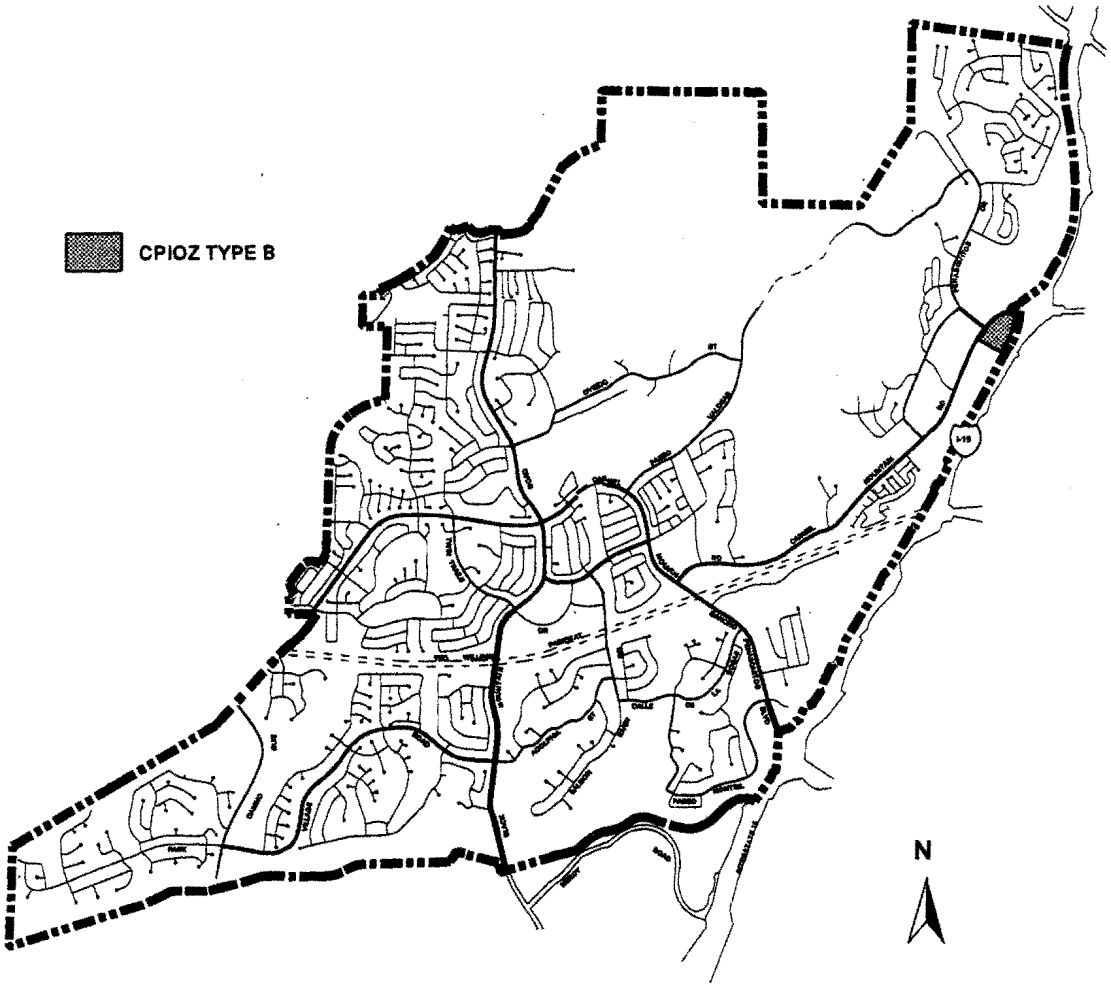

DIAGRAM 132-14I

Rancho Penasquitos Community Plan Implementation Overlay Zone

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§ 132.1403 Cont'd

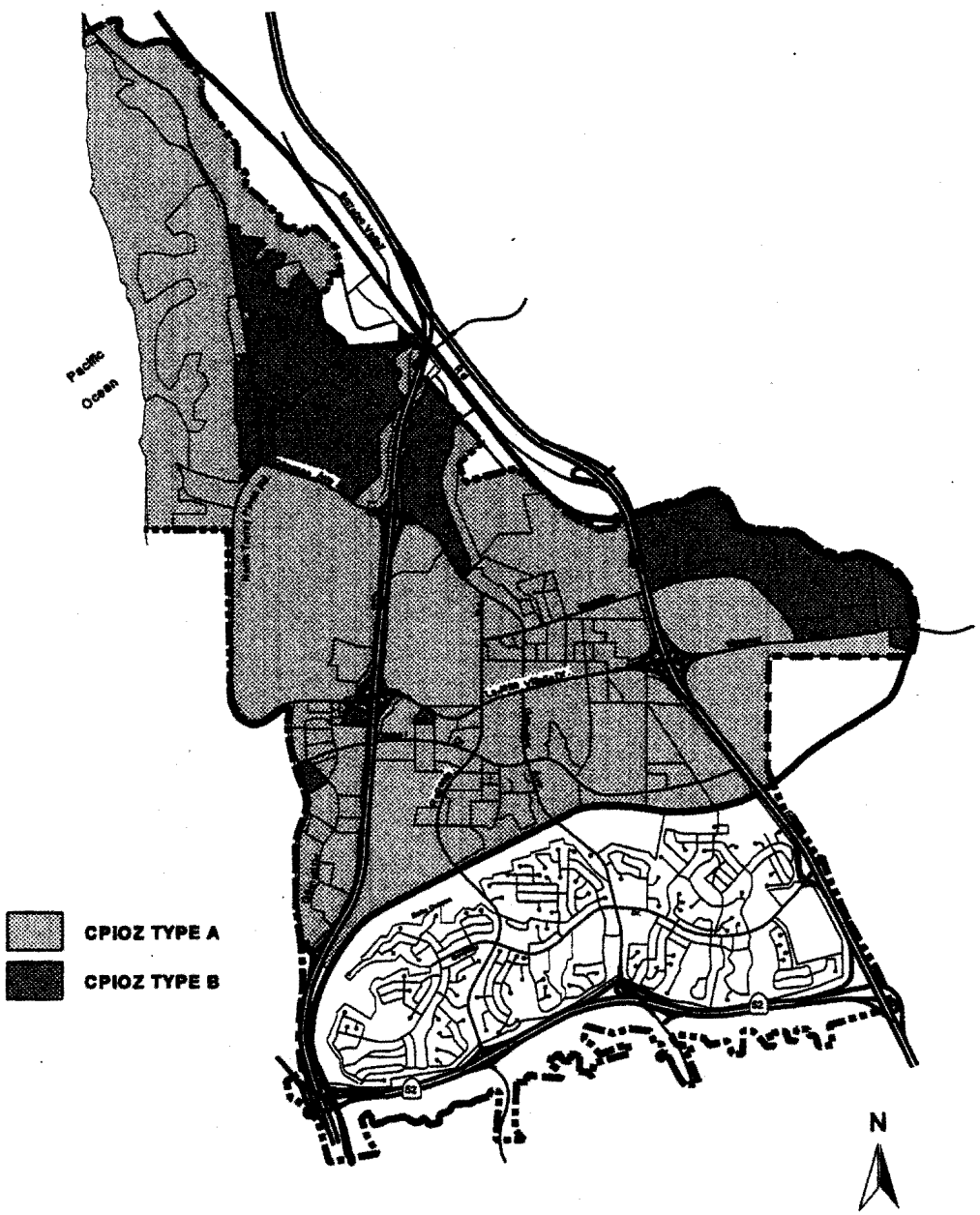

DIAGRAM 132-14J

University Community Plan Implementation Overlay Zone

this is a reproduction of Map Nos. C-725 & C-751.1 for illustration purposes only.

§ 132.1403
Cont'd

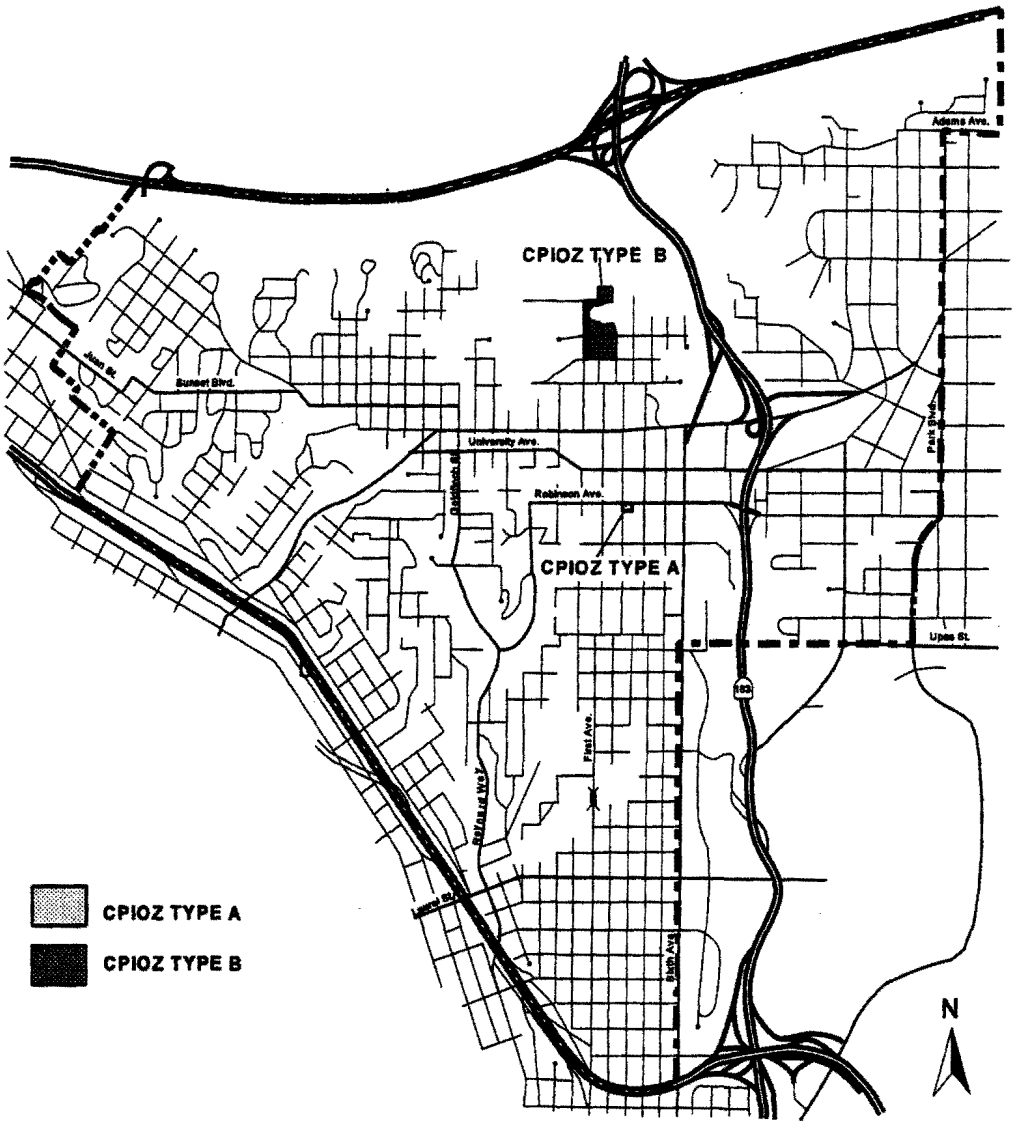

DIAGRAM 132-14K

Uptown Community Plan Implementation Overlay Zone

this is a reproduction of Map No. C-780.2 for illustration purposes only.

San Diego Municipal Code

Land Development/ Zoning Code Update

Chapter 14

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Article 1: Separately Regulated Use Regulations

Division 1: General Rules for Separately Regulated Uses

§ 141.0101 Purpose of Separately Regulated Use Regulations

This article provides regulations for specific uses that may be desirable and appropriate in a particular zone if limitations or conditions are placed on the *development* of those uses to minimize detrimental effects to neighboring properties or incompatibility with the permitted uses of the base zone.

§ 141.0102 When the Separately Regulated Use Regulations Apply

(a) The regulations in this article apply to the *development* of uses that are identified in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) as Limited Uses or as uses requiring a Neighborhood Use Permit or a Conditional Use Permit .

(b) Limited Uses are uses that are permitted by right subject to the supplemental regulations in this article.

(c) Uses requiring a Neighborhood Use Permit are uses that may provide essential or desirable community services but have the potential to cause limited, identifiable adverse impacts on surrounding *development* within a localized area. This article contains supplemental regulations and *development* standards to minimize these impacts and identifies issues to be reviewed by the decision maker in evaluating a proposed use to determine whether and under what conditions the use will be permitted.

(d) Uses requiring a Conditional Use Permit are uses that may provide essential or desirable community services but could have adverse impacts on the surrounding community if not located, designed, and operated with sensitivity. This article contains supplemental regulations and *development* standards to minimize these impacts and identifies issues to be reviewed by the decision maker in evaluating a proposed use to determine whether and under what conditions the use will be permitted. These regulations and standards are not intended to reflect all issues that might be associated with a proposed *development*, but only those commonly associated with a typical *development*. A proposed *development* may require *development* restrictions or the application of conditions to address issues beyond those identified in this article, based on the development's location or characteristics.

§ 141.0103 Applicable Regulations for Separately Regulated Uses

(a) Except as specifically provided in this article, separately regulated uses are subject to the following regulations unless a variance has been approved in accordance with Chapter 12, Article 6, Division 8:

(1) The base zone development regulations in Chapter 13, Article 1 (Base Zones);

(2) All applicable regulations of Chapter 13, Article 2 (Overlay Zones); and

(3) All applicable regulations of Chapter 14 (General Regulations).

(b) Where there is a conflict between the regulations in this article and other regulations in the Land Development Code, this article shall apply.

§ 141.0104 Decision Process for Separately Regulated Uses

(a) Limited Uses. Limited uses are permitted subject to compliance with the supplemental regulations in this article.

(b) Uses Requiring a Neighborhood Use Permit. A decision on a Neighborhood Use Permit shall be made in accordance with Process Two.

(c) Uses Requiring a Conditional Use Permit. A decision on a Conditional Use Permit shall be made in accordance with Process Three, Process Four, or Process Five as indicated in the regulations for each conditional use.

§ 141.0105 Violations of this Article

(a) It is unlawful for any person to maintain or use any *premises* contrary to the applicable regulations in this article unless otherwise provided in the Land Development Code. Any contrary use shall be subject to the enforcement provisions in Chapter 12, Article 1 (General Information on Required Reviews and Enforcement). Violation of any provisions of this article shall be treated as a strict liability offense, regardless of intent.

(b) It is unlawful for any person to make any change in any use that is subject to a Neighborhood Use Permit or a Conditional Use Permit with respect to any of the regulations in this article pertaining to that use without obtaining an amendment to the issued permit.

Article 1: Separately Regulated Use Regulations

Division 2: Agriculture Use Category--Separately Regulated Uses

§ 141.0201 Agricultural Equipment Repair Shops

Agricultural equipment repair shops may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) The location, size, and intensity of other nonagricultural establishments located in the vicinity will be reviewed to determine the appropriate size and intensity of the agricultural equipment repair shop.

(b) The proximity and capacity of *freeways*, primary arterials, and major *streets* will be evaluated to determine the appropriate size and intensity of the facility.

(c) Vehicle storage areas and outdoor repair work areas shall be located and *screened* to minimize noise and visual impacts to surrounding uses.

(d) Off-street parking shall be sufficient to serve the facility and limit adverse impacts to nearby property.

§ 141.0202 Commercial Stables

Commercial stables 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 Section 141.0202(a). Commercial stables 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 Section 141.0202(b).

(a) Limited Use Regulations

(1) Commercial stables require a lot area of at least 5 acres.

(2) No *structures* other than portable *structures* are permitted within a *floodway*.

(b) Conditional Use Permit Regulations

(1) Access to the stable shall be as direct as possible from *freeways* and primary arterials.

(2) Off-street parking shall be sufficient to serve the daily needs of the facility as well as any special or occasional events.

(3) The hours that the stable is open to the public shall be limited as needed to minimize disturbance to neighboring property.

(4) The applicant shall provide a litter control plan to keep the facility and adjacent property free of litter before approval of the permit.

§ 141.0203 Community Gardens

Community gardens are *premises* that are divided into multiple plots for crop cultivation by individual parties. Community gardens are permitted as a limited use in the zones indicated with

§ 141.0203 Cont'd

an "L" and 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) The on-site sale of produce is not permitted.

(b) The site shall be designed and maintained so that water and fertilizer will not drain onto adjacent property.

(c) A minimum 3-foot-wide, clearly marked entrance path shall be provided from the *public right-of-way* to the garden.

(d) A permanent *fence* shall be provided on the perimeter of the garden. Any fence within the front yard or street side yard shall be an *open fence*. The *fence* shall be at least 5 feet in height and shall not exceed 6 feet in height. The *fence* shall include at least one access gate. Except as otherwise provided in this paragraph, *fences* shall be in compliance with Chapter 14, Article 2, Division 3 (Fence Regulations).

(e) Refuse storage areas shall be provided and *screened* to enclose all refuse generated from the garden. Refuse areas shall be located as close as practicable to the rear and center of the property. Refuse shall be removed from the site at least once a week.

(f) Storage areas for tools, fertilizers, equipment, and other material shall be enclosed and located as close as practicable to the rear and center of the property.

(g) A water meter and hose bibs shall be provided on-site consistent with Chapter 14, Article 2, Division 4 (Landscape Regulations). Irrigation water rates will apply to community gardens.

(h) Hours of operation shall be limited to the hours between sunrise and sunset.

(i) The property shall be locked during nonoperating hours.

(j) The *applicant* shall execute and file with the County Recorder a hold harmless and/or indemnification agreement in favor of the City.

§ 141.0204 Equestrian Show and Exhibition Facilities

Equestrian show and exhibition facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) The location, number, and intensity of other nonagricultural establishments located in the vicinity will be evaluated to determine the appropriate size and intensity of the proposed establishment.

(b) The proximity and capacity of *freeways*, primary arterials, and major *streets* will be evaluated to determine the appropriate size and intensity of the facility.

(c) Off-street parking shall be sufficient to serve the facility and limit adverse impacts to adjacent or nearby property.

§ 141.0205 Open Air Markets for the Sale of Agriculture-Related Products or Flowers

Open air markets for the sale of agriculture-related products or flowers are permitted as a limited

§ 141.0205 Cont'd

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) Only agricultural food products and cut flowers may be offered for sale.

(b) Only one enclosed *structure* associated with the market shall be permitted. It shall be exclusively of wood-frame construction (except for the *floor*) and shall not exceed 300 square feet.

(c) Within open space zones, all of the products for sale must be produced on the *premises*.

(d) Within agricultural zones, at least 25 percent of the products for sale must be produced on the *premises* and at least 75 percent of the products for sale must be produced in San Diego County.

(e) Off-street parking shall be provided at a rate of 2.5 spaces per 1,000 square feet of area devoted to merchandise display and sales.

Article 1: Separately Regulated Use Regulations

Division 3: Residential Use Category–Separately Regulated Uses

§ 141.0301 Boarder and Lodger Accommodations

Boarder and *lodger* accommodations 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.

(a) *Boarder* and *lodger* accommodations are permitted only as an *accessory use* to a primary dwelling unit.

(b) No more than two *boarders* or *lodgers* are permitted per primary dwelling unit.

(c) In the RM zones and all commercial zones, *boarders* and *lodgers* must occupy the *premises* for a minimum of 7 consecutive calendar days. In all other zones, *boarders* and *lodgers* must occupy the *premises* for a minimum of 30 consecutive calendar days.

(d) Off-street parking shall be provided at a rate of 1 space for each 2 boarders or lodgers.

§ 141.0302 Companion Units

A companion unit is a *single dwelling unit* that is an *accessory use* for a *single dwelling unit* on a residential *lot* that provides complete living facilities independent of the primary dwelling unit. Companion units may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) Companion units are not permitted if the citywide annual average rental vacancy rate is determined to exceed 5 percent. This determination will be made annually by City Council following a recommendation by the Planning Commission on or before April 1 of each year regarding the City's vacancy rate in rented *multiple dwelling units* and rented *single dwelling units* for the previous calendar year. The recommendation shall be based on data from sources available to the City Manager that are up-to-date and regularly published by reputable sources.

(b) Companion units are permitted only if it is determined that the public facilities and services in the Community Plan area in which the proposed companion unit is located are adequate and able to accommodate additional intensity of development.

(c) Companion units are permitted only if the total number of companion units in the community plan area in which the proposed companion unit is located does not exceed 5% of the detached primary dwelling units in the RS zone within that community plan area.

(d) Companion units are not permitted in agricultural zones in the future urbanizing area or in the Coastal Overlay Zone.

(e) A primary dwelling unit must exist on the *premises*. Concurrent construction of the primary dwelling unit and the companion unit is permitted.

(f) No more than one companion unit may be permitted on a *premises*.

(g) A companion unit may be attached to or detached from the primary dwelling unit on the

§ 141.0302 Cont'd

premises.

(h) The *gross floor area* of a companion unit shall not exceed 700 square feet.

(i) The *gross floor area* of the companion unit shall be included in the *floor area ratio* calculation for the *premises*.

(j) A companion unit may contain a *kitchen*.

(k) For companion units located above a garage or other accessory building, the maximum *structure height* for flat-roofed *structures* is 21 feet. For sloped-roofed *structures* with a roof pitch of at least 3:12 (3 vertical feet to 12 horizontal feet), the maximum *structure height* is 30 feet.

(l) For detached companion units, the maximum *structure height* is 15 feet without a chimney or flue, or 17 feet with a chimney or flue.

(m) Decks and staircases of not more than 3 feet in height may encroach into required *yards*.

(n) *Roof decks*, including railings, shall not exceed the *structure height* limits in Section 141.0302(i) and (j).

(o) Modifications to the *premises* shall not create a second front entrance or other street-side modifications which would indicate the presence of a second unit or otherwise alter the single dwelling unit appearance of the *premises*.

(p) One 24-inch box tree shall be planted in the required front *yard* of the *premises* or in the abutting *parkway*. Existing trees may be used to satisfy this requirement.

(q) Off-street parking and access for a *premises* containing a companion unit shall be provided as follows.

(1) One standard *off-street parking space* is required for each *bedroom* in the companion unit, with a minimum requirement of one parking space, except as provided in Section 141.0302(n)(2).

(2) No *off-street parking space* is required if the *premises* is within the Transit Area Overlay Zone.

(3) Parking for the entire *premises* shall be brought into compliance with Chapter 14, Article 2, Division 5 (Parking Regulations).

(4) Off-street parking required by this section shall not be located in the area between the *street wall* and the front *property line*.

(5) If an existing garage is converted to a companion unit, another garage shall be provided on the *premises* to replace the converted parking spaces.

(6) If abutting *alley* access exists, vehicular access to parking spaces for the companion unit shall be from the *alley* unless the *premises* has a garage that accommodates at least three vehicles.

(7) Access to the off-street parking from an unimproved *alley* is not permitted.

§ 141.0302 Cont'd

(r) Occupancy of a *premises* containing a companion unit is subject to the following:

(1) Companion units may be rented or leased separately from the primary dwelling unit on the *premises* but may not be sold separately.

(2) Either the companion unit or the primary dwelling unit must be occupied by the property owner at all times.

(3) The companion unit may be occupied by a maximum of two persons at least one of whom shall be related to the owner, or a senior citizen, or a person with a disability.

(4) Before a Building Permit is issued for a companion unit, the property owner shall submit a signed agreement with the City that specifies that the property owner shall at all times occupy either the primary dwelling unit or the companion unit. The agreement shall include a stipulation that neither the primary unit nor companion unit shall be sold or conveyed separately. The City will provide the agreement to the County Recorder for recordation.

§ 141.0303 Employee Housing

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) Limited Use Regulations

(1) Employee housing for 6 or fewer persons is permitted subject to the following regulations.

(A) The employee housing shall be qualified for a permit to operate under Health and Safety Code Section 17030.

(B) Employee housing is permitted for no more than 6 persons including *family* members.

(C) Employees and their *families* shall be housed within the *single dwelling unit* on the *premises*, or in a separate *structure* on the *premises* that is not a *dwelling unit*.

(D) Off-street parking shall be provided at a rate of 1 space for every 2 employees.

(2) Employee housing for 12 or fewer employees is permitted subject to the following regulations.

(A) The employee housing shall be qualified for a permit to operate under Health and Safety Code Section 17030.

(B) Employee housing is permitted for up to 12 employees, plus any *family* members.

(C) Agricultural employees may be employed off-site. All other employees must be employed on the *premises* containing the employee housing.

§ 141.0303 Cont'd

(D) Only one *structure* for employee housing may be permitted on the *premises*.

(E) The employee housing is permitted in a separate *structure* on the *premises* that is not a *dwelling unit*.

(F) Off-street parking shall be provided at a rate of 1 space for every 2 employees.

(b) Neighborhood Use Permit and Conditional Use Permit Regulations

(1) Employee housing may be permitted for more than 12 employees, plus any *family* members.

(2) A minimum *lot* size of 10 acres is required for employee housing for more than 12 employees.

(3) Agricultural employees may be employed off-site. All other employees must be employed on the *premises* containing the employee housing.

(4) Only one *structure* for employee housing may be provided for every 10 acres of *lot* area.

(5) The *structure* for employee housing is permitted in addition to a *single dwelling unit* on the same *premises* and is subject to all development regulations of the base zone.

(6) Off-street parking shall be provided at a rate of 1 space for every 2 employees.

§ 141.0304 Fraternity Houses, Sorority Houses, and Student Dormitories

Fraternity houses, sorority houses, and student dormitories are facilities that are designed or used as a residence for students enrolled at an institution of higher learning. Fraternity houses, sorority houses, and student dormitories may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) Fraternity houses, sorority houses, and student dormitories may be permitted only in the following locations:

(1) Within an area specifically designated for these facilities by the applicable *land use plan*, or

(2) Within a 1-mile radius of the boundary of a college or university campus, in any of the following zones: RM-3-7, RM-3-8, RM-3-9, RM-4-10, and RM-4-11.

(b) If the facility is not located on a college or university campus, off-street parking shall be provided as follows:

(1) At a rate of 1 parking space for each resident, or

(2) Through a parking agreement between the college or university with which the facility is affiliated and the *applicant*, which will allow the *applicant* to use college or university parking facilities to meet the parking requirement.

(c) A resident manager is required to live on the *premises*.

§ 141.0304 Cont'd

(d) The facility must be officially recognized by the college or university.

(e) The frequency and duration of organized outdoor activities and social events shall be limited as needed to minimize adverse impacts on neighboring *development*.

§ 141.0305 Garage, Yard, and Estate Sales

Garage, yard, and estate sales 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.

(a) Garage, yard, and estate sales are permitted only as an *accessory use* to a permitted dwelling unit.

(b) The number of sales per *premises* shall not exceed three per year.

(c) Each sale shall not exceed two consecutive calendar days.

§ 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 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) A primary dwelling unit must exist on the *premises*. Concurrent construction of the primary dwelling unit and the guest quarters is permitted.

(b) No more than one guest quarters may be permitted on a *premises*.

(c) Guest quarters may be attached to or detached from the primary dwelling unit on the *premises*.

(d) The *gross floor area* of the guest quarters shall not exceed 20 percent of the maximum *gross floor area* for the *premises* that is permitted in the zone.

(e) The *gross floor area* of the guest quarters shall be included in the *floor area ratio* calculation for the *premises*.

(f) The guest quarters shall not contain a *kitchen* or facilities for the storage and preparation of food.

(g) For guest quarters located above a garage or other accessory building, the maximum *structure height* for flat-roofed *structures* is 21 feet. For sloped-roofed *structures* with a roof pitch of at least 3:12 (3 vertical feet to 12 horizontal feet), the maximum *structure height* is 30 feet.

(h) For detached guest quarters, the maximum *structure height* is 15 feet without a chimney or flue, or 17 feet with a chimney or flue.

(i) Decks and staircases of not more than 3 feet in height may encroach into required *yards*.

§ 141.0306 Cont'd

(j) *Roof decks*, including railings, shall not exceed the height limits in Section 141.0306(g) and (h).

(k) One 24-inch box tree shall be planted in the required front *yard* of the *premises* or in the abutting *parkway*. Existing trees may be used to satisfy this requirement.

(l) Off-street parking and access for a *premises* containing a guest quarters shall be provided as follows:

(1) Parking for the entire *premises* shall be brought into compliance with Chapter 14, Article 2, Division 5 (Parking Regulations).

(2) Off-street parking required for guest quarters shall not be located in the area between the *street wall* and the front *property line*.

(3) Access to the off-street parking from an unimproved *alley* is not permitted.

(m) Occupancy of a *premises* containing guest quarters shall be subject to the following:

(1) Guest quarters shall not be rented, leased, or sold as a separate dwelling unit.

(2) Before a Building Permit is issued for guest quarters, the property owner shall submit a signed agreement with the City that specifies that the guest quarters shall not be used as, or converted to, a companion unit or any other dwelling unit. The agreement shall include a stipulation that neither the primary dwelling unit nor the guest quarters shall be sold or conveyed separately. The City will provide the agreement to the County Recorder for recordation.

(3) The guest quarters shall be used solely by the occupants of the primary dwelling unit, their guests, or their employees.

§ 141.0308 Home Occupations

Home occupations are businesses conducted by residents on the *premises* of their homes. Home occupations 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. Home occupations that do not comply with Section 141.0308(j) through (l) may be permitted with a Neighborhood Use Permit subject to Section 141.0308(m).

(a) Home occupations are permitted only as *accessory uses* to a residential use.

(b) Any products produced for sale must be manufactured by hand or grown on the *premises*.

(c) The home occupation shall not result in the elimination or the reduction of required off-street parking.

(d) *Signs* advertising the home occupation are not permitted. Other advertising shall not include the address of the *premises*.

(e) Home occupations, except for horticultural uses permitted in Chapter 13, Article 1, Division 3 (Agricultural Base Zones) and Division 4 (Residential Base Zones), shall be conducted within an enclosed *structure* on the *premises*.

(f) Materials or products associated with the home occupation on the *premises* must be stored

§ 141.0308 Cont'd

within an enclosed *structure*.

(g) Indoor storage of materials or products associated with the home occupation shall not exceed 1,000 cubic feet for the entire *premises* or any more restrictive limitations imposed by the Building and Housing Codes or the County Health Department.

(h) The operation of the home occupation shall be consistent with permitted residential uses, shall not create any conditions that amount to a *public nuisance*, and shall not be detrimental to the residential neighborhood by causing increased noise, traffic, lighting, odor, or by violating any applicable ordinances or laws.

(i) The resident of the *premises* shall not rent space to others in association with a home occupation.

(j) Only a resident of the *premises* may engage in a home occupation on the *premises*. Nonresident partners, employees, or customers are not permitted on the *premises*.

(k) All sales of products and the performance of all service or work that requires the presence of a partner, employee, or customer shall take place off the *premises*.

(l) Only one vehicle for business-related purposes is permitted on the *premises* or on any adjacent residentially zoned area. This vehicle may not exceed a one-ton carrying capacity and may not be a tow-truck.

(m) The following exceptions to the regulations in Section 141.0308(j), (k), and (l) may be permitted with a Neighborhood Use Permit:

(1) Home offices may have one employee or partner on the *premises* during the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday;

(2) Home offices may have one customer on the *premises* at a time, by appointment only, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday; and

(3) Home occupations may have more than one vehicle for business-related purposes.

§ 141.0310 Housing for Senior Citizens

Housing for senior citizens may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) Housing for senior citizens shall meet the requirements of one of the following:

(1) "Housing for older persons" as defined in 42 United States Code, Section 3607(c) of the Fair Housing Act Amendments of 1988 and 24 Code of Federal Regulations, paragraph 100.304; or

(2) "Senior citizen housing development" as defined in Section 51.3 of the California Civil Code.

(b) Housing for senior citizens may be permitted a *density* bonus of up to 50 percent over that permitted by the base zone. All bonus units built over the allowable *density* of the base zone must comply with Chapter 14, Article 3, Division 7 (Affordable Housing *Density* Bonus Regulations). Proposed *developments* that provide daily meals in a common cooking and

§ 141.0310 Cont'd

dining facility, and provide and maintain a common transportation service for residents, may be exempt from the affordability requirement of Chapter 14, Article 3, Division 7.

(c) Housing for senior citizens may be permitted only in locations that meet the following requirements:

(1) Facilities shall be located in a topographically flat area with minimal *grade* separation between the facility and public transportation or other public services;

(2) Facilities shall be located near a wide range of commercial, retail, professional, and social services patronized by senior citizens;

(3) Facilities shall be located within two to three blocks, or approximately 750 feet, of a major supermarket; and

(4) Facilities shall be located within two blocks, or approximately 600 feet, of a bus or transit stop.

(d) Off-Street Parking Requirements

(1) The base parking requirement is 1 parking space per dwelling unit.

(2) For facilities that provide daily meals in a common cooking and dining facility and that provide and maintain a common transportation service for residents, 0.7 parking spaces per dwelling unit plus 1 parking space for each staff person, calculated based on staffing for the peak-hour shift, shall be provided.

(3) Parking areas shall be lighted for the safety of tenants. Lighting shall be of a design that deters vandalism. The location, type, and size of the proposed lighting fixtures shall be specified on the permit application.

(e) Facilities Requirements

(1) All facilities shall provide laundry facilities that are adequately sized and located to serve the needs of residents.

(2) Facilities of 14 dwelling units or more shall provide a recreation/social room. This room shall be at least 400 square feet in area unless it is located adjacent to a useable outdoor open space area. The room shall have toilet facilities available on the ground *floor*.

(3) Facilities that have 2 or more *stories* and 20 or more dwelling units shall provide elevator service.

(4) A plan indicating how the proposed facility could be converted to a nonsenior housing project and comply with the applicable parking requirements is required before approval of the permit.

(5) Trash bins shall be conveniently located and shall be covered and *screened*.

(6) All facilities that do not have an on-site manager shall provide a posted phone number of the project owner or off-site manager for emergencies or maintenance problems.

§ 141.0311 Live/Work Quarters

Live/work quarters are studio spaces in buildings that were originally designed for industrial or commercial occupancy that have been converted to integrate living space into the work space. Live/work quarters 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.

(a) The minimum floor area of a live/work quarters shall be 750 square feet.

(b) A maximum of 33 percent of the floor area of each live/work quarters may be used or arranged for residential purposes such as sleeping, *kitchen*, bathroom, and closet area.

(c) Each live/work quarters shall be separated by walls from other live/work quarters or other uses in the building.

(d) Access to the live/work quarters shall be provided only from common access areas, halls, or corridors and shall not be from other live/work quarters or other uses in the building.

(e) Access to each live/work quarters shall be clearly identified in order to provide for emergency services.

(f) For proper security, all exterior doors that provide access to the live/work quarters shall remain locked at all times.

(g) The live/work quarters may be occupied and used only by an artist, artisan or a similarly situated individual, or a *family* in which at least one member is an artist, artisan, or similarly situated individual.

(h) Persons other than residents of the live/work quarters are not permitted to work in the live/work quarters.

(i) Live/work quarters shall not be used for mercantile, classroom instructional use, storage of flammable liquids or hazardous materials, welding or any open-flame work, or offices or establishments with employees.

§ 141.0312 Residential Care Facilities

Residential care facilities provide in-house treatment or rehabilitation programs for residents on a 24-hour basis. Residential care facilities include drug and alcohol rehabilitation and recovery facilities and residential and community care facilities as defined by the state or county. Housing for senior citizens, nursing homes, convalescent homes, work furlough and probationary residential facilities, and emergency shelters are not residential care facilities.

Residential care facilities for 7 to 12 persons may be permitted with a Conditional Use Permit decided in accordance with Process Three, and residential care facilities for 13 or more persons may be permitted with a Conditional Use Permit decided in accordance with Process Four, 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) Residential care facilities are not permitted in agricultural zones in the future urbanizing area.

(b) Only one residential care facility may be permitted per *lot* or *premises*.

§ 141.0312 Cont'd

(c) Residential care facilities are not permitted within 1/4 mile of another residential care facility, measured from *property line* to *property line* in accordance with Section 113.0225.

(d) The facility shall provide at least 70 square feet of sleeping space for each resident, not including closet or storage space, multipurpose rooms, bathrooms, dining rooms, and halls.

(e) Sleeping areas shall not be used as a public or general passageway to another room, bath, or toilet.

(f) The facility shall provide at least 5 square feet of living area per bed, not including sleeping space, dining, and *kitchen* areas.

(g) The facility shall provide at least 8 square feet of storage area (closet or drawers) per bed.

(h) The facility shall provide one full bathroom including sink, toilet, and shower or bathtub for every seven beds.

(i) The center shall provide at least one *off-street parking space* for each employee and one *off-street parking space* for every seven beds. Additional parking may be required by the decision maker.

(j) Conversion of an existing garage or reduction in the amount of off-site parking to provide a residential care facility is not permitted.

§ 141.0313 Transitional Housing Facilities

Transitional housing facilities offer residential accommodations for a specified period of time, counseling services, and other support services to prepare *families* and individuals for independent living.

Transitional housing for 7 to 12 persons may be permitted with a Conditional Use Permit decided in accordance with Process Three, and transitional housing for 13 or more persons may be permitted with a Conditional Use Permit decided in accordance with Process Four, 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) Transitional housing is not permitted in agricultural zones in the future urbanizing area.

(b) Only one transitional housing facility may be permitted per *lot* or *premises*.

(c) Transitional housing is not permitted within 1/4 mile of another transitional housing facility, measured from *property line* to *property line* in accordance with Section 113.0225.

(d) The facility shall provide at least 70 square feet of sleeping space for each resident, not including closet or storage space, multipurpose rooms, bathrooms, dining rooms, and halls.

(e) Sleeping areas shall not be used as a public or general passageway to another room, bath, or toilet.

(f) The facility shall provide at least 5 square feet of living area per bed, not including sleeping space, dining areas, and *kitchen* areas.

(g) The facility shall provide at least 8 square feet of storage area (closet or drawers) per bed.

§ 141.0313 Cont'd

(h) The facility shall provide one full bathroom including sink, toilet, and shower or bathtub for every seven beds.

(i) The center shall provide at least one *off-street parking space* for each employee and one *off-street parking space* for every seven beds. Additional parking may be required by the decision maker.

(j) Conversion of an existing garage or reduction in the amount of off-street parking to provide a transitional housing facility is not permitted.

§ 141.0314 Watchkeeper's Quarters

Watchkeeper's quarters 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.

(a) Watchkeeper's quarters are permitted only as an *accessory use* to a use allowed by the zone.

(b) Watchkeeper's quarters are permitted only within a permanent *structure*.

(c) Watchkeeper's quarters shall not exceed 1,200 square feet in *gross floor area* and shall be included in the *floor area ratio* calculation for the *premises*.

(d) Watchkeeper's quarters may include full living facilities, including a *kitchen*.

(e) Except where associated with storage yards or mini-warehouses, watchkeeper's quarters shall be attached to the rear of the primary *structure* or, if detached, shall be located between the rear *setback* and the primary *structure*.

Article 1: Separately Regulated Use Regulations

Division 4: Institutional Use Category--Separately Regulated Uses

§ 141.0401 Airports

Airports may be permitted with a Conditional Use Permit decided in accordance with Process Five 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) Airports are not permitted within floodplains located in agriculturally zoned areas of the Coastal Overlay Zone.

(b) The *applicant* shall submit a master *development* plan for the facility, a public facilities program, a noise impact analysis, and a noise abatement plan to the decision maker for consideration before approval of the Conditional Use Permit.

§ 141.0402 Botanical Gardens and Arboretums

Botanical gardens and arboretums may be permitted with a Conditional Use Permit decided in accordance with Process Four 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) The design of any *structures* shall incorporate a variety of architectural elements that help to diminish building bulk.

(b) *Structures* and parking areas shall be located on the site away from surrounding *development* that is smaller in scale and less intense.

(c) Irrigation and stormwater runoff shall be managed in a manner that protects surrounding *development* from harmful pollutants, including fertilizer and insecticide.

(d) A water reclamation plan is required before approval of the permit.

(e) Off-street parking shall be provided in accordance with Table 142.05F.

§ 141.0403 Cemeteries, Mausoleums, and Crematories

Cemeteries, mausoleums, and crematories may be permitted with a Conditional Use Permit decided in accordance with Process Four 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) Cemeteries, mausoleums, and crematories are not permitted in agricultural zones in the future urbanizing area or within floodplains located in agriculturally zoned areas of the Coastal Overlay Zone.

(b) Crematories are permitted only within cemeteries.

(c) The design of the *structures* shall incorporate a variety of architectural elements that help to diminish building bulk.

(d) *Structures* and parking areas shall be located on the site away from surrounding *development* that is smaller in scale and less intense.

§ 141.0403 Cont'd

(e) Irrigation and stormwater runoff shall be managed in a manner that protects surrounding *development* from harmful pollutants, including fertilizer and insecticide.

(f) A water reclamation plan is required before approval of the permit.

(g) Off-street parking shall be significant to serve the facility without impacting adjacent or nearby property.

§ 141.0404 Churches and Places of Religious Assembly

Churches and places of religious assembly 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 Section 141.0404(a). *Churches* and places of religious assembly that do not comply with Section 141.0404(a) may be permitted with a Conditional Use Permit decided in accordance with Process Three subject to Section 141.0404(b). *Churches* and places of religious assembly may also 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 Section 141.0404(b).

(a) Limited Use Regulations

(1) *Churches* and places of religious assembly are not permitted within the *MHPA* or in floodplains located in agriculturally zoned areas of the Coastal Overlay Zone.

(2) *Churches* and places of religious assembly are permitted as a limited use in existing buildings only.

(3) The *gross floor area* of the *church* or place of religious assembly shall not exceed 50 percent of the maximum *gross floor area* permitted for the *premises*.

(4) The *church* or place of religious assembly shall not be the only use on the *premises*.

(b) Conditional Use Permit Regulations

(1) *Churches* and places of religious assembly are not permitted within the *MHPA* or in floodplains located in agriculturally zoned areas of the Coastal Overlay Zone.

(2) The design of the *structures* shall incorporate a variety of architectural elements that help to diminish building bulk.

(3) *Structures* shall be placed on the site so that larger or high-activity buildings are placed away from adjacent property with smaller *structures* and lower levels of activity.

(4) Off-street parking shall be located away from adjacent residential property.

(5) Conditions addressing the following issues may be imposed by the decision maker:

(A) Limitations on the intensity of additional uses, such as *schools* and *child care facilities*, as well as the facilities housing these activities, to a level that is commensurate with the size of the site, the levels of intensity of surrounding *development*, and the capacity of *streets* serving the facility; and

(B) Limitations on the number of on-premises fund-raising or social activities to a specific number of occurrences each year.

§ 141.0405 Communication Antennas

(a) This section regulates the following communication antennas.

(1) Minor telecommunication facilities: Antenna facilities used in wireless telephone services, paging systems, or similar services that meet the criteria in Section 141.0405(c)(1) or (2).

(2) Major telecommunication facilities: Antenna facilities that do not meet the criteria for minor telecommunication facilities in Section 141.0505(c)(1) or (2).

(3) *Satellite antennas*: Antennas capable of transmitting or receiving signals to or from a transmitter or a transmitter relay located in a planetary orbit. *Satellite antennas* include satellite earth stations, television-reception-only *satellite antennas*, and satellite microwave antennas.

(b) Temporary facilities that provide services to public events and are limited to a one-time maximum duration of 90 calendar days are subject to the temporary use permit procedures in Chapter 12, Article 3, Division 4.

(c) Minor Telecommunication Facilities

Minor telecommunication facilities 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.

(1) An antenna facility will be considered a minor telecommunication facility if the facility, including equipment and *structures*, is concealed from public view or integrated into the architecture or surrounding environment through architectural enhancement (enhancements that complement the scale, texture, color, and style), unique design solutions, or *accessory use structures*.

(2) In an effort to encourage collocation and to recognize that some telecommunication facilities are minimally visible, the following shall be considered minor telecommunication facilities:

(A) Additions or modifications to telecommunication facilities that do not increase the area occupied by the antennas or the existing antenna enclosure by more than 100 percent of the originally approved facility and do not increase the area occupied by an outdoor equipment unit more than 150 feet beyond the originally approved facility, if the additions and modifications are designed to minimize visibility.

(B) Collocations on water storage tanks, electric transmission towers, and similarly scaled public utilities or facilities.

(C) Panel-shaped antennas that are flush-mounted to an existing *building facade* on at least one edge, extend a maximum of 18 inches from the *building facade* at any edge, do not exceed the height of the building, and are designed to blend with the color and texture of the existing building.

(D) Whip antennas if the number of antennas that are visible from the *public right-of-*

§ 141.0405 Cont'd

way does not exceed six, if the antennas measure 4 inches or less in diameter, and if they have a mounting apparatus that is concealed from public view.

(3) Minor telecommunication facilities are not permitted in the following locations:

(A) On properties that are developed with a single dwelling unit;

(B) On vacant lots zoned for single dwelling unit development;

(C) On properties that have been designated as *historical resources*;

(D) On properties that have been designated or mapped as containing sensitive resources;

(E) On properties within the *MHPA*; or

(F) On properties that are leased for billboard use.

(4) The installation of a minor telecommunication facility shall not result in the elimination of required parking spaces.

(5) Minor telecommunication facilities that terminate operation shall be removed by the operator within 90 calendar days of termination.

(d) Major Telecommunication Facilities

Major telecommunication facilities 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) Major telecommunication facilities are not permitted in the following locations:

(A) On lots containing designated *historical resources*;

(B) Within viewsheds of designated and recommended State Scenic Highways and City Scenic Routes; or

(C) Within ½ mile of another major telecommunication facility, unless the proposed facility will be concealed from public view or integrated into the architecture or surrounding environment through architectural enhancement (enhancements that complement the scale, texture, color, and style), unique design solutions, and *accessory use structures*.

(2) Major telecommunication facilities shall be designed to be minimally visible through the use of architecture, landscape architecture, and siting solutions.

(3) Major telecommunication facilities shall use the smallest and least visually intrusive antennas and components that meet the requirements of the facility.

(e) *Satellite Antennas*

Satellite antennas are permitted as a limited use subject to Section 141.0405(d)(2), and may be permitted with a Neighborhood Use Permit subject to Section 141.0405(d)(3), or with a Conditional Use Permit decided in accordance with Process Three subject to Section

§ 141.0405 Cont'd

141.0405(d)(4).

(1) Exemption. *Satellite antennas* that are 5 feet in diameter or smaller are permitted in all zones and are exempt from this section.

(2) Limited Use Regulations. *Satellite antennas* that exceed 5 feet in diameter 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.

(A) *Satellite antennas* are not permitted within the *MHPA*.

(B) *Satellite antennas* are not permitted on properties that have been designated as *historical resources*.

(C) *Satellite antennas* shall not exceed 10 feet in diameter.

(D) Ground-mounted *satellite antennas* shall not exceed 15 feet in *structure height*.

(E) Ground-mounted *satellite antennas* shall not be located in the *street yard*, front *yard*, or street side yard of a *premises*.

(F) *Satellite antennas* shall not be light-reflective.

(G) *Satellite antennas* shall not have any *sign copy* on them nor shall they be illuminated.

(H) Ground-, roof-, and pole-mounted *satellite antennas* shall be *screened* by fencing, buildings, or parapets that appear to be an integral part of the building, or by landscapingso that not more than 25 percent of the antenna height is visible from the *grade* level of adjacent property and adjacent *public rights-of-way*.

(3) Neighborhood Use Permit Regulations. Proposed *satellite antennas* that do not comply with Section 141.0405(b)(2) may be permitted with a Neighborhood Use Permit subject to the following regulations.

(A) *Satellite antennas* are not permitted within the *MHPA*.

(B) *Satellite antennas* are not permitted on properties that have been designated as *historical resources*.

(C) *Satellite antennas* shall not exceed 10 feet in diameter.

(D) *Satellite antennas* shall not be light-reflective.

(E) *Satellite antennas* shall not have any *sign copy* on them nor shall they be illuminated.

(F) The visual impacts of the antenna to adjacent properties and adjacent *public rights-of-way* shall be minimized by the positioning of the antenna on the site and the use of landscape or other *screening*.

(4) Conditional Use Permit Regulations. Proposed *satellite antennas* that exceed 10 feet in diameter may be permitted with a Conditional Use Permit decided in accordance with Process Three subject to the following regulations.

§ 141.0405 Cont'd

(A) *Satellite antennas* are not permitted within the *MHPA*.

(B) *Satellite antennas* are not permitted on properties that have been designated as *historical resources*.

(C) The visual impacts of the antenna to adjacent properties and adjacent *public rights-of-way* shall be minimized by the positioning of the antenna on the site and the use of landscaping or other *screening*.

§ 141.0406 Correctional Placement Centers

Correctional placement centers may be permitted with a Conditional Use Permit decided in accordance with Process Four 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) Correctional placement centers are not permitted in any of the following locations:

(1) Within the beach impact area of the Parking Impact Overlay Zone;

(2) Within 1/4 mile of any type of residential care facility, *social service institution*, welfare institution, or similar type of facility, measured from *property line* to *property line* in accordance with Section 113.0225;

(3) Within 1 mile of another correctional placement center, measured from *property line* to *property line* in accordance with Section 113.0225;

(4) Within 1,000 feet of a *school*, library, *public park*, or recreation area, measured from *property line* to *property line* in accordance with Section 113.0225; or

(5) Within 600 feet of a property zoned for residential *development*, measured from *property line* to *property line* in accordance with Section 113.0225.

(b) The center shall provide a minimum of 60 square feet of sleeping space per bed, not including closet space, storage space, multipurpose rooms, bathrooms, dining rooms, and halls. There shall be no more than 64 beds per sleeping space.

(c) The center shall provide a minimum of 10 square feet of multi-purpose space per bed, not including sleeping space and *kitchen* areas, for games and activities, dining, visiting, television lounge, meetings, and quiet space for study, counseling and reading. This space shall be designed so that several activities can occur simultaneously without conflict.

(d) The center shall provide a minimum of 8 cubic feet of closet and drawer space for clothing and personal belongings per bed. The required closet and drawer space may consist of portable or permanent fixtures and shall be located in the sleeping space.

(e) The center shall provide a minimum of 15 square feet of dining area for each resident, not including *kitchen* areas and sleeping space. Centers may have food prepared off the *premises* if the preparation source meets all applicable requirements for commercial food service. The center shall provide adequate equipment and staff to receive and serve the food and clean up. The center shall provide and maintain adequate equipment for in-house preparation, storage, and service of food in case the residents elect to do so. For centers that have food prepared on the *premises*, the preparation source shall meet all applicable requirements for commercial food services and shall have equipment and staff necessary to receive, store, serve, and prepare meals and to clean up.

§ 141.0406 Cont'd

(f) The center shall provide at least one toilet and wash basin for every eight beds. At least one shower or bathtub shall be provided for every 12 beds. The center shall provide for individual privacy in all toilet, shower, and bath areas.

(g) The center shall make laundry facilities available to all residents. The center shall provide at least one operable washer and dryer for every 16 beds, or the center may be serviced by a commercial laundry. The space used for laundry purposes shall not be part of an area used for storage of anything other than clean linens and other supplies normally associated with laundry activities.

(h) Centers that have 99 or fewer residents shall provide an exercise area of at least 900 square feet, not including *required yards* and required landscape areas. Centers that have 100 or more residents shall have an exercise area of at least 2,400 square feet, not including *required yards* and required landscape areas. If an outdoor exercise area is provided, it shall be easily accessible to residents, protected from traffic, and *screened* by solid fencing from the *public right-of-way*.

(i) The center shall provide the following number of *off-street parking spaces*:

(1) At least one parking space per staff person assigned to the shift that has the greatest number of staff persons; and

(2) For centers confining up to 24 persons, at least one parking space for every four beds or for centers confining 25 or more persons, at least one parking space for every seven beds.

(j) At least two uniformed custodial guards or monitors who are CPR-qualified shall be on duty at the center at all times.

(k) Centers confining 25 or more persons shall provide at least one additional uniformed custodial guard or monitor for each 64 beds, or portion thereof, to be on duty between the hours of 4:00 p.m. and 8:00 a.m. during the week and during all hours on the weekend.

(l) The center shall maintain a list of all residents accommodated during the past 6 months and shall provide their sentence/offense analysis available upon request.

(m) The center shall maintain records of all vehicles being driven by residents of the facility and shall provide the records upon request.

(n) All personnel shall be trained in accordance with selection and training requirements adopted by the Board of Corrections as set forth in the California Code of Regulations, Subchapter 1 (commencing with Section 100) of Chapter 1 of Division 1 of Title 15 and all other requirements outlined in Title 15. A Certificate of Compliance issued by an institute accredited by the State Board of Corrections shall be submitted to the City Manager.

(o) Adult offenders housed in correctional placement centers shall be regularly employed, regularly attending job training, or regularly attending a learning institution. The sentencing judge may determine that other similar circumstances qualify an offender for housing in a correctional placement center.

(p) No person convicted of any of the offenses listed in Table 141-04A, which are defined in the California Penal Code, may be ordered by any court into a City of San Diego Correctional Placement Center. This prohibition shall apply if the court order is a direct sentence or the placement is a condition of probation, regardless of whether the offense is a felony or

§ 141.0406 Cont'd

misdemeanor. The Correctional Placement Center shall not accept or lodge any such person improperly placed by a court.

Table 141-04A
Excludable Offenses

No.	Offenses
1.	Murder
2.	Vehicular manslaughter
3.	Voluntary manslaughter
4	Mayhem
5.	Kidnaping
6.	Robbery (including bank robbery)
7.	Assault with intent to rape or rob
8.	Assault with a deadly weapon on a peace officer
9.	Rape
10.	Forcible sodomy
11.	Lewd act on a child
12.	Forcible oral copulation
13.	Forcible penetration by foreign object
14.	Arson
15.	Grand theft using a firearm
16.	Assault by a life prisoner on a non-inmate
17.	Assault with a deadly weapon by an inmate
18.	Holding of a hostage by a prisoner
19.	Personal use of a deadly weapon
20.	Personal use of a firearm
21.	Personal infliction of great bodily injury
22.	Exploding a destructive device with intent to injure
23.	Exploding a destructive device with intent to murder
24.	Exploding a destructive device with intent to cause mayhem or great bodily injury
25.	Selling and/or furnishing drugs to a minor
26.	Sale or possession for sale of a controlled substance
27.	Any felony punishable by death or life imprisonment
28.	An attempt to commit any of the crimes listed, except assaults
29.	Any sex offense, either a misdemeanor or a felony, wherein the victim is a child under the age of 18, including all offenses registerable as sex offenses under California Penal Code section 290, and also offenses involving child pornography as described in California Penal Code sections 311 through 312.3
30.	Any person convicted of a crime whom the sentencing judge deems unacceptable for community access
31.	Any person sentenced for a federal crime that is similar in nature or type, to any of the crimes listed.

§ 141.0407 Educational Facilities–Schools for Kindergarten to Grade 12 and Colleges/Universities

Educational facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) Permanent *development* associated with educational facilities is not permitted in agricultural zones in the future urbanizing area or within floodplains located in agriculturally zoned areas of the Coastal Overlay Zone.

(b) The *applicant* shall provide a master development plan that includes the following;

(1) The student capacity of the campus;

(2) The size, number, and location of all proposed facilities;

(3) The pedestrian and traffic circulation systems proposed for the site;

(4) A transportation and parking development program; and

(5) A *development* phasing schedule.

(c) The design of the *structures* shall incorporate architectural elements that help to diminish building bulk.

(d) Larger *structures*, areas with high levels of activity, and parking areas shall be located on the site away from surrounding *development* that is smaller in scale or less intense.

(e) Access to colleges and universities shall be as direct as possible from *freeways* and primary arterials and shall avoid residential *streets*.

(f) Off-street parking requirements for kindergarten through grade 12 are provided in Table 142-05F. Off-street parking for colleges and universities shall be provided to adequately serve the facility without causing parking impacts on surrounding property.

§ 141.0408 Energy Generation and Distribution Stations

Energy generation and distribution stations may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) Activities involving aerial transmissions are not permitted.

(b) All mechanical equipment and all storage areas shall be located within an enclosed building.

(c) The design of the *structures* shall incorporate architectural elements that help to minimize conflicts in scale with surrounding *development*.

(d) Service areas and parking areas shall be buffered from adjacent *development* that is not of a

similar nature.

(e) *Fences*, walls, trees and other forms of landscaping shall be used to minimize visibility of *structures* from adjacent *public rights-of-way* or adjacent residential *development*.

§ 141.0409 Exhibit Halls and Convention Facilities

Exhibit halls and convention facilities may be permitted with a Conditional Use Permit decided in accordance with Process Four 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) Exhibit halls and convention facilities are not permitted within floodplains located in agriculturally zoned areas of the Coastal Overlay Zone.

(b) The proximity and capacity of *freeways*, primary arterials, and major *streets* will be used to determine the appropriate size and intensity of the proposed facility.

(c) Off-street parking shall be provided in accordance with Table 142-05F.

§ 141.0410 Flood Control Facilities

Flood control facilities 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.

(a) *Flood* control facilities are permitted only for essential public projects where it has been determined that there is no feasible, less environmentally damaging location or alternative.

(b) *Flood* control facilities are permitted only when mitigation measures have been provided to minimize adverse environmental effects.

(c) Any *encroachment* or disturbance to *environmentally sensitive lands* is subject to Chapter 14, Article 3, Division 1 (*Environmentally Sensitive Lands*).

§ 141.0411 Historical Buildings Occupied by Uses Not Otherwise Allowed

Historical buildings occupied by uses not otherwise allowed may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) In the future urbanizing area, a Conditional Use Permit shall not be approved for *historical buildings* occupied by uses not otherwise allowed.

(b) The building must be designated as a *historical resource* by the City of San Diego Historical Resources Board before approval of the Conditional Use Permit.

(c) The use of the building shall be compatible with the uses in the surrounding area or shall be consistent with the purpose for which the building was originally designed.

(d) The site shall be maintained in, or restored to, its original or historical appearance, in accordance with Chapter 14, Article 3, Division 2 (Historical Resources Regulations).

(e) Any facilities that are constructed as part of the new use shall be designed to be similar in scale and style with the historical use, in accordance with Chapter 14, Article 3, Division 2 (Historical Resources Regulations).

§ 141.0411 Cont'd

(f) Hours of operation shall be limited to conform to hours of normal activity in the neighborhood.

(g) The decision maker may waive or modify the base zone regulations for maximum *floor area ratio*.

(h) The decision maker may waive or modify the requirements for off-street parking and landscaping. The *applicant* may be required to preserve existing mature landscaping.

§ 141.0412 Homeless Facilities

(a) This section regulates the following homeless facilities.

(1) Congregate meal facilities: Any facility that provides scheduled meals on a daily basis for individuals or *families* who are homeless or *low income* or *very low income*, as defined in Section 113.0103.

(2) Emergency shelters: Any facility that provides sleeping accommodations and restroom facilities to homeless persons for less than a 24-hour stay.

(3) Homeless day centers: Any facility that provides basic services, including personal hygiene, information and referral, employment, mail, and telephone services, during daylight hours to homeless persons.

(b) Congregate Meal Facilities

Congregate meal facilities may be permitted with a Conditional Use Permit decided in accordance with Process Four 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) No more than one congregate meal facility may be permitted within 1/4 mile of an emergency shelter, a homeless day center, or another congregate meal facility, measured from *property line* to *property line* in accordance with Section 113.0225.

(2) Overnight accommodations are not permitted.

(3) Drive-up or drive-through service is not permitted.

(4) Live entertainment is not permitted.

(5) Distribution or consumption of alcoholic beverages on the *premises* is not permitted.

(6) The facility shall provide a waiting area for clients to prevent queuing into the *public right-of-way*. The size of the waiting area shall be at least 5 square feet per client, based on the maximum number of clients the facility can accommodate according to Fire Department standards. Any outdoor waiting area shall be physically separated from the *public right-of-way*.

(7) The facility shall provide off-street parking at a rate of 1 space per full-time-equivalent employee, calculated at 8 hours of working time per employee per 24-hour period.

(8) Hours of operation shall be limited to the hours between 6:00 a.m. and 10:00 p.m.

(9) All activities associated with the facility, including the serving of food and beverages,

§ 141.0412 Cont'd

shall occur within an enclosed building.

(10) The *applicant* shall submit the following materials to the decision maker for consideration:

(A) A communications plan that describes how the provider will communicate with local community, neighborhood, and business organizations, and with adjacent neighbors on a regular basis, and how community issues or concerns will be addressed;

(B) A plan to minimize loitering in the vicinity of the facility; and

(C) A litter control plan to provide for the removal of litter in the vicinity of the facility on a regular basis.

(c) Emergency Shelters

Emergency shelters may be permitted with a Conditional Use Permit decided in accordance with Process Four 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) Emergency shelters are not permitted in the future urbanizing area.

(2) Emergency shelters are not permitted within 1/4 mile of another emergency shelter or a residential care facility, measured from *property line* to *property line* in accordance with Section 113.0225.

(3) Emergency shelters shall provide at least 35 square feet of sleeping area per bed.

(4) Emergency shelters shall provide a waiting area of at least 10 square feet per bed to accommodate clients and to prevent queuing into the *public right-of-way*. Any outdoor waiting area shall be physically separated from the *public right-of-way*.

(5) Emergency shelters shall provide at least 1 toilet for every 15 beds.

(6) Emergency shelters shall provide off-street parking at a rate of at least 1 space for each full-time-equivalent employee, calculated at 8 hours of working time per employee per 24-hour period.

(7) Hours of operation shall be limited to the hours between 6:00 p.m. and 8:00 a.m.

(8) Emergency shelters shall provide on-site supervision at all times. At least one full-time-equivalent employee shall be provided for every 20 beds.

(9) Living, dining, and *kitchen* areas shall be physically separated from sleeping areas. The shelter shall provide telephone services separate from the office phone in order to provide privacy.

(10) The *applicant* shall submit the following materials to the decision maker for consideration:

(A) A communications plan that describes how the provider will communicate with local community, neighborhood, and business organizations, and with adjacent neighbors on a regular basis, and how community issues or concerns will be

§ 141.0412 Cont'd

addressed;

(B) A loitering control plan to minimize the congregation of overnight residents during daylight hours in the vicinity of the shelter; and

(C) A litter control plan to provide for the removal of litter in the vicinity of the shelter on a regular basis.

(d) Homeless Day Centers

Homeless day centers may be permitted with a Conditional Use Permit decided in accordance with Process Four 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) No more than one homeless day center may be permitted within 1/4 mile of an emergency shelter, a congregate meal facility, or another homeless day center, measured from *property line* to *property line* in accordance with Section 113.0225.

(2) Overnight accommodations and meals for transients are not permitted.

(3) The center shall provide off-street parking at a rate of at least 1 space per full-time-equivalent employee, calculated at 8 hours of working time per employee per 24-hour period.

(4) Hours of operation shall be limited to 6:00 a.m. to 6:00 p.m.

(5) The center shall provide on-site supervision at all times. At least one staff member shall be located on the *premises* 24 hours per day.

(6) The *applicant* shall submit the following materials to the decision maker for consideration:

(A) A communications plan that describes how the provider will communicate with local community, neighborhood, and business organizations, and with adjacent neighbors on a regular basis, and how community issues or concerns will be addressed;

(B) A plan to minimize loitering in the vicinity of the facility; and

(C) A litter control plan to provide for the removal of litter in the vicinity of the facility on a regular basis.

§ 141.0413 Hospitals, Intermediate Care Facilities, and Nursing Facilities

Hospitals, intermediate care facilities, and nursing facilities may be permitted with a Process Four Conditional Use Permit 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) These facilities are not permitted in agricultural zones in the future urbanizing area or within floodplains located in agriculturally zoned areas of the Coastal Overlay Zone.

(b) The design of the *structures* shall incorporate a variety of architectural elements that help to diminish building bulk.

§ 141.0413 Cont'd

(c) The location of larger *structures*, areas of high activity, and parking areas shall be planned to minimize impacts to surrounding *development* that is smaller is scale and less intense.

(d) Access to the site shall be as direct as possible from *freeways*, primary arterials, and major *streets* and shall avoid residential *streets*.

(e) Off-street parking shall be provided in accordance with Table 142-05F.

(f) All storage, service, and repair areas shall be located on the *premises* or *screened* so that they are not visible from adjacent *development* and *public rights-of-way*.

§ 141.0414 Interpretive Centers

Interpretive centers are *structures* or facilities designed to inform and educate the public about the surrounding environment.

Interpretive centers may be permitted with a Conditional Use Permit decided in accordance with Process Four 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) Interpretive centers are not permitted in agricultural zones in the future urbanizing area or within floodplains located in agriculturally zoned areas of the Coastal Overlay Zone.

(b) The design of the *structures* shall incorporate a variety of architectural elements that help to diminish building bulk.

(c) The location of larger *structures*, areas of high activity, and parking areas shall be planned to minimize impacts to surrounding *development* that is smaller is scale and less intense.

(d) Off-street parking shall be provided in accordance with Table 142-05F.

§ 141.0415 Museums

Museums may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) The design of the *structures* shall incorporate a variety of architectural elements that help to diminish building bulk.

(b) The location of larger *structures*, areas of high activity, and parking areas shall be planned to minimize impacts to surrounding *development* that is smaller is scale and less intense.

(c) Off-street parking shall be provided in accordance with Table 142-05F.

§ 141.0416 Major Transmission, Relay, or Communication Switching Systems

These facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) The *structures* shall be located on the site so that visibility from adjacent *public rights-of-way* or adjacent residential *development* is minimized.

(b) *Fences*, walls, trees and other forms of landscaping shall be used to *screen structures* from adjacent *public rights-of-way* or adjacent residential *development.*

§ 141.0417 Social Service Institutions

Social Service Institutions may be permitted with a Conditional Use Permit decided in accordance with Process Four 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) The design of the *structures* shall incorporate a variety of architectural elements that help to diminish building bulk.

(b) The location of larger *structures*, areas of high activity, and parking areas shall be planned to minimize impacts to surrounding *development* that is smaller in scale and less intense.

(c) Off-street parking shall be sufficient to serve the facility without impacting adjacent or nearby property.

Article 1: Separately Regulated Use Regulations

Division 5: Retail Sales Use Category--Separately Regulated Uses

§ 141.0501 Agriculture-Related Supplies and Equipment

Agricultural-related supplies and equipment may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) The location, number, and intensity of other nonagricultural establishments located in the vicinity will be evaluated to determine the appropriate size and intensity of the proposed establishment.

(b) The proximity and capacity of *freeways*, primary arterials, and major *streets* will be evaluated to determine the appropriate size and intensity of the proposed establishment.

(c) Off-street parking shall be sufficient to serve the facility and limit adverse impacts to adjacent or nearby property.

§ 141.0502 Alcoholic Beverage Outlets

Any establishment for which a Type 20 Beer and Wine License or a Type 21 General Liquor License has been obtained from, or for which an application has been submitted to, the California Department of Beverage Control for permission to sell alcoholic beverages for off-site consumption shall be regulated as an alcoholic beverage outlet subject to this section.

Alcoholic beverage outlets 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 141.0502(b). Proposals for alcoholic beverage outlets that do not comply with the regulations in Section 141.0502(b) may be permitted with a Conditional Use Permit decided in accordance with Process Three subject to the regulations in Section 141.0502(c).

(a) Exemptions. The following alcoholic beverage outlets and areas are exempt from the provisions of this section:

(1) Hotels, *motels*, or any other lodging establishments where the area devoted to the sale of alcoholic beverages for off-site consumption does not exceed 10 percent of the *gross floor area* of the entire *premises*;

(2) Establishments of more than 15,000 square feet of *gross floor area*, provided the area devoted to alcohol sales does not exceed 10 percent of the *gross floor area* of the entire *premises*;

(3) Alcoholic beverage establishments within the Gaslamp Quarter Planned District and the Centre City Planned District; and

(4) Alcoholic beverage outlets that were in existence on December 20, 1995, if the outlet retains the same type of retail liquor license within a license classification and is in continuous operation without substantial change in the mode or character of operation.

(A) For the purposes of Section 141.0502(a)(4), a break in "continuous operation" does not include the suspension of business due to extraordinary circumstances beyond the control of the licensee or a closure for more than 180 calendar days during the

§ 141.0502 Cont'd

diligent pursuit of building repairs or remodeling of the *premises* undertaken under the authority of a valid Building Permit.

(B) For the purposes of Section 141.0502(a)(4), "substantial change in mode or character of operation" includes any of the following:

(i) Closure, abandonment, discontinuance, or suspension of the outlet for more than 180 consecutive calendar days during which the *premises* are not continually maintained and secured;

(ii) Alteration of the *premises* that would result in an increase of more than 10 percent of the existing *gross floor area* of all *structures* on the *premises*;

(iii) Revocation or suspension of the license issued by the State of California Department of Alcoholic Beverage Control (ABC) for a period of more than 30 calendar days for any reason; or

(iv) Conviction of the owner, operator, or the ABC licensee for violations of California Health and Safety Code Sections 11350, 11351, 11352, 11550 and 11364.7 when the conviction relates to the *premises* or the operation of the establishment.

(b) Limited Use Regulations. Alcoholic beverage outlets are permitted as a limited use subject to the following regulations.

(1) Alcoholic beverage outlets are not permitted in any of the following locations:

(A) Within a census tract, or within 600 feet of a census tract, where the general crime rate exceeds the citywide average general crime rate by more than 20 percent;

(B) Within a census tract, or within 600 feet of a census tract, where the ratio of alcohol beverage outlets exceeds the standards established by California Business and Professional Code section 23958.4;

(C) In an adopted Redevelopment Project Area;

(D) Within 600 feet of a public or private accredited *school*, a *public park*, a playground or recreational area, a *church* except those established in accordance with Section 141.0404(a), a hospital, or a San Diego County welfare district office; and

(E) Within 100 feet of a residentially zoned property.

(2) For the purposes of Section 141.0502(b)(1), the separation distance shall be measured from *property line* to *property line* in accordance with Section 113.0225. A separation distance less than that required in Section 141.0502(b)(1) may be approved by the City Manager due to the existence of natural or built barriers such as topography, *freeways*, *flood* control channels, rivers, or similar divisive features if no direct access is available within the measurement area.

(3) Pool or billiard tables, foosball or pinball games, arcade style video and electronic games, or coin-operated amusement devices are not permitted on the *premises* with an alcoholic beverage outlet.

§ 141.0502 Cont'd

(4) Exterior public pay phones that permit incoming calls are not permitted on the *premises*, adjacent public sidewalks, or areas under the control of the owner or operator.

(5) The owner or operator shall provide illumination, at a minimum level of 0.4 footcandles per square foot, on the exterior of the alcoholic beverage outlet, including adjacent public sidewalks and areas under the control of the owner or operator. The illumination shall be in operation during all hours of darkness while the outlet is open for business so that persons standing on or near the *premises* at night are identifiable by law enforcement personnel. The required illumination shall be shielded and directed so that it does not shine on adjacent properties.

(6) The *sign* area pertaining to or referencing alcoholic sales or beverages shall not exceed 630 square inches.

(7) A maximum of 33 percent of the square footage of the windows and doors of the *premises* may bear advertising or *signs* of any sort, and all advertising and *signs* shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the outlet.

(8) The owner or operator of the alcoholic beverage outlet shall post a prominent, permanent *sign* or *signs* stating, "No loitering, consumption of alcoholic beverages, or open alcoholic beverage containers are allowed inside the *premises*, in the parking area, or on the public sidewalks adjacent to the *premises*."

(9) The owner or operator shall list a business address and telephone number in the Pacific Bell/San Diego telephone directory or other similarly distributed directory.

(10) The owner or operator shall provide trash receptacles, conveniently located for use by patrons, inside and outside the alcoholic beverage outlet, including adjacent public sidewalks and areas under the control of the owner or operator. At least one 13-gallon trash receptacle shall be located inside the *premises*. At least one 32-gallon trash receptacle shall be located outside the alcoholic beverage outlet, and at least one additional 32-gallon trash receptacle shall be located in the parking areas under the control of the owner or operator.

(11) The owner or operator shall maintain the *premises*, adjacent public sidewalks, and areas under the control of the owner or operator, free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter, and debris. The owner or operator shall eliminate graffiti within 48 hours of application.

(12) Off-street parking shall be provided in accordance with the requirements for retail sales uses in Table 142.05D.

(c) Conditional Use Permit Regulations. Proposed alcoholic beverage outlets that do not comply with the regulations in Section 141.0502(b) may be permitted with a Conditional Use Permit decided in accordance with Process Three subject to the following regulations.

(1) The San Diego Police Department shall provide the City Manager with a recommendation on the proposed use and location of the alcoholic beverage outlet. The City Manager will provide the *applicant* with a copy the Police Department recommendation at least 7 calendar days before the date of the public hearing. The decision maker will review and consider the Police Department recommendation before making a decision on the application.

§ 141.0502 Cont'd

(2) The decision maker may request that the State of California Department of Alcoholic Beverage Control impose restrictions on any alcohol sales license to be issued or renewed by the state. The decision maker's request shall be based on an evaluation of conditions in the area of the proposed alcoholic beverage outlet, including the concentration of alcoholic beverage outlets, high crime rates, or any other conditions in the area that would be aggravated by the sale of alcoholic beverages.

(3) Off-street parking shall be provided in accordance with the requirements for retail sales uses in Table 142.05D.

(4) Conditions addressing the following issues may be imposed by the decision maker:

(A) Entertainment uses or activities or amusement devices on the *premises*;

(B) Separation, monitoring, or design of the area devoted to alcoholic beverage sales;

(C) Hours of operation;

(D) Security measures; and

(E) Lighting, litter, graffiti or nuisance abatement, or any other special requirements for the *premises*.

(5) The owner or operator shall post a copy of the Conditional Use Permit conditions in the licensed *premises* in a place where they may be readily viewed by any member of the general public or any member of a government agency.

(6) The Conditional Use Permit shall include a date on which the permit will expire and become void. This date shall not be less than 10 years from the approval date of the Conditional Use Permit.

(7) An *applicant* may request that the expiration date be extended in accordance with the following provisions.

(A) An application for an extension shall be filed before the expiration of the approved Conditional Use Permit.

(B) An application for an extension shall be considered in accordance with Process Two if there is no record in the City of San Diego Police Department or other department or with any other governmental agency of any violations of the State of California Department of Alcoholic Beverage Control rules, regulations, and orders or of any violation of city, county, state or federal law, code, regulation or policy related to prostitution, drug activity or other criminal activity on the *premises*.

(C) An application for an extension shall be considered in accordance with Process Three if there is a record of violations as described in Section 141.0502(c)(7)(B).

(D) Prior violations of any conditions contained in an approved Conditional Use Permit shall constitute grounds for denying an application for an extension.

§ 141.0503 Plant Nurseries

Plant nurseries may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) The location, number, and intensity of other nonagricultural establishments located in the vicinity will be evaluated to determine the appropriate size and intensity of the proposed establishment.

(b) The proximity and capacity of *freeways*, primary arterials, and major *streets* will be evaluated to determine the appropriate size and intensity of the proposed establishment.

(c) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property.

§ 141.0504 Swap Meets and Other Large Outdoor Retail Facilities

Swap meets and other large outdoor retail facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) Swap meets and other large outdoor retail facilities are not permitted in agricultural zones in the future urbanizing area or within floodplains located in agriculturally zoned areas of the Coastal Overlay Zone.

(b) Access to these facilities shall be as direct as possible from *freeways* and shall avoid residential *streets*.

(c) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property.

(d) Hours of operation shall be limited so that neighboring *development* is not disturbed by noise and lights.

(e) A litter control plan shall be implemented to keep the facility and adjacent property litter-free.

(f) All storage, service, and repair areas shall be located on the site and *screened* so that they are not visible from *public rights-of-way* or from nearby residential *development*.

Article 1: Separately Regulated Use Regulations

Division 6: Commercial Services Use Category--Separately Regulated Uses

§ 141.0601 Adult Entertainment Establishments

(a) This section regulates the following adult entertainment establishments.

(1) Adult body painting studios: Any establishment or business that provides the service of applying paint or other substance, whether transparent or nontransparent, to or on a human body whether the body is wholly or partially nude in terms of *specified anatomical areas*.

(2) Adult bookstores: Any establishment that devotes more than 15 percent of the total display, shelf, rack, table, stand, or *floor* used for the display of books and periodicals to the display and sale of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records, or other forms of visual or audio representations that are characterized by an emphasis upon depicting or describing *specified sexual activities* or *specified anatomical areas* or instruments, devices, or paraphernalia that are designed for use in connection with *specified sexual activities*. An adult bookstore does not include an establishment that sells books or periodicals as an incidental or accessory part of its principal stock-in-trade.

(3) Adult cabarets: Any nightclub, bar, restaurant, or similar establishment that features live performances or features films, motion pictures, video cassettes, slides, or other photographic reproductions that are distinguished or characterized by an emphasis on depicting or describing *specified sexual activities* or by exposure of *specified anatomical areas* on more than 7 calendar days within any 56-consecutive-day period.

(4) Adult drive-in theaters: Any *premises* and appurtenant facilities that are primarily used for the presentation of motion pictures, films, theatrical productions, or other forms of visual productions to persons in motor vehicles or on outdoor seats, where the material being presented is distinguished or characterized by an emphasis on matter depicting, describing, or relating to *specified sexual activities* or *specified anatomical areas* for observation by patrons on more than 7 calendar days within any 56-consecutive-day period.

(5) Adult massage establishments: Any establishment where massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless the treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the State of California. Adult massage establishments do not include athletic clubs, health clubs, *schools*, gymnasiums, reducing salons, spas, or similar establishments where massage or similar manipulation of the human body is offered as an incidental or accessory service. Adult entertainment establishment do not include massage establishments that provide only specialized massage services that are operated in accordance with Section 141.0613.

(6) Adult mini-motion picture theaters: Any establishment with a seating capacity of more than 5 but less than 50 persons where films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown and where the material shown is distinguished or characterized by an emphasis upon depicting or describing *specified*

§ 141.0601 Cont'd

sexual activities or *specified anatomical areas* for observation by patrons on more than 7 calendar days within any 56-consecutive-day period.

(7) Adult model studios: Any establishment open to the public where figure models who display *specified anatomical areas* are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons other than the proprietor and who pay a consideration or gratuity. Adult model studios do not include any school of art that is operated by an individual, firm, association, partnership, corporation, or institution that is authorized under the California Education Code to issue or confer a diploma.

(8) Adult *motels*: Any *motel* or similar establishment offering public accommodations that provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions on more than 7 calendar days within any 56-consecutive-day period where the material is distinguished or characterized by an emphasis upon depicting or describing *specified sexual activities* or *specified anatomical areas* for observation by patrons.

(9) Adult motion picture theaters: Any establishment with a seating capacity of 50 or more persons where motion pictures, video cassettes, slides, or similar photographic reproductions are shown on more than 7 calendar days within any 56-consecutive-day period and where the material is distinguished or characterized by an emphasis upon depicting or describing *specified sexual activities* or *specified anatomical areas* for observation by patrons.

(10) Adult peep show establishments: Any place to which the public is permitted or invited where devices that display still or moving images are maintained in a peep booth, as defined in Municipal Code Section 33.3302(c), where the images displayed on more than 7 calendar days within any 56-consecutive-day period are distinguished or characterized by an emphasis on depicting or describing *specified sexual activities* or *specified anatomical areas*.

(11) Adult sexual encounter establishments: Any establishment, other than a hotel, *motel*, or similar establishment offering public accommodations that provides a place where two or more persons may congregate, associate, or consort in connection with *specified sexual activities* or the exposure of *specified anatomical areas*. Adult sexual encounter establishments do not include establishments where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State of California engages in sexual therapy.

(12) Adult theaters: Any theater, concert hall, auditorium, or similar establishment either indoor or outdoor, that regularly features live performances that are distinguished or characterized by an emphasis on *specified sexual activities* or exposure of *specified anatomical areas* for observation by patrons on more than 7 calendar days within any 56-consecutive-day period.

(b) Adult entertainment establishments 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.

(1) Adult entertainment establishments shall not be established, enlarged, or undergo a transfer of ownership or control if the *structure* housing the establishment would be located within 1,000 feet of any of the following:

§ 141.0601 Cont'd

(A) Another *structure* housing an adult entertainment establishment;

(B) The *property line* of a residentially zoned property; or

(C) The *property line* of a *church* except those established in accordance with Section 141.0404(a), a *school*, a *public park*, or a *social service institution*.

(2) If a *church* other than one established in accordance with Section 141.0404(a), a *school*, a *public park*, a *social service institution*, or a residential zone is established within 1,000 feet of an adult entertainment establishment, the person possessing ownership or control of the adult entertainment establishment is permitted to transfer ownership or control within 2 years of the date on which the *school* begins a course of instruction for students, the *church* or *social service institution* is opened for use, the *public park* is dedicated, or the ordinance establishing the residential zone becomes effective. The person acquiring the ownership or control, however, shall be required to discontinue the adult entertainment establishment within 5 years from the date of the transfer of ownership or control if the business continues to be within 1,000 feet of the uses or properties listed in Section 141.0601(b)(1).

(3) The public health, safety, and welfare shall be preserved and protected by applying the provisions of this section in the following descending order of importance:

(A) Proximity to other adult entertainment establishments;

(B) Proximity to *schools*;

(C) Proximity to *churches*;

(D) Proximity to *public parks*;

(E) Proximity to residential zones; and

(F) Proximity to *social service institutions*.

§ 141.0603 Bed and Breakfast Establishments

Bed and breakfast establishments are visitor accommodations within a residential *structure* where breakfast is typically provided for guests.

Bed and breakfast establishments 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. Bed and breakfast establishments may be permitted with a Neighborhood Use Permit 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) In the RM zones, bed and breakfast establishments are subject to the following regulations.

(1) No more than one bed and breakfast establishment is permitted on a *premises*.

(2) Only one *kitchen* is permitted in a newly constructed bed and breakfast establishment except that one additional *kitchen* may be permitted for the owner or operator that is separate from the *kitchen* for the bed and breakfast establishment.

§ 141.0603 Cont'd

(3) A bed and breakfast establishment that is a conversion of existing *multiple dwelling units* may contain the number of *kitchens* permitted by the applicable zone provided the existing off-street parking on the *premises* is not decreased.

(4) Off-street parking shall be provided as follows:

(A) One space for the operator of the establishment;

(B) One space per guest room for up to two *guest rooms* or, if located in a *transit area* identified in Chapter 13, Article 2, Division 10 (Transit Area Overlay Zone), one space for up to two *guest rooms*; and

(C) One-half space for each additional *guest room*.

(5) Eating and drinking facilities shall be available only to the overnight guests.

(6) For newly constructed bed and breakfast establishments, the number of exterior accesses shall not exceed the maximum number of dwelling units permitted on the *premises*.

(7) One *sign* is permitted on the *premises* with a maximum *sign copy area* of 12 square feet and a maximum horizontal or vertical dimension of 6 feet.

(b) In the RE, RS, RX, OR, and AR zones, bed and breakfast establishments are subject to the following regulations.

(1) Bed and breakfast establishments in RS and RX zones shall be limited to the conversion of existing *structures*.

(2) In the RS zones, bed and breakfast establishments with six or more *guest rooms* may be permitted only in *historical buildings*.

(3) The maximum number of *guest rooms* in the RE, OR, and AR zones is nine.

(4) No more than one *kitchen* is permitted in a bed and breakfast establishment.

(5) Off-street parking shall be provided as follows:

(A) Two spaces for the *single dwelling unit*;

(B) One space per guest room for up to two *guest rooms* or, if located in a *transit area* identified in Chapter 13, Article 2, Division 10 (Transit Area Overlay Zone), one space for up to two *guest rooms*; and

(C) One-half space for each additional *guest room*.

(6) One *sign* is permitted on the *premises* with a maximum *sign copy area* of 8 square feet and a maximum dimension of 4 feet in any horizontal or vertical direction.

(7) Eating and drinking facilities shall be available only to the overnight guests.

(8) The property owner or operator shall reside on the *premises*.

(c) In commercial zones, the development regulations of the zone that are applicable to visitor

§ 141.0603 Cont'd

accommodations shall apply.

(d) Bed and breakfast establishments of six *guest rooms* or less in any residential zone for which the required Rental Unit Business Tax and the Transient Occupancy Tax were current as of May 2, 1996, and have remained current since that date, may continue to exist and operate subject to Chapter 12, Article 7 (Previously Conforming Premises and Uses) provided that the owner or operator of the bed and breakfast establishment provides evidence of payment of the required Rental Unit Business Tax and Transient Occupancy Tax to the City Manager upon request and the City Manager confirms this evidence in writing to the owner or operator. Bed and breakfast establishments continuing to exist and operate under this provision are not subject to Section 127.0102(a).

§ 141.0604 Boarding Kennels

Boarding kennels 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 Section 141.0604(a). Boarding kennels 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 Section 141.0604(b).

(a) Limited Use Regulations

(1) Maintaining, raising, feeding, or keeping of 6 or more domestic animals requires a *premises* of at least 5 acres.

(2) Kennels and associated *structures* shall not be any closer than 50 feet to any *property line*.

(3) Off-street parking shall be provided at a rate of 2.5 spaces for every 1,000 square feet of floor area.

(b) Conditional Use Permit Regulations

(1) Noise emanating from the facility shall be kept at minimum levels through the following methods:

(A) Limitations on the number of animals permitted in exterior areas at any one time;

(B) Limitations on the hours that animals are permitted in exterior areas;

(C) Locating exterior boarding and exercise areas on those portions of the site where noise impacts on surrounding *development* will be minimized;

(D) The use of walls or *fences* to minimize noise impacts to surrounding *development*; and

(E) Sound-proofing of interior kennel areas.

(2) Exterior boarding and exercise facilities shall be *screened* from adjacent *development* by a 6-foot *solid fence* or wall.

(3) The facility shall be maintained in a sanitary condition to minimize the impacts of odors

§ 141.0604 Cont'd

on surrounding *development*.

(4) Off-street parking shall be provided in accordance with Table 142.05D.

§ 141.0605 Camping Parks

Camping parks may be permitted with a Conditional Use Permit decided in accordance with Process Four 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) *Fill* or permanent buildings associated with the *development* of camping parks are not permitted in floodplains or in agricultural zones in the future urbanizing area or in agriculturally zoned areas of the Coastal Overlay Zone.

(b) Access to the site shall be as direct as possible from *freeways* and shall avoid residential *streets*.

(c) Pedestrian walkways shall be provided to link camping lots with service buildings, the park entrance, and any recreational facilities within the park.

(d) Off-street parking shall be provided as follows:

(1) 1 space for each camping site;

(2) 1 space for each full-time employee; and

(3) 1 space for each 25 camping sites, to be located near the registration office.

(e) All storage, service, and repair areas shall be located on the site so that they are not visible, or shall be *screened* so they are not visible from, adjacent *development* and *public rights-of-way*.

(f) Recreational vehicles, trailers, and tents shall not be located closer than 15 feet to any *abutting property*.

(g) Trash enclosures shall be provided for each four camping sites.

(h) Maximum occupancy periods shall be as follows:

(1) For tents and trailers without utilities hook-up capacity: 1 month in any 12-month period; or

(2) For trailers or recreational vehicles with utilities hook-up capacity: 6 months in any 12-month period.

§ 141.0606 Child Care Facilities

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

(1) Large family day care homes:Any *child care facility* licensed by the State of California to provide child care for 7 to 12 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.)

§ 141.0606 Cont'd

(2) Child care centers: Any *child care facility*, other than a small or large family day 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 Day Care Homes

Large family day 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) A large family day care home may provide care for 7-12 children (including children under the age of 10 who reside at the home) for periods of less than 24 hours per day.

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

(3) 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 day care homes.

(c) 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 health permit from the County of San Diego Hazardous Materials Management Division, excluding underground fuel storage tanks, and handles acutely hazardous material above the Threshold Planning Quantities as defined by the California Health and Safety Code, Division 20, Chapter 6.95, Section 25500 et seq.

(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 hazardous material. 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 Management 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

§ 141.0606 Cont'd

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.

(9) The child care center operator shall comply with all state licensing requirements for child care centers.

(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(c).

(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(c).

§ 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).

§ 141.0607 Cont'd

(a) Limited Use Regulations

(1) Eating and drinking establishments abutting residential zones may operate only during the hours between 6:00 a.m. and 12:00 midnight.

(2) In the IL-3-1 zone, eating and drinking establishments shall also comply with Section 131.0623(b).

(b) Neighborhood Use Permit Regulations. Except in the CN zones, eating and drinking establishments abutting residential zones that do not comply with Section 141.0607(a) may be permitted with a Neighborhood Use Permit subject to the following regulations.

(1) All activities associated with the establishment shall occur within an enclosed building between the hours of 12:00 midnight and 6:00 a.m.

(2) Drive-up or drive-through service is not permitted between the hours of 12:00 midnight and 6:00 a.m.

(3) Live entertainment is not permitted between the hours of 12:00 midnight and 6:00 a.m.

(4) The operator of the establishment shall take reasonable steps to prevent loitering on the *premises*, in parking lots serving the *premises*, and on public sidewalks adjacent to the *premises*.

(5) In the IL-3-1 zone, eating and drinking establishments shall also comply with Section 131.0623(b).

§ 141.0608 Fairgrounds

Fairgrounds may be permitted with a Conditional Use Permit decided in accordance with Process Five 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) Fairgrounds are not permitted in agricultural zones in the future urbanizing area. *Fill* or permanent buildings are not permitted in floodplains located in agriculturally zoned areas of the Coastal Overlay Zone.

(b) The design of the *structures* shall incorporate a variety of architectural elements that help to diminish building bulk.

(c) Larger *structures*, areas of high activity, and parking areas shall be located to minimize impacts to surrounding *development* that is smaller in scale and less intense.

(d) Access to the facility shall be as direct as possible from *freeways* and primary arterials and shall avoid residential *streets*.

(e) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property.

(f) All storage, service, and repair areas shall be located on the site so that they are not visible, or shall be *screened* so that they are not visible, from adjacent *development* and *public rights-of-way*.

§ 141.0609 Golf Courses, Driving Ranges, and Pitch and Putt Courses

Golf courses, driving ranges, and pitch and putt courses may be permitted with a Conditional Use Permit decided in accordance with Process Four 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) Golf courses, driving ranges, and pitch and putt courses are not permitted within the *MHPA*.

(b) Club houses containing the following *accessory uses* may be permitted, but shall be available only to the users of the golf facility and shall be restricted by the size of the *premises* and the potential impacts on surrounding *development*:

(1) Restaurants and bars;

(2) Pro shops;

(3) Meeting rooms; and

(4) Locker rooms.

(c) Off-street parking shall be provided as follows:

Regulation course: 10 spaces per hole
Short course/Par 3: 6 spaces per hole
Pitch and putt course: 3 spaces per hole
Driving range: 1 space per tee
Snack bar: 12 spaces
Proshop: 5 spaces

(d) Fairways and greens shall be designed with buffer areas that provide protection to surrounding *development* from golf balls.

(e) A gradual physical and visual transition shall be provided between the fairways and greens and any adjacent areas with natural vegetation.

(f) All maintenance facilities shall be located on the *premises* in a manner that minimizes visual impacts on surrounding *development*.

(g) All runoff due to irrigation shall be managed in a manner that protects the water table from fertilizer and insecticide pollutants.

(h) A water reclamation plan is required before approval of the permit.

§ 141.0610 Helicopter Landing Facilities

Helicopter landing facilities may be permitted with a Conditional Use Permit decided in accordance with Process Five 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) Helicopter landing facilities are not permitted in floodplains located in agriculturally zoned areas of the Coastal Overlay Zone.

(b) Helicopter facilities in urban areas shall be located within 1/2 mile of *freeways* or primary

§ 141.0610 Cont'd

arterials. Access to both private and public transportation should be provided.

(c) Helicopter facilities shall be located to ensure that the approach and departure paths are over terrain that affords emergency landing areas such as open parks, golf courses, industrial areas, highways, *freeways*, and open land.

(d) Approach and departure paths over residential *development*, *schools*, playgrounds, assembly areas, or highly populated areas shall be avoided.

(e) There shall be a reasonable distance between the helicopter facility and residential areas, educational facilities, or public assembly uses. A 750-foot distance, measured from *property line* to *property line* in accordance with Section 113.0225, shall be used as a standard distance.

(f) The site shall be served by *streets* that are adequate in width and pavement type for the quantity and level of traffic generated by the helicopter facility. Paths for pedestrian use shall be provided.

(g) Additional *screening*, beyond the required fencing, may be required to minimize visual impacts. All auxiliary facilities shall be *screened*. Outdoor storage of equipment or parts is not permitted.

(h) A telephone shall be provided adjacent to the helicopter facility.

(i) The site shall be served by a fire station, or fire prevention service, within reasonable proximity.

(j) Helicopter facilities shall, whenever possible, serve more than one user. This should include availability for emergency use.

(k) Helicopter facilities shall comply with Municipal Code Chapter 6, Article 8, Division 2 (San Diego Helicopter Rules and Regulations).

(l) Helicopter facilities may be limited in frequency of trips and hours of operation if the operations would be disruptive to adjacent properties.

(m) The sound generated by any helicopter shall not exceed the "A" weighted maximum sound level provided in Table 141-06A on the boundary or beyond the boundary of the property on which the facility is located. The sound subject to these limits is that part of the total sound at the property boundary that is due solely to the operation of the helicopter. The sound level limit at a location on a boundary between two land uses shall be the lower of the two sound levels specified.

Table 141-06A
Sound Level Limits for Helicopter Landing Facilities

Land Use	Time	A-Weighted Maximum Sound Level
Residential Uses	7:00 a.m.- 7:00 p.m. 7:00 p.m.-10:00 p.m. 10:00 p.m.- 7:00 a.m.	75 70 65
Commercial Uses	7:00 a.m.- 7:00 p.m. 7:00 p.m.-10:00 p.m. 10:00 p.m.- 7:00 a.m.	80 75 75

§ 141.0610 Cont'd

Land Use	Time	A-Weighted Maximum Sound Level
Industrial Uses	7:00 a.m.- 7:00 p.m. 7:00 p.m.-10:00 p.m. 10:00 p.m.- 7:00 a.m.	90 90 90

§ 141.0612 Instructional Studios

Instructional studios are establishments in which skills including dance, art, and martial arts are taught to individuals or groups. Instructional studios do not include educational facilities.

Instructional studios may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) The number of students using the studio at any one time may be limited based on the following:

(1) The intensity of existing surrounding uses that are allowed in the zone; and

(2) The amount of parking available on the *premises*.

(b) The hours of operation of the studio may be limited.

§ 141.0613 Massage Establishments, Specialized Practice

Specialized practice massage establishments 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.

(a) Any *sign* advertising the establishment shall contain the full name of the operator and may contain words that identify the specialized field of practice in which the operator engages.

(b) The letters of any words identifying the operator's specialized field of practice shall not exceed one-half of the height of the capital letters in the name of the operator, and the words shall be uniform in height.

(c) The phrase "massage parlor" or "massage establishment" shall not be used on any *sign* or any other form of advertising. The word "massage" shall not be used on any *sign* or any other form of advertising unless preceded by words identifying the specialized field of practice.

(d) The owner of the establishment shall submit scale drawings of all *signs* that will be displayed on the *premises* to the City Manager to determine compliance with this section.

(e) The owner of the establishment shall submit proof of proficiency of the operator in the specialized field of practice. Proficiency may be established by completion of a course of instruction in the specialized field of practice at a school authorized to provide such instruction by the State of California, or proof of actual practice in the field of specialization for a period of three years. The period of practice shall be attested to, in writing, by no less than three persons who meet the educational qualifications described in this section or are members of a professional organization that is incorporated in the State of California, and which fosters or promotes the specialized field of practice.

§ 141.0613 Cont'd

(f) The application and business license for the establishment shall identity the business as a "Massage Establishment, Specialized Practice, pursuant to Municipal Code Section 141.0613."

§ 141.0614 Nightclubs and Bars over 5,000 Square Feet in Size

Nightclubs and bars over 5,000 square feet in size may be permitted with a Conditional Use Permit decided in accordance with Process Four 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) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property.

(b) Hours of operation shall be limited so that neighboring *development* is not disturbed by noise and lights.

(c) A litter control plan shall be implemented to keep the facility and adjacent property free of litter.

(d) All storage, service, and repair areas shall be located on the site so that they are not visible from adjacent *development* and *public rights-of-way*.

§ 141.0615 Outpatient Medical Clinics

Outpatient medical clinics 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 Section 141.0615(a). Outpatient medical clinics 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 Section 141.0615(b).

(a) Limited Use Regulations

(1) Outpatient medical clinics shall be located on the ground *floor* only.

(2) Ambulance services are not permitted.

(3) Physicians shall not maintain offices serving patients other than on an emergency basis.

(4) Overnight patients are not permitted.

(b) Neighborhood Use Permit Regulations

(1) Overnight patients are not permitted.

(2) Clinics located adjacent to residentially zoned property shall remain closed between the hours of 12:00 midnight and 6:00 a.m.

(3) Access to the facility shall be as direct as possible from *freeways* and primary arterials and shall avoid residential *streets*.

(4) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property.

§ 141.0616 Parking Facilities as a Primary Use

This section regulates temporary parking facilities and permanent parking facilities as the *primary use* on a *premises*.

(a) Temporary Parking Facilities as a *Primary Use*

Temporary parking facilities as a *primary use* may be permitted with a Neighborhood Use Permit 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.

(1) The decision maker may grant exceptions to the provisions in Chapter 14, Article 2, Division 5 (Parking Regulations) regulating parking in required *yards*, carpool parking, bicycle facilities, striping, surfacing, driveways, wheel stops, and *screening* based on the potential impact of the facility and the duration of the permit.

(2) Requirements for improvements in the *public right-of-way* will be based on the location of the proposed facility, existing improvements, and the duration of the permit.

(3) The decision maker may require dust-control measures, drainage improvements, fencing, or lighting as appropriate.

(4) Neighborhood Use Permits for temporary parking facilities expire no later than 2 years from the date of issue.

(b) Permanent Parking Facilities as a *Primary Use*

Permanent parking facilities as a *primary use* 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) If the parking facility includes parking *structures*, a variety of architectural elements shall be incorporated to help diminish building bulk and blank facades.

(2) Automobile access to the facility shall be at points of low pedestrian activity and shall be located away from adjacent residential *development*.

(3) Surface parking facilities shall be *screened* from adjacent residential *development* by *fences* or walls and landscaping.

(4) Measures shall be taken to ensure that the ground water table is not adversely affected by the increase of impermeable surfaces due to the *development* of the facility.

(5) Measures shall be taken to ensure that the water quality is not adversely affected by runoff containing fuel and lubricants.

§ 141.0617 Private Clubs, Lodges, and Fraternal Organizations

Private clubs, lodges, and fraternal organizations are associations of persons, whether incorporated or unincorporated, for the promotion of some common social, cultural, educational, religious, or recreational objective. This use does not include *churches* or any group whose

§ 141.0617 Cont'd

primary objective is a business customarily carried on for a profit.

Private clubs, lodges, and fraternal organizations may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property.

(b) All storage, service, and repair areas shall be located on the site so that they are not visible from adjacent *development* and *public rights-of-way*.

(c) A litter control plan shall be required to keep the facility and adjacent property free of litter.

(d) Hours of operation shall be limited so that neighboring *development* is not disturbed by noise and lights.

§ 141.0618 Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size

Privately operated, outdoor recreational facilities over 40,000 square feet in size may be permitted with a Conditional Use Permit decided in accordance with Process Four 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) Privately operated, outdoor recreational facilities are not permitted in agricultural zones in the future urbanizing area or within floodplains located in agriculturally zoned areas of the Coastal Overlay Zone.

(b) Larger *structures*, areas of high activity, and parking areas shall be located to minimize impacts to surrounding *development* that is smaller in scale and less intense.

(c) Access to the facility shall be as direct as possible from *freeways* and primary arterials and shall avoid residential *streets*.

(d) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property.

(e) Hours of operation may be limited so that neighboring *development* is not disturbed by noise and lights.

(f) A litter control plan shall be required to keep the facility and adjacent property free of litter.

(g) All storage, service, and repair areas shall be located on the site so that they are not visible, or shall be *screened* so that they are not visible, from adjacent *development* and *public rights-of-way*.

§ 141.0619 Pushcarts

This section regulates pushcarts on private property and pushcarts in the *public right-of-way*. Pushcarts are moveable, wheeled, nonmotorized vehicles used by vendors for the sale of food or beverage products, fresh-cut flowers, or live plants in pots.

(a) Pushcarts on Private Property

§ 141.0619 Cont'd

Pushcarts are permitted on private property 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.

(1) Pushcarts are not permitted in required *yards*, required landscape areas, or required parking areas.

(2) Pushcarts shall not exceed 4 feet in width, not including wheels; 8 feet in length, including handles; and 6 feet in height, not including canopies, umbrellas, and transparent enclosures.

(3) Pushcart operators shall not verbally solicit business from pedestrians or persons in vehicles and shall not sell to persons in vehicles.

(4) The price of items sold shall be posted on the pushcart and shall be clearly legible.

(5) The operation of the pushcart shall be in conformance with Municipal Code Sections 42.0160 through 42.0167.

(b) Pushcarts in the *Public Right-of-Way*

Pushcarts may be permitted in the *public right-of-way* 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.

(1) The decision maker will evaluate the following to determine whether a pushcart is a suitable use for the proposed location and will not infringe on the use of the *public right-of-way* by pedestrians:

(A) The width of the sidewalk;

(B) The proximity and location of building entrances;

(C) Existing obstructions to pedestrian use of the sidewalk including light standards, trees, parking meters, trash receptacles, traffic signals, *signs*, benches, phone booths, newspaper stands, and bus stops;

(D) Vehicle activity areas in the adjacent roadway including bus stops, truck loading zones, taxi stands or hotel zones, and passenger loading areas; and

(E) The amount of pedestrian use and the impact of the pushcart's location on pedestrian activity.

(2) The decision maker will consider the appropriateness of the pushcart design and color scheme, *signs*, and graphics for the products for sale and the proposed location. This provision supersedes Municipal Code Section 42.0163(Q).

(3) The *applicant* shall obtain and submit with the permit application a Certificate of Insurance for a public liability insurance policy of at least $500,000. The liability insurance shall be provided in a form and an amount acceptable to the City Engineer. The policy shall name the City as an additional insured and shall be maintained at all times.

(4) The *applicant* shall obtain and submit with the permit application a notorized

§ 141.0619 Cont'd

authorization from the owner or proprietor of the adjacent *street* level business for the *applicant* to install and operate the pushcart.

(5) Pushcarts shall not exceed 4 feet in width, not including wheels; 8 feet in length, including handles; and 6 feet in height, not including canopies, umbrellas, and transparent enclosures.

(6) A clear path, free of all obstructions to the flow of pedestrian traffic, shall be provided in the *public right-of-way* and shall be maintained at all times. Obstructions include traffic signals or signs, light standards, parking meters, phone booths, newspaper stands, bus stops, trash receptacles, benches, trees, and similar objects. The clear path shall be a paved sidewalk that is at least 8 feet wide. The clear path shall be measured in the following manner:

(A) For pushcarts located at the curb, the clear path shall be measured from the pushcart to the nearest obstruction within the flow of pedestrian traffic. The pushcart shall not hang over the curb;

(B) For pushcarts not located at the curb, the clear path shall be measured from the pushcart to the curb or to the nearest obstruction within the flow of pedestrian traffic;

(C) For pushcarts located at *street* intersections, the clear path shall include the area formed by extending the *property line* to each curb line;

(D) Recesses in the *building facade* shall not be used to satisfy the clear path requirement; and

(E) The decision maker may grant an exception to the minimum clear path width if pedestrian volumes and existing *street* conditions are such that no congestion would result.

(7) Pushcarts shall not touch or be attached to any *structure* or any obstruction within the flow of pedestrian traffic, including traffic signals or signs, light standards, parking meters, phone booths, newspaper stands, bus stops, trash receptacles, benches, trees, and similar objects.

(8) Pushcarts shall not obstruct access to parked vehicles, impede the delivery of materials to adjoining property, nor preclude any existing curb space use.

(9) Pushcart operators shall not verbally solicit business from pedestrians or persons in vehicles and shall not sell to persons in vehicles.

(10) The price of items sold shall be posted on the pushcart and shall be clearly legible.

(11) During hours of operation, pushcarts shall remain in the location specified in the permit.

(12) Pushcarts shall not be left unattended, nor shall they remain in the *public right-of-way* between 12:00 midnight and 6:00 a.m. except for special events as provided for in Municipal Code Section 42.0130.1.

(13) The operation of the pushcart shall be in conformance with Municipal Code Sections 42.0160 through 42.0167.

§ 141.0619 Cont'd

(14) An *applicant* that has received a Neighborhood Use Permit for a pushcart shall have an operating cart on the specified site within 60 calendar days of approval or the permit will be void.

(15) The permit is valid only when used at the location designated on the permit. The permit shall be displayed in a prominent and visible place on the pushcart.

(16) A Neighborhood Use Permit for a pushcart may not be transferred, but there may be more than one *applicant* for a single permit.

(17) A Neighborhood Use Permit for a pushcart can be revoked or modified in accordance with Sections 121.0313 through 123.0316.

(18) A Neighborhood Use Permit for a pushcart can be revoked on any of the grounds listed in Municipal Code Section 42.0168.

§ 141.0620 Recycling Facilities

(a) This section regulates the following types of *recycling facilities*:

(1) Drop-off facilities: Drop-off facilities are bins, boxes, or other suitable containers for the donation of recyclable or reusable material.

(2) Reverse vending machines: Reverse vending machines are automated mechanical devices that accept empty beverage containers and issue a cash refund or redeemable credit slip with a value that is equal to or greater than the container's redemption value as determined by the State of California.

(3) Small collection facilities and large collection facilities: Collection facilities are centers for accepting *recyclable materials* by donation, redemption, or purchase.

(4) Small processing facilities and large processing facilities: Processing facilities are centers for collecting and processing recycling materials predominantly from commercial and industrial sources.

(5) Green materials composting facilities: Green materials composting facilities are centers that produce a humus-like material under a process of managed biological decomposition from green materials, leaves, tree trimmings, untreated wood, shrubbery cuttings, or other plant matter that has been source-separated from the municipal solid waste stream.

(6) Mixed organics composting facilities: Mixed organics composting facilities are centers that produce a humus-like material under a process of managed biological decomposition from green materials, leaves, tree trimmings, untreated wood, shrubbery cuttings, kelp, other plant material, manure, or urea that has been source-separated from the municipal solid waste stream.

(7) Tire processing facilities: Tire processing facilities are centers that accept whole tires for shredding, chopping, or other size-reduction techniques, as well as pyrolyzation.

(8) Small construction and demolition debris *recycling facilities* and large construction and demolition (C&D) debris *recycling facilities*: C&D debris *recycling facilities* are centers that process, crush, grind, or screen *recyclable construction and demolition debris*.

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(b) Drop-off Facilities

Drop-off facilities 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.

(1) Drop-off facilities shall be set back at least 10 feet from any building or *public right-of-way* and shall not obstruct pedestrian or vehicular access.

(2) Landscaping and off-street parking required for other uses on the *premises* shall not be eliminated to accommodate drop-off facilities.

(3) Collection containers for 24-hour donation of material shall be placed at least 30 feet from residentially zoned property, unless there is an enclosed area for donations.

(4) The capacity of all collection containers on the *premises* shall not exceed 192 cubic feet.

(5) Collection containers shall be constructed of sturdy material and maintained in good condition.

(6) Collection containers shall be clearly marked to identify the type of material that may be deposited and the name and telephone number of the facility operator. A notice shall be displayed stating that material may not be left outside the containers.

(7) Facilities shall be kept free of litter.

(c) Reverse Vending Machines

Reverse vending machines 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.

(1) Reverse vending machines may sort and process beverage containers mechanically if the entire process is enclosed within the machines.

(2) The total area occupied by reverse vending machines shall not exceed 50 square feet per *premises*, including any protective enclosure, and shall not exceed 8 feet in height.

(3) Reverse vending machines shall be placed within 30 feet of the entrance to the commercial or industrial *structure* with which they are located. The machines shall not obstruct pedestrian or vehicular access or any activity on the *premises*.

(4) The maximum permitted *sign* area for each machine, not including operating instructions, is 2 square feet.

(5) Reverse vending machine facilities shall be illuminated to ensure safe operation if operating hours are between sunset and sunrise.

(6) *Internally illuminated signs* are not permitted. Exterior lighting used to illuminate *signs* shall be directed away from adjacent property.

(7) Reverse vending machines shall not occupy required parking spaces.

§ 141.0620 Cont'd

(8) Reverse vending machines shall be constructed of durable, waterproof, and rustproof material.

(9) Reverse vending machines shall be clearly marked to identify the type of material to be deposited, the operating instructions, and the identity and telephone number of the operator or responsible person to call if the machines are inoperative.

(10) Operating hours shall be the same as the operating hours for the *primary use* on the *premises*.

(11) The site shall be kept free of litter and the machines shall be kept clean.

(d) Small Collection Facilities

Small collection facilities 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.

(1) Small collection facilities located in agricultural zones shall be limited to the collection of *recyclable material* generated by agricultural activities.

(2) Small collection facilities may accept only *recyclable material* including glass, metal, plastic products, paper, and reusable items.

(3) Small collection facilities may include the following:

(A) A mobile recycling unit consisting of automobiles, trucks, or vans licensed by the California Department of Motor Vehicles and used for the collection of *recyclable material*, and the containers transported by these vehicles;

(B) Bulk reverse vending machines, or a group of reverse vending machines, occupying more than 50 square feet of floor area and designed to accept more than one container at a time and pay by weight rather than by container;

(C) Kiosk type units, which may include permanent *structures*; and

(D) Unattended containers, which may exceed a capacity of 192 cubic feet.

(4) Power-driven processing equipment, other than bulk reverse vending machines, is not permitted.

(5) Small collection facilities shall not exceed 500 square feet in commercial zones and 800 square feet in agricultural and industrial zones.

(6) Facilities that are not within a fully enclosed building shall be set back at least 10 feet from any building or *public right-of-way* and shall not obstruct pedestrian or vehicular circulation.

(7) Small collection facilities that are located in open parking lots shall occupy no more than five parking spaces, not including the spaces to be used for removal of material or exchange of containers.

(8) No additional parking spaces are required for small collection facilities located in the established parking lot of the *primary use*.

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(9) Facilities shall not occupy parking spaces required for the *primary use* unless both of the following conditions exist:

(A) The facility is located in a convenience zone or a potential convenience zone as designated by the California Department of Conservation; and

(B) A traffic study showing that the existing parking capacity is not being fully used during the facility's hours of operation has been prepared and approved by the City Manager.

(10) If a facility is located within parking spaces required for the *primary use*, a reduction in available parking spaces in an established parking facility may be permitted as shown in Table 141-06B.

Table 141-06B
Parking Reduction for Recycling Facilities Within Required Parking Areas

Number of Available Parking Spaces	Maximum Reduction
0-25	0
26-35	2
36-50	3
51-100	4
101+	5

(11) *Signs* may be provided in accordance with the following.

(A) Recycling containers may have identification *signs* with a maximum *sign* area of 20 percent of the container area per side, not to exceed 16 square feet.

(B) Directional *signs*, bearing no advertising message, may be installed if necessary to facilitate traffic circulation.

(C) *Internally illuminated signs* are not permitted. Exterior lighting used to illuminate any *sign* shall be directed away from adjacent properties.

(12) The installation of the facility shall not result in the elimination of any required landscaping.

(13) All *recyclable material* shall be stored in collection containers or in vehicles used to remove *recyclable material*.

(14) Collection containers for 24-hour donation of material shall be placed at least 30 feet from residentially zoned property, unless there is an enclosed area for donations.

(15) Collection containers shall be clearly marked to identify the type of material that may be deposited and the name and telephone number of the facility operator. A notice shall be displayed stating that material may not be left outside the containers.

(16) Collection containers shall be constructed of durable, waterproof, and rustproof material and shall be maintained in good condition.

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(17) Collection containers shall be covered and secured from unauthorized entry when the site is not attended.

(18) Facilities shall be kept free of litter and shall be swept at the end of each collection day.

(19) Attended facilities shall be in operation only during the hours of operation of the *primary use* on the *premises*. If the small collection facility is the only use on the *premises*, it shall operate only during the hours between sunrise and sunset. Facilities located within 100 feet of residentially zoned property shall operate only during the hours between 9:00 a.m. and 7:00 p.m.

(20) A small collection facility that is inoperative for a period of 30 calendar days or more shall be removed from the site.

(e) Large Collection Facilities

Large collection facilities 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.

(1) Large collection facilities located in agricultural zones shall be no more than 2 acres in size and shall be limited to the collection of *recyclable material* generated by agricultural activities.

(2) Large collection facilities may aggregate or sort *recyclable material* collected or accepted by on-site donation, redemption, or purchase predominantly from the public in preparation for shipping to market.

(3) Power-driven processing equipment, including equipment used for aluminum foil and can compacting, baling, plastic shredding, and other limited processing activities may be permitted if in compliance with the noise regulations in Section 142.0720.

(4) Large collection facilities shall be located at least 150 feet from residentially zoned property unless they are within an entirely enclosed building.

(5) Large collection facilities shall be located within a fully enclosed building or shall be enclosed by a *solid fence* or wall that is at least 6 feet high. Landscaping shall be provided on all sides of the *fence* or wall that face a *public right-of-way*. Material shall not be stored above the height of the *fence* or wall.

(6) *Off-street parking spaces* shall be provided for each commercial vehicle used at the facility and for six customer vehicles, or the anticipated peak customer load, whichever is higher.

(7) Identification and informational *signs*, without advertisements, may be installed if needed for traffic circulation, or if the facility is not visible from the *public right-of-way*.

(8) Collection containers provided for after-hours donation of *recyclable material* shall be located at least 50 feet from any residentially zoned property and at least 10 feet from any building.

(9) Collection containers shall be constructed of durable, waterproof, rustproof, and nonflammable material and shall be maintained in good condition.

§ 141.0620 Cont'd

(10) Collection containers shall be covered and secured from unauthorized entry or removal of material.

(11) Facilities shall be clearly marked with the name and telephone number of the facility operator and the hours of operation. A notice shall be displayed stating that material may not be left outside the containers.

(12) Facilities shall be kept free of litter and shall be swept at the end of each collection day.

(13) Facilities located within 500 feet of residentially zoned property may operate only during the hours between 7:00 a.m. and 7:00 p.m.

(f) Small Processing Facilities and Large Processing Facilities

Small processing facilities and large processing facilities are permitted as limited uses in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations. These facilities may be permitted with a Neighborhood Use Permit 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.

(1) Small processing facilities may not exceed 1 acre. Large processing facilities may exceed 1 acre.

(2) Small processing facilities are limited to baling, briquetting, compacting, grinding, shredding, and sorting of source-separated *recyclable material* and repairing of reusable material, except that the facility may not shred, compact, or bale ferrous metals other than food and beverage containers.

(3) Air contaminants including smoke, charred paper, dust, grime, carbon, noxious acids, fumes, gases, odors, particulate matter; or emissions that endanger human health, cause damage to vegetation or property, or cause soiling, vibration or above ambient noise levels that are detectable on neighboring properties are not permitted.

(4) Power-driven processing equipment may be permitted if in compliance with the noise regulations in Section 142.0720.

(5) All processors shall be located at least 300 feet from residentially zoned property except that within *Recycling Market Development Zones*, processors may be located within 300 feet of a residentially zoned property if processing occurs within a fully enclosed building.

(6) Processing operations shall take place either in a fully enclosed building (except for incidental storage) or within an area enclosed on all sides by a *solid fence* or wall that is at least 6 feet high and is landscaped on all sides that face a *public right-of-way*.

(7) In addition to the off-street parking required by Chapter 14, Article 2, Division 5 (Parking Regulations) the following parking spaces are required if the facility is open to the public:

(A) At least 10 customer parking spaces, or enough parking to accommodate the anticipated peak customer load, whichever is higher; and

§ 141.0620 Cont'd

(B) One parking space for each commercial vehicle used by the processing center.

(8) Collection containers provided for after-hours donation of *recyclable material* shall be placed at least 50 feet from any residentially zoned property and at least 10 feet from any building.

(9) Collection containers shall be clearly marked to identify the type of material that may be deposited. A notice shall be displayed stating that material may not be left outside the containers.

(10) Collection containers shall be constructed of sturdy, rustproof, and waterproof material and shall be maintained in good condition. The containers shall be covered and secured from unauthorized entry and removal of material.

(11) All material stored outdoors that might attract vectors shall be in sturdy containers that are covered, secured, and maintained in good condition. Baled, bulk, or pelletized material that is not easily confined or stored in containers may be stored behind walls or *fences*. Stored material shall not be visible above the *fence*.

(12) The facility shall be clearly marked with the name and telephone number of the facility operator and the hours of operation.

(13) The site shall be kept free of litter and shall be cleaned on a daily basis.

(14) Facilities located within 500 feet of residentially zoned property may operate only during the hours between 7:00 a.m. and 7:00 p.m. The facility shall be staffed by on-site personnel during the hours the center is open.

(g) Green Materials Composting Facilities and Mixed Organics Composting Facilities

Green materials composting facilities and mixed organics composting facilities 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. These facilities may be permitted with a Neighborhood Use Permit in the zones indicated with an "N" or 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. Backyard composting and composting operations incidental to farming are not subject to Section 141.0620 if the compost is used on-site. Composting activities that process or have 500 cubic yards or less of green material or organic material feedstock and active compost on-site are not subject to these regulations.

(1) Composting operations shall be located at least 300 feet from residentially or commercially zoned property, except that within *Recycling Market Development Zones*, composting facilities may be located within 300 feet if the operations are within a fully enclosed building.

(2) Composting operations shall be within an area enclosed on all sides by *fences*. *Fences* within 50 feet of a *public right-of-way*, excluding *alleys*, shall be *solid fences*.

(3) The active composting material shall not exceed the allowable limits of additives and amendments as defined in the California Code of Regulation, Chapter 3.1.

(4) The facility shall not compost septage, sewage, sewage sludge, or mixed municipal solid wastes.

§ 141.0620 Cont'd

(5) Space shall be provided on the site for the anticipated peak customer load to circulate and deposit or load feedstock or finished compost.

(6) The facility shall be clearly marked with the name and telephone number of the facility operator and the hours of operation.

(7) The facility shall be kept free of litter.

(8) The facility shall be secured from unauthorized entry and removal of material when the operator is not present.

(9) Any permit issued by the City shall be void if the facility does not obtain other required local and state permits or does not comply with the composting facility regulations in the California Code of Regulations.

(h) Tire processing facilities 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) Tire processing operations shall be located at least 300 feet from residentially zoned property, except that within *Recycling Market Development Zones*, tire processors may be located within 300 feet of a residentially zoned property if processing occurs within a fully enclosed building.

(2) Tire processing operations shall take place either in a fully enclosed building (except for incidental storage) or in an area enclosed on all sides by a *solid fence* or wall that is at least 6 feet high and is landscaped on all sides that face a *public right-of-way*.

(3) Tire processing facilities shall not manufacture tire-derived recycled products.

(4) Tire processing facilities shall be designed and constructed to provide protection to bodies of water from potential runoff of pyrolytic oil that could result from a tire fire.

(5) The facility shall not have driveway gradients or other physical features that will interfere with fire fighting equipment or personnel.

(6) Space shall be provided on the site for the anticipated peak customer load to circulate and deposit or load feedstock or finished products.

(7) The facility shall be clearly marked with the name and telephone number of the facility operator and the hours of operation.

(8) The facility shall be kept free of litter.

(9) The facility shall be secured from unauthorized entry and removal of material when the operator is not present.

(10) Any permit issued by the City of San Diego shall be void if the facility does not obtain other required local and state permits or does not comply with the applicable regulations in the California Code of Regulations.

(i) Small and large construction and demolition (C&D) debris *recycling facilities* may be permitted with a Neighborhood Use Permit in the zones indicated with an "N" or a Conditional Use Permit decided in accordance with Process Three in the zones indicated

§ 141.0620 Cont'd

with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(1) *Lot* Size

(A) A small C&D debris *recycling facility* may not exceed 4 acres.

(B) A large C&D debris *recycling facility* may exceed 4 acres.

(2) Separation Distances

(A) Small C&D debris *recycling facilities* shall be located at least 300 feet from residentially zoned property. Processing, grinding, crushing, and screening operations shall be set back at least 100 feet from the adjacent *property line.*

(B) Large C&D debris *recycling facilities* shall be located at least 500 feet from residentially zoned property. Processing, grinding, crushing, and screening operations shall be set back at least 200 feet from the adjacent *property line.*

(3) Processing Capacity Limit

(A) Small C&D debris *recycling facilities* shall not accept more than 400 tons of *recyclable construction and demolition debris* per day.

(B) Large C&D debris *recycling facilities* shall not accept more than 2,500 tons of *recyclable construction and demolition debris* per day.

(4) Power driven processing may be permitted if in compliance with the noise regulations in Section 142.0720.

(5) Facilities shall not operate between the hours of 7:00 p.m. and 7:00 a.m.

(6) Facilities shall be enclosed on all sides by a *solid fence* that is at least 6 feet in height.

(7) Material shall not be stockpiled higher than 15 feet. Stockpiled material shall be located at least 30 feet from the adjacent *public right-of-way.*

(8) Space shall be provided on the site for the anticipated peak customer load to circulate and deposit or load material or finished product. A traffic study demonstrating the impact of the anticipated truck traffic on adjacent *streets* shall be submitted to the decision maker.

(9) The facility shall be clearly marked with the name and telephone number of the facility operator and the hours of operation.

(10) The site shall be kept free of litter.

(11) The site shall be secured from unauthorized entry and removal of material when attendants are not present.

(12) Any permit issued by the City of San Diego shall be void if the facility does not obtain other required local and state permits or does not comply with regulations enforced by the local enforcement agency, the Air Pollution Control District, or other applicable regulatory agencies.

§ 141.0621 Sidewalk Cafes

Sidewalk cafes 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 provisions of this section.

(a) The decision maker will evaluate the following to determine if a sidewalk cafe is a suitable use for the proposed site and will not infringe on the use of the *public right-of-way* by pedestrians:

(1) The width of the sidewalk;

(2) The design and relationship of the cafe to other existing or planned uses in the vicinity;

(3) The amount of pedestrian use and the impact of the cafe's location on pedestrian activity; and

(4) The ability of the cafe to fit the character of the area, create an outdoor pedestrian plaza, intensify pedestrian activity, and make the *street* activity more attractive.

(b) A sidewalk cafe may be located within the *public right-of-way* only in conjunction with, and adjacent to, a street-level eating or drinking establishment.

(c) A sidewalk cafe shall be used only for dining, drinking, and circulation. The cafe may provide either waiter/waitress service or self-service.

(d) The area of the sidewalk cafe shall be delineated by a barrier consisting of railings, *fences*, or a combination of railings and *fences*, and planter boxes that are 3 feet in height or less; solid walls are not permitted. The barrier may be either permanently installed or moveable; if it is moveable, it shall be affixed to the sidewalk while the cafe is open for business. A clear, transparent, shatterproof glass or similar material may be used on top of the 3-foot barrier to enclose the cafe to minimize windy or cold climatic conditions. The enclosure must meet the following requirements.

(1) The height of the sidewalk cafe barrier plus the clear enclosure shall not exceed 5 feet.

(2) If an enclosure is used, *awnings* shall not be used as a cafe covering.

(e) A clear path, free of all obstructions to the flow of pedestrian traffic, shall be provided in the *public right-of-way* and shall be maintained at all times. Obstructions include traffic signals or *signs*, light standards, parking meters, phone booths, bus stops, trash receptacles, benches, trees, and similar objects. The clear path shall be a paved sidewalk that is at least 8 feet wide. The clear path shall be measured in the following manner:

(1) The clear path shall be measured from the outermost point of the sidewalk cafe to the curb or to the nearest obstruction within the flow of pedestrian traffic;

(2) Recesses in the *building facade* shall not be used to satisfy the clear path requirement; and

(3) The decision maker may grant an exception to the minimum clear path width if pedestrian volumes and existing *street* conditions are such that no congestion would result.

§ 141.0621 Cont'd

(f) The sidewalk cafe shall be designed and operated so that unsafe conditions are not created for the physically disabled, blind, or partially sighted. Gates or other objects placed within a sidewalk cafe shall not swing or project beyond the delineated perimeter of the cafe. Cantilevered projections are not permitted. A change in paving pattern and texture may be required to alert pedestrians of a change in sidewalk use.

(g) No portion of a sidewalk cafe may be located within 8 feet of the entrance to a ground *floor* commercial use other than the entrance to the adjacent restaurant. An exception to the minimum distance between sidewalk cafes and adjacent business entrances may be granted by the decision maker after a review of existing conditions in the surrounding commercial area and on the *street* adjacent to the sidewalk cafe if the affected, adjacent property owners and first *floor* tenants give notarized, written permission for the encroachment. The decision maker's review will take into consideration the effect that the exception may have on adjoining businesses in terms of visibility and access.

(h) *Awnings* shall be secured to the main building.

(i) The furnishings of the interior of a sidewalk cafe shall consist solely of moveable tables, moveable chairs, and moveable umbrellas. Landscaping may be placed in moveable planters or planted in the ground inside the delineated cafe area adjacent to the barrier. Lighting fixtures may be permanently affixed to the front of the main building.

(j) The name and type of establishment may be placed on umbrellas or on the valance of an *awning*. Other *signs* are not permitted on the sidewalk cafe.

(k) Trash or storage areas shall not be located on or adjacent to the *public right-of-way*.

(l) Musical instruments or sound reproduction devices shall not be operated or used within a sidewalk cafe. For purposes of enforcement of Municipal Code Section 59.5.0101 et. seq., the *property line* shall be considered the boundary of the sidewalk cafe.

(m) Sidewalk cafes shall be free of litter at all times.

(n) The hours of operation of a sidewalk cafe shall be limited to the hours of operation of the associated eating or drinking establishment.

§ 141.0622 Sports Arenas and Stadiums

Sports arenas and stadiums may be permitted with a Conditional Use Permit decided in accordance with Process Five 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) The design of the *structures* shall incorporate a variety of architectural elements that help to diminish building bulk.

(b) Larger *structures*, areas of high activity, and parking areas shall be located to minimize impacts to surrounding *development* that is smaller in scale and less intense.

(c) Access to the facility shall be as direct as possible from *freeways* and primary arterials and shall avoid residential *streets*.

(d) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property.

§ 141.0622 Cont'd

(e) All storage, service, and repair areas shall be located on the site so that they are not visible, or shall be *screened* so that they are not visible, from adjacent *development* and *public rights-of-way*.

§ 141.0623 Theaters That Are Outdoor or over 5,000 Square Feet in Size

Theaters that are outdoor or over 5,000 square feet in size may be permitted with a Conditional Use Permit decided in accordance with Process Four 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) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property.

(b) Hours of operation shall be limited so that neighboring *development* is not disturbed by noise and lights.

(c) A litter control plan shall be required to keep the facility and adjacent property free of litter.

(d) All storage, service, and repair areas shall be located on the site so that they are not visible from adjacent *development* and *public rights-of-way*.

§ 141.0624 Veterinary Clinics and Animal Hospitals

Veterinary clinics and hospitals may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) Veterinary clinics and hospitals are not permitted in agricultural zones in the future urbanizing area, except as an accessory use within a zoological park, or within floodplains located in agriculturally zoned areas of the Coastal Overlay Zone.

(b) Noise resulting from outdoor exercise or treatment areas shall be minimized.

(c) The facility shall be maintained in a sanitary condition to minimize impact of odors on surrounding *development*.

§ 141.0625 Zoological Parks

Zoological parks may be permitted with a Conditional Use Permit decided in accordance with Process Five 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) Zoological parks are not permitted within floodplains located in agriculturally zoned areas of the Coastal Overlay Zone.

(b) *Structures* and parking areas shall be placed on the site so that they are either located away from *public rights-of-way* or *screened* by solid fencing or landscaping from view from *public rights-of-way*.

(c) Off-street parking shall be sufficient to serve the facility without impacting adjacent or nearby property.

Article 1: Separately Regulated Use Regulations

Division 7: Office Use Category--Separately Regulated Uses

§ 141.0701 Real Estate Sales Offices and Model Homes

Real estate sales offices and model homes 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.

(a) Real estate sales offices and model homes are permitted within the boundaries of a *subdivision* while *lots* are offered for sale to the public for the first time.

(b) Real estate sales offices and model homes are not permitted within 100 feet of an occupied dwelling unit that is not in the same *subdivision* as the office or model home.

(c) Real estate sales offices and model homes shall be located within *structures* that have been built in compliance with the provisions of the applicable zone.

(d) One *structure* within a *subdivision* may be used for a real estate sales office.

(e) For *subdivisions* of fewer than 65 *lots*, up to 6 of the dwelling units may be used for model homes.

(f) For *subdivisions* of 65 or more *lots*, up to 10 percent of the dwelling units, but not more than 20 units, may be used for model homes.

(g) *Signs*, flags, and other methods of advertising shall comply with Chapter 14, Article 2, Division 12 (Sign Regulations).

(h) Real estate sales offices shall display the *land use plan* map and the public facilities financing plan, if any, that are applicable to the area. The *land use plan* map shall be at least 2 feet by 3 feet in size. The display shall be in a prominent location and shall clearly indicate that these documents are subject to revision and that further information is available from the City of San Diego.

(i) Real estate sales offices and model home uses shall terminate 2 years after the final *subdivision map* that includes the *lots* on which the uses are located has been filed in the office of the County Recorder or 2 years after the issuance of the last Building Permit for a building within the *subdivision*, whichever is later.

§ 141.0702 Sex Offender Treatment and Counseling Facilities

This section regulates medical treatment or counseling facilities that physically or psychologically treat five or more *sex offenders* in one year.

Sex offender treatment and counseling facilities 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.

(a) Exemptions

(1) Incidental treatment and counseling services offered by the following organizations operating under a Conditional Use Permit are exempt from this section:

§ 141.0702 Cont'd

(A) *Churches* and places of religious assembly as described in Section 141.0404;

(B) Residential care facilities as described in Section 141.0312;

(C) Transitional housing facilities as described in Section 141.0313;

(D) Hospitals, intermediate care facilities, and nursing facilities as described in Section 141.0413;

(E) *Social service institutions* as described in Section 141.0417; and

(F) Correctional placement centers as described in Section 141.0406.

(2) Facilities that perform only court-ordered forensic evaluations are exempt from this section.

(b) *Sex offender* treatment and counseling facilities are not permitted within 1,000 feet of any *school*.

Article 1: Separately Regulated Use Regulations

Division 8: Vehicle and Vehicle Equipment Sales and Service Use Category--Separately Regulated Uses

§ 141.0801 Automobile Service Stations

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

(a) The following activities may be permitted in automobile service stations:

(1) Sale and dispensing of engine fuels and lubricants;

(2) Sale and servicing of tires, batteries, automotive accessories and replacement items;

(3) Minor automotive maintenance and repair, including all government mandated automobile diagnostic evaluations; and

(4) Other incidental customer services and products.

(b) The following activities may be permitted as *accessory uses* in automobile service stations:

(1) Sale of groceries and sundries;

(2) Automatic or manual automobile washing, waxing, interior cleaning and detailing services;

(3) Sale of liquefied or pressurized butane, propane, or natural gas; and

(4) Other *accessory uses* similar in nature to the uses listed in this section.

(c) The minimum *street frontage* required is as follows:

(1) 100 feet on one *street* for a station that engages only in the sale and dispensing of engine fuels and lubricants; and

(2) 150 feet on one *street* for a station that engages in any two or more activities listed in Section 141.0801(a) and (b).

(d) The minimum *setback* requirements are as follows:

(1) For corner *lots*, the minimum front *setback* and the minimum *street* side *setback* shall be the minimum *setback* required by the zone of the *abutting property*.

(2) For interior *lots*, the minimum front *setback* shall be the minimum front *setback* required by the zone of the abutting properties. If the required front *setbacks* of the abutting properties differ, the service station is required to provide the greater *setback*.

(3) The minimum side *setback* and the minimum rear *setback* are as required by the applicable zone, except that if the *lot* abuts residentially zoned property, the minimum side or rear *setback* along the common *property line* is 15 feet or as required by the zone, whichever is greater.

§ 141.0801 Cont'd

(e) Driveways shall be in compliance with Chapter 14, Article 2, Division 5 (Parking Regulations) except as provided in the following regulations.

(1) One driveway up to 35 feet wide may be permitted on each *street frontage* if it is the only driveway on that *street frontage* and the adjacent *street* has four or more lanes and is classified as a collector *street*, a major *street*, or a primary arterial. In all other cases driveways shall be no more than 30 feet wide.

(2) No more than two driveways are permitted for any *street* or *alley* frontage.

(3) Corner *lots* with an area of 20,000 square feet or less shall have no more than three driveways per *lot*.

(4) No more than one driveway is permitted on any frontage of 100 feet or less.

(5) Driveways shall be at least 30 feet apart.

(6) On corner *lots*, driveways shall be located at least 20 feet from the end of the curb radius.

(7) No driveway should be located closer than 15 feet to an *abutting property line*.

(f) Devices to alert station attendants to entering vehicles shall be located and adjusted so that they do not cause noise disturbance to adjoining properties.

(g) Stations abutting residentially zoned property shall operate only between the hours of 6:00 a.m. and 12:00 midnight. *Signs* on sites abutting residentially zoned property may be lighted only between the hours of 6:00 a.m. and 12:00 midnight.

(h) Merchandise, material, and products for sale shall be stored and displayed only within an enclosed building, except that motor oil, tires, batteries, and other automotive supplies may be displayed at pump islands or adjacent to a building if the display or storage racks and containers are designed to appear as an integral part of the pump island or building exterior.

(i) When a service station is abandoned or the use changed, the property owner shall remove the underground tanks in accordance with the procedures of the City of San Diego Fire Department and the County of San Diego Health Services Department.

§ 141.0802 Outdoor Storage and Display of New, Unregistered Motor Vehicles as a Primary Use

This use may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) Automobile access to the facility shall be at points of low pedestrian activity and shall be located away from any adjacent residential *development*.

(b) The facility shall be *screened* from adjacent residential *development* by *fences* or walls and landscaping.

(c) Measures shall be taken to ensure that the ground water table is not adversely affected by the increase of impermeable surfaces due to the *development* of the facility.

§ 141.0802 Cont'd

(d) Measures shall be taken to ensure that the water quality is not adversely affected by runoff containing fuel and lubricants or other pollutants.

Article 1: Separately Regulated Use Regulations

Division 9: Wholesale, Distribution and Storage Use Category--Separately Regulated Uses

§ 141.0901 Impound Storage Yards

Impound storage yards may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) Storage of the following vehicles may be permitted: motor vehicles that are being held in legal custody and incidental storage of other vehicles and tow equipment.

(b) Automobile access to the facility shall be at points of low pedestrian activity and shall be located away from any adjacent residentially zoned property.

(c) The facility shall be *screened* from adjacent *development* and from the *public right-of-way* by *fences* or walls and landscaping.

(d) Limitations on the operation of the facility will be imposed by the decision maker to minimize impacts on surrounding *development* from noise and lights.

(e) Measures shall be taken to ensure that the ground water table is not adversely affected by the increase of impermeable surfaces due to the *development* of the facility.

(f) Measures shall be taken to ensure that water quality is not adversely affected by runoff containing fuel and lubricants or other pollutants.

§ 141.0902 Junk Yards

Junk yards may be permitted with a Conditional Use Permit decided in accordance with Process Four 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) Junk yards are not permitted in agricultural zones in the future urbanizing area or within floodplains located in agriculturally zoned areas of the Coastal Overlay Zone.

(b) All material stored in a junk yard shall be kept within an enclosed building or *screened* from neighboring property and the *public right-of-way* by *solid fences* or walls and landscaping. The height of stored items shall not exceed the height of the *screening*.

(c) A litter control program shall be required to ensure that the property is kept free of litter.

(d) Measures shall be taken to ensure that the ground water table is not adversely affected by the increase of impermeable surfaces due to the *development* of the facility.

(e) Measures shall be taken to ensure that water quality is not adversely affected by runoff containing pollutants.

§ 141.0903 Temporary Construction Storage Yards Located Off-site

Temporary construction storage yards located off-site are permitted as a limited use in the zones indicated with an "L" and 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) Temporary construction storage yards located off-site are permitted only in association with construction activities permitted in accordance with the Land Development Code.

(b) Temporary construction storage yards located off-site are permitted only on vacant *lots*.

(c) Temporary construction storage yards are not subject to the *screening* requirements of the applicable zone, unless the storage yard abuts residentially zoned property. *Screening* and enclosure materials may be temporary.

(d) Temporary construction storage yards shall be removed no later than 3 months after construction has been completed and the site shall be restored to its previous condition.

Article 1: Separately Regulated Use Regulations

Division 10: Industrial Use Category--Separately Regulated Uses

§ 141.1001 Hazardous Waste Research Facilities

This section regulates *structures*, ~~and~~ improvements on the land, and all contiguous land ~~that are~~ used for research related to the treatment, transfer, storage, resource recovery, disposal, or recycling of *hazardous waste*.

Hazardous waste research facilities may be permitted with a Conditional Use Permit decided in accordance with Process Four 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) At the time of application for a Conditional Use Permit, the *applicant* shall provide proof of approval of a Research, Development and Demonstration Permit for *Hazardous Waste* Treatment from the Environmental Protection Agency, or any other agency of the United States Government, pursuant to the Federal Resources Conservation and Recovery Act.

(b) The *applicant* shall provide the City with documentation of the activities that will take place on the site and a plan describing the safeguards the *applicant* will employ to assure that no harm comes to the surrounding area as a result of the activities on the site.

§ 141.1002 Hazardous Waste Treatment Facilities

This section regulates *structures*, ~~and~~ improvements on the land, and all contiguous land ~~that are~~ used for the treatment, transfer, storage, resource recovery, disposal, or recycling of *hazardous waste*.

Hazardous waste treatment facilities may be permitted with a Conditional Use Permit decided in accordance with Process Five 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) At least 90 calendar days before applying for a Conditional Use Permit, the *applicant* shall file a notice of intent to apply for the permit with the City Manager and with the Office of Permit Assistance in the State Office of Planning and Research. The notice of intent shall contain a complete description of the nature, function, and scope of the *development*.

(b) Within 90 calendar days of the date on which a notice of intent to apply for a Conditional Use Permit is filed, the Office of Permit Assistance will, in cooperation with the City Manager, convene a public meeting in the City of San Diego to inform the public about the nature, function, and scope of the proposed project and the procedures that are required for approving applications for the *development*.

(c) Within 90 calendar days of the date on which a notice of intent to apply for a Conditional Use Permit is filed, the City Council shall appoint a seven-member local assessment committee. The membership of the local assessment committee shall be broadly constituted to reflect the makeup of the City and shall include three representatives of the City at large, two representatives of environmental or public interest groups, and two representatives of affected businesses and industries. Members of the committee shall have no direct financial interest, as defined in the California Government Code, Section 87103, in the proposed *development*. The City Council shall provide staff resources to assist the local assessment committee in performing its duties. The local assessment committee shall cease to exist after final administrative action by state and local agencies has been taken on the permit

§ 141.1002 Cont'd

applications. The local assessment committee shall, within the time period prescribed by the City Council, do all of the following:

(1) Adopt rules and procedures that are necessary to perform its duties;

(2) Represent generally the interest of the residents of the City and the interests of adjacent communities in negotiations with the *applicant*;

(3) Negotiate with the *applicant* on the detailed terms, provisions, and conditions for project approval that would protect the public health, safety, and general welfare and the environment of the City and adjacent communities, and would promote the fiscal welfare of the City through special benefits and compensation;

(4) Receive and expend, subject to the approval of the City Manager and authorization of the City Council, the technical assistance grants made available by the Office of Permit Assistance in the State Office of Planning and Research to enable the local assessment committee to hire an independent consultant to assist the committee in reviewing the *development* and negotiating terms, provisions, and conditions with the *applicant*; and

(5) Advise the City Manager, Planning Commission, and City Council of the terms, provisions, and conditions for approval that have been agreed upon by the committee and the *applicant* and of any additional information that the committee deems appropriate. The City Manager, Planning Commission, and City Council may use this advice for their independent consideration of the *development*.

(d) The City Manager will notify the Office of Permit Assistance in the State Office of Planning and Research within 10 *business days* of the date on which an application for a Conditional Use Permit is *deemed complete* by the City.

(e) Within 60 calendar days of receipt of this notice, the Office of Permit Assistance in the State Office of Planning and Research will convene a meeting of the lead agency and responsible agencies for the *development*, the *applicant*, the local assessment committee, and the interested public, to be held in the City of San Diego, to determine the issues that concern the agencies that are required to approve the project and the issues that concern the public. The City Manager shall provide notice to the public of the date, time, and place of the meeting.

(f) Following the meeting required by Section 141.1003~~2~~(e), the local assessment committee and the *applicant* shall meet and confer on the proposal for the purpose of establishing the terms, provisions, and conditions under which the *development* would be acceptable to the community. If the local assessment committee and the *applicant* cannot resolve any differences through the meetings, the Office of Permit Assistance in the State Office of Planning and Research may recommend the use of a mediator.

(g) Pursuant to the California Health and Safety Code, Section 25199.7(g), the *applicant* shall pay a fee, established by the Office of Permit Assistance in the State Office of Planning and Research, equal to the cost of hiring independent consultants to review the *development*. The Office of Permit Assistance in the State Office of Planning and Research may use this money to make technical assistance grants to the local assessment committee to enable the committee to hire an independent consultant to assist the committee in reviewing the *development* and negotiating terms, provisions, and conditions with the *applicant*.

(h) Pursuant to California Health and Safety Code Section 25199.7(h), the *applicant* shall pay one-half of the costs of any mediation process that may be recommended by the Office of

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Permit Assistance in the State Office of Planning and Research. The remaining costs will be paid, upon appropriation by the legislature, from the State General Fund.

(i) Within 60 calendar days of the date on which the application is *deemed complete*, and after a noticed public hearing, the City Council shall, at the request of the *applicant*, issue an initial written determination on whether the proposed *development* is consistent with the following documents:

(1) The *land use plan* and zoning ordinances in effect at the time the application was received; and

(2) The County *Hazardous Waste* Management Plan authorized by California Health and Safety Code Article 3.5 (commencing with Section 25135), if such plan is in effect at the time of the application.

(j) The City Manager shall send a copy of the written determination, made pursuant to Section 141.1002(i), to the *applicant*.

(k) The determination required by Section 141.1002(i) does not prohibit the City Council from making a different determination when the final decision to approve or deny the Conditional Use Permit is made, if the final determination is based on information that was not considered at the time the initial determination was made.

(l) The decision of the City Council regarding the approval, conditions of approval, or denial of a Conditional Use Permit is final unless appealed by the *applicant* or an *interested person* to the Governor of the State of California, or the Governor's designee, pursuant to California Health and Safety Code Article 8.7 (commencing with Section 25199) to Chapter 6.5 of Division 20, within 30 calendar days after the date on which the City Council approves or denies the Conditional Use Permit.

§ 141.1003 Marine-Related Uses in the Coastal Overlay Zone

Marine-related uses in the Coastal Overlay Zone may be permitted with a Conditional Use Permit decided in accordance with Process Four 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) All storage, service, and repair areas shall be located on the site so that they are not visible, or shall be *screened* so that they are not visible, from adjacent *development* and *public rights-of-way*.

(b) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property.

(c) A litter control program is required before approval of the permit.

§ 141.1004 Mining and Extractive Industries

Mining and extractive industries may be permitted with a Conditional Use Permit decided in accordance with Process Four 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) Exemptions. The following activities and persons are exempt from the provisions of this section:

§ 141.1004 Cont'd

(1) Prospecting and *exploration* for minerals of commercial value where less than 1,000 cubic *yards* of overburden are removed in any single location of 1 acre or less;

(2) Any *surface mining* operation that does not involve the removal of more than 1,000 cubic *yards* of minerals, ores, and overburden or involve more than 1 acre in any single location;

(3) *Surface mining* operations that are required by federal law in order to protect a mining claim, if the operations are conducted solely for that purpose; and

(4) Any person who obtained a vested right to conduct a *surface mining* operation before January 1, 1976, as long as the vested right continues, provided that no substantial change is made in the operation except in accordance with the provisions of this section. A person shall be deemed to have a vested right if, before January 1, 1976, he or she has in good faith and in reliance upon a permit or other authorization, if a permit or other authorization was required, diligently commenced *surface mining* operations and incurred substantial liabilities for work and necessary materials. Expenses incurred in obtaining the enactment of a resolution in relation to a particular operation or the issuance of a permit shall not be deemed liabilities for work or materials.

(5) Periodic sand removal operations in accordance with an approved flood control maintenance and management plan.

(b) Approval of a *reclamation* plan, in accordance with the provisions set forth in this section and as further provided in the California Surface Mining and Reclamation Act of 1975, Article 5, is required before approval of a Conditional Use Permit for mining operations.

(c) The State Geologist shall be notified by the City Manager of the filing of a Conditional Use Permit application to mine.

(d) *Reclamation* plans, reports, applications, and other documents submitted in accordance with this section are public records unless it can be demonstrated to the satisfaction of the City Attorney that the release of this information would reveal production, reserves, or rate of depletion that is entitled to protection as proprietary information. The City Attorney shall identify the proprietary information as a separate part of each application. A copy of all permits, *reclamation* plans, reports, applications, and other documents submitted in accordance with this section, including proprietary information, shall be furnished to the District Geologist of the State Division of Mines by the City Manager. Proprietary information shall be made available to persons other than the State Geologist only when authorized by the mine owner in accordance with Section 2778 of the California Surface Mining and Reclamation Act of 1975.

(e) As a condition of approval for the Conditional Use Permit or the *reclamation* plan, or both, a schedule for periodic inspections of the site shall be established to evaluate continuing compliance with the Conditional Use Permit and the *reclamation* plan, and the *applicant* shall agree to permit the City to enter the site for inspections. The inspections shall occur no less frequently than biennially. If the City finds that the mining operator is not following the provisions of the *reclamation* plan, the operator shall be given notice to comply within a given time not to exceed 90 calendar days. A copy of the notice shall be given to the owner of the land upon which the operations are located. If at the end of the stated time the operator is not in compliance, the City Manager may revoke or suspend the Conditional Use Permit and/or the *reclamation* plan until the operator complies or obtains approval of a revised *reclamation* plan. In addition, the City Manager may require a security to guarantee compliance that in his or her judgment is necessary to ensure compliance. The security shall

§ 141.1004 Cont'd

be released when the City Manager determines that the operator is in compliance with the provisions of the Conditional Use Permit or the *reclamation* plan. The security to be required may be any of the following:

(1) A bond or bonds by one or more duly authorized corporate securities;

(2) A deposit of money or negotiable bonds of the kind approved for securing deposits of public moneys;

(3) An instrument of credit from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the plan are on deposit and guaranteed for payment; or

(4) Other security at the option of the mining operator that is acceptable to the City Manager and the City Attorney.

(f) Whenever any *surface mining* operation or portion of an operation that is subject to this section is sold, assigned, conveyed, exchanged, or otherwise transferred, the successor in interest shall be bound by the provisions of the *reclamation* plan required by this section.

(g) Substantial deviations from the approved *reclamation* plan are not permitted unless amendments to the *reclamation* plan and the Conditional Use Permit have been approved by the decision maker in accordance with Process Four.

(h) In the OR-1-2 zone, the following regulations apply:

(1) Processing and other related mining activities (such as asphaltic processing) are permitted only within the allowable 25% development area.

(2) All mining and other related mining activities must be consistent with the objectives, guidelines, and recommendations in the Multiple Species Conservation Program Plan, the California Surface Mining and Reclamation Act of 1975, and the regulations in Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

(3) Any sand removal activities should be monitored for noise impacts to surrounding sensitive habitats, and all new sediment removal or mining operations proposed in proximity to the *MHPA* or changes in existing operations, must include noise reduction methods that take into consideration the breeding and nesting seasons of sensitive bird species.

(4) All existing and future mined lands adjacent to or within the *MHPA* shall be reclaimed pursuant to the California Surface Mining and Reclamation Act of 1975 and should be designed to contribute biologically to the *MHPA*. Native habitats should be restored as much as possible.

(5) Any permitted mining activity, including reclamation of sand, must consider changes and impacts to water quality, water table level, fluvial hydrology, flooding, and habitats upstream and downstream and must provide adequate mitigation.

§ 141.1005 Newspaper Publishing Plants

Newspaper publishing plants 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.

§ 141.1005 Cont'd

(a) The design of the *structures* shall incorporate a variety of architectural elements that help to diminish building bulk.

(b) Larger *structures*, areas of high activity, and parking areas shall be located to minimize impacts to surrounding *development* that is smaller in scale and less intense.

(c) Access to the facility shall be as direct as possible from *freeways* and primary arterials and shall avoid residential *streets*.

(d) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property.

(e) All storage, service, and repair areas shall be located on the site so that they are not visible, or shall be *screened* so that they are not visible, from adjacent *development* and *public rights-of-way*.

§ 141.1006 Processing and Packaging of Plant Products and Animal By-Products Grown Off-Premises

This use may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) Processing and packaging facilities are not permitted adjacent to residentially zoned property.

(b) The location, number, and intensity of other nonagricultural uses located in the vicinity of the proposed establishment will be evaluated to determine the appropriate size and intensity of the proposed establishment.

(c) The amount of noise and odor that might be generated by these facilities will be evaluated to determine where they may be located.

(d) The proximity of *freeways*, primary arterials, and major *streets* serving the site will be evaluated to determine the appropriate size and intensity of the proposed establishment.

(e) Off-street parking shall be sufficient to serve the facility without impacting adjacent or nearby property.

§ 141.1007 Very Heavy Industrial Uses

This section regulates the following uses: distillation of bones; fat rendering; garbage offal or dead animal reduction; gas manufacture; glue manufacture; petroleum refining; and stock yards or slaughter of animals.

Very heavy industrial uses may be permitted with a Conditional Use Permit decided in accordance with Process Five 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) The operation of these uses shall occur within an enclosed building to the extent possible.

(b) Any outdoor activities or operations shall be located on the site so that noise, odors, dust, and fumes generated on the site have minimal impact on surrounding *development*.

§ 141.1007 Cont'd

(c) Access to these facilities shall be as direct as possible from *freeways* and primary arterials and shall avoid residential *streets*.

(d) The facility shall be designed to protect nearby streams and bodies of water from runoff related to the operation of the facility.

§ 141.1008 Wrecking and Dismantling of Motor Vehicles

Wrecking and dismantling of motor vehicles may be permitted with a Conditional Use Permit decided in accordance with Process Four 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) All storage shall be within an enclosed building or *screened* from the *public right-of-way* by *fences* or walls and landscaping. Stored items shall not be stacked to a height that exceeds the height of the *screening*.

(b) A litter control program is required before approval of the permit.

(c) A pest control program is required before approval of the permit.

(d) Hours of operation shall be limited so that neighboring residential *development* is not disturbed by noise and lights.

(e) Measures shall be taken to ensure that the ground water table is not adversely affected by the increase of impermeable surfaces due to the *development* of the facility.

(f) Measures shall be taken to ensure that the water quality is not adversely affected by runoff of fuel, lubricants, or other pollutants.

Article 1: Separately Regulated Use Regulations

Division 11: Sign Use Category–Separately Regulated Uses

§ 141.1101 Revolving Projecting Signs

Revolving *projecting 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) Revolving *projecting signs* may be permitted only in *Sign* Category "A" as described in Section 142.1220.

(b) The maximum speed of revolution shall not exceed 6 revolutions per minute.

(c) The *sign* may be illuminated but shall not have a flashing or intermittent light or light source.

(d) The *sign* shall be installed at least 100 feet from the *property line* of residentially zoned property.

§ 141.1102 Signs with Automatic Changing Copy

Signs with automatic changing copy 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) Automatic changing copy may be permitted only on primary ground or *wall signs*.

(b) Automatic changing copy shall be electronically controlled and shall have a remote-control capacity.

(c) *Signs* with automatic changing copy may include only the following information:

(1) Time, temperature, weather, news, and other similar information;

(2) Messages pertaining to public events sponsored or promoted by civic, charitable, or other similar organizations; and

(3) Messages directing attention to any product that is available or establishment that is located on the *premises* at the time that the message is displayed.

(d) Display of messages and information on *signs* with automatic changing copy may be provided by one of the following methods only:

(1) Message Center. A changing message contained within the *sign* area of the *sign* that remains constant for a minimum period of time with a total blackout between message changes. The message shall not travel or appear to travel in any direction.

(2) Electronic Reader Board. A horizontally or vertically traveling, printed or written message that travels or appears to travel continuously. The characters incorporated into any message shall remain constant with no change in hue or intensity as they travel. Electronic reader boards shall be installed so that no portion containing automatic changing copy is visible from a *public right-of-way*.

§ 141.1102 Cont'd

(3) Multi-Vision Board. A message on panels that rotate in sequence to create a minimum of three visually different presentations. The copy shall not travel or appear to travel in any direction or change in hue or intensity. Multi-vision boards shall be installed so that no portion containing *sign copy* is visible from a *public right-of-way*.

(e) The *sign copy area* shall be reduced in light intensity at night by an automatic intensity control that is incorporated into the *sign*.

§ 141.1103 Theater Marquees

Theater *marquees* 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) Theater *marquees* that existed before April 5, 1973 are exempt from the provisions of this section.

(b) The decision maker will review and may impose conditions on changeable copy and trailing lights when on theater *marquees* that project over the *public right-of-way*.

§ 141.1104 Community Identification Signs

Community 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 neighborhood, with no more than four *signs* in total for a neighborhood area.

(2) Neighborhood area identification *signs* shall not be located within 6 feet of the *public right-of-way*.

§ 141.1104 Cont'd

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

(A) Monument *signs* not exceeding 4 feet in height or 6 feet in length. The *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 20 square feet in *sign copy area.*

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

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

(6) 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 Reallocation of Sign Area Allowance

Reallocation of *sign* area allowance 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) if the proposed *signs*, as a whole, are in conformance with the intent of the *sign* regulations and if the exceptions result in an improved relationship among the *signs* and *building facades* on the *premises.*

Article 2: General Development Regulations

Division 1: Grading Regulations

§ 142.0101 Purpose of Grading Regulations

The purpose of these regulations is to address slope stability, protection of property, erosion control, water quality, and landform preservation and to protect the public health, safety, and welfare of persons, property, and the environment.

§ 142.0102 When Grading Regulations Apply

This division applies to all *grading* work, whether or not a permit or other approval is required.

§ 142.0103 When a Permit Is Required for Grading

(a) A Grading Permit is required for any *grading* work specified in Section 129.0602.

(b) A Site Development Permit is required for any *grading* that results in the creation of a slope with a gradient steeper than 25 percent (4 horizontal feet to 1 vertical foot) and a height of 25 feet or more in accordance with Chapter 12, Article 6, Division 5 (Site Development Permits).

§ 142.0130 Development Standards for Grading

All *grading* shall be designed and performed in conformance with applicable City Council policies and the standards established in the Land Development Manual.

§ 142.0131 Geotechnical Report Requirements

(a) All *grading* shall be designed to incorporate the recommendations of any required *geotechnical reports*.

(b) All *geotechnical reports* shall be prepared in accordance with the standards established in the Land Development Manual.

§ 142.0132 Uncontrolled Embankment Regulations

(a) The construction of an uncontrolled embankment may be permitted only when, in the opinion of the City Engineer, the construction would not endanger the public health, safety, and welfare.

(b) The *grading* plans shall clearly indicate the limits of the uncontrolled embankment to be constructed.

(c) The property owner shall enter into a maintenance agreement that contains the following provisions and any other provisions that may, in the opinion of the City Engineer, afford protection to the property owner, adjacent properties, and the City:

(1) The *grading* work is an uncontrolled embankment and shall be constructed in accordance with plans approved by the City Engineer;

§ 142.0132 Cont'd

(2) The property owner acknowledges that as an uncontrolled embankment, a Building Permit shall not be issued on the site unless a soils analysis of the uncontrolled embankment and a foundation design are submitted and approved; and

(3) The *grading* work shall be done and maintained in a safe and sanitary manner at the sole cost, risk, and responsibility of the property owner and his or her successors in interest, who shall hold the City harmless.

(d) Maintenance agreements for uncontrolled embankment shall be recorded in the office of the County Recorder.

§ 142.0133 Slope Gradient

(a) All constructed slopes shall be designed for proper stability considering both geological and soil properties.

(b) Cut and *fill* slopes less than 10 feet in height shall not exceed a gradient of 66 percent (1-½ horizontal feet to 1 vertical foot).

(c) Cut and *fill* slopes greater than 10 feet in height shall not exceed a gradient of 50 percent (2 horizontal feet to 1 vertical foot).

(d) Cut slopes greater than 10 feet in height that exceed a gradient of 50 percent (2 horizontal feet to 1 vertical foot) but do not exceed a gradient of 66 percent (1-½ horizontal feet to 1 vertical foot) may be approved by the City Engineer if the slopes comply with one of the following:

(1) The underlying bedrock and soil supporting the slope, and the materials to be exposed on cut slopes, shall have strength characteristics sufficient to provide a stable slope with a factor of safety of not less than 1-1/2 for static loads and will not pose a danger to persons or property. This determination shall be based on a *geotechnical report* containing the results of surface and subsurface *exploration* and analysis by a geotechnical engineer, or a qualified civil engineer and an engineering geologist; or

(2) The slope shall be revegetated in accordance with a plan prepared by a landscape architect or other professional authorized to prepare landscape plans by the State Business and Professions Code. The plan shall incorporate the recommendations of the *geotechnical report* and the agronomic soils test report.

(e) Where extraordinary conditions exist to the extent that compliance with the standards of this section would be infeasible, the City Engineer may authorize slopes steeper than those specified in Section 142.0133(b), (c), and (d). A determination that such steeper slopes are warranted shall be based upon the required soils and geologic investigations that clearly demonstrate that the steeper slope will be stable and not endanger the public health, safety, and welfare. Extraordinary conditions include the *excavation* of solid rock or *street* construction within a confined *public right-of-way* width.

§ 142.0134 Retaining Walls and Structurally Enhanced Fill

Reinforced earth or structurally enhanced *fill* slopes shall be considered *retaining walls* and shall comply with the height limits and construction material requirements in Chapter 14 Article 2, Division 3 (Fence Regulations).

§ 142.0135 Grading Within the 100-year Floodplain

Grading within the *100-year floodplain* shall comply with Chapter 14, Article 2, Division 2 (Drainage Regulations) and Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

§ 142.0144 Grading Within Environmentally Sensitive Lands

Grading within *environmentally sensitive lands* shall comply with Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

§ 142.0145 Performance of Grading

All persons performing *grading* work shall be responsible to provide safe and stable slopes and to protect water quality.

§ 142.0146 Erosion and Siltation Control

(a) All *grading* work shall incorporate erosion and siltation control measures in accordance with Chapter 14, Article 2, Division 4 (Landscape Regulations) and the standards established in the Land Development Manual.

(b) For erosion and siltation control, the City Manager may require temporary or permanent siltation basins, energy dissipators, or other measures as field conditions warrant, whether or not such measures are a part of approved plans.

(c) *Grading* of properties within the Coastal Overlay Zone that drain into Los Penasquitos Lagoon or San Dieguito Lagoon shall comply with the Erosion Control Measures for North City Areas Draining to Los Penasquitos or San Dieguito Lagoons, on file in the office of the City Clerk as Document No. OO-17068.

§ 142.0147 Revegetation Requirements

All graded areas including manufactured slopes and disturbed areas other than manufactured slopes shall be revegetated in accordance with Chapter 14, Article 2, Division 4 (Landscape Regulations).

§ 142.0148 Protection of Adjacent Properties and Public Rights-of-Way

During *grading*, the property owner shall take all necessary measures to protect adjacent property and public rights-of-way from damage that may result from the work. The property owner shall provide *fences* or barricades needed to eliminate any hazard to the public in their normal use of the property or *public right-of-way* as follows:

(a) Where a temporary *excavation* is adjacent to an existing developed public right-of-way or other public property and the slope gradient is 50 percent (2 horizontal feet to 1 vertical foot) or steeper or the height of the *excavation* is more than 6 feet, temporary *fences* or barricades shall be provided adjacent to the *excavation* satisfactory to the City Engineer. The *fences* or barricades shall be constructed and maintained as long as the hazard resulting from the *excavation* exists.

§ 142.0148 Cont'd

(b) Where a permanent *excavation* is adjacent to an existing developed *public right-of-way* or other public property and the slope gradient is 50 percent (2 horizontal feet to 1 vertical foot) or steeper, the height of the *excavation* is more than 6 feet, and the top of the slope is within 10 feet of the *public right-of-way*, the property owner shall construct a permanent, 4-foot-high *fence* adjacent to the *public right-of-way*, satisfactory to the City Engineer.

(c) The City Engineer may modify the requirements of this section where it is evident that the *grading* work will present no hazard to the adjacent property or *public rights-of-way*.

§ 142.0149 Replacement for Damages

If the City or a *public utility* needs to place, replace, or maintain a facility within a *public right-of-way*, *public service easement*, or public property over which private *grading* has been done, the party responsible for the private *grading* shall pay that portion of the cost of placement, replacement, or maintenance caused by the construction or existence of the private *grading* work. The costs of placing, replacing, or maintaining the facility shall include the cost of obtaining any alternate *public right-of-way* if the facility needs to be relocated because of the private *grading* work.

Article 2: General Development Regulations

Division 2: Drainage Regulations

§ 142.0201 Purpose of Drainage Regulations

The purpose of this division is to regulate the *development* of, and impacts to, drainage facilities and to minimize hazards due to *flooding* while minimizing the need for construction of *flood* control facilities, to minimize impacts to *environmentally sensitive lands*, to implement the provisions of federal and state regulations, and to protect the public health, safety, and welfare.

§ 142.0202 When Drainage Regulations Apply

This division shall apply to all *development* in the City, whether or not a permit or other approval is required.

§ 142.0210 Construction Standards

All drainage and *flood* control facilities shall be constructed in accordance with standards established in the Land Development Manual, the Standard Specifications for Public Works, and any City-adopted supplements.

§ 142.0220 Stormwater Management and Discharge Control

All *development* shall comply with Municipal Code Chapter 4, Article 3 (Stormwater Management and Discharge Control).

§ 142.0230 Development Within the 100-Year Floodplain

All *development* within the *100-year floodplain* shall comply with Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

Article 2: General Development Regulations

Division 3: Fence Regulations

§ 142.0301 Purpose of Fence Regulations

The purpose of these regulations is to maintain adequate visibility on private property and in *public rights-of-way*, to maintain the openness of front and street side yards, to protect the light and air to abutting properties, and to provide adequate *screening* by regulating the height, location, and design of *fences* and *retaining walls*.

§ 142.0305 When Fence Regulations Apply

(a) This division applies to the construction of all *fences* and *retaining walls*, whether or not a permit or other approval is required.

(b) Table 142-03A shows the applicable regulations and the type of permit required by this division, if any, for specific types of *fences*.

Table 142-03A
Fence Regulations Applicability

TYPE OF *DEVELOPMENT* PROPOSAL	APPLICABLE REGULATIONS	REQUIRED PERMIT TYPE/ DECISION PROCESS
Any *fence* with a height less than 6 feet	Sections 142.0310-142.0330, 142.0360-142.0380	No permit required by this division
Any *fence* with a height of 6 feet or greater	Sections 142.0310-142.0330, 142.0360-142.0380	Building Permit/Process One
Any *retaining wall* with a height less than 3 feet	Sections 142.0340, 142.0370, 142.0380	No permit required by this division
Any *retaining wall* with a height of 3 feet or greater	Sections 142.0340, 142.0370, 142.0380	Building Permit/ Process One
Any *fence* or *retaining wall* exceeding the height permitted in Section 142.0310, 142.0320, 142.0330, and 142.0340.	Section 142.0350	Neighborhood Development Permit/Process Two

§ 142.0310 General Fence Regulations for All Zones

(a) Location and Height of *Fences*

(1) No portion of a *fence* shall extend beyond the *property line* of the *premises* into the *public right-of-way* unless an Public Right-of-way permit has been obtained.

(2) Up to 30 percent of the length of a *fence* may exceed the height limits specified in this division by up to 6 inches.

(3) *Fence* height shall be measured in accordance with Section 113.0270(b).

§ 142.0310 Cont'd

(b) *Fence* Height in *Visibility Areas*

Fences in *visibility areas* shall not exceed 3 feet in height.

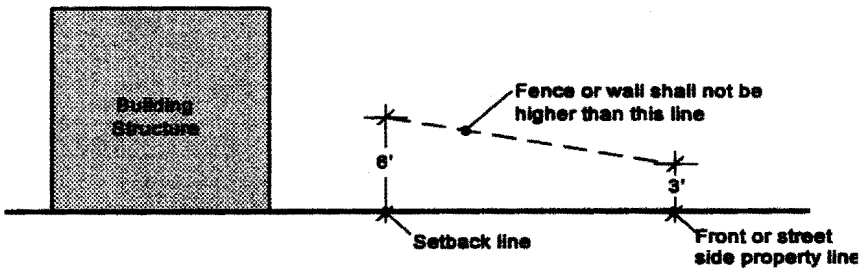
(c) *Fence* Height in Required Front *Yards* and Required Street Side Yards

(1) *Solid Fences*

(A) *Solid fences* located on the front or *street* side *property line* shall not exceed 3 feet in height except as provided in Section 142.0310(c)(1)(C).

(B) The height of a *solid fence* located in a required *yard* may increase as the *fence* is placed farther from the front or *street* side *property line*. No portion of the *fence* shall exceed the height established by a line drawn beginning at a point 3 feet above *grade* at the *property line* and ending at a point 6 feet above *grade* at the *setback line*, as shown in - 142-03A.

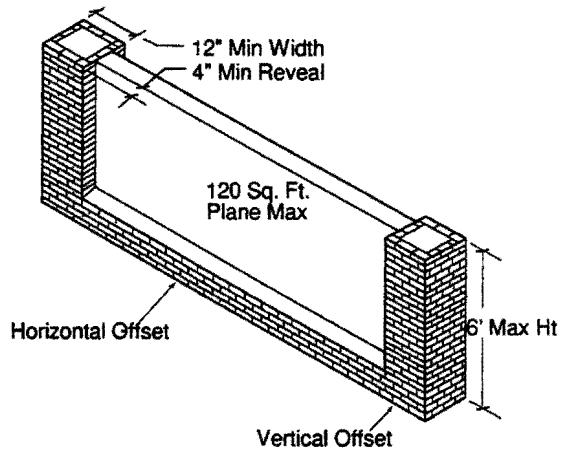
Diagram 142-03A
Solid Fence--Height Limit



(C) *Solid fences* located in a required *yard* that abuts a major *street*, primary arterial, or *freeway*, as identified in the applicable *land use plan*, are permitted up to 6 feet in height if there is at least one horizontal or vertical offset for every 120 square feet of *fence* area. The offset shall be at least 12 inches wide with a minimum reveal of 4 inches. See Diagram 142-03B.

§ 142.0310 Cont'd

Diagram 142-03B
Vertical and Horizontal Offsets

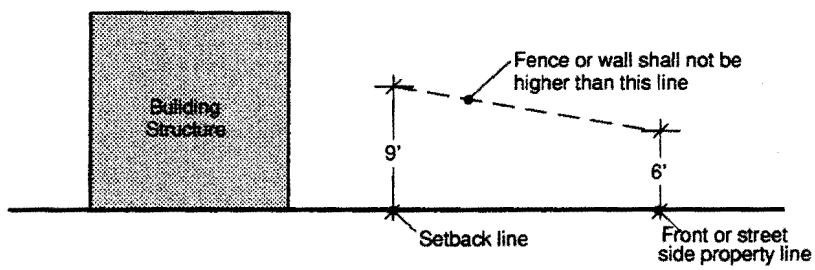


(2) *Open Fences*

(A) Standard, all metal chain link *fences* located on the front or *street* side *property line* shall not exceed 3 feet in height. Other *open fences* are permitted up to 6 feet in height.

(B) The height of an *open fence* located in a required *yard* may increase as the *fence* is placed farther from the front or *street* side *property line*. No portion of the *fence* shall exceed the height established by a line drawn beginning at a point 6 feet above *grade* at the *property line* and ending at a point 9 feet above *grade* at the *setback line*, as shown in Diagram 142-03C.

Diagram 142-03C
Open Fence--Height Limit



(3) Combination (Open and Solid) *Fences*

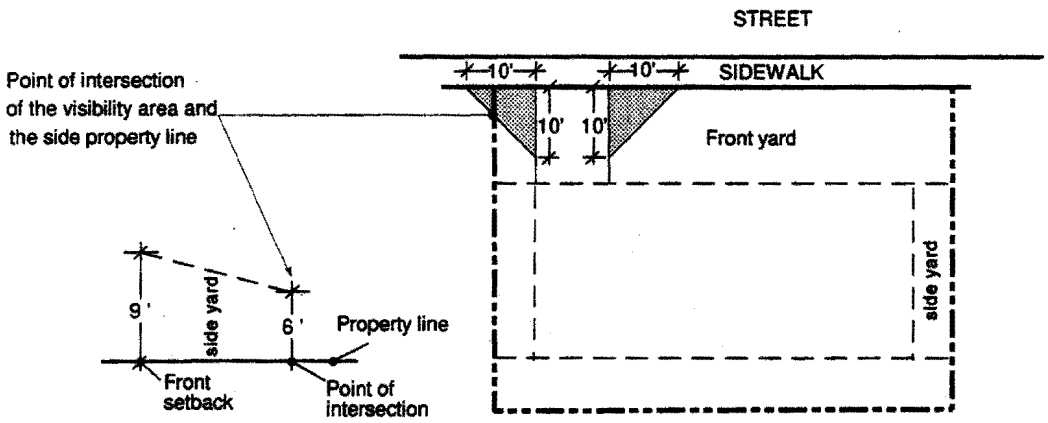
(A) On the front or *street* side *property line*, an *open fence* is permitted on top of a *solid fence*, provided that the *solid fence* and any chain link *fence* do not each exceed 3 feet in height and the total height does not exceed 6 feet.

(B) The height of a combination *fence* may increase as the *fence* is placed farther from the front or *street* side *property line*. No portion of the *fence* shall exceed the height established by a line drawn beginning at a point 6 feet above *grade* at the *property line* and ending at a point 9 feet above *grade* at the *setback line*. Where a *visibility area* is required, the beginning point shall be measured 6 feet above any point of intersection of the perimeter of the *visibility area* and the side or rear

§ 142.0310 Cont'd

property line, as shown in Diagram 142-03D.

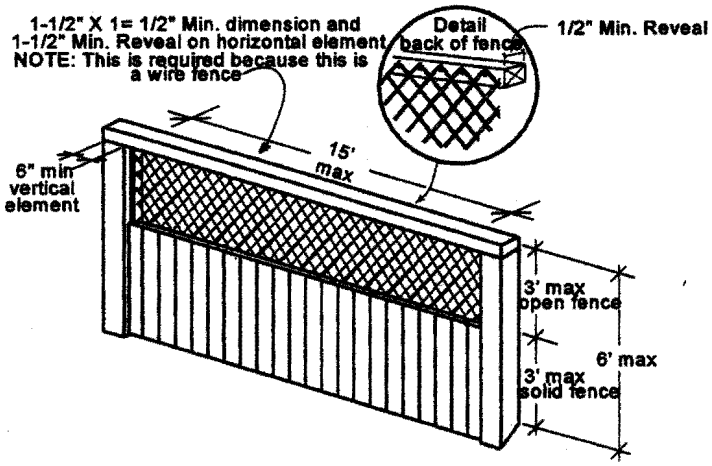
Diagram 142-03D
Combination Fence--Height Limit with Visibility Area



(C) Vertical elements such as columns or posts shall be provided at least every 15 feet on a combination *fence*. Each vertical element shall be at least 6 inches wide (unfinished dimension), measured along the face of the *fence* as shown in Diagram 142-03E.

(D) If wire *fence* material is used for the open portion of the *fence*, a horizontal element shall be provided along the top of the wire *fence*. This element shall be at least 1-½ inches wide with a minimum reveal of 1-½ inches, as shown in Diagram 142-03E.

Diagram 142-03E
Combination Fence--Vertical and Horizontal Elements

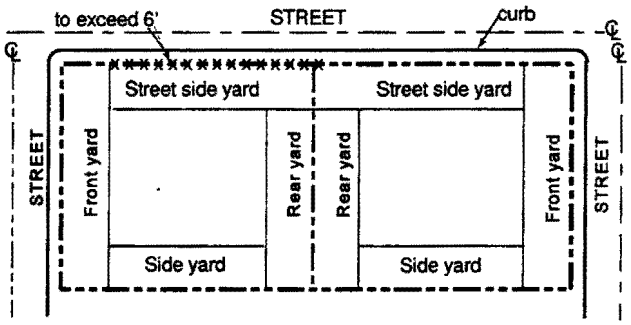


(4) *Fence* Height Exception in Required Street Side Yards

Solid fences located in the required street side yard of a *lot* with a rear *yard* that abuts the rear *yard* of another *lot*, as shown in Diagram 142-03F, are permitted up to 6 feet in height.

§ 142.0310 Cont'd

Diagram 142-03F
Fence in Street Side Yard



(d) *Fence* Height in Required Side *Yards* and Required Rear *Yards*

Fences located in required side *yards* and required rear *yards* are permitted up to 9 feet in height. Any portion of the *fence* above 6 feet in height shall be an *open fence.*

(e) *Fence* Height Outside of Required *Yards*

(1) *Fences* located outside of required *yards*, other than those listed in Section 142.0310(e)(2), shall not exceed 10 feet in height in open space, agricultural, and residential zones and 12 feet in height in commercial and industrial zones. These *fences* may be *solid fences*, *open fences*, or combination *fences*.

(2) The following *fences* are permitted outside of required *yards* up to the maximum *structure height* specified in the zone:

(A) *Open fences* enclosing tennis, badminton, volleyball, and other recreational and public facilities;

(B) Building, court, and wing walls or other integral portions of a building; and

(C) Open and *solid fences* in commercial and industrial zones .

§ 142.0320 Exception to the General Fence Regulations for Residential Zones

In the Residential Townhouse (RT) zones, *fences* located in the required rear *yard* along an *alley* adjacent to a garage are permitted up to 10 feet in height. If a *roof deck* is located on the garage, the *fence* may extend to the height of the *roof deck* railing, provided that the *fence* design is consistent with that of the railing.

§ 142.0330 Exceptions to the General Fence Regulations for Commercial and Industrial Zones

(a) *Fences* in Required Rear *Yards* and Required Side *Yards*

(1) *Solid fences* located in the required rear and side *yards* of commercially zoned property abutting a residentially zoned *lot* are permitted up to 9 feet in height.

(2) *Solid fences* located in required rear and side *yards* of industrially zoned property are permitted up to 9 feet in height.

§ 142.0330 Cont'd

(b) Required *Fences*

(1) A *solid fence* shall be constructed along all portions of commercially and industrially zoned *lots* that abut residentially zoned *lots*, unless there is a *grade* separation of more than 30 feet between the building pads of the abutting *lots*. Any gates provided in required *fences* shall also be solid. The *fence* and gate shall be 3 feet in height in required front and street side yards and shall be at least 6 feet but not more than 9 feet in height in required side and rear *yards*. If there is a *grade* difference of 30 feet or less between the building pads of the commercially or industrially zoned *lot* and the residentially zoned *lot*, the required 6-foot *fence* shall be located at the top of the slope between the two *lots*.

(2) *Vehicular use areas* located in or adjacent to required front or street side yards shall be *screened* by a *fence* or landscaping of at least 3 feet in height. This *screen* shall be separated from the adjacent *public right-of-way* by a landscape strip that is at least 3 feet wide.

§ 142.0340 Retaining Wall Regulations in All Zones

(a) Location and Height of *Retaining Wall*

(1) No portion of a *retaining wall* shall extend beyond the *property line* of the *premises* into the *public right-of-way* unless an encroachment permit has been obtained.

(2) Up to 30 percent of the length of a *retaining wall* may exceed the height limits specified in this division by up to 6 inches.

(3) *Retaining wall* height shall be measured in accordance with Section 113.0270(b).

(b) *Retaining Wall* Height in *Visibility Areas*

Retaining walls in *visibility areas* shall not exceed 3 feet in height except that a *retaining wall* may be constructed to maintain an existing cut bank adjacent to a *public right-of-way*, if the wall follows the contours of the slope.

(c) *Retaining Wall* Height in Required Front *Yards* and Required Street Side Yards

(1) Two *retaining walls* with a maximum height of 3 feet each are permitted in the required front and street side yard if the two *retaining walls* are separated by a minimum horizontal distance equal to the height of the upper wall. See Diagram 142-03G.

(2) An *open fence* not exceeding 3 feet, 6 inches in height is permitted on the top of the upper wall section, or an *open fence* which in combination with the upper wall section does not exceed 6 feet in height is permitted.

(3) *Retaining walls* of 3 feet in height or greater shall have at least one horizontal or vertical offset for each 120 square feet of wall area. The horizontal or vertical offset shall be at least 12 inches wide with a minimum reveal of 4 inches.

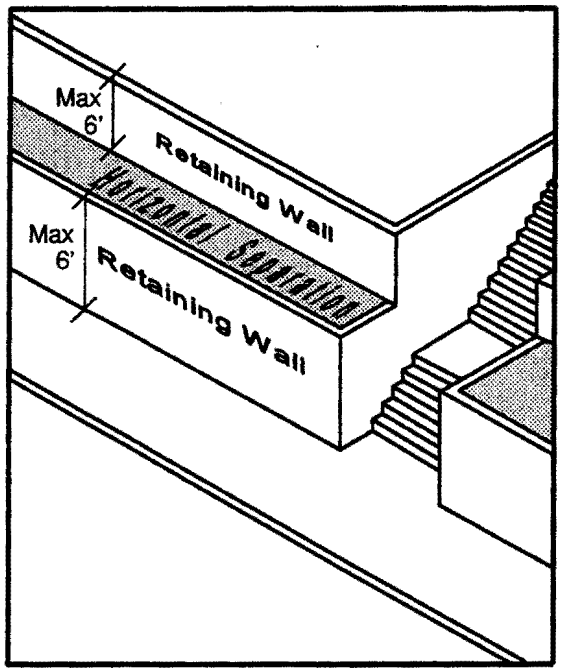
(d) *Retaining Wall* Height in Required Front *Yards* and Required Street Side *Yards*

(1) Two *retaining walls* with a maximum height of 6 feet each are permitted in the required front and street side yard if the two *retaining walls* are separated by a minimum horizontal distance equal to the height of the upper wall. See Diagram 142-03G.

§ 142.0340 Cont'd

(2) An *open fence* not to exceed 3 feet, 6 inches in height is permitted on top of the upper *retaining wall.*

Diagram 142-03G
Retaining Wall Requirements



Horizontal separation equal to or less than height of upper wall

(e) *Retaining Wall* Height Outside of Required *Yards*

Retaining walls located outside of the required *yards* shall not exceed 12 feet in height.

(f) Exceptions to *Retaining Wall* Height

(1) *Retaining walls* that abut a public *alley* are not required to be separated into two wall sections, and a *solid fence* up to 6 feet in height may be provided on top of the *retaining wall* if it is 6 feet high or less.

(2) The height of a *retaining wall* and associated fencing that border an access to underground parking shall be measured from the *street grade.*

(3) In commercial and industrial zones, a *retaining wall* not exceeding 9 feet in height is permitted in the required side and rear *yards* and shall not be required to provide a horizontal separation between walls.

§ 142.0350 Neighborhood Development Permit for Height Exception

A Neighborhood Development Permit may be requested to permit an increase of up to 20 percent in the *fence* and *retaining wall* height limits in Sections 142.0310, 142.0320, 142.0330, and 142.0340. The decision maker may approve a Neighborhood Development Permit for a height exception only if one of the following circumstances exists:

(a) The increase in height is justified because of variations in *grade* on the site or abutting the site;

(b) The increase in height is justified because it conforms to the predominant height of *fences* or *retaining walls* in the neighborhood; or

(c) The increase in height is necessary for the health and safety of persons on the property.

§ 142.0360 Electrically Charged and Sharp-Pointed Fence Regulations

(a) Electrically Charged *Fences*

(1) Electrically charged *fences* are permitted in the IH and IS zones and for agricultural uses in agricultural zones if the *fence* is at least 600 feet from a residential zone.

(2) Electrically charged *fences* must be approved by the Underwriter's Laboratory or subject to the approval of the City Manager.

(3) Electrically charged *fences* shall bear an identifying and warning *sign* every 100 linear feet or fraction thereof.

(b) Sharp-Pointed Metal *Fences*

Sharp-pointed metal *fences* are permitted for agricultural uses in agricultural zones only.

§ 142.0370 Construction Materials for Fences and Retaining Walls

(a) *Solid fences* shall be constructed of wood, brick, block, stone, frame-stucco, tile, metal, opaque plastic, or other similar material. Plywood is not a permitted *fence* material.

(b) *Open fences* shall be constructed of materials such as wood, ornamental iron, metal, *screen* or decorative block, or translucent plastic or similar material.

(c) Solid and *open fences* constructed of polyvinyl chloride (PVC) or similar material are permitted only if thematerial is prefabricated and manufactured as a *fence*.

(d) Solid and *open fences* shall be constructed of new material or used material in good condition.

(e) Metal *fences* in required front and street side yards shall be covered with a colored finish other than galvanized metal in all zones except the IH, IS, IL, AG and AR zones.

(f) Natural living plant material is not considered *fence* material and is not regulated by this division.

§ 142.0380 Fence and Retaining Wall Maintenance

(a) Property owners shall maintain *fences* and *retaining walls* free from dilapidated or dangerous conditions.

(b) Property owners shall maintain *fences* and *retaining walls* in a graffiti-free condition.

Article 2: General Development Regulations

Division 4: Landscape Regulations

§ 142.0401 Purpose of Landscape Regulations

The purpose of these regulations is to minimize the erosion of slopes and disturbed lands through revegetation; to conserve energy by the provision of shade trees over *streets*, sidewalks, parking areas, and other paving; to conserve water through low-water-using planting and irrigation design; to reduce the risk of fire through site design and the management of flammable vegetation ; and to improve the appearance of the built environment by increasing the quality and quantity of landscaping visible from *public rights-of-way*, private streets, and adjacent properties, with the emphasis on landscaping as viewed from *public rights-of-way*.

§ 142.0402 When Landscape Regulations Apply

(a) This division applies to all proposed planting and irrigation work.

(b) Table 142-04A provides the applicable regulations and type of permit required by this division for the landscaping required in conjunction with the specific types of *development* proposals. Any project that proposes more than one of the types of *development* shown is subject to all of the regulations for each type of *development*.

Table 142-04A
Landscape Regulations Applicability

§ 142.0402 Cont'd

Type of *Development* Proposal			Applicable Regulations	Required Permit Type/ Decision Process
Column A	**Column B**	**Column C**		
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 shown (Column C)	***Gross floor area* (in square feet)**	**Zone or Proposed Use Category**		
	1,000 sf	RM or Commercial Zones; or *Multiple Dwelling Unit* Residential use subcategory or Commercial *Development*	142.0403-142.0407, 142.0409, and 142.0413	Building Permit/ Process One
	5,000 sf	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 category of use shown (Column C)	***Gross floor area* or Percent Increase in *gross floor area* (in square feet or percentage of lot area)**	**Zone or Proposed Use Category**		
	1,000 sf or 20 percent increase	*Multiple Dwelling Unit* Residential Zones or use subcategory	142.0403-142.0407, 142.0409, 142.0410(a), and 142.0413	Building Permit/ Process One
	1,000 sf or 10 percent increase	Commercial Zones; or Commercial *Development*		
	5,000 sf or 20 percent increase	Industrial Zones; or Industrial *Development*		
3. New permanent parking and *vehicular use area* for four or more vehicles including access to the spaces, excluding parking for *single dwelling unit* uses on a single *lot* in *single dwelling unit* zones			142.0403, 142.0406-142.0409, and 142.0413	Building Permit/ Process One
4. New temporary parking and *vehicular use area* for four or more vehicles including access to the spaces, excluding parking for *single dwelling unit* uses on a single *lot* in *single dwelling unit* zones			142.0403, 142.0408, 142.0409, and 142.0413	Building Permit/ Process One
5. Additions or modifications to existing permanent or temporary parking and *vehicular use area* that increase the number of parking spaces by four or more			142.0403, 142.0408, 142.0409, 142.0410(b), and 142.0413	Building Permit/ Process One
6. *Single dwelling unit* residential use projects proposing new private or *public rights-of-way*			142.0403, 142.0409, and 142.0413	Building Permit/ Process One
7. Projects proposing slopes with gradients steeper than 4:1 (4 horizontal feet to 1 vertical foot) that are 5 feet or greater in height			142.0403, 142.0411, and 142.0413	Building Permit/ Process One
8. Projects creating disturbed areas of bare soils, or projects with existing disturbed areas			142.0403, 142.0411, and 142.0413	No permit required by this division
9. New *structures*; additions to *structures*; or *subdivisions* that create *lots* where new *structures* could be located on properties adjacent to any contiguous, highly flammable area of native or naturalized vegetation greater than 10 acres or contiguous area of native or naturalized vegetation greater than 50 acres			142.0403, 142.0412, and 142.0413	Building Permit/ Process One
10. Existing *structures* on properties that are adjacent to any area of highly flammable native or naturalized vegetation			142.0403, 142.0412, and 142.0413	No permit required by this division

§ 142.0402 Cont'd

Type of *Development* Proposal	Applicable Regulations	Required Permit Type/ Decision Process
11. New trees or shrubs planted in the *public right-of-way*	142.0403 and 144.0409	*Public Right-Of-Way* Permit/ Process One

§ 142.0403 General Planting and Irrigation Requirements

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

(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
	36-inch box	50.0
	42-inch box	70.0
	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
	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

§ 142.0403 Cont'd

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 *grade*	100.0
	each additional inch beyond 2 inches	50.0
Existing Non-Native Tree	2-inch caliper measured at 4 feet above *grade*	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) Planting of invasive plant species, as described in the Landscape Standards of the Land Development Manual, is not permitted.

(2) All existing, invasive plant species, including vegetative parts and root systems, shall be completely removed from the *premises* when the combination of species type, location, and surrounding environmental conditions provides a means for the species to invade other areas of native plant material that are on or off of the *premises*.

(3) Plant material species shall be used that will continue to meet the requirements of this division after installation.

(4) Tree locations shall be measured horizontally from the centerline of the tree trunk at *proposed grade*.

(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 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) Plant material shall be maintained in a healthy, disease-free, growing condition at all times.

(7) All pruning shall comply with the standards of the National Arborist Association.

(8) Any plant material required by this division that dies within 3 years of installation shall be replaced within 30 calendar days of plant death with the same size and species of plant material shown on the approved plan. Required shrubs that die 3 years or more after installation shall be replaced with 15-gallon size, and required trees that die 3 years or more after installation shall be replaced with 60-inch box size material. . The City Manager may authorize adjustment of the size and quantity of replacement material

§ 142.0403 Cont'd

where material replacement would occur in inaccessible areas or where the existing plant being replaced is larger than a 15 gallon shrub or 60-inch box tree.

(9) Trees required by this division shall be self-supporting, woody plants with at least one well defined trunk and shall normally attain a mature height and spread of at least 15 feet.

(10) Trees required by this division shall be maintained so that all branches over pedestrian walkways are 6 feet above the walkway *grade* and so that all branches over vehicular travel ways are 14 feet above the *grade* of the travel way.

(11) Shrubs required by this division shall be woody or perennial plants that are low branching or have multiple stems.

(12) Tree root barriers 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) Native plants shall be locally indigenous.

(14) Naturalized plant material shall be plantings that can survive without irrigation after initial plant establishment.

(c) Irrigation Requirements

(1) All required plant material shall be irrigated with a permanent, below-grade irrigation system unless specified otherwise in this division.

(2) All required irrigation systems shall be automatic, electrically controlled, and designed to provide water to all required plantings to maintain them in a healthy, disease-resistant condition.

(3) Irrigation systems shall meet the following design requirements:

(A) No irrigation runoff or overspray shall cross *property lines* or paved areas;

(B) The velocity of water flowing in irrigation system piping or supply pipes shall not exceed 5 feet per second downstream of the water meter;

(C) Irrigation systems shall be designed to minimize system maintenance requirement after installation. Above-ground irrigation system equipment that is exposed to potential damage shall be designed to be damage-resistant; and

(D) An approved rain sensor shutoff device is required for all systems and a moisture-sensing device that regulates the irrigation system for all lawn areas is required.

(d) Planting Area Requirements

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

(A) Low-growing woody or herbaceous groundcover, turf, shrubs, or trees;

§ 142.0403 Cont'd

(B) Unattached unit pavers, loose organic or inorganic materials, or *hardscape*; or

(C) Built improvements including water features, overhead *structures* (such as gazebos, trellis *structures*, etc.), or fixed seating.

(2) Planting areas may be counted toward the planting area required by this division if they are greater than 30 square feet in size with no dimension less than 3 feet.

(3) All required planting areas shall be maintained free of weeds, debris, and litter.

§ 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	**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 zones or *Multiple Dwelling Unit* Residential *Development* in any Zone	*Street Yard*	50%[2]	0.05 points
	Remaining Yard	40 Square Feet per 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* [2]
Commercial *Development* in any Zone or Industrial *Development* in RM Zones or Commercial Zones	*Street Yard*	25%[3]	0.05 points to be achieved with trees only[3]
	Remaining Yard	30%	0.05 points
Industrial *Development* in any zone other than RM or Commercial Zones	*Street Yard*	25%[4]	0.05 points
	Remaining Yard	See Section 142.0405 (d)	0.05 points

Footnotes to Table 142-04C

(1) See Section 142.0405(a)

§ 142.0404 Cont'd

(2) See Section 142.0405(b)

(3) See Section 142.0405(c)

(4) See Section 142.0405(d)

§ 142.0405 Additional Yard Planting Area and Point Requirements

(a) Additional *yard* requirements for all *development*:

(1) Unless specified otherwise in Table 142-04C, at least one-half of the required planting points shall be achieved with trees.

(2) If plants and planting area are provided within a *street yard* or *remaining yard* to meet other requirements of this division, including *vehicular use area* and revegetation requirements, they may be used to satisfy the planting area and plant points required by Table 142-04C.

(3) A point score in excess of that required for a yard area may be used to reduce the planting area required for that yard area at a rate of one square foot of area reduction for each excess point provided. The maximum planting area reduction allowed by this section is 25 percent of that total yard area required.

(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 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*, 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 building. For all buildings with no side entrances, the points shall be divided 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. A minimum distance of 6 feet shall be provided between any tree and building.

(c) Additional commercial *yard* requirements:

(1) All of the required *street yard* planting area located outside the *vehicular use area* for

§ 142.0405 Cont'd

commercial zones or commercial development except for auto service stations, may consist of *hardscape* or unattached unit pavers. This does not include the minimum planting area required for trees and the planting area necessary to provide for healthy plant growth.

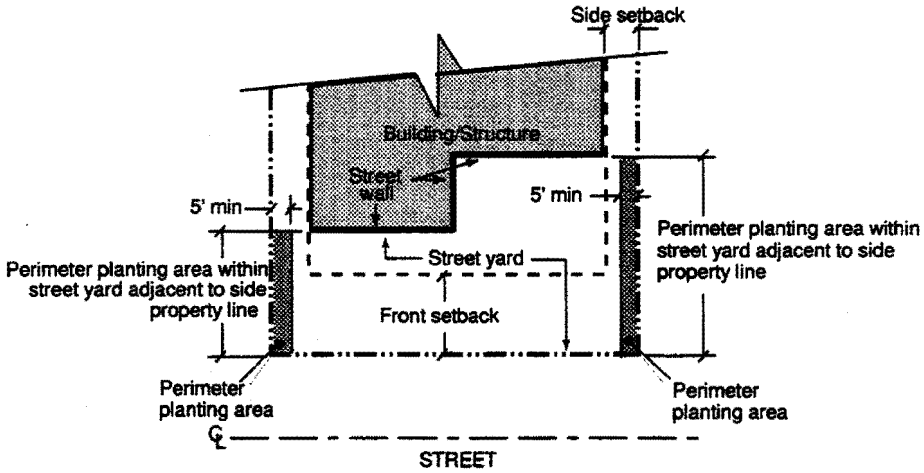
(2) For auto service stations, the required *street yard* planting area is 15 percent of the *street yard* area, and the required plant points are 0.03 points for each square foot of the *street yard.*

(3) Where commercial *development* abuts a residential zone, a 5-foot wide area along the entire abutting *property line* shall be planted with trees to achieve a minimum of .05 points per square foot of area in addition to the points required in the *remaining yard.*

(d) Additional industrial *yard* requirements:

(1) Perimeter Planting Area. Within the *street yard* for industrial zones or industrial *development*, a 5-foot-wide perimeter planting area adjacent to each side *property line*, as shown in Diagram 142-04A, shall be provided for the full depth of the *street yard* except where vehicular access (maximum 25 feet) and pedestrian access (maximum 6 feet) points cross perpendicular to a side *property line.* This planting area shall be planted with a combination of trees and shrubs that achieves 0.2 points per square foot of the required area. Where loading docks are placed along more than 25 percent of the *street wall* length in the IL and IH zones, the perimeter planting area points required shall be increased to 0.5 points per square foot of area.

Diagram 142-04A
Industrial Perimeter Planting Area



(2) Facade Planting Area. Within the *street yard*, a facade planting area, as shown in Diagram 142-04B, shall be provided that abuts the *street wall* and is at least equal to 50 percent of the length as determined by adding the lines connecting the outermost points of the structure along the street wall as shown in Diagram 142-0C, and that has a width of at least 9 feet measured perpendicularly to the building.

§ 142.0405 Cont'd

Diagram 142-04B
Industrial Facade Planting Areas

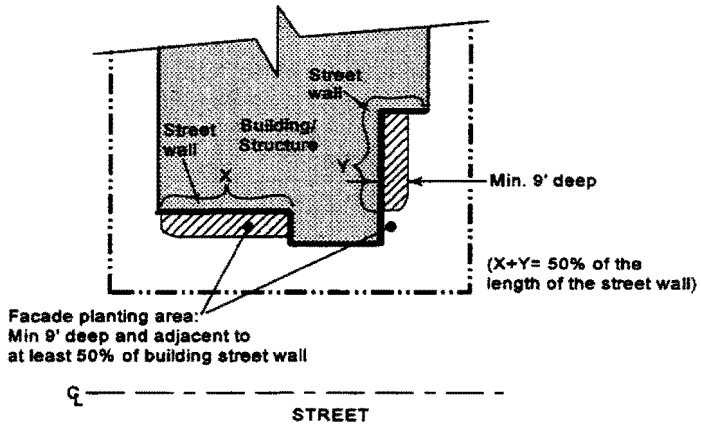
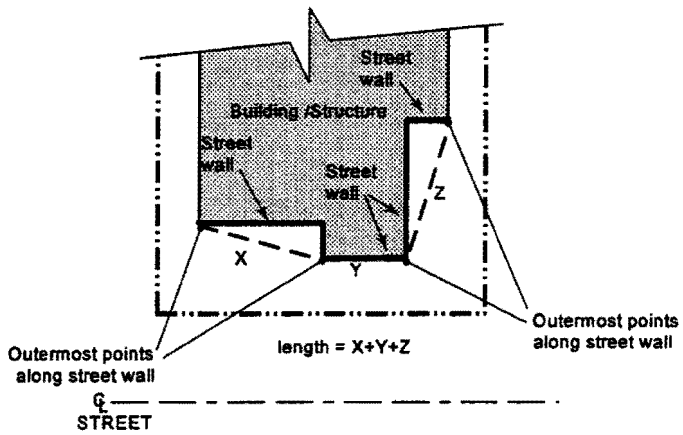


Diagram 142-04C
Industrial Facade Area Street Wall Length



The facade planting area shall be planted with a combination of trees and shrubs that achieves 0.5 points per square foot. Trees within this area must have a typical growth rate that can achieve a height of at least 20 feet within 8 years of being planted. Shrubs at maturity shall achieve a minimum height of 4 feet. In lieu of meeting the facade planting area and point requirements, the *applicant* may do one of the following:

(A) Increase the required perimeter planting area width to 10 feet and the required *street yard* plant points to 0.1; or

(B) Place a minimum 6-foot-high solid wall between the *setback line* and the front of the *structure* that shall extend along the full width of the property, except at access points. The applicant shall provide tree plantings equal to one half of the required facade area planting points shall be provided between the wall and the building

§ 142.0405 Cont'd

street wall.

(3) Where loading docks are located along more than 25 percent of the *street wall* length, all *street yard* plant points shall be increased to 0.1 per square foot of *street yard* area.

(4) For industrial uses in industrial zones, a planting area of at least 5 feet wide shall be provided within the *remaining yard*. This area shall be measured perpendicularly to the *property lines* adjacent to the *remaining yard* and shall abut the *property line*. The required planting points shall be placed within this 5 feet wide area.

§ 142.0406 Vehicular Use Area Planting Area and Point Requirements

(a) When new *vehicular use areas* are subject to this section in accordance with Table 142-04A, the planting area, the plants necessary to achieve the number of plant points, and the trees required in Table 142-04D shall be provided. The required planting area is determined by multiplying the square footage of the *vehicular use area* located within the *street yard* and outside the *street yard* by the percentage shown in Table 142-04D. The required plant points are determined by multiplying the square footage of the *vehicular use area* located within the *street yard* and outside the *street yard* by the points shown in the Table 142-04D. The required area, points, and trees shall be located within the *vehicular use area* unless listed otherwise in the table.

Table 142-04D
Vehicle Use Area Requirements

Size of Proposed *Vehicular Use Area*	Planting Area Required(1), (2), (4)		Plant Points Required(1), (2)		Tree Distribution Requirement(1)
	Street yard	Outside the *street yard*	*Street yard*	Outside the *street yard*	
Less than 6,000 square feet	40 Square Feet per Tree	40 Square Feet per Tree	0.05 points	0.05 points	1 tree within 30 feet of each parking space(3)
6,000 square feet or greater	5% of vehicular use area located in the street yard	3% of vehicular use area located outside the street yard	0.05 points	0.03 points	

Footnotes to Table 142-04D

(1) See Section 142.0407(a)

(2) See Section 142.0407(b)

(3) See Section 142.0407(c)

(4) See Section 142.0407(d)

(b) All planting areas and plants in or adjacent to a *vehicular use area* shall be protected from vehicular damage by providing a raised curb or wheel stop of at least 6 inches in height. Where the end of parking spaces abut a planting area that is less than 5 feet in width, 6-inch-high wheel stops or curbs shall be placed within the parking spaces, 2 feet from the edge of

§ 142.0406 Cont'd

the planting area.

(c) A *vehicular use area* located within the *street yard* shall be separated from the curb in the *public right-of-way* by a required planting area totaling at least 8 feet in width, measured perpendicularly to the *public right-of-way*. This planting area shall meet the following requirements:

(1) The planting area shall extend along, and directly abut, the entire length of the *vehicular use area* except at vehicle or pedestrian access points.

(2) The planting area shall be planted to screen the *vehicular use area* with densely foliated, evergreen species that achieve a minimum height of 30 inches within 2 years of installation over at least 80 percent of the length of the required planting area.The *screening* may also be achieved through the use of berms, solid fencing, walls, plant material, or any combination of these that provides an equivalent *screen*.

(3) The width of this planting area may be reduced to 3 feet if a solid wall of at least 3 feet in height is provided for the entire length of the *vehicular use area*. The remaining planting area shall be located between the wall and curb within the *public right-of-way* and planted with the equivalent of 1 shrub for every 10 feet of wall length. These shrubs shall achieve at least 18 inches in height of maturity.

(4) A point score in excess of that required for a *vehicular use area* may be used to reduce the planting area required for that *vehicular use area* at a rate of one square foot of area reduction for each excess point provided. The maximum planting area reduction allowed by this section is 25 percent of the total *vehicular use area* required.

§ 142.0407 Additional Vehicular Use Area Requirements

(a) At least one-half of the required plant points are to be achieved with trees. If planting area and plants are provided within the boundaries of the *vehicular use area* to meet other requirements of this division including revegetation, *street yard*, and *remaining yard* requirements, they may be used to satisfy the planting area and planting points required by Table 142-04D.

(b) For a *vehicular use area* that is less than 6,000 square feet in size, the required plant points may be provided within 5 feet of the edge of the *vehicular use area*. For a *vehicular use area* 6,000 square feet or greater in size, the required planting area, points, and trees shall be located in the *vehicular use area* except for areas designated for commercial vehicle parking spaces, loading areas, and loading area accessways that are used for the distribution of materials and goods. They may be located within 5 feet of the edge of the *vehicular use area* designated for these purposes.

(c) The minimum tree size used in a *vehicular use area* shall be 24-inch box, or if palm trees are used they shall be 8-foot brown trunk height. If palm trees are used to meet the *vehicular use area* tree requirements, a palm tree shall be within 15 feet of each parking space.

(d) Landscaped areas may be counted toward the required planting area if they comply with the following:

(1) The planting area is bounded on two or more sides by parking spaces or parking accessways, or is within 10 feet of the side of any parking space, and

§ 142.0407 Cont'd

(2) The planting area is greater than 30 square feet in size and has no dimension less than 3 feet.

§ 142.0408 Temporary Vehicular Use Area Requirements

When new temporary *vehicular use areas* are subject to this section in accordance with Table 142-04A, the planting requirements of this section shall apply.

(a) *Vehicular use areas* that have a specified time limit for discontinuance that is less than 5 years after the date of Building Permit issuance are considered temporary vehicle use areas.

(b) Temporary *vehicular use areas* shall provide a 3-foot-wide planting area between the *public right-of-way* and the *vehicular use area*. This area shall be planted with evergreen shrubs that achieve a minimum height of 30 inches within 2 years of installation over at least 50 percent of the required planting area. The remaining area shall be covered with mulch. Vehicle access into this planting area shall be prevented by a 6-inch-high curb or wheel stops placed within the parking spaces, 2 feet from the edge of the planting area. The planting area may be paved at designated vehicle access points.

(c) *Vehicular use areas* that do not have a specified time limit for discontinuance or that are proposed to exist more than 5 years after the date of Building Permit issuance, are subject to the requirements for a permanent *vehicular use area* contained in Sections 142.0406 and 142.0407.

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

(a) Street Tree Requirements

When new *structures*, additions to *structures*, 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, 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) Street trees shall be located 7 feet from the face of curb on *streets* classified in the applicable *land use plan* as major *streets*, primary arterials, or expressways that have a posted speed of 50 miles per hour or greater. For all other *street* classifications, street trees shall be located no closer than 30 inches to the face of curb or within median islands, no closer than four feet to the face of curb.

§ 142.0409 Cont'd

(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	5 feet
Above Ground Utility *Structures* (Transformers, hydrants, utility poles, etc.)	10 feet
Driveways	10 feet
Intersections (intersecting curb lines of two streets)	25 feet

(C) Trees shall be selected and located so that at maturity they do not cause damage or conflict with overhead utility lines.

(3) Street Tree Species Selection. Trees shall be selected in accordance with landscape standards of the Land Development Manual.

(b) Additional *Public Right-of-Way* Regulations

(1) Areas within the *public right-of-way* that are not paved for required pedestrian walks or for vehicle access shall be planted or covered with mulch, unattached unit pavers , or other permeable material acceptable to the City.

(2) Plant material, other than trees, within the *public right-of-way* that is located within *visibility areas* shall not exceed 24 inches in height, measured from the top of the adjacent curb.

§ 142.0410 Previously Conforming Properties Landscape Requirements

(a) When additions to *structures* or additional *structures* on developed properties are subject to this section in accordance with Table 142-04A, they shall meet the requirements of this section. The required *street yard*, *remaining yard*, and *vehicular use area* planting areas and plant points for *previously conforming* properties are established in accordance with the following formula.

(1) Determine the percentage of increase in *gross floor area* for the *development* by dividing the proposed additional *gross floor area* by the existing *gross floor area*.

(2) Where the percentage of *gross floor area* increase is:

(A) 100 percent or greater, the *development* is subject to the full requirements for new *development*.

(B) 75 to 99 percent, the *development* is subject to the full requirements for street trees, the *street yard*, and the *vehicular use area* in the *street yard* and *remaining yard* for new *development*.

§ 142.0410 Cont'd

(c) 50 to 74 percent, the *development* is subject to the full requirements for street trees, the *street yard*, and the *vehicular use area* in the *street yard* for new *development*.

(D) 1 to 49 percent, the *development* is subject to the full requirements for street trees and the *street yard* for new *development*.

(3) For properties that contain plant materials that will be retained, the planting area and number of points for the existing material will be credited towards the above requirements.

(b) When additions or modifications to existing permanent or temporary parking and *vehicular use areas* are subject to this section in accordance with Table 142-04A they shall meet the requirements of this section. The required *vehicular use area* planting area and plant points for *previously conforming* properties is established in accordance with the following formula.

(1) Determine the percentage of increase in parking spaces for the *development* by dividing the proposed increase in number of parking spaces by the existing number of parking spaces.

(2) Where the percentage of parking space increase is:

(A) 100 percent or greater, the *development* is subject to the full requirements for new *development*.

(B) 75 to 99 percent, the *development* is subject to the full requirements for street trees, the *street yard*, and the *vehicular use area* in the *street yard* and *remaining yard* for new *development*.

(c) 50 to 74 percent, the *development* is subject to the full requirements for street trees, the *street yard*, and the *vehicular use area* in the *street yard* for new *development*.

(D) 1 to 49 percent, the *development* is subject to the full requirements for street trees and the *vehicular use area* requirements for the additional *vehicular use area* only.

(3) For properties that contain plant materials that will be retained, calculate the planting area and number of points for the existing material and use this as a credit towards the above requirements.

§ 142.0411 Revegetation and Erosion Control

(a) Permanent Revegetation. All graded, disturbed, or eroded areas that will not be permanently paved or covered by structures shall be permanently revegetated and irrigated as shown in Table 142-04F and in accordance with the standards in the Land Development Manual.

§ 142.0411 Cont'd

Table 142-04F
Permanent Revegetation and Irrigation Requirements

Location of Disturbed Area	Slope of Disturbed Area	Required IrrigtionSystem	Required Revegetation or Erosion Control
Within 100 feet of areas with native or naturalized vegetation	Less than 4:1 (4 horizontal feet to 1 vertical foot)	Automatic, above grade, temporary irrigation system	Native or naturalized hydroseed mix
	4:1 or greater with a slope height of 15 feet or less	Automatic, above grade, temporary irrigation system	Native or naturalized ground cover consisting of rooted cuttings or hydroseed mix
	4:1 or greater with a slope height over 15 feet	Automatic, above grade, temporary irrigation system	Native or naturalized ground cover consisting of rooted cuttings or hydroseed mix, and native or naturalized trees and shrubs (minimum 1 gallon size) planted at a minimum rate of one plant per 100 square feet of disturbed area
100 feet or further from areas with native or naturalized vegetation	Less than 4:1 (4 horizontal feet to 1 vertical foot)	Automatic, below grade, permanent system or automatic, above grade, temporary irrigation system	Hydroseed, mulch, or equivalent
	4:1 or greater with a slope height of 15 feet or less	Automatic, below grade, permanent irrigation system	Drought tolerant groundcover consisting of rooted cuttings or hydroseed mix
	4:1 or greater with a slope height over 15 feet	Automatic, below grade, permanent irrigation system	Drought tolerant groundcover consisting of rooted cuttings or hydroseed mix, and drought tolerant trees and shrubs (minimum 1 gallon size) planted at a minimum rate of one plant per 100 square feet of disturbed area

(b) Temporary Revegetation. Graded, disturbed, or eroded areas that will not be permanently paved, covered by *structure*, or planted for a period over 90 calendar days shall be temporarily revegetated with a non-irrigated hydroseed mix, ground cover, or equivalent material. Temporary irrigation systems may be used to establish the vegetation.

(c) All required revegetation and erosion control shall be completed within 90 calendar days of the completion of *grading* or disturbance.

§ 142.0412 Brush Management

(a) Brush management is required in all base zones for the types of *development* listed below when they are adjacent to any highly flammable area of native or naturalized vegetation that is greater than 10 acres as mapped by the City of San Diego, or adjacent to any area of native or naturalized vegetation that is greater than 50 acres, as shown in Table 142-04A.

(1) New *structures*

(2) Additions to *structures*

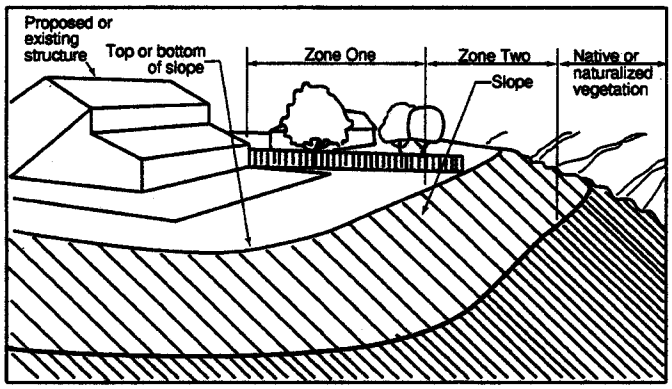
(3) *Subdivisions* that create *lots* where new *structures* could be located

(4) Existing *structures*

§ 142.0412 Cont'd

(b) Brush Management Zones. Where brush management is required, a comprehensive program shall be implemented that reduces fire hazards around *structures* by providing an effective fire break between all *structures* and contiguous areas of flammable vegetation. This fire break shall consist of two distinct brush management areas called "Zone One" and "Zone Two" as shown in Diagram 142-04D.

Diagram 142-04D
Brush Management Zones



(1) Brush management Zone One is the area adjacent to the *structure*, shall be least flammable, and shall consist of pavement and permanently irrigated ornamental planting. Brush management Zone One shall not be allowed on slopes with a gradient greater than 4:1 (4 horizontal feet to 1 vertical foot) unless the property that received *tentative map* approval before November 15, 1989.

(2) Brush management Zone Two is the area between Zone One and any area of native or naturalized vegetation and shall consist of thinned, native or naturalized vegetation.

(c) Where brush management is required by this Section, the width of Zone One and Zone Two shall meet or exceed that shown in Table 142-04H. Where *development* is adjacent to slopes or vegetation that meets the criteria shown in the table, the required Zone One and Zone Two width shall be increased by the dimension shown. Both Zone One and Zone Two shall be provided on the subject property unless a recorded easement is granted by an adjacent property owner to the owner of the subject property to establish and maintain the required brush management zone(s) on the adjacent property in perpetuity.

Table 142-04H
Brush Management Zone Width Requirements

Criteria	Property Location	
	West of Interstate 805 and El Camino Real	East of Interstate 805 and El Camino Real
Minimum Zone One Width (See Section 142.0412[d])	20 ft.	30 ft.
Additional Zone One Width (See Section 142.0412[e]) Required when *development* is adjacent to slopes greater than 4:1 gradient that are 50 feet or greater in vertical	5 ft.	5 ft.

§ 142.0412 Cont'd

Criteria	Property Location	
	West of Interstate 805 and El Camino Real	East of Interstate 805 and El Camino Real
Minimum Zone Two Width (See Section 142.0412[f])	20 ft.	40 ft.
Additional Zone Two Width Required when Zone Two is on slopes greater than 4:1 gradient that are 50 feet or greater in vertical height, or the vegetation in Zone Two is greater than 48 inches in height. This additional width is not required for Zone Two located within the *MHPA*	10 ft.	10 ft.

(d) The width of brush management Zone One shall be increased by 10 feet for *structures* that do not meet all of the following requirements:

(1) Roof material shall be fire retardant. Wood shake shingles, whether fire retardant treated or untreated, are not permitted.

(2) Walls, eaves, and overhangs shall be one-hour, fire-resistive.

(3) Eave vents shall be covered with wire screen not to exceed 1/4-inch mesh.

(e) Where additional Zone One width is required adjacent to the *MHPA*, any of the following modifications to development regulations of the Land Development Code or standards in the Land Development Manual are permitted to accommodate the increase in width:

(1) The required front *yard setback* of the base zone may be reduced by 5 feet,

(2) A sidewalk may be eliminated from one side of the *public right-of-way* and the minimum required *public right-of-way* width may be reduced by 5 feet, or

(3) The overall minimum pavement and *public right-of-way* width may be reduced in accordance with the Street Design Standards of the Land Development Manual.

(f) The minimum Zone Two width may be decreased by 2 feet for each 1 foot of increase in Zone One width over the minimum shown in Table 142-04H.

(g) Zone One Requirements

(1) The required Zone One width shall be provided between flammable vegetation and any *structure* and shall be measured from the exterior of the *structure* to the vegetation.

(2) Zone One shall contain no habitable *structures*, *structures* that are directly attached to habitable *structures*, or other combustible construction that provides a means for transmitting fire to the habitable *structures*. *Structures* such as *fences*, walls, and nonhabitable gazebos that are located within brush management Zone One shall be of noncombustible construction.

(3) Plants within Zone One shall be primarily low-growing and less than 4 feet in height with the exception of trees. Plants shall be low-fuel and fire-resistive.

(4) Trees within Zone One shall be located away from *structures* to a minimum distance of 10 feet as measured from the *structures* to the drip line of the tree at maturity in accordance with the landscape standards of the Land Development Manual.

§ 142.0412 Cont'd

(5) Permanent irrigation is required for all planting areas within Zone One except as follows:

(A) When planting areas contain only species that do not grow taller than 24 inches in height, or

(B) When planting areas contain only native or naturalized species that are not summer-dormant and have a maximum height at plant maturity of less than 24 inches.

(6) Zone One irrigation overspray and runoff shall not be allowed into adjacent areas of native or naturalized vegetation.

(7) Zone One shall be maintained on a regular basis by pruning and thinning plants, controlling weeds, and maintaining irrigation systems.

(h) Zone Two Requirements

(1) The required Zone Two width shall be provided between Zone One and the undisturbed, flammable vegetation, and shall be measured from the edge of Zone One that is farthest from the habitable *structure*, to the edge of undisturbed vegetation.

(2) No *structures* shall be constructed in Zone Two.

(3) Within Zone Two, 50 percent of the plants over 18 inches in height shall be cut and cleared to a height of 6 inches.

(4) Within Zone Two, all plants remaining after 50 percent are cut and cleared shall be pruned to reduce fuel loading in accordance with the Landscape Standards in the Land Development Manual.

(5) The following standards shall be used where Zone Two area is proposed to be planted with new plant material instead of *clearing* existing native or naturalized vegetation:

(A) All new plant material for Zone Two shall be native or naturalized, low-fuel, and fire-resistive. Inside the *MHPA*, no non-native plant material may be planted in Zone Two.

(B) New plants shall be low-growing with a maximum height at maturity of 2 feet. Single specimens of fire-resistant native trees may exceed this limitation if they are located to reduce the chance of transmitting fire from native or naturalized vegetation to habitable *structures*.

(c) All new Zone Two plantings shall be temporarily irrigated until established. Permanent irrigation is not allowed in Zone Two. Only low-flow, low-gallonage spray heads may be used in Zone Two. Overspray and runoff from the irrigation shall not drift or flow into adjacent areas of native or naturalized vegetation.

(D) Where Zone Two is being revegetated as a requirement of Section 142.0411(a), revegetation shall comply with the spacing standards in the Land Development Manual. Fifty percent of the planting area shall be planted with material that does not grow taller than 24 inches. The remaining planting area may be planted with taller material, but this material shall be maintained in accordance with the requirements for existing plant material in Zone Two.

§ 142.0412 Cont'd

(6) Zone Two shall be maintained on a regular basis by pruning and thinning plants, controlling weeds, and maintaining any temporary irrigation system.

(I) The Fire Chief may modify the requirements of this section if the following conditions exist:

(1) The modification to the requirements shall achieve an equivalent level of fire protection as provided by this section, other regulations of the Land Development Code, and the minimum standards contained in the Land Development Manual; and

(2) The modification to the requirements is not detrimental to the public health, safety, and welfare of persons residing or working in the area.

(j) If the Fire Chief approves a modified plan in accordance with this section as part of the City's approval of a *development permit*, the modifications shall be recorded with the approved permit conditions.

(k) For existing *structures*, the Fire Chief may require brush management in compliance with this section for any area, independent of size, location, or condition if it is determined that an imminent fire hazard exists.

(l) Brush management for existing *structures* shall be performed by the owner of the property that contains the flammable vegetation. This requirement is independent of whether the *structure* being protected by brush management is owned by the property owner subject to these requirements or is on neighboring property.

§ 142.0413 Water Conservation

(a) Lawn Area Requirements. Lawn areas shall not exceed 10 percent of the planting area on a *premises*, excluding required common areas, active recreation areas, and areas located within the *public right-of-way* between the curb and public sidewalk. This restriction does not apply to *single dwelling unit* residential uses in residential zones.

(b) Mulch Requirements. All required planting areas shall be covered with mulch to a minimum depth of 2 inches, excluding slopes requiring revegetation and areas planted with ground cover. All exposed soil areas without vegetation shall also be mulched to this minimum depth.

Article 2: General Development Regulations

Division 5: Parking Regulations

§ 142.0501 Purpose of the Parking Regulations

The purpose of these regulations is to provide a unified set of standards for public and private transportation related improvements throughout the City. The standards are designed to work together to accommodate a multi modal transportation system and encourage transportation mode alternatives to the single occupant automobile. The intent is to provide for a safe and efficient transportation system delivering a high degree of personal mobility; to reduce traffic congestion and improve air quality; and to reasonably accommodate the peak parking needs of *development*, balanced by the needs of pedestrians, bicyclists, and transit users and by the preservation of community character.

§ 142.0505 When Parking Regulations Apply

These regulations apply in all base zones and planned districts, with the exception of those areas specifically identified as being exempt from the regulations, whether or not permit or other approval is required.

Table 142-05A identifies the applicable regulations and the type of permit required by this division, if any, for the type of development shown.

Table 142-05A
Parking Regulations Applicability

Type of *Development* Proposal	Applicable Regulations	Required Permit Type/ Decision Process
Any *single dwelling unit* residential *development*	Sections 142.0510 , 142.0520 and 142.0560	No permit required by this division
Any *multiple dwelling unit* residential *development*	Sections 142.0510, 142.0525 and 142.0560	No permit required by this division
Any nonresidential *development*	Sections 142.0510, 142.0530, and 142.0560	No permit required by this division
Multiple dwelling unit projects in planned urbanizing communities that are processing a planned development permit.	Section 142.0525(c)	No permit required by this division
Off-premises parking for *development* in urbanized communities	Section 142.0535	No permit required by this division
Commercial uses on small *lots*	Section 142.0540(a)	No permit required by this division
Nonresidential *developments* that exceed maximum permitted parking	Section 142.0540(b)	Neighborhood Development Permit /Process Two
Nonresidential developments that vary from minimum parking requirements with a TDM Plan	Section 142.0540(c)	Site Development Permit/Process Three
Shared parking	Section 142.0545	No permit required by this division
Shared parking for nonspecified uses	Section 142.0545(b)(7)	Neighborhood Development Permit/ Process Two
Tandem Parking for commercial uses	Section 142.0555(b)	Neighborhood Development Permit/ Process Two

§ 142.0510 General Parking Regulations

(a) Use of Required Parking Spaces. Required *off-street parking spaces*, parking areas, and transportation facilities shall be used only for parking operable vehicles of residents, employers, employees, customers, and visitors as appropriate to the allowed uses of the applicable zone.

(b) Parking Spaces to be Kept Clear. All *off-street parking spaces* and aisles shall be kept clear of any temporary or permanent obstructions.

(c) Existing Parking Not to be Reduced. Notwithstanding any other provisions of the Land Development Code, existing off-street parking facilities that were provided and maintained on the same *premises* before parking was required and which serve a use now requiring *off-street parking spaces* shall not be reduced in number, dimension, or any other manner below the requirements of this division.

(d) Previously Conforming Premises. Enlargement or change in use, or resumption of a discontinued use, for a *premises* that is *previously conforming* for the reason that it does not provide the number of *off-street parking spaces* required by this division shall be required to provide parking as follows:

(1) When the use is proposed to be enlarged, the additional *off-street parking spaces* required are the number required by this division for the enlargement.

(2) When a change in use is proposed to a use that requires the same or fewer *off-street parking spaces* than the previous use, or for resumption of a discontinued use, no change in parking spaces is required, except as provided in Section 142.0510(d)(4).

(3) When a change in use is proposed to a use that requires more *off-street parking spaces* than the previous use, parking shall be required as provided in this division for the new use.

(4) When a use is proposed on a *premises* for which the previous use has been discontinued for a period of 2 or more consecutive years, parking shall be required as provided in this division for the new use unless a property owner has obtained a Neighborhood Development Permit.

(A) Discontinuance of the use for a period of 2 or more consecutive years creates a presumption in favor of abandonment, against which the owner or person asserting *previously conforming* rights may offer evidence.

(B) If the *previously conforming* use is discontinued temporarily while repairs, remodeling, or major alterations of the *structure* are under construction, maintenance of an active *construction permit* and continuance of the Business Tax Certificate constitutes conclusive evidence that the use has not been abandoned during the construction.

(e) Parking in Required Yards. Parking in required *yards* is subject to the following regulations:

(1) *Off-street parking spaces* shall not be located in any required front or street side yard except as otherwise provided in the particular zone.

(2) No vehicle shall be parked in any required front or street side yard except where

§ 142.0510 Cont'd

permitted by a particular zone, or except as provided below:

(A) An operable vehicle may be temporarily parked on a legal driveway within a required front or street side yard if the vehicle does not in any way impede access to or from more than one required parking space, including tandem spaces, or encroach upon any public sidewalk. Except as specifically permitted by the applicable zone, the use of a driveway to satisfy *off-street parking space* requirements is not permitted.

(B) Unless restricted or prohibited by applicable zone or other regulations, operable vehicles may be parked in parking spaces within side and rear *yards*, subject to all applicable *screening*, surfacing, landscaping, and other requirements of the Land Development Code.

(f) Parking in Required Front, Side, or Street Side Yards. Within the RE, RS, and RX zones, on *lots* with a side *yard* of less than 10 feet, with no access to the rear *yard*, and with no other on-site parking areas located outside of the front or side *yard*, one of the following vehicles may be parked outdoors in the required front, side, or street side yard subject to the requirements contained in Section 142.0510(f)(1) and (2): recreational vehicles, travel trailers, trailers, boats, all-terrain vehicles, motorcycles, and similar equipment.

(1) Vehicles and equipment shall be maintained in an operable condition. An operable, self-propelled vehicle may be parked in the same manner as any other operable vehicle, pursuant to Section 142.0510(e)(2).

(2) Parked vehicles and equipment shall be placed perpendicular to the front *property line* when the item is located within the required front *yard*.

§ 142.0520 Single Dwelling Unit Residential Uses -- Required Parking Ratios

The required number of *off-street parking spaces* for *single dwelling units* and related uses are shown in Table 142-05B.

Table 142-05B
Minimum Required Parking Spaces for Single Dwelling Units and Related Uses

Type of Unit and Related Uses	Number of Required Parking Spaces
All *single dwelling units*, except those with five or more *bedrooms* in campus impact areas (See Chapter 13, Article 2, Division 8)	2 spaces per dwelling unit[1]
Single dwelling units with five or more *bedrooms* in campus impact areas (See Chapter 13, Article 2, Division 8)	1 space per *bedroom* or, for additions or modifications to existing structures, 1 space per added *bedroom*, whichever is less
Housing for senior citizens (maximum 1 bedroom)	1 space per dwelling unit

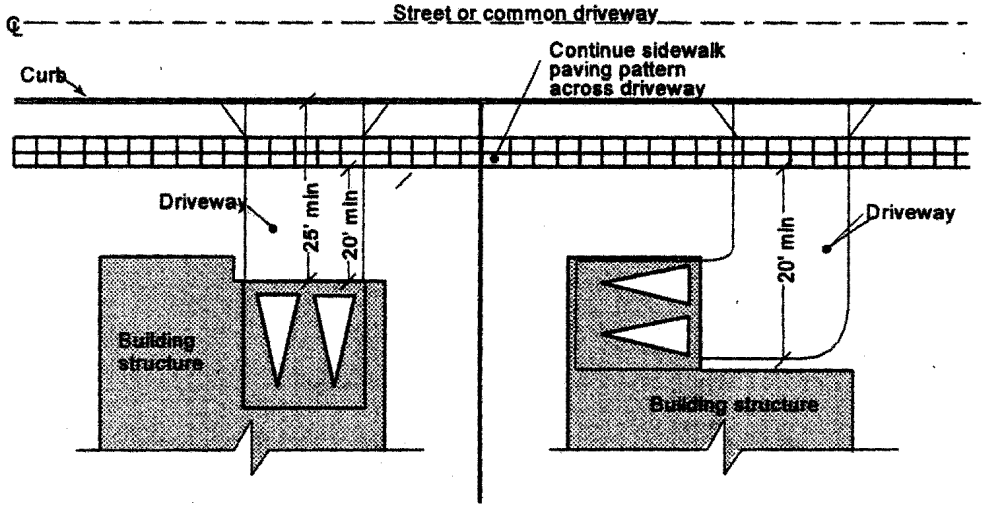
Footnote for Table 142-05B

(1) *Single dwelling units* that do not provide a driveway at least 20 feet long, measured from the back of the sidewalk to that portion of the driveway most distant from the sidewalk, as illustrated in Diagram 142-05A, shall provide two additional parking spaces. These parking spaces may be on-street, abutting the subject property, but shall

§ 142.0520 Cont'd

conform to Section 142.0525(c)(4).

Diagram 142-05A
Minimum Distance Between an Off-Street Parking Space and a Sidewalk or Curb Opening



§ 142.0525 Multiple Dwelling Unit Residential Uses -- Required Parking Ratios

(a) Minimum Required Parking Spaces. The required automobile parking spaces, motorcycle parking spaces, and bicycle parking spaces for *development* of *multiple dwelling units*, whether attached or detached, and related and *accessory uses* are shown in Table 142-05C. Other allowances and requirements, including the requirement for additional common area parking for some projects, are provided in Section 142.0525(b) through (d).

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

Multiple Dwelling Unit Type and Related and Accessory Uses	Automobile Spaces Required Per Dwelling Unit (Unless Otherwise Indicated)			Motorcycle Spaces Required Per Dwelling Unit	Bicycle[5] Spaces Required Per Dwelling Unit
	Basic [1]	*Transit Area*[2] or *Very Low Income*[3]	Parking Impact[4]		
Studio up to 400 square feet	1.25	1.0	1.5	0.05	0.3
1 *bedroom* or studio over 400 square feet	1.5	1.25	1.75	0.1	0.4
2 *bedrooms*	2.0	1.75	2.25	0.1	0.5
3-4 *bedrooms*	2.25	2.0	2.5	0.1	0.6

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Multiple Dwelling Unit Type and Related and Accessory Uses	Automobile Spaces Required Per Dwelling Unit (Unless Otherwise Indicated)			Motorcycle Spaces Required Per Dwelling Unit	Bicycle[5] Spaces Required Per Dwelling Unit
	Basic [1]	*Transit Area*[2] or *Very Low Income*[3]	Parking Impact[4]		
5+ bedrooms	2.25	2.0	(See footnote 6)	0.2	1.0
Rooming and boarding house	1.0 per *boarder*	0.75 per *boarder*	1.0 per *boarder*	0.05 per *boarder*	0.30 per *boarder*
Residential care facility (6 or fewer persons)	1 per 3 beds or per permit	1 per 4 beds or per permit	1 per 3 beds or per permit	N/A	N/A
Transitional Housing (6 or fewer persons)	1 per 3 beds or per permit	1 per 4 beds or per permit	1 per 3 beds or per permit	N/A	N/A
***Accessory uses* (Spaces per square feet[7])**	Retail Sales: 2.5 per 1,000 Eating and Drinking Estb.: 5 per 1,000	Retail Sales: 2.5 per 1,000 Eating and Drinking Estb.: 5 per 1,000	Retail Sales: 2.5 per 1,000 Eating and Drinking Estb.: 5 per 1,000	N/A	N/A

Footnotes for Table 142-05C

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

(2) *Transit Area*. The *transit area* parking ratio applies to *development* that is at least partially within a *transit area* as described in Chapter 13, Article 2, Division 10 (Transit Area Overlay Zone) or that is subject to Chapter 13, Article 2, Division 11 (Urban Village Overlay Zone).

(3) *Very Low Income*. The *very low income* parking ratio applies to dwelling units limited to occupancy by *very low income* households and *development* covered by an agreement with the San Diego Housing Commission pursuant to Chapter 14, Article 3, Division 7 (Affordable Housing Density Bonus Regulations).

(4) Parking Impact. The parking impact ratio applies to *development* that is at least partially within a designated beach impact area or a campus impact area as described in Chapter 13, Article 2, Division 8 (Parking Impact Overlay Zone), unless otherwise noted.

(5) Bicycle. Bicycle racks are not required for a dwelling unit with a garage accessible only by residents of the dwelling unit.

(6) 5+ Bedrooms in Parking Impact Areas. Beach impact area: 2.5 spaces per dwelling

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unit. Campus impact area: 1 space per bedroom.

(7) Accessory Uses. Square footage includes *gross floor area* plus *floor* area that is below *grade* and excludes *floor* area devoted to parking.

(b) Eligibility For *Shared Parking*. Up to 25 percent of the parking spaces required by this section may be unassigned and eligible for *shared parking* in accordance with Section 142.0545 except that at least one space shall be assigned to each dwelling unit.

(c) Common Area Parking Requirement. The common area parking requirement applies to multiple dwelling unit developments that are located in planned urbanizing communities, as identified in the Progress Guide and General Plan, and that are processed in conjunction with a Planned Development Permit. The following standards will be applied by the decision maker when common area parking is required.

(1) The number of common area parking spaces that may be required is 20 percent of the total *off-street parking spaces* required. This requirement may, however, be increased or decreased based on consideration by the decision maker of the following:

(A) For large developments, generally in excess of 200 dwelling units, the number of common area parking may be decreased to no less than 15 percent of the total *off-street parking spaces* required.

(B) In areas where there are few or no on-street parking spaces, where on-street parking spaces are generally occupied, or where on-street parking spaces are not conveniently located, the number of required common area parking spaces may be increased.

(C) For any project with characteristics, surroundings, or expected residents that are likely to have an effect on the demand for common area parking, the number of common area parking spaces may be increased or decreased accordingly.

(2) All common area parking that is provided off-street must be clearly identified and reserved for visitors.

(3) All common area parking that is provided off-street is eligible for shared parking in accordance with Section 142.0545.

(4) The common area parking requirement may be met on-street by parking spaces that meet the following criteria:

(A) The parking spaces completely abut the subject property's street frontage.

(B) The parking spaces are within a local street that is improved to City standards to accommodate on-street parking.

(C) If the parking spaces are existing, most of them are not usually occupied.

(D) On-street parking spaces shall be counted according to on-street parking demarcation or parking meters or, if none exists, as one space per 20 feet of full-height curb.

(d) Minimum Required Parking Without a 20-foot Driveway. Any *multiple dwelling unit* with a

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garage that does not provide a driveway that is at least 20 feet long, measured from the back of the sidewalk to that portion of the driveway most distant from the sidewalk, as illustrated in Diagram 142-05A (Section 142.0520), shall provide one additional parking space. This additional parking space may be on-street, abutting the subject property.

§ 142.0530 Nonresidential Uses -- Parking Ratios

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

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

Zone	Parking Spaces Required per 1,000 Square Feet of Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus below Grade *Floor* Area and Excludes Floor Area Devoted to Parking)			
	Required Automobile Parking Spaces			Required Bicycle Parking Spaces(2)
	Minimum Required Outside a *Transit Area*	Minimum Required Within a *Transit Area*(1)	Maximum Permitted	Minimum Required
Commercial Zones				
CC-1-1 CC-2-1 CC-4-1 CC-5-1	2.5	2.1	6.5	0.1
CC-1-2 CC-2-2 CC-4-2 CC-5-2	2.5	2.1	6.5	0.1
CC-1-3 CC-2-3 CC-4-3 CC-5-3	5.0(3)	4.3	6.5	0.1
CC-3-4 CC-4-4 CC-5-4	2.5	2.1	6.5	0.1
CC-3-5	1.0 (6)	1.0 (6)	5.5	0.1
CC-3-5/Beach Impact Area(5)	2.5	2.1	6.5	
CC-4-5	1.0 (6)	1.0 (6)	5.5	
CC-5-5	1.25	1.25	5.5	0.1
CN-1-1	1.0 (6)	1.0 (6)	5.5	0.1
CN-1-2	5.0	4.3	6.5	0.1
CN-1-3	2.5	2.1	6.5	0.1
CR-1-1 CR-1-2	5.0 (3)	4.3	6.5	0.1

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Zone	Parking Spaces Required per 1,000 Square Feet of Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus below Grade *Floor* Area and Excludes Floor Area Devoted to Parking)			
	Required Automobile Parking Spaces			Required Bicycle Parking Spaces(2)
	Minimum Required Outside a *Transit Area*	Minimum Required Within a *Transit Area* (1)	Maximum Permitted	Minimum Required
CO-1-1 CO-1-2	5.0	4.3	6.5	0.1
CV-1-1	5.0	4.3	6.5	0.1
CV-1-2	2.5	2.1	6.5	0.1
Industrial Zones				
IH-1-1 IH-2-1	5.0	4.3	6.5	0.1
IL-1-1 IL-2-1	5.0	4.3	6.5	0.1
IP-1-1 IP-2-1	5.0	4.3	6.5	0.1
IS-1-1	1.0 (6)	1.0 (6)	5.5	0.1
Planned Districts				
Barrio Logan: Subdistrict B	1.0 (6)	1.0 (6)	5.5	0.1
Barrio Logan: Except Subdistrict B	2.5	2.1	6.5	0.1
Carmel Valley	5.0	4.3	6.5	0.1
Golden Hill	1.25	1.25	5.5	0.1
La Jolla	1.7	1.7	5.5	0.1
La Jolla Shores	1.0 (6)	1.0 (6)	5.5	0.1
Mid-City: CN-3 and CV-3	1.25	1.25	5.5	0.1
Mid-City: Except CN-3, CV-3	2.5	2.1	6.5	0.1
Mount Hope	3.3	2.8	6.5	0.1
Mission Valley: CV	2.5	2.1	6.5	0.1
Mission Valley: Except CV	5.0	4.3	6.5	0.1
Otay Mesa	5.0	4.3	6.5	0.1
Old Town	4.0	3.4	6.5	0.1
Southeast San Diego	2.5	2.1	6.5	0.1
San Ysidro	2.5	2.1	6.5	0.1
West Lewis *Street*	1.0 (6)	1.0 (6)	5.5	0.1

Footnotes For Table 142-05D

(1) *Transit Area*. The *transit area* minimum parking ratios apply in the *Transit Area* Overlay Zone (Chapter 13, Article 2, Division 10) and in the Urban Village Overlay Zone (Chapter 13, Article 2, Division 11).

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(2) Bicycle Parking. See Section 142.0530(e).

(3) Uses Located above Ground Floor. The minimum parking ratio for retail sales and commercial services uses above the ground *floor* is 4.0 spaces per 1,000 square feet of *gross floor* area.

(4) Coastal Overlay Zone. For area of applicability, see Chapter 13, Article 2, Division 4.

(5) Beach Impact Area. For area of applicability, see Chapter 13, Article 2, Division 8 (Parking Impact Overlay Zone).

(6) *Alley* Access. For properties with *alley* access, one parking space per 10 linear feet of *alley* frontage may be provided instead of the parking ratio shown in Table 142-05D.

(b) Eating and Drinking Establishments. Table 142-05E establishes the required ratio of parking spaces to building *floor* area in the commercial zones, industrial zones, and planned districts shown, for eating and drinking establishments that are the primary use on a *premises*.

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

Zone	Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment(3) Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus below Grade *Floor* Area and Excludes Floor Area Devoted to Parking)			
	Required Automobile Parking Spaces			Required Bicycle Parking Spaces(2)
	Minimum Required Outside a *Transit Area*	Minimum Required Within a *Transit Area*(1)	Maximum Permitted	Minimum Required
Commercial Zones				
CC-1-1 CC-2-1 CC-4-1 CC-5-1	2.5	2.1	25.0	0.1
CC-1-2 CC-2-2 CC-4-2	2.5	2.1	25.0	0.1
CC-5-2	2.5	2.1	25.0	0.1
CC-4-2/Coastal Overlay Zone(4)	5.0	4.3	25.0	0.1
CC-1-3 CC-2-3 CC-4-3 CC-5-3	15.0	12.8	25.0	0.1
CC-3-4 CC-4-4	2.5	2.1	25.0	0.1
CC-4-4/Coastal Overlay Zone(4)	5.0	4.3	25.0	0.1
CC-5-4	2.5	2.1	25.0	0.1
CC-3-5	1.0 (6)	1.0 (6)	20.0	0.1

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Zone	Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment[3] Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus below Grade *Floor* Area and Excludes Floor Area Devoted to Parking)			
	Required Automobile Parking Spaces			Required Bicycle Parking Spaces[2]
	Minimum Required Outside a *Transit Area*	Minimum Required Within a *Transit Area*[1]	Maximum Permitted	Minimum Required
CC-3-5/Coastal Overlay Zone[4]	5.0	4.3	25.0	0.1
CC-4-5	1.0 [6]	1.0 [6]	20.0	
CC-5-5	1.25	1.25	20.0	0.1
CN-1-1	1.0 [6]	1.0 [6]	20.0	0.1
CN-1-2	15.0	12.8	25.0	0.1
CN-1-3	2.5	2.1	25.0	0.1
CR-1-1 CR-1-2	15.0	12.8	25.0	0.1
CO-1-1 CO-1-2	15.0	12.8	25.0	0.1
CV-1-1	15.0	2.1	25.0	0.1
CV-1-2	5.0	4.3	25.0	0.1
Industrial Zones				
IH-1-1 IH-2-1	15.0	12.8	25.0	0.1
IL-1-1 IL-2-1	15.0	12.8	25.0	0.1
IP-1-1 IP-2-1	15.0	12.8	25.0	0.1
IS-1-1	1.0 [6]	1.0 [6]	20.0	0.1
Planned Districts				
Barrio Logan: Subdistrict B	1.0 [6]	1.0 [6]	20.0	0.1
Barrio Logan: Except Subdistrict B	2.5	2.1	20.0	0.1
Carmel Valley	15.0	12.8	25.0	0.1
Golden Hill	1.25	1.25	20.0	0.1
La Jolla	5.0	4.3	20.0	0.1
La Jolla Shores	1.0 [6]	1.0 [6]	20.0	0.1
Mid-City: CN-3 and CV-3	1.25	1.25	20.0	0.1
Mid-City: Except CN-3, CV-3	2.5	4.3	25.0	0.1
Mount Hope	3.3	2.8	25.0	0.1
Mission Valley: CV	5.0	4.3	25.0	0.1
Mission Valley: Except CV	15.0	12.8	25.0	0.1
Otay Mesa	15.0	12.8	25.0	0.1
Old Town	4.0	3.4	25.0	0.1

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Zone	Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment(3) Floor Area Unless Otherwise Noted (Floor Area includes Gross Floor Area plus below Grade *Floor* Area and Excludes Floor Area Devoted to Parking)			
	Required Automobile Parking Spaces			Required Bicycle Parking Spaces(2)
	Minimum Required Outside a *Transit Area*	Minimum Required Within a *Transit Area*(1)	Maximum Permitted	Minimum Required
Southeast San Diego	5.0	4.3	25.0	0.1
San Ysidro	5.0	4.3	25.0	0.1
West Lewis *Street*	1.0 (6)	1.0 (6)	20.0	0.1

Footnotes For Table 142-05E

(1) *Transit Area*. The *transit area* minimum parking ratios apply in the *Transit Area* Overlay Zone (Chapter 13, Article 2, Division 10) and in the Urban Village Overlay Zone (Chapter 13, Article 2, Division 11).

(2) Bicycle Parking. See Section 142.0530(e)

(3) Eating and Drinking Establishments. The minimum parking ratios apply to eating and drinking establishments that do not have a common parking area with any other uses. There is no minimum parking requirement or maximum permitted parking for outdoor dining.

(4) Coastal Overlay Zone. For area of applicability, see Chapter 13, Article 2, Division 4.

(5) Beach Impact Area. For area of applicability, see Chapter 13, Article 2, Division 8 (Parking Impact Overlay Zone).

(6) *Alley* Access. For properties with *alley* access, one parking space per 10 linear feet of *alley* frontage may be provided instead of the parking ratio shown in Table 142-05E.

(c) Nonresidential Uses. Table 142-05F establishes the required ratio of parking spaces to building *floor* area for the nonresidential uses shown that are not covered by the parking requirements in Section 142.0530(a) and (b).

Table 142-05F
Parking Ratios for Specified Non-Residential Uses

Use	Parking Spaces Required per 1,000 Square Feet of Floor Area Unless Otherwise Noted (Floor Area includes Gross Floor Area plus below Grade Floor Area, and Excludes Floor Area Devoted to Parking)				
	Required Automobile Parking Spaces				Required Bicycle Parking Spaces(6)
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area(1)	Maximum Permitted	Carpool Minimum(2)	Minimum
Institutional					
Separately regulated uses					

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Use	Parking Spaces Required per 1,000 Square Feet of Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus below Grade Floor Area, and Excludes Floor Area Devoted to Parking)				
	Required Automobile Parking Spaces				Required Bicycle Parking Spaces(3)
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area(1)	Maximum Permitted	Carpool Minimum(2)	Minimum
Botanical Gardens and Arboretums	3.3	2.8	N/A	N/A	2% of Auto Minimum
Churches and places of religious assembly	1 per 3 seats; or 1 per 60 inches of pew space; or 30 per 1,000 square feet assembly area if seating is not fixed	85% of Minimum	N/A	N/A	2% of Auto Minimum
Educational facilities:					
Kindergarten through grade 9	2.0 per classroom if no assembly area or 30 per 1,000 square feet assembly area	85% of Minimum	N/A	N/A	2% of Auto Minimum
Grade 10 through grade 12	1 per 5 students at maximum occupancy	85% of Minimum	N/A	N/A	2% of Auto Minimum
Vocational/trade schools	1 per student at maximum occupancy	85% of Minimum	N/A	N/A	2% of Auto Minimum
Exhibit Halls & Convention Facilities	1 per 3 seats; 30.0 if no fixed seats	85% of Minimum	N/A	N/A	2% of Auto Minimum
Hospitals	2 per bed	85% of Minimum	N/A	N/A	2% of Auto Minimum
Intermediate care facilities and nursing facilities	1 per 3 beds	85% of Minimum	N/A	N/A	2% of Auto Minimum
Interpretive Centers	3.3	2.8	N/A	N/A	2% of Auto Minimum
Museums	3.3	2.8	N/A	N/A	2% of Auto Minimum
Radio & Television Broadcasting	3.3	2.9	5.0	0.3	0.03 + .03 bike lockers with shower
Retail Sales: See Table 142-05D					
Commercial Services					
Eating & Drinking Establishments	See Table 142-05E				
Public assembly & entertainment					
Theaters	1-3 screens: 1 per 3 seats 4+ screens: 1 per 3.3 seats Per assembly area if not fixed seats: 50.0	85% of Minimum	N/A	N/A	2% of Auto Minimum

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Use	Parking Spaces Required per 1,000 Square Feet of Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus below Grade Floor Area, and Excludes Floor Area Devoted to Parking)				
	Required Automobile Parking Spaces				Required Bicycle Parking Spaces[8]
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area[1]	Maximum Permitted	Carpool Minimum[2]	Minimum
Health clubs	5.0 Clubs with Courts: 1 additional space per the maximum number of authorized players (Amateur Athletic Union) per court	85% of Minimum	N/A	N/A	2% of Auto Minimum
Swimming pools	Commercial: 1 per 100 sq. ft. of pool surface area Community: 1 per 175 sq. ft. of pool surface area	85% of Minimum	N/A	N/A	2% of Auto Minimum
All other public assembly and entertainment	1 per 3 seats; 30.0 if no fixed seats	85% of Minimum	N/A	N/A	2% of Auto Minimum
Visitor accommodations	1 per *guest room* Conference Area: 10.0	1 per *guest room* Conference Area: 10.0	N/A	N/A	2% of Auto Minimum
Separately regulated uses					
Child care facilities	1 per staff	85% of Minimum	N/A	N/A	N/A
Funeral parlors & Mortuaries	1 per 3 seats; 30.0 for assembly area if no fixed seats	85% of minimum	N/A	N/A	2% of Auto Minimum
Outpatient Medical Clinic	4.0	3.5	6.0	0.4	0.03 + .03 bike lockers with shower
Private clubs, lodges, fraternal organizations (except fraternities and sororities)	1 per *guest room*, or 2.5, whichever is greater	85% of Minimum	N/A	N/A	2% of Auto Minimum
Single room occupancy hotels	1 per room *Very low income*[5]: 0.5 per room	0.5 per room *Very low income*[5]: 0.25 per room	N/A	N/A	0.2 per room
Veterinary clinics & hospitals	2.5	2.1	N/A	N/A	N/A
Offices[6]					
Business & professional/ Government/ Regional & corporate headquarters (except in IS Zone)	3.3	2.9	5.0	0.3	0.03 +.03 bike lockers with shower
Medical, dental, & health practitioners (except in IS Zone)	4.0	3.5	6.0	0.4	0.03 + .03 bike lockers with shower

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Use	Parking Spaces Required per 1,000 Square Feet of Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus below Grade Floor Area, and Excludes Floor Area Devoted to Parking)				
	Required Automobile Parking Spaces				Required Bicycle Parking Spaces[3]
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area[1]	Maximum Permitted	Carpool Minimum[2]	Minimum
All office uses in the IS Zone	1.0[4]	1.0[4]	5.0	N/A	0.1
Vehicle & Vehicular Equipment Sales & Service					
Automobile service stations	2 per Station; with Maintenance Facility, 3 per Station Plus 1 per Service Bay Retail Sales: 3.0	85% of Minimum	N/A	N/A	N/A
Vehicle repair & maintenance	5.0	4.3	N/A	N/A	N/A
Vehicle sales & rentals	1 per each 10 display cars	85% of Minimum	N/A	N/A	N/A
Wholesale, Distribution, and Storage[6]					
All wholesale, distribution and storage uses	1.0[4]	1.0[4]	4.0	N/A	0.1
Industrial					
Heavy Manufacturing (except in IS Zone)	1.5	1.5	4.0	0.2	0.03 + .03 bike lockers with shower
Light manufacturing (except in IS Zone)	2.5	2.1	4.0	0.3	0.03 + .03 bike lockers with shower
Research & development (except in IS Zone)	2.5	2.1	4.0	0.3	0.03 + .03 bike lockers with shower
All industrial uses in the IS Zone	1.0[4]	1.0[4]	4.0	N/A	0.1

Footnotes For Table 142-05F

(1) *Transit Area*. The *transit area* minimum parking ratios apply in the *Transit Area* Overlay Zone (Chapter 13, Article 2, Division 10) and in the Urban Village Overlay Zone (Chapter 13, Article 2, Division 11).

(2) Carpool. See Section 142.0530(d).

(3) Bicycle Parking. See Section 142.0530(e).

(4) *Alley* Access. For properties with *alley* access, one parking space per 10 linear feet of *alley* frontage may be provided instead of the parking ratio shown in Table 142-05F.

(5) *Very Low Income*. The *very low income* parking ratio applies to dwelling units limited to occupancy by *very low income* households that are covered by an agreement with the San Diego Housing Commission pursuant to Chapter 14, Article 3, Division 7 (Affordable Housing Density Bonus Regulations).

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(6) Accessory Retail Sales, Commercial Services, and Office Uses. On-site accessory retail sales, commercial services, and office uses that are not open to the public are subject to the same parking ratio as the primary use.

(d) Carpool Spaces

(1) Required carpool parking spaces are to be provided within the overall minimum parking requirement, not in addition to it.

(2) Carpool spaces shall be clearly labeled and conveniently located close to employee entrances.

(3) If there is a charge for parking, carpool spaces shall be offered at a discount for vehicles containing two or more persons.

(e) Bicycle Facilities

(1) The minimum number of required bicycle parking spaces is two.

(2) The maximum number of required bicycle parking spaces is 25. These spaces can be accommodated with racks for 25 bicycle spaces or racks for 12 spaces and 12 bicycle lockers if lockers are also required.

(3) The following uses are exempt from the bicycle facilities requirement:

Cemeteries, mausoleums, crematories;
Maintenance and repair uses;
Boarding kennels;
Pet grooming services;
Veterinary clinics and hospitals;
Vehicle and vehicular equipment sales and service uses; and
Mining and extractive industries

(f) Unspecified Uses. For uses not addressed by Tables 142-05D, 142-05E, and 142-05F the required *off-street parking spaces* are the same as that required for similar uses. The City Manager shall determine if uses are similar.

(g) Motorcycle Parking. Motorcycle parking shall be provided at a ratio of 2 percent of the minimum number of automobile parking spaces required or two spaces, whichever is greater.

(h) Rideshare Information. All nonresidential uses with more than 100,000 square feet of *gross floor* area are required to provide a kiosk or bulletin board that displays information on transit use, carpooling, and other forms of ridesharing.

§ 142.0535 Off-Premises Parking Regulations in Urbanized Communities

Required *off-street parking spaces* for uses in urbanized communities as identified in the Progress Guide and General Plan may be located off-premises, subject to the following regulations.

(a) Residential Uses. Some portion of the off-premises parking shall be within a 25-foot horizontal distance of the *premises* on which the use requiring *off-street parking spaces* is

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located.

(b) Nonresidential Uses. Some portion of the off-premises parking shall be within a non-residential zone and within a 600-foot horizontal distance of the *premises* on which the use requiring *off-street parking spaces* is located.

(c) Control of Parking Spaces. The off-premises parking shall be owned or controlled by the owner of the use requiring the *off-street parking spaces*. When off-premises parking is to be provided, the owner or lessee of record of the *premises* shall furnish evidence that is satisfactory to the City Manager that they own or have a sufficient interest in the property to provide the minimum *off-street parking spaces* required by the Land Development Code. Whether *off-street parking spaces* are to be provided on property that is owned by the *applicant* or another owner, the *applicant* shall provide to the County Recorder for recordation, a covenant that has been executed by the owners of the property on which the off-premises parking is proposed. The covenant shall be for the benefit of the City, in a form approved by the City Attorney, to the effect that the owners will continue to maintain the parking spaces as long as the use it serves exists. The covenant shall also recite that the title to, and right to, use the *lots* upon which the parking is to be provided will be subservient to the title to the *premises* where the *primary use* it serves is situated and shall warrant that the *lots* are not and will not be made subject to any other covenant or contract for use without prior written consent of the City. If the owners of the use should thereafter provide parking equal in area within the same distance and under the same conditions as the ownership upon another *lot* than the *premises* made subservient in a previous covenant, the City will, upon written application accompanied by the filing of a similar covenant, release the original subservient *premises* from the previous covenant. The owners shall furnish at their own expense title reports or other evidence the City may require to insure compliance with the provisions of this section.

(d) Off-Premises *Parking Spaces* Not to be Reduced. Off-premises *parking spaces* provided in accordance with this section shall be maintained as long as the *structure* or use for which they are provided exists unless an equivalent substitute number of spaces is provided and thereafter maintained in compliance with the Land Development Code. In no event shall parking facilities that are provided or maintained for a *structure* or use be considered as providing any of the required space for any other *structure* or use.

§ 142.0540 Exceptions to Parking Regulations for Nonresidential Uses

(a) Commercial Uses on Small Lots. For *lots* that are 7,000 square feet or less, that existed before [ordinance adoption date], including abutting *lots* under common ownership, the parking requirements set forth in Table 142-05G may be applied to all commercial uses at the option of the *applicant* as an alternative to the requirements set forth in Section 142.0530. The type of access listed in Table 142-05G determines the minimum number of required *off-street parking spaces*.

Table 142-05G
Alternative Parking Requirement for Commercial Uses on Small Lots

Type of Access	Minimum Number of Parking Spaces
With *Alley* Access (1)	1 space per 10 feet of *alley* frontage, minus one space
Without *Alley* Access	none required

§ 142.0540 Cont'd Footnote to Table 142-05G

(1) The City Engineer will determine whether a *lot* has adequate *alley* access according to accepted engineering practices.

(b) Exceeding Maximum Permitted Parking. Development proposals may exceed the maximum permitted automobile parking requirement shown in Tables 142-05D, 142-05E, and 142-05F with the approval of a Neighborhood Development Permit, subject to the following:

(1) The *applicant* must show that the proposed parking spaces are required to meet anticipated parking demand, will not encourage additional automobile trips, and will not result in adverse site design impacts; and

(2) The number of automobile parking spaces provided shall not be greater than 125 percent of the maximum that would otherwise be permitted.

(c) Varying From Minimum Parking Requirements. Development proposals may, at the applicant's option, vary from the minimum parking requirements of this division with the approval of a Transportation Demand Management (TDM) Plan and Site Development Permit decided in accordance with Process Three, subject to the following requirements.

(1) The TDM Plan shall be designed to reduce peak period automobile use with such techniques as carpooling, vanpooling, transit, bicycling, walking, telecommuting, compressed work weeks, or flextime.

(2) To compensate for a reduction in parking, the TDM Plan shall specify only those measures that would not otherwise be required by this division.

(3) In no case shall the number of automobile parking spaces provided be less than 85 percent of the minimum that would otherwise be required.

(4) The *applicant* shall show that the TDM Plan adequately mitigates the proposed reductions in automobile parking.

(5) The owner shall set aside land for a parking facility or allow for future construction or expansion of a structured parking facility that is sufficient to provide additional parking spaces equal in number to the number reduced.

(6) In the event of noncompliance with the TDM Plan, the City Manager shall require the owner to construct additional parking spaces equal in number to the spaces originally reduced.

§ 142.0545 Shared Parking Requirements

(a) Approval Criteria. In all zones except single unit residential zones, *shared parking* may be approved through a Building Permit subject to the following requirements.

(1) *Shared parking* requests shall be for two or more different land uses located adjacent or near to one another, subject to the standards in this section.

(2) All *shared parking* facilities shall be located within a 600-foot horizontal distance of the uses served.

§ 142.0545 Cont'd

(3) Parties involved in the shared use of a parking facility shall provide an agreement for the shared use in a form that is acceptable to the City Attorney.

(4) *Shared parking* facilities shall provide *signs* on the *premises* indicating the availability of the facility for patrons of the participating uses.

(5) Modifications to the *structure* in which the uses are located or changes in tenant occupancy require review by the City Manager for compliance with this section.

(b) Shared Parking Formula. *Shared parking* is based upon the variations in the number of parking spaces needed (parking demand) over the course of the day for each of the proposed uses. The hour in which the highest number of parking spaces is needed (peak parking demand) for the proposed *development*, based upon the standards in this section, determines the minimum number of required *off-street parking spaces* for the proposed *development*.

(1) The *shared parking* formula is as follows:

A, B, C	=	proposed uses to share parking spaces
PA	=	parking demand in the peak hour for Use A
PB	=	parking demand in the peak hour for Use B
PC	=	parking demand in the peak hour for Use C
HA%	=	the percentage of peak parking demand for Use A in Hour H
HB%	=	the percentage of peak parking demand for Use B in Hour H
HC%	=	the percentage of peak parking demand for Use C in Hour H
P(A, B, C)	=	peak parking demand for Uses A, B and C combined

Formula:

$P(A, B, C) = (PA \times HA\%) + (PB \times HB\%) + (PC \times HC\%)$,
where H = that hour of the day (H) that maximizes P(A, B, C)

(2) Table 142-05G contains the peak parking demand for selected uses, expressed as a ratio of parking spaces to *floor* area.

(3) Table 142-05H contains the percentage of peak parking demand that selected uses generate for each hour of the day (hourly accumulation curve), in some cases separated into weekdays and Saturdays. The period during which a use is expected to generate its peak parking demand is indicated as 100 percent, and the period during which no parking demand is expected is indicated with "-".

(4) The parking demand that a use generates in a particular hour of the day is determined by multiplying the peak parking demand for the use by the percentage of peak parking demand the use generates in that hour.

(5) The parking demand of the proposed *development* in a particular hour of the day is determined by adding together the parking demand for each use in that hour.

§ 142.0545 Cont'd

(6) The minimum number of required *off-street parking spaces* for the proposed *development* is the highest hourly parking demand.

(7) Uses for which standards are not provided in Tables 142-05H and 142-05I may nevertheless provide *shared parking* with the approval of a Neighborhood Development Permit, provided that the *applicant* shows evidence that the standards used for the proposed *development* result in an accurate representation of the peak parking demand.

(c) Single Use Parking Ratios. *Shared parking* is subject to the parking ratios in Table 142-05H.

Table 142-05H
Parking Ratios for Shared Parking

Use	Peak Parking Demand (Ratio of spaces per 1,000 square feet of floor area unless otherwise noted. Floor area includes gross floor area plus below grade *floor* area and excludes floor area devoted to parking)	Transit Area[1]
Office (except medical office)		
Weekday	3.3	2.8
Saturday	0.5	0.5
Medical office		
Weekday	4.0	3.4
Saturday	0.5	0.5
Retail sales	5.0	4.3
Eating & drinking establishment	15.0	12.8
Cinema 1-3 screens 4 or more screens	1 space per 3 seats 1 space per 3.3 seats	1 space per 3 seats 1 space per 3.3 seats
Visitor accommodations	1 space per *guest room*	1 space per *guest room*
Conference room	10.0	10.0
Multiple dwelling units	(see Section 142.0525)	

Footnote for Table 142-05H

(1) *Transit Area.* The *transit area* peak parking demand applies in the *Transit Area* Overlay Zone (see Chapter 13, Article 2, Division 10).

(d) Hourly Accumulation Rates. Table 142-05I contains, for each hour of the day shown in the left column, the percentage of peak demand for each of the uses, separated in some cases into weekdays and Saturdays.

§ 142.0545
Cont'd

Table 142-05I
Representative Hourly Accumulation by Percentage of Peak Hour

Hour of Day	Office (Except Medical Office)		Medical Office		Retail Sales		Eating & Drinking establishment.		Cinema	
	Weekday	Saturday	Weekday	Saturday	Weekday	Saturday	Weekday	Saturday	Weekday	Saturday
6 a.m.	5%	-	5%	-	-	-	15%	20%	-	-
7 a.m.	15	30%	20	20%	10%	5%	55%	35%	-	-
8 a.m.	55	50	65	40	30	30	80	55	-	-
9 a.m	90	80	90	80	50	50	65	70	-	-
10 a.m.	100	90	100	95	70	75	25	30	5%	-
11 a.m.	100	100	100	100	80	90	65	40	5	-
Noon	90	100	80	100	100	95	100	60	30	30%
1 p.m.	85	85	65	95	95	100	80	65	70	70
2 p.m.	90	75	80	85	85	100	55	60	70	70
3 p.m.	90	70	80	95	80	90	35	60	70	70
4 p.m.	85	65	80	50	75	85	30	50	70	70
5 p.m.	55	40	50	45	80	75	45	65	70	70
6 p.m.	25	35	15	45	80	65	65	85	80	80
7 p.m.	15	25	10	40	75	60	55	100	100	90
8 p.m.	5	20	5	5	60	55	55	100	100	100
9 p.m.	5	-	5	-	45	45	45	85	100	100
10 p.m.	5	-	5	-	30	35	35	75	100	100
11p.m.	-	-	-	-	15	15	15	30	80	80
Midnight	-	-	-	-	-	-	5	25	70	70

Hour of Day	Visitor Accommodations					
	Guest Room		Eating & Drinking Establishment		Conference Room	Exhibit Hall and Convention Facility
	Weekday	Saturday	Weekday	Saturday	Daily	Daily
6 a.m.	100%	90%	15%	20%	-	-
7 a.m.	95	80	55	35	--	-
8 a.m.	85	75	80	55	50%	50%
9 a.m	85	70	65	70	100	100
10 a.m.	80	60	25	30	100	100
11 a.m.	75	55	65	40	100	100
Noon	70	50	100	60	100	100
1 p.m.	70	50	80	65	100	100
2 p.m.	70	50	55	60	100	100

§ 142.0545 Cont'd

Hour of Day	Visitor Accommodations					
	Guest Room		Eating & Drinking Establishment		Conference Room	Exhibit Hall and Convention Facility
3 p.m.	60	50	40	60	100	100
4 p.m.	65	50	30	50	100	100
5 p.m.	60	60	45	65	100	100
6 p.m.	65	65	65	85	100	100
7 p.m.	75	70	55	100	100	100
8 p.m.	85	70	55	100	100	100
9 p.m.	90	75	45	85	100	100
10p.m.	90	85	35	75	50	50
11p.m.	100	95	15	30	-	-
Midnight	100	100	10	25	-	-

Hour of Day	Residential	
	Weekday	Saturday
6 a.m.	100%	100%
7 a.m.	80	100
8 a.m.	60	95
9 a.m	50	85
10 a.m.	40	80
11 a.m.	40	75
Noon	40	70
1 p.m.	35	65
2 p.m.	40	65
3 p.m.	45	65
4 p.m.	45	65
5 p.m.	50	65
6 p.m.	65	70
7 p.m.	70	75
8 p.m.	75	80
9 p.m.	85	80
10 p.m.	90	85
11 p.m.	95	90
Midnight	100	95

§ 142.0550 Parking Assessment District Calculation Exception

(a) Exemption From Minimum Required Parking Spaces. Property within a parking assessment district formed pursuant to any parking district ordinance adopted by the City Council may reduce the number of parking spaces provided from the minimum automobile space requirements in Tables 142-05C, 142-05D, 142-05E, and 142-05F in accordance with the application of the following formula:

(Assessment against the subject property) / (Total assessment against all property in the parking district) x (parking spaces provided in the district facility) x 1.25 = parking spaces reduced.

The remainder of the *off-street parking spaces* required by Tables 142-05C, 142-05D, 142-05E, and 142-05F shall be provided on the *premises* or as otherwise provided in the applicable zone.

(b) Property Within More than One Parking Assessment District. Property located in more than one parking assessment district is entitled to the exemption provided in Section 142.0550(a) for each parking assessment district.

§ 142.0555 Tandem Parking Regulations

(a) Tandem Parking for Residential Uses. Tandem parking regulations for residential uses are described in Chapter 13, Article 2, Division 9 (Residential Tandem Parking Overlay Zone).

(b) Tandem Parking for Commercial Uses. Tandem parking for commercial uses may be approved through a Neighborhood Development Permit provided the tandem parking is limited to the following purposes:

(1) Assigned employee parking spaces;

(2) Valet parking ; and

(3) Bed and breakfast establishments.

§ 142.0560 Development and Design Regulations for Parking Facilities

(a) General Regulations for Parking Areas

(1) In computing the required number of *off-street parking spaces* and bicycle spaces, a remaining fraction of one-half or more parking space is deemed a whole parking space; a remaining fraction of less than one-half is disregarded.

(2) For mixed uses on the same *premises*, the required parking spaces shall be either of the following:

(A) The sum of the requirements for each individual use computed separately; or

(B) In compliance with Section 142.0545 *shared parking* requirements.

(3) Where five or more required spaces are provided on a *premises*, each space shall be clearly delineated with paint or other more durable material contrasting in color with the surface to which it is applied.

§ 142.0560 Cont'd

(4) Parking areas with fewer than 5 spaces are not required to be delineated. The number of spaces in undelineated parking areas shall be determined by dividing the square footage of the usable parking area by 350.

(b) Minimum Dimensions for *Off-street Parking Spaces*. The minimum dimensions for single and tandem spaces for specific types of parking spaces are shown in Table 142-05J , except as provided in Section 142.0560(e) for certain pre-existing parking facilities. Compact spaces are not permitted.

Table 142-05J
Minimum Off-Street Parking Space Dimensions

Type of Space	Required Single Space Dimensions	Required Tandem Space Dimensions
Parking space unobstructed: Retail sales uses and eating and drinking establishments All other uses	8'-3" wide x 18' long 8' wide x 18' long	All uses 8' wide x 35' long
Parking space abuts a wall, column, or other immovable obstacle	One side abutting obstacle: 9' wide x 18' long Two sides abutting obstacle: 9½' wide x 18' long	One side abutting obstacle: 9' wide x 35' long Two sides abutting obstacle: 9½' wide x 35' long
Garage door behind space	Add 1 foot to the required parking space length	Add 1 foot to the required parking space length
Garage door between front and rear space	N/A	Add 5 feet to the required parking space length
Parking Space parallel to aisle (interior space)	8' wide x 21' long	N/A

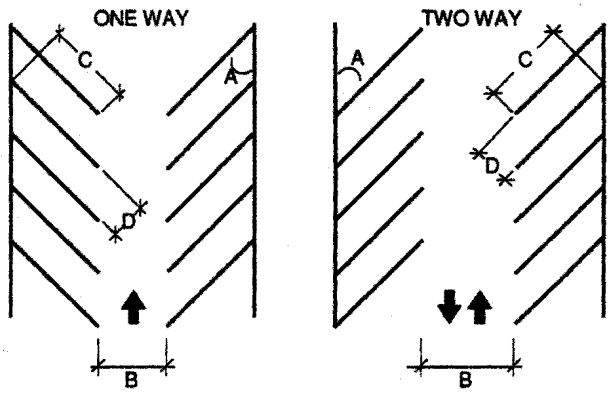
(c) Minimum Dimensions for Automobile Parking Aisles. The minimum dimensions for automobile parking aisles at permitted angles for one-way and two-way circulation are shown in Table 142-05K and illustrated in Diagram 142-05B, except as provided in Section 142.0560(e) for certain pre-existing parking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

Table 142-05K
Aisle Dimensions

Angle Between Parking Space and Aisle	Minimum Required Aisle Width (feet)	
	One Way	Two Way
90° (perpendicular)	24	24
75°	23	24
60°	18	22
45°	12	20
0° (parallel)	12	20

§ 142.0560 Cont'd

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



A. Angle between parking space and aisle
B. Aisle width
C. Space length: 18'
D. Space width: 8'3" retail sales and frstaurant uses. (all other uses 8')

(1) For other angles between 45 and 90 degrees, use the aisle width for the next larger angle in Table 142-05K.

(2) Parking spaces that are not parallel to the aisle (0 degrees between the parking space and aisle) shall be at an angle of at least 45 degrees to the aisle, except as otherwise approved by the City Manager according to accepted engineering practices.

(d) Vehicular Circulation Within Parking Facilities

(1) Each parking space shall open directly on an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to the parking space. All required parking facilities shall have convenient and direct access to a public *street* or *alley*.

(2) Vehicular circulation from one aisle to another on the same *premises* shall not require the use of a public *street*.

(3) Aisles that do not provide through circulation shall provide a turnaround area at the end of the aisle that is clearly marked to prohibit parking and that has a minimum area equivalent to a parking space.

(e) Minimum Parking and Aisle Dimensions for Pre-existing Parking Facilities. Required *off-street parking spaces* approved before [effective date of this ordinance] need not be restriped to comply with this section when enlargement or a change in use is undertaken if the spaces required for both the existing use and enlargement comply with the following standards:

(1) The parking stall dimensions for 90-degree parking are 8 feet, 6 inches wide by 20 feet long with 21-foot aisles; or

§ 142.0560 Cont'd

(2) A maximum of 60 percent of the total number of spaces may be 7 feet, 6 inches wide by 15 feet long with 18-foot aisles..

(f) Minimum Dimensions for Motorcycle Parking Facilities. Motorcycle spaces shall be at least 3 feet wide and 8 feet long.

(g) Minimum Bicycle Facilities. Bicycle racks, bicycle lockers, and shower facilities required by this division shall comply with the following.

(1) A bicycle rack is not required for bicycle parking spaces required for a dwelling unit with a garage that is for use only by the occupants of the dwelling unit.

(2) Bicycle racks used to provide required bicycle parking spaces shall allow the locking of both wheels and the frame without the use of chains or cables.

(3) Bicycle lockers may be substituted by enclosed, locked, limited-access areas with racks.

(4) Bicycle racks and lockers shall be located in convenient, visible, well-lit areas that are not accessible by motor vehicles or within a pedestrian path. They may be located within the *public right-of-way* only upon approval of the City Manager, according to accepted engineering practices.

(5) Shower facilities shall include lockers and shall be free-of-charge to bicycle commuters.

(h) Surface Parking Design Regulations

(1) All parking spaces, parking areas, loading areas, and driveways shall be surfaced with asphaltic concrete at least 2 inches in depth or its equivalent as determined by the City Manager according to accepted engineering practices, except that vehicles and equipment permitted to be stored in accordance with Chapter 14, Article 2, Division 11 (Outdoor Storage, Display, and Activity Regulations), may be placed on a permeable surface. Surfacing shall be placed on a suitable compacted and prepared base.

(2) Any artificial lighting of parking areas shall be shaded so as not to fall on adjacent properties.

(3) All surface parking facilities (including aisles and driveways) in a *multiple dwelling unit*, commercial, or industrial zone containing five or more parking spaces shall be bounded by walls, *solid fences*, buildings, landscaping, or a combination of these whenever the parking area abuts residentially zoned property along the side or rear *property lines* of the *premises* on which the parking area is located. All walls, buildings, and landscaping shall be in compliance with applicable *setback* and *fence* requirements.

(4) On any *premises* containing five or more parking spaces, all parking spaces within 10 feet of the boundaries of abutting properties shall be equipped with curbs or permanently anchored wheel stops not less substantial than a 6-inch by 6-inch timber. Wheel stops shall be at least 6 feet in length and located to provide a vehicle overhang of not more than 3 feet.

(5) The length of a parking space may overhang a raised curb or wheel stop and a required landscape area by a maximum of 3 feet, provided that the height of the curb does not exceed 6 inches and the area of overhang is not part of a required pedestrian path.

§ 142.0560 Cont'd

(6) The maximum gradient in any direction within a surface parking facility shall be 6 percent, except that where unusual or special circumstances warrant, the City Manager may approve steeper gradients according to accepted engineering practices.

(i) Queue Requirements for Drive-Up Service. Queue space for a minimum of five cars shall be provided for each drive-up service window or position. The queue space for each car shall be 10 feet wide and 20 feet long. Required queue spaces shall not obstruct access to parking aisles or parking spaces.

(j) Driveway and Access Regulations

(1) For the uses described in Table 142-05L, the driveway width shall comply with the minimum and maximum widths shown.

Table 142-05L
Driveway Width

Use	Minimum Width		Maximum Width	
	One-Way	Two-Way	One-Way	Two-Way
Detached *single dwelling unit* (other than RX Zones)	12 feet		25 feet	
Dwelling unit in the RX Zone	12 feet		20 feet	
Multiple dwelling unit	14 feet	20 feet	20 feet	25 feet
Nonresidential	14 feet	24 feet	20 feet	30 feet

(2) When redevelopment occurs, after the demolition of the primary *structures* on a *premises*, existing driveways shall be modified to comply with this section.

(3) Driveway openings shall comply with San Diego Regional Standard Drawing G-16 and either Number G-14A and G-14B, Concrete Driveways, or SDG-114, Concrete Driveway Commercial Alternate, except that driveway openings abutting a through travel lane less than 17 feet wide with an existing or anticipated speed limit of 30 miles per hour or greater shall conform to Drawing Number SDG-114, Concrete Driveway Commercial Alternate.

(4) Driveways that serve as direct access to *off-street parking spaces* and that traverse a sidewalk or curb shall be at least 20 feet long measured from the back of the sidewalk to that portion of the driveway most distant from the sidewalk, as illustrated in Diagram 142-05A in Section 142.0520.

(5) Driveway entrances crossing a sidewalk shall maintain the scoring pattern and color used in the adjacent sidewalk areas, as illustrated in Diagram 142-05C. Special paving requires the approval of the City Engineer.

(6) There shall be at least a 45-foot length of full-height curb between driveways serving the same *premises*, as illustrated in Diagram 142-05C.

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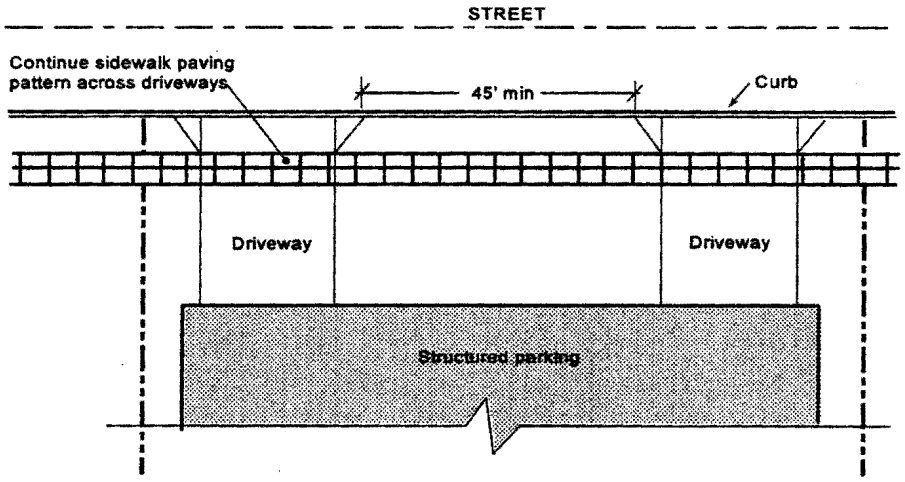
Cont'd

Diagram 142-05C
Driveway Spacing and Scoring Pattern



(7) Within the beach impact area of the Parking Impact Overlay Zone, as shown in Chapter 13, Article 2, Division 8, where any new *development* or any redevelopment will increase the *gross floor area* by 50 percent or more on a *premises* abutting an improved *alley*, the required *off-street parking spaces* shall be accessible from the *alley*.

(8) Maximum Number of Driveways Permitted on a *Premises*

(A) For properties with no access to an *alley*, there shall be at least one driveway opening permitted per *street frontage* with a maximum of one driveway opening for each 100 feet of *street frontage*.

(B) For properties with access to an *alley* and at least 150 feet of *street frontage*, a maximum of one driveway opening for each 150 feet of frontage is permitted.

(C) For properties with access to an *alley* and less than 150 feet of frontage, a driveway is not permitted, except that in the RM-1-1, RM-1-2, and RM-1-3 zones, one driveway may be permitted if the prohibition of a driveway opening would preclude achieving the maximum *density* permitted by the underlying zone.

(9) Driveway Gradient Regulations

(A) Driveways may be up to 5 percent gradient with no transitions.

(B) Between the driveway apron and any driveway gradient greater than 5 percent, there shall be a 20-foot-long flat transition not exceeding a 5 percent gradient. A shorter transition may be approved by the City Manager according to accepted engineering practices.

(C) For driveways with a gradient greater than 14 percent up to the maximum permitted gradient of 20 percent, there shall be transitions for the first and last 8 feet of the ramp. The transitions shall not exceed one-half of the abutting slope of the driveway, as illustrated in Diagram 142-05D.

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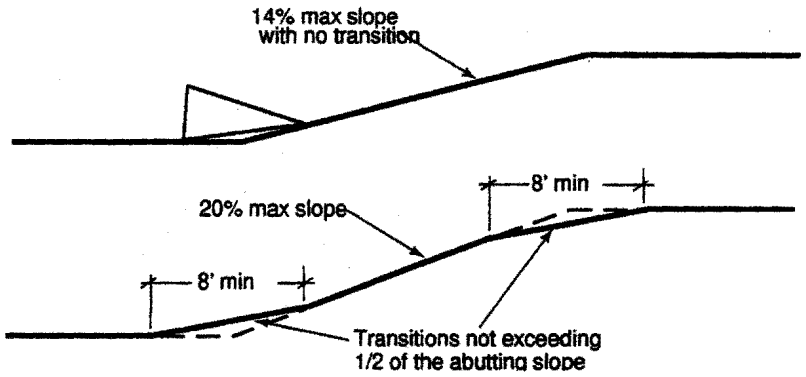
Diagram 142-05D
Maximum Driveway Slope



(10) All driveways shall lead to a legal, off-street parking area or loading area on the same *premises* or to legal parking on neighboring property, if permitted by variance, recorded map easement, or other approved mechanism.

(k) Parking *Structure* Design Regulations. Parking *structures* are subject to the following design regulations:

(1) The perimeter of each parking garage *floor* above *street* level shall have an opaque *screen* or other *screening* mechanism to shield automobiles from public view. The *screen* shall be at least 3½ feet high measured from the finished *floor* elevation. An architectural treatment, such as a finished fascia, shall be provided to shield any unfinished structural elements (including electrical elements, exposed metal beams, and fireproofing material) or mechanical appurtenances from a viewing position at *grade* from the opposite side of the *street*. Lights visible from the exterior of the *structure* shall be covered or *screened* with a diffusing lens and oriented to minimize the visual impact from a viewing position at *grade* from the opposite side of the *street*. The top *floor* of parking *structures* that are open to the sky are subject to the vehicular use area requirements of the Landscape Regulations (Chapter 14, Article 2, Division 4).

(2) The maximum gradient in any direction within a parking *structure* is 6 percent, except that where unusual or special circumstances warrant, the City Manager may approve steeper gradients according to accepted engineering practices.

Article 2: General Development Regulations

Division 6: Public Facility Regulations

§ 142.0601 Purpose of Public Facility Regulations

The purpose of these regulations is to establish when public facilities will be required to be provided by private *development*. The intent of these regulations is to assure that the cost of providing public facilities to serve new *development* is the responsibility of that *development* and that minimum standards for public facilities are maintained to protect the public health, safety, and welfare.

§ 142.0605 When Public Facility Regulations Apply

This division applies to *development* of private property that requires *public improvements* or the payment of fees for public facilities.

§ 142.0610 When Public Improvements May Be Required Incidental to a Building Permit

(a) Except as provided in Section 142.0610(b) and 142.0611, no *structure* shall be erected or enlarged, and no Building Permit shall be issued, for any *lot* unless the *streets* and *alleys* abutting the *premises* have been dedicated and improved along the abutting frontage to the prevailing standards of the City of San Diego. *Street* improvements shall include street trees, curbs, gutters, sidewalks, and half-width paving. *Alley* improvements shall consist of full-width paving.

(b) Where *public improvements* do not exist or are not to the prevailing standard, a Building Permit may, nevertheless, be issued under any of the following circumstances provided any needed *dedication* has been granted:

(1) When a permit for the required *public improvements* has been issued in accordance with the provisions of the Municipal Code, provided, however, that the improvements covered by the permit shall be installed and accepted before the Building Official issues a Certificate of Occupancy for the *structure* permitted under the Building Permit;

(2) When *public improvements* constructed to less than the prevailing standard exist and the permit issuing authority finds that they are in *substantial conformance* with the requirements of this section; or

(3) When the permit issuing authority determines that the amount of work associated with the requested Building Permit is of such limited scope that the installation of *public improvements* should be deferred until such time as adjacent *public improvements* are installed.

(c) When the abutting *public improvements* are to be deferred, no Building Permit shall be issued until the property owner executes a waiver of the right of the property owner, or any successor in interest, to protest a future assessment project for installation of the required *public improvements*. The waiver shall be recorded against the property on which the Building Permit is issued.

§ 142.0611 Exemptions from Requirement to Provide Public Improvements Incidental to a Building Permit

The following activities are exempt from Section 142.0610:

(a) The construction of accessory buildings such as residential garages;

(b) The construction of *accessory structures* such as swimming pools or patio decks;

(c) The alteration of existing buildings where the proposed improvements have a total value, as estimated by the Building Official, of $50,000 or less; and

(d) Neighborhood revitalization projects operated by the San Diego Housing Commission.

§ 142.0612 When Permits Are Required for Public Facilities

Permits are required for the construction of public facilities as follows:

(a) A Public Right-of-Way Permit is required for the activities specified in Section 129.0702;

(b) A Site Development Permit in accordance with Chapter 12, Article 6, Division 5 (Site Development Permit Procedures) is required for any of the following:

(1) Work involving more than 3,000 feet of *street frontage*; and

(2) Work for which established standards and regulations do not apply.

§ 142.0620 When Public Improvements Are Required for Development Permits

The approval of *development permits* shall be conditioned to provide public facilities in accordance with Section 142.0610 and to mitigate any impact the *development* may have on existing public facilities.

§ 142.0630 When Public Improvements Are Required for Subdivisions

The *subdivider* shall improve *public rights-of-way* and provide public facilities as required in Chapter 14, Article 4 (*Subdivision* Regulations).

§ 142.0640 Payment of Facilities Benefit Assessment Fees and Development Impact Fees

(a) The payment of Facilities Benefit Assessments Fees shall be required before issuance of any Building Permit in accordance with Municipal Code Section 61.2210.

(b) The payment of Development Impact Fees shall be required before issuance of any Building Permit in areas where the City Council has established Development Impact Fees.

§ 142.0650 Requirements for Park and Recreational Facilities

The provision of park facilities and the payment of park fees are required in accordance with Municipal Code Chapter 6, Article 3, Division 4 (Development of Park and Recreational Facilities).

§ 142.0670 Standards for Public Improvements

(a) Public *street* improvements shall be constructed in accordance with the provisions of Municipal Code Chapter 6, Article 2 (Public Rights-of-Way and Improvements), adopted Council Policies, and the standards established in the Land Development Manual.

(b) Streetscape and *street* improvements shall be constructed in accordance with the following:

(1) For urbanized communities as designated in the Progress Guide and General Plan, the design of sidewalks shall be in *substantial conformance* with the historic design of sidewalks on adjacent properties including location, width, elevation, scoring pattern, texture, color, and material to the extent that the design is approved by the City Engineer, unless an alternative design is approved as part of a use permit or *development permit.* An alternative design also requires an Encroachment Removal Permit.

(2) All existing fluted-pole, post-top street light standards shall be maintained or replaced in-kind as redevelopment occurs. Minor variations in design and location are permissible.

(3) All private improvements in the *public right-of-way* shall comply with the provisions for *encroachments* in Municipal Code Chapter 6, Article 2, Division 3 (Encroachments), adopted Council Policies, and the standards established in the Land Development Manual.

(4) Public *street* improvements shall comply with the regulations in Municipal Code Chapter 6, Article 2 (Public Rights-of-Way and Improvements), adopted Council Policies, and the standards established in the Land Development Manual.

(5) Driveways shall comply with the regulations in Chapter 14, Article 2, Division 5 (Parking Regulations).

(6) Landscaping within the *public right-of-way* shall comply with the regulations in Chapter 14, Article 2, Division 4 (Landscape Regulations).

(c) Sewer and wastewater facilities shall be constructed in accordance with the requirements in Municipal Code Chapter 6, Article 4 (Sewers), adopted Council Policies, and the standards established in the Land Development Manual.

(d) Water distribution and storage facilities shall be constructed in accordance with the requirements in Chapter 6, Article 7 (Water System), adopted Council Policies, and the standards established in the Land Development Manual.

(e) Drainage facilities shall be constructed in accordance with the requirements in Chapter 14, Article 2 , Division 2 (Drainage Regulations), adopted Council Policies, and the standards established in the Land Development Manual.

(f) *Street* lights shall be constructed in accordance with the requirements in Chapter 6, Article 2 (Public Rights-of-Way and Improvements), adopted Council Policies, and the standards established in the Land Development Manual.

(g) Traffic studies prepared by or required by the City of San Diego shall use the procedures and traffic generation rates established in the Land Development Manual.

Article 2: General Development Regulations

Division 7: Off-Site Development Impact Regulations

§ 142.0701 Purpose of Off-Site Development Impact Regulations

The purpose of these regulations is to provide standards for air contaminants, noise, electrical/radioactivity disturbance, glare, and lighting. The intent of these regulations is to minimize negative impacts from *development* to surrounding property.

§ 142.0705 When Off-Site Development Impact Regulations Apply

(a) This division applies to all *development* that produces air contaminants, noise, electrical/radioactivity disturbance, glare, or lighting in any zone, whether or not a permit or other approval is required for the use.

(b) In addition to these regulations, the California Department of Public Health standards and the Air Pollution Control District (APCD) regulations should be consulted for additional off-site *development* impact regulations.

§ 142.0710 Air Contaminant Regulations

Air contaminants including smoke, charred paper, dust, soot, grime, carbon, noxious acids, toxic fumes, gases, odors, and particulate matter, or any emissions that endanger human health, cause damage to vegetation or property, or cause soiling shall not be permitted to emanate beyond the boundaries of the *premises* upon which the use emitting the contaminants is located.

§ 142.0720 Noise Regulations

Loud, unnecessary, or unusual noises that violate the Noise Ordinance of the Municpal Code Chapter 5, Article 9.5, shall not be permitted to emanate beyond the boundaries of the *premises* upon which a permitted use is located.

§ 142.0725 Electrical/Radioactivity Regulations

Electrical and radioactivity disturbance from any *premises* shall not unduly interfere with the normal operation of equipment or instruments on adjacent properties or in the community.

§ 142.0730 Glare Regulations

(a) A maximum of 50 percent of the exterior of a building may be comprised of reflective material that has a light reflectivity factor greater than 30 percent.

(b) Reflective building materials shall not be permitted where the City Manager determines that their use would contribute to potential traffic hazards, diminished quality of riparian habitat, or reduced enjoyment of public open space.

§ 142.0740 Outdoor Lighting Regulations

(a) Outdoor lighting fixtures that are used to illuminate a *premises* or an architectural feature on private property shall be directed or shaded so that light does not fall onto surrounding properties or create glare hazards within *public rights-of-way*.

§ 142.0740 Cont'd

(b) Outdoor lighting on commercial and industrial properties shall be equipped with automatic timing devices.

(c) Outdoor lighting fixtures that are existing and were legally installed before October 28, 1985, shall be exempt from Sections 141.0740(a) and (b), unless work is proposed over any period of time to replace 50 percent or more of the existing outdoor light fixtures or to increase the number of outdoor light fixtures by 50 percent or more on the *premises*.

(d) All outdoor lighting, including search lights, shall be turned off between 11:00 p.m. and 6:00 a.m. except:

(1) Outdoor lighting in conjunction with industrial uses that continue to be fully operational after 11:00 p.m. such as sales, assembly, and repair may remain lighted after 11:00 p.m., provided that all lights are shaded, equipped with automatic timing devices, and utilize only the minimum amount of light necessary to conduct such uses;

(2) Outdoor lighting used for security purposes or to illuminate walkways, roadways, equipment yards, and parking lots may remain lighted after 11:00 p.m. only when low-pressure sodium outdoor lighting fixtures are used;

(3) Outdoor lighting used to illuminate recreational activities that are not in a residential zone may continue after 11:00 p.m only when equipped with automatic timing devices and shaded to minimize light pollution; and

(4) Illuminated on-premises *signs* for businesses that are open to the public after 11:00 p.m. may remain lighted during business operating hours only. Illuminated off-premises *advertising display signs* shall not be lighted after 11:00 p.m. *Signs* located both on- and off-premises shall be equipped with automatic timing devices.

Article 2: General Development Regulations

Division 8: Refuse and Recyclable Materials Storage Regulations

§ 142.0801 Purpose of Refuse and Recyclable Materials Storage Regulations

The purpose of these regulations is to provide permanent, adequate, and convenient space for the storage and collection of refuse and *recyclable material*. The intent of these regulations is to encourage recycling of solid waste to reduce the amount of waste material entering landfills and to meet the recycling goals established by the City Council and mandated by the state of California.

§ 142.0805 When Refuse and Recyclable Materials Storage Regulations Apply

(a) This division applies to all multiple unit residential, commercial, and 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.

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

Type of *Development* Proposal	Applicable Regulations	Required Permit Type/Decision Process
Development in single unit residential, agricultural, or open space zones	Exempt from this division	Exempt from this division
Development in multiple unit residential zones	Sections 142.0810 and 142.0820	No permit required by this division
Development in commercial or industrial zones	Sections 142.0810 and 142.0830	No permit required by this division

§ 142.0810 General Regulations for Refuse and Recyclable Material Storage

All new multiple unit residential, commercial, and industrial *development* 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

§ 142.0810 Cont'd

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) Material storage areas in a commercial *development* shall be located at least 25 feet from any pedestrian and vehicular access points.

(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 residential *development* shall provide interior and exterior refuse and recycling storage areas as specified below:

(a) Interior Refuse and *Recyclable Material* Storage. Each 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 2-½ cubic feet for *recyclable material* and at least 2-½ cubic feet for non-recyclable material.

(b) Exterior Refuse and *Recyclable Material* Storage. Each *structure* that contains dwelling units shall provide at least one exterior storage area. The minimum size of the total of all storage areas is based on the number of dwelling units in the *development* as shown in Table 142-08B.

Table 142-08B
Minimum Exterior Refuse and Recyclable Material Storage Areas for Multiple Unit Residential Development

Number of Dwelling Units Per Development	Minimum Refuse Storage Area Per Development (Square Feet)	Minimum *Recyclable Material* Storage Area Per Development (Square Feet)	Total Minimum Storage Area Per Development (Square Feet)
2-6	12	12	24
7-15	24	24	48
16-25	48	48	96
26-50	96	96	192
51-75	144	144	288
76-100	192	192	384

§ 142.0820 Cont'd

Number of Dwelling Units Per Development	Minimum Refuse Storage Area Per Development (Square Feet)	Minimum *Recyclable Material* Storage Area Per Development (Square Feet)	Total Minimum Storage Area Per Development (Square Feet)
101-125	240	240	480
126-150	288	288	576
151-175	336	336	672
176-200	384	384	768
201+	384 plus 48 square feet for every 25 dwelling units above 201	384 plus 48 square feet for every 25 dwelling units above 201	768 plus 96 square feet for every 25 dwelling units above 201

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

(a) All new commercial and industrial *development* shall provide at least one exterior refuse and *recyclable material* storage area for each building. The minimum size of the area is based on the *gross floor area* of the buildings on the *premises*, as shown in Table 142-08C.

Table 142-08C
Minimum Exterior Refuse and Recyclable Material Storage Areas for Commercial and Industrial Development

Gross Floor Area Per Development (Square Feet)	Minimum Refuse Storage Area Per Development (Square Feet)	Minimum *Recyclable Material* Storage Area Per Development (Square Feet)	Total Minimum Area Per Development (Square Feet)
0-5,000	12	12	24
5,000-10,000	24	24	48
10,001-25,000	48	48	96
25,001-50,000	96	96	192
50,001-75,000	144	144	244
75,001-100,000	192	192	384
100,001+	192 plus 48 square feet for every 25,000 square feet of building area above 100,001	192 plus 48 square feet for every 25,000 square feet of building area above 100,001	384 plus 96 square feet for every 25,000 square feet of building area above 100,001

Article 2: General Development Regulations

Division 9: Mechanical and Utility Equipment Screening Regulations

§ 142.0901 Purpose of Mechanical and Utility Equipment Screening Regulations

The purpose of these regulations is to ensure that mechanical and utility equipment associated with a *development* is appropriately *screened* from *public vantage points*. The intent of these regulations is to minimize visual impacts to surrounding properties and *public rights-of-way*.

§ 142.0905 When Mechanical and Utility Equipment Screening Regulations Apply

This division applies to all multiple unit residential, commercial, and industrial *development* that proposes mechanical or utility equipment, whether or not a permit or other approval is required for the *development*.

§ 142.0910 Mechanical and Utility Equipment Screening Regulations

(a) Except when located in the RE, RS, RX, and RT zones, the following equipment and appurtenances shall be contained within a completely enclosed *structure* that is architecturally integrated with the primary building on the *premises*:

(1) Mechanical equipment

(2) Tanks

(3) Ducts

(4) Elevator enclosures

(5) Cooling towers

(6) Mechanical ventilators

(7) Air conditioners

(8) Other similar appurtenances

The top and sides of the enclosing *structure* may include grillwork, louvers, and latticework.

(b) Exterior facilities associated with a *structure* such as plumbing, heating, cooling, electrical, chemical processing, compressor, motor, and incinerator facilities shall be completely *screened* on all sides with a solid wall or *fence* that is painted or texturized to match the primary building on the *premises*.

(c) All utilities, such as gas meters, electrical meters and panels, fire control panels, telephone, cable television panels, and similar devices shall be *screened* from public view unless other Municipal Code regulations require that visibility be maintained. Landscape *screening* may be used to *screen* utilities.

§ 142.0911 Solar Energy Systems

(a) Solar energy systems as an *accessory use* are exempt from the requirements of Section 142.0910(a) and from regulations requiring undergrounding of utilities.

§ 142.0911 Cont'd (b) Solar energy systems are permitted within rear and side *yards*.

Article 2: General Development Regulations

Division 10: Loading Area Regulations

§ 142.1001 Purpose of Loading Area Regulations

The purpose of these regulations is to provide the number, size, location, and *screening* requirements for loading areas in multiple unit residential, commercial, and industrial uses. The intent of these regulations is to minimize disruption of traffic flow by freight-carrying vehicles blocking the *public right-of-way* and to minimize impacts to vehicular and pedestrian circulation and required *off-street parking spaces*.

§ 142.1005 When Loading Area Regulations Apply

This division applies to all *development* in multiple unit residential, commercial, and industrial zones, whether or not a permit or other approval is required for the *development*.

§ 142.1010 General Loading Area Regulations

(a) Loading area requirements are provided in Table 142-10B. The number of required loading area spaces is based on the use of the building and the building size. Where two or more uses are located on the same *premises*, the number of loading area spaces required is the sum of the spaces required for each use (based on square footage of each use) computed separately. The City Manager may reduce these loading area requirements where the loading area is shared by the uses.

(b) Parking of passenger vehicles is not permitted in off-street loading areas.

(c) Each required off-street loading space shall have a minimum length of 35 feet, a minimum width of 12 feet, and a minimum vertical clearance of 14 feet including entrances and exits.

Table 142-10B
Required Off-Street Loading Spaces

Use Category or Subcategory	*Gross Floor Area of Structure* (Square Feet)	Minimum Number of Spaces Required
Multiple Unit Residential Use Subcategory Commercial Services Subcategories not specified below	0-100,000	0
	100,001-200,000	1
	200,001-500,000	2
	More than 500,000	3 - plus 1 space for each additional 400,000 sq. ft
Retail Sales Use Category Eating and Drinking Establishments Subcategory	0-10,000	0
	10,000-30,000	1
	30,000-50,000	2
	Over 50,000	1 space per 25,000 sq. ft. of *gross floor area*
Visitor Accommodations Subcategory	0-40,000	1
	Over 40,000	0.25 space per 10,000 sq. ft. of *gross floor area*

§ 142.1010 Cont'd

Use Category or Subcategory	*Gross Floor Area of Structure* (Square Feet)	Minimum Number of Spaces Required
Office Use Category	0-50,000	0
	Over 50,000	0.1 space per 10,000 sq. ft. of *gross floor area*
Wholesale, Distribution, and Storage Use Category Industrial Use Category	0-10,000	0
	10,001-50,000	1
	Over 50,000	0.2 space per 10,000 sq.ft. of *gross floor area*

§ 142.1020 Loading Area Location Regulations

(a) In the IP zones, loading areas shall be located so that they are not parallel to any adjacent *public right-of-way* except *alleys*. In all other zones loading areas shall be located so that they are not parallel to any adjacent *public right-of-way* if one or more residentially zoned properties are located on the other side of the *public right-of-way*.

(b) In the IP zones, loading areas shall not be located in the front 25 percent of the *premises*, measured from the front *property line*.

(c) Loading areas shall be designed and located so that loading vehicles are not parked in required front or street side yards, driveways, or required parking spaces during loading activities.

§ 142.1030 Loading Dock and Overhead Door Screening Regulations

(a) Loading docks and overhead doors shall be *screened* from the *public right-of-way* with *fences* or walls designed to reduce visual impacts.

(b) In all industrial zones, loading docks and overhead doors that are adjacent to the *street yard* shall comply with Chapter 14, Article 2, Division 4 (Landscape Regulations) for loading docks that face the *street*.

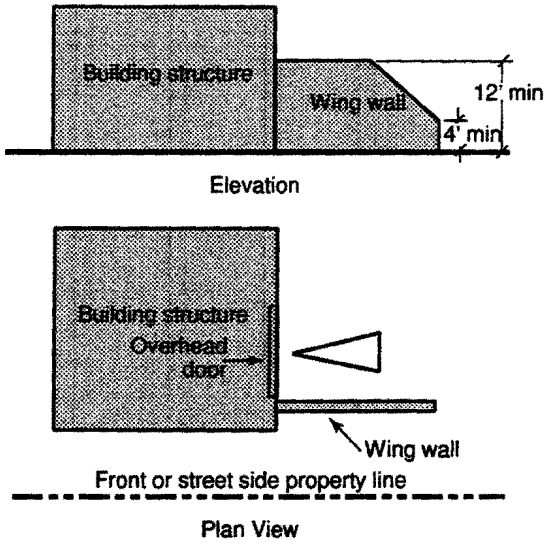
(c) In the IP zones, loading docks and overhead doors shall be *screened* from the *public right-of-way* with a wing wall that meets the following criteria:

(1) The wing wall may be either freestanding or attached to the building wall, as shown in Diagram 142-10A.

(2) The wing wall shall be at least 12 feet high for half its length but may taper to a lesser height, as shown in Diagram 142-10A, provided that the wall still *screens* the loading dock and loading vehicles from the *public right-of-way*. The wall shall not be less than 4 feet high at any point.

§ 142.1030 Cont'd

Diagram 142-10A
Wall Requirement in the IP Zone



(3) The wing wall shall be architecturally similar to the associated building and shall be constructed of the same materials as the building to which it is attached.

(4) The wing wall shall not encroach into a *visibility area*.

(5) The length of the wing wall shall be sufficient to *screen* the loading dock and any vehicle parked in the area.

Article 2: General Development Regulations

Division 11: Outdoor Storage, Display, and Activity Regulations

§ 142.1101 Purpose of Outdoor Storage, Display, and Activity Regulations

The purpose of these regulations is to provide adequate and convenient areas for outdoor storage and display of materials, merchandise, and equipment and for outdoor activities in residential, commercial, and industrial zones. The intent of these regulations is to minimize visual impacts to adjacent properties and *public rights-of-way*.

§ 142.1105 When Outdoor Storage, Display, and Activity Regulations Apply

(a) This division applies to all residential, commercial, and industrial *development* in all zones that proposes outdoor storage, display, or activities, whether or not a permit or other approval is required for the *development*.

(b) Table 142-11A shows the applicable regulations for specific types of *development* proposals.

Table 142-11A
Outdoor Storage, Display, and Activity Regulations Applicability

Type of *Development* Proposal	Applicable Regulations	Required Permit Type/ Decision Process
Any *development* in a residential zone that proposes outdoor storage, display, or activity	Section 142.1110	No permit required by this division
Any *development* in a commercial zone that proposes outdoor storage, display, or activity	Sections 142.1120, 142.1130, and 142.1150	No permit required by this division
Any *development* in an industrial zone that proposes outdoor storage, display, or activity	Sections 142.1120, 142.1140, and 142.1160	No permit required by this division

§ 142.1110 Outdoor Storage Regulations for Residential Zones

(a) Outdoor storage of material and equipment is permitted only when the type and quantity of stored items are incidental to the residential use on the *premises*.

(b) Outdoor storage is subject to all applicable fire, health, safety, and building regulations.

(c) Outdoor storage is not permitted in required *yard* areas except that home maintenance or lawn maintenance equipment and nonmotorized recreational and leisure equipment are permitted in required side and rear *yards*.

(d) Outdoor storage shall not impede the growth or maintenance of required landscaping.

(e) All stored items shall be completely *screened* by *solid fences*, walls, buildings, or landscape features, or by a combination of *screening* elements. Stored items shall not exceed the height of the *screening* element.

§ 142.1110 Cont'd

(f) Not more than one fully *screened* outdoor area may be used to store motor vehicles, whether operable or inoperable. The storage area shall not exceed 400 square feet in area or 12 feet in height. The storage area shall not encroach into any landscaped area or into any required *yard* unless it is in compliance with Section 142.0510(e).

(g) The following items may be placed outdoors without *screening* when intended for near-term use: home maintenance or lawn maintenance equipment and supplies and game, sport, and leisure equipment.

§ 142.1120 Outdoor Storage Regulations for Commercial and Industrial Zones

(a) Outdoor storage of merchandise, material, and equipment is permitted in commercial and industrial zones only when incidental to an allowed use located on the same *premises*, provided the following criteria are met:

(1) The storage area is *screened* by *solid fences*, walls, or buildings, or a combination thereof, not less than 6 feet in height. No merchandise, material, or equipment shall exceed the height of the *screening fence*, wall, or building. If *screening* of the merchandise, material, or equipment requires a *screening* height greater than 6 feet, the storage area and the *screening fences*, walls, or buildings shall be located on the rear half of the *lot*, away from any *public right-of-way*; and

(2) Storage is permitted in required side and rear *yards*. Storage is not permitted in required front or street side yards.

(b) In the IH and IS zones, outdoor storage of merchandise, material, and equipment for the following uses shall be located at least 100 feet from any *public right-of-way*:

(1) Junk yards

(2) Wrecking *yards*

(3) Scrap metal and salvage *yards*

(4) Processing plants

(5) Building material storage yards

(6) Carting express storage yard

(7) Contractor's plant or storage yards

(8) Cement pipe storage yard

(9) Lumber yards

(c) No merchandise, material, or equipment shall be stored on the roof of any building unless it is completely enclosed, and constructed of the same material as the main building. This limitation does not apply to operable vehicles parked on the top level of a parking *structure*.

(d) In the IP-1-1 zone, outdoor storage shall not occupy more than 20 percent of the area of the *premises*.

§ 142.1130 Outdoor Display Regulations for Commercial Zones

(a) The following merchandise, if for sale or rent on the *premises*, may be displayed outdoors during hours of business operation without *screening fences* or walls except along *property lines* that abut residentially zoned *lots*. The display area shall be on private property and shall not encroach on required parking areas or landscaped areas.

(1) Flowers and plants

(2) Food products

(3) Handcrafted products and goods

(4) Artwork and pottery

(5) For-rent recreational equipment such as roller skates, bikes, and surf boards

(6) Operable automobiles

(7) Operable trucks

(8) Operable motorcycles

(9) Operable boats

(10) Any other merchandise that the City Manager finds to be similar in character, type, or nature to the merchandise listed above, and which will not cause adverse visual impacts to the neighborhood

(b) Merchandise that is for sale on the *premises* that is not listed in Section 142.1130(a) may be displayed outdoors during hours of business operation provided that the display area is *screened* by *fences*, walls, buildings, landscape *screening*, or any combination of these.

(c) Temporary displays of merchandise, material, or equipment that is for sale on the *premises* may be permitted without *screening fences*, walls, or buildings for up to 7 calendar days in any 6-month period.

§ 142.1140 Outdoor Display Regulations for Industrial Zones

(b) In the IL, IH, or IS zones, the following merchandise, if for sale or rent on the *premises*, may be displayed outdoors without *screening fences*, walls, buildings, or landscaping. The display area shall be on private property and shall not encroach into required parking areas or landscaped areas.

(1) Operable automobiles

(2) Operable boats

(3) Flowers and plants

(4) Motorcycles and scooters

(5) Trucks

§ 142.1140 Cont'd

(6) Trailers

(7) Equipment & tools (except ridden equipment)

(8) Artwork and pottery

(b) All permitted merchandise that is for sale or rent on the *premises* that is not listed in Section 142.1140(a) may be displayed outdoors during hours of operation provided that the display area is *screened* by *fences*, walls, buildings, landscaping, or any combination of these.

(c) Temporary displays of merchandise, material, or equipment that is for sale on the *premises* may be permitted without *screening fences*, walls, or buildings for up to 7 calendar days in any 6-month period.

§ 142.1150 Outdoor Activity Regulations for Commercial Zones

(a) Repair, installation, manufacturing, and assembly uses allowed in commercial zones shall be conducted within a completely enclosed building.

(b) Outdoor activity or work areas are permitted for uses other than those listed in Section 142.1150(a) only when associated with an allowed use located on the same *premises*, and when not encroaching on required parking areas or landscaped areas.

§ 142.1160 Outdoor Activity Regulations for Industrial Zones

(a) Outdoor activity and work areas are permitted only when associated with an allowed use located on the same *premises*.

(b) Outdoor activity and work areas are not permitted within the required front or street side yards or within required parking areas or landscaped areas.

(c) Outdoor activity and work areas shall be completely enclosed by *fences*, walls, buildings, or a combination of these, that are not less than 6 feet in height and are impervious to light for at least 50 percent of the surface area.

Article 2: General Development Regulations

Division 12: Sign Regulations

§ 142.1201 Purpose of Sign Regulations

The purpose of these regulations is to provide a comprehensive system of regulations for *signs* that are visible from the *public right-of-way*. The intent of these regulations is to provide a set of standards that are designed to optimize communication and quality of *signs* while protecting the public and the aesthetic character of the City.

§ 142.1205 When Sign Regulations Apply

This division applies to all *signs* within the City unless otherwise specifically regulated. This division applies to all construction within the City whether or not a permit or other approval is required. In addition, discretionary permits may also contain conditions that regulate *signs* on certain properties.

Table 142-12A shows the applicable regulations and type of permit required by this division, if any, for specific types of *signs*.

Table 142-12A
Sign Regulations Applicability

Type of *Sign* or *Development* Proposal	Applicable Sections	Required Permit Type/Decision Process
Changing the copy of a *sign* and *sign* maintenance that does not involve structural and electrical changes	Exempt from this division	No permit required by this division
Public utility and Safety *signs*		
Signs required by law to be visible from the *public right-of-way*, other than *public utility* and safety *signs*, that do not exceed minimum specified dimensions	Exempt from this division	No permit required by this division
Signs required by law to be visible from the *public right-of-way*, other than *public utility* and safety *signs*, that exceed minimum specified dimensions	*Signs* shall be subject to this division to the extent the minimum dimensions are exceeded	Sign Permit/Process One
Signs required by law to be visible from the *public right-of-way*, other than *public utility* and safety *signs*, that do not have specified minimum dimensions	*Signs* shall be subject to this division	Sign Permit/Process One
Clocks or banners in the *public right-of-way*	142.1210	Pubic Right-of-Way Permit/Process One
Real estate *signs*	142.1210, and 142.1255 - 142.1280	No permit required by this division
Construction site *signs*	142.1210, and 142.1255 - 142.1280	No permit required by this division
Building identification nameplate *wall signs* with letters that do not exceed three inches in height, and that do not exceed four square feet in area including tablets, memorials, and cornerstones that are built into the walls of a building and provide information such as the name of the building and date of construction	142.1210, and 142.1255 - 142.1280	No permit required by this division

§ 142.1205 Cont'd

Type of *Sign* or *Development* Proposal	Applicable Sections	Required Permit Type/Decision Process
Accessory warning or notice *signs* that provide warnings including "no parking," "watch dogs," "security service," and "private driveway"	142.1210, and 142.1255 - 142.1280	No permit required by this division
Window *signs*, either permanent or temporary	142.1210, and 142.1255 - 142.1280	No permit required by this division
Bulletin boards, not exceeding 16 square feet in area including supporting *structures*, for charitable or religious organizations	142.1210	No permit required by this division
Incidental *signs*	142.1210 and 142.1250	No permit required by this division
National flags and flags for political *subdivisions*	Exempt from this division	No permit required by this division
Banners, pennants, flags, streamers, and holiday decorations	142.1210 and 142.1255	No permit required by this division
Any proposal to erect a *wall sign*	142.1210, 142.1220, and 142.1225	Sign Permit/Process One
Any proposal to erect a *roof sign*	142.1210, 142.1220, and 142.1235	Sign Permit/Process One
Any proposal to erect a *projecting sign*	142.1210, 142.1220, and 142.1230	Sign Permit/Process One
Any proposal to erect a *ground sign*	142.1210, 142.1220, and 142.1240	Sign Permit/Process One
Any proposal to erect a revolving *sign*	142.1210, 142.1220, 142.1240, and 142.1260	Sign Permit/Process One May require a Neighborhood Use Permit/Process Two
Any proposal to erect a *sign* with automatic changing copy	142.1210 and 142.1260	Neighborhood Use Permit/Process Two
Any proposal to erect a community identification *sign*	142.1210 and 142.1260	Neighborhood Use Permit/Process Two
Any proposal to erect a secondary type of *sign*	142.1210, 142.1245, and 142.1255	Sign Permit may be required
Any proposal to erect a *sign* in a *single dwelling unit* residential zone	142.1210 and 142.1265	Sign Permit may be required
Any proposal to erect a *sign* in a *multiple dwelling unit* residential zone	142.1210 and 142.1270	Sign Permit may be required
Any proposal to erect a *sign* in an agricultural zone	142.1210 and 142.1275	Sign Permit may be required
Any proposal to erect a *sign* in an open space zone	142.1210 and 142.1280	Sign Permit may be required

§ 142.1206 Violations of Sign Regulations

(a) It is unlawful to do the following:

(1) Place, post, paint or secure any *sign*, pennant, flag, banner, balloon, or similar attention-seeking device on public property or within the *public right-of-way* unless otherwise provided in the Municipal Code or specific state statute;

(2) Place any lettering, card, poster, or notice of any kind on any curb, sidewalk, *street*, pole, post, utility box, hydrant, bridge, tree, building, or other surface that is located on

§ 142.1206 Cont'd

public property or in the *public right-of-way* unless otherwise provided in the Municipal Code or specific state statute;

(3) Display any *sign* without the required Sign Permit Sticker; and

(4) Erect any *sign* on any *premises* contrary to the provisions of this division.

(b) Violations of any provisions of this division shall be subject to the enforcement provisions of Chapter 12, Article 1. Violations of this division shall be treated as strict liability offenses regardless of intent.

§ 142.1210 General Sign Regulations

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

(a) Copy Regulations

(1) Permanent or changeable copy on *signs* shall contain on-premises or public interest messages only.

(A) On-premises messages are those identifying or advertising an establishment, person, activity, goods, products, or services located on the *premises* where the *sign* is installed.

(B) Public interest messages that are primary *signs* are those that are located on the following types of *signs* and notices:

(i) Official *signs* and notices, including historical markers and commemorative plaques authorized by federal, state, or local law, placed by public officials or agencies pursuant to and in accordance with federal, state, or local law for the purposes of carrying out an official duty or responsibility;

(ii) Service club and religious *signs* and notices containing identification of nonprofit service clubs, religious organizations, or charitable associations and containing information relating to meetings, locations, fund-raising or other nonprofit activities; and

(iii) Political and ideological *signs* and notices related to any federal, state, or local election issue or candidate and *signs* and notices unrelated to election issues or candidates but expressing ideological or political views.

(C) The following *signs* are also public interest message *signs* but are regulated as secondary *signs*:

(i) *Public utility signs* that are required by law;

(ii) Directional *signs*; and

(iii) Holiday decorations.

(D) Public interest messages may also identify sponsors and supporters of the above described *signs* and notices, and public or private non-profit or charitable organizations or agencies. A maximum of 15 percent of the total area of a *sign*

§ 142.1210 Cont'd

containing a public interest message shall include the name of the sponsors or supporters, description of the products, services or activities provided or engaged in by the sponsors or supporters, and recognized trademarks, logotypes or symbols customarily associated with the sponsors or supporters.

(2) *Signs* may have changeable copy, such as letters, numbers, symbols, pictorial panels, and other similar characters. Changeable copy shall be manually or mechanically changeable only in the field and not remotely or electronically changeable, except for the following *signs*:

(A) Public service messages in compliance with Section 142.1220(f); and

(B) *Signs* with automatic changing copy may be permitted with a Neighborhood Use Permit in compliance with Section 141.1102.

(3) Painted graphics that are murals, mosaics, or any type of graphic art that are painted on a wall or *fence* and do not contain copy, advertising symbols, lettering, trademarks, or other references to the *premises*, products, or services that are provided on the *premises* where the graphics are located or any other *premises*, are not *signs* for the purposes of these regulations. When painted graphics are installed on other than a wall or *fence* or contain copy, advertising symbols, lettering, trademarks, or other references to the *premises*, products, or services, only the actual copy area is considered *sign* area and shall comply with these regulations.

(4) *Signs* that resemble traffic control *signs*, traffic signals or devices, or which bear the words "stop," "go slow," "caution," "danger," "warning" or other similar words, or emergency lights or signals are not permitted.

(5) *Signs* that have flashing copy or lights, and *signs* with stroboscopic lights, intermittent lights, rotary beacons, chasing lights, or zip lights are not permitted.

(6) *Signs* with one copy message that flashes on and off, or with two or more copy messages that alternate or change, either on the same or different portions of the *sign*, are not permitted.

(7) *Signs* with animated copy that includes action, motion, or an illusion of either, or has color changes of all or part of the *sign face*, may be installed provided that the animated portion of the *sign* does not exceed 10 square feet. The animation may be either electrical or wind powered. The light source for the *sign* shall be constant, and the exterior face shall not be moveable. The animated portion of a primary *sign* shall count toward the total *sign* allowance.

(8) Freeway-oriented *sign copy* shall only identify establishments where transient lodging or prepared food are offered to the public, or any retail place of business engaged in supplying goods and services essential to the normal mechanical operation of automobiles, specifically including the dispensing of automotive fuel as the primary function.

(9) On-premises *signs* or *sign copy* relating to an establishment or occupancy shall be removed no later than 30 calendar days after the date that the establishment or occupancy vacates the *premises*.

(b) Locational Regulations

§ 142.1210 Cont'd

(1) *Signs* shall be located no closer than 6 feet horizontally and 12 feet vertically to overhead electrical conductors, either bare or insulated, carrying more than 750 volts, except conductors enclosed in approved metal conduits.

(2) All *signs* shall comply with the minimum *setbacks* as established by base zones, planned districts, and City Council ordinances except as otherwise specifically provided.

(3) All *signs*, except for certain temporary *signs* as described in Section 142.1255, shall be permanently attached to the ground or a *structure*.

(4) Freeway-oriented *signs* shall comply with the following regulations.

(A) The *sign* must be within a 660-foot horizontal distance from the *freeway public right-of-way*;

(B) The *premises* on which the *sign* is located must be within 1500 feet of a *freeway* exit that provides access to the *premises*. The 1500-foot distance is measured directly from the *property line* of the *premises* to the *freeway* ramp; and

(C) The *sign copy* shall only identify the types of uses described in Section 142.1210(a)(8).

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

(A) *Signs* are not permitted to be installed on public property or *public rights-of-way*, except for *signs* that are authorized by law, or as otherwise permitted in the Municipal Code.

(B) *Signs* that are permitted to project from *structures* into *parkways* shall in no case extend over a *street* or an *alley*.

(C) Banners in *public rights-of-way* that are used for promoting cultural or civic events or activities of general public interest are permitted in accordance with the following regulations.

(i) The banners are permitted only on *streets* and *public rights-of-way* that are designated for banner installation in a City Council resolution.

(ii) The banners shall not be used for commercial or political advertising, except that logos and trademarks of sponsoring organizations shall be permitted. The total area of logos and trademarks shall be limited to 5 percent of the banner area.

(iii) The banners shall be displayed no more than 30 calendar days, with one 30-calendar-day extension.

(iv) The banners shall be installed only on light standards that have been equipped by the City with mounting hardware.

(v) The banners have received all necessary permits to locate in the *public right-of-way*.

§ 142.1210 Cont'd

(vi) No *street* banner other than those authorized by this section shall be displayed after April 30, 1989.

(D) Clocks are permitted in *public rights-of-way* between a curb and sidewalk in accordance with the following regulations.

(i) The clock shall be constructed of noncombustible materials.

(ii) The clock shall be maintained and shall keep time accurately.

(iii) The ground pedestal support shall not exceed 2 feet in any dimension.

(iv) There shall be a minimum clearance of 7 feet, 6 inches between the face portion of the clock and the *grade*.

(v) The width of the face portion of the clock shall not exceed 14 inches.

(vi) The clock face shall not exceed a total area of 5 square feet, and the clock dials shall form at least one-half of that area.

(vii) The clock shall not contain any advertising, other than a nameplate containing the name of the manufacturer. The nameplate shall have engraved or embossed letters that do not exceed 6 inches in height.

(viii) All necessary permits to locate in the *public right-of-way* must be received before installation of the clock.

(E) *Signs* for street fairs and special events shall be approved by the Police Department or other appropriate permitting agency that is responsible for issuing the permits.

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

(c) Structural Regulations

(1) *Signs* and *sign*-supporting *structures* shall be listed by a recognized testing laboratory and constructed in compliance with the requirements of the Uniform Building Code and National Electrical Code as adopted by the City of San Diego. Exposed-tube neon *signs* shall be constructed and installed in compliance with the National Electrical Code as adopted by the City of San Diego.

(2) Guy wires or angle iron *structures* that are used as *sign* supports shall not be visible from *public rights-of-way*. *Sign* supports shall appear to be an integral part of the *sign*.

(3) The supports for all *signs* or *sign structures* shall be placed entirely within the boundaries of the *premises* on which the *sign* is located.

(d) *Sign* Maintenance Regulations

All *signs* shall comply with the following maintenance regulations whether or not a Sign Permit is required.

(1) All *signs* and *sign* supports, including decorative covers, shall be maintained in a clean and safe condition.

§ 142.1210 Cont'd

(2) *Signs* shall be maintained in a graffiti-free condition.

(3) The owner shall keep the display area of all painted *signs* neatly printed or posted at all times and shall correct any painting, fading, chipping, peeling, or flaking paint or plastic and mechanical or structural defect.

(4) Paint or debris associated with *signs* shall not litter public property or *public rights-of-way*.

(5) A Sign Permit Sticker shall be provided for each *sign* that is required to receive a Sign Permit. The sticker shall bear an assigned number that is used to identify the *sign*. No *sign* may be displayed without the required Sign Permit Sticker.

(6) The Sign Permit Sticker shall be installed on the lower right corner of the *sign* or other location as directed by the City Manager so that it is visible from the *public right-of-way* or some equally accessible place.

(7) Owners of newly annexed property shall obtain Sign Permit Stickers for existing *signs* located on the property within 3 months after the effective date of the annexation.

§ 142.1215 Types of Signs

(a) Primary *Signs*

Primary *signs* identify an establishment or a *premises* while the establishment is operative or the *premises* is occupied. The following are the different types of primary *signs*:

(1) *Wall signs*, including theater *marquees*, *marquee signs*, and entrance *awning signs*

(2) *Roof signs*

(3) *Projecting signs*

(4) *Ground signs*

(b) Secondary *Signs*

Secondary *signs* provide information that is secondary to identifying the major activities occurring on the *premises*. Secondary *signs* may be permanent or temporary. The following are the categories of permanent and temporary secondary *signs*:

(1) Permanent secondary *signs* are used for establishment identification, incidental *signs*, traffic direction, and *public utility* and safety information that is required by law.

(A) High-rise building identification *wall signs*

(B) Incidental *signs*

(C) Directional *signs*

(D) Establishment identification *signs*

(E) Window *signs*

§ 142.1215 Cont'd

(F) *Public utility signs*

(G) *Signs* required by law

(H) Theater lobby *signs*

(I) Address numbers

(2) Temporary secondary *signs* are used for a specific reason for a specific period of time.

(A) Construction site *signs*

(B) Real estate *signs*

(C) Banner *signs*

(D) Special *signs*

(E) Pennants, flags, streamers and other similar devices

(F) Advertising vehicles

(G) Real estate open house directional *signs*

(H) *Subdivision* directional and identification *signs*

(I) Inflatable displays

(J) Window and building *signs*

(c) *Signs* Permitted by Higher Process

The following are the types of *signs* that may be permitted with a Neighborhood Use Permit in accordance with Chapter 12, Article 6, Division 4.

(1) Revolving *projecting signs*

(2) *Signs* with automatic changing copy

(3) Theater *marquees*

(4) Community identification *signs*

(5) Reallocation of *sign* area allowance

§ 142.1220 Primary Sign Regulations

(a) Each establishment is entitled to a *wall sign* and a *projecting sign* based on the requirements of Sections 142.1225 and 142.1230. *Ground signs* and *roof signs* are permitted on a *premises* basis, and may be installed instead of a *projecting sign*.

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(b) *Signs* in Commercial and Industrial Zones

(1) Primary *signs* are regulated according to the applicable commercial or industrial base zone. *Sign* Categories A, B, and C are established as follows to identify applicable sign regulations with the appropriate base zone.

(A) *Sign* Category A is applicable in all commercial and industrial zones, except for those precluded in Table 142-12B or in Planned Districts, or except in the Coastal Overlay Zone where Category C shall apply.

(B) *Sign* Category B is applicable in all of the CO zones, and all of the IP zones, except in the Coastal Overlay Zone where Category C shall apply.

(C) *Sign* Category C is applicable in all of the CN zones and in the commercial and industrial zones within the Coastal Overlay Zone.

(2) Section 142.1290 contains separate *sign* regulations for commercial and industrial zones in La Jolla, and Section 142.1291 contains supplemental regulations for commercial zones in Ocean Beach.

(c) Table 142-12B identifies under what conditions certain types of primary *signs* are permitted in the commercial and industrial zones and the relationship among the sizes of primary *signs*. Allowances may be based on establishment, *premises*, or *street frontage*. This table presents primary *sign* type relationships only and should not be used to calculate allowable *sign* area or number of *signs* allowed. Refer to sections identified in Table 142-12A for regulations.

Table 142-12B
Permitted Primary Signs

Sign Types	Category A General Citywide Commercial and Industrial Zones	Category B CO and IP Zones	Category C CN and Commercial and Industrial Zones in the Coastal Overlay Zone
Wall Signs (See regulations in Section 142.1225)	Minimum of One *Sign* per Establishment Number and square footage of *wall signs* is limited only by the area calculation which is based on establishment's *street wall*, *public right-of-way* width, and *street* speed limit. The permitted *sign copy area* is reduced by the addition of roof, projecting, or *ground signs*.	Minimum of One *Sign* per Establishment Number and square footage of *wall signs* is limited only by the area calculation which is based on establishment's *street wall*, *public right-of-way* width, and *street* speed limit. The permitted *sign copy area* is reduced by the choice of projecting or *ground signs*, with a maximum display area limitation.	Minimum of One *Sign* per Establishment Number and square footage of *wall signs* limited only by the area calculation which is based on establishment's *street wall*, *public right-of-way* width, and *street* speed limit. The permitted *sign copy area* is reduced by the choice of projecting or *ground signs*, with a maximum display area limitation.

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Sign Types	Category A General Citywide Commercial and Industrial Zones	Category B CO and IP Zones	Category C CN and Commercial and Industrial Zones in the Coastal Overlay Zone
Projecting Signs (See regulations in Section 142.1230)	One *Projecting Sign* per Establishment *Projecting signs* are permitted in lieu of projecting roof, roof, or *ground signs*. The area is based on *street wall, public right-of-way* width, and *street* speed limit. The use of a *projecting sign* reduces the allowable *wall sign* area. *Projecting signs* may be substituted for a *ground sign* in cases where more than one *ground sign* is permitted.	One *Projecting Sign* per Single-establishment *Premises* Having less than 100 Feet in *Street Frontage* *Projecting signs* are permitted in lieu of *ground signs*. The area is based on *street wall, public right-of-way* width, and *street* speed limit, with a maximum display area limitation.	One *Projecting Sign* per Single-establishment *Premises* Having less than 100 Feet in *Street Frontage* *Projecting signs* are permitted in lieu of *ground signs*. The area is based on *street wall, public right-of-way* width, and *street* speed limit, with a maximum display area limitation.
Roof Signs (See regulations in Section 142.1235)	One *Roof Sign* per *Premises* In lieu of *projecting signs* or *ground signs*. The area is based on *street wall, public right-of-way* width, and *street* speed limit. The use of a *roof sign* reduces the allowable *wall sign copy area*.	Not Permitted	Not Permitted
Ground Signs (See regulations in Section 142.1240)	One *Sign* per Frontage for Each *Premises* Having *Street Frontage*. The Number Increases as Frontage Increases. *Ground signs* are permitted in lieu of *roof signs* and *projecting signs*; however, one *projecting sign* may replace one *ground sign* when more than one *ground sign* is allowed on the *premises*. In addition, one of the *ground signs* may revolve when more than one *ground sign* is allowed. The permitted *sign* area for *ground signs* is based on *street wall, public right-of-way* width, and *street* speed limit. The use of a *ground sign* on a *premises* reduces the allowable *wall sign copy area* for that *premises*.	One *Sign* per *Premises* per Frontage with Minimum of 100 Feet in *Street Frontage* *Ground signs* are permitted in lieu of *projecting signs*. The area is based on *street wall, public right-of-way* width, and *street* speed limit, with a maximum display area limitation.	One *Sign* per *Premises* per *Street Frontage* *Ground signs* are permitted in lieu of *projecting signs*. The area is based on *street wall, public right-of-way* width, and *street* speed limit, with a maximum display area limitation.

(d) All *street frontage* factors for *sign* allocation are based on *public rights-of-way* with publicly maintained *street* improvements and do not include *alleys* or unimproved *public rights-of-way*.

(e) Public interest *signs* may use the area of any primary *sign*.

(f) *Signs* with public service messages are permitted as part of the primary *sign* allowance. The message may have electronically changing copy without a Neighborhood Use Permit subject to the following regulations.

(1) The *sign* shall not exceed 25 percent of the maximum permitted area for primary *signs* or 50 square feet, whichever is less.

§ 142.1220 Cont'd

(2) The message shall be contained within the copy area or *sign face* and shall not travel or appear to travel. The message shall remain constant for a period of time with a complete blackout between messages.

(3) The *sign* may have electronically changing copy which shall be limited to the following information:

(A) Time

(B) Date

(C) Temperature

(D) Weather

§ 142.1225 Wall Signs in Commercial and Industrial Zones

The following regulations apply to *wall signs* in all commercial and industrial zone *sign* categories, unless otherwise indicated.

(a) A minimum of one *wall sign* per establishment is permitted. *Wall signs* are permitted alone or in combinations with other primary *signs*; however, the maximum permitted *wall sign* area is decreased by the use of other primary *signs*.

(b) Table 142-12C provides the basis for calculating the *wall sign copy area* for establishments along a single *street frontage*. The permitted *sign copy area* is based on the length of the establishment's *street wall*, the width of the adjacent *public right-of-way*, and the other types of *signs* located on the *premises*.

Table 142-12C
Calculation of Wall Sign Copy Area on a Single Street Frontage

Public Right-of-way Width	*Sign* Category A			*Sign* Category B	*Sign* Category C
	Wall Signs* Only. No Roof, Ground, or *Projecting Signs	***Wall Signs* and One *Ground Sign*. No Roof or *Projecting Signs***	**1) *Wall Signs* and Roof or *Projecting Signs*. No *Ground Sign*; or 2) *Wall Signs* on a Building with One High-rise *Wall Sign***	***Wall Signs* and *Projecting Sign* or *Wall Signs* and *Ground Sign***	***Wall Signs* and *Projecting Sign* or *Wall Signs* and *Ground Sign***
Public right-of-way width 60 feet or less (1)	For *wall sign copy area*, multiply the establishment's *street wall* by 3 feet	For *wall sign copy area*, multiply the establishment's *street wall* by 1-1/4 feet	For *wall sign copy area*, multiply the establishment's *street wall* by 3/4 feet	For *wall sign copy area*, multiply the establishment's *street wall* by 3/4 feet	For *wall sign copy area*, multiply the establishment's *street wall* by 3/4 feet
Public right-of-way width 60 feet or greater	For *wall sign copy area*, multiply the establishment's *street wall* by 3-3/4 feet	For *wall sign copy area*, multiply the establishment's *street wall* by 1-1/2 feet	For *wall sign copy area*, multiply the establishment's *street wall* by 1 foot	For *wall sign copy area*, multiply the establishment's *street wall* by 1 foot	For *wall sign copy area*, multiply the establishment's *street wall* by 1 foot

§ 142.1225 Cont'd

Public Right-of-way Width	*Sign* Category A			*Sign* Category B	*Sign* Category C
	Wall Signs* Only. No Roof, Ground, or *Projecting Signs	***Wall Signs* and One *Ground Sign*. No Roof or *Projecting. Signs***	**1) *Wall Signs* and Roof or *Projecting Signs*. No *Ground Sign*; or 2) *Wall Signs* on a Building with One High-rise *Wall Sign***	***Wall Signs* and *Projecting Sign* or *Wall Signs* and *Ground Sign***	***Wall Signs* and *Projecting Sign* or *Wall Signs* and *Ground Sign***
Maximum *wall sign copy area*	350 square feet	250 square feet	200 square feet	200 square feet	100 square feet
Minimum *wall sign copy area* for each establishment	75 square feet or 25 percent of the total area of establishment's *street wall*, whichever is less	30 square feet or 25 percent of the total area of establishment's *street wall*, whichever is less	20 square feet or 25 percent of the total area of establishment's *street wall*, whichever is less	20 square feet or 25 percent of the total area of establishment's *street wall*, whichever is less	20 square feet or 25 percent of the total area of establishment's *street wall*, whichever is less

Footnotes to Table 142-12C

(1) Where a *public right-of-way* width is developed to 60 feet or less, but is designated as a major *street* or a primary arterial by the applicable *land use plan*, the *wall sign copy area* shall be based on the 60 feet or greater calculation.

(c) General Regulations for All *Wall Signs*

(1) Table 142-12C calculates the total *wall sign copy area* available to all establishments on multiple *floors* of the same portion of the *street wall* of the building. The establishments on upper *floors* may share the permitted *wall sign copy area* or may use the minimum *wall sign copy area* for each establishment in the last row of Table 142-12C.

(2) For *premises* that have more than one *street frontage*, each *street frontage* is considered separately for calculating the permitted *wall sign copy area*.

(3) *Wall signs* are permitted along *street frontages* where access rights to the *public right-of-way* have been waived or taken for public safety or traffic circulation purposes.

(4) *Premises* fronting on more than one *public right-of-way* may not combine allowable *signs* for one frontage with another frontage for the purpose of placing the combined area of *signs* on any one wall.

(5) Walls *signs* may be internally or externally illuminated.

(6) Walls *signs* that either project more than 18 inches from a building wall or are illuminated by self-supporting light fixtures that extend more than 18 inches over the *parkway* are considered to be *projecting signs* and shall comply with the regulations of Section 142.1230.

(d) Locational Regulations for all *Wall Signs*

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(1) Allowable *wall signs* may be placed only on the tenancy of the building on which the allowance is computed except that a primary occupant of a building, as designated in writing to the City Manager by the property owner, may use its *wall sign copy area* allocation for a *sign* on a parapet of the building not within its own tenancy.

(2) Unused *wall sign copy area* that is permitted on an establishment's *street wall* may be used instead on its nonfrontage wall provided that the *wall sign copy area* on the nonfrontage wall does not exceed that which would be permitted on a single *street frontage*. This area may not be transferred to a wall facing an *alley* or a separately owned parking *lot*.

(3) *Wall signs* on *premises* with a high-rise building identification *wall sign* shall not be placed above the minimum building height in the ranges indicated in Table 142-12J.

(4) *Architectural projections* that meet the following criteria may be used as wall space for locating a *wall sign*:

(A) The projection has a vertical face that is parallel to the face of the building,

(B) The projection does not project above the *roof line*, and

(C) The projection does not project over the *parkway*.

(5) *Wall Signs* on Architectural Appendages

Wall signs may be placed on an architectural appendage that is an integral part of the building, projects over the *roof line*, and is perpendicular to the *public right-of-way* subject to the following regulations.

(A) The appendage must be incorporated into the face of the building that is adjacent to the *public right-of-way*.

(B) The *sign* must be in lieu of any ground, roof, or *projecting signs* on the *premises*.

(C) The *sign* must not project over the *parkway*.

(D) The area of the *sign* may not exceed the permitted *sign* area or height for a *roof sign* as indicated in Section 142.1235.

(E) The *sign* must be located in a *sign* category that permits *roof signs*.

(F) *Signs* installed or painted on the vertical surface of a marquee or other architectural projection are not subject to height or projection requirements but may not project horizontally or vertically beyond any edge of the marquee or architectural projection.

(6) *Wall Signs* on Buildings Facing Parking Lots

Premises that are adjacent to a separately owned parking *lot* that abuts a *public right-of-way* may place a *wall sign* on the side of the building facing the *public right-of-way* subject to the following regulations.

(A) There may be only one separately owned parking lot between the building wall and the *public right-of-way*.

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(B) The *sign* may not exceed the permitted *sign copy area* for a *wall sign* on that wall.

(C) The *sign copy area* permitted for this wall may not transferred to any other wall or to this wall from any other wall.

(D) The *sign* may not project over the *property line* between the two *premises*.

(7) *Wall Signs* on *Alleys*

Wall signs are permitted on the wall of a building fronting an *alley* to identify the building occupant subject to the following regulations.

(A) The permitted *sign copy area* is 1 square foot per foot of *building facade* on the *alley*.

(B) The *wall sign copy area* may not be transferred to the *alley* wall from any other wall or to any other wall from the *alley* wall.

(C) The *sign* may not project into or over the *alley*.

(D) The *sign* may not project above the eave or parapet of the building wall or beyond the sides of the building.

(8) *Wall Signs* on *Awnings*

All or a portion of a *street* wall's permitted *wall sign copy area* may be used on *awnings* subject to the following regulations.

(A) The *sign* must be parallel to the *building facade* being used to calculate the *wall sign* allowance.

(B) The permitted *sign* area will be calculated on the *sign copy area*, not the area of the *awning*.

(C) The *building facade* with the *awning sign* may not also have a *projecting sign*.

(9) *Wall Signs* on Mansard or False Roofs

Wall signs may be located on a mansard or false roof that does not vary more than 45 degrees from vertical subject to the following regulations.

(A) The maximum *wall sign copy area* that may be located on a mansard or false roof shall be a portion of the *street* wall's permitted *wall sign copy area* and shall not be greater than 50 percent of the permitted *sign copy area* specified in Table 142-12C.

(B) The *wall sign copy area* on a mansard or false roof is not in addition to the maximum permitted area *wall signs*.

(C) *Wall signs* on a mansard or false roof may not be used when a *projecting or roof sign* is located on the *premises*.

(D) The entire *sign*, except for the *sign copy area*, and the entire *sign* support *structure* shall be fully enclosed and finished in the same material as the mansard or false

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roof.

(e) *Wall Signs* Extending Above the Roof

(1) *Wall signs* that extend above the *roof line* or the top of the parapet wall are permitted in *sign* categories "A" and "B" only.

(2) *Wall signs* may extend above the *roof line* subject to the following regulations.

(A) The *sign* shall be mounted flush to a vertical wall.

(B) The *sign* shall be placed only on a single-*story* building.

(C) The *sign* shall be mounted so that the top of the *sign* is not greater than 16 feet above the ground.

(D) The portion of the *sign* that projects above the parapet shall not exceed 33-1/3 percent of the height of the *sign*.

(E) The establishment shall not have a *roof sign*.

(F) The establishment shall not have a *projecting sign* that projects over the parapet wall or *roof line*.

(G) The establishment shall not have a mansard or false roof *sign*.

§ 142.1230 Projecting Signs in Commercial and Industrial Zones

The following regulations apply to *projecting signs* that project more than 18 inches from a building wall in all commercial and industrial *sign* categories, unless otherwise indicated.

(a) A *projecting sign* is permitted for each establishment with accessible *street frontage*, in lieu of ground or *roof signs*.

(b) Table 142-12D provides the permitted *sign* area, the number of *signs* permitted per establishment with *street frontage*, and the maximum permitted height for *projecting signs*.

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Table 142-12D
Maximum Allowances for Projecting Signs on Single Street Frontage Premises

Maximum Allowances	*Sign* Categories		
	A	B	C
Permitted *Sign* Area [1] (Based on the width of the adjacent *public right-of-way* and *street* speed limit)			
Public Right-of Way Width[2] /Street Speed Limit			
60 feet or less /15-20 MPH	32 sf	32 sf	32 sf
" /25-30 MPH	50 sf	50 sf	50 sf
" /35-45 MPH	60 sf	60 sf	60 sf
" /50 + MPH	90 sf	60 sf	60 sf
Greater than 60 feet /15-20 MPH	32 sf	32 sf	32 sf
" /25-30 MPH	50 sf	50 sf	50 sf
" /35-45 MPH	60 sf	60 sf	60 sf
" /50 + MPH	160 sf	60 sf	60 sf
Number of *Signs* per Establishment with *Street Frontage*			
Street frontage less than or equal to 250 feet	1	1	1
Street frontage greater than 250 feet	2	-	-
Minimum Horizontal Distance Between *Projecting Signs*	10 feet	10 feet	10 feet
Maximum Height and Maximum Projection over *Parkways*	See Table 142-12E for the allowable combinations of projection and height for *projecting signs.*		

Footnotes for Table 142-12D

(1) The *sign* area indicated is for a single face. If a *sign* has two or more faces, the *sign* area is doubled.

(2) Where a *public right-of-way* is developed to 60 feet in width or less, but is designated as a major *street* or primary arterial by the applicable *land use plan*, the *roof sign* area shall be based on the greater than 60 feet *public right-of-way* width.

(c) *Projecting signs* are permitted a maximum projection over *parkways*. Table 142-12E provides the allowable combinations for projection over the *parkway* and height.

Table 142-12E
Maximum Projection and Height for Projecting Signs

Height (Distance between the *parkway* or *grade* and the bottom of the *sign)*	Maximum Diagonal Projection over the *Parkway* (For corner *signs* at a 45-degree angle. This column may be used only if an establishment has no more than one *projecting sign.*)	Maximum Projection over the *Parkway* (For *signs* other than corner *signs)*
8 feet	1 foot	1 foot
9 feet	1 foot and 8 inches	1 foot and 6 inches
10 feet	2 feet and 4 inches	2 feet
11 feet	3 feet	2 feet and 6 inches

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Height (Distance between the *parkway* or *grade* and the bottom of the *sign*)	Maximum Diagonal Projection over the *Parkway* (For corner *signs* at a 45-degree angle. This column may be used only if an establishment has no more than one *projecting sign*.)	Maximum Projection over the *Parkway* (For *signs* other than corner *signs*)
12 feet	3 feet and 8 inches	3 feet
13 feet	4 feet and 4 inches	3 feet and 6 inches
14 feet	5 feet	4 feet
15 feet	5 feet and 8 inches	4 feet and 6 inches
16 feet and greater	6 feet and 4 inches	5 feet

(d) General Regulations for *Projecting Signs*

(1) The *projecting sign* shall only be placed along the *street frontage* portion of the *premises* that is occupied by the establishment.

(2) All *projecting signs*, regardless of whether they project over public or private property, shall be subject to the regulations of this section.

(3) A *projecting sign* is permitted only in lieu of ground or *roof signs*. However, if an establishment is permitted to have two *ground signs*, a *projecting sign* may be substituted for one of the *ground signs*. When a *ground sign* and a *projecting sign*, or two *projecting signs*, are installed by the same establishment on the same *street frontage*, the area of the two *signs* shall be reduced to one-half of the maximum *sign* area permitted by Tables 142-12D and 142-12H.

(4) *Projecting signs* may be illuminated. All illuminated *signs* projecting over a *parkway*, except for *marquee* and entrance *awning signs*, must be internally illuminated.

(5) For *Sign* Category B only, *projecting signs* shall comply with the following:

(A) The *sign face* shall be parallel to the face of the building, and

(B) The *sign* shall not project above the eaves or parapet of the building.

(6) *Projecting signs* are permitted to revolve only if a Neighborhood Use Permit for revolving *projecting signs* has been issued in accordance with Chapter 12, Article 6, Division 2 (Neighborhood Use Permit Procedures) and Section 141.1101.

(7) *Signs* on *Marquees* (Non-Theater) and Entry *Awnings*

(A) *Signs* may be mounted directly to the bottom of a *marquee* or *architectural projection* subject to the following regulations.

(i) The *sign* area shall not exceed 4 square feet per side.

(ii) The vertical dimension of the *sign* shall not exceed 12 inches.

(iii) The bottom of the *sign* shall be at least 8 feet above *grade*.

(iv) The *sign* shall be symmetrically placed along a center line running parallel or perpendicular to the *building facade* and the outer edge of the *marquee*.

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(B) All *signs* that are installed on a *marquee* or *architectural projection* shall be included as part of the permitted *sign* area for *projecting signs* on the *premises*.

(C) *Signs* that are attached to a *marquee* or other *architectural projection* that projects over a *parkway* shall comply with this section.

(D) *Signs* installed or painted on the vertical surface of a *marquee* or other *architectural projection* are not subject to height or projection requirements but may not project horizontally or vertically beyond any edge of the *marquee* or *architectural projection*.

(e) Locational Regulations for *Projecting Signs*

(1) *Projecting signs* shall meet the following minimum clearances:

(A) *Signs* that project above a *parkway* shall have a minimum clearance of 8 feet from the bottom of the *sign* to the *grade* below;

(B) *Signs* shall not project over *alleys*; and

(C) *Signs* that project over vehicular traffic areas on the *premises* and have a minimum clearance that is less than 16 feet, shall be labeled with the clearance height at the bottom of the *sign* with letters that are legible from a distance of at least 30 feet.

(2) *Projecting signs* may not be installed within five feet of the ground *floor* leasehold of an adjacent establishment.

(3) An establishment with 25 feet or more *street frontage* may have a *sign* that projects perpendicularly beyond a *property line*, provided that it projects no more than 5 feet, or two-thirds of the distance between the inside edge of the sidewalk and the face of the curb, whichever is less.

(4) An establishment with less than 25 feet of *street frontage* may have a *sign* that projects 4 feet or less beyond a *property line*.

(5) A minimum horizontal distance of 10 feet shall be provided between *projecting signs*.

(6) *Projecting signs* may not project above the *roof line* at the wall.

(7) *Signs* may project above the top of the parapet wall subject to the following regulations.

(A) The *projecting sign* shall only be placed on a single-*story* building.

(B) The *sign* shall not project more than 2 feet vertically above the top of the parapet.

(C) The uppermost point of the *sign* shall not exceed 16 feet in height.

(D) The portion of the *sign* that projects above the parapet shall not exceed 33-1/3 percent of the vertical dimension of the *sign*.

(E) A *roof sign* shall not be located on the *premises*.

(F) The establishment shall not have a *wall sign* that extends above the parapet.

§ 142.1235 Roof Signs in Commercial and Industrial Zones

The following regulations apply to *roof signs*, which are permitted only in *Sign* Category A of the commercial and industrial zone *sign* categories.

(a) One *roof sign* shall be permitted per *premises*. *Roof signs* are permitted only in lieu of ground or *projecting signs*. *Roof signs* may be located only on *premises* with accessible *street frontage*. *Roof signs* are not permitted on buildings with high-rise building identification *wall signs* as described in Section 142.1250.

(b) Table 142-12F provides the permitted *sign* area for *roof signs*. The *sign* area is determined by the width of the *public right-of-way* fronting the *premises* and the *street* speed limit on that *public right-of-way*.

Table 142-12F
Permitted Sign Area and Height for Roof Signs

Maximum Allowances		***Sign* Categories**		
		A	**B**	**C**
Permitted *Sign* Area[1] (Based on the adjacent *public right-of-way* width and *street* speed limit)				
Public Right-of-way Width[2]	/Street Speed Limit			
60 feet or less	/15-20 MPH	16 sf	Not Permitted	Not Permitted
"	/25-30 MPH	25 sf		
"	/35-45 MPH	50 sf		
"	/50+ MPH	75 sf		
Greater than 60 ft	/15-20 MPH	25 sf	Not Permitted	Not Permitted
"	/25-30 MPH	50 sf		
"	/35-45 MPH	75 sf		
"	/50+ MPH	100 sf		
Freeway-oriented *signs*		300 sf	Not Permitted	Not Permitted

Footnotes for Table 142-12F

(1) The permitted *sign* area is for a single face. If a *sign* has two faces, the *sign* area is doubled.

(2) Where a *public right-of-way* is developed to 60 feet in width or less, but is designated as a major *street* or a primary arterial by the applicable *land use plan*, the *roof sign* area shall be based on the greater than 60 feet *public right-of-way* width.

(c) The maximum height of *roof signs* is a combination of the building height and the maximum vertical dimension of the *sign*. The maximum vertical dimension includes the height of the *sign* plus any space that is required for clearance under the *sign*. The maximum total permitted height of the building and the *sign* is the measurement of the average elevation of the *premises* or the elevation of the centerline of the adjacent *street* at the point closest to the *sign*, whichever is lower, to the uppermost point of the *sign*. Table 142-12G provides the maximum height and vertical dimensions for *roof signs*.

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Table 142-12G
Maximum Height and Vertical Dimensions for Roof Signs

Type of *Roof Sign*	Building Height	Maximum Vertical Dimension	Maximum Total Permitted Height of Building and *Sign*
Non*freeway*-oriented	0 - 15 feet	7 feet	30[1]
	16 - 20 feet	10 feet	
Freeway-oriented	21 - 25 feet	7 feet	50[1]
	26 - 30 feet	8 feet	
	31 - 35 feet	9 feet	
	36 - 40 feet	10 feet	

Footnote for Table 142-12G

(1) See Section 142.1235(e)(2)

(d) General Regulations for All *Roof Signs*

(1) *Roof signs* shall have no more than two parallel faces.

(2) *Roof signs* are not permitted to revolve.

(3) All projecting *roof signs* must be internally illuminated.

(e) Locational Regulations for All *Roof Signs*

(1) All *roof signs* shall be set back a minimum of 3 feet from the edge of all outside building walls on which the *sign* is located, unless the following circumstances exist:

(A) The lower edge of the *sign* is at least 7 feet above the top of the building wall and the surface of the roof; and

(B) The *sign* occupies 25 percent or less of the length of the building elevation above which the *sign* is located.

(2) *Roof signs* that are located on a *premises* with a boundary within 100 feet of a residentially zoned property shall not exceed 20 feet in height unless one of the following circumstances exist:

(A) The *sign* is located more than 100 feet from the boundary of the residentially zoned property; or

(B) The entire *premises* is within 100 feet of the boundary of the residentially zone property, and the *sign* is located on the 25 percent of the *premises* that is farthest from that property;

(3) *Roof signs* may project over *parkways* provided that the following circumstances exist:

(A) The *sign* pertains to an establishment or activity that is within the building on which the *sign* is located;

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(B) The portion of the *sign* projecting into the *parkway* does not exceed 33-1/3 percent of the total *roof sign* area;

(C) The *sign* does not exceed the permitted *sign* area for *roof signs* in Table 142-12F; and

(D) The *sign* does not exceed the maximum projection provision for *projecting signs* in Table 142-12E.

§ 142.1240 Ground Signs in Commercial and Industrial Zones

The following regulations apply to *ground signs* in all commercial and industrial zone *sign* categories, unless otherwise indicated.

(a) One *ground sign* is permitted for each *premises* with accessible *street frontage*, regardless of *street frontage* length. In *Sign* Category A only, the number of *ground signs* increases as the *street frontage* lengthens. *Ground signs* are permitted in lieu of roof and *projecting signs*.

(b) *Signs* shall not exceed a height of 3 feet within a *visibility area*. For determination of the *visibility area* see Chapter 11, Article 3, Division 2 (Rules for Calculation and Measurement).

(c) Table 142-12H provides the general regulations for *ground signs*.

Table 142-12H
Maximum Allowances for Ground Signs

Maximum Allowances		***Sign* Categories**		
		A	**B**	**C**
Permitted *Sign* Area (Based on the Width of the Adjacent *Public Right-of-way* and *Street* Speed Limit)				
Public Right-of-way Width	/Street Speed Limit			
60 feet or less	/15-20 MPH	32 sf	50 sf	32 sf
"	/25-30 MPH	50 sf	50 sf	50 sf
"	/35-45 MPH	100 sf	100 sf	100 sf
"	/50+ MPH	150 sf	150 sf	100 sf
More than 60 ft	/15-20 MPH	50 sf	50 sf	50 sf
"	/25-30 MPH	100 sf	100 sf	100 sf
"	/35-45 MPH	150 sf	150 sf	100 sf
"	/50+ MPH	200 sf	150 sf	100 sf
Freeway-oriented *signs*		300 sf	Not permitted	Not permitted
Number of *Signs* per *Street Frontage*		1	1(6)	1
Street frontage greater than 250 feet (Where a *premises* of 4 acres or more fronts on a *street* that abuts a *freeway*, the *premises* shall be allowed one *sign* totaling 250 square feet. If the *premises* has more than 250 feet of *street frontage* on a *street* that abuts a *freeway*, two signs of 200 square feet each separated by a minimum of 100 feet shall be permitted.)		One additional *sign* for each additional 250 feet of *street* frontage(2)	-	-

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Maximum Allowances	*Sign* Categories		
	A	B	C
Maximum Height[5]	30 ft	15 ft	8 ft
Freeway-oriented[3]	50 ft	Not Permitted	Not Permitted
Premises located within 100 feet of residentially zoned property[4]	20 ft	15 ft	8 ft
Visibility areas (see Section 113-0218)	3 ft	3 ft	3 ft
Required *Setbacks*	*Ground signs* shall not be placed in the interior side or rear *yards*. *Ground signs* may be placed within the required front and street side yard in accordance with Section 142.1240(e)(4).		

Footnotes for Table 142-12H

(1) The permitted *sign* area is for a single face. If a *ground sign* has two or more faces, the permitted *sign* area is doubled. *Signs* may have more than two faces, but the *sign* area shall not exceed twice that permitted above[1]. See Section 142.1240(d)(3).

(2) See Section 142.1240(d)(3).

(3) See Section 142.1240(d)(2).

(4) See Section 142.1240(e)(2).

(5) The height of *ground signs* shall be measured from the *grade* at the centerline of the adjacent *public right-of-way* to the top of the *sign* or *sign structure*, whichever is higher. The height of any portion of the *sign* or *structure* shall not exceed the maximum permitted height as specified in this table.

(6) *Ground signs* are not permitted on *premises* having less than 100 feet of *street frontage*.

(d) General Regulations for *Ground Signs*

(1) For *premises* that have more than one *street frontage*, each *street frontage* is considered separately for calculating the permitted *ground sign* area.

(2) Freeway-oriented *signs* are permitted, provided that the *sign* is one of the permitted *ground signs* and not an additional *sign*. No more than one freeway-oriented *sign* is permitted per *premises*.

(3) For *premises* in *Sign* Category A only, the following apply.

(A) Where more than one *sign* is located on the same *street frontage*, the display area of each *sign* shall be reduced to 50 percent of that permitted in Table 142-12H.

(B) For single occupancy *premises*, the establishment may combine the allowable *sign* area of two or more *ground signs* into one *sign*, provided that the *sign* area does not exceed one-half square foot per foot of *street frontage* along the same *public right-of-way*, or 200 square feet, whichever is less.

(C) *Ground signs* may project over the roof of a building provided that the following

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circumstances exist:

(i) There are no other *ground signs*, *roof signs*, or *projecting signs* on the *premises*;

(ii) The *sign* does not revolve;

(iii) The *sign* complies with the permitted *sign* area specified in Table 142-12F; and

(iv) The *sign* does not exceed the maximum permitted vertical dimensions for *roof signs* as specified in Table 142-12G.

(4) A *ground sign* is considered to be projecting when any portion of the *sign* penetrates a vertical plane connecting the outer eaves of a building or *structure* or the outer edges of the parapet wall.

(5) *Ground signs* may project over a *parkway* subject to the following regulations.

(A) The *sign* height shall not exceed 16 feet;

(B) The *sign* shall not exceed the projection permitted in Table 142-12E;

(C) The *sign* shall not exceed the permitted *sign* area specified in Table 142-12D; and

(D) If the *sign* projects above a traffic area, such as a driveway or parking *lot* aisle, the minimum clearance between the bottom of the *sign* and the ground shall be 8 feet. When the clearance is less than 16 feet, the *sign* shall be clearly labeled at the bottom of the *sign* with letters that are legible from a distance of 30 feet.

(6) *Ground signs* may be internally illuminated or externally illuminated.

(e) Locational Regulations for *Ground Signs*

(1) *Ground signs* may be installed only on the *street frontage* used for determining the *ground sign* allowable area.

(2) *Ground signs* that are located on a *premises* with a *property line* within 100 feet of a residentially zoned property shall not exceed 20 feet in height unless one of the following circumstances exists:

(A) The *sign* is located more than 100 feet from the boundary of the residentially zoned property; or

(B) The entire *premises* is within 100 feet of the boundary of the residentially zone property, and the *sign* is located on the 25 percent of the *premises* that is farthest from that property. The *sign* shall not exceed the maximum height permitted in Table 143-12H.

(3) All *ground signs*, except for *freeway*-oriented, shall only be placed along the *street frontage* of the *premises* used for determining the *ground sign* allowance. *Freeway*-oriented *signs* may be located on any portion of the *premises* except within the *setbacks*.

(4) *Ground signs* may be located in required front and street side yards subject to the

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following limitations.

(A) *Signs* located between 0 and 15 feet from the *public right-of-way*:

Maximum height:	3 feet
Permitted *sign* area:	33 percent of the maximum permitted area in Table 142-12H

(B) *Signs* located 15 feet and up to 25 feet from the *public right-of-way*:

Maximum height:	6 feet
Permitted *sign* area:	66 percent of the maximum permitted area in Table 142-12H

(C) When more than one *ground sign* is permitted on a *premises*, and if the *signs* are located in the front or street side yards, the permitted *sign* area shall be reduced in accordance with the limitations in Section 142.1240(e)(4)(A) and (B) and by an additional 50 percent as required by Section 142.1240(d)(3)(A).

(f) Revolving *Ground Signs*

(1) *Ground signs* are permitted to revolve in *Sign* Category "A" only.

(2) Single occupancy *premises* with two or more *street frontages* are allowed to have a revolving *ground sign* subject to the following regulations.

(A) No other ground, roof, or *projecting signs* are permitted on the *premises*;

(B) The *sign* area shall not exceed one-half of that permitted in Table 142-12H;

(C) The maximum speed of revolution shall not exceed 6 revolutions or cycles per minute; and

(D) The *sign* shall be installed at least 100 feet from the *property line* of a residentially zoned property.

(g) *Ground Sign* Pole Covers

Where *ground signs* are supported by poles, covers may be added onto those poles to improve the aesthetic quality of the *ground sign* in accordance with the following regulations.

(1) Pole covers shall not contain *signs* or *sign copy area*.

(2) The average combined width of all pole covers for an individual *ground sign* shall not exceed an average of 50 percent of the width of the largest *sign face*.

(3) Exception: For pole covers that are designed with vertical and horizontal faces that are a minimum of 50 percent transparent or open, the average combined width of all pole covers for an individual *ground sign* shall not exceed 75 percent of the width of the largest *sign face*.

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(4) The maximum width of any element of any pole cover shall not exceed the width of the largest *sign face.*

(5) The maximum thickness of any pole cover shall not exceed the maximum thickness of the largest *sign face.*

§ 142.1245 Secondary Signs in Commercial and Industrial Zones

The following regulations apply to secondary *signs* in all commercial and industrial zone *sign* categories, unless otherwise indicated.

(a) Secondary *signs* may be either permanent or temporary.

(b) The area for secondary *signs* is not included in the calculation for the allowable *sign* area for primary *signs* unless otherwise noted.

§ 142.1250 Permanent Secondary Signs in Commercial and Industrial Zones

(a) Table 142-12I identifies the type of permanent secondary *signs* permitted in the different *sign* categories.

Table 142-12I
Permanent Secondary Signs

Type of Permanent Secondary *Sign*	*Sign* Categories A, B, and C
	Number and Size of Permanent Secondary *Signs*
High-rise Building Identification *wall Signs*	
Number of *Signs* Permitted	One *sign* per facade on buildings that have a height of 100 feet or greater for building identification only
Additional Regulations	See Section 142.1250(b)
Establishment Identification	Permitted under certain conditions - See Section 142.1250 (c)
Incidental	
Number of *Signs* Permitted	Maximum four *signs* permitted per *ground sign structure* or building wall
Permitted *Sign* Area	Any one *sign* shall not exceed 6 square feet; the total area of all *signs* shall not exceed 10 square feet
Additional Regulations	See Section 142.1250(d)
Directional	
Number of *Signs* Permitted	One *sign* permitted at each driveway
Permitted *Sign* Area	Each *sign* shall not exceed 12 square feet
Permitted Height	8 feet
Additional Regulations	See Section 142.1250(e)
Window	
Number of *Signs* Permitted	Permitted - See Section 142.1250(f)
Permitted *Sign* Area	Not to exceed 30 percent of the window area. Letters may not be greater than 6 inches in average height, and logos may not exceed 16 inches in any dimension

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Type of Permanent Secondary *Sign*	*Sign* Categories A, B, and C
	Number and Size of Permanent Secondary *Signs*
***Public Utility* and Safety *Signs* Required by Law**	Permitted as required by law or ordinance - See Section 142.1250(g)
Theater Lobby	Permitted - See Section 142.1250(h)
Signs* Required by Law to Be Visible from the *Public Right-of-way	Exempt from this division provided that the *signs* do not exceed the minimum dimensions required by law. See Section 142.1250(i)
Address Numbers	
Exempt from this division if the numbers meet the following criteria:	
Permitted *sign* Area	4 square feet
Maximum height of Numbers	12 inches
Address numbers that do not meet the above criteria	See Section 142.1250(j)
Directories	
Number of *Signs* Permitted	One *sign* per entrance from a public *street*
Permitted *Sign* Area	24 square feet per *sign face*
Maximum Permitted Height	6 feet
Additional Regulations	See Section 142.1250(k)

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

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

(A) The high-rise building identification *wall sign* shall be placed on a building at a minimum height of 100 feet, above the uppermost row of windows, and not within 5 feet of the top of a parapet wall.

(B) The high-rise building identification *sign copy area* shall not be included in the calculation of primary *wall sign* area.

(C) A *premises* containing a building with a high-rise *wall sign* shall not be entitled to a *roof sign*.

(D) High-rise *wall sign* area shall not be transferred from one *building facade* to any other *building facade*.

(E) High-rise *wall signs* shall not project more than 18 inches from a building wall, nor shall they be illuminated by self-supporting light fixtures that extend more than 18 inches over a *parkway*.

(F) The *sign* shall comply with area and *setback* requirements determined by reference to Table 142-12J.

(G) The *sign* shall be placed in its entirety within the Building Height Measurement

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Category in Table 142-12J. The height of the *sign* is measured from the average *grade* of the building immediately below the *sign* to the uppermost point of the *sign copy area.*

(2) Table 142-12J provides the basis for calculating the high-rise building identification *wall sign copy area* and the minimum distance the *sign* must be set back from the building edge. The permitted *sign copy area* is based on the height of the building and the width of the *building facade* at the uppermost point of the *sign copy area*. The required *setback* is based on the height of the *sign*.

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

Building Height Measurement Category Elevation at which uppermost point of *sign copy area* may be located.	***Sign* Area Factor** For *sign* area, multiply the width of the *building facade* at the uppermost point of the *sign copy area*, by the factor below that corresponds to the height of the *sign*.	***Sign Setback*** The minimum distance that the *sign* must be set back from each vertical edge of the *building facade* is based on the uppermost point of the *sign copy area*.
100 - 150 feet	5 square feet	5 feet
151 - 200 feet	6 square feet	6 feet
201 - 300 feet	7 square feet	7 feet
301 feet and greater	8 square feet	8 feet

(c) Establishment identification *wall signs*, which identify the name or symbol of an establishment, the operation of an establishment, or the products or services available on the *premises*, shall not be included in the calculation of allowable primary *sign* area, provided that the following criteria are met:

(1) The *sign* has nonilluminated letters;

(2) The *sign* lettering does not exceed 3 inches in average height; and

(3) The *sign* area does not exceed 4 square feet.

(d) Incidental *signs* that pertain to goods, products, services, or facilities that are available on the *premises* where the *sign* is located are permitted subject to the following regulations:

(1) Incidental *signs* may be located on *ground signs* or on a building wall.

(2) Incidental *signs* may not be attached perpendicularly to a wall.

(3) Incidental *signs* are limited to the following information:

(A) Trading stamps,

(B) Credit cards accepted,

(C) Notices of services or restrictions, and

(D) Trade affiliations or public interest messages.

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(e) Directional *signs*, which are for the sole purpose of directing traffic or pedestrians, shall have at least 50 percent of the *sign* area used for providing direction and shall observe *visibility area* restrictions.

(f) Permanent window *signs* shall be permanently affixed to the exterior window.

(g) *Public utility* and safety *signs* that are required by law are exempt from this division.

(h) Theater lobby *signs* located on the walls of lobbies that are roofed and open on one side only shall not be calculated as permitted *wall sign* area, if any of the following circumstances exists:

(1) The *sign* is perpendicular to the fronting *public right-of-way* on the open side of the lobby;

(2) The open *sign* of the lobby does not front a *public right-of-way*; or

(3) The *sign* is located within the lobby and is not intended to be visible to passing vehicular traffic.

(i) *Signs* that are required by law to be visible from the *public right-of-way* are exempt from this division provided that the *signs* do not exceed the minimum dimensions required by law. *Signs* that exceed the minimum dimensions shall be subject to this division to the extent that the minimum dimensions are exceeded. *Signs* required by law other than *public utility* and safety *signs* that do not have specified minimum dimensions shall be subject to this division.

(j) Address numbers that exceed the applicable height and area requirements from Table 142-12I shall be calculated as permitted *wall sign* area.

(k) Directory *signs*, which list the names or uses in a building or on a *premises*, may be either primary *wall signs* or *ground signs* as permitted for the *premises*. Ground directory *signs* are subject to the minimum *setbacks* established by the applicable zones.

§ 142.1255 Temporary Secondary Signs in Commercial and Industrial Zones

(a) Temporary *signs* shall not be directly illuminated.

(b) Temporary *signs* shall not be permanently installed or affixed to any *sign structure* or building.

(c) Table 142-12K identifies the type of temporary secondary *signs* permitted in the different *sign* categories.

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Table 142-12K
Temporary Secondary Signs

Type of Temporary Secondary *Sign*	***Sign* Categories A, B, and C**
Construction Site	
Number of *Signs* Permitted	One *sign* per *street frontage* Any single *street frontage* that is greater than 500 feet may have one additional *sign*
Permitted *Sign* Area	160 square feet
Maximum Permitted Height	20 feet
Additional Regulations	See Section 142.1255(d)
Real Estate (either ground or *wall signs*)	
Number of *Signs* Permitted	Permitted *sign* area based on *street frontage* may be divided among more than one *sign*
Permitted *Sign* Area (total area for all *signs* on the property) based on length of the *street frontage*	
0-100 feet	32 square feet
101-300 feet	64 square feet
301-500 feet	96 square feet
501 feet and greater	160 square feet
Maximum Permitted Height	
Ground Real Estate *Sign*	20 feet
Wall Real Estate *Sign* (may be banners)	*Signs* shall not be placed above the parapet or *roof line* of a building
Sign Dimensions	The horizontal dimension shall not exceed 2-1/2 times the vertical dimension
Additional Regulations	See Section 142.1255 (e)
Real Estate Open House Directional for *Multiple Dwelling Unit* Residential Uses in Commercial and Industrial Zones.	
Permitted *Sign* Area (total area for all sides)	4 square feet
Additional Regulations	See Section 142.1255(f)
Inflatable Displays	
Number of Displays Permitted	3 displays per *premises*
Permitted *Sign* Area	A combined total of 1500 square feet of cross section area for all displays on the *premises*
Maximum Permitted Height	45 feet from the ground to the apex of the display
Additional Regulations	See Section 142.1255(g)
Temporary Advertising Vehicles	See Section 142.1255(h)
Temporary Window *Signs*	
Number of *Signs* Permitted and Size of *signs*	Not to exceed 30 percent of the window area. Letters may not be greater than 6 inches in average height, and logos may not exceed 16 inches in any dimension
Additional Regulations	See Section 142.1255(i)

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Type of Temporary Secondary *Sign*	*Sign* Categories A, B, and C
On-premises Directional and Identification *Signs* for *subdivisions*	
Number of *Signs* Permitted per Sales Office and Model Home	One *sign* is permitted for each real estate sales office and one *sign* is permitted for each model home in the *subdivision*
Permitted *Sign* Area	16 square feet
Maximum Permitted Height for Freestanding *Signs* on the *Premises* of Sales Office	12 feet
Number of *Signs* Permitted per *Subdivision* Entrance	One double-faced *sign*, or two single-faced *sign* advertising the *subdivision* is permitted at the entrance of the *subdivision*
Permitted *sign* Area	160 square feet
Maximum Permitted Height	8 feet. May be 12 feet or 16 feet by special permit.
Number of Flags Permitted	3 flags for each model home 6 flags if only one model
Required Flag Dimensions	3 feet by 5 feet
Maximum Permitted Height	20 feet
Off-premises Directional and Identification *Signs* for *Subdivisions*	See Section 142.1255(j)
Banners, Pennants, Flags, Streamers, and other similar devices	Permitted under certain conditions - See Section 142.1255(k)

(d) Temporary Construction Site *Signs*

(1) Construction site *signs* may be either ground or *wall signs*.

(2) *Street frontages* may not be combined for determining the number of *signs* permitted on a *premises*.

(3) *Signs* permitted on one *street frontage* may not be placed on another *street frontage*.

(4) Construction site *ground signs* shall be located within 35 feet of the fronting *public right-of-way*.

(5) *Signs* relating to safety warnings, traffic directions, entry prohibitions, and other similar *signs* for a construction project are permitted for the duration of the project.

(e) Real Estate *Signs*

(1) Real estate *sign copy* shall be limited to offering the *premises* for sale, rent, or lease.

(2) Real estate *signs* may be either ground or *wall signs*.

(3) Real estate *wall signs* shall meet the requirements of Section 142.1225.

(4) Real estate *signs* on the same *premises* shall have at least 50 feet between *signs*.

(5) Real estate *signs* shall be placed entirely within the *property lines* of the *premises* to which they pertain.

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(6) Real estate *signs* shall be removed within 15 *business days* of sale or occupancy of the *premises*, whichever occurs first.

(f) Open House Directional *Signs* for Multiple-Unit Dwelling Units in Commercial and Industrial Zones

(1) Open house directional *signs* may contain the name of the person or agency offering a dwelling unit for sale, an arrow, and an address of the dwelling unit.

(2) Open house directional *signs* shall comply with the following regulations.

(A) The *signs* must pertain to one dwelling unit that is being offered for sale.

(B) The *signs* shall be ground-mounted.

(C) The *signs* shall not be placed in the *public right-of-way* or on public property.

(D) The *signs* may be placed on private property only with the consent of the property owner.

(E) The *signs* may be in place during daylight hours only.

(F) Flags, banners, streamer, and pennants may not be placed on or near the *signs*.

(g) Inflatable displays shall comply with the following regulations.

(1) The display shall be ground-mounted or roof-mounted and filled with ambient air.

(2) The display shall not be placed within 300 feet of any other inflatable display on the same *premises* or within 300 feet of a *freeway public right-of-way*.

(3) The display shall not be placed within 100 feet of a residentially zoned *premises*.

(4) The display shall observe all Federal Aviation Administration height limitations.

(5) The display shall not be located within required *setbacks*.

(6) The display shall not be in place more than 10 consecutive *business days*, nor more than a total of 20 calendar days in a 12-month period.

(7) The materials used shall not fade or tear during the period of installation. Structural materials and installation shall comply with the provisions of California State General Order Number 95.

(8) The display shall not be attached to *fences*, trees, shrubbery, or utility poles.

(9) The display shall not be placed in or project into the *public right-of-way*.

(10) The display shall not obstruct or obscure primary *signs* on adjacent *premises*.

(11) The display shall not create a traffic hazard because of the distractive character of the display or the cumulative effect of all displays to motorists.

(h) Temporary Advertising Vehicles

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(1) A vehicle that has an attached *sign* or advertising device for the purpose of providing advertisement of products or directing people to an establishment or activity shall not be parked so that it is visible from *public rights-of-way*.

(2) Business or commercially licensed vehicles that have permanently attached *signs* or advertising devices and are used for the primary purpose of transporting people and products may be parked so that they are visible from *public rights-of-way*.

(i) Temporary Window or Building *Signs*

(1) *Signs* may be painted on the interior of a window, or constructed of cloth or paper and attached to the interior of a window or interior building wall.

(2) *Signs* may not be attached or affixed in any manner to the exterior surface of any window or building.

(j) Off-premises Directional and Identification *Signs* for *Subdivisions*

Off-premises directional and identification *signs* for *subdivisions* shall comply with the Temporary Off-premises *Subdivision* Directional *Signs*, Locational Criteria, Construction and Maintenance Standards of the Land Development Manual.

(k) Banners, Pennants, Flags, and Streamers

(1) Banners, pennants, flags, streamers, flares, wind-propelled and noise-making devices, and other similar devices shall not be permitted, unless they qualify as one of the following:

(A) Corporate or Institutional Flags

Corporate and institutional flags shall be displayed from either freestanding or wall-mounted flagpoles. The flags may not exceed one *sign* for every 100 feet of *street frontage* and may not exceed five flags per *premises*.

(B) Holiday Decorations

Holiday decorations shall be removed within 20 calendar days of the passing of the holiday.

(C) Grand Opening Streamers, Temporary Banners, and Pennants

Streamers, temporary banners, and pennants identifying the grand opening of a completely new establishment shall be permitted for no more than 60 consecutive calendar days. They shall not be placed within 50 feet of a residentially zoned *premises*. Two temporary banner *signs* shall not exceed one-half of the maximum permitted *sign copy area* for allowable *wall signs*.

(2) Banners, pennants, flags, and streamers must also comply with regulations in Section 142.1255(g)(7) - (11) for inflatable displays.

§ 142.1260 Signs Permitted by Higher Process

The following *signs* may be permitted with a Neighborhood Use Permit in accordance with Chapter 12, Article 6, Division 2 and Chapter 14, Article 1, Division 11:

(a) Revolving *projecting signs*,

(b) *Signs* with automatic changing copy,

(c) Theater *marquees*,

(d) Community identification *signs*, and

(e) Reallocation of *sign* area allowance.

§ 142.1265 Signs in Single Dwelling Unit Residential Zones

The following regulations apply to all *signs*, both permanent and temporary, that are permitted in *single dwelling unit* residential zones.

(a) Permanent *Signs*

The following *signs* are permitted in all of the *single dwelling unit* residential zones on a permanent basis.

(1) *Street* address numbers are permitted, provided that the numbers do not exceed ½ square foot each. Address numbers may be either internally or externally illuminated.

(2) Nameplates are permitted, provided that they do not exceed 1 square foot in area. Nameplates may be indirectly illuminated only.

(3) Accessory warning *signs* that provide warnings such as "no parking," "watch dogs," and "security services" are permitted. The maximum *sign* area permitted for accessory warning *signs* is 1 square foot.

(b) Temporary *Signs*

The following *signs* are permitted in all single-dwelling unit residential zones on a temporary basis.

(1) Real estate *signs* that offer the *premises* for sale, lease, or rent are permitted on a temporary basis, in accordance with the following regulations.

(A) One *sign* may be located on each *street frontage*.

(B) The *signs* may be single-faced or double-faced.

(C) The *sign* area shall not exceed 9 square feet, and the *sign* dimensions shall not exceed 3 feet by 3 feet.

(D) The *sign* height shall not exceed 6 feet.

(E) The *signs* shall not be illuminated.

§ 142.1265 Cont'd

(F) The *sign* shall be removed within 15 *business days* of sale or occupancy of the *premises*, whichever occurs first.

(2) Yard sale *signs* that identify a yard sale on the *premises* are permitted during the hours of the sale in accordance with the following regulations.

(A) One single-faced *sign* may be permitted per *premises*.

(B) The *sign* area shall not exceed 9 square feet.

(C) The *sign* height shall not exceed 6 feet.

§ 142.1270 Signs in Multiple Dwelling Unit Residential Zones

The following regulations apply to all *signs*, both permanent and temporary, that are permitted in all *multiple dwelling unit* residential zones, unless otherwise indicated.

(a) In all *multiple dwelling unit* residential zones, the following *signs* are permitted on a permanent basis.

(1) *Street* address numbers are permitted, provided that the numbers do not exceed ½ square foot each. Address numbers may be either internally or externally illuminated.

(2) Nameplates are permitted provided that they do not exceed 1 square foot in area. Nameplates may be indirectly illuminated only.

(3) Accessory warning *signs* that provide warnings such as "no parking," "watch dogs," and "security services" are permitted. The permitted *sign* area for accessory warning *signs* is 1 square foot.

(4) Directional *ground signs* may be permitted at each driveway of a parking *lot* containing five or more parking spaces provided that the following regulations are met:

(A) The *sign* may be single-faced or double-faced;

(B) The *sign* area shall not exceed 2 square feet; and

(C) The *sign* height shall not exceed 4 feet.

(b) In all *multiple dwelling unit* residential zones, the following *signs* are permitted on a temporary basis.

(1) *Ground signs* offering new residential *developments* for sale, lease, or rent are permitted for 1 year from the issuance of occupancy permits or until all units have been sold, rented, or leased, whichever occurs first. The *signs* shall comply with the following regulations:

(A) One single-faced or double-faced *sign* is permitted for each *street frontage*.

(B) For the RM-1-1, RM-1-2, and RM-1-3 zones, the maximum display area is 16 square feet, and the maximum height is 6 feet.

(C) For the RM-2-4, RM-2-5, and RM-2-6 zones, the maximum *sign* area is 24 square feet, and the maximum height is 8 feet.

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(D) For the RM-3-7, RM-3-8, and RM-3-9 zones, the maximum *sign* area is 32 square feet, and the maximum height is 12 feet.

(E) For the RM-4-10, RM-4-11, and RM-4-12 zones, the maximum *sign* area is 48 square feet, and the maximum height is 16 feet.

(F) *Wall signs* may be used in lieu of *ground signs*, provided that they do not exceed the permitted *sign* area in Section 142.1270(b)(1)(B) through 142.1270(b)(1)(E) and the *sign* is not placed higher than 12 feet from *grade* to the top of the *sign*.

(2) *Ground signs* offering existing residential *developments* and vacant *lots* for sale, lease, or rent are permitted, provided that the *sign* complies with the following regulations.

(A) One *sign* is permitted for each *street frontage*.

(B) For the RM-1-1, RM-1-2, and RM-1-3 zones, the maximum *sign* area is 4 square feet, and the maximum height is 4 feet.

(C) For the RM-2-4, RM-2-5, and RM-2-6 zones, the maximum *sign* area is 6 square feet, and the maximum height is 4 feet.

(D) For the RM-3-7, RM-3-8, and RM-3-9 zones, the maximum *sign* area is 8 square feet, and the maximum height is 6 feet.

(E) For the RM-4-10, RM-4-11, and RM-4-12 zones, the maximum *sign* area is 10 square feet, and the maximum height is 6 feet.

(F) One additional foot in height is permitted for the post and crossbar supporting the *sign*.

(G) *Wall signs* may be used in lieu of *ground signs*, provided that they do not exceed the permitted *sign* area in Section 142.1270 (B) through (E) above, and the *signs* are not placed higher than 12 feet from *grade* to the top of the *sign*.

(H) For the RM-1-1, RM-1-2, RM-1-3, RM-2-4, RM-2-5, and RM-2-6 zones only, banner *signs* may be used in lieu of *wall signs*, provided that they do not exceed the permitted *sign* area in Section 142.1270 (B) and (C) above, and provided that the *sign* is mounted flush against the building.

(3) Real estate *signs* other than those identified in Section 142.1270(b)(1) and (b)(2) that offer the *premises* for sale, lease, or rent are permitted on a temporary basis, subject to the following regulations.

(A) One *sign* may be located on each *street*.

(B) The *signs* may be single-faced or double-faced.

(C) The *sign* area shall not exceed 4 square feet, and the *sign* dimensions shall not exceed 2 feet.

(D) The *sign* height shall not exceed 4 feet, but the supporting post and cross bar may increase the height to 5 feet.

(E) The *signs* shall not be illuminated.

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(F) The *signs* shall be removed within 15 *business days* of sale or occupancy of the *premises*, whichever occurs first.

(4) Yard sale *signs* that identify a yard sale on the *premises* are permitted during the hours of the sale in accordance with the following regulations.

(A) One single-faced *sign* is permitted for each *premises*.

(B) The *sign* area shall not exceed 9 square feet.

(C) The *sign* height shall not exceed 6 feet.

(c) Permanent *Signs* in the RM-3-7, RM-3-8, and RM-3-9 Zones

The permanent *signs* listed below are permitted in the RM-3-7, RM-3-8, and RM-3-9 zones only.

(1) Property identification *wall signs* are permitted, provided that the *signs* comply with the following regulations.

(A) One *sign* is permitted for each *street frontage*.

(B) The *sign* area shall not exceed 20 square feet for each *street frontage*.

(C) The *signs* shall not be placed higher than 12 feet.

(D) The *signs* shall not project above the roof or parapet of the building.

(E) The *signs* shall not be internally illuminated.

(2) Property identification *ground signs* are permitted in lieu of property identification *wall signs*, provided that the *ground signs* comply with the following regulations.

(A) One *sign* is permitted for each *street frontage*.

(B) The *signs* may be single-faced or double-faced.

(C) For *premises* with multiple *street frontages*, *wall signs* may be used on one *street frontage* and *ground signs* on another, if desired.

(D) The *sign* area shall not exceed 20 square feet for each side of a double-faced *sign*. The faces may not be combined for purposes of increasing the permitted area on a face.

(E) The *sign* height shall not exceed 6 feet.

(F) The *signs* shall not be internally illuminated.

(d) Permanent *Signs* in the RM-4-10, RM-4-11, and RM-4-12 Zones

The permanent *signs* listed below are permitted in the RM-4-10, RM-4-11, and RM-4-12 zones only.

(1) Property identification *wall signs* are permitted, provided that the *signs* comply with the

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following regulations.

(A) One *sign* is permitted for each *street frontage*.

(B) The *sign* area shall not exceed 40 square feet for each *street frontage*.

(C) The *signs* shall not be placed higher than 24 feet from *grade* to the top of the *sign*.

(D) The *signs* shall not project above the roof or parapet of the building.

(E) The *signs* may be internally or externally illuminated.

(2) Property identification *ground signs* are permitted in lieu of property identification *wall signs*, provided that the *ground signs* comply with the following regulations:

(A) One *sign* is permitted for each *street frontage*.

(B) The *signs* may be single-faced or double-faced.

(C) For *premises* with multiple *street frontages*, *wall signs* may be used on one *street frontage* and *ground signs* on another, if desired.

(D) The *sign* area shall not exceed 20 square feet for each side of a double-faced *sign*. The faces may not be combined for purposes of increasing the permitted area on a face.

(E) The *sign* height shall not exceed 6 feet.

(F) The *signs* may be internally or externally illuminated.

§ 142.1275 Signs in Agricultural Zones

The following regulations apply to all *signs*, both permanent and temporary, that are permitted in all agricultural base zones.

The following *signs* are permitted in all of the agricultural base zones on a permanent basis.

(a) A *ground sign* to identify the establishment or *primary use* of the *premises* is permitted in accordance with the following regulations.

(1) One *sign* is permitted for each *street frontage*.

(2) The *sign* area shall not exceed 12 square feet.

(3) The *sign* height shall not exceed 12 feet.

(b) *Ground signs* that identify the sale of products that are produced on the *premises* are permitted in accordance with the following regulations.

(1) The *sign* may be used only when products are available for sale to the public.

(2) One *sign* is permitted for each *street frontage*.

(3) The *sign* area shall not exceed 12 square feet.

§ 142.1275 Cont'd

(4) The *sign* height shall not exceed 12 feet.

(5) A *wall sign* may be used in lieu of a *ground sign* if the *wall sign* is placed on a stand that is used to sell products. The *wall sign* shall comply with Section 142.1275(b)(1) through (3), and shall not project above the eaves or parapet of the stand.

(c) Real estate *signs* that offer the *premises* for sale, lease, or rent are permitted on a temporary basis in accordance with the following regulations.

(1) One *sign* may be located on each *street frontage*.

(2) The *sign* may be single-faced or double-faced.

(3) The *sign* area shall not exceed 12 square feet.

(4) The *sign* height shall not exceed 12 feet.

(5) The *sign* shall not be illuminated.

(6) The *sign* shall be removed within 15 *business days* of sale or occupancy of the *premises*, whichever occurs first.

§ 142.1280 Signs in Open Space Zones

The following regulations apply to all *signs*, both permanent and temporary, that are permitted in all open space base zones.

(a) In the OP and OC zones, all proposed *signs* are subject to the approval of the City Manager.

(b) Permanent *Signs*

The following *signs* are permitted in all of the open space zones on a permanent basis.

(1) *Street* address numbers are permitted, provided that the numbers do not exceed ½ square foot each. Address numbers may be either internally or externally illuminated.

(2) Nameplates are permitted provided that they do not exceed 1 square foot in area. Nameplates may be indirectly illuminated only.

(3) Accessory warning *signs* that provide warnings such as "no parking," "watch dogs," and "security services" are permitted. The permitted *sign* area for accessory warning *signs* is 1 square foot. Accessory warning *signs* may be indirectly illuminated only.

(c) Temporary *Signs*

(1) Real estate *signs* that offer the *premises* for sale, lease, or rent are permitted on a temporary basis in accordance with the following regulations.

(A) One *sign* may be located on each *street*.

(B) The *signs* may be single-faced or double-faced.

(C) The *sign* area shall not exceed 4 square feet, and the *sign* dimensions shall not exceed 2 square feet.

§ 142.1280 Cont'd

(D) The *sign* height shall not exceed 4 feet, but the supporting post and cross bar may increase the height to 5 feet.

(E) The *signs* shall not be illuminated.

(F) The *sign* shall be removed within 15 *business days* of sale or occupancy of the *premises*, whichever occurs first.

(2) Yard sale *signs* that identify a yard sale on the *premises* shall be permitted during the hours of the sale in accordance with the following regulations.

(A) One single-faced *sign* is permitted for each *premises*.

(B) The *sign* area shall not exceed 9 square feet.

(C) The *sign* height shall not exceed 6 feet.

§ 142.1290 La Jolla Commercial and Industrial Sign Control District

(a) Purpose of the La Jolla Commercial and Industrial *Sign* Control District

It is the intent of this *sign* district to preserve and enhance the unique aesthetic and economic values of the commercially and industrially zoned portions of the community of La Jolla and to provide a systematic and comprehensive approach toward meeting the *sign* needs of the community. In fulfilling this purpose, it is intended that *signs* in this *sign* district will comply with the goals and recommendations of the La Jolla Community Plan.

(b) Application

The regulations of this *sign* district are applicable to all commercially and industrially zoned property within the boundaries of the La Jolla Community Plan as described on the appropriate map and appended boundary description on file in the office of the City Clerk and shall be equally applicable to any other property subsequently placed in a commercial or industrial zone if the property lies within the boundaries of the La Jolla Community Plan. This *sign* district shall not apply to any area within the boundaries of a planned district unless the provisions of the planned district so stipulate.

(c) Subdistricts and Boundary

The boundaries of this *sign* district and any subdistricts are set forth on Drawing No. C-643.1 and the appended boundary description on file in the office of the City Clerk.

(d) On-Premises *Sign* Regulations for Subdistrict A

(1) *Wall Signs*

(A) Area. The *sign* for each *premises* shall not exceed 1 square foot for each foot of *street frontage* or 25 square feet, whichever is larger, and each tenant shall be permitted a minimum of 8 square feet.

(B) *Wall signs* shall not extend more than 18 inches from the *building facade*. *Wall signs* shall not extend above the parapet or eave of the building to which the *signs* are attached.

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(2) Identification *Signs*

(A) One single-faced or double-faced, freestanding *sign* located adjacent to each entrance or exit driveway to a parking *lot* is permitted. Such *signs* shall not exceed 12 square feet in area or a height of 12 feet measured from the base at ground level to the apex of the *sign*.

(B) One *sign* on the exterior wall at each side or rear entrance to a store, shop, or place of business is permitted provided that the *sign* does project above the parapet or eave of the building to which the *sign* is attached. No such *sign* shall be attached to the perimeter framing of the building or to the face of canopies or porch roofs. No such *sign* shall have an area exceeding 12 square feet.

(3) Freestanding *Ground Signs*

Where the face of the building sets back from the *property line* more than 20 feet, one single-faced or double-faced freestanding *ground sign* is permitted, in addition to those on the building, in accordance with the following.

(A) No part of the *sign* shall extend over public property or have a height exceeding 20 feet measured from the base at ground level to the apex of the *sign*.

(B) The total area of the *signs* shall not exceed 0.5 square feet per foot of *street frontage* or 40 square feet, whichever is smaller.

(e) On-Premises *Sign* Regulations

(1) Freestanding *Ground Signs*

(A) Number permitted. One multi-faced *ground sign* for any *premises* having frontage on a *public right-of-way*.

(B) More than one frontage. Where a *premises* fronts on more than one *public right-of-way* or *street*, excluding *alleys* and service ways, Section 142.1290(e)(1)(D) shall apply to each frontage. Each frontage is to be considered separately for determination of *ground sign* allowances. (Street side yard does not count as frontage.)

(C) Height Limit. 20 feet measured vertically from the *sign* base at ground level to the apex of the *sign*.

(D) Area. The maximum permitted area of a *ground sign* is 64 square feet or 0.75 square feet for each foot of *street frontage* per *premises*, whichever is less, for each face of a double-faced *sign* or for the sole face of a single-faced *ground sign*. If a *sign* has more than two faces, the total area may not exceed twice the area permitted for one face.

(E) Rotating *signs* are not permitted.

(F) *Ground signs* shall not project over roofs located on the *premises* or the *public rights-of-way*.

(G) *Ground signs* may only be utilized on *premises* where the building sets back at least 20 feet from the *public right-of-way* of the frontage *street* to which the

§ 142.1290 Cont'd

ground sign is oriented.

(2) *Wall Signs*

(A) Area. Permitted area for *wall signs* shall be calculated in accordance with Table 142-12L.

Table 142-12L
Basis for Calculation of Area for Wall Signs on a Single Frontage in the La Jolla Sign Control District

	Area Categories		
	Category A	**Category B**	**Category C**
All *public right-of-way* Widths	No ground or *projecting sign* erected by occupant	*Ground sign* but no *projecting sign* erected by occupant	*Projecting sign* but no *ground sign* erected by occupant
	Street Frontage X: 2 ft	*Street Frontage* X: 11/2 ft	*Street Frontage* X: 1 ft

(Calculation: Linear *street frontage* of *premises* times table factor for each category=permitted area in square feet for fascia or *wall sign*.)

This frontage factor is relative to the *building facade* on each *premises* which has separate and exclusive public entrance visible from a *public right-of-way*, excluding *alleys* and service ways. Each *premises* shall have a minimum area of 24 square feet, and each tenant shall be permitted a minimum of 8 square feet. (Street side yard does not count as frontage.)

(B) *Wall signs* shall not extend more than 18 inches from the building wall.

(C) Projecting *Wall Signs*

(i) *Wall signs* may not project above the *roof line* at the wall, or the top of the roof or *roof line*, whichever is applicable.

(ii) *Wall signs* may not project above the top of a parapet wall.

(3) *Projecting Signs*

(A) Any *premises* with frontage on a *public right-of-way* is permitted to have one *projecting sign*. The *projecting sign* may exist instead of, but not in addition to, a *ground sign*.

(B) Area. The maximum permitted area of a *projecting sign* shall not exceed 48 square feet or 0.5 square feet for each foot of *street frontage*, whichever is less, for each face of a double-faced *sign*. *Projecting signs* may have a maximum of two faces.

(C) Maximum projection over *public right-of-way*. A *sign* may not project perpendicularly beyond the *property line* more than 5 feet or two-thirds of the distance from the curb to property line, whichever is less. For allowable

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combinations of projection and height for *projecting signs* over *public rights-of-way* see Table 142-12M. If an establishment has a frontage less than 25 feet, a *projecting sign* on the establishment is limited to a projection of 4 feet beyond the *property line*.

(D) Height over roof or parapet. *Projecting signs* may not extend above the *roof line* at the wall or the top of a parapet wall.

Table 142-12M
Allowable Combinations of Projection and Height for Projecting Signs in the La Jolla Sign Control District

Height above sidewalk or *grade* to bottom of *sign*	Maximum diagonal projection of corner *signs* over *public rights-of-way* (45°)	Maximum projection of other than corner *signs* over *public rights-of-way*
8 ft.	1 ft.	1 ft.
9 ft.	1 ft., 8 in.	1 ft., 6 in.
10 ft.	2 ft., 4 in.	2 ft.
11 ft.	3 ft.	2 ft., 6 in.
12 ft.	3 ft., 8 in.	3 ft.
13 ft.	4 ft., 4 in.	3 ft., 6 in.
14 ft.	5 ft.	4 ft.
15 ft.	5 ft., 8 in.	4 ft., 6 in.
16 ft. and over	6 ft., 4 in.	5 ft.

(4) Identification *Signs*

(A) One single-faced or double-faced freestanding *sign* located adjacent to each entrance or exit driveway to a parking *lot* is permitted. Such *signs* shall not exceed 12 square feet in area or a height of 12 feet measured from the base at ground level to the apex of the *sign*.

(B) One *sign* on the exterior wall at each side or real entrance to a store, shop or place of business is permitted provided that no *sign* shall project above the parapet or eave of the building to which the *sign* is attached. No such *sign* shall be attached to the perimeter framing of the building or to the face of canopies or porch roofs. No such *sign* shall have an area exceeding 12 square feet.

(5) Abatement

Any *sign* not in compliance with the provisions of this section within 7 years from the effective date of the ordinance adopting these regulations shall be removed or brought into compliance unless the *sign* is granted an extension of time as set forth in Chapter 12, Article 9, Division 8 (Sign Permit Procedures). Any *sign* located on property subsequently placed in this *sign* district and not in compliance with the provisions of this section shall be removed or brought into compliance within 7 years from the effective date of the ordinance establishing this *sign* district on the property unless the *sign* is granted an extension of time as set forth in Chapter 12, Article 9, Division 8.

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(6) Severability

If any section, subsection, sentence, clause, or phrase of this section is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this section. The City Council hereby declares that it would have passed this ordinance, and each section, subsections, sentence, clause and phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases hereof be declared invalid or unconstitutional.

§ 142.1291 Ocean Beach Sign Enhancement District

(a) Purpose of the Ocean Beach Sign Enhancement District

It is the purpose of the Ocean Beach *Sign* Enhancement District to maintain, preserve, and promote the distinctive commercial signage of the Ocean Beach area and to regulate identification of commercial enterprises within the Ocean Beach community's Newport Avenue commercial core area. *Signs* in the commercial core area shall reflect the goals of the Ocean Beach Community Plan and Commercial Improvement Program. It is the intent of the Ocean Beach *Sign* Enhancement District to acknowledge and preserve design elements of the area's initial major period of *development* during the decades of the 1920's to 1940's. Neon tubing and other design elements that reference this era are encouraged, if feasible, as elements in new or renovated *signs*. In addition to those types of *signs* currently permitted by the *Sign* Regulations, Category C, as set forth in Chapter 14, Article 2, Division 12, certain additional types of *signs* are specifically permitted and other additional types of *signs* are specifically prohibited in the Ocean Beach *Sign* Enhancement District, as set forth in this section.

(b) Boundaries

The boundaries of the Ocean Beach *Sign* Enhancement District are designated as those boundaries set forth for the Pedestrian Commercial Overlay Zone in Ocean Beach on that certain Map No.C-747; and that certain Map No. C-772, Maps "A" and "B"; and on file in the office of City Clerk under Document No. 769627 and Document No. 272788, respectively.

(c) *Signs*

The following types of *signs* are permitted in addition to those types of *signs* permitted by Chapter 14, Article 2, Division 12, *Sign* Regulations Category C. Permitted *signs* shall be maintained or erected in conformance with all applicable building regulations in Municipal Code Chapter 9, Article 1, and the regulations concerning total permitted *sign* area as determined by the applicable sections of the *Sign* Regulations. Those existing *signs* permitted by subsection (1) of this section are hereby exempted from the total permitted *sign* area regulations noted in subsections (2), (3) and (4) of this section and from the total permitted signage area regulations permitted by the *Sign* Regulations.

(1) Existing *projecting signs* that extend above the *roof line* are permitted, if installed before the adoption to the City-Wide *Sign* Ordinance on March 6, 1973. Retention of one such *sign* per 50 feet of *street frontage* is permitted, subject to all applicable regulations set forth in Chapter 14, Article 2, Division 12. No other *projecting signs* (those provided by subsections (2), (3), and (4) following) are permitted with the retention of an existing *projecting sign* extending above the *roof line*.

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(2) *Projecting signs* not extending above the *roof line* and located between 9 feet above sidewalk to 15 feet above sidewalk, limited to one such *projecting sign* per 50 feet *street frontage*, and may not exceed a maximum of four square feet per *sign face*.

(3) Individual letter *signs*, free-standing on a ledge or canopy, located between 9 feet above sidewalk to 15 feet above sidewalk, and limited to eight square feet in area, and shall not exceed a maximum of 12 inches projected from the building wall.

(4) Three-dimensional iconographical *signs*, such as barber poles, limited to one such iconographical *sign* per 50 feet frontage and shall not exceed a maximum of 18 inches projected from the building wall and a maximum of four square feet in cross-section. The term "iconographical," as used in this section, shall refer to incidental *signs* not containing text.

(d) Design Requirements

The use of backlighted or indirectly illuminated faces for those *signs* permitted by subsections (c)(2), (c)(3), and (c)(4) of this section and for all permanent freestanding *signs*, shall be prohibited, with the exception of those *signs* which incorporate one or both of the following elements in their design: exposed neon tubing; or backlighted opaque-facing.

(e) Abatement

All *signs* are subject to the abatement procedures as set forth in Chapter 12, Article 2, Division 2, except that those *signs* specifically prohibited in this district and typically allowed in the *Sign* Regulations, which are not in compliance with this section shall not be subject to abatement.

Article 3: Supplemental Development Regulations

Division 1: Environmentally Sensitive Lands Regulations

§ 143.0101 Purpose of Environmentally Sensitive Lands Regulations

The purpose of these regulations is to protect, preserve and, where damaged restore, the *environmentally sensitive lands* of San Diego and the viability of the species supported by those lands. These regulations are intended to assure that *development* occurs in a manner that protects the overall quality of the resources and the natural and topographic character of the area, encourages a sensitive form of *development*, retains biodiversity and interconnected habitats, maximizes physical and visual public access to and along the shoreline, and reduces hazards due to *flooding* in specific areas while minimizing the need for construction of *flood* control facilities. These regulations are intended to protect the public health, safety, and welfare while employing regulations that are consistent with sound resource conservation principles and the rights of private property owners.

It is further intended for the Development Regulations for Sensitive Biological Resources and accompanying Biology Guidelines to serve as standards for the determination of impacts and mitigation under the California Environmental Quality Act. These standards will also serve to implement the Multiple Species Conservation Program by placing priority on the preservation of biological resources within the Multiple Habitat Planning Area, as identified in the City of San Diego Subarea Plan. The habitat based level of protection which will result through implementation of the Multiple habitat Planning Area is intended to meet the mitigation obligations of the Covered Species addressed. In certain circumstances, this level of protection may satisfy mitigation obligations for other species not covered under the Multiple Species Conservation Program but determined to be sensitive pursuant to the CEQA review process. This determination will be addressed in the environmental documentation.

§ 143.0110 When Environmentally Sensitive Lands Regulations Apply

This division applies to all proposed *development* when *environmentally sensitive lands* are present on the *premises*.

(a) Where any portion of the *premises* contains any of the following *environmentally sensitive lands*, this division shall apply to the entire *premises*, unless otherwise provided in this division:

(1) *Sensitive biological resources*;

(2) *Steep hillsides*;

(3) *Coastal beaches*;

(4) *Sensitive coastal bluffs*; and

(5) *100- year floodplains*.

(b) Table 143-01A identifies the appropriate development regulations, the required decision process, and the permitted uses applicable to various types of *development* proposals that propose to encroach into *environmentally sensitive lands* or that do not qualify for an exemption pursuant to Section 143.0110(c).

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(1) A Neighborhood Development Permit or Site Development Permit is required for all types of *development* proposals listed, in accordance with the indicated decision process.

(2) All types of *development* proposals are subject to Section 143.0140.

(3) Any *development* proposal that proposes to encroach into more than one type of *environmentally sensitive lands* is subject to all of the development regulations sections for each type of *environmentally sensitive lands* present. The applicable decision process is the higher process number indicated.

(4) Any *development* proposal on a site containing *environmentally sensitive lands* may be exempt from this division if no *encroachment* into the *environmentally sensitive lands* is proposed and the *development* complies with Section 143.0110(c)(1).

(5) Limited exceptions to the applicable development regulations for specific types of *development* are listed in Section 143.0111.

Table 143-01A
Applicability of Environmentally Sensitive Lands Regulations

		Environmentally Sensitive Lands Potentially Impacted by Project				
Type of *Development* Proposal		***Wetlands*, listed non-covered species habitat[1]**	**Other *Sensitive Biological Resources* other than *Wetlands* and listed noncovered species habitat**	***Steep Hillsides***	***Sensitive Coastal Bluffs* and *Coastal Beaches***	**Floodplains**
1. *Single dwelling units* on individual *lots* equal to or less than 15,000 square feet[2]	R	143.0141(a)	143.0141	143.0142 except (a)	143.0143, 143.0144	143.0145
	P	NDP/ Process Two	NDP/ Process Two	NDP/ Process Two	SDP/ Process Three	NDP/ Process Two
	U	143.0130(d)	--	--	143.0130(a), (b)	143.0130(c)
2. *Single dwelling units* on *lots* or multiple *lots* totaling more than 15,000 square feet	R	143.0141(a)	143.0141	143.0142	143.0143, 143.0144	143.0145
	P	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three
	U	143.0130(d)	--	--	143.0130(a), (b)	143.0130(c)
3. *Multiple dwelling unit* and non-residential *development* and public works projects	R	143.0141(a)	143.0141	143.0142	143.0143, 143.0144	143.0145
	P	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP Process Three
	U	143.0130(d)	--	--	143.0130(a), (b)	143.0130(c)
4. Any *subdivision* of a *premises*	R	143.0141(a)	143.0141	143.0142[3]	143.0143, 143.0144	143.0145
	P	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four
	U	143.0130(d)	--	--	143.0130 (a), (b)	143.0130 (c)
5. Project-specific *land use plans*	R	143.0141(a), 143.0115	143.0141, 143.0115	143.0142, 143.0115	143.0143, 143.0144, 143.0115	143.0145, 143.0115
	P	SDP/Process Four/Five	SDP/ Process Four/Five	SDP/Process Four/Five	SDP/ Process Four/Five	SDP/Process Four/Five
	U	143.0130(d)	--	--	143.0130(a), (b)	143.0130(c)

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Environmentally Sensitive Lands Potentially Impacted by Project						
Type of *Development* Proposal		*Wetlands*, listed non-covered species habitat(1)	Other *Sensitive Biological Resources* other than *Wetlands* and listed noncovered species habitat	*Steep Hillsides*	*Sensitive Coastal Bluffs* and *Coastal Beaches*	Floodplains
6. Any *development* that proposes deviations from any portion of the *Environmentally Sensitive Lands* Regulations	R	143.0141(a), 143.0150	143.0141, 143.0150	143.0142, 143.0150(4)	143.0143, 143.0144, 143.0150	143.0145, 143.0150
	P	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four
	U	143.0130(d)	--	--	143.0130(a), (b)	143.0130(c)
7. *Development* other than *single dwelling units* on individual *lots*, that proposes alternative compliance for *development* area in *steep hillsides*.	R	--	--	143.0142 except (a), 143.0151	--	--
	P	--	--	SDP/ Process Three	--	--
	U	--	--	--	--	--

Legend to Table 143-01A	
R	Development regulation sections (in addition to Section 143.0140) applicable to the *environmentally sensitive lands* present.
P	Type of Permit/Decision process required. Neighborhood Development Permit (NDP) Site Development Permit (SDP)
U	Regulations that identify permitted uses when they are different than the applicable zone due to the *environmentally sensitive lands* present.

Footnotes to Table 143-01A

(1) This includes listed species and their habitat not covered by the Take Authorizations issued to the City by the State and Federal governments under the Multiple Species Conservation Program.

(2) This includes the *development* of one or more *lots* as long as the total area of the *lots* does not exceed 15,000 feet and the *lots* were not joined in ownership to any contiguous *lot* or parcel on or before the adoption date of this division so that the total area of contiguous ownership exceeded 15,000 square feet.

(3) *Subdivision* of a *premises* less than 15,000 square feet (for *single dwelling unit development*) is not subject to Section 143.0142(a).

(4) *Development* other than a *single dwelling unit* on an individual *lot* may use alternative compliance for development area in *steep hillsides* that does not comply with Section 143.0142(a).

(c) A Neighborhood Development Permit or Site Development Permit is not required for the following *development* activity:

(1) *Development* on a *premises* containing *environmentally sensitive lands* when the

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development will not encroach into the *environmentally sensitive lands* during or after construction, if the property owner signs an acknowledgment that further *development* on the property is not permitted unless the *development* is reviewed and approved pursuant to this division and if the *development* proposal provides for the following:

(A) A 100-foot *setback* from *sensitive biological resources*;

(B) A 40-foot *setback* from the top of slope of *steep hillsides*;

(C) A 100-foot setback from *coastal beaches*;

(D) A 100-foot *setback* from bluff edge of *sensitive coastal bluff*; and

(E) A 100-foot *setback* from floodplains.

(2) *Development* that is limited to interior modifications or repairs, or any exterior repairs, alterations or maintenance that does not increase the footprint of an existing building or *accessory structure* and will not encroach into the *environmentally sensitive lands* during or after construction. For a *premises* containing a *sensitive coastal bluff*, any addition above the first *floor* shall observe a minimum 40-foot *setback* from the *coastal bluff edge*.

(3) Minor improvements to existing *structures* on *steep hillsides*, subject to all of the following applicable requirements:

(A) *Clearing* and *grubbing* shall not exceed 100 square feet per acre.

(B) *Excavation* for foundations or pilings shall total less than 10 cubic yards.

(C) The proposed improvements do not *encroach* into *sensitive biological resources*.

(D) One story *structures* supported by pilings or pillars may be located on *steep hillsides* provided that the total of all *encroachments* into the *steep hillsides* area does not exceed 5 percent of the total *floor* area of the building or *structure*.

(E) Residential decks up to 500 square feet may be located on *steep hillsides* provided that the deck is attached to the building or *structure* and does not exceed 12 feet in elevation above the *existing grade* at any point.

(4) *Development* activity that is limited to permissible *grading* for the preparation of a site for cultivation of crops and where *grading* for agriculture purposes has occurred in compliance with all legal requirements within the previous 3 years.

(5) City public works projects for which plans, specifications, or funding have been approved by the City Council or the City Manager before July 1, 1991.

(6) Restoration projects where the sole purpose is enhancement or restoration of native habitats.

(7) Zone Two brush management activity if the brush management complies with the landscape regulations in Chapter 14, Article 2, Division 4 (Landscape Regulations) and the Biology Guidelines.

§ 143.0111 Limited Exceptions from Environmentally Sensitive Lands Regulations

§ 143.0110 Cont'd The following *development* activities require a Neighborhood Development Permit or Site Development Permit in accordance with Table 143-01A, but the applicable development regulations are modified as indicated:

(a) Outside the *MHPA*, mining and extractive industries may exceed the maximum allowable *steep hillside* development area described in Section 143.0142(a). Both inside and outside the *MHPA*, a Conditional Use Permit is required in accordance with Section 141.1001 and restoration of the on-site landform to a natural-appearing condition is required.

(b) Brush management activity is exempt from all *steep hillside* development regulations in Section 143.0142 if the brush management is the minimum necessary to comply with City fire codes and no *grading* occurs in the brush management area.

(c) Erosion control measures are exempt from the *steep hillside* development area regulations in Section 143.0142(a) if they are determined to be the only feasible means of erosion control necessary to protect the existing principal *structures* or *public improvements*.

(d) City linear utility projects are exempt from the development area regulations of the OR-1-2 zone in Section 131.0250(b) and the development area regulations for *steep hillsides* in Section 143.0142(a) and for *sensitive biological resources* in Section 143.0141(d).

(e) *Development* in the OF zone or within any *100-year floodplain* (formerly the FW, FC, and FPF zones) in the Mission Valley Community Plan area, is subject only to the Federal Emergency Management Agency Special Regulations in Section 143.0145(c).

(f) *Development* in the Calle Cristobal Assessment District area and outside the Coastal Overlay Zone is subject only to the *steep hillside* development regulations in Section 143.0142(b) through (h).

(g) *Development* in the Miramar Ranch North Community Plan area and the 70 acre high *school* project in Scripps Ranch is subject only to the *steep hillside* development regulations in Section 143.0142(b) through (h).

(h) *Development* of the 178 acres of land known as Sorrento Hills that was the subject of the land exchange approved by the voters as Proposition D on November 4, 1986, is subject only to the *steep hillside* development regulations in Section 143.0142(b) through (g).

§ 143.0112 Requirement to Submit Required Documentation and Obtain Permit Prior to Development on Environmentally Sensitive Lands

It is unlawful to begin *development* on a *premises* that contains *environmentally sensitive lands* without submitting required documentation and obtaining a Neighborhood Development Permit, a Site Development Permit, or an exemption as required pursuant to this division. If unlawful *development* occurs on property containing *environmentally sensitive lands* and an enforcement action has been commenced by the City pursuant to Section 143.0160, no Neighborhood Development Permit or Site Development Permit application may be processed until the enforcement action has been concluded.

§ 143.0113 Determination of Location of Environmentally Sensitive Lands, Applicability of Division and Decision Process

(a) In connection with any permit application for *development* on a parcel, the *applicant* shall provide the information used to determine the existence and location of *environmentally sensitive lands* in accordance with Section 112.0102(b).

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(b) Based on a project-specific analysis and the best scientific information available, the City Manager shall determine the existence and precise location of *environmentally sensitive lands* on the *premises*.

§ 143.0115 Procedures and Regulations for Project-Specific Land Use Plans

(a) Project-specific *land use plans*, including specific plans, precise plans, privately initiated *land use plan* amendments, and future urbanizing area subarea plans, proposed for sites where *environmentally sensitive lands* are present, are subject to the regulations in this section to ensure adequate analysis of the constraints and opportunities of the planning area relative to *environmentally sensitive lands*. The analysis of *environmentally sensitive lands* for project-specific *land use plans* will be conducted in accordance with either Section 143.0115(b) or (c) based on whether or not a Site Development Permit is processed concurrently with the project-specific *land use plan*.

(b) Where a Site Development Permit is requested concurrently with the processing of a project-specific *land use plan*, the proposed *development* is subject to the following regulations.

(1) The boundaries of the Site Development Permit will be the boundaries of the project-specific *land use plan*, including all individual interior *lots* within the plan area.

(2) A decision on a Site Development Permit processed concurrently with a project-specific *land use plan* will be made in accordance with Process Five.

(3) The *environmentally sensitive lands* regulations applicable to the Site Development Permit will be determined in accordance with Table 143-01A. Sufficient information must be submitted for the entire plan area in order to evaluate potential impacts to *environmentally sensitive lands*. Any deviations proposed, other than as permitted in Section 143.0115(b)(4), are subject to Section 143.0150.

(4) For individual *lots* outside the *MHPA*, the development area regulations for *steep hillsides* in Section 143.0142(a) may be varied provided the regulations are complied with comprehensively for the entire plan area.

(5) The *applicant* shall prepare a *development* suitability analysis to evaluate the proposed *development* of the entire plan area and its relationship to the *environmentally sensitive lands* regulations as well as other factors such as *historical resources*, visual resources, public facilities needs, public safety issues, and adjacent land uses. The constraints and opportunities identified shall be used to determine the portions of the plan area that are most suitable for *development* and those that should be preserved as open space. Overall *development* within the plan area, including public facilities and circulation elements, shall be located to minimize impacts to *environmentally sensitive lands*, in accordance with this division and the associated guidelines in the Land Development Manual.

(6) The project-specific *land use plan* shall include a summary of the allowable development area and any required mitigation for each parcel. If the project-specific *land use plan* contains *MHPA* lands, mitigation for impacts to *sensitive biological resources* should be directed toward acquisition of *MHPA* lands within the city boundaries and preferably within the same plan area.

(7) Subsequent *development* proposals within the Site Development Permit area will be reviewed in accordance with the *substantial conformance* procedures. If the *development* is determined to be in conformance with the Site Development Permit and

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any required mitigation is provided, an amendment to the Site Development Permit will not be required. If the proposed *development* is not in conformance with the approved project-specific *land use plan*, an amendment to the Site Development Permit will be required for the *development* in addition to an amendment to the approved project-specific *land use plan*.

(c) Where a Site Development Permit is not requested concurrently with the processing of a project-specific *land use plan*, the proposed plan and subsequent Site Development Permits are subject to the following regulations.

(1) The *applicant* shall prepare a *development* suitability analysis that evaluates the proposed *development* of the entire plan area and its relationship to the *environmentally sensitive lands* regulations as well as other factors such as *historical resources*, visual resources, public facilities needs, public safety issues, and adjacent land uses. The constraints and opportunities identified shall be used to determine the portions of the plan area that are most suitable for *development* and those that should be preserved as open space. Overall *development* within the plan area, including public facilities and circulation elements, shall be located to minimize impacts to *environmentally sensitive lands*, in accordance with this division and the associated guidelines in the Land Development Manual.

(2) The project-specific *land use plan* shall indicate how subsequent *developments* within the plan area will comply with the *environmentally sensitive lands* regulations and the associated guidelines in the Land Development Manual. Where any deviation from this division is proposed for the plan area or on an *premises*, a description of the deviation shall be provided along with a statement of how the deviation benefits the overall design of the entire plan area. Deviations may be approved only under the following conditions:

(A) When there are no feasible measures that can further minimize the potential adverse effects on *environmentally sensitive lands* and when the deviation is the minimum necessary to afford relief and accommodate the *development*; and

(B) When there are special circumstances or conditions applying to the plan area that are peculiar to the land and not of the applicant's making, whereby strict application of the provisions of the *environmentally sensitive lands* regulations would deprive a property owner of reasonable use of his or her land and would result in a less desirable project-specific *land use plan*.

(3) The development area regulations for *steep hillsides* in Section 143.0142(a) may be varied for individual *lots* outside the *MHPA* provided the intent of these regulations is complied with comprehensively for the entire plan area.

(4) The project-specific *land use plan* shall acknowledge that any privately owned property that is designated entirely as open space could be proposed for *development* in accordance with the base zone. This possibility shall be taken into consideration when analyzing the total potential development area within the plan area.

(5) The project-specific *land use plan* shall include an implementation strategy for acquisition of those parcels designated as open space. If the project-specific *land use plan* contains *MHPA* lands, mitigation for impacts to *sensitive biological resources* should be directed toward acquisition of *MHPA* lands within the City boundaries and preferably within the same plan area.

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(6) After approval of the project-specific *land use plan*, a Site Development Permit shall be required for all proposed individual *developments* within the plan area and shall be reviewed in accordance with Process Four. Additional information pertaining to *environmentally sensitive lands* may be required in order to conduct a detailed analysis of the specific *development* proposal. Approval of the individual Site Development Permits will require conformance with the approved project-specific *land use plan* and any required mitigation shall be provided. Deviation *findings* will not be required if the proposed *development* is consistent with the approved project-specific *land use plan*. If a proposed *development* is not in conformance with the approved project-specific *land use plan*, approval of a Site Development Permit requires compliance with all of the *environmentally sensitive lands* regulations.

(7) Conformance with the *environmentally sensitive lands* regulations and associated guidelines in the Land Development Manual is required for all *environmentally sensitive lands* impacts not addressed by the approved project-specific *land use plan*.

§ 143.0126 Emergency Authorization to Impact Environmentally Sensitive Lands

Whenever *development* activity within *environmentally sensitive lands* is deemed necessary by order of the City Manager to protect the public health or safety, the City Manager may authorize, without a public hearing, the minimum amount of impact necessary to protect the public health or safety, subject to the following:

(a) If the emergency work involves only temporary impacts to *environmentally sensitive lands*, a Neighborhood Development Permit or Site Development Permit is not required provided the *environmentally sensitive lands* are restored to their natural state, in accordance with a restoration plan approved by the City Manager. The restoration plan shall be submitted to the City Manager within 60 days of completion of the emergency work.

(b) If the emergency work results in permanent impacts to *environmentally sensitive lands*, a subsequent Neighborhood Development Permit or Site Development Permit is required in accordance with all regulations of this division. The application for the Neighborhood Development Permit or Site Development Permit shall be submitted within 60 days of completion of the emergency work.

§ 143.0130 Uses Allowed Within Environmentally Sensitive Lands

Allowed uses within *environmentally sensitive lands* are those allowed in the applicable zone, except where limited by this section.

(a) *Sensitive Coastal Bluff* Areas. Permitted uses and activities in *sensitive coastal bluff* areas, as indicated on Map Drawing No. C-713, are limited to the following:

(1) *Single Dwelling Units* together with *accessory structures* and landscape features incidental to residential uses;

(2) Bicycle storage facilities;

(3) Public comfort stations;

(4) Public pergolas and gazebos;

(5) Public parking lots;

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Cont'd

(6) Public seating benches;

(7) *Fences* and walls, provided they do not interfere with existing or designated public access ways;

(8) Safety and public information *signs*;

(9) Public stairways, ramps, and other physical beach access facilities, as identified within an applicable land use plan;

(10) Essential public walkways leading to permitted beach access facilities;

(11) Essential public drainage facilities; and

(12) Bluff repair and erosion control measures.

(b) *Coastal Beach* Areas. Permitted uses and activities in *coastal beach* areas, as identified on Map Drawing No. C-713, are limited to the following:

(1) Lifeguard towers and stations and associated life and security facilities;

(2) Public comfort stations;

(3) Public piers;

(4) Safety and public information *signs*;

(5) Shoreline protective works to prevent bluff and beach erosion or where necessary to protect coastal dependent uses, public beach roadways, or existing principal *structures* in danger from wave and wind action and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply;

(6) Stairways, ramps, and other physical access *structures*, as proposed within an applicable land use plan; and

(7) Public recreational equipment.

(c) *Floodways*. Uses permitted within the *floodway* portion of a *100-year floodplain* are those allowed by the OF zone, as indicated in Table 131-02B.

§ 143.0140 General Development Regulations for all Environmentally Sensitive Lands

Development that proposes *encroachment* into *environmentally sensitive lands* or that does not qualify for an exemption pursuant to Section 143.0110(c) is subject to the following regulations.

§ 143.0140 Cont'd

(a) *Environmentally sensitive lands* that are outside of the allowable development area on a *premises* shall be left in a natural state and used only for those passive activities allowed as a condition of permit approval. The landowner may elect to offer to dedicate in fee the undeveloped remainder portion of the *premises* to the City to relieve the land owner of management and liability obligations associated with that portion of the *premises*. Otherwise, the passive activities allowed on the undeveloped remainder of the *premises* and any other conditions of the permit shall be incorporated into a covenant of easement that shall be recorded against title to the property, in accordance with procedures set forth in Section 143.0151.

(b) The allowable development area for all proposed *subdivisions* is based on the existing *lot* or *premises* to be subdivided. If no *development* is proposed on any newly created *lot*, the future development area of the *lot* shall be indicated on the required *grading* plan and included in the maximum allowable development area calculation for the *subdivision*.

(c) No building *lot* shall be created that provides such a small development area that future reasonable *development* of the *lot* will require additional *encroachment* into *environmentally sensitive lands* beyond the maximum allowable development area of the original, unsubdivided *premises*. If additional development area is proposed for a *lot* that would exceed the maximum allowable development area of the original, unsubdivided *premises*, a deviation in accordance with Section 143.0150 is required, regardless of the *lot* size and the existing development area of the individual *lot*.

(d) No temporary disturbance or storage of material or equipment is permitted in *environmentally sensitive lands*, unless the disturbance or storage occurs within an area approved for *development* by a Site Development Permit or unless it can be demonstrated that the disturbance or storage will not alter the landform or cause permanent habitat loss and the land will be revegetated and restored in accordance with the Biology Guidelines in the Land Development Manual.

§ 143.0141 Development Regulations for Sensitive Biological Resources

Development that proposes *encroachment* into *sensitive biological resources* or that does not qualify for an exemption pursuant to Section 143.0110(c) is subject to the following regulations and the Biology Guidelines in the Land Development Manual.

(a) State and federal law precludes adverse impacts to *wetlands* or listed non-covered species habitat. The *applicant* shall confer with the U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service and/or California Department of Fish and Game before any public hearing for the *development* proposal. *Grading* or *construction permits* shall not be issued for any project that adversely impacts *Wetlands* or Listed non-covered species habitat until all necessary federal and state permits have been obtained.

(b) Outside and inside the *MHPA*, impacts to *wetlands*, including vernal pools in naturally occurring complexes, shall be avoided. A *wetland buffer* shall be maintained around all *wetlands* when necessary and as appropriate to protect the functions and values of the *wetland*. Mitigation for impacts associated with a deviation shall achieve the goal of no-net-loss and retain in-kind functions and values.

(c) Inside the *MHPA*, *development* shall avoid impacts to narrow endemic species. Outside the *MHPA*, measures for protection of narrow endemic species shall be required such as management enhancement, restoration and/or transplantation. A list of narrow endemic species is included in the Biology Guidelines in the Land Development Manual.

§ 143.0141 Cont'd

(d) Inside the *MHPA*, *development* is permitted only if necessary to achieve the allowable development area in accordance with the regulations set forth in the OR-1-2 zone, pursuant to Section 131.0250(b), unless exempted from the development area regulations pursuant to Section 143.0111.

(e) Inside and adjacent to the *MHPA*, all *development* proposals shall be consistent with the City of San Diego *MSCP Subarea Plan*.

(f) Inside the *MHPA*, any change of an agricultural use to a non-agricultural use is subject to the development area regulations of Section 143.0141(d). Existing agricultural operations that exceed the allowable development area may remain as agricultural use only and do not count as part of the allowable development area.

(g) Outside the *MHPA*, *development* of lands that are designated as open space in the applicable *land use plan* and zoned OR-1-1 is permitted only if necessary to achieve the allowable development area, in accordance with Section 131.0250(a).

(h) Outside the *MHPA*, *encroachment* into *sensitive biological resources* is not limited, except as set forth in Section 143.0141(b) and (g).

(i) All *development* occurring in *sensitive biological resources* both inside and outside the *MHPA* is subject to a site-specific impact analysis conducted by the City Manager, in accordance with the Biology Guidelines in the Land Development Manual. The impact analysis shall evaluate impacts to *sensitive biological resources* and CEQA sensitive species. The analysis shall determine the corresponding mitigation, where appropriate, and the requirements for protection and management. Mitigation may include any of the following, as appropriate to the nature and extent of the impact.

(1) Acquisition or *dedication* of another site that can serve to mitigate the project impacts, with limited right of entry for habitat management, as necessary, if the site is not dedicated. This site must have long-term viability and the biological values must be equal to or greater than the impacted site.

(2) Preservation or *dedication* of on-site *sensitive biological resources*, creation of new habitat, or enhancement of existing degraded habitat, with limited right of entry for habitat management, as necessary, if the site is not dedicated. The site must have long-term viability and the biological values must be equal to or greater than the impacted site.

(3) In circumstances where the area of impact is small, monetary payment of compensation into a fund in lieu of other forms of mitigation. The City shall use the fund to acquire, maintain and administer habitat areas pursuant to City Council Resolution No. R-275129, adopted February 12, 1990. Where appropriate, the City Manager is authorized to enter into agreements with public agencies or private non-profit conservancies or foundations to administer the funds and acquire or maintain habitat preservation areas.

(j) *Grading* during wildlife breeding seasons shall be consistent with the requirements of the City of San Diego *MSCP Subarea Plan*.

(k) *Sensitive biological resources* that are outside of the allowable development area on a *premises*, or are acquired as off-site mitigation as a condition of permit issuance, are to be left in a natural state and used only for those passive activities allowed as a condition of permit approval. If the land is not dedicated in fee to the City, identification of permissible passive

§ 143.0141 Cont'd

activities and any other conditions of the permit shall be incorporated into a covenant of easement that shall be recorded against title to the property, in accordance with procedures set forth in Section 143.0152. The U.S. Fish and Wildlife Service and the California Department of Fish and Game are to be named as third party beneficiaries to any covenant of easement recorded pursuant to this section.

§ 143.0142 Development Regulations for Steep Hillsides

Development that proposes *encroachment* into *steep hillsides* or that does not qualify for an exemption pursuant to Section 143.0110(c) is subject to the following regulations and the Steep Hillside Guidelines in the Land Development Manual.

(a) Allowable Development Area

(1) Inside of the *MHPA*, the allowable development area is determined in accordance with the regulations set forth in the OR-1-2 zone, pursuant to Section 131.0250(b).

(2) Outside of the *MHPA*, the allowable development area includes all portions of the *premises* without *steep hillsides*. *Steep hillsides* shall be preserved in their natural state, except that *development* is permitted in *steep hillsides* if necessary to achieve a maximum development area of 25 percent of the premises.

(3) Outside of the *MHPA*, up to an additional 15 percent development area is permitted only as follows and as long as the total development area does not exceed 40 percent of the *premises*, pursuant to the Steep Hillside Guidelines in the Land Development Manual:

(A) For projects where the following major public facilities are required: publicly owned parks and recreation facilities, fire and police stations, publicly owned libraries, public *schools*, major *streets* and primary arterials, and *public utility* systems;

(B) For projects where the existing development area is not contiguous, and access to the entirety of the development area is not otherwise available; and

(C) For projects where the existing development area does not have direct access to a *public right-of-way*.

(b) All *development* occurring in *steep hillsides* shall comply with the design standards identified in the Steep Hillside Guidelines in the Land Development Manual for the type of *development* proposed.

(c) Newly created slopes shall not exceed the slope gradient permitted in Section 142.0133.

(d) Disturbed portions of the site in 25 percent (4 horizontal feet to 1 vertical foot)or greater slopes shall be revegetated or restored in accordance with Chapter 14, Article 2, Division 4 (Landscape Regulations).

(e) Before approval of any Neighborhood Development Permit or Site Development Permit, the *applicant* shall execute and record in favor of the City a hold harmless and/or indemnification agreement for the approved *development*, as necessary and appropriate.

(f) Any increase in runoff resulting from the *development* of the site shall be directed away from any *steep hillside* areas and either into an existing or newly improved public storm drain

§ 143.0142 Cont'd

system or onto a *street* developed with a gutter system or *public right-of-way* designated to carry surface drainage run-off.

(g) Erosion Control Measures

(1) Erosion control measures are not subject to the 25 percent development area regulations in Section 143.0142(a), but are subject to the landscape regulations in Chapter 14, Article 2, Division 4 and the Steep Hillside Guidelines in the Land Development Manual.

(2) Air-placed concrete, including gunite or shotcrete, *retaining walls*, buttress *fills*, and other similar erosion control measures may be allowed only if determined to be the only feasible means of erosion control to protect the existing principal *structures* or *public improvements*.

(A) These measures shall be designed and implemented in accordance with generally accepted engineering standards and specifications and shall also incorporate existing adjacent landform characteristics including color coating, texturing, landscape, and topographical features.

(B) Where erosion control measures are proposed to encroach upon or affect any portion of property owned by the City of San Diego, the permittee shall provide written permission from the City Manager before approval of the Site Development Permit. Documentation of this approval shall be recorded with the conditions of permit approval.

§ 143.0143 Development Regulations for Sensitive Coastal Bluffs

Development that proposes to encroach into *sensitive coastal bluffs*, as identified on Map Drawing No. C-713, filed in the office of the City Clerk under Document No. 00-17062 or that does not qualify for an exemption pursuant to Section 143.0110(c) is subject to the following regulations and the Coastal Bluffs and Beaches Guidelines in the Land Development Manual.

(a) No *development* is permitted on the face of a *sensitive coastal bluff*, except as permitted in Section 143.0143(g) and (h), and the *coastal bluff face* shall be preserved as a condition of permit approval.

(b) On the portion of a *premises* where *development* is permitted, the proposed *grading* shall minimize the alteration of natural landforms and graded areas shall topographically resemble natural landforms of the surrounding area.

(c) Only native or other drought-tolerant plant species shall be used in landscaped areas in order to minimize irrigation requirements and to reduce potential slide hazards due to overwatering of the *coastal bluffs*.

(d) All drainage from the improvements on the *premises* shall be directed away from any *coastal bluff* and either into an existing or newly improved public storm drain system or onto a *street* developed with a gutter system or *public right-of-way* designated to carry surface drainage run-off. All drainage from any unimproved areas shall be appropriately collected and discharged in order to reduce, control, or mitigate erosion of the *coastal bluff*.

(e) Before approval of any Site Development Permit, the *applicant* shall execute and record in favor of the City a hold harmless and/or indemnification agreement for the approved *development*, as necessary and appropriate.

§ 143.0143 Cont'd

(f) All *development* including buildings, *accessory structures*, and any additions to existing *structures* shall be set back at least 40 feet from the *coastal bluff edge*, except as follows:

(1) The City Manager may permit *structures* to be located between 25 and 40 feet from the bluff edge where the evidence contained in a geology report indicates that the site is stable enough to support the *development* at the proposed distance from the *coastal bluff edge* and the project can be designed so that it will not be subject to or contribute to significant geologic instability throughout the anticipated life span of the principal *structures*.

(2) *Accessory structures* and landscape features customary and incidental to residential uses shall observe a minimum 5-foot distance from the *coastal bluff edge* provided, however, that these shall be located at *grade*. *Accessory structures* and features may be landscaping, walkways, unenclosed patios, open shade *structures*, decks that are less than 3 feet above grade, lighting standards, *fences* and walls, seating benches, *signs*, or similar *structures* and features, excluding garages, carports, buildings, pools, spas, and upper *floor* decks with load-bearing support *structures*.

(3) *Fences* within the required distance from the *coastal bluff edge* shall be *open fences*. *Fences* located at the side *property lines* may extend to the *coastal bluff edge*, provided that within 5 feet of the *coastal bluff edge*, the *fence* is no more than 5 feet high and is an *open fence*. Other *open fences* may be permitted at the *coastal bluff edge* only if necessary to provide for safety and to protect resource areas.

(4) Essential public drainage facilities and public walkways leading to permitted beach access facilities may be installed without a *setback* from the *coastal bluff edge* provided they are designed to minimize impacts to the *coastal bluff face* and *coastal beach* areas.

(g) *Coastal bluff* repair and erosion control measures may occur on the bluff face only if they comply with the following:

(1) *Coastal bluff* repair and erosion control measures may be allowed on the *coastal bluff face* only if determined to be the only feasible means of erosion control to protect the existing principal *structures* or *public improvements*.

(2) *Coastal bluff* repair and erosion control measures shall not cause significant alteration of the natural character of the bluff face.

(3) The *applicant* shall submit a *geotechnical report* that documents the need for an erosion control measure to the City Manager. The *geotechnical report* shall identify the type and design of the erosion control measure necessary for protection of the existing principal *structures*, based upon site-specific conditions. The report must be accepted as adequate by the City Manager before any erosion control measures can be approved.

(4) Air-placed concrete, including gunite or shotcrete, *retaining walls*, *fills* or other similar erosion control measures shall be designed and implemented in accordance with generally accepted engineering standards and specifications and shall also incorporate existing and adjacent landform characteristics including color coating, texturing, landscape, and topographical features.

(5) Where erosion control measure are proposed to encroach upon or affect any portion of property owned by the City of San Diego, the *applicant* shall provide written permission from the City Manager before approval of any permit. Documentation of this approval shall be recorded with the conditions of permit approval.

§ 143.0143 Cont'd

(h) Essential public drainage facilities and public stairways, ramps, and other physical beach access facilities may be permitted on a coastal bluff face only if identified in an approved *land use plan*. These facilities shall be designed to minimize impacts to the bluff face and beach area.

(i) All *development* occurring on *sensitive coastal bluffs* shall be in conformance with the Coastal Bluffs and Beaches Guidelines in the Land Development Manual.

(j) A visual corridor of not less than 10 feet in width, and running the full depth of the *premises*, shall be preserved as a condition of Neighborhood Development Permit or Site Development Permit approval whenever both of the following conditions exist:

(1) The proposed *development* is located on a *premises* that lies between the shoreline and the nearest through vehicular public access route paralleling the shoreline; and

(2) The requirement for a visual corridor is feasible and will serve to preserve or enhance public views that are identified in the applicable *land use plan*.

Where remodeling is proposed and existing *development* is to be retained that precludes establishment of a 10-foot-wide corridor, preservation of any existing visual corridor on the site will be accepted.

(k) A vertical public access easement of not less than 10 feet in width, and running the full depth of the *premises*, shall be offered for *dedication* whenever all of the following conditions exist:

(1) The proposed *development* is located on *premises* that lies between the shoreline and the nearest through vehicular public access route paralleling the shoreline.

(2) The need for the accessway has been identified in the applicable *land use plan* or no other easement exists within a lateral distance of 500 feet of the subject *premises*; and

(3) Impacts caused by the proposed *development* justify the requirement for a vertical accessway.

§ 143.0144 Development Regulations for Coastal Beaches

The following development regulations apply to *development* proposed on a *premises* containing a *coastal beach*, as identified on Map Drawing No. C-713, filed in the office of the City Clerk under Document No. 00-17062 or on a *premises* that does not qualify for an exemption pursuant to Section 143.0110(c).

(a) No *development* is permitted on the portion of the site containing the *coastal beach*, except as permitted in Section 143.0130(b).

(b) All *development* occurring on a site containing *coastal beaches* must conform with the Coastal Beaches and Bluffs Guidelines in the Land Development Manual.

(c) A visual corridor of not less than 10 feet in width, and running the full depth of the *premises*, shall be preserved as a condition of Neighborhood Development Permit or Site Development Permit approval whenever the requirement for a visual corridor is feasible and will serve to preserve or enhance public views that are identified in the applicable *land use plan*.

§ 143.0144 Cont'd

Where remodeling is proposed and existing *development* is to be retained that precludes establishment of a 10-foot-wide corridor, preservation of any existing visual corridor on the site will be accepted.

(d) A vertical public access easement of not less than 10 feet in width, and running the full depth of the *premises*, shall be offered for *dedication* whenever both of the following conditions exist:

(1) The need for the accessway has been identified in the applicable *land use plan*, or no other easement exists within a lateral distance of 500 feet of the subject *premieses*; and

(2) Impacts caused by the proposed *development* justify the requirement for a vertical accessway.

(e) An easement for public access and passive recreational uses located along the shoreline paralleling the water's edge shall be offered for *dedication* as a public easement. The easement shall have a minimum width of 25 feet measured from the mean high tide line to the toe of an existing *coastal bluff*, the first line of terrestrial vegetation where there is no *coastal bluff*, or an existing or proposed seawall or other protective devise whenever both of the following conditions exist:

(1) The proposed *development* is located on property that contains a sandy or cobble beach or passable headland; and

(2) The impacts caused by the proposed *development* justify the requirement for the easement.

§ 143.0145 Development Regulations for Floodplains

The degree of *flood* protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger *floods* can and will occur on rare occasions. It is possible that increased *flood* heights may result from man-made or natural causes. This section does not imply that land outside the areas of *special flood hazards* or uses permitted within such areas will be free from *flooding* or *flood* damages. This section shall not create liability on the part of the City, any officer or employee thereof, or the Federal Emergency Management Agency (FEMA), for any *flood* damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

The following development regulations apply to all *development* proposing to encroach into *100-year floodplains*, including both the *floodway* and *floodplain fringe* areas or that does not qualify for an exemption pursuant to Section 143.0110(c):

(a) *Floodways*

(1) Within the *floodway* portion of a *premises* containing a *100-year floodplain*, development regulations are as set forth for the OF zone, pursuant to Section 131.0231.

(2) *Structures* associated with any allowed use shall comply with the following requirements:

(A) *Structures* shall not be attached to a foundation, in order to readily move them in case of *flood*; and

(B) *Structures* shall be removed upon imminence of *flooding*, as predicted by the

§ 143.0145 Cont'd

National Weather Service or local public weather broadcast. If a *structure* is not removed and *flooding* occurs, the retrieval or salvage of the *structure* and repair of any damage caused by the *structure* shall be the responsibility of the owner.

(3) *Channelization* or other substantial alteration of rivers or streams shall be limited to that necessary for the following:

(A) Essential public service projects, where no other feasible construction method or alternative project location exists; and

(B) *Flood* control projects, where no other feasible method for protecting existing public or private *development* exists and where such protection is necessary for public safety.

(4) *Development* in *floodways* shall be offset by improvements or modifications to enable the passage of a *100-year frequency flood*, in accordance with the FEMA standards and regulations provided in Section 143.0145(c).

(5) *Development* that involves *channelization* or other substantial alteration of rivers or streams is subject to the following requirements.

(A) All requirements and relevant recommendations of hydrological studies for the watershed of the affected stream, as approved by the City Engineer, shall be incorporated into the project design and mitigation measures. These requirements include erosional characteristics, flow velocities, volume, sediment transport, and maintenance of hydrology.

(B) The channel shall be designed to ensure that the following occur:

(i) Stream scour is minimized;

(ii) Erosion protection is provided;

(iii) Water flow velocities are maintained as specified by the City Engineer;

(iv) There are neither significant increases nor contributions to downstream ban erosion and sedimentation of *sensitive biological resources*; acceptable techniques to control stream sediment include planting riparian vegetation and near the stream and detention or retention basins;

(v) Wildlife habitat and corridors are maintained;

(vi) Resource management criteria are implemented consistent with applicab *land use plans*; and

(vii) Groundwater recharge capability is maintained or improved.

(C) Channels that accommodate a *100-year frequency flood* shall do so without increasing the water surface elevation more than one foot at any point from level of a nonconfined *100-year frequency flood* in the natural undevelope floodplain. Channels may accommodate less than a *100-year frequency fl* (low-flow channels), but shall be designed and constructed in accordance FEMA regulations.

§ 143.0145 Cont'd

(D) All artificial channels shall consist of natural bottoms and sides and shall be designed and sized to accommodate existing and proposed riparian vegetation and other natural or proposed constraints. Where maintenance is proposed or required to keep vegetation at existing levels compatible with the design capacity of the channel, a responsible party shall be identified and a maintenance and monitoring process shall be established to the satisfaction of the City Manager.

(6) *Development* shall not significantly adversely affect existing *sensitive biological resources* on-site or off-site.

(b) *Floodplain Fringe*. The applicable development regulations are those in the underlying zone, subject to the following supplemental regulations:

(1) Within the *floodplain fringe* of a *100-year floodplain*, permanent *structures* and *fill* for permanent *structures*, roads, and other *development* are allowed only if the following conditions are met:

(A) The *development* or *fill* will not significantly adversely affect existing *sensitive biological resources* on-site or off-site;

(B) The *development* is capable of withstanding periodic *flooding* and does not require or cause the construction of off-site *flood* protective works including artificial *flood* channels, revetments, and levees nor will it cause adverse impacts related to *flooding* of properties located upstream or downstream, nor will it increase or expand a *Flood Insurance Rate Map (FIRM)* or *Flood Hazard Boundary Map (FHBM)* Zone A;

(C) *Grading* and *filling* are minimized, harm to the environmental values of the floodplain is minimized including peak flow storage capability, and *wetlands* hydrology is maintained;

(D) The *development* neither significantly increases nor contributes to downstream bank erosion and sedimentation nor causes an increase in *flood* flow velocities or volume; and

(E) There will be no significant adverse water quality impacts, and the *development* is in compliance with the requirements and regulations of the National Pollution Discharge Elimination System, as implemented by the City of San Diego.

(2) All *development* that involves *fill*, *channelization*, or other alteration of a *100-year floodplain* is subject to the requirements for *channelization* in Section 143.0145(a)(5) and with FEMA regulations.

(c) Special Regulations as Required by FEMA.

All proposed *development* within the *100-year floodplain* is subject to the following requirements and all other applicable requirements and regulations of FEMA.

(1) *Development* and Permit Review

(A) Where *base flood elevation* data has not been provided by the FEMA Flood Insurance Study for the City of San Diego, the City Engineer shall obtain, review, and utilize *base flood elevation* and *floodway* data available from federal or state sources, or require submittal of such data from the *applicant*. The City Engineer

§ 143.0145 Cont'd

shall make interpretations, where needed, as to the location of the boundaries of the areas of *special flood hazards*, based on the best available engineering or scientific information.

(B) Proposed *development* in areas of a *special flood hazard* shall not adversely affect the *flood* carrying capacity of areas where *base flood elevations* have been determined but the *floodway* has not been designated. "Adversely affect" as used in this section means that the cumulative effect of the proposed *development*, when combined with all other existing and anticipated *development*, will not increase the water surface elevation of the *100-year frequency flood* more than one foot at any point.

(C) In all cases where a watercourse, floodplain, or portion of a floodplain is to be altered the City Engineer shall do the following:

(i) Notify affected, adjacent communities and the California Department of Water Resources of any proposed alteration or relocation of a watercourse and submit evidence of the notice to the Federal Insurance Administration;

(ii) Require that the *flood* carrying capacity of the altered or relocated portion of the watercourse is maintained; and

(iii) Secure and maintain for public inspection and availability the *certifications*, appeals, and variances required by these regulations.

(D) The *applicant* shall grant a flowage easement to the City for that portion of the property within a *floodway*.

(E) Appropriate agreements shall be secured between the *applicant* and the City to assure participation by the *applicant* or any successor in interest in financing of future *flood* control works.

(F) *Development* in a *100-year floodplain* shall not increase or expand a *FIRM* Zone A.

(G) In all *floodways*, any *encroachment*, including *fill*, new construction, significant modifications, and other *development* is prohibited unless *certification* by a registered professional engineer or architect is provided demonstrating that *encroachments* will not result in any increase in *flood* levels during the occurrence of the base *flood* discharge.

(2) Standards for *Subdivisions*

(A) All preliminary *subdivision* proposals shall identify the *flood* hazard area and the elevation of the base *flood*.

(B) All final *subdivision maps* shall provide the elevation of proposed *structures* and pads. If the site is *filled* above the *100-year frequency flood* level, the *lowest floor*, including *basement*, shall be certified to be 2 feet above the *base flood elevation* by a registered professional engineer or surveyor, and the *certification* shall be provided to the City Manager.

(C) All *subdivisions* shall be designed to minimize *flood* damage.

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(D) All *subdivisions* shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize *flood* damage.

(E) All *subdivisions* shall provide adequate drainage to reduce exposure to *flood* hazards.

(F) The final map shall bear the notation "Subject to Inundation" for those portions of the property with a *grade* lower than 2 feet above the *base flood elevation*.

(3) Standards of Construction

In all areas of *special flood hazard*, the following standards apply for all *development*.

(A) All permitted, permanent *structures* and other significant improvements shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(B) All permitted permanent *structures* and other significant improvements shall be constructed with materials and utility equipment resistant to *flood* damage.

(C) Construction methods and practices that minimize *flood* damage shall be used.

(D) All electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and located to prevent water from entering or accumulating within the equipment components during conditions of *flooding*.

(E) *Breakaway walls* shall be certified by a registered engineer or architect to meet all applicable FEMA requirements. The *certification* shall be provided to the City Manager before final inspection approval.

(F) New construction and modification of any *structure* shall have the *lowest floor*, including *basement*, elevated at least 2 feet above the *base flood elevation*. Upon completion of the *development*, the elevation of the *lowest floor*, including *basement*, shall be certified by a registered professional engineer or surveyor to be properly elevated. The *certification* shall be recorded with the County Recorder, and the *certification* and evidence of recordation shall be provided to the City Manager before final inspection approval. The City Manager reserves the right to require a preliminary *certification* before foundation inspection approval.

(G) New construction and modification of any *structure* in *FIRM* Zone AH or AO shall have the *lowest floor*, including *basement*, elevated above the highest adjacent *grade* at least 2 feet higher than the depth number specified on the *FIRM*, or at least 4 feet if no depth number is specified. Upon the completion of the *structure* the elevation of the *lowest floor*, including *basement*, shall be certified by a registered professional engineer or surveyor, to be properly elevated. The *certification* shall be recorded with the County Recorder, and the *certification* and evidence of recordation shall be provided to the City Manager before final inspection approval. The City Manager reserves the right to require a preliminary *certification* before foundation inspection approval.

(H) Permitted nonresidential construction shall either be elevated as required by Section 143.0145(c)(3)(F) or (G) or, together with attendant utility and sanitary facilities, meet the flood proofing requirements of FEMA. *Certification* by a registered professional engineer or architect that such requirements are met shall be

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recorded with the County Recorder, and the *certification* and evidence of recordation shall be provided to the City Manager before final inspection approval. The City Manager reserves the right to require a preliminary *certification* before foundation inspection approval.

(I) Fully enclosed areas below the *lowest floor* that are subject to *flooding* shall be certified by a registered professional engineer or architect that they comply with the flood proofing requirements of FEMA. The *certification* shall be provided to the City Manager before final inspection approval.

(4) Standards for *Manufactured Homes*

All new and replacement *manufactured homes* and additions to *manufactured homes* are subject to the following regulations.

(A) The *lowest floor* shall be elevated at least 2 feet above the *base flood elevation*.

(B) *Manufactured homes* shall be securely anchored to a permanent foundation system to resist flotation, collapse, or lateral movement.

(C) A registered engineer or architect must certify that the conditions of this subsection have been met. The *certification* shall be recorded with the County Recorder, and the *certification* and evidence of recordation shall be provided to the City Manager before final inspection approval.

(5) Standards for Utilities

Certification shall be provided to the City Manager before final inspection approval that the following requirements have been met.

(A) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of *flood* waters into the system and discharge from systems into *flood* waters.

(B) On-site waste disposal systems shall be located and designed to avoid impairment to them or contamination from them during *flooding*.

§ 143.0150 Deviations from Environmentally Sensitive Lands Regulations

Plans submitted in accordance with this section shall, to the maximum extent feasible, comply with the regulations of this division. If a proposed *development* does not comply with the development regulations of this division and a deviation is requested as indicated in Table 143-01A, the Planning Commission may approve, conditionally approve, or deny the proposed Site Development Permit in accordance with Process Four, subject to the following:

(a) Deviations from the regulations of this division may be granted only if the decision maker makes the *findings* in Section 126.0504(c).

(b) Deviations from the FEMA Special Regulations in Section 143.0145(c) may be granted only if the decision maker makes the *findings* in Section 126.0504(d).

§ 143.0151 Alternative Compliance for Steep Hillside Development Area Regulations

Proposed *developments* that do not comply with the development area regulations of Section

§ 143.0150 Cont'd

143.0142(a) and do not result in conflicts with other regulations may be considered as alternative compliance as indicated in Table 143-01A, pursuant to the regulations in this section. The Planning Commission may approve, conditionally approve, or deny the proposed Site Development Permit with alternative compliance in accordance with Process Four, subject to the following:

(a) Alternative compliance shall not be used in conjunction with any development permit for a *single dwelling unit* on an individual *lot*;

(b) Conformance with all other Environmentally Sensitive Lands Regulations is required unless a deviation is approved with the Site Development Permit, in accordance with Section 143.0150;

(c) Alternative compliance may be granted only if the decision maker makes the findings in Section 126.0504(e); and

(d) Alternative compliance shall not be considered for lands that are designated as open space in the applicable *land use plan* or that are zoned OR-1-1 or OR-1-2.

§ 143.0152 Covenants of Easements Pursuant to Environmentally Sensitive Lands Regulations

As authorized by California Government Code Section 65871, the owner of any *premises* affected by issuance of a permit under this division as described in Section 143.0140(a), shall execute a covenant of easement unless the owner dedicates the remainder portion of the property in fee to the City. The covenant of easement shall be recorded against title to the affected *premises* and executed in favor of the City.

(a) The owner shall draft the covenant of easement as follows:

(1) To contain a legal description of the *premises* affected by the permit with a description of the *development* area and the *environmentally sensitive lands* that will be preserved;

(2) To impart notice to all persons to the extent afforded by the recording laws of the state regarding the restrictions affecting use of the *environmentally sensitive lands* covered by the permit;

(3) To ensure that the burdens of the covenant shall be binding upon, and the benefits of the covenant shall inure to, all successors in interest to the affected *premises*; and

(4) To ensure enforceability of the covenant of easement by the City, or jointly and severally by the City, the U.S. Fish and Wildlife Service, and the California Department of Fish and Game in those instances when the covenant of easement affects *premises* containing *sensitive biological resources* or other lands that have been accepted as mitigation.

(b) A Process Four hearing shall be held to consider a formal, written request directed to the City by any person requesting the release of a covenant of easement recorded pursuant to this division. A release of any covenant of easement recorded pursuant to this division shall be recorded by the City only when it is determined by the decision maker that restriction of the property is no longer necessary to achieve the land use goals of the City. In any instance where the covenant of easement concerns *sensitive biological resources*, a determination by the decision maker to release the covenant may be made only with the written concurrence of the U.S. Fish and Wildlife Service and the California Department of Fish and Game.

§ 143.0155 Administrative Guidelines for Environmentally Sensitive Lands Regulations

The City Manager is authorized to promulgate and publish Steep Hillside Guidelines, Biology Guidelines, Coastal Bluffs and Beaches Guidelines, and other support documents to be located in the Land Development Manual, as necessary to implement this division. These administrative guidelines shall serve as baseline standards for processing Neighborhood Development Permits and Site Development Permits issued pursuant to this division.

§ 143.0160 Violations and Remedies

The provisions of this division shall be enforced pursuant to Chapter 12, Article 1, Division 2, Enforcement Authorities for the Land Development Code.

Article 3: Supplemental Development Regulations

Division 2: Historical Resources Regulations

§ 143.0201 Purpose of Historical Resources Regulations

The purpose of these regulations is to protect, preserve and, where damaged, restore the *historical resources* of San Diego, which include *historical buildings*, *historical structures* or *historical objects*, *important archaeological sites*, *historical districts*, *historical landscapes*, and *traditional cultural properties*. These regulations are intended to assure that *development* occurs in a manner that protects the overall quality of *historical resources*. It is further the intent of these regulations to protect the educational, cultural, economic, and general welfare of the public, while employing regulations that are consistent with sound historical preservation principles and the rights of private property owners.

§ 143.0210 When Historical Resources Regulations Apply

(a) This division applies to proposed *development* when the following *historical resources* are present on the site, whether or not a Neighborhood Development Permit or Site Development Permit is required;

(1) *designated historical resources*;

(2) *historical buildings*;

(3) *historical districts*;

(4) *historical landscapes*;

(5) *historical objects*;

(6) *historical structures*;

(7) *important archaeological sites*; and

(8) *traditional cultural properties*.

(b) Where any portion of a *premises* contains *historical resources*, this division shall apply to the entire *premises*.

(c) Table 143-02A shall be used to determine the appropriate regulations and the required decision for various types of *development* proposals when *historical resources* are located on the *premises*.

(d) A Construction Permit is required for any *development* on a *premises* that has *historical resources* on the site that will not adversely affect the *historical resources* and is consistent with one or more of the exemption criteria in accordance with Section 143.0220.

(e) A Neighborhood Development Permit or Site Development Permit is required for the following types of *development* proposals that do not qualify for an exemption in accordance with Section 143.0220:

(1) Neighborhood Development Permit. *Single dwelling unit* residential *development* on a *single dwelling unit lot* of any size when a *traditional cultural property* or *important*

§ 143.0210 Cont'd

archaeological site is present .

(2) Site Development Permit in Accordance With Process Four.

(A) *Single dwelling unit* residential *development* on a *single dwelling unit lot* of any size when a *designated historical resource* or *historical district* is present.

(B) *Multiple dwelling unit* residential, commercial, or industrial *development* on any size *lot*, or any *subdivision* on any size *lot*, or any City public works construction project, or any project-specific *land use plan* when a *historical resource* is present.

(C) *Development* that proposes to deviate from the development regulations for *historical resources* as described in this division.

Table 143-02A
Applicability of Historical Resources Regulations

Type of Development Proposal		Historical Resources Potentially Impacted by Project		
		Designated Historical Resources* or *Historical Districts	***Traditional Cultural Properties***	***Important Archaeological Sites***
1. Projects exempt from obtaining a *development permit* in accordance with Section 143.0220	R	143.0251	143.0251	143.0252
	P	Construction Permit/Process One	Construction Permit/Process One	Construction Permit/Process One
2. *Single dwelling units* on any size *lot*	R	143.0251	143.0252	143.0253
	P	SDP/Process Four	NDP/Process Two	NDP/Process Two
3. *Multiple dwelling unit*, non-residential *development*, *subdivisions* and public works construction projects on any size *Lot*	R	143.0251	143.0252	143.0253
	P	SDP/Process Four	SDP/Process Four	NDP/Process Four
4. Project-Specific *Land Use Plans*	R	143.0251	143.0252	143.0253
	P	SDP/Process Four	SDP/Process Four	NDP/Process Four
5. *Development* that deviates from any of the regulations in this division	R	143.0251	143.0252	143.0253
	P	SDP/Process Four	SDP/Process Four	SDP/Process Four

Legend to Table 143-02A	
R	Development regulation sections (in addition to Section 143.0250) applicable to the *historical resources* present.
P	Type of Permit/Decision process required. Neighborhood Development Permit (NDP) Site Development Permit (SDP)

§ 143.0211 Duty to Submit Required Documentation and to Obtain Permit

The property owner or *applicant* shall submit required documentation and obtain a *construction permit*, a Neighborhood Development Permit, a Site Development Permit as required pursuant to this division before any *development* activity occurs on a *premises* that contains *historical resources*.

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

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

(b) The Historical Resource Sensitivity Maps shall be maintained by City Manager and shall be used to identify properties that have a likelihood of containing archaeological sites based on records from the South Coastal Information Center at San Diego State University and the San Diego Museum of Man, and based on site-specific information on file with the City. If it is demonstrated that archaeological sites exist on or immediately adjacent to any property, whether identified for review or not, the City Manager shall require a survey. If it is demonstrated that archaeological sites do not exist on any property identified for review, the Historical Resource Sensitivity Maps shall be updated to remove that property from the review requirements.

(c) The City Manager shall determine the need for a site-specific survey within 10 *business days* of application for a *construction permit* or within 30 calendar days of application for a *development permit*. A site-specific survey shall be required when the City Manager determines that a *historical resource* may exist on the parcel. If the City Manager does not require a site-specific survey within the specified time period, a permit in accordance with Section 143.0210 shall not be required.

(d) If a site-specific survey is required, it shall be conducted consistent with the Historical Resources Guidelines of the Land Development Manual. Based on the site-specific survey and the best information available, the City Manager shall determine whether a *historical resource* exists, whether a potential *historical resource* is eligible for designation as a *designated historical resource* by the Historical Resources Board in accordance with Chapter 12, Article 3, Division 2 of the Land Development Code, and the precise location of the resource.

§ 143.0213 Procedures and Regulations for Project-Specific Land Use Plans

(a) The regulations in this division shall apply to project-specific *land use plans*, including Specific Plans, Precise Plans, privately initiated *land use plan* amendments, and future urbanizing area subarea plans, when *historical resources* are present. These regulations are applied in order to ensure an adequate analysis of the constraints and opportunities of the planning area relative to *historical resources*.

(b) This section provides two options for processing project-specific *land use plans* which depend on the level of detail available pertaining to the proposed *development*. Compliance with either Section 143.0213(b)(1) or Section 143.0213(b)(2) will be required based on

§ 143.0213 Cont'd

whether or not a Site Development Permit is processed concurrently with the project-specific *land use plan*.

(1) Where a Site Development Permit for *historical resources* is requested concurrently with the processing of a project-specific *land use plan*, the proposed *development* shall be subject to the following:

(A) The boundaries of the Site Development Permit shall be the boundaries of the project-specific *land use plan*, including all individual interior *lots* within the plan area;

(B) The development regulations applicable shall be determined in accordance with Table 143-02A. Sufficient information must be submitted for the entire plan area in order to evaluate potential impacts to *historical resources*; and

(C) Subsequent individual *development* proposals within the plan area will be reviewed in accordance with the *substantial conformance* procedures. If the *development* is determined to be in conformance with the approved project-specific *land use plan* and any required mitigation is provided, no Site Development Permit will be required for the individual *development*. If the proposed *development* is not in conformance with the approved project-specific *land use plan*, an individual Site Development Permit will be required for the *development* in addition to an amendment to the approved project-specific *land use plan*; or

(2) Where a Site Development Permit for *historical resources* is not requested concurrently with the processing of a project-specific *land use plan*, an analysis shall be provided in the project-specific *land use plan* that indicates how the subsequent *development* of the plan area will be consistent with the *historical resources* regulations. Project-specific *land use plans* and subsequent *development permits* reviewed in accordance with this option shall be subject to the following:

(A) The project-specific *land use plan* shall indicate how individual subsequent *developments* within the plan area will conform to the *historical resources* regulations and the associated guidelines in the Land Development Manual;

(B) Subsequent to the approval of the project-specific *land use plan*, a Neighborhood Development Permit or a Site Development Permit shall be required for all proposed individual *developments* within the plan area and shall be reviewed in accordance with Table 143-02A. Additional information pertaining to *historical resources* may be required in order to conduct a detailed analysis of the specific *development* proposal. Approval of the individual Site Development Permits will require conformance with the approved project-specific *land use plan* and any required mitigation shall be provided.

§ 143.0214 Emergency Authorization When Historical Resources Are Present

Whenever *development* activity on a *premises* containing *historical resources* is deemed necessary by order of the City Manager to protect the public health or safety, the City Manager may authorize, without a public hearing, the minimum amount of work necessary to protect the public health or safety, subject to the following:

(a) If the emergency work does not adversely affect the *historical resources* and is consistent with one or more of the exemption criteria in accordance with Section 143.0220, a subsequent Construction Permit is required in accordance with this division.

§ 143.0214 Cont'd

(b) If the emergency work results in impacts to *historical resources*, a subsequent Neighborhood Development Permit or Site Development Permit is required in accordance with this division.

(c) The application for a Construction or Development Permit shall be submitted within 60 days of completion of the emergency work.

§ 143.0220 Development Exempted from the Requirement to Obtain a Development Permit for Historical Resources

The following *development* activities are exempt from the requirement to obtain a Neighborhood Development Permit or Site Development Permit. However, in all cases a *construction permit* is required.

(a) Any *development* that proposes minor alterations or improvements consistent with Section 143.0250(a), to a *designated historical resource*, or any *historical building* or *historical structure* located within a *historical district*, or any new construction within a *historical district* that will enhance, restore, maintain, repair, or allow adaptive reuse of the resource and which will not adversely affect the special character or special historical, architectural, archaeological, or cultural value of the resource when all feasible measures to protect and preserve the *historical resource* are included in the *development* proposal consistent with the Secretary of Interior's Standards and Guidelines.

(b) Interior modifications or repairs or the ordinary maintenance or repair of any exterior architectural feature in or on any *historical building* or *historical structure* that is a *designated historical resource* that does not adversely affect the special character or special historical, architectural, or cultural value or designated interior elements of the property consistent with the Secretary of Interior's Standards and Guidelines. Exterior architectural features shall mean the architectural elements embodying style, design, general arrangement and components of all of the outside surfaces of an improvement or *structure*, including the type of building materials and the type and style of all windows, doors, lights, *signs*, and other fixtures appurtenant to the improvement or *structure*.

(c) Substantial alteration of a non-significant *structure* within a *historic district* consistent with the Secretary of Interior's Standards and Guidelines. However, new construction within a *historic district* is not exempt from the requirement to obtain a Site Development Permit except in accordance with Section 143.0220(a).

(d) Any *development* on a parcel that has an *important archaeological site* and will not result in substantial alteration, demolition, destruction, removal, relocation, or *encroachment* into such resources during or after construction, subject to the following requirements.

(1) All feasible measures to protect and preserve the resource shall be included in the *development*.

(2) A 100-foot buffer measured from the edge of the *important archaeological site* shall be provided.

(3) All documentation necessary to verify consistency with this subsection shall be provided by the *applicant* consistent with the Historical Resources Guidelines of the Land Development Manual.

(4) The property owner shall sign an acknowledgment that no further *development* can occur on the property unless the *development* is reviewed and approved in accordance

§ 143.0220 Cont'd

with this division.

(e) Except in the case of a *designated historical resource*, the modification of an existing *structure* or the replacement of a *single dwelling unit* with another *single dwelling unit*, including modification or replacement of paved areas, brush management for fire protection purposes, and any other landscaping improvements, or alterations that do not alter the existing *development* area by more than 10 percent.

(f) *Development* in the OF zone or the floodplain (formerly the FW and FPF zones) of Mission Valley.

(g) *Development* in the Calle Cristobal Assessment District area that is outside the coastal zone.

(h) *Development* in the Miramar Ranch North Community Plan area and the 70-acre high *school* project in Scripps Ranch.

(i) *Development* in the 178 acres of land known as Sorrento Hills that was the subject of the land exchange approved by the voters as Proposition D on November 4, 1986.

(j) Public works projects for which plans, specifications, and funding have been approved by the City Council or the City Manager before July 1, 1991.

§ 143.0225 Limited Exceptions from the Historical Resources Regulations

The decision maker may grant an exception from the 25 percent *encroachment* limitation for *important archaeological sites* according to Section 143.0251 for brush management activities in Zone 2 provided that the following circumstances exist:

(a) The area cleared or thinned for such brush management is the minimum necessary to comply with existing City fire codes;

(b) No *grading* occurs in these brush management areas;

(c) Native root stock is retained;

(d) No permanent irrigation is provided; and

(e) No non-native plants are introduced.

§ 143.0250 General Development Regulations for Historical Resources

Development that proposes substantial alteration or *encroachment* into a *designated historical resource*, *traditional cultural property* or *important archaeological site* and does not qualify for

an exemption pursuant to Section 143.0220 is subject to the following regulations and the Historical Resources Guidelines of the Land Development Manual.

(a) For purposes of this division, the terms "alteration," minor alteration," and "substantial alteration" shall mean the following:

(1) Alteration means any change or modification, through public or private action, of any *historical resource* or of any property located within a *historical district* including changes to designated interior architectural features; exterior changes to or modification of structural details, architectural details, or visual characteristics such as doors,

§ 143.0250 Cont'd

windows, surface materials and texture, *grading*, or surface paving; addition of new *structures*; cutting or removal of trees, landscaping, or other historical features; disturbance of *archaeological sites*; and the placement or removal of any exterior objects such as *signs*, plaques, light fixtures, *street* furniture, walls, *fences*, steps, plantings, and landscape accessories affecting the exterior visual qualities of the property.

(2) Minor alteration means improvements that enhance, restore, maintain, repair, or allow adaptive reuse of a *historical resource* that do not adversely affect the special character or special historical, architectural, archaeological, or cultural value of the resource and will conform to standards embodied in the designation of a *historical district* when applicable.

(3) Substantial alteration means demolition, destruction, relocation, new construction or alteration activities that would impair the significance of a *historical resource*.

(b) All areas with *designated historical resources*, *traditional cultural properties* or *important archaeological sites* that remain undisturbed or are restored or enhanced as a result of a *development* approval shall be preserved as a condition of that approval.

(c) Upon notification to a property owner of a pending Historical Resources Board hearing to consider designation of a *historical resource*, the property owner or any authorized agent shall not undertake any alteration, construction, *grading*, demolition, relocation, or removal of the property, and no permit to undertake such work shall be approved by the City Manager, for a time period of at least two scheduled Board meetings, but in no event more than 90 calendar days, unless an extension is requested by the owner. This section shall not apply to the construction, *grading*, alteration, demolition, relocation, or removal of any *structure* or other feature, where a permit for the performance of such work was issued before the date of notice of the public hearing. In addition, this section shall not apply where such permit has not expired or been canceled or revoked, provided that construction is started and diligently pursued to completion in accordance with thethe Land Development Code.

(d) Before the Historical Resources Board's hearing on the designation of a property, and upon application by the property owner, the City Manager may approve a permit for minor alterations or reconstruction consistent with the ordinary maintenance or repair of the property, to the extent that such work does not adversely affect the special character or special historical, architectural, archaeological, or cultural value of the property.

(e) *Designated historical resources* that are occupied shall be maintained in the same manner as all other occupied *structures* in accordance with the Uniform Building Code and State Historic Building Code and in a manner that preserves their historical integrity.

(f) *Designated historical resources* that are unoccupied shall be maintained in a manner that preserves their historical integrity.

(g) All proposed *subdivisions* that contain *designated historical resources*, *traditional cultural properties* or *important archaeological sites* shall provide a conceptual *grading* plan that indicates future limits of *grading* and future *development* potential of all *lots*. Future *development* of any newly created *lot* shall conform to this *grading* plan. In addition, no building *lot* shall be created that provides such a small *development* area that future reasonable *development* of that *lot* will require *encroachment* into an *important archaeological site* beyond 25 percent.

§ 143.0251 Development Regulations for Designated Historical Resources and Historical Districts

In addition to the general development regulations in Section 143.0250, the following regulations apply to *designated historical resources* and *historical districts*.

(a) It is unlawful to substantially alter, demolish, destruct, remove, or relocate any *designated historical resource* or any *historical building*, *historical structure*, *historical object* or *historical landscape* located within a *historical district* except as provided in Section 143.0260.

(b) Minor alteration of any *designated historical resource*, or any *historical building*, *historical structure*, *historical object* or *historical landscape* located within a *historical district*, or any new construction within a *historical district* may be permitted if the minor alteration or new construction would not adversely affect the special character or special historical, architectural, archaeological, or cultural value of the resource consistent with the Secretary of Interior's Standards and Guidelines.

(c) *Development* affecting *designated historical resources* or *historical districts* shall provide full mitigation for the impact to the resource, in accordance with the Historical Resources Guidelines of the Land Development Manual, as a condition of approval.

§ 143.0252 Development Regulations for Traditional Cultural Properties

In addition to the general development regulations in Section 143.0250, *development* shall not be permitted on any *traditional cultural property* unless all feasible measures to protect and preserve the resource are required as a condition of *development* approval except as provided in Section 143.0260.

§ 143.0253 Development Regulations for Important Archaeological Sites

In addition to the general development regulations in Section 143.0250, the following regulations apply to *important archaeological sites*.

(a) *Important archaeological sites* shall be preserved in their natural state, except that *development* may be permitted as provided in this section or as provided in Section 143.0260.

(1) *Development* may be permitted in areas containing *important archaeological sites* if necessary to achieve a reasonable *development* area, with up to 25 percent *encroachment* into any *important archaeological site* allowed. This 25 percent *encroachment* includes all *grading*, *structures*, public and private streets, brush management except as provided in Section 143.0225, and any project-serving utilities.

(2) An additional *encroachment* of up to 15 percent, for a total *encroachment* of 40 percent, into *important archaeological sites* may be permitted for essential public service projects that are sited, designed, and constructed to minimize adverse impacts to *important archaeological sites*, where it has been demonstrated that there is no feasible, less environmentally damaging location or alternative. Essential public service projects include publicly owned parks and recreation facilities, fire and police stations, publicly owned libraries, public *schools*, major *streets* and primary arterials, and *public utility* systems.

§ 143.0253 Cont'd

(b) Any *encroachment* into *important archaeological sites* shall include measures to mitigate for the partial loss of the resource as a condition of approval. Mitigation shall include the following methods, consistent with the Historical Resources Guidelines of the Land Development Manual:

(1) The preservation through avoidance of the remaining portion of the *important archaeological site*; and

(2) The implementation of a research design and *excavation* program that recovers the scientific value of the portion of the *important archaeological site* that would be lost due to *encroachment*.

(c) The following types of *development* shall not be considered *encroachment* provided that no *structures*, other than portable *structures* are erected or maintained on the *premises* and that adequate measures to preserve and protect the *important archaeological site*, consistent with the Historical Resources Guidelines of the Land Development Manual, are included as conditions of approval:

(1) Parks and playgrounds;

(2) Low-intensity, passive recreational uses such as trails, access paths, and public viewpoints; and

(3) Parking lots.

§ 143.0260 Deviations from the Historical Resources Regulations

(a) If a proposed *development* does not comply with this division, a deviation may be considered in accordance with decision Process Four.

(b) The minimum deviation to afford relief from the regulations of this division and accommodate *development* may be granted only if the decision maker makes the applicable *findings* in Section 126.0504.

(c) If a deviation for demolition or removal of a *designated historical resource* or a contributing *structure* within a *historical district* is approved, the *applicant* shall obtain approval for new *development* on the same *premises* before issuance of a Demolition/Removal Permit.

§ 143.0270 Administrative Guidelines

The City Manager is authorized to promulgate and publish Historical Resources Guidelines and other support documents to be located in the Land Development Manual, as necessary to implement this division. These administrative guidelines shall serve as baseline standards for processing Construction Permits, Neighborhood Development Permits, and Site Development Permits issued pursuant to this division.

§ 143.0280 Violations and Remedies

The provisions of this division shall be enforced pursuant to Chapter 12, Article 1, Division 2 (Enforcement Authorities for the Land Development Code) and the Historical Resources Guidelines of the Land Development Manual.

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Article 3: Supplemental Development Regulations

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

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

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

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

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

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

Type of *Development* Proposal	Applicable Sections	Required *Development* Permit/Decision Process
Site Containing *Environmentally Sensitive Lands*	143.0101-143.0160, 143.0303, 143.0305, 143.0350, 143.0375, 143.0380	NDP/Process Two or SDP/Process Three or Four
Site Containing *Historical Resources*	143.0201-143.0260, 143.0303, 143.0305, 143.0360, 143.0375, 143.0380	NDP/Process Two or SDP/Process Four
Fences or *Retaining Walls* Exceeding the Permitted Height	143.0303, 143.0305, 142.0350, 143.0375	NDP/Process Two
Relocated Building Onto a Site With an Existing Building	143.0303, 143.0305, 143.0345, 143.0375	NDP/Process Two
Site with *Previously Conforming* Conditions	127.0102, 143.0303, 143.0305, 143.0375	NDP/Process Two
Nonresidental *Development* Exceeding the Maximum Permitted Parking	142.0540(b), 143.0303, 143.0305, 143.0375	NDP/Process Two
Shared Parking for Uses Not Listed in Section 142.0545(c)	142.0545(b)(7), 143.0303, 143.0305, 143.0375	NDP/Process Two
Commercial *Development* With Tandem Parking	142.0555(b),143.0303, 143.0305, 143.0375	NDP/Process Two
Previously Conforming Parking for a discontinued use	142.0510(d)(4), 143.0303, 143.0305, 143.0375	NDP/Process Two
Mobilehome Parks in RM Zones	143.0303, 143.0305, 143.0340, 143.0375	NDP/Process Two
Mobilehome Parks in RS, RX Zones	143.0303, 143.0305, 143.0340, 143.0375	SDP/Process Three
Discontinuance of *Mobilehome Park*	141.0410-141.0440, 132.0801-132.0804, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three

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Type of *Development* Proposal	Applicable Sections	Required *Development* Permit/Decision Process
Multiple Dwelling Unit *Development* that Varies from Minimum Parking Requirements	142.0525(b), 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
Nonresidental *Development* (With TDM Plan) that Varies from Minimum Parking Requirements	142.0525(b), 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
Community Plan Implementation Overlay Zone	132.1401-132.1405, 143.0303, 143.0305, 143.0375,143.0380	SDP/Process Three
Mission Trails Design District	132.1201-132.1205, 143.0303, 143.0305, 143.0375,143.0380	SDP/Process Three
Development Within the Urban Village Overlay Zone	132.1101-132.1110, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
Public improvements on More Than 3,000 Feet of Frontage or Where City Standards Do Not Apply	142.0601-142.0670, 143.0303, 143.0305, 143.0375,143.0380	SDP/Process Three
Manufactured Slopes in Excess of 25% Gradient and 25 Feet in Height	142.0101-142.0149, 143.0303, 143.0305, 143.0375,143.0380	SDP/Process Three
Affordable Housing in RE, RS, RX, RT, AR Zones	143.0303, 143.0305, 143.0310, 143.0320, 143.0375,143.0380, 143.0710-143.0740	SDP/Process Three
Affordable Housing with Transfer of *Density* Bonus	143.0303, 143.0305, 143.0310, 143.0320, 143.0375,143.0380, 143.0750	SDP/Process Three
Affordable Housing with Deviations from *Density* Bonus or Affordable Housing Provisions	143.0303, 143.0305, 143.0310, 143.0320, 143.0375,143.0380, 143.0760	SDP/Process Three
Multiple Dwelling Unit Development in RM Zones Involving *Lot* Consolidation and Exceeds Number of Units Indicated in Table 126-05A	143.0303, 143.0305, 143.0310, 143.0320, 143.0375,143.0380	SDP/Process Three
Clairemont Mesa Height Limit Overlay Zone	132.0401-132.0406, 143.0303, 143.0305, 143.0375,143.0380	SDP/Process Five

Legend to Table 143-03A	
NDP	NDP means Neighborhood Development Permit
SDP	SDP means Site Development Permit

§ 143.0303 Permitted Uses with Neighborhood Development Permits and Site Development Permits

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

(a) The uses permitted with a Neighborhood Development Permit or Site Development Permit are those uses permitted by the applicable zone, unless otherwise specified in these supplemental regulations. Limited uses and uses requiring a Neighborhood Use Permit or Conditional Use Permit are permitted subject to the requirements of the applicable zone. A Neighborhood Development Permit or Site Development Permit may not be used to permit any deviations from the use regulations of the applicable zone.

(b) Changes of use on a *premises* do not require an amendment of the approved Neighborhood Development Permit or Site Development Permit if the proposed use is permitted in the applicable zone and no exterior modifications to the existing *structures* or associated exterior facilities are being made to accommodate the proposed use change. Proposed changes of use that require exterior modifications to the existing *structures* require an amendment to the approved Neighborhood Development Permit or Site Development Permit when the modifications are not in *substantial conformance* with the approved permit.

(c) After construction of a *development* in accordance with a Neighborhood Development Permit or Site Development Permit, proposed uses that require a Neighborhood Use Permit or Conditional Use Permit may be permitted without an amendment to the Neighborhood Development Permit or Site Development Permit, unless the amendment involves exterior modifications to the *premises* that are not in *substantial conformance* with the approved Neighborhood Development Permit or Site Development Permit.

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

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

§ 143.0310 Supplemental Site Development Permit Regulations for Residential Development

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

(a) *Development* is subject to the land use and *density* regulations of the applicable *land use plan* in effect for the premises.

(b) *Density* and Intensity

(1) The number of dwelling units or *gross floor area* proposed on the *premises* shall not exceed that set forth by the applicable zone and the applicable *land use plan* and shall be based on the area of the entire *premises*. The dwelling units and *gross floor area* may be distributed without regard to the proposed *lot* boundaries.

§ 143.0310 Cont'd

(2) If the *premises* is located in two or more zones, the maximum number of dwelling units or the *gross floor area* permitted on the *premises* shall be the sum of the dwelling units or the *gross floor area* permitted in each of the zones and may be distributed without regard to the zone boundaries.

(3) If the proposed *development* includes property that is shown as part of an open space system on the applicable *land use plan* and is accepted by the City as dedicated open space, that portion of the property may be included in the calculation of the overall project *density* using the *density* of the base zone.

(4) The areas of the *premises* that are designated for *streets* or private streets may not be used in the calculation of maximum *density*.

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

(c) Parking and Access

(1) Identified pedestrian access shall be provided from all building entrances to the *public right-of-way*.

(2) Parking areas and vehicular access drives shall be located to minimize impacts to pedestrian circulation, public *street* systems, and adjacent properties.

(d) Public Transportation

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

(e) *Fences* and Walls

(1) All perimeter *fences* and walls shall be designed to be an integral part of the overall project design.

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

(f) *Accessory Structures*

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

(g) Open Space

(1) If the *premises* is located in two or more residential zones, the amount of open space required is the sum of the open space required in each of the residential zones and may be distributed with out regard to the zone boundaries.

(2) All common open space intended for active use must be moderately level land with an overall gradient not exceeding 10 percent and located so that it is readily accessible to the occupants, employees, and guests of the *development*.

(3) For *multiple dwelling unit* projects, at least 300 square feet of the total common open

§ 143.0310 Cont'd

space required by the applicable zone shall be located in a single common area with no dimension less than 15 feet in any direction. Additionally, proposed *developments* exceeding 10 dwelling units shall contain, within the common area, at least one of the following recreational amenities: a tot lot, a barbecue area with picnic table and shade *structure*, a sport court or field, a swimming pool, or a golf course.

(4) Recreational facilities shall be designed to serve only the occupants and guests of the *development*.

§ 143.0340 Supplemental Neighborhood Development Permit and Site Development Permit Regulations for Mobilehome Parks

The following supplemental regulations apply to Neighborhood Development Permits and Site Development Permits for *mobilehome parks*.

(a) Maximum *Density*

(1) Within the RM zones, the maximum *density* is one dwelling unit per 3,000 square feet of lot area.

(2) Within the RS and RX zones, the maximum number of dwelling units is that permitted by the applicable zone. The dwelling units are not required to be located on individual *lots* within the *mobilehome park*.

(3) The maximum permitted *density* may be exceeded in accordance with Chapter 14, Article 3, Division 7 (Affordable Housing Density Bonus).

(b) Minimum Size of *Mobilehome Park*

The minimum size of a *mobilehome park* is 3 acres.

(c) Minimum Space Area for each *Mobilehome*

(1) For each single-section unit, the minimum space area is 1,600 square feet.

(2) For each multi-section unit, the minimum space area is 2,000 square feet.

(d) Minimum Dimensions of a *Mobilehome Park*

(1) The minimum lot width of the *mobilehome park* is 100 feet.

(2) The minimum lot depth of the *mobilehome park* is 100 feet.

(e) Minimum Width of Individual *Mobilehome* Space

The minimum width dimension for individual *mobilehome* spaces is 26 feet.

(f) Perimeter Buffer Requirement

A 20-foot-wide buffer shall be provided on the perimeter of the *mobilehome park*, except for vehicular and pedestrian access points, and shall consist of a combination of landscaping, berms, and low decorative walls, sufficient to *screen* the *mobilehome park* from adjacent properties.

§ 143.0340 Cont'd

(g) Pedestrian Access

Where applicable, pedestrian access shall be provided between the *mobilehome park* and adjacent land uses, consistent with the Transit Oriented Development Guidelines of the Land Development Manual.

(h) Minimum *Setback* Requirements for Individual *Mobilehome* Spaces

Individual *mobilehome* spaces shall observe the *setbacks* as set forth in Table 143-03B.

Table 143-03B
Mobilehome Space Setback Requirements

Description	Setback
Front *Mobilehome* Space *Setback*	8 feet, measured from a private drive within the *mobilehome park*
Side *Mobilehome* Space *Setback*	4 feet 0-foot is permitted provided the opposite side *mobilehome* space *setback* is at least 8 feet
Private Street Side *Mobilehome* Space *Setback*	8 feet, measured from a private drive within the *mobilehome park*
Rear *Mobilehome* Space *Setback*	3 feet 8 feet if abutting a private drive

(i) Maximum Coverage

The maximum permitted coverage for individual *mobilehome* spaces is 75 percent, including the *mobilehome* and any other enclosed *structures*.

(j) Common Area Open Space and Recreational Amenities

(1) At least 250 square feet of usable common open space is required for each *mobilehome*, not including driveways, walks, *streets*, parking and service areas. The common usable open space shall have no dimension less than 25 feet or at least 10 percent of the gross project area shall be devoted to usable common open space and active-use recreational facilities.

(2) Common area open space requirements shall be separate from the perimeter buffer requirement.

(k) Required Resident Parking

Two parking spaces are required per *mobilehome* space, subject to the following:

(1) At least one required parking space must be located on the *mobilehome* space;

(2) Required parking located off of a *mobilehome* space must be sited within 200 feet from the home it is intended to serve; and

(3) If both parking spaces are provided on the *mobilehome* space, the parking may be provided in tandem.

§ 143.0340 Cont'd

(l) Required Guest Parking

There shall be 0.20 guest parking spaces provided for each *mobilehome* space in addition to the required resident parking spaces. The required guest spaces shall be evenly distributed throughout the *mobilehome park.*

(m) Carport Requirement

Each *mobilehome* space shall contain at least one single-car carport or fully enclosed garage. All carports shall include at least 50 square feet of built-in storage area.

(n) Landscaping Requirement

Landscaping is required as part of the perimeter buffer requirement and common open space requirements. Additionally, at least 25 percent of the total area of the required front, side, and rear *yards* on individual *mobilehome* spaces shall be landscaped with a combination of grass, shrubs, and trees.

(o) Required Refuse Collection Area

A refuse storage space that is *screened* from public view shall be provided for each individual *mobilehome* space and each common open space area that contains recreation facilities.

(p) Minimum Street-Width and Sidewalk Requirement

(1) Private drives internal to the *mobilehome park* shall be at least 32 feet wide if car parking is permitted on only one side of the *street.*

(2) Private drives internal to the *mobilehome park* shall be at least 40 feet wide if car parking is permitted on both sides of the *street.*

(3) Private drives internal to the *mobilehome park* shall be at least 20 feet wide if car parking is not permitted on either side of the *street.*

(4) Paved sidewalks that are at least 4 feet wide shall be provided on at least one side of every *street* in the *mobilehome park.*

(q) *Mobilehome* Separation Requirements

Mobilehomes shall be separated from other *mobilehomes* by at least the following dimensions, measured from *structure* to *structure*:

(1) 8 feet from side to side;

(2) 8 feet from side to front or rear; and

(3) 6 feet from rear to rear, or front to front, or front to rear.

(r) Projections and Overhangs

(1) Projections, including roof overhangs, may encroach into the required *mobilehome* space *setback* areas that are not adjacent to private drives, provided they are no closer than 3 feet to the boundary line of the *mobilehome* space.

§ 143.0340 Cont'd

(2) Projections, including roof overhangs, may encroach into the required *mobilehome* space *setback* area or *mobilehome* separation area, provided that a minimum 6-foot separation is maintained between the edge of the projection and an adjacent mobilehome, building, *accessory structure*, or its projection. A minimum distance of 3 feet must be maintained from the *mobilehome* projection and the adjacent *mobilehome* space boundary.

(s) Additional Regulations

(1) Siding shall be of nonreflective material.

(2) Roofing shall be of nonreflective material consisting of concrete tiles; fiberglass shingles; or composition shingles, shakes, or tiles.

(3) Eaves shall be between 12 and 16 inches in length, measured from the vertical side of the exterior wall.

(4) All site-added *structures* including steps, stoops, porches, and parking *structures* shall conform to the applicable provisions of the Uniform Building Code.

(5) The exterior of the perimeter of all foundations shall conform to the applicable provisions of the Uniform Building Code and shall consist of poured concrete, masonry, or approved all-weather material. If the perimeter material is not masonry or concrete, it shall match the siding material of the *mobilehome*.

(t) Discontinuance Policy

Discontinuance of a *mobilehome park* requires compliance with all regulations of Chapter 14, Article 3, Division 6 (Mobilehome Park Discontinuance and Tenant Relocation Regulations).

§ 143.0345 Supplemental Neighborhood Development Permit Regulations for Relocated Buildings

(a) The following regulations apply to a Neighborhood Development Permit for any *premises* to which a building is proposed to be relocated and at least one existing building on the *premises* will remain. The proposed *development* including the relocated building is subject to all development and use regulations of the applicable zone.

(b) The placement and design of the relocated building shall be compatible with other buildings on the *premises* in terms of building orientation, *floor area ratio*, height and number of *stories*, roof design and composition of roofing materials, and siding and surface materials type.

(c) The foundation along the exterior perimeter of the relocated building shall conform to the Building Regulations and shall consist of poured concrete, masonry, or approved all-weather material. If the foundation material is not masonry or concrete, it shall match the siding material of the building.

§ 143.0350 Supplemental Neighborhood Development Permit and Site Development Permit Regulations for Environmentally Sensitive Lands

The following regulations apply to Neighborhood Development Permits and Site Development Permits required because of potential impacts to *environmentally sensitive lands* in addition to

§ 143.0350 Cont'd

other indicated supplemental regulations.

(a) Lot Dimensions. Deviations may be permitted from the minimum lot dimensions required by the applicable zone if necessary to comply with Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

(b) Lot Area. Within the *MHPA* only, a deviation may be permitted from the minimum *lot* size requirement of the OR-1-2 zone if necessary to accommodate *development* within the *development* area and facilitate *dedication* of the remainder of the *premises*. This does not permit a deviation from the maximum permitted residential *density* for the OR-1-2 zone for the entire *premises*.

(c) *Setback* Requirements. A deviation of up to 20 percent may be permitted from any required *setback* if necessary to comply with Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations), except that a deviation from the front *setback* in the RS or RE zones shall not be permitted in addition to what is permitted by Section 131.0443(a)(1), when applicable.

§ 143.0360 Supplemental Neighborhood Development Permit and Site Development Permit Regulations for Historical Resources

The following regulations apply to Neighborhood Development Permits and Site Development Permits required because of potential impacts to *historical resources* in addition to other indicated supplemental regulations.

(a) Lot Dimensions. Deviations may be permitted from the minimum lot dimensions required by the applicable base zone if necessary to comply with Chapter 14, Article 3, Division 2 (Historical Resources Regulations).

(b) *Setback* Requirements. A deviation of up to 20 percent may be permitted from any required *setback* if necessary to comply with Chapter 14, Article 3, Division 2 (Historical Resources Regulations), except that a deviation from the front *setback* in the RS or RE zones shall not be permitted in addition to what is permitted by Section 131.0443(a)(1), when applicable.

§ 143.0375 Maintenance Requirements for Neighborhood Development Permits and Site Development Permits

All *development* approved with a Neighborhood Development Permit or Site Development Permit is subject to the following regulations.

(a) All *developments* shall be constructed and maintained in accordance with the approved plans and conditions contained in the Neighborhood Development Permit or Site Development Permit.

(b) If a *development* includes open areas or recreational facilities to be used by the residents or employees of the *development*, the permit shall include a plan for the preservation of the common elements of the property that is acceptable to the City Manager.

§ 143.0380 Phased Site Development Permits

Construction of *development* requiring a Site Development Permit may be phased subject to the following regulations pertaining to each phase of *development*. *Development* pursuant to a Neighborhood Development Permit may not be phased.

§ 143.0380 Cont'd

(a) Where construction is to be phased over a period of time, the *applicant* shall provide plans corresponding to each phase at the time of Site Development Permit submittal and shall include a proposed construction schedule and an illustration of the various phases of *development.*

(b) The plans corresponding to each phase shall clearly delineate all fundamental project elements integral to implementation of that particular phase, including landscaping, open space, parking, and recreational facilities. Each phase must assure that the provision of fundamental project elements will correspond with the demand to provide the associated site facilities and improvements necessary to support the density or intensity of each phase of *development.*

(c) The phasing program shall address the interim use of all areas where *development* will occur at a later date, including identification of the interim landscape and irrigation measures to be used to assure that portions of the site that may be graded or disturbed in the initial phase of project implementation but not be developed until a later phase, will be adequately mitigated.

(d) Where construction is to be phased over a predetermined period, the phasing program shall be based on the projected population growth and availability of public facilities of the designated economic support area.

Article 3: Supplemental Development Regulations

Division 4: Planned Development Permit Regulations

§ 143.0401 Purpose of Planned Development Permit Regulations

The purpose of these regulations is to provide flexibility in the application of development regulations for projects where strict application of the base zone development regulations would restrict design options and result in a less desirable project. The intent of the Planned Development Permit regulations is to accommodate, to the greatest extent possible, an equitable balance of *development* types, intensities, styles, site constraints, project amenities, *public improvements*, and community and City benefits. The regulations in this division provide the standards and guidelines by which applications for Planned Development Permits will be evaluated.

§ 143.0402 When Planned Development Permit Regulations Apply

This division applies to all *development* proposals for which a Planned Development Permit is requested, in accordance with Table 143-04A.

Table 143-04A
Supplemental Planned Development Permit Regulations Applicability

Type of *Development* Proposal	Applicable Sections	Required *Development* Permit/Decision Process(1)
Residential *development* requesting deviations from applicable zone regulations(2)	143.0403, 143.0410, 143.0420	PDP/Process 4
Commercial and Industrial *development* requesting deviations from applicable zone regulations	143.0403, 143.0410, 143.0460	PDP/Process 4
Developments within *land use plans* where a Planned Development Permit is recommended when other discretionary actions are requested	143.0403, 143.0465	PDP/Process 3
Rural cluster *development* in the AR and OR zones	143.0403, 143.0410, 143.0420, 143.0440	PDP/Process 4
Rural cluster *development* with increased *density* in the AR-1-1 and OR-1-2 zones within the future urbanizing area	143.0403, 143.0410, 143.0420, 143.0450	PDP/Process 5
Residential *development* in RS zones of urbanized communities where a Planned Development Permit is requested	143.0403, 143.0410, 143.0420, 143.0430	PDP/Process 4

Footnotes to Table 143-04A

(1) The Planned Development Permit shall be decided in accordance with the highest level decision process that could have applied to the *development*.

(2) A Planned Development Permit may not be requested for a *single dwelling unit* on an individual, *single dwelling unit lot*.

§ 143.0403 Permitted Uses with a Planned Development Permit

The following regulations apply to all Planned Development Permits.

(a) The following uses may be permitted within any Planned *Development.*

(1) Any use permitted in the base zone or the applicable *land use plan.* Unlawful uses on any portion of the *premises* shall be terminated or removed as a requirement of the Planned Development Permit.

(2) *Accessory uses* associated with any permitted use may be permitted as long as the *accessory use* serves only the occupants and guests of the proposed *development.*

(3) Uses permitted by Neighborhood Use Permit or Conditional Use Permit within the base zone. A separate use permit shall accompany, and will be processed concurrently with, an application for a Planned Development Permit. Conditions relating to the particular use will be included in the applicable use permit and may also be referenced in the Planned Development Permit. An amendment to a use permit need not be accompanied by an amendment to the Planned Development Permit unless the amendment involves exterior modifications to the *premises* that are not in *substantial conformance* with the approved Planned Development Permit.

(b) Changes of use on a *premises* will not require an amendment of the approved Planned Development Permit, if the proposed use is permitted in the applicable zone and no exterior modifications to the existing *structures* or associated exterior facilities will be required to accommodate the proposed use change. Proposed changes of use that will result in exterior modifications to the existing *structures* require an amendment to the approved Planned Development Permit when the modifications are not in *substantial conformance* with the approved Planned Development Permit.

(c) After construction of a *development* in accordance with a Planned Development Permit proposed uses that require a Neighborhood Use Permit or Conditional Use Permit may be permitted without an amendment to the Planned Development Permit unless the amendment involves exterior modifications to the *premises* that are not in *substantial conformance* with the approved Planned Development Permit.

§ 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) Deviations

(1) The base zone development regulationsapply to all *developments* except to the extent that deviations are included as part of the approved Planned Development Permit.

(2) In accordance with the purpose of this division, deviations from the applicable base zone development regulations may be requested in order to provide flexibility in achieving a zone-equivalent project design that will be consistent with the intent of the base zone. Significant deviations from the base zone regulations that are not consistent with the purpose of this division require a variance in conjunction with the approval of the Planned Development Permit.

§ 143.0410 Cont'd

(3) A Planned Development Permit may not be used to request deviations from any of the following regulations:

(A) Maximum building height of 30 feet for the area in the Coastal Height Limit Overlay Zone as identified in Section 132.0502;

(B) *Floor area ratio* for the entire *premises*;

(C) Residential *density* unless an affordable housing density bonus is obtained in accordance with Chapter 14, Article 3, Division 7 (Affordable Housing Density Bonus Regulations);

(D) Applicable supplemental regulations identified in Table 143-04A;

(E) The regulations in Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations); and

(F) The regulations in Chapter 14, Article 3, Division 2 (Historical Resources Regulations).

(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*, 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) If the *premises* is located in two or more zones, the maximum number of dwelling units or the *gross floor area* permitted on the *premises* shall be the sum of the dwelling units or the *gross floor area* permitted in each of the zones and may be distributed without regard to the zone boundaries.

(3) If the Planned Development Permit includes property that is shown as part of a designated open space system in the applicable *land use plan*, and is accepted by the City as dedicated open space, that portion of the property may be included in the calculation of the overall project *density* by using the *density* of the base zone.

(4) The areas of the *premises* that are designated for public or private streets may not be utilized in the calculation of maximum *density*.

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

(c) Public Transportation

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

(d) Parking and Access

(1) *Off-street parking spaces* shall be sufficient in size and quantity to accommodate all of the proposed uses on the *premises*.

(2) Parking areas and access drives should be located to avoid conflicts with internal

§ 143.0410 Cont'd

pedestrian circulation, *street* systems, and adjacent properties.

(3) The circulation plan shall indicate the location of vehicular and pedestrian access on the site between the *public right-of-way*, building entrances, sidewalks, public transit facilities, and loading/service facilities. Pedestrian access to the surrounding *streets* should be maximized.

(e) Landscaping

(1) All landscaping shall comply with requirements of Chapter 14, Article 2, Division 4 (Landscape Regulations).

(2) The pattern of landscaping and the materials used in the *development* should be generally consistent in species, quantity, and size with that of the surrounding area unless otherwise specified in the applicable *land use plan*.

(f) *Fences* and Walls

Fences and walls on individual *lots* should be located within the developed portion of the *premises* and should not be located in a manner that will encroach into or enclose or isolate portions of the *premises* designated to be preserved as open space.

(g) *Signs*

A preliminary concept *sign* program, including criteria for the location and design of all *signs* to be used on the *premises*, shall be submitted. All *signs* shall comply with Chapter 14, Article 2, Division 12 (Sign Regulations).

(h) *Accessory Structures*

(1) The *development* may include accessory commercial, office, utility, maintenance, and recreational facilities provided the facilities are limited in size, use, and capacity to serve only the needs of the occupants and guests of the *development*.

(2) *Accessory structures*, including trash enclosures, shall be architecturally compatible in style and building materials with the primary buildings on the *premises*.

(i) Shadow Plan

When it is determined that the *structures* or landscaping within a proposed *development* may have an impact on an adjacent property's access to solar exposure, a shadow plan will be required to ensure that potential impacts will be minimized.

(j) Criteria For *Development* Design

The following design criteria will be used to evaluate proposed *developments* in conjunction with the required *findings*.

(1) The overall *development* design should be comprehensive and should demonstrate the relationships of the proposed *development* on-site with existing *development* off-site.

(2) The scale of the project should be consistent with the neighborhood scale as represented by the dominant *development* pattern in the surrounding area or as otherwise specified in the applicable land use plan.

§ 143.0410 Cont'd

(3) Buildings, *structures*, and facilities on the *premises* should be well integrated into, oriented towards, and related to, the topographic and natural features of the site.

(4) Proposed *developments* should avoid repetitious *development* patterns that are inconsistent with the goals of the applicable *land use plan*.

(5) Buildings should avoid an overwhelming or dominating appearance as compared to adjacent *structures* and *development* patterns. Abrupt differences in scale between large commercial buildings and adjacent residential areas should be avoided. Instead, gradual transitions in building scale should be incorporated.

(6) Larger *structures* should be designed to reduce actual or apparent bulk. This can be achieved by using pitched roof designs, separating large surface masses through changes in exterior treatment, or other architectural techniques.

(7) To the greatest extent possible, landscaping should be used to soften the appearance of blank walls and building edges and enhance the pedestrian scale of the *development*.

(8) Elements such as curbside landscaping, varied *setbacks*, and enhanced paving should be used to enhance the visual appearance of the *development*.

(9) Roof forms should be consistent in material, design, and appearance with existing *structures* in the surrounding neighborhood. Plant materials and other design features should be used to define and enhance the appearance of roof spaces, especially flat roofs that are visible from higher elevations.

(10) Building material and color palettes should be consistent with applicable guidelines in the applicable *land use plan*, if provided.

§ 143.0420 Supplemental Planned Development Permit Regulations for Residential Development

In addition to the general regulations for all Planned Development Permits, the following supplemental regulations apply to all Planned Development Permits that include residential *development*, when identified in Table 143-04A:

(a) Open Space

(1) For proposed *development* within the zones shown in the first column in Table 143-04B, the open space requirements shown in the second and third columns apply.

Table 143-04B
Open Space Requirements for Planned Development Permits

Zone	Minimum Usable Open Space Required per Dwelling Unit (2)	Minimum Total Open Space Required per Dwelling Unit (1)
OR-1-1	--	4 ac
OR-1-2(3)	--	4 ac
AR-1-1(3)	--	2 ac
AR-1-2	--	17,400 sq. ft.
RE-1-1	--	4 ac
RE-1-2	--	2 ac

§ 143.0420 Cont'd

Zone	Minimum Usable Open Space Required per Dwelling Unit (2)	Minimum Total Open Space Required per Dwelling Unit (1)
RE-1-3	--	17,400 sq. ft.
RS-1-1, RS-1-8	7,000 sq. ft.	14,000 sq. ft.
RS-1-2, RS-1-9	3,500 sq. ft.	7,000 sq. ft.
RS-1-3, RS-1-10	2,625 sq. ft.	5,250 sq. ft.
RS-1-4, RS-1-11	1,750 sq. ft.	3,500 sq. ft.
RS-1-5, RS-1-12	1,200 sq. ft.	2,400 sq. ft.
RS-1-6, RS-1-13	900 sq. ft.	1,800 sq. ft.
RS-1-7, RS-1-14	750 sq. ft.	1,500 sq. ft.
RX-1-1	625 sq. ft.	1,250 sq. ft.
RX-1-2	500 sq. ft.	1,000 sq. ft.
RM-1-1	500 sq. ft.	500 sq. ft.
RM-1-2	375 sq. ft.	375 sq. ft.
RM-1-3	300 sq. ft.	300 sq. ft.
RM-2-4	220 sq. ft.	220 sq. ft.
RM-2-5	190 sq. ft.	190 sq. ft.
RM-2-6	155 sq. ft.	155 sq. ft.
RM-3-7	125 sq. ft.	125 sq. ft.
RM-3-8	100 sq. ft.	100 sq. ft.
RM-3-9	90 sq. ft.	90 sq. ft.
RM-4-10	75 sq. ft.	75 sq. ft.
RM-4-11	75 sq. ft.	75 sq. ft.
RM-5-12	125 sq. ft.	125 sq. ft.

Footnotes for Table 143-04B

(1) Total open space includes usable open space plus any other areas to be left as open space.

(2) Usable open space includes private exterior open space and common open space that is functional to residents.

(3) For open space requirements for residential rural cluster *development* with increased *density* in the AR-1-1 and OR-1-2 zones within the future urbanizing area, see Section 143.0450(c).

(2) The minimum required open space shall be based on the total number of dwelling units on the entire *premises* and may be located without regard to existing or proposed *lot* lines.

(3) If the *premises* is located in two or more zones, the amount of open space required in the Planned *Development* shall be the sum of the open space required in each of the zones applied to the dwelling units at the same percentage that the site area is occupied by each zone. The open space may be located without regard to the zone boundaries.

§ 143.0420 Cont'd

(4) The usable open space required in Table 143-04B, shall be generally contiguous and moderately level, with an overall gradient not exceeding 10 percent. Usable open space shall not include land occupied by buildings, *structures*, *streets*, driveways, or parking areas but may include outdoor recreational facilities.

(5) All common open space on the project site, including recreational facilities, shall be readily accessible to all occupants and should, wherever possible, be physically connected to other common open space areas on the *premises*.

(6) If an Affordable Housing Density Bonus Agreement or a Density Bonus and Affordable Housing Deviation has been approved for the *development*, the open space area requirement shall be the total of the following:

(A) Open space based on the zone in which the property is located, multiplied by the number of dwelling units permitted in that zone; plus

(B) Open space based on the next more dense residential zone, multiplied by the number of dwelling units in excess of the number permitted in the zones in which the property is located.

(b) Recreational Facilities in *Multiple Dwelling Unit* Zones:

Proposed *multiple dwelling unit developments* exceeding 10 dwelling units shall include, within the common open space, at least one of the following recreational amenities: a tot lot, a barbecue area with picnic tables and shade *structure*, a sport court or field, a swimming pool, or a golf course.

(c) *Fences* and Walls

Fences or walls that are generally parallel to the public right-of-way and that exceed 100 feet in length shall be articulated with vertical elements spaced at no more than 25 feet on center. The vertical elements shall be made an integral part of the *fence* or wall and shall be a minimum of 12 inches wide.

(d) Building Coverage

Building coverage shall not exceed 60 percent of the site area.

§ 143.0430 Supplemental Planned Development Permit Regulations for Residential Development in RS Zones in Urbanized Communities

In addition to the general regulations for all Planned Development Permits and supplemental regulations for residential *developments*, *developments* requesting a Planned Development Permit in the urbanized communities in the RS Zones or in areas combining RS and any other zone permitting residential use are subject to the following regulations:

(a) *Density*

(1) *Density* may not exceed the average *density* of all similarly zoned *single dwelling unit* properties within a 500-foot radius of the site.

(2) For *developments* that combine land zoned for both *single dwelling unit* and *multiple dwelling unit* use, that portion of the property zoned for *single dwelling unit* use shall

§ 143.0430 Cont'd

not exceed the *density* for that area as calculated by the *single dwelling unit* zone, the land use designation of the applicable land use plan, or the 500-foot radius analysis whichever is less.

(3) For *density* purposes, vacant or unimproved legal *lots* zoned for *single dwelling unit* use within the 500-foot radius analysis area shall be calculated for one dwelling unit.

(4) Similarly zoned properties approved or developed pursuant to discretionary permits before October 16, 1989, shall be excluded from the calculation of average *density*.

(b) Bulk and Scale

(1) Building mass and bulk shall be similar to the surrounding neighborhood as evaluated within a 500-foot radius of the proposed *development*.

(2) Buildings may vary by up to 50 percent of the average *floor area ratio* of the existing neighborhood for individual *lots*, but may not exceed the maximum *floor area ratio* permitted by the base zone for the entire *premises*.

(3) Buildings may vary on the maximum diagonal plan dimension.

(4) The overriding objective is that the project average of bulk and scale be consistent with the existing surrounding neighborhood as evaluated within a 500-foot radius of the proposed *development*.

(c) Infill Design

Development design shall incorporate architectural elements that have a pronounced importance in establishing compatible infill design.

(d) Deviations

Deviations from applicable zone development regulations permitted in accordance with Section 143.0410(a), shall be permitted only if it is shown that similar situations exist within the surrounding neighborhood or that the modifications to the regulations are beneficial to the neighborhood because of unique circumstances pertaining to the subject property.

§ 143.0440 Supplemental Planned Development Permit Regulations for Residential Rural Cluster Development in the AR and OR Zones

In addition to the general regulations for all Planned Development Permits and supplemental regulations for residential *developments*, the following regulations apply to all residential Planned Development Permits for rural cluster *developments* in the AR and OR zones:

(a) *Density*

(1) Within the AR zones, the maximum residential *density* permitted shall be as specified in the applicable zone, with the units clustered to preserve the remainder of the *premises* in its natural state until and if complete *development* at urban densities is ever deemed appropriate. Within the future urbanizing area, the reservation of future *development* potential will require the use of covenants, conditions, restrictions, or other mechanisms as determined by the City Manager to insure that the undeveloped portion of the property remains undeveloped until the future urbanizing area land is shifted to the

§ 143.0440 Cont'd

planned urbanizing area.

(2) Within the OR zones, the maximum residential *density* permitted shall be as specified in the applicable zone, with the units clustered and located with the allowable *development* area in accordance with Section 131.0250. The remainder of the *premises* shall remain in its natural state as a condition of the Planned Development Permit approval.

(3) Conditions and requirements that are consistent with the applicable zone corresponding to the *density* of the *development* in the clustered portion of the *premises* may be imposed on the planned *development*.

(4) Within the future urbanizing area, the area of a golf course meeting the criteria of Section 143.0440(c)(5) may be used in the calculation of total permitted residential *density*.

(b) *Subdivision* Requirement

With a Planned Development Permit, a *subdivision* is not required for clustered dwelling units on a single existing *lot*, unless subsequent use of the dwelling units would require a *subdivision* pursuant to the *Subdivision Map Act*.

(c) Open Space Requirement

(1) The total open space required for the *premises* shall be based on Table 143-04B. The required open space may be distributed throughout the proposed *development* and need not be provided on each *lot*.

(2) Any usable open space provided shall be located within or adjacent to the clustered *development* portion of the *premises*.

(3) For *developments* in the OR Zones, the remainder of the *premises* not being developed shall be offered to the City for *dedication* as park land.

(4) Recreational facilities shall be designed to serve only the occupants and guests of the *development*. However, within the future urbanizing area, golf courses open to the public and their customary incidental, supportive facilities (excluding lodging facilities) need not be restricted provided that a permanent and irrevocable open space easement is established that covers the area of the golf course. A golf course open to the public means a public golf course or a private golf course on public or private land that is open to the public on a daily fee basis or that offers memberships to the public.

(5) Within the future urbanizing area, the area of a golf course meeting the criteria of Section 143.0440(c)(5) may be used in the calculation of total required open space.

§ 143.0450 Supplemental Planned Development Permit Regulations for Residential Rural Cluster Development with Increased Density

In addition to the general regulations for all Planned Development Permits and supplemental regulations for residential *developments*, the following regulations apply to all residential rural cluster *developments* requesting increased *density* that are located in the AR-1-1 and OR-1-2 zones within the future urbanizing area. Approval of a proposed *development* in accordance with this section shall require the *findings* in Section 126.0604(b) to be made.

§ 143.0450 Cont'd

(a) *Density*

(1) Within the AR-1-1 and OR-1-2 zones within the future urbanizing area, the maximum permitted *density* with the increased *density* rural cluster alternative is one dwelling unit per 4 acres with the dwelling units clustered. The remainder of the *premises* where no *development* is proposed shall be maintained in its natural state with no future *development* potential. The utilization of this increased *density* alternative shall require the provision of housing within the *premises*, affordable to low or *very low income families*, in accordance with Section 143.0450(d).

(2) Conditions and requirements may be imposed on the planned *development* that are consistent with the base zone corresponding to the *density* of the *development* in the clustered portion of the *premises*.

(3) The area of a golf course meeting the criteria of Section 143.0450(c)(7) may be used in the calculation of total permitted residential *density*.

(b) *Subdivision* Requirement

With a Planned Development Permit, a *subdivision* is not required for clustered dwelling units on a single, existing *lot*.

(c) Open Space Requirements

(1) The total open space required for the *premises* is 2 acres per dwelling unit. There is no usable open space requirement. The required open space may be distributed throughout the proposed *development* and need not be provided on each *lot*.

(2) Any usable open space provided shall be located within or adjacent to the clustered *development* portion of the *premises*.

(3) The increased *density* rural cluster alternative will require that the Planned *Development* use covenants, conditions, and restrictions or other mechanisms, including *dedication*, that are acceptable to the City Manager to insure that the undeveloped portion of the *premises* remains undeveloped in perpetuity.

(4) Increased *density* rural cluster *developments* shall be designed to incorporate an open space element that visually or physically connects to a planned or existing open space system or an environmental resource corridor as identified in the applicable *land use plan*. Rural cluster *developments* that incorporate an open space element that effectively achieves a physical or visual connection to a planned or existing open space system or an environmental resource corridor may deviate from the open space requirements in Table 143-04B and Section 143.0450(c)(1).

(5) Increased *density* rural cluster *developments* that are not visually or physically connected to a planned or existing open space system or an environmental resource corridor shall incorporate a design that maximizes open space opportunities consistent with the open space requirements of the applicable *land use plan*.

(6) Recreational facilities shall be designed to serve only the occupants and guests of the planned *development*. However, within the future urbanizing area, golf courses open to the public and their customary incidental, supportive facilities (excluding lodging

§ 143.0450 Cont'd

facilities) need not be restricted provided that a permanent and irrevocable open space easement is established that covers the area of the golf course. A golf course open to the public shall mean a public golf course or a private golf course on public or private land that is open to the public on a daily fee basis or that offers memberships to the public.

(7) The area of a golf course meeting the criteria of Section 143.0450(c)(7) may be used in the calculation of total required open space.

(d) Affordable Housing Requirement for Increased *Density* Rural Cluster *Development*:

In the AR-1-1 and OR-1-2 zones within the future urbanizing area, Planned Developments using the increased *density* rural cluster alternative are required to provide housing units within the *development*, that are affordable to *low income families*, as certified by the San Diego Housing Commission.

(1) The affordable housing obligation may be fulfilled by one of the following:

(A) A set-aside of no less than 20 percent of the units for occupancy by, and at rates affordable to, *families* earning no more than 65 percent of the median area income, adjusted for *family* size; or

(B) A *dedication* of developable land of equivalent value.

(2) Affordable housing shall be appropriately designed and integrated into the overall *development* plan.

(3) *Development* incentives available through government programs, including a *density* bonus in accordance with Chapter 14, Article 3, Division 7 (Affordable Housing Density Bonus Regulations), where appropriate, may be used to meet all or a portion of this obligation.

(4) Units restricted under this section shall remain affordable for the remaining life of the housing unit, which is presumed to be a minimum of 55 years.

(e) Subarea Plan Requirement in the North City Future Urbanizing Area

(1) Within the North City Future Urbanizing Area as defined by the Progress Guide and General Plan, a subarea plan shall be prepared pursuant to the General Plan. The subarea plan shall be developed consistent with the North City Future Urbanizing Area Framework Plan, as approved by the California Coastal Commission on May 14, 1993. Alternatively, the *applicant* must demonstrate that, at a minimum, all public facilities within the subarea (as designated by the Progress Guide and General Plan) have been sited; a Purchase Agreement for the public facility sites has been completed; mixed use centers within the subarea have been sited; the *street* system to access the mixed use centers and public facilities has been aligned; a financing plan for the project area, subarea, or larger planning area has been completed; and open space boundaries have been refined if the project deviates from the environmental tier boundaries shown in the Progress Guide and General Plan.

(2) Section 143.0450(e)(1) shall not apply to any project for which an application was *deemed complete* on or before December 10, 1990, and which includes a golf course that is open to the public provided, however, that any such project shall fully participate

§ 143.0450 Cont'd in the Public Facilities Financing Plan, Interim Fees, and the *school* Facilities Master Plan, and that a development agreement shall be executed for the project.

§ 143.0460 Supplemental Planned Development Permit Regulations for Commercial and Industrial Development

In addition to the general regulations for all Planned *Development Permits*, the following supplemental regulations shall apply to all commercial and industrial *developments*:

(a) *Accessory Structures*

The proposed *development* may include accessory commercial, office, utility, maintenance, and recreational facilities provided these facilities are limited in size, use, and capacity to serve only the occupants and guests of the *development*.

(b) Maximum *Floor Area Ratio*

On an individual *premises*, any *structure* may exceed the permitted *floor area ratio* provided the total *floor area ratio* for the entire *development* does not exceed that permitted by the applicable zone.

(c) Ground *Floor* Occupancy

For commercial *development* within commercial zones that permit retail uses, at least 50 percent of all gross ground *floor* area or principal pedestrian level area shall be used for retail sales and commercial services.

(d) *Fences* and Walls

Fences and walls that are generally parallel to the public right-of-way and exceed 150 feet in length shall be articulated with vertical elements spaced at no more than 50 feet on center. These vertical elements shall be a minimum of 12 inches wide.

(e) Outdoor Amenities

(1) Industrial *developments* should include outdoor eating or recreation areas available to all employees of the *premises*.

(2) Commercial *developments* should include public open areas or plazas that are accessible to the general public.

(f) Parking and Access

(1) No more than 75 percent of all required parking on the site should be located between the *public right-of-way* fronting the property and the *structure* on the site located closest to the *public right-of-way*.

(2) No vehicle parking aisles should end without providing an area in which vehicles may turn around or providing vehicular access to an adjacent driveway or *public right-of-way*, unless otherwise determined appropriate by the City Manager.

§ 143.0465 Supplemental Planned Development Permit Regulations for Planned Development Permits Recommended by a Land Use Plan

Within *land use plans* that recommend a Planned Development Permit in conjunction with any other discretionary action, and when no deviations from the applicable zone regulations are requested, the proposed *development* shall be subject to all development regulations of the applicable zone. When any deviation is requested, the proposed *development* is subject to Section 143.0410 and Section 143.0420 or Section 143.0460, as appropriate for the type of *development* proposed.

§ 143.0473 Maintenance Requirements for Planned Development Permits

All approved Planned Development Permits must be maintained in compliance with the following regulations:

(a) All *developments* shall be constructed and maintained in accordance with the approved plans and conditions contained within the approved Planned Development Permit.

(b) If a proposed *development* includes open areas or recreational facilities to be used by the residents or employees of the *development*, the approved permit shall include a plan for the preservation of the common elements of the property that is acceptable to the City Manager.

§ 143.0475 Phased Planned Development Permits

Construction of *developments* requesting a Planned Development Permit may be phased subject to the following regulations pertaining to each phase of *development*.

(a) Where construction pursuant to a Planned Development Permit is to be phased over a period of time, plans corresponding to each phase shall be provided by the *applicant* at the time of Planned Development Permit submittal and shall include a proposed construction schedule and an illustration of the various phases of *development*.

(b) The plans corresponding to each phase shall clearly delineate all fundamental project elements integral to implementation of that particular phase, including landscaping, open space, parking, and recreational facilities. Each phase must assure that the provision of fundamental project elements will correspond with the demand to provide the associated site facilities and improvements necessary to support the density/intensity of each phase of *development*.

(c) The phasing program shall address the interim use of all areas where *development* will occur at a later date, including identification of the interim landscape and irrigation measures to be used to assure that portions of the site that may be graded or disturbed in the initial phase of project implementation but not be developed until a later phase, will be adequately mitigated.

(d) Where construction pursuant to a Planned Development Permit is to be phased over a predetermined period, the phasing program shall be based upon the projected population growth and availability of public facilities of the designated economic support area.

§ 143.0480 Master Planned Development Permit Criteria

(a) A Master Planned Development Permit may be processed for any proposed *development* that will comply with the primary and supplemental regulations of this division and proposes to

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incorporate conceptual *development* criteria for portions of the *premises* intended for future or phased *development*. *Development* criteria for the Master Planned Development Permit shall include standards, in text and graphic form, for the following project elements, which would be applicable over the entire Master Planned Development Permit area at the time of submittal and would become effective upon recordation of the Master Planned Development Permit.

(1) Conceptual site plan indicating the location of all proposed *lots*, building pads, *streets*, driveways, *grading* areas, landform alteration quantities, and existing and proposed public facilities.

(2) Landscaping that complies with Chapter 14, Article 2, Division 4.

(3) Parking and relevant design criteria to provide adequate parking facilities, configurations, and dimensions pursuant to requirements of Chapter 14, Article 2, Division 5 (Parking Regulations).

(4) Building orientation requirements of the applicable Planned Development Permit primary and supplemental regulations.

(5) Public transportation facilities consistent with adopted plans and programs of the Metropolitan Transit Development Board.

(6) Recreational facilities.

(7) Traffic and pedestrian circulation plans.

(8) Conceptual plans for and/or descriptions of structural designs, building materials, architectural themes, criteria to achieve minimum articulation, and measures to achieve compatibility with existing and future *development* on the site.

(9) A site *density* transfer chart and corresponding information to accurately reflect and record the subsequent transfer of units or *gross floor area* throughout the *development*.

(b) Where specific site or building plans may not be included for any portion of the *development* at the time of approval of a Master Planned Development Permit, subsequent phases of *development* to include these portions of the Master Permit area will be required to demonstrate compliance with the criteria established by the applicable guidelines of this division.

(c) Unless otherwise specified in the Planned Development Permit, an evaluation of subsequent *development* proposals' conformance with the minimum standards of the Master Planned Development Permit shall be performed by the City Manager in accordance with the *substantial conformance* review process in Section 126.0112.

(d) If the proposed *development* or elements of the proposed *development* are to be phased over a period of time, the *applicant* must provide the City Manager with information and criteria relevant to project compliance with Section 143.0475 before approval of the Master Planned Development Permit.

Article 3: Supplemental Development Regulations

Division 5: SRO Hotel Regulations

§ 143.0510 Purpose of SRO Hotel Regulations

The purpose of these regulations is to ensure the retention of the existing number of *SRO hotel rooms* and to provide assistance to tenants of *SRO hotel rooms* that will be displaced by the demolition, conversion, or rehabilitation of existing *SRO hotel rooms*. These regulations are intended to benefit the general public by minimizing the adverse impact on the housing supply and on displaced persons, particularly those who are *very low income*, elderly, or disabled, resulting from the permanent or temporary loss of *SRO hotel rooms* through their demolition, conversion, or rehabilitation.

§ 143.0515 When SRO Hotel Regulations Apply

This division applies to any *development* that proposes the demolition or rehabilitation of all or part of an *SRO hotel* or *SRO hotel rooms* or the conversion of all or part of an *SRO hotel* or *SRO hotel rooms* to another use, except as provided in Section 143.0520.

§ 143.0520 Exemptions from SRO Hotel Regulations

(a) The regulations in sections 143.0540 and 143.0550 do not apply to the following demolitions or conversions:

(1) Conversion of all or part of an *SRO hotel* or *SRO hotel room* to a *very low income* housing project.

(2) Demolition of all or part of an *SRO hotel* or *SRO hotel room* to allow for the new construction of a *very low income* housing project on the same site within 2 years pursuant to an agreement with the San Diego Housing Commission.

(3) Demolitions or conversions that result in the *development* of a project for housing *low income* senior citizens that is operated by a nonprofit corporation.

(b) The City Council may exempt demolition or conversion of all or part of an *SRO hotel* or *SRO hotel room* that is necessary to implement a redevelopment project. An exemption under this section shall not be granted by the City Council unless it finds that the proposed project will contribute to the public health, safety, and welfare and that the contribution exceeds the negative impact on the supply of *SRO hotels* and *SRO hotel rooms* that will result from the demolition or conversion. An exemption under this section shall not exempt a redevelopment agency from requirements for replacement and other applicable requirements under California Community Redevelopment Law or other state or federal laws.

§ 143.0530 Administration of SRO Hotel Regulations

The San Diego Housing Commission or successor agency, as the agency responsible for administering the *SRO hotel* regulations, shall do the following:

(a) Review each application for a permit to demolish or convert a hotel to identify any *SRO*

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hotel or *SRO hotel room* that is not exempt from these regulations under Section 143.0520.

(b) Advise the *applicant* of the requirements of these regulations.

(c) Review each replacement plan prepared by an *applicant* and advise the *applicant* as to whether or not the plan satisfies the requirements of these regulations. A replacement plan is a plan to replace *SRO hotel rooms* that is prepared by the *applicant*, approved by the San Diego Housing Commission, and incorporated into a Housing Replacement Agreement.

(d) For each replacement plan that meets the requirements of these regulations, draft and execute with the *applicant*, a Housing Replacement Agreement that incorporates the terms of the replacement plan. A Housing Replacement Agreement is a written agreement between the San Diego Housing Commission and the *applicant* specifying the manner in which the housing replacement requirements in Section 143.0550 will be met.

(e) Prepare and implement a system to monitor compliance of the Housing Replacement Agreements with the regulations in this division.

(f) Manage the City of San Diego Single Room Occupancy Hotel Replacement Fund and cause replacement units to be acquired, constructed, or rehabilitated.

§ 143.0540 Demolition or Conversion Permit Requirement for SRO Hotel Rooms

Before a permit to convert or demolish all or part of an *SRO hotel* or *SRO hotel room* is issued, the *applicant* shall execute a Housing Replacement Agreement with the San Diego Housing Commission in accordance with Section 143.0550.

§ 143.0550 Housing Replacement Requirement for SRO Hotel Rooms

(a) Replacement *SRO hotel rooms* shall be provided within the community plan area in which the *SRO hotel rooms* were demolished or converted unless the San Diego Housing Commission approves alternate sites on public transportation corridors outside the community plan area. The replacement rooms shall be completed and ready for occupancy before occupancy of the redeveloped site upon which the former *SRO hotel rooms* were located.

(b) Replacement *SRO hotel rooms* shall be made available to and occupied by *very low income* households at rents affordable to a *very low income*, single-person household as most recently established by the U.S. Department of Housing and Urban Development or successor agency for the San Diego Standard Metropolitan Statistical Area.

(c) Occupancy and affordability restrictions shall be recorded for at least 30 years.

(d) *SRO hotel rooms* shall be provided at a ratio of one replacement room for each existing *SRO hotel room* proposed to be demolished or converted. The replacement rooms shall be provided by one of the following methods:

(1) Construction of new *SRO hotel rooms*;

(2) Rehabilitation or conversion of hotel rooms that have been continuously vacant for more than one year before the permit application for use as *SRO hotel rooms*. Rehabilitation means reconstruction, renovation, repair, or other improvement to all or part of an *SRO hotel* or an *SRO hotel room*;

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(3) Conversion of nonresidential *structures* to *SRO hotel rooms*;

(4) In lieu of providing *SRO hotel rooms*, an *applicant* may contribute to the Single Room Occupancy Hotel Replacement Fund. The amount of the contribution shall be equal to 50 percent of the replacement cost of the *SRO hotel rooms* to be demolished or converted. That cost shall be calculated by multiplying one-half of the hotel area demolished or converted, by the current *development* cost per square foot of comparable *SRO hotels* in the City, including land development costs. Monies deposited in the fund shall be used solely for the production or rehabilitation of *SRO hotel rooms* or the conversion of nonresidential *structures* to *SRO hotel rooms*.

§ 143.0560 SRO Hotel Relocation Provisions

(a) An *applicant* for a permit for or related to the demolition, conversion, or rehabilitation of all or part of an *SRO hotel* or *SRO hotel room* shall, concurrent with the filing of the permit application, submit a list of all tenants who resided in the hotel within the 180-calendar-day period preceding the application filing date. The *applicant* shall provide or make available the relocation benefits and notices specified in Sections 143.0570 and 143.0580. The permit to demolish, convert, or rehabilitate shall not be issued until the San Diego Housing Commission verifies full compliance with this Section and Sections 143.0570 and 143.0580.

(b) The relocation provisions in this division shall not apply to proposed *developments* for which greater relocation benefits and payments are required under state or federal law.

§ 143.0570 SRO Hotel Relocation Assistance Benefits

(a) Each tenant of an *SRO hotel* to be demolished, converted, or rehabilitated who has resided in the *SRO hotel* for at least 90 consecutive calendar days preceding the permit application date shall be considered a long-term tenant for purposes of this division and is entitled to the benefits and rights described in Section 143.0570(b) through (e). Each tenant of an *SRO hotel* to be demolished, converted, or rehabilitated who has resided in the *SRO hotel* for at least 30 consecutive calendar days preceding the permit application date is entitled to the benefits and rights described in Section 143.0570(c) through (e).

(b) Financial Assistance

(1) Except as provided in Section 143.0570(b)(3), each long-term tenant is entitled to one lump sum payment in an amount equal to two times the tenant's average monthly rent for the preceding 12 months if the *SRO hotel* is being demolished or converted or an amount equal to the tenant's average monthly rent for the preceding 12 months if the *SRO hotel* is being rehabilitated. In addition, each long-term tenant is entitled to a rent rebate of $10.00 per month for each month's residency in excess of 90 calendar days, not to exceed $210.00. Length of residency shall be calculated from the date of initial occupancy to the date of application for a building or other permit.

(2) The financial benefits shall be paid by the *SRO hotel* owner to the long-term tenant within 5 *business days* of written notice by the tenant that he or she will vacate the *premises* on a date specified by him or her, but no more than 30 calendar days in advance of the move-out date. Written notice forms approved by the San Diego Housing Commission shall be provided to the long-term tenants by the owner.

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(3) If the *SRO hotel* is being rehabilitated, the financial assistance benefits required by this section need not be provided if comparable accommodations, as defined by the California Code of Regulations, are provided on or off the *premises* to the long-term tenants during the period of rehabilitation. The owner shall give a right of first refusal to relocate to a rehabilitated unit to each long-term tenant who qualifies as *very low income*. When comparable living space is provided, the *applicant* shall pay each affected long-term tenant all reasonable moving and related expenses.

(c) Technical Assistance

The San Diego Housing Commission shall provide assistance in locating decent, safe, and affordable housing opportunities to tenants who have resided in the *SRO hotel* for at least 30 consecutive calendar days.

(d) Extended Tenancy Period

The owner shall provide at least a 90-calendar-day notice of termination of tenancy. The notice of termination of tenancy may not be given before the date of the notice required by Section 143.0580. To terminate a tenancy for the purpose of demolition, conversion, or rehabilitation of an *SRO hotel* or *SRO hotel room* regulated under the *SRO hotel* regulations, the owner must fully comply with Sections 143.0560, 143.0570, and 143.0580.

(e) Evictions

(1) Notwithstanding any provision to the contrary, no permit to demolish, convert, or rehabilitate all or part of an *SRO hotel* or *SRO hotel room* shall be issued until 180 calendar days has elapsed since the last eviction or removal of a tenant unless the eviction was for one of the following:

(A) Failure to pay rent;

(B) Breach of a material covenant, condition, restriction, or provision in the rental agreement;

(C) Creating a nuisance; or

(D) Using the *SRO hotel room* for an illegal purpose.

(2) In addition to the tenant list required by Section 143.0560(a), the *applicant* shall submit a list of the names of any tenant who has moved, been removed, or evicted during the preceding 180 calendar days and the reasons for the move, removal, or eviction.

§ 143.0580 SRO Hotel Relocation Assistance Notice

(a) Before submittal of an application for a permit for or related to the demolition, conversion, or rehabilitation of all or part of an *SRO hotel* or *SRO hotel room*, the owner must deliver a Relocation Assistance Notice to each tenant. The notice shall clearly state the benefits established by Section 143.0570 for all tenants.

(b) The San Diego Housing Commission shall have available a sample notice format that the owner must use.

(c) The notice required by this section shall be delivered to each tenant personally or by mail, and written acknowledgment of service on and receipt by the tenant shall be secured.

§ 143.0590 SRO Hotel Long-Term Tenant Rights

A long-term tenant of an *SRO hotel*, as described in Section 143.0570(a), who is injured by any violation of these regulations, shall be entitled to declaratory relief, injunctive relief, and damages in a civil action. Counsel for the aggrieved party shall notify the Office of the City Attorney of the City of San Diego of any action filed pursuant to this section.

Article 3: Supplemental Development Regulations

Division 6: Mobilehome Park Discontinuance and Tenant Relocation Regulations

§ 143.0610 Purpose of Mobilehome Park Discontinuance and Tenant Relocation Regulations

The purpose of these regulations is to set forth procedures for the conversion of an existing *mobilehome park* or spaces to another use. These regulations are intended to benefit the general public by minimizing the adverse impact on the housing supply and on displaced persons by providing certain rights and benefits to tenants and by requiring tenant relocation assistance whenever an existing *mobilehome park* or portion thereof is converted to another use.

§ 143.0615 When Mobilehome Park Discontinuance and Tenant Relocation Regulations Apply

(a) This division applies to all *mobilehome parks* except as provided in Section 143.0615(b).

(1) Subject to the *Mobilehome Park* Overlay Zone;

(2) Subject to a Conditional Use Permit;

(3) Entitled to be used as a *mobilehome park* based on *previously conforming* rights; or

(4) Subject to a permit issued under present regulations.

(b) Notwithstanding any other provision in this section to the contrary, this division does not apply to the *mobilehome park* located in Mission Bay Park generally known as De Anza Mobilehome Park. It is the intention of the City to deal with any discontinuance and relocation issues involved with De Anza Mobilehome Park by separate ordinance or resolution because of the unique conditions applicable to the De Anza Mobilehome Park.

§ 143.0630 Discontinuance of a Mobilehome Park

(a) Before the City issues any *development permit* or *construction permit* that would allow the use of any land that is currently used as a *mobilehome park* to be used for any other purpose, or to be converted from *mobilehome* spaces to any other uses, a *mobilehome park* owner, lessee, or operator shall file an application to discontinue the *mobilehome park* or *mobilehome* spaces use.

(b) The application for discontinuance of a *mobilehome park* shall be processed as a Site Development Permit in accordance with Process Three which may only be granted if the decision maker makes the findings in Section 126.0504(k).

(c) The application for discontinuance of a *mobilehome park* shall be accompanied by a relocation plan which shall be transmitted to the San Diego Housing Commission or any successor agency for action. The relocation plan shall provide for the relocation of the tenants who will be displaced by the discontinuance of the use of the property as a *mobilehome park* or by the conversion of *mobilehome* spaces to other uses. The relocation plan shall comply with standards and regulations for relocation plans developed by the San Diego Housing Commission.

(d) The application for discontinuance of a *mobilehome park* shall not be approved until a relocation plan has been approved by the San Diego Housing Commission.

§ 143.0630 Cont'd

(e) Except as provided in Section 143.0630(f), the owner, lessee, or operator of a *mobilehome park* shall submit the required applications no later than 30 calendar days after the date on which one of the following occurs:

(1) Fifteen percent of the *mobilehome* spaces within the *mobilehome park* cease to be occupied by *mobilehomes*;

(2) Fifteen percent of the *mobilehome* spaces within the *mobilehome park* cease to be used for residential purposes if those *mobilehomes* are owned by the *mobilehome park* owner, lessee, or operator;

(3) The total of vacant *mobilehome* spaces and *mobilehomes* described in Section 143.0630(e)(2) equals 15 percent;

(4) A notice of determination that the *mobilehome park* is undergoing a change in use has been provided by the Executive Director of the San Diego Housing Commission.

(f) Application for discontinuance of a *mobilehome park* is not required if the unoccupied *mobilehome* spaces or *mobilehomes* are offered for rent or lease to tenants or *mobilehome* owners and a *sign* offering the spaces or *mobilehomes* for rent or lease is installed at the principal entrance to the *mobilehome park* and is visible from the adjacent *public right-of-way*. The *sign* shall be maintained as long as 15 percent of the *mobilehome* spaces or *mobilehomes* in the *mobilehome park* remain unoccupied by *mobilehomes* or tenants. If the vacancy rate for *mobilehome* spaces or *mobilehomes* remains at or above 15 percent for 60 calendar days, the application for discontinuance of a *mobilehome park* shall be filed within 30 calendar days after the expiration of the 60-calendar-day period.

§ 143.0640 Sale of Mobilehome Parks

(a) Any resident organization entitled to notice of a listing of a *mobilehome park* for sale, pursuant to Civil Code Section 798.80, shall have the right to purchase the park, except as provided in Section 143.0640(b), if the resident organization meets the price and the terms and conditions of a purchase offer acceptable to the *mobilehome park* owner.

(1) The resident organization shall have the right to purchase the park by executing a contract with the *mobilehome park* owner within 45 calendar days, unless agreed to otherwise, of the date on which a notice of an acceptable offer to purchase the park is delivered by first class mail or personal delivery to the president, secretary, and treasurer of the resident organization.

(2) If less than the entire *mobilehome park* is offered for sale or an acceptable offer to purchase less than the entire *mobilehome park* is received, the resident organization shall have the right to purchase a portion of the park for a period of 90 calendar days, unless agreed to otherwise, from the date that a notice of the receipt of an acceptable offer to purchase a portion of the park is mailed to the resident organization.

(3) If a contract between the *mobilehome park* owner and the resident organization is not executed within the specified period, the owner's only obligation shall be as set forth in Section 143.0640(a)(4), unless the *mobilehome park* owner then elects to accept a counter offer to the noticed offer, at a price lower than the price specified in the notice to the resident organization.

(4) If no contract is executed between the *mobilehome park* owner and the resident organization within the time periods specified in Section 143.0640(a)(1) and (2) and the

§ 143.0640 Cont'd

mobilehome park owner then elects to accept an offer at a lower price or under different terms and conditions than the price or the terms and conditions as specified in the owner's notice to the resident organization, the resident organization will have an additional 15 calendar days to meet the price and the terms and conditions of the *mobilehome park* owner by executing a contract.

(b) The regulations contained in Section 143.0640(a) do not apply to the following:

(1) Any sale or other transfer by a park owner who is a natural person to any relation specified in Probate Code Section 6402;

(2) Any transfer by gift, devise, or operation of law;

(3) Any transfer by a corporation to an *affiliate*. As used in this paragraph, *affiliate* means any shareholder of the transferring corporation, any corporation or entity owned or controlled, directly or indirectly, by the transferring corporation, or any other corporation or entity controlled, directly or indirectly, by any shareholder of the transferring corporation;

(4) Any transfer by a partnership to any of its partners;

(5) Any conveyance resulting from the judicial or nonjudicial foreclosure of a mortgage or deed of trust encumbering a *mobilehome park* or any deed given in lieu of such a foreclosure;

(6) Any sale or transfer between or among joint tenants or tenants-in-common owning a *mobilehome park*; or

(7) The purchase of a *mobilehome park* by a governmental entity under its powers of eminent domain.

(c) A *mobilehome park* owner may, at any time, record with the County Recorder, an affidavit in which it is certified that the following circumstances exist:

(1) The owner has complied with the provisions of this section;

(2) Not withstanding compliance with Section 143.0640(a), no contract has been executed of the sale of a *mobilehome park* between the owner and the resident organization; and

(3) The provisions of Section 143.0640(a) are inapplicable to a particular sale or transfer of such park by the owner based on the exemptions described in Section 143.0640(b).

Article 3: Supplemental Development Regulations

Division 7: Affordable Housing Density Bonus Regulations

§ 143.0710 Purpose of Affordable Housing Density Bonus Regulations

The purpose of these regulations is to provide increased residential densities to developers who guarantee that a portion of their housing *development* will be affordable by persons of *low income* or *moderate income*. The affordable housing density bonus is intended to materially assist the housing industry in providing adequate and affordable shelter for all economic segments of the community and to provide a balance of housing opportunities for *low income* and *moderate income* persons throughout the City. It is intended that the affordable housing density bonus be available for use in all residential *development*, using criteria and standards provided in the Progress Guide and General Plan as defined by the San Diego Housing Commission. It is also intended that the affordable housing density bonus implement the provisions of the California Government Code, Chapter 4.3 of Division 1 of Title 7.

§ 143.0715 When Affordable Housing Density Bonus Regulations Applies

This division applies to any residential *development* where *density* beyond that permitted by the applicable zone is proposed in exchange for a portion of the total dwelling units being reserved through a formal agreement for persons or *families* of *low income* or *moderate income*.

§ 143.0720 Affordable Housing Density Bonus Agreement

(a) The affordable housing density bonus shall be extended to all *development* for which an agreement has been entered into by the *applicant* and the Executive Director of the San Diego Housing Commission.

(b) The affordable housing density bonus agreement shall include the following provisions:

(1) At least 20 percent of the total units in the *development* will be affordable by persons and *families* of *low income* or *moderate incomes*;

(2) The affordable units will remain available to and affordable by persons and *families* of *low income* or *moderate income* for a period of at least 20 years; and

(3) The units affordable by persons and *families* of *low income* or *moderate income* shall be identified and described.

§ 143.0730 Density Bonus Provisions

A *development* proposal requesting an affordable housing density bonus shall be subject to the following:

(a) The affordable housing density bonus shall permit a total project dwelling unit count of up to 125 percent of the units permitted by the *density* regulations of the base zone.

(b) Where the applicable zone requires that each *lot* be occupied by no more than one dwelling unit, the *development* requires a Site Development Permit. If any deviation from the development regulations of the applicable zone is proposed, a Planned Development Permit is required.

§ 143.0730 Cont'd

(c) If the *premises* is located in two or more zones, the number of dwelling units permitted in the *development* is the sum of the dwelling units permitted in each of the zones. Within the *development*, the permitted number of dwelling units may be distributed without regard to the zone boundaries.

(d) Where the *development* consists of two or more specifically identified parcels, whether contiguous or noncontiguous, the maximum number of dwelling units permitted on each parcel property is calculated based on the area of that property. Within the *development*, if any portion of the *density* is to be transferred between two or more separate parcels, the regulations of Section 143.0750 apply.

§ 143.0740 Affordable Housing Provisions

(a) The number of dwelling units reserved for purchase or rent at prices affordable by persons and *families* of *low income* or *moderate income* shall equal or exceed the number of bonus units constructed within the *development*.

(b) Where the *development* consists of two or more noncontiguous parcels lying within two or more community planning areas, the dwelling units reserved at prices affordable by persons and *families* of *low income* or *moderate income* shall be distributed among community planning areas in the same proportion as the total number of dwelling units constructed within the *development*.

§ 143.0750 Transfer of Bonus Density Units

(a) Within any *development* involving an affordable housing density bonus where the transfer of *density* rights between either contiguous or noncontiguous parcels is proposed, a Site Development Permit is required.

(b) When a transfer of *density* rights would result in a *development* on any parcel exceeding 125 percent of the units permitted by the *density* regulations of the applicable zone, the approval of a Site Development Permit shall require that the *findings* in Section 126.0504(l) be made.

(c) If a hearing results in denial of transfer of *density* to a particular parcel and a *construction permit* has already been issued on its companion parcel, the *density* of which is being reduced, the *applicant* shall, for a period of 12 months from the date of the denial, be entitled to submit one or more substitute parcels to the hearing process to complete the *development* for purposes of *density* bonus transfer to the substitute parcel.

§ 143.0760 Deviations from Density Bonus and Affordable Housing Provisions

(a) A deviation from the provisions of either Section 143.0730 or Section 143.0740 may be requested in accordance with a Site Development Permit and shall require that the *findings* in Section 126.0504(m) be made.

(b) Deviations may only be considered as follows:

(1) An increase in the affordable housing density bonus provisions of Section 143.0730(a) and/or decrease in the affordable housing provisions of Section 143.0740(a), may be granted where the *development* provides for the inclusion of dwelling units affordable by persons of *very low income*. The total *density* bonus shall not result in a *development* containing more than 150 percent of the units permitted by the *density* regulations of the base zone nor shall the affordable housing requirement provide that less than 10 percent of the total *development* be affordable by persons and *families* of

§ 143.0760 Cont'd

very low income.

(2) An increase in the affordable housing density bonus provisions of Section 143.0730(a), and/or decrease in the affordable housing provisions of Section 143.0740(a), may be granted where the *development* is located within a census tract where the median household income exceeds 120 percent of the citywide median household income as measured by the most recent U.S. Bureau of Census survey and the *development* provides for the inclusion of dwelling units affordable by persons of *low income*. The total *density* bonus shall not result in a *development* containing more than 150 percent of the units permitted by the *density* regulations of the applicable zone nor shall the affordable housing requirement provide that less than 10 percent of the total *development* be affordable by persons and *families* of *low income*.

Article 3: Supplemental Development Regulations

Division 8 Coastal Overlay Zone Affordable Housing Replacement Regulations

§ 143.0810 Purpose of Coastal Zone Affordable Housing Replacement Regulations

The purpose of these regulations is to preserve existing dwelling units within the Coastal Overlay Zone that are occupied by *low income* or *moderate income families* as defined by Government Code Section 65590(b). These regulations are intended to implement Government Code Section 65590, by providing for replacement housing within the Coastal Overlay Zone.

§ 143.0815 When Coastal Overlay Zone Affordable Housing Replacement Regulations Apply

(a) This division applies to any *development* that proposes the conversion or demolition of dwelling units within the Coastal Overlay Zone that are occupied by persons or *families* of *low income* or *moderate income*, except as provided in Section 143.0820.

(b) The following *development* types shall be reviewed for compliance with the regulations in this division:

(1) Conversion from rental units to condominium units (cooperative or similar form of ownership);

(2) Conversion from residential to nonresidential use; and

(3) Demolition of a residential *structure* with three or more dwelling units or demolition of at least eleven units when two or more *structures* are involved.

(c) Contiguous *lots* or *structures* owned by the *applicant* are considered as one project.

§ 143.0820 Exemptions from the Coastal Overlay Zone Affordable Housing Replacement Regulations

This division is not applicable to the following:

(a) The demolition of a residential *structure* that has been declared a *public nuisance*;

(b) The conversion or demolition of a residential *structure* to nonresidential use that is coastal-dependent or coastal-related, as defined by the California Coastal Act of 1976, as amended, when the nonresidential use is consistent with the applicable *land use plan*;

(c) The conversion or demolition of a residential *structure* that contains less than three dwelling units; and

(d) The conversion or demolition of 10 or fewer dwelling units on a *premises* with more than one residential *structure*.

§ 143.0830 Coastal Overlay Zone Affordable Housing Replacement Requirements

(a) Within the Coastal Overlay Zone, the conversion or demolition of dwelling units occupied by households of *low income* or *moderate income* is prohibited unless provision is made for the replacement of the units on a one-to-one basis.

§ 143.0830 Cont'd

(b) The replacement requirements to provide dwelling units affordable to, and occupied by, *low income* or *moderate income families* can be met in any of the following ways:

(1) Conversion of existing market-rate dwelling units to units affordable to, and occupied by, *low income* or *moderate income* persons or *families*;

(2) Conversion of existing nonresidential *development* to dwelling units affordable to, and occupied by, *low income* or *moderate income* persons or *families*;

(3) *Development* of new dwelling units affordable to, and occupied by, *low income* or *moderate income* persons or *families* to replace those housing units converted or demolished;

(4) Substantial rehabilitation of deteriorated or dilapidated dwelling units to units affordable to, and occupied by, *low income* or *moderate income* persons or *families*; or

(5) Contribution of an in-lieu fee to the San Diego Housing Trust Fund or a contribution of real property that is acceptable to the Executive Director of the San Diego Housing Commission.

§ 143.0840 General Rules for Coastal Overlay Zone Affordable Housing Replacement Regulations

(a) The Executive Director of the San Diego Housing Commission shall be responsible for determining *low income* and *moderate income* affordability standards and residents' qualifications.

(b) The provisions of Chapter 14, Article 3, Division 7 (Affordable Housing Density Bonus Regulations) shall be made available to projects described in this division. If existing dwelling units are to remain on the project site, those units shall be subtracted from the total number of units permitted under the terms of the affordable housing density bonus to determine the number of units that may be transferred to another site.

(c) Regulations controlling the use of *development* programs, such as *density* bonuses or financial subsidies, shall prevail where they are more restrictive than regulations set forth in this division.

(d) The San Diego Housing Commission shall adopt, and from time to time update, a schedule for in-lieu fees.

§ 143.0850 Development Review Procedures and Requirements for Coastal Overlay Zone Affordable Housing Replacement

(a) The City Manager will review applications for *development* and determine whether the proposed *development* is exempt from the requirements of this division as described in Section 143.0820. If the project is not exempt, the *applicant* shall be so advised and referred to the San Diego Housing Commission to obtain a Coastal Affordable Housing Compliance Agreement.

(b) Within 45 calendar days of receipt of the application for *development*, the Executive Director of the San Diego Housing Commission shall determine whether the dwelling units to be converted or demolished are occupied by persons or *families* of *low income* or *moderate income*. This determination shall be based upon a survey of the residents. Information on tenant income shall be provided under penalty of perjury and shall include income from all

§ 143.0850 Cont'd

sources, including reasonable return on tenant assets. A dwelling unit need not be replaced if, based upon a tenant income survey of the residents, the Executive Director determines that the unit is not occupied by persons or *families* of *low income* or *moderate income*.

(c) Where a proposed *development* is required to provide replacement units that are affordable to *low income* or *moderate income* persons or *families*, the *applicant* shall enter into a Coastal Affordable Housing Compliance Agreement with the San Diego Housing Commission and shall be issued. The agreement shall include the following provisions:

(1) A description of the *coastal development* project, including its location and the number of dwelling units to be developed, converted, or demolished;

(2) A description of the affordable replacement units to be provided including their size and location; and

(3) A description of the method to be used to insure the affordability of the replacement dwelling units. The term of affordability shall be for at least 5 years. Affordability shall include the rent or estimated housing cost and, in the case of for-sale units, the *applicant* shall identify the techniques to be used to limit future resales. The agreement shall be recorded and shall be an encumbrance upon the applicant's project until the provisions of this section are satisfied.

(d) If an *applicant* chooses to pay an in-lieu fee instead of providing replacement dwelling units, the agreement shall include a provision that the San Diego Housing Commission shall develop, and make available as soon as feasible, the number and type of dwelling units the *applicant* would otherwise have been required to provide. The agreement shall also include the amount of the fee and the manner in which the fee shall be paid in accordance with the following:

(1) In the case of conversions, the fee shall be due upon commencement of sales of dwelling units converted to residential ownership status or upon approval of the final permits for change of use to nonresidential use;

(2) In the case of demolition, the fee shall be due upon completion of the demolition;

(3) In the case of new for-sale units, the fee shall be due upon close of escrow for each housing unit in the *development*; or

(4) In the case of new rental units, the fee shall be due before occupancy by any tenant.

(e) The San Diego Housing Commission shall determine the reasonable fees to be paid by the *applicant* for the cost incurred by the San Diego Housing Commission in connection with applications filed hereunder.

(f) Determinations of the San Diego Housing Commission pursuant to this division shall be final on the 7th calendar day following action by the San Diego Housing Commission unless a request to be heard on appeal by the Housing Authority is processed in accordance with the procedures established by the City of San Diego Housing Commission.

§ 143.0860 Standards for Coastal Overlay Zone Affordable Housing Replacement Dwelling Units

(a) Replacement dwelling units shall provide housing opportunities similar to those provided by the dwelling units converted or demolished. Replacement dwelling units shall be acceptable to the Executive Director of the San Diego Housing Commission in accordance with a Coastal Affordable Housing Compliance Permit. The replacement dwelling units need not be identical to those converted or demolished, but should be provided in the same *bedroom* ratio.

(b) Priority for location of replacement dwelling units shall be as follows:

(1) On the site of the converted or demolished units;

(2) Elsewhere in the Coastal Overlay Zone within the same community plan area;

(3) Elsewhere in the Coastal Overlay Zone; or

(4) If location on the site or elsewhere within the Coastal Overlay Zone is not feasible, the replacement dwelling units shall be located within three miles of the Coastal Overlay Zone. However, in no case shall the replacement dwelling units be located outside the Coastal Overlay Zone within any census tract impacted by an over-concentration of persons and *families* of *low income*, as defined by the Progress Guide and General Plan Housing Element.

(c) Replacement dwelling units shall be provided and available for occupancy within three years of the date that a converted unit is offered for sale to the public or that the physical demolition of a demolished unit is substantially complete.

Article 4: Subdivision Regulations

Division 1: General Provisions for Subdivisions

§ 144.0101 Purpose of Subdivision Regulations

The purpose of this article is to regulate the design and improvement of *subdivisions* of land and to protect the public and purchaser and to supplement the provisions of the *Subdivision Map Act.*

§ 144.0102 Subdivision Procedures

The filing of maps and other related documents regulated in this article shall be processed in accordance with the provisions of Chapter 12, Article 5 (Subdivision Procedures).

§ 144.0110 Enforcement of Subdivision Regulations

Parcels of land that were not subdivided in compliance with the provisions of this article or are not legal *lots* shall not constitute legal building sites, and no permit shall be issued for *development* of the parcel unless a map as required by this article is filed in accordance with Chapter 12, Article 5 (Subdivision Procedures).

§ 144.0120 Vesting Maps

(a) Where a *tentative map* is filed with the intention to secure *development* rights conferred by the *Subdivision Map Act*, Chapter 4.5, the map shall be conspicuously labeled as a vesting *tentative map* or vesting tentative *parcel map.*

(b) Where a final or *parcel map* is filed pursuant to a vesting *tentative map*, the map shall bear a notation in the lower left-hand corner of the first sheet of the map that such map secures vested *development* rights including the date of the regulations for which the vesting rights will apply in accordance with the *Subdivision Map Act*, Section 66498.1.

§ 144.0130 Survey Monuments

Survey monuments shall be set in accordance with the *Subdivision Map Act*, Chapter 4, Article 9, to the satisfaction of the City Engineer. When the setting of monuments is deferred, a cash security deposit, in the amount of the estimated cost as provided by the engineer or land surveyor, shall be deposited with the City to guarantee setting such monuments and payment of the surveyor of record for setting them. When the final monuments are set as certified on the final map or *parcel map* and are accepted by the City Engineer and the surveyor of record is paid for setting them, the monument security shall be released in accordance with the *Subdivision Map Act*, Chapter 4, Article 9.

§ 144.0131 Remainder Parcel

All lands that have been included within the boundaries of the *tentative map* but which are not proposed to be divided, as defined by the *Subdivision Map Act*, Section 66424, shall be shown on the final or *parcel map* and designated as a *remainder parcel.* Where the *remainder parcel* has a gross area of 5 acres or more, the location and configuration of the parcel may be indicated by deed references. The improvement security and the time of completion of any *public improvements* required within the *remainder parcel* may be made a condition of a separate agreement pursuant to the provisions of the *Subdivision Map Act*, Section 66424.6, relating to *remainder parcels.*

§ 144.0132 Security Required for Improvement Agreements

(a) Whenever an agreement providing for *grading*, the construction of *public improvements* and the undergrounding of existing private utilities in conjunction with a *subdivision* is required, an improvement security shall be provided by the *subdivider*. Such improvement security shall be one of the types specified by the *Subdivision Map Act*, Chapter 5, and shall be subject to approval as to type and form by the City.

(b) Whenever the *subdivider* presents evidence satisfactory to the City of an executed agreement with a private utility company for the undergrounding of existing overhead facilities by the private utility company, the improvement securities need not include such work.

(c) Security to guarantee performance of any act or agreement shall be in the following amounts:

(1) An amount equal to 100 percent of the total estimated cost of *public improvement* to be performed plus the amount equal to that required by Section 129.0119, conditioned upon faithful performance of the act or agreement; and

(2) An additional amount equal to 50 percent of the total estimated cost of *public improvement* and land *development* to be performed, securing payment to the contractor, the subcontractors and to persons furnishing labor, materials, or equipment to them for the improvement or the performance of the required act.

§ 144.0133 Informational Disclosures

(a) At the time of filing of a final map or *parcel map*, additional information may be required for disclosure purposes as provided in the *Subdivision Map Act*, Section 66434.2. The informational disclosure may be recorded by separate document with the recording data reflected on the final map or *parcel map*, or it may be included on an additional sheet of the map.

(b) Such informational disclosures, if placed upon a final or *parcel map*, shall contain a statement that the disclosure is for informational purposes and is not intended to affect the record title interest. Where the informational disclosure is contained in a separate document that is recorded concurrently with the final or *parcel map*, the final or *parcel map* shall by note refer to the document and indicate its identifying recording information.

(c) The information required to be included in the informational disclosure may be established at the time of the approval of the *tentative map* or by the City Engineer before the filing of the final or *parcel map*.

Article 4: Subdivision Regulations

Division 2: Tentative Map Regulations

§ 144.0201 Purpose of Tentative Map Regulations

The purpose of these regulations is to regulate the preparation and filing of *tentative maps* and related documents within the City of San Diego and to supplement the provisions of the *Subdivision Map Act.*

§ 144.0202 General Requirements for Tentative Maps

The *tentative map* shall comply with all ordinances, policies, and standards in effect on the date the City has determined that the application is complete pursuant to California Government Code Section 65943.

§ 144.0203 Tentative Maps Consistency with Land Use Plans

The proposed *subdivision* shall be consistent with the applicable *land use plan.*

§ 144.0204 Phasing Requirements for Tentative Maps

Tentative maps shall be required to phase *development* in accordance with the build-out period and schedule of the applicable *land use plan* and council policies. Building permits shall be issued annually for residential dwelling units in accordance with the applicable community plan capital improvements, phasing, and public facilities financing programs.

§ 144.0205 Provision of Public Facilities on Tentative Maps

(a) *Tentative maps* shall be conditioned to assure that all public facilities are constructed before *development* as specified in the Capital Improvement Program portion of the applicable *land use plan* and applicable City Council policies.

(b) Improvements may be required that qualify for subsequent partial reimbursement of the cost in accordance with the *Subdivision Map Act*, Chapter 4, Article 6.

§ 144.0206 Requirements for Tentative Maps in Planned Urbanizing Area

Tentative maps of property in the planned urbanizing area, as designated in the Progress Guide and General Plan, may be approved if they comply with one of the following conditions.

(a) *Tentative maps* of property in the planned urbanizing area, may be approved if the following conditions are required to be met before final map or *parcel map* approval:

(1) An implementation program for financing *public improvements*, or a financing plan for public facilities, and a *development* phasing program have been approved by the City Council;

(2) Assessment districts or Facilities Benefit Assessments have been proposed to finance necessary *public improvements*; and

(3) Confirmation of 1911-13 Act Assessment Districts or the Resolution of Designation for Facilities Benefit Assessments have been adopted by the City Council.

§ 144.0206 Cont'd

(b) *Tentative maps* of property in planned urbanizing areas may be approved before *development* of an implementation program for financing *public improvements* in accordance with Section 125.0442 if the subdivider enters into a binding *Development* Agreement with the City by which the subdivider consents to future establishment of any necessary assessment districts covering the subject community financing plan area and by which the subdivider consents to payment of an estimated facilities benefit assessment fee at the time of building permit issuance. The *Development* Agreement shall provide for the possibility of an under payment or over payment of the estimated fee and for reimbursement of a portion of, or supplementation of, the fees as may be required. The resolution approving the *tentative map* shall specify all such conditions.

§ 144.0210 General Design Requirements for Tentative Maps

The proposed *subdivision* shall meet all of the requirements of the *Subdivision Map Act* and the requirements of the Land Development Code unless specific waiver is granted in accordance with the provisions of the Land Development Code. The design of new *subdivisions* shall make adequate provision for the proper *development* of adjacent lands and the provision of public services to the community.

§ 144.0211 Lot Design Requirements for Tentative Maps

The proposed *subdivision* lots shall be designed as follows:

(a) All *lots* shall have frontage on a *street* that is open to and usable by vehicular traffic and all *lots* shall have a minimum 15-foot-wide direct vehicular access to the *street* or other access to a dedicated public *street* approved by the City Engineer;

(b) All *lots* shall meet the area, frontage, width, and depth requirements of the applicable zone or shall comply with the standards as specified in a Planned Development Permit approved with the *tentative map*;

(c) Where existing improvements in the proposed subdivision are proposed to be retained, the *lots* shall be designed so that the improvements conform to regulations for *lot* coverage, *setbacks*, side *yard* or rear *yard* regulations; and

(d) *Lots* shall be designed to provide for brush management as required in Section 142.0412.

§ 144.0220 Soils and Geologic Reports Required

Geotechnical reports are required as follows:

(a) A preliminary soils report is required for all *subdivisions* and a more detailed soils investigation may be required by the City Engineer under the conditions described in the *Subdivision Map Act*, Chapter 4, Article 7. The requirement for a preliminary soils report may be waived by the City Engineer after a determination that additional information regarding soils of the *subdivision* is not needed;

(b) In addition to the requirement for a preliminary soils report, a geological reconnaissance report that addresses potential geologic hazards may be required by the City Engineer; and

(c) Where unstable conditions are indicated, the City Engineer may require that these conditions be addressed in a final engineering geology report. The final engineering geology report, including specific mitigation measures, shall be incorporated in the detailed construction plans as a condition of final map or *parcel map* approval.

§ 144.0230 Dedications and Easements Required for Tentative Maps

The proposed *subdivision* shall be designed and conditioned as follows:

(a) *Subdivisions* shall connect to a dedicated and improved *street* and shall make provision for *dedication* of necessary *public rights-of-way*, including *streets*, pedestrian ways, separate bicycle ways, utility easements, and transit routes, as provided in the *Subdivision Map Act*, Chapter 4, Article 3, within or adjacent to the *subdivision*. An unimproved *street* or public transit route covered by a bonded agreement or permit assuring its improvement may be treated as an improved *street* or public transit route in assessing compliance with this section;

(b) Less than full width *streets* or *alleys* lying along the boundary of a *subdivision* may be dedicated if it is practical to require the *dedication* of the remaining width when the adjoining property, which would also use the *public right-of-way*, is subdivided. Such portion of a *street* shall be distinctly designated upon the map or plat as being only a portion of a *street* and not the full width *street*;

(c) Access shall be provided to adjacent undeveloped areas by *streets*, *alleys*, or other public ways as may be necessary to provide for future use and public safety;

(d) *Subdivisions* shall provide for the continuation of existing *streets* in adjoining or adjacent *subdivisions* insofar as these may be necessary for public access requirements. *Streets* shall be extended to the boundary of the *subdivision* to provide suitable access to adjoining property;

(e) *Public rights-of-way* and improvements shall conform to the current standard design requirements as approved by the City Engineer;

(f) Where it is in the interest of public safety or the general welfare to limit the access to any *street*, highway, or easement, the *subdivider* may be required to waive direct access rights to any such *street*, highway, or easement from any *abutting property* shown on the *parcel map* or final map;

(g) Whenever any *subdivision* of land is bounded on any side or in any way by the Pacific Ocean, San Diego Bay, or any public body of water in the City of San Diego, there shall be dedicated upon and by such map or plat, a *street* along the ocean front, bay, or body of water. All such *streets*, and those *streets* leading to the ocean front, bay, or body of water shall extend to and be open to the mean high tide line;

(h) Whenever the *subdivision* contains land that has been identified as a route for local transit facilities in the applicable *land use plan* or in any transit agency adopted plan, the *subdivision* shall be required to provide the necessary reservation, *dedication* or irrevocable offer of *dedication*, for the *public right-of-way*. In residential *subdivisions*, the requirement for *dedication* shall be limited to those *subdivisions* having a *development* potential of 200 or more dwelling units or containing 100 or more acres. This *dedication* shall be limited to transit facilities that primarily serve the *subdivision* and shall include *dedications* for local stations, associated parking, bus turnouts, and appurtenant facilities. This requirement will not be applicable to *condominium conversions* or *structures* that are 5 or more years in age and which do not involve the addition of new units. In residential *subdivisions* having a *development* potential of fewer than 200 dwelling units or containing fewer that 100 acres, a reservation requirement shall be made as appropriate; and

(i) Whenever a *subdivision* contains land that has been identified as a route for a bicycle path in

§ 144.0230 Cont'd

the applicable *land use plan*, the *subdivision* shall be required to provide the necessary *dedication* or irrevocable offer of *dedication* for the necessary and safe *public right-of-way* if the *subdivision* contains 200 or more parcels. When fewer than 200 parcels are involved, a bicycle path reservation shall be provided as feasible.

§ 144.0231 Right-of-Way Improvements and Land Development for Tentative Maps

The *subdivider* shall improve *public rights-of-way* and perform land *development* work as required in this article and in accordance with the conditions of the resolution approving the *tentative map* as follows:

(a) *Streets* in and adjacent to all *lots* within the *subdivision* shall be improved in accordance with policies established by the City Council;

(b) Pedestrian access shall be provided along all *streets* and to all *lots* within the *subdivision* in accordance with policies established by the City Council;

(c) The *subdivider* shall provide street trees as required by Chapter 14, Article 2, Division 4 (Landscape Regulations);

(d) Storm drains and drainage channels shall be constructed in accordance with policies established by the City Council to adequately control storm waters originating on or upstream from the *subdivision* and to convey these storm waters to a suitable discharge satisfactory to the City Engineer;

(e) Public transportation improvements shall be constructed and financed in accordance with the policies established by the City Council to adequately support the *development* of public transportation programs in areas where traffic congestion is projected at build-out and to fulfill any traffic mitigation requirements of the project's environmental review;

(f) Masonry walls or *fences* shall be required adjacent to *public rights-of-way* or *flood* control channels, railroads, *freeways*, expressways, major *streets* and other *streets* where necessary or desirable for the protection of public health, safety, and welfare; and

(g) Any private improvements existing or to be installed in *public rights-of-way* shall require Encroachment Removal and Maintenance Agreements in accordance with Municipal Code Chapter 6, Article 2, Division 6 (Encroachments).

§ 144.0232 Fees for Bridges or Major Thoroughfares

The payment of fees may be required for defraying the cost of constructing bridges or major thoroughfares, including public transit facilities, in accordance with the conditions stipulated in the *Subdivision Map Act*, Chapter 4, Article 5 and Chapter 14, Article 3, Division 5 (Parking Regulations). These facilities shall be consistent with the applicable *land use plan*.

§ 144.0240 Utilities Requirements for Tentative Maps

Where utilities already exist, new *subdivisions* shall be designed so that the utilities are in proper locations or else provide for their reconstruction in locations approved by the utility agencies concerned.

(a) Sewer and water service shall be provided to each *lot* connecting to the City or City-approved sewer and water systems. Water systems shall provide for fire flow required

§ 144.0240 Cont'd

to service the entire *subdivision*. Individual sewer or water systems may be recommended by the City Engineer in *subdivisions* of *lots* or less where the installation or extension mains to connect to the existing City systems would be impractical. In such cases, contracts shall be executed for installation of future permanent facilities.

(b) Privately owned utilities shall be provided as follows.

(1) Unless otherwise specified herein, all privately owned utility systems and service facilities needed to serve the *subdivision* shall be installed underground.

(2) The *subdivider* shall make arrangements with each of the utility companies for the installation of all new underground facilities and relocation to an underground position of existing facilities within the boundary of the *subdivision* or within the abutting *public rights-of-way*. All work shall be in conformance with the operating company's rules and regulations on file with, and approved by, the California Public Utilities Commission. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts and other facilities necessarily appurtenant to the underground utilities may be placed above ground.

(3) All *subdivisions* in agricultural zones and *single dwelling unit* residential zones that consist of four *lots* or less are exempt from the requirement to convert existing overhead utility facilities to an underground location if the conversion would not constitute an extension of an existing underground system. For *subdivisions* that include a Planned Development Permit, this exemption may be considered on a project by project basis.

(4) The provisions of this section shall not require undergrounding of power transmission lines of 60,000 volts or more.

(5) The *subdivider* or *public utility* company may apply for waiver of the requirements of this section as part of an application for the *tentative map*. The Planning Commission or, in the case of *parcel maps*, the Hearing Officer, may waive the requirements of this section in accordance with City Council policy.

(c) Street lights shall be provided in accordance with policies adopted the City Council and the standards established in the Land Development Manual.

§ 114.0241 Fees for Sewer or Drainage Facilities

The payment of fees may be required to defray the cost of planned drainage facilities or planned sewer facilities in accordance with the *Subdivision Map Act*, Chapter 4, Article 5. The plan for the facilities within the local drainage or sewer service area in which the *subdivision* is located must be adopted by the City Council at least 30 calendar days before the imposition of the requirement for payment of fees.

§ 144.0250 Requirements for Park and Recreational Facilities Sites

The provision of park facilities and the payment of park fees shall be required in accordance with Municipal Code Chapter 6, Article 3, Division 3 (Development of Park and Recreational Facilities).

§ 144.0251 Reservations for Public Facilities Sites

Sites needed for public facilities within a proposed new *subdivision*, including *school* sites, shall be reserved to the City or other responsible public agency in accordance with the *Subdivision Map Act*, Chapter 4, Article 4.

Article 4: Subdivision Regulations

Division 3: Parcel Map Regulations

§ 144.0301 Purpose of Parcel Maps

The purpose of these regulations is to regulate the preparation and filing of *parcel maps* and related documents within the City of San Diego and to supplement the provisions of the *Subdivision Map Act.*

§ 144.0310 Preparation Requirements for Parcel Maps

Parcel maps shall be prepared in accordance with the *Subdivision Map Act*, Chapter 2, Article 3, and the Land Development Manual.

§ 144.0311 Filing Requirements for Parcel Maps

Parcel maps filed with the City Engineer shall meet the following requirements:

(a) Outstanding assessment bonds against the property must be paid in full or the bond split in accordance with the new *lots*. A letter from the bond holder indicating consent to any bond split will be required;

(b) Easements of record within the property being subdivided shall be shown on the map together with applicable recording data;

(c) *Dedications* or offers of *dedication*, when required, may be made either by separate instrument or by certificate on the *parcel map*; and

(d) Except as otherwise provided in this article and unless specifically waived by the City Engineer, all *parcel maps* shall be based on a field survey made in accordance with the State of California Professional Land Surveyors Act and new parcel lines created by the *parcel map* are to be monumented in accordance with Section 144.0130. These monuments are to be shown on the *parcel map*, together with their relationship to all existing monuments in the area that were used to establish the new monument locations.

§ 144.0320 Certificates on Parcel Maps

The following certificates shall appear on a *parcel map*:

(a) All certificates as required in the *Subdivision Map Act*, Chapter 2, Article 3;

(b) A certificate, signed and acknowledged by all owners of record, trustee, beneficiaries of any outstanding trust deed, and lessees of the real property to be subdivided, consenting to the preparation and recordation of the *parcel map*; and

(c) Certificates for *dedications* or offers of *dedications* when they are required. These certificates shall conform to the *Subdivision Map Act*, Chapter 2, Article 2.

§ 144.0330 Parcel Maps Creating No New Parcels

A *parcel map* may be used for the purpose of consolidating *lots* or parcels or Lot Line Adjustments provided no additional parcels are being created and all parcels satisfy the requirements of the Land Development Code for *street frontage*, lot depth, and lot area. With the prior approval of the City Engineer, such a map may be compiled from record data provided sufficient survey information exists on recorded maps to accurately locate and retrace the exterior boundary lines of the *parcel map* consistent with the Subdivision Map Act. All other information and certificates to be included on the map shall be the same as applicable to other *parcel maps*.

§ 144.0340 Special Uses for Parcel Maps

A *parcel map* may be filed with the City Engineer for purposes other than those where a map is required by the *Subdivision Map Act* or this Land Development Code. Any such map shall be consistent with all the provisions of this article and shall have the prior approval of the City Engineer.

Article 4: Subdivision Regulations

Division 4: Final Map Regulations

§ 144.0401 Purpose of Final Map Regulations

The purpose of these regulations is to regulate the preparation and filing of final maps and related documents within the City of San Diego and to supplement the provisions of the *Subdivision Map Act.*

§ 144.0410 Preparation Requirements for Final Maps

The preparation, content, and form of final maps shall be in accordance with the *Subdivision Map Act*, Chapter 2, Article 2, and the Land Development Manual.

§ 144.0420 Certificates on Final Maps

Final maps shall contain the following certificates.

(a) Certificates shall appear on the title sheet of the final map in accordance with the *Subdivision Map Act*, Chapter 2, Article 2.

(b) Where *public right-of-way* is being dedicated on the map over an existing *public utility* easement or right-of-way used for transmission facilities, a joint-use certificate must appear on the final map or by a simultaneously recorded separate instrument.

(c) Certificates by appropriate City and County officials that there are no unpaid taxes against the property and that there are no unpaid special assessments against the property or that certain unpaid special assessments have been authorized by the City Council to be divided and apportioned to the newly created parcels as authorized by the appropriate special assessment statutes.

(d) A certificate of title executed by a title company shall appear on the title sheet or a *subdivision* guarantee that has been duly executed shall accompany the final map.

§ 144.0430 Commencing Work Related to a Final Map

(a) Except for surveying and required testing, or as otherwise authorized in the Land Development Code, no improvements or *grading* related to a final map shall be started until the final map has been filed, the related *subdivision* agreement has been executed, and a notice to proceed has been issued.

(b) If the *subdivider* desires to do all or part of the work required by the *tentative map* before filing the final map and entering into the associated agreement, they may do so in accordance with the following:

(1) The plans shall be in conformance with the approved *tentative map* and any associated *development permit* and approved by the City Engineer; and

(2) A bond has been posted, satisfactory to the City Engineer, in an amount that would assure the restoration of the land to its original condition, in the event the final map is not filed and all required improvements installed.

§ 144.0430 Cont'd

(c) The City Engineer may impose those conditions of the approved *tentative map* that are needed to assure compliance with the *tentative map*.

§ 144.0431 Acceptance of Improvements for a Final Map

Upon completion of improvements, the City will record a Notice of Completion and release the improvement securities in accordance with the terms of the agreement, the Land Development Code, and the *Subdivision Map Act*.

Article 5: Building Regulations

Division 1: Adoption and Applicability of the Building Regulations

§ 145.0101 Purpose of the Building Regulations

The purpose of the Building Regulations is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction methods, and type and quality of materials, use and occupancy, location, and maintenance for new construction or for construction involving existing buildings or structures and certain, specifically regulated, equipment.

§ 145.0102 When the Building Regulations Apply

(a) This article shall be known as the Building Regulations of the City of San Diego and regulates the construction, alteration, repair, maintenance, moving, removal, demolition, occupancy, and use of any privately owned building or structure within this jurisdiction, except work located primarily in a public way, public utility towers and poles, mechanical equipment not specifically regulated in the Building Code, and hydraulic flood control structures. The Building Regulations shall also apply to City-owned buildings.

(b) Where in any specific case, different sections of the Building Regulations specify different materials, methods of construction, or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall apply.

(c) Wherever in the Building Regulations reference is made to the Appendix, the provisions in the Appendix shall not apply unless specifically adopted as shown in Section 145.0107.

(d) Administration and enforcement of the Building Regulations of the City of San Diego are regulated by the applicable provisions of Chapters 11 and 12 of the Land Development Code.

§ 145.0103 Adoption of the 1994 Uniform Building Code (UBC)

(a) The "Uniform Building Code, 1994 Edition, Volumes 1, 2 & 3" published by the International Conference of Building Officials is hereby adopted, except as otherwise provided in Sections 145.0104, 145.0105, 145.0106, and 145.0107.

(b) Each of the regulations, provisions, conditions, and terms of the Uniform Building Code, 1994 Edition published by the International Conference of Building Officials is adopted and made a part of this article as if fully set forth in this article except as otherwise provided in Sections 145.0104, 145.0105, 145.0106, and 145.0107.

(c) Numbering of sub-sections in Division 2 of this Article is cross-referenced to sections in the Uniform Building Code, 1994 Edition.

(d) The adoption of the Uniform Building Code, 1994 Edition, shall in no way limit, prohibit, impede, or prevent the City Council from adopting ordinances limiting or preventing the issuance of any type, number, or geographical distribution of permits for construction or demolition of any facility for which a permit is required.

§ 145.0104 Portions of the 1994 Uniform Building Code Not Adopted by the City of San Diego

The following portions of the Uniform Building Code, 1994 Edition, are not adopted by the City of San Diego:

(a) Chapter 1, ADMINISTRATION

(b) Chapter 11, ACCESSIBILITY

(c) Chapter 33 SITE WORK, DEMOLITION AND CONSTRUCTION, Section 3301 EXCAVATIONS AND FILLS, Sub-section 3301.1 General is not adopted.

(d) Chapter 34 EXISTING STRUCTURES, Section 3403 ADDITIONS, ALTERATIONS OR REPAIRS, Sub-section 3403.5 Historic Buildings is not adopted.

§ 145.0105 Modifications to the 1994 Uniform Building Code Adopted by the City of San Diego

The following sections or sub-sections of the Uniform Building Code, 1994 Edition, have been modified by the City of San Diego:

(a) Chapter 15 ROOFS AND ROOF STRUCTURES, Section 1503 ROOF COVERING REQUIREMENTS is adopted as modified.

(b) Chapter 18 FOUNDATIONS AND RETAINING WALLS, Section 1804 FOUNDATION INVESTIGATION, Sub-section 1804.2 Investigation is adopted as modified.

§ 145.0106 Additions to the 1994 Uniform Building Code Adopted by the City of San Diego

The following sections or sub-sections have been added to the Uniform Building Code, 1994 Edition, regulations for the City of San Diego.

(a) Chapter 18, FOUNDATIONS AND RETAINING WALLS, Section 1804 FOUNDATION INVESTIGATION, Sub-section 1804.8 REQUIRED GEOLOGIC INVESTIGATION including 1804.8.1 through 1804.8.4.

(b) Chapter 29 PLUMBING SYSTEMS, Section 2902 NUMBER OF FIXTURES, Sub-section 2902.7 Sanitary Facilities for Temporary Worker Camps.

(c) Chapter 32, CONSTRUCTION IN THE PUBLIC RIGHT OF WAY, Section 3208 ENTRANCE CANOPIES, including sub-sections 3208.1 through 3208.6.

(d) Chapter 33 SITE WORK, DEMOLITION AND CONSTRUCTION, Section 3304 DEMOLITION AND REMOVAL REGULATIONS.

(e) Chapter 34 EXISTING STRUCTURES, Section 3403 ADDITIONS, ALTERATIONS OR REPAIRS, Sub-section 3403.6 Exceptions, including 3403.6.1 and 3403.6.2.

§ 145.0107 Adoption of Appendices to 1994 Uniform Building Code, 1994 Edition

The following Appendix Chapters of the Uniform Building Code, 1994 Edition, are adopted by The City of San Diego. The remaining Appendix Chapters are not adopted:

CHAPTER 3, Division II	AGRICULTURAL BUILDINGS
CHAPTER 9	BASEMENT PIPE INLETS
CHAPTER 18	WATERPROOFING AND DAMPPROOFING FOUNDATIONS
CHAPTER 31, Division II	MEMBRANE STRUCTURES
CHAPTER 31, Division III	PATIO COVERS

Article 5: Building Regulations

Division 2: Text of Modifications and Additions to the 1994 Uniform Building Code for City of San Diego

§ 145.0201 Purpose of City Modifications or Additions to the 1994 Uniform Building Code

The purpose of this division is to provide building regulations that meet local conditions by modifying or adding sections to the 1994 Uniform Building Code.

§ 145.0202 Local Modifications to Roof Covering Requirements of the 1994 Uniform Building Code

(UBC Chapter 15-Roofs and roof structures, Section 1503-Roof covering requirements)

Section 1503 ROOF COVERING REQUIREMENTS of the Uniform Building Code, 1994 Edition, is adopted with modifications, as follows pursuant to Section 145.0105 of the Land Development Code:

The roof covering on any structure regulated by the Building Code shall be as specified in Table 15-A of the Uniform Building Code, 1994 Edition and as classified in Section 1504 of the Uniform Building Code, 1994 Edition.

All wood shingles and wood shakes shall have a Class C roof covering rating.

The roof-covering assembly includes the roof deck, underlayment, interlayment, insulation and covering which is assigned a roof-covering classification.

§ 145.0203 Local Modifications and Additions to Foundations and Retaining Walls Requirements of the 1994 Uniform Building Code

(UBC Chapter 18-Foundations and Retaining Walls, Section 1804-Foundation investigation)

(a) Sub-section 1804.1 of the Uniform Building Code, 1994 Edition, has been adopted without change pursuant to Section 145.0103 of the Land Development Code.

(b) Sub-Section 1804.2 of the Uniform Building Code, 1994 Edition, is adopted with modifications as follows, pursuant to Section 145.0105 of the Land Development Code:

1804.2 Investigation. The classification shall be based on observation and any necessary tests of the materials disclosed by borings or excavations made in appropriate locations. Additional studies may be necessary to evaluate soil strength, the effect of moisture variation on soil-bearing capacity, compressibility, liquefaction, and expansiveness.

When required by Section 1804.8 or the Building Official, the potential for seismically induced soil liquefaction and soil instability shall be evaluated as described in Section 1804.5.
Exceptions:

(1) The Building Official may waive this evaluation upon receipt of written opinion of a qualified civil engineer or engineering geologist that liquefaction is not probable.

(2) A detached, single-story dwelling of Group R, Division 3 Occupancy.

§ 145.0203 Cont'd

(3) Group U, Division 1 Occupancies.

(4) Retaining walls less than 12 feet in height.

(5) Fences.

(c) Sub-sections 1804.3 Reports through 1804.7 Drainage of the Uniform Building Code, 1994 Edition, have been adopted without change pursuant to Section 145.0103 of the Land Development Code.

(d) Sub-section 1804.8 Required Geologic Investigation has been added as follows pursuant to Section 145.0106 of the Land Development Code:

(1) 1804.8.1 A geologic investigation shall be made when required by Table 18-I-E or the Building Official, unless excepted by Section 1804.

(2) 1804.8.2 When required, a report of the geologic investigation shall be submitted to the Building Official. When geologic hazards are identified, the report shall contain appropriate recommendations for mitigation of the hazards, and these recommendations shall be incorporated in the design of the project before issuance of a Building Permit. No Building Permit shall be issued for construction where the geologic investigation establishes that construction of buildings or structures would be unsafe because of the geologic hazards. Issuance of a Building Permit does not constitute a representation that the site or construction is safe.

(3) 1804.8.3 Additions to existing structures of less than 500 square feet of floor area are exempt from geologic investigation requirements. Consecutive additions to the same structure which total 500 square feet or more in any 12-month period may require a geologic investigation.

(4) 1804.8.4 The Building Official may require that a "NOTICE OF GEOLOGIC AND GEOTECHNICAL CONDITIONS" be executed by the property owner as a condition to the issuance of a Building Permit for any structure to be located over a suspected fault or other geologic hazard. A "NOTICE OF GEOLOGIC AND GEOTECHNICAL CONDITIONS" may be required when the geologic investigation cannot conclusively establish that buildings or structures located on the site would either be safe or unsafe. The form of notice shall be as provided by the Building Official, executed by the owner of the property, recorded with the San Diego County Recorder, and filed with the City of San Diego as a condition to issuance of the permit.

Table 145-02A
Required Geologic Investigation(5)

Hazard Category	Geologic Renaissance	Geologic Investigation
11(3), 13(3), 21, 31(4), 41	----	A(2), B(2), C(2)
12(3), 42-44, 54	C	A, B
22-27, 32(4)	B, C	A
45-48, 52, 53	B	A
51, 55	----	A

§ 145.0203 Cont'd

Footnotes for Table 145-02A

(1) Hazard category. The Hazard Category describes the geologic feature or condition suspected at the site. The Hazard Category is determined by reference to the current City of San Diego Seismic Safety Study (SDSSS) maps.

(2) Building, structure, and facility classes A, B and C.

A. Class A includes the following:

1) Essential Facilities as defined in Section 1625 of the Uniform Building Code, 1994 Edition.

2) Any building, structure or facility where, in the opinion of the Building Official, significant generation or storage of toxic, hazardous, or flammable materials will occur. Quantities of these materials will be assessed in accordance with the risks they present.

B. Class B includes the following developments, occupancy groups, and structures provided they are not included in Class A:

1) All developments consisting of four or more structures.

2) All new structures requiring deep foundations (piers or pilings).

3) All buildings over two stories in height.

4) All buildings containing the following occupancies (Refer to 1994 UBC, Table 3-A):

a. Group A, Divisions 1, 2, and 2.1.
b. Group E, Division 1.
c. Group F, Division 1 and 2.
d. Group H, Divisions 1, 2, 3, 6 and 7.
e. Group I, Divisions 1 and 3.
f. Group S, Division 1.

5) All buildings with an occupant load of more than 300 persons as determined by Section 10-22, Table 10-A of the Uniform Building Code, 1994 Edition.

6) Tanks, bins, hoppers, silos, and other storage structures of more than 20,000 gallons capacity intended to store toxic, hazardous, or flammable contents that are not associated with a building, structure, or facility in Class A.

7) Tanks, bins, hoppers, silos, and similar structures over 35 feet high.

8) Towers over 35 feet high.

9) Retaining walls (height is measured from the top of the footing to the top of the wall):

a. Retaining walls over 12 feet in height.
b. Retaining walls over 8 feet in height supporting a surcharge or retaining toxic, hazardous, or flammable contents.

§ 145.0203 Cont'd

c. Retaining walls associated with structures included in footnote 1.B.4.

C. Class C includes the following occupancy groups and structures provided they are not included in Classes A or B:

1) All buildings containing the following occupancies (Refer to 1994 UBC, Table 3-A):

a. Group A, Divisions 3 and 4.
b. Group B, Divisions 1, 2, 3, and 4.
c. Group E, Divisions 2 and 3.
d. Group H, Divisions 4 and 5.
e. Group I, Division 2.
f. Group M.
g. Group R, Divisions 1 and 3.
h. Group S, Divisions 2, 3, 4, and 5.

2) Retaining walls (height is measured from the top of the footing to the top of the wall):

a. Retaining walls over 8 feet in height.
b. Retaining walls of any height supporting a surcharge or retaining toxic, hazardous, or flammable contents.

3) Tanks, bins, hoppers, silos, and other storage structures intended to store toxic, hazardous, or flammable contents.

4) Tanks, bins, hoppers, silos, and similar structures over 20 feet high.

5) Towers over 20 feet high.

Note: No geologic investigations are required for occupancy Group U, Division 1, or any other structures of a similar minor nature.

(3) Faults and Fault Zones--Hazard Category 11, 12, and 13.

Active and potentially active faults are defined in the most recent edition of "Fault-Rupture Hazard Zones in California," Special Publication 42, California Department of Conservation, Division of Mines and Geology, a copy of which is on file at the office of the City Clerk as Document No. 00-17773-4.

Fault zones define the limits within which faults are suspected. Fault zones include the Alquist-Priolo Earthquake Fault Zones, The Downtown Special Fault Zone, as well as the area 100 feet on both sides of the fault lines indicated on the current San Diego Seismic Safety Study (SDSSS) maps. Refer to SDSSS maps for location of faults and fault zones.

(4) Liquefaction Potential--Hazard Category 31 and 32.

When an investigation is required, adhere to Section 1804.5 of the Uniform Building Code, 1994 Edition for minimum requirements.

(5) Geologic Investigation. An investigation of the geologic condition is required for sites where geologic hazards are suspected, prior to obtaining a Building Permit. The investigation will either consist of a preliminary study, a geologic reconnaissance, or an in-depth study

§ 145.0203 Cont'd

including field work and analysis, a geologic investigation. The geologic reconnaissance report and the geologic investigation report shall include all pertinent requirements as established by the Building Official. All reports shall be prepared in accordance with the most recent edition of the City of San Diego "Technical Guidelines for Geotechnical Reports," on file with the City Clerk as Document No. 00-17773-5. These minimum requirements shall be augmented by geologic evaluations pertinent to the type of proposed project and anticipated method of construction, which should be described in the report. For buildings located in both a fault zone and a hazard category zone, the most restrictive requirement shall govern.

Notwithstanding Table 18-I-E, the Building Official may require a geologic reconnaissance report or a geologic investigation report for any site if the Building Official has reason to believe that a geologic hazard may exist at the site.

End of Footnotes to Table145-02A

§ 145.0204 Local Additions to the Plumbing Systems Requirements of the 1994 Uniform Building Code

(UBC Chapter 29-Plumbing Systems, Section 2902-Number of Fixtures)

Sub-sections 2902.1 General through 2902.6 Group R Occupancies of the Uniform Building Code, 1994 Edition, have been adopted without change pursuant to Section 145.0103 of the Land Development Code.

§ 145.0205 Local Additions to the Construction in the Public Right-of-Way Requirements of the 1994 Uniform Building Code

(UBC Chapter 32-Construction in the Public Right-of-way, Section 3208-Entrance Canopies)

Section 3208 ENTRANCE CANOPIES has been added as follows pursuant to Section 145.0106 of the Land Development Code:

3208.1 Definition. As used in this Section "Entrance canopies" means shelters entirely or partially self-supporting and attached to the exterior wall of a building entrance.

3208.2 Encroachment on public property.

No entrance canopy shall be located upon or over public property or rights-of-way unless approved by the City Engineer.

An entrance canopy over public property shall be removed by the owner within 30 calendar days following notice directing its removal issued by the City.

An entrance canopy shall not extend closer than 2 feet to the curb adjacent to the building entrance.

The width of an entrance canopy shall not exceed the width of the entrance to a building by more than 2 feet.

3208.3 Construction. Entrance canopy frames and supporting structural members shall be constructed of corrosion-resistant metal designed to support a live load of 5 pounds per square

§ 145.0205 Cont'd

foot and a wind load of 10 pounds per square foot. Canopies shall be covered with approved cloth, plastic, or corrosion-resistant metal. Canopies shall be attached to the wall of the building with approved quick-release devices.

No canopy shall be less than 8 feet above the underlying surface, except valances, which shall not be less than 7 feet above the underlying surface. Valances shall not exceed 1 foot in width.

The covering material and height of an entrance canopy shall be approved by the Chief of the Fire Department prior to the issuance of a permit.

3208.4 Lights. Entrance canopies shall not be lighted or illuminated by any light source attached directly to the canopies.

3208.5 Maintenance. All entrance canopies shall be maintained in a safe and undamaged condition.

3208.6 Identification. Entrance canopies shall bear an identifying label giving the name and address of the manufacturer.

§ 145.0206 Local Deletions and Additions to the Site Work, Demolition, and Construction Regulations of the 1994 Uniform Building Code

(UBC Chapter 33-Site Work, Demolition and Construction)

(a) Section 3301 EXCAVATION AND FILLS, Sub-section 3301.1 General has not been adopted pursuant to 145.0104 of the Land Development Code.

(b) Section 3301 EXCAVATION AND FILLS, Sub-section 3301.2 and Sections 3302 PREPARATION OF BUILDING SITE and Section 3303 PROTECTION OF PEDESTRIANS DURING CONSTRUCTION OR DEMOLITION have been adopted without change pursuant to Section 145.0103 of the Land Development Code.

(c) Section 3304 DEMOLITION AND REMOVAL REGULATIONS has been added as follows pursuant to Section 145.0106 of the Land Development Code:

Every person demolishing a structure or building in whole or in part, or removing a building from a site, shall comply with the following additional regulations:

(1) Any excavations or depressions remaining after the structure is removed or demolished shall be filled, compacted, and restored to the level of the adjacent ground.

(2) All debris, including portions of the building or structure and contents, shall be removed from the site within 90 days from the date the permit was issued, or 150 days if an extension has been granted in accordance with Section 129.0512.

(3) Combustible material must be removed from the site as demolition proceeds.

(4) Dry or dusty materials or debris must be wet down to allay the dust.

(5) All glass must be removed from the building or structure before beginning demolition.

(6) Street drainage, drainage structures, natural drainage, or diversion must not be obstructed.

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(7) Demolition work must not be done on public easements without permission.

(8) Notwithstanding plumbing code requirements for permits, all sewer, gas, and water connections must be capped and approval obtained from the Building Official prior to covering such connections. Sewer, gas, and water line capping shall be performed in the manner prescribed by the Uniform Plumbing Code; such capping shall be located within 5 feet of the property line.

(9) All damages or injuries arising from the demolition and associated work must be made good.

(10) Debris or other combustibles shall not be burned on the site without a written burning permit issued by the Fire Marshal of The City of San Diego.

(11) Electric or gas welding or gas cutting shall not be done on the site without written permit issued by the Fire Marshal of The City of San Diego.

§ 145.0207 Local Deletions and Additions to the Existing Structures Requirements in the 1994 Uniform Building Code

(UBC Chapter 34-Existing Structures, Section 3403-Additions, Alterations or Repairs)

(a) Sub-sections 3403.1 General through 3403.4 Glass Replacement of the Uniform Building Code, 1994 Edition, have been adopted without change pursuant to Section 145.0103 of the Land Development Code.

(b) Sub-section 3403.5 Historic Buildings of the Uniform Building Code, 1994 Edition, has not been adopted pursuant to Section 145.0104 of the Land Development Code. Title 24, Part 8, California Code of Regulations governs restoration of historical buildings.

(c) Section 3403.6 Exceptions has been added as follows pursuant to Section 145.0106 of the Land Development Code:

3403.6.1 Substandard. Alterations and repairs of existing buildings may allow for the replacement, retention, and extension of original materials and the continued use of original methods of construction, provided the building does not become or continue to be a "Substandard Building" as defined in California Health and Safety Code section 17920.3 and the alterations or repairs do not adversely affect any structural member or any part of the building or structure having required fire resistance.

3403.6.2 Live/Work. The addition of floors in existing buildings may be permitted if all of the following conditions are met to the satisfaction of the Building Official:

(1) The building must be used for "joint living and work quarters" ("live/work quarters") as defined in California Health and Safety Code section 17958.11, and the specific area of the floor addition shall be used only for living areas for live/work quarters.

(2) The floor area addition shall not exceed 10 percent of the existing building's floor area and shall be located entirely within the existing building.

(3) A report of structural survey shall be submitted to the Building Official establishing that the building with the proposed floor additions is not subject to any greater risk of earthquake damage than it would have been under a previously permitted use without the floor additions.

§ 145.0207 Cont'd

(4) The owner of the building, binding its successors in interest, agrees in writing on a form provided by the Building Official to not hold the City liable for the expense of any alterations completed pursuant to this section if the City later determines that a general structural reinforcement of the building is required. The agreement shall be recorded with the County Recorder.

(5) The owner of the building, binding its successors in interest, agrees in writing on a form provided by the Building Official to remove all floors that have been added pursuant to this section if the building ceases to be used for live/work purposes. The agreement shall be recorded with the County Recorder.

Article 5: Building Regulations

Division 3: Additional Building Regulations for Swimming Pools, Spas, and Hot Tubs

§ 145.0301 Purpose of Building Regulations for Swimming Pools, Spas and Hot Tubs

The purpose of this division is to establish building regulations for private swimming pools, spas, and hot tubs located on the premises of Group R, Division 3 (Occupancies).

§ 145.0302 When Swimming Pool, Spa, and Hot Tub Regulations Apply

The building regulations of this division apply to any outdoor swimming pool. An outdoor swimming pool means any structure intended for swimming or recreational bathing that can contain water over 24 inches in depth and is not totally contained within a residential structure and surrounded on all four sides by walls of the structure. This includes in-ground, aboveground and on-ground swimming pools, hot tubs, and spas.

§ 145.0303 Barrier Requirements for Outdoor Swimming Pools

An outdoor swimming pool shall be provided with a barrier, meaning a fence, wall, building wall, or combination thereof, that completely surrounds the swimming pool, obstructs access to the swimming pool, and complies with the following:

(a) The top of the barrier shall be at least 60 inches above grade, described as elevation of the surface of the ground. The grade shall be measured on the side of the barrier that faces away from the swimming pool and shall be constructed to withstand the forces contained in the Building Code. The maximum vertical clearance between grade and the bottom of the barrier shall be 4 inches, measured to a hard surface such as concrete, or 2 inches, measured to earth. This measurement shall be taken on the side of the barrier that faces away from the swimming pool. Where the top of the swimming pool is above grade, such as an aboveground pool, the barrier may be the pool's structure itself, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches.

(b) Openings in the barrier shall not allow passage of a 4-inch-diameter sphere.

(c) Solid barriers that do not have openings, such as masonry or stone walls, shall not contain indentations or protrusions except for tooled masonry joints.

(d) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 2 inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 2 inches in width.

(e) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches or more, spacing between vertical members shall not exceed 4 inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 2 inches in width.

(f) Maximum mesh size for chain link fences shall be a 2-inch square. The wire shall not be less than 11-1/2 gauge.

§ 145.0303 Cont'd

(g) Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than 2 inches.

(h) Access gates shall comply with the requirements of Section 145.0303(a) through (g), and shall be equipped to accommodate a locking device no less than 54 inches above grade. Pedestrian-access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall comply with the requirements of Section 145.0303(a) through (g), and shall be equipped with a locking device.

(i) Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure and the means of access is a ladder or steps the following apply:

(1) The ladder or steps shall be capable of being secured, locked, or removed to prevent access; or,

(2) The ladder or steps shall be surrounded by a barrier that meets the requirements of Section 145.0303(a) through (h).

When the ladder or steps are secured, locked, or removed, any opening created shall not allow the passage of a 4-inch diameter sphere.

(j) Hot tubs and spas located outdoors and not exceeding 64 square feet of water surface may have rigid pool covers equipped with a permanent locking and latching device in lieu of the barrier required by this division.

(k) Where unusual circumstances exist that make strict enforcement of this division impractical, the Building Official may grant modifications for individual cases as provided in Section 129.0104(a).

§ 145.0304 Entry or Exit

A barrier, gate, or other protective device as required by this division shall be installed to comply with state law and the fire exit requirements as contained in the Building Code. No swimming pool shall be installed in any court or yard area that is required for entry or exit to any building or occupancy.

§ 145.0305 Minimum Front, Side, and Rear Yard Setbacks for Swimming Pools

(a) Swimming pools that project 3 feet or less above grade shall be located at least 3 feet from all front, side, and rear property lines.

(b) Swimming pools that project more than 3 feet above grade shall be located at least 4 feet from all rear property lines, and the distance from front and side property lines specified in Chapter 13, Article 1 (Base Zones), for front and side yard clearances for the zone in which the pool is located, but in no case less than 3 feet and shall comply with front and side yard setback requirements for the applicable zone, and shall not be allowed less than 3 feet from the property line in any zone.

(c) All heating, filtering, pumping, and accessory equipment constructed after the effective date of this ordinance shall be subject to a 4-foot side and rear yard requirement.

(d) All heating, filtering, pumping, and accessory equipment used in connection with a

§ 145.0305 Cont'd

swimming pool, if located entirely below the finished grade of the site and provided with a permanent, durable, protective cover, need not observe the front, side, or rear yard requirements.

§ 145.0306 Lot Coverage

Swimming pools shall not be considered residential structures for purposes of computing lot coverage as set forth in Section 113.0240.

Article 5: Building Regulations

Division 4: Additional Building Regulations for Archaic Materials and Methods of Construction

§ 145.0401 Purpose of the Archaic Materials and Methods of Construction Regulations

The purpose of this division is to promote public safety and welfare by identifying potential hazards associated with unreinforced masonry bearing wall buildings that meet the requirements as described by this division and by establishing a voluntary mitigation program with some mandatory aspects for these buildings. Buildings that have unreinforced masonary bearing walls are widely recognized for sustaining life-hazardous damage as a result of partial or complete collapse during moderate to strong earthquakes.

The technical provisions of this division establish minimum standards for structural seismic resistance, primarily to reduce the risk of loss of life or injury, but which will not necessarily prevent loss of life or injury or prevent earthquake damage to an existing building that complies with these standards.

This division provides systematic procedures and standards for identification and classification of unreinforced masonry bearing wall buildings based on their present use.

§ 145.0402 When the Archaic Materials and Methods of Construction Regulations Apply

Except as provided in Section 145.0403, the provisions of this division apply to buildings constructed or under construction before March 24, 1939, or for which a Building Permit was issued before March 24, 1939, and to City-owned buildings designated pursuant to Council resolution, which on January 1, 1994, had at least one Unreinforced Masonry Bearing Wall as defined in this division.

§ 145.0403 Exemptions from the Archaic Material and Methods of Construction Regulations

This division shall not apply to the following:

(a) Any detached single or two-family dwelling unit and detached apartment houses containing five or fewer units used solely for residential purposes and the accessory buildings for these occupancies. The exemption does not apply to buildings or structures containing mixed or nonresidential occupancies.

(b) Buildings that have been completely seismically retrofitted to comply with earlier editions of these regulations as provided in San Diego Municipal Code Chapter 9, Division 88, (Archaic Materials and Method of Construction), or equivalent, before January 1, 1994. Complete seismic retrofit shall be as determined by the Building Official.

§ 145.0404 Definitions for this Division Only

The following definitions apply to this division:

"Building" for the purpose of determining occupant load, means any contiguous or interconnected structure and for the purpose of engineering evaluation, means the entire structure or any portion thereof that will respond to seismic forces as a unit.

"Building Collapse or Partial Collapse" means the condition brought about by inadequate

§ 145.0404 Cont'd

resistance to loading in which the actual structure of a building, including "External Hazards", whether entire or localized, gives way internally, or onto lower adjacent buildings (with a minimum height differential of 6 feet) or onto an adjacent exit or public way.

"Building Maintenance" means the act or process of applying preservation treatments to a building or structure. It includes housekeeping; routine and cyclic work scheduled to mitigate wear and deterioration without altering the appearance of the building or structure; and the repair or replacement in kind of broken or worn-out elements, parts, or surfaces to keep the existing appearance. Building maintenance includes stabilization work necessary to protect damaged historic fabric from additional damage and the actions taken to prevent damage and minimize deterioration of an object by practicing preventive conservation or by performing a suitable treatment on the object itself.

"Cumulative Value of Remodel or Renovation" means the "Value of Remodel or Renovation" accumulated from January 1, 1994 to the date an event regulated by this division occurs. The Cumulative Value of Remodel or Renovation shall exclude the value of any nonstructural tenant improvements made or performed subsequent to the date a building owner provides floor-to-wall and roof-to-wall anchors under Section 145.0411.

"Date of Service" means the date the Building Official served an order requesting compliance with this division to an owner of a building either in person or by deposit in the U.S. Mail, postage prepaid and certified return requested.

"Essential Facility" means any building or structure classified in Occupancy Category I of Table 16-K of the Uniform Building Code, 1994 Edition adopted by the City.

"Existing Use or Occupancy" means any use or occupancy that was legally established in a building at any time since its original construction.

"External Hazards" means objects attached to or located on the roof structure or forming the exterior facade of a building that have the potential to give way internally or onto lower adjacent buildings (with a minimum height differential of 6 feet) or onto an adjacent exit or public way. Examples include nonstructural exterior wall panels such as masonry infill or decorative precast concrete, parapets, masonry chimneys, tile roofing, fire escapes or balconies, tanks and masonry, or stone wall veneers and wall ornamentation.

"Hazard Category" means the ranking assigned a use or occupancy as determined under Table 88-A of Section 145.0427 and based on degree of probable risk of loss of life or injury due to a seismic event.

"Hazardous Facility" means any building or structure classified in Occupancy Category II of Table 16-K of the Uniform Building Code, 1994 Edition adopted by the City.

"Historical Building" means any qualified Historical Building as defined by the State Historical Building Code (SHBC) under California Health and Safety Code sections 18950-18960. Historical Building includes any structure, collection of structures, historical landscape, artifacts, objects and their associated sites, and historic districts deemed of importance to the history, architecture, or culture of an area by an appropriate local, state, or federal governmental jurisdiction. Historical Building also includes designated contributing buildings listed in a historical district; structures on official federal, state, or local historical registers or official inventories, such as the National Register of Historic Places, State Historical Landmarks, State Points of Historical Interest; and officially adopted City or county registers or inventories of historical or architecturally significant sites, places, or landmarks. Structures included in inventories submitted to the Office of Historic Preservation shall be treated as Historical

§ 145.0404 Cont'd

Buildings if they have been evaluated by the Office and given any rating other than ineligible.

"Remodel or Renovation" means any work requiring a permit pursuant to Sections 129.0202 and 129.0203 including additions; alterations; interior improvements; electrical, mechanical, and plumbing upgrading or replacement; or structural upgrading or replacement.

"Retrofit Guideline Document" means a document developed by the owner of a building detailing plans for a complete seismic retrofit of the building according to the technical provisions of this division.

"Seismic Retrofit (Complete)" means the mitigation of any deficiencies found to exist in the building's lateral force-resisting system that could potentially cause collapse or partial collapse failure.

"Structural Survey and Engineering Report" means the investigation and subsequent preparation of a report by a civil or structural engineer or architect licensed in the State of California, which addresses the existence, nature, and extent of structural deficiencies that could result in collapse or partial collapse of a building and the existence, nature, and extent of deficiencies in the anchoring of external hazards.

"Unreinforced Masonry Bearing Wall" is defined in the 1991 Edition of the Uniform Code for Building Conservation (UCBC) Appendix Chapter 1, a copy of which is on file in the office of the City Clerk as Document No. O-17773-3.

"Value of the Building" means the valuation of the building itself, obtained using the building valuation schedule administered by the Building Official at the time of construction or an appraisal certified by a member of a recognized appraisal institute, whichever is greater.

§ 145.0405 General Regulations for Archaic Materials and Methods of Construction

(a) When structural seismic upgrading is required or is being voluntarily provided, the building elements regulated by this division shall be those listed in Table No. A-1-F of the UCBC Appendix Chapter 1.

(b) In addition to the requirements set forth in this division, the provisions of Uniform Building Code, Chapter 34, 1994 Edition shall also apply to alterations or additions made to buildings within the scope of this division.

(c) This division does not require alteration of existing electrical, plumbing, mechanical, or fire safety systems unless their condition will cause the building to be classified as a dangerous building under Section 121.0404. If the building is declared dangerous, abatement of the dangerous condition shall be initiated under Chapter 12, Article 1, Division 4 (Procedures for Abatement of Unsafe, Dangerous, or Substandard Buildings or Structures).

(d) Except as specifically provided for by Uniform Building Code, Chapter 34, 1994 Edition, alterations performed solely to achieve compliance with the requirements of this division, or the value of such alterations, or both, shall not subject the owner to compliance with other provisions of the San Diego Municipal Code, such as Section 142.0610.

(e) For technical, material, and design requirements, refer to Sections A103 through A110 of the UCBC Appendix Chapter I, including all tables and figures (except Table A-1-E).

(f) The technical provisions established by Section 145.0405(e) do not apply to the strengthening of Essential or Hazardous Facilities when located in Seismic Zone Nos. 3 or 4.

§ 145.0405 Cont'd

(g) Methods of analysis and design, the design values themselves, and the materials and methods of construction must be in accordance with the Uniform Building Code, 1994 Edition as adopted by the City, except as modified by this division.

(h) Alternate materials, designs, or methods of construction may be approved and their use authorized by the Building Official in accordance with the provisions of Section 129.0109. The proposed materials, designs, or methods of construction must comply with the purposes of this division and be for the use intended.

§ 145.0406 Regulations for Essential or Hazardous Facilities

(a) The regulations of this section apply to essential or hazardous facilities, described as any building or structure within the scope of this division and classified in Occupancy Category I or II of Table 16-K of the Uniform Building Code, 1994 Edition adopted by the City.

(b) The Building Official may serve an order to comply with this division in accordance with Sections 145.0413, 145.0414, and 145.0415.

(c) The order shall require preparation of a Structural Survey and Engineering Report of the building to be completed in accordance with Sections 145.0418, 145.0419, 145.0420, and 145.0421.

(d) If the Structural Survey and Engineering Report shows that the building meets the requirements of the State Historical Building Code, if applicable, or the 1994 Uniform Building Code as adopted by the City for new buildings of the same occupancy category, no further action is required.

(e) If it does not, the owner shall prepare and submit a Retrofit Guideline Document to the Building Official, in accordance with the provisions of Section 145.0424.

(f) The owner shall either demolish or strengthen the building to meet the technical provisions of the Retrofit Guideline Document within 5 years from the date of service of the order.

§ 145.0407 Regulations for Remodels Exceeding 100 Percent of Valuation

(a) The regulations of this section apply to buildings within the scope of this division that meet the following conditions:

(1) The buildings are not classified in Occupancy Category I or II of Table 16-k of the Uniform Building Code, 1994 Edition; and

(2) The Cumulative Value of Remodel or Renovation excluding the cost of seismic retrofit or the removal stabilization or bracing of External Hazards, exceeds 100 percent of the value of the building within any 5-year period after January 1, 1994.

(A) The 50 percent value shall exclude the value of any nonstructural tenant improvements made or performed after the date a building owner provides floor-to-wall and roof-to-wall anchors under this section;

(B) The value of the remodel is the value of work requiring a permit that is obtained by using the building valuation schedule administered by the Building Official for tenant improvements, additions, or alterations in effect at the time of permit issuance, or other evidence satisfactory to the Building Official, whichever is less.

§ 145.0407 Cont'd

(C) If unpermitted work, for which a permit was required, is discovered after January 1, 1994, the valuation of the work is obtained by using the current building valuation schedule administered by the Building Official.

(b) The Building Official may serve an order to comply with this division in accordance with Sections 145.0413, 145.0414, and 145.0415.

(c) The order shall require preparation of a Structural Survey and Engineering Report of the building to be completed in accordance with Sections 145.0418, 145.0419, 145.0420, and 145.0421.

(d) If the Structural Survey and Engineering Report shows that the building meets the requirements of the State Historical Building Code, if applicable, or the 1994 Uniform Building Code as adopted by the City for new buildings of the same occupancy category, no further action is required.

(e) If it does not, the owner shall prepare and submit a Retrofit Guideline Document to the Building Official, in accordance with the provisions of Section 145.0424.

(f) The time schedule shall specify completion dates for each phase of the seismic retrofit with the final date for completion of all items listed in the Structural Survey and Engineering Report to be a maximum of 10 years from the date of permit issuance for the portion of remodeling or renovation whose cost exceeds 100 percent of the value of the building.

§ 145.0408 Regulations for Change to a Higher Hazard Category

(a) The regulations of this section apply to buildings within the scope of this division that (1) are not classified in Occupancy Category I or II of Table 16-k of the Uniform Building Code, 1994 Edition, and (2) if more than 33 percent of the total floor area of the building changes from an Existing Use or Occupancy to a Higher Hazard category use or occupancy as determined by Table 145-05A of Section 145.0427, except as provided in 145.0408(b).

(b) If the use or occupancy of part or all of a building is changed to a higher relative hazard as determined by Table 145-05A, but the occupant load of the building is not increased, the building's hazard category will still be considered unchanged and the following regulations do not apply.

(c) A Board of Appeals application must be completed and recorded to ensure that subsequent owners adhere to the required base load.

(d) The Building Official may serve an order to comply with this division in accordance with Sections 145.0413, 145.0414, and 145.0415.

(e) The order shall require preparation of a Structural Survey and Engineering Report of the building to be completed in accordance with Sections 145.0418, 145.0419, 145.0420, and 145.0421.

(f) If the Structural Survey and Engineering Report shows that the building meets the requirements of the State Historical Building Code, if applicable, or the 1994 Uniform Building Code as adopted by the City for new buildings of the same occupancy category, no further action is required.

(g) If it does not, the owner shall prepare and submit a Retrofit Guideline Document to the Building Official, in accordance with the provisions of Section 145.0424.

§ 145.0408 Cont'd

(h) The time schedule shall specify completion dates for each phase of the seismic retrofit with the final date for completion of all items listed in the Structural Survey and Engineering Report to be a maximum of 10 years from the date of change of use or occupancy to a higher hazard category.

§ 145.0409 Regulations for Unsafe Buildings Within the Scope of this Division

(a) If the building is declared structurally unsafe, abatement of the unsafe condition shall be initiated in accordance with Chapter 12, Article 1, Division 4 (Procedures for Abatement of Unsafe, Dangerous or Substandard Structures).

(b) The Building Official may serve an order to comply with this division in accordance with Sections 145.0413, 145.0414, and 145.0415.

(c) The order shall require preparation of a Structural Survey and Engineering Report of the building to be completed in accordance with Sections 145.0418, 145.0419, 145.0420, and 145.0421.

(d) If the Structural Survey and Engineering Report shows that the building meets the requirements of the State Historical Building Code, if applicable, or the 1994 Uniform Building Code as adopted by the City for new buildings of the same occupancy category, no further action is required.

(e) If it does not, the owner shall prepare and submit a Retrofit Guideline Document to the Building Official, in accordance with the provisions of Section 145.0424.

§ 145.0410 Regulations for Buildings Not Classified as Essential or Hazardous Facilities

(a) The regulations of this section apply to buildings that are within the scope of this division and are not classified in Occupancy Category I or II of Table 16-K of the UBC, 1994 Edition, and that contain any parapets and other exterior wall or roof appendages or objects attached to or located on the roof structure or forming the exterior facade of a building that meet both of the following criteria:

(1) Critical Placement. Where the parapets, exterior wall, roof appendages, or any other external objects have the potential to give way internally or onto lower adjacent buildings (with a minimum height differential of 6 feet) or property, or onto an adjacent exit or public way; and

(2) Relative Height. Where the parapets and other External Hazards or exterior wall or roof appendages that extend above the lower of either the level of the closest adjacent roof-to-wall anchors or the roof sheathing do not meet the requirements of Sections A110(a) and A110(f) of the UCBC Appendix Chapter 1.

(b) Examples include nonstructural exterior wall panels such as masonry infill or decorative precast concrete, parapets, masonry chimneys, tile roofing, fire escapes or balconies, tanks and masonry or stone wall veneers and wall ornamentation.

(c) The owner of a building regulated by this section shall, within 5 years after the Date of Service of an order to comply, provide partial seismic mitigation in the form of the removal, stabilization, or bracing of all the building elements that meet both of the criteria of Section 145.0410(a) (1) and (2).

(d) The removal, stabilization, and bracing process shall include the provision of roof-to-wall

§ 145.0410 Cont'd

anchors around the perimeter of the entire building. Existing roof-to-wall anchors must meet, or shall be upgraded to meet, the minimum requirements of Section A110(a) of the UCBC Appendix Chapter 1, or new anchors meeting the minimum requirements of Section A110(a) shall be installed.

(e) If the building is an Historical Building, this construction shall comply with the State Historical Building Code and parapet removal may not be used as a method to mitigate External Hazards.

(f) No further action is required by the owner of a building covered by this section, unless one of the actions covered by Sections 145.0407, 145.0408, 145.0409, or 145.0410 occurs.

§ 145.0411 Regulations for Remodels over 50 Percent of Building Value

(a) The regulations of this section apply to buildings within the scope of this division that meet the following conditions:

(1) The buildings are not classified in Occupancy Category I or II of Table 16-k of the Uniform Building Code, 1994 Edition; and

(2) The Cumulative Value of Remodel or Renovation accumulated since January 1, 1994, excluding the cost of seismic retrofit, or the removal, stabilization, or bracing of External Hazards, exceeds 50 percent of the value of the building within any 5-year period after January 1, 1994,

(A) The 50 percent value shall exclude the value of any nonstructural tenant improvements made or performed after the date a building owner provides floor-to-wall and roof-to-wall anchors under this section.

(B) The value of the remodel is the valuation of work requiring a permit that is obtained by using the building valuation schedule administered by the building official for tenant improvements, additions, or alterations in effect at the time of permit issuance, or other evidence satisfactory to the Building Official, whichever is less.

(C) If unpermitted work, for which a permit was required, is discovered after January 1, 1994, the valuation of the work is obtained by using the current building valuation schedule administered by the Building Official.

(b) The owner of a building regulated by this section shall, within 5 years after the Date of Service of an order to comply, provide floor-to-wall and roof-to-wall anchors around the perimeter of the entire building. Existing floor-to-wall and roof-to-wall anchors must meet, or shall be upgraded to meet, the minimum requirements of Section A 110(a) of the UCBC Appendix Chapter 1, or new anchors meeting those requirements shall be installed.

(c) If the building is an Historical Building, the installation shall comply with the State Historical Building Code.

(d) The owner may have a Structural Survey and Engineering Report prepared. Installation will not be required if the owner establishes to the satisfaction of the Building Official, through a Structural Survey and Engineering Report, that the existing anchoring system meets those requirements.

§ 145.0412 Regulations for Historical Buildings Within the Scope of this Division

(a) Historical Buildings or structures as defined by Section 145.0404 shall comply with the minimum structural provisions of the State Historical Building Code (SHBC), Title 24, Part 8, California Code of Regulations. Provisions found within the SHBC for the seismic strengthening of Historical Buildings may be used to comply with this division.

(b) Allowable stresses for archaic materials not specified in the Uniform Building Code, 1994 Edition or Table No. A-1-C of the UCBC Appendix Chapter 1 may be based on substantiating research data or engineering judgement subject to the Building Official's satisfaction.

(c) Alternative materials, design, or methods of construction may be approved by the Building Official in accordance with the provisions of Section 129.0109. In addition, when a request for an alternative proposed design, material, or method of construction is being considered, the Building Official may file a written request for review to the State Historical Building Safety Board for its consideration, advice, or findings in accordance with the SHBC.

(d) Demolition of Historical Buildings may not be allowed unless the demolition complies with Chapter 14, Article 3, Division 2 (Historical Resources Regulations) and any other provisions of the Land Development Code relating to historic preservation and the State Historical Building Code, California Health and Safety Code sections 18950 through 18961.

§ 145.0413 Authority to Issue an Order to Comply with this Division

The Building Official may prepare and serve an order to comply with the procedures and regulations of this division to the owner of each building that is within the scope of this division.

§ 145.0414 Service of the Order to Comply

(a) The order shall be in writing and shall be served upon the owner of the building as shown on the last equalized property tax assessment roll of the San Diego County Assessor. The order may also be served upon the person in apparent charge or control of the building. The order shall be served in person or by certified mail, postage prepaid and return receipt requested.

(b) The date of service of the order shall be either the date that the Building Official served the order in person or the date of deposit of the order in the U.S. mail.

(c) The Building Official may at the written request of the owner, order that the building comply with this division before the normal service date for the building.

§ 145.0415 Contents of Order to Comply

The order shall be accompanied by a copy of this division and a copy of Sections A103 - A110 of Chapter 1 of the UCBC, which set forth the owner's alternatives and time limits for compliance. The order shall specify that the Building Official has determined that the building is within the scope of this division and one of the following conditions applies:

(a) The building is an Essential or Hazardous Facility requiring compliance with Section 145.0406;

(b) The owner is required to provide partial seismic mitigation in the form of External Hazard

§ 145.0415 Cont'd

removal and stabilization or bracing within 5 years after the Date of Service in accordance with Section 145.0410;

(c) The building is within the scope of this division due to the occurrence of the condition listed in Section 145.0411 that requires the owner to provide partial seismic mitigation in the form of floor-to-wall and roof-to-wall anchors within a 5-year period after the Date of Service;

(d) The building is within the scope of this division due to occurrence of one of the conditions listed in Sections 145.0407, 145.0408, and 145.0409 that requires the owner to submit a complete Structural Survey and Engineering Report to the Building Official within 120 calendar days and, if applicable, a Retrofit Guideline Document within 240 calendar days after the Date of Service.

§ 145.0416 Appeal from Order to Comply

(a) The owner or person in charge or control of the building may appeal the Building Official's initial determination that the building is within the scope of this division or request an extension of time to a Hearing Officer appointed by the City Manager pursuant to administrative hearing regulations promulgated by the City Manager.

(b) Any appeal in accordance with this section shall be filed with the Building Official within 90 calendar days after the Date of Service of the Order to Comply. The appeal shall be made in writing upon appropriate forms provided by the Building Official and the grounds for the appeal shall be stated clearly and concisely.

(c) Any appeal in accordance with this section shall be decided by the Hearing Officer no later than 60 calendar days after the date that the appeal is filed unless extended for good cause and, in that case, as soon as reasonably possible thereafter. If the appeal is decided adversely to the owner, the owner shall then comply with the Building Official's order, either as provided for in the Hearing Officer's order or as specified in the original order with due allowance for the time the appeal was processed.

(d) Other appeals or requests for determination of alternate equivalency to, minor deviations from, or interpretations of the provisions of this division shall be made in accordance with the procedures established in Section 129.0104.

§ 145.0417 Enforcement of an Order to Comply

If the owner or other person in charge or control of the subject building fails to comply with any order issued by the Building Official pursuant to this division within any of the time limits of this section, or following an appeal pursuant to Section 145.0416, the Building Official may pursue any administrative or judicial remedies provided for in Municipal Code Chapters 1 or 12. This may include an order that the entire building be vacated and remain vacated until the order has been complied with. If compliance with the order has not been accomplished within 90 calendar days after the date the building has been ordered vacated or such additional time as may have otherwise been granted, the Building Official may order its demolition in accordance with the provisions of Chapter 12, Article 1, Division 4 (Procedures for Abatement of Unsafe, Dangerous or Substandard Structures), or by court order pursuant to the provisions of Municipal Code Chapter 1.

§ 145.0418 Preparation and Content of a Structural Survey and Engineering Report

(a) The purpose of a Structural Survey and Engineering Report is to investigate and evaluate, in a thorough and unambiguous fashion, a building's structural systems that resist the forces imposed by earthquakes and to determine if any individual portion or combination of these systems is inadequate to prevent a structural failure (collapse or partial collapse).

(b) A Structural Survey and Engineering Report shall mean the investigation and subsequent preparation of a report which addresses the existence nature and extent of structural deficiencies that could result in collapse or partial collapse of a building and the existence, nature, and extent of deficiencies in the anchoring of External Hazards.

(c) When required, a Structural Survey and Engineering Report shall be submitted to the Building Official within 120 calendar days after the Date of Service.

(d) The Structural Survey and Engineering Report shall investigate and analyze buildings within the scope of this division as individual cases without comparison to similar type or age buildings. Generalities or stereotypes are to be avoided in the evaluation process by focusing on the specifics of the structural system of the building in question and the local geology of the land on which the building is constructed.

(e) If the building is an Historical Building, all items listed in the Structural Survey and Engineering Report requiring mitigation shall be thoroughly addressed under the provisions of the State Historical Building Code.

§ 145.0419 Who May Prepare a Structural Survey and Engineering Report

A Structural Survey and Engineering Report shall be prepared by a civil or structural engineer or architect licensed by the State of California.

§ 145.0420 Level of Investigation

Some buildings will require extensive testing and field investigation to uncover potential structural deficiencies, while others will allow the same level of overall evaluation by a less complicated process due to simplicity of design or the availability of original or subsequent alteration design and construction documents. The level of investigation must be sufficient to produce a report that is complete and can serve as a sound basis for a conclusion on the collapse or partial collapse hazard a building may present.

§ 145.0421 Format of Report

The report shall contain, at a minimum, the following information:

(a) General Information. A description of the building including:

(1) Street address.

(2) Character of use or occupancy with plans indicating the square footage of each use.

(3) Plans and elevations showing the location, type, and extent of lateral force-resisting elements in the building, both horizontal and vertical.

§ 145.0421 Cont'd

(4) A description of the construction materials used in the structural elements and information regarding their present condition.

(5) The date of original construction, if known, and the date of any subsequent additions or substantial structural alterations, if known.

(6) The name and address of the original designer and contractor, if known, and the name and address of the designer and contractor for any subsequent additions or structural alterations, if known.

(b) Investigation and Evaluation of Structural Systems. All items to be investigated and the methods of investigation for each type of building under consideration.

(c) Test Reports. All field and laboratory test results. Evaluation of the significance of these test results shall be made with regard to each structural system or typical connection being evaluated. This evaluation may be limited to a statement of the adequacy or inadequacy of the system or connection based on the lateral load demand it would be required to resist by calculation. If tests reveal inadequacy, a conceptual solution must be included in the report.

(d) Conclusions. Based on the demand/capacity ratio and the specific evaluation items, a statement shall be provided explaining the overall significance of the deficiencies found to exist in the building's lateral force-resisting system regarding potential collapse or partial collapse failure.

(e) Recommendations. An appropriate solution that could be used to strengthen the structure to alleviate any collapse or partial collapse threat shall be specified.

§ 145.0422 Exceptions and Alternatives to Content of Report

Exceptions to the specific items required to be included in the Structural Survey and Engineering Report may be granted by the Building Official upon review of a written request from the engineer or architect preparing the report. The request shall provide evidence that adequate information concerning the required items can be determined by alternate means or that a conclusion can be made about the item without following the solution called for in this division. The purpose of granting exceptions shall be to reduce the costs of disruption that would result from taking required actions when it can be shown that they are unnecessary to provide information available by equivalent means. In no case will an exception be granted that would result in an item not being completely evaluated.

§ 145.0423 Review and Availability of Structural Survey and Engineering Report

(a) The Building Official will review the submitted Structural Survey and Engineering Report for compliance with the requirements of this division.

(b) The cost of this review shall be covered by a fee assessed from the building owner based on the time required for review. This amount shall be credited to the plan checking fee collected for any future mitigation of structural inadequacies specified in the Structural Survey and Engineering Report.

(c) Copies of the Structural Survey and Engineering Report shall be made available to the public for a standard fee or may be reviewed at the Development Services Department.

§ 145.0424 Retrofit Guideline Document

When a Retrofit Guideline Document is required, it shall be submitted within 240 calendar days after the Date of Service of the Order to Comply.

§ 145.0425 Regulations for Buildings of Archaic Unreinforced Masonry

(a) A building or structure of archaic unreinforced masonry shall comply with the provisions set forth in this section.

(b) A qualified Historical Building may comply with the State Historical Building Code in order to fulfill the requirements of this section.

(c) Existing or re-erected walls of adobe or stone shall conform to the following:

(1) Exterior bearing walls of unreinforced stone masonry shall not exceed the height-to-thickness or length-to-thickness ratio, and exterior walls of unreinforced adobe masonry shall not exceed the length-to-thickness ratio, specified in Table No. A-1- B of the UCBC Appendix Chapter 1. Exterior walls of unreinforced adobe masonry shall not exceed a height-to-thickness ratio of 6 to 1 for Seismic Zone No. 3, or a ratio of 5 to 1 for Seismic Zone No. 4. The walls shall be provided with a reinforced concrete bond beam at the top that interconnects all walls. The bond beam shall have a minimum depth of 6 inches. The bond beam may have a width equal to the width of the wall less 8 inches, provided the resulting width is not less than 8 inches. Bond beams of other materials or seismic retrofit designs may be used with the approval of the Building Official.

Exterior bearing walls shall have a minimum wall thickness of 18 inches in Seismic Zone Nos. 3 and 4. Interior adobe partitions shall be a minimum of 10 inches in thickness. No adobe or stone structure may exceed one story in height unless the historic evidence, satisfactory to the Building Official, indicates a two-story height. In such cases, the height-to-thickness ratio shall be as above for the first floor based on the total two-story height and the second floor wall thickness shall not exceed a ratio of 6 to 1. Bond beams shall be provided at the roof and second floor levels.

(2) Foundations shall be reinforced concrete under newly reconstructed walls and shall be 50 percent wider than the wall above, soil conditions permitting, except that the foundation wall may be 4 inches less in width than the wall if a rock, burned brick, or stabilized adobe facing is necessary to provide authenticity.

(3) New or existing unstabilized brick and adobe brick masonry shall test to 75 percent of the compressive strength required of new materials by the Uniform Building Code, 1994 Edition, as adopted by the City. Unstabilized brick shall only be used where existing brick is unstabilized and where the building is not susceptible to flooding conditions or direct exposure. Adobe may be allowed a maximum value of 3 pounds per square inch for shear with no increase of lateral forces.

(4) Mortar may be of the same soil composition and stabilization as the brick, in lieu of cement mortar, if cement mortar is required for new materials under the Building Code.

(5) Nominal tension forces due to seismic forces that are normal to the wall may be neglected if the wall meets thickness requirements and shear values allowed by this

§ 145.0425 Cont'd

Section.

(d) Allowable stresses for archaic materials not specified in the Uniform Building Code, 1994 Edition, as adopted by the City or in this division shall be based on substantiating research data or engineering judgement with the approval of the Building Official.

§ 145.0426 Alternate Materials, Designs, and Methods of Construction

(a) Methods of analysis and design, the design values themselves, and the materials and methods of construction must be in accordance with the Uniform Building Code, 1994 Edition, as adopted by the City, except as modified by this division.

(b) Alternate materials, designs, or methods of construction may be approved and their use authorized by the Building Official in accordance with the provisions of Section 129.0109.

(c) The proposed materials, designs, or methods of construction must comply with the purposes of this division and be, for the use intended, at least the equivalent of that prescribed in this division in suitability, strength, effectiveness, fire resistance, durability, safety, and sanitation.

(d) The Building Official may require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding the use of an alternate.

§ 145.0427 Table of Hazard Categories and Classifications

Table 145-05A
Hazard Categories and Classifications

Relative Hazard	Occupancy - Use Categories
1 (Highest hazard)	A, E, I B (Drinking and dining establishments with a total occupant load in all drinking and dining establishments in the building of 50 or more)
2	R-1
3	H, S-4, S-5 F-2 With noncombustible materials S-2 Low hazard storage
4	S-1 Gas stations, parking garages S-3 Repair garages S-1 Moderate hazard storage B, F-1, F-2, S-2, M
5 (Lowest hazard)	R-3, U

Article 6: Electrical Regulations

Division 1: Adoption and Applicability of the Electrical Regulations

§ 146.0101 Purpose of the Electrical Regulations

The purpose of these regulations is to provide safeguards to reduce hazards to life and property which could otherwise result from electrical installations.

§ 146.0102 When the Electrical Regulations Apply

(a) This article applies to all electrical installations under the jurisdiction of the City.

(b) Administration and enforcement of the electrical regulations are governed by the applicable provisions of Chapters 11 and 12.

§ 146.0103 Interpretation of the Electrical Regulations

The language used in this article and in the National Electrical Code, 1993 Edition, which is made a part of this article by reference, is intended to convey the common and accepted meaning familiar to the electrical industry.

The Building Official, in accordance with Section 129.0104, is authorized to determine the intent and meaning of any provision of this article. The Building Official may utilize other codes, guides, or standards in making such determinations. These may include the National Fire and Life Safety Codes, published by NFPA; Standards for Safety, published by Underwriters Laboratories, Inc. (UL); American National Standards, published by the American National Standards Institute (ANSI); Manufacturing Standards, published by the National Electrical Manufacturers Association (NEMA); General Order 95 and 128, published by the California Public Utilities Commission; the Electrical Service Guide, published by San Diego Gas and Electric Company; the San Diego Area Electrical Newsletters, published by the San Diego Chapter of the International Conference of Building Officials; and other references that the Building Official may deem appropriate.

Determinations shall be made in writing and a record shall be kept that is open to the public.

§ 146.0104 Adoption of the National Electrical Code

The National Electrical Code, 1993 Edition (1993 NEC), published by the National Fire Protection Association, as amended by the California Department of Housing and Community Development, and adopted by the State Buildings Standards Commission, is hereby adopted by reference, except as modified by this article. The regulations so referenced are the standard for electrical installations regulated by this article. A copy of the National Electrical Code, 1993 Edition, is on file in the office of the City Clerk as Document No. 769822.

§ 146.0105 Portions of the National Electrical Code Not Adopted

The following sections or sub-sections of the National Electrical Code, 1993 Edition, are not adopted by the City of San Diego.

(a) Article 230, Services, Section 43, Wiring Methods for 600 Volts, Nominal or Less, numbers (1) "Open Wiring on Insulators" and (5) "Service-entrance Cables" are not adopted.

§ 146.0105 Cont'd

(b) Article 230, Services, Sections 50, 51, and 52 relating to protection and mounting of open wiring on insulators and service-entrance conductors are not adopted.

§ 146.0106 Sub-sections of the National Electrical Code That Have Been Adopted with Modifications

(a) Article 230, F., Service Equipment-Disconnecting Means, Section 70, General, Sub-Section (a) Location is adopted with modifications as follows:

(a) Location of Service Disconnects

(1) A means to disconnect service shall be installed in a readily accessible location either outside or inside of the building served.

(2) Any service disconnect installed outside must be on, or immediately adjacent to, the building served.

(3) Any service disconnect installed inside must be at, or immediately adjacent to, the point where the service conductors enter the building.

(4) Except by special permission, the length of service conductors inside the building may not exceed 10 feet.

(b) Article 384, Switchboards and Panelboards, Section 3, Support and Arrangement of Busbars and Conductors, sub-section (f) Phase Arrangement is adopted with modifications as follows:
(f) Phase Arrangement

(1) The phase arrangement on three-phase buses shall be A, B, C, from front to back, top to bottom, or left to right, as viewed from the front of the switchboard or panelboard. The C phase shall be that phase having the higher voltage to ground on three-phase (3-phase), four-wire (4-wire) delta connected systems. Other busbar arrangements may be permitted for additions to existing installations.

Article 6: Electrical Regulations

Division 2: Local Additions to the Electrical Regulations

§ 146.0201 Purpose of Local Additions to the Electrical Regulations

The purpose of this division is to adopt regulations for electrical installations that provide for local conditions.

§ 146.0202 Alterations, Additions, Relocations, and Conversions of Existing Wiring

(a) Additions, extensions, alterations, or removal of existing wiring installations shall be made in compliance with the provisions of this article.

(1) Where additions, alterations, or extensions of a wiring installation are proposed in cases where this article requires a metallic wiring method, and the existing installation was lawfully installed according to any other applicable ordinance, code, or order and is not unsafe in the opinion of the Building Official, the existing installation need not be replaced.

(2) Existing electrical systems may be used in connection with alterations or repairs if such electrical systems have been properly maintained and were installed in accordance with the applicable laws in effect at the time of installation. Any electrical system shall be deemed to have conformed with applicable law in effect at the time of installation and to have been maintained in good condition if currently in a good and safe condition and working properly.

(3) Where the electrical system is upgraded at the owners initiative and the wall covering is not removed, the receptacle spacing requirements of N.E.C. 210-52 need not apply.

(b) Electrical systems in relocated buildings shall comply with the provisions of this article except for the following:

(1) Each room in a relocated dwelling shall be provided with receptacles spaced so that no point along the floor line in any wall space is more than 10 feet from a receptacle.

(2) Existing receptacles that are more than 5 feet from a grounded surface need not be of the grounded type.

(c) In an overhead to underground conversion district, the existing electrical service shall be replaced or repaired if any one of the following conditions exists:

(1) When the electrical service equipment is not dead-front operated;

(2) When the electrical service equipment is not readily accessible;

(3) When the electrical service equipment is not grounded; or

(4) When the electrical service equipment is not adequate to carry the actual load.

§ 146.0203 Materials for Electrical Installations

(a) All electrical materials, devices, applications, and equipment installed or used, shall be in conformity with the provisions of this article and with approved standards for safety to life and property.

(b) Listing or labelings, as conforming to the Standards of the Underwriters Laboratories, Inc., Uniform Building Code Standards, or other approved testing laboratories, shall be prima facie evidence of conformity with the approved standards for safety to life and property when such standards are consistent with the method of installation.

(c) Previously used materials shall not be reused in any work without the written approval obtained in advance from the Building Official.

§ 146.0204 Circuit Cards

A complete schedule of circuits, showing the number and arrangement of outlets on each circuit, shall be posted at the service equipment location prior to request for rough wiring inspection. Circuit cards furnished by the Development Services Department shall be used for this purpose. In lieu of a circuit card, an approved wiring plan may be used.

§ 146.0205 Labeling

(a) Meter bases shall be labeled by address to identify the occupancy served.

(b) Meter rooms shall be identified with lettering not less than 2 inches high, or other approved means.

§ 146.0206 Branch Circuit Overcurrent Protection

(a) Where plug fuses are in use on remodeled or extended wiring for lighting or convenience plug outlet branch circuits, they shall be replaced with Type "S" (tamper-resistent) fuses.

(b) Whenever there exists evidence of overfusing or fuse tampering, the Building Official shall require the installation of Type "S" fuses or automatic breakers.

§ 146.0207 Transformers

(a) Location of Transformers

(1) Transformers installed for the operation of doorbells, chimes, annunciators, and similar devices, when placed in clothes closets or similar locations, shall be placed immediately over the door on the wall or ceiling. They shall be located so that contact with combustible materials cannot be made.

(2) Transformers installed for the operation of doorbells, chimes, annunciators, and similar devices, when placed in an attic or beneath a building or structure, shall be located within 2 feet of the opening leading into the attic or beneath a building or structure.

§ 146.0208 Use of Nonmetallic Cables

(a) Nonmetallic cables are approved only for dwelling and residential accessory occupancies not exceeding three floors in height. Dwelling occupancies include hotels, motels, apartment houses, convents, monasteries, lodging houses, and one- and two-family houses. Residential accessory occupancies will neither exceed a total of 1,000 square feet nor exceed 700 square feet of concentrated use assembly areas such as auditoriums, chapels, meeting rooms, exercise rooms, and dance floors. In mixed occupancies (commercial/dwelling) where there is a required firewall separation, the appropriate wiring method may be used on each side of the firewall. Where there is no required firewall, the most restrictive wiring method shall be used throughout the entire building.

(b) This limitation does not apply to nonmetallic cables installed in accordance with Articles 725, 760, and 800 of the 1993 NEC.

§ 146.0209 Aluminum Conductors and Conduit

(a) An approved type of inhibitor shall be used on all nonplated stranded aluminum conductor terminations.

(b) Aluminum conductors installed underground shall be installed in an approved raceway.

(c) Aluminum grounding conductors where used outdoors or where penetrating the exterior wall shall be factory-\insulated.

(d) Aluminum conduit, boxes, or fittings shall not be used embedded in earth, concrete, plaster, or within 18 inches of the earth unless the exterior finish of the aluminum conduit, boxes, or fittings is approved for the purposes.

§ 146.0210 Limitation of Residential Current Utilization Outlets

(a) The number of current consuming outlets on one circuit shall not exceed the following:

(1) Four on an appliance circuit.

(2) Fifteen on a lighting circuit.

Article 7: Plumbing and Mechanical Regulations

Division 1: Adoption and Applicability of the Plumbing and Mechanical Regulations

§ 147.0101 Purpose of the Plumbing and Mechanical Regulations

The purpose of these regulations is to reduce hazards to life and property from the use of plumbing, heating, ventilation, air conditioning and refrigeration systems and appliances.

Consistent with the above safeguards, it is intended and encouraged that these systems and appliances, together with their installation, quality, materials, maintenance, repair, assembly, and manufacture, provide a high degree of comfort, convenience, and service to the users and at the same time reduce the cost of housing for the people of the City of San Diego.

§ 147.0102 When the Plumbing and Mechanical Regulations Apply

(a) The requirements of this article apply to all privately owned plumbing and mechanical installations except installations in hospital buildings as defined in California Health and Safety Code Section 15026.

(b) Administration and enforcement of the Plumbing and Mechanical Regulations are regulated by the applicable provisions of Chapters 11 and 12.

§ 147.0103 Adoption of the Uniform Plumbing Code

Except as provided in Section 147.0104, the Uniform Plumbing Code, 1994 Edition, published by the International Association of Plumbing and Mechanical Officials, amended by the California Department of Housing and Community Development and adopted by the State Building Standards Commission, a copy of which is on file in the office of the City Clerk as Document No. 769823, is hereby adopted.

§ 147.0104 Portions of the Uniform Plumbing Code Not Adopted

The following portions of the Uniform Plumbing Code, 1994 Edition, are not adopted:

Chapter I - Administration

Appendices C, E, F, H and I.

§ 147.0105 Adoption of the Uniform Mechanical Code

Except as provided in Section 147.0105, the Uniform Mechanical Code, 1994 Edition, published by the International Association of Plumbing and Mechanical Officials, amended by the California Department of Housing and Community Development and adopted by the State Building Standards Commission, a copy of which is on file in the office of the City Clerk as Document No. 769824, is hereby adopted.

§ 147.0106 Portions of the Uniform Mechanical Code Not Adopted

Chapter 1 of the Uniform Mechanical Code, 1994 Edition, is not adopted.

Article 7: Plumbing and Mechanical Regulations

Division 2: Local Additions to General Plumbing Standards

§ 147.0201 Purpose of General Plumbing Standards

The purpose of this division is to provide regulations for plumbing installations that provide for local conditions.

§ 147.0202 Standards for Plumbing Installations and Materials

(a) All installations and materials shall be in conformity with the provisions of this article and with approved standards of safety as to life and property.

(b) The disposal of effluent must be in accordance with the requirements of the Municipal Code and other applicable law and must meet with the approval of the Director of Public Health. Private sewage disposal systems must be approved and inspected by the Director of Public Health as provided in the Municipal Code Chapter 4, Article 2, Division 3 (Service Businesses).

Article 7: Plumbing and Mechanical Regulations

Division 3: Additional Plumbing Regulations for Water and Energy Conservation

§ 147.0301 Purpose of Low Water-use Plumbing Fixture Regulations

The purpose of this division is to reduce the use of potable water in the City by establishing maximum rates of flow for plumbing fixtures installed in new construction.

§ 147.0302 When the Low-water Use Plumbing Fixture Regulations Apply

(a) The provisions of this division apply to the installation of low-water use plumbing fixtures in all new construction.

(b) The provisions of this division apply to all persons, customers, and property served by The City of San Diego Water Utilities Department.

§ 147.0303 Definitions Used in this Division

The following definitions are applicable to this division:

"Existing Plumbing Fixtures" means any toilet using more than 1.6 gallons of water per flush, urinals using more than 1.0 gallons of water per flush, showerheads with a maximum flow capacity of more than 2.5 gallons of water per minute, and faucets that emit more than 2.5 gallons of water per minute.

"Low Water-Use Plumbing Fixtures" means any toilet using a maximum of 1.6 gallons of water per flush, urinals that use a maximum of 1.0 gallons of water per flush, showerheads with a maximum flow capacity of 2.5 gallons of water per minute, and faucets that emit a maximum of 2.5 gallons of water per minute.

"New Construction" means any construction of a previously nonexistent structure requiring a development or construction permit issued after the effective date of the ordinance adopting this section.

§ 147.0304 Mandated Water and Energy Conservation Measures

(a) Lavatory faucets in restrooms in new commercial and industrial buildings shall be the self-closing type.

(b) Exposed metal hot water piping installed in unconditioned spaces within buildings shall be insulated to not less than R3.

§ 147.0305 General Regulations for Low-water Use Plumbing Fixtures

(a) Effective December 1, 1991, no new building shall be constructed that has a toilet that uses more than 1.6 gallons of water per flush, or that has urinals and associated flushometer valves, if any, that use more than 1.0 gallon of water per flush, or showerheads with a flow capacity of more than 2.5 gallons of water per minute, or faucets that emit more than 2.5 gallons of water per minute.

(b) All toilets, urinals, and associated flushometer valves installed after December 1, 1991, shall be approved by the Building Official as meeting adequate standards of safety and sanitation

§ 147.0305 Cont'd

and shall be certified by the International Association of Plumbing and Mechanical Officials and comply with all applicable American National Standards Institute standards.

(c) The use of existing plumbing fixtures with a maximum flush not to exceed 3.5 gallons of water or urinals with a maximum flush exceeding 1.0 gallon of water, may be allowed, when in the opinion of the Building Official, the configuration of the building drainage system requires a greater quantity of water to adequately flush the system.

(d) Any shower installed for a medically recognized health or safety purpose that cannot safely operate with a flow rate that does not exceed 2.5 gallons of water per minute is exempt from this section.

(e) The requirements prescribed by this section may be suspended for a specified period of time by the Building Official if it is determined that there is an inadequate supply, including a choice of style or colors for the consumer, of low-water use toilets specified in this section to meet the needs of new construction.

(f) Should an existing plumbing fixture be voluntarily replaced with an ultra low-flush water use plumbing fixture, the permit requirements mandated in Section 129.0402 will not apply.

Article 7: Plumbing and Mechanical Regulations

Division 4: Other Water-Conserving Plumbing Standards

§ 147.0401 Purpose of Water-Conserving Plumbing Standards

The purpose of this division is to reduce sewer flows and decrease the use of imported, potable water in the City by establishing water-conserving plumbing standards for plumbing fixtures.

§ 147.0402 When the Water-conserving Plumbing Standards Apply

The provisions of this division apply to the installation of water-conserving plumbing fixtures in any structure served by the City of San Diego Water Utilities Department.

§ 147.0403 Definitions for this Division

The following definitions are applicable to this division.

"Bathroom Alteration" mean any alteration of or addition to a bathroom in any structure for which Section 93.0301 would require a plumbing permit for replacement of a toilet.

"Bathroom Alteration Retrofit Certificate" means a certificate that certifies that any responsible person who has completed a bathroom alteration has replaced any existing plumbing fixture in the altered bathroom with a water-conserving plumbing fixture.

"Change of Ownership" means a transfer, sale, or exchange of the fee interest in any real property.

"Existing Plumbing Fixture" means the following:

(1) any toilet manufactured to use more than 3.5 gallons of water per flush;

(2) any urinal manufactured to use more than one gallon of water per flush;

(3) any showerhead manufactured to have a flow capacity of more than 2.5 gallons of water per minute;

(4) any faucet that emits more than 2.2 gallons of water per minute; or

(5) any residential reverse osmosis system that does not have a shutoff valve.

"Existing Structure" means either of the following:

(1) any structure served by the City of San Diego Water Utilities Department and equipped with toilets manufactured to use more than 3.5 gallons of water per flush, or urinals manufactured to use more than 1 gallon of water per flush; or

(2) any structure served by the City of San Diego Water Utilities Department and equipped with showerheads that have a flow capacity of more than 2.5 gallons of water per minute, faucets that emit more than 2.2 gallons of water per minute, or residential reverse osmosis systems that do not have a shutoff valves.

"Retrofit" means to replace any existing plumbing fixture in an exiting structure with a

§ 147.0403 Cont'd

water-conserving plumbing fixture.

"Transfer of Responsibility to Retrofit Certificate" means a certificate filed by a transferor of any existing structure before a change of ownership that certifies that the transferor and the transferee mutually agree that responsibility for compliance with Section 93.0208 is assumed by the transferee of the existing structure.

"Ultra-Low Flush Toilet Rebate Program" means a City-sponsored water conservation program that offers a financial incentive to water customers who replace a toilet that is manufactured to use more than 1.6 gallons of water per flush with a toilet manufactured to use no more than 1.6 gallons of water per flush.

"Water Conservation Certificate" means a certificate filed by a transferor or transferee of any structure or existing structure before a change of ownership that certifies any structure or existing structure is equipped or retrofitted only with water-conserving plumbing fixtures or toilets manufactured to use no more than 3.5 gallons of water per flush.

"Water-Conserving Plumbing Fixture" means:

(1) any toilet manufactured to use no more than 1.6 gallons of water per flush, that meets performance standards established by American Society of Mechanical Engineers Standards A112.19.2-1990 and A112.19.6-1990;

(2) any urinal manufactured to use no more than 1 gallon of water per flush, that meets performance standards established by American Society of Mechanical Engineers Standards A112.19.2-1990 and A112.19.6-1990;

(3) any showerhead manufactured to have a flow capacity of no more than 2.5 gallons of water per minute;

(4) any faucet that emits no more than 2.2 gallons of water per minute; or

(5) any residential reverse osmosis system that has a shutoff valve.

§ 147.0404 Regulations to Retrofit upon Change of Ownership.

(a) Before a change of ownership, the transferor of any existing structure shall replace any existing plumbing fixture with a water-conserving plumbing fixture.

(b) Before a change of ownership, the transferor and the transferee of any existing structure may agree to transfer responsibility for compliance with this division to the transferee in accordance with Section 147.0408. If the transferee assumes responsibility for retrofitting, the transferee shall complete the retrofit within at least 90 calendar days of the change of ownership.

(c) The transferor and the transferee of any existing structure may agree to have compliance with this division included as a condition of escrow, have the responsibility for retrofitting assumed by the transferee, and have the retrofit paid for from the proceeds of the sale of the existing structure.

(1) If the transferor and the transferee agree to have compliance with this division included as a condition of escrow, the escrow agent shall retain a sufficient sum of money, agreed upon by the transferor and the transferee, to be retained from the proceeds of the sale to complete the retrofit.

§ 147.0404 Cont'd

(2) The transferee shall complete the retrofit within at least 90 calendar days of the close of escrow.

(3) After the transferee has completed the retrofit, the transferee shall submit proof of completion of the retrofit to the escrow agent. The escrow agent may release the retained funds from the proceeds of the sale upon receiving reasonable, satisfactory proof of completion of the retrofit from the transferee.

(4) The Building Official shall establish administrative regulations for the procedures to be followed by the transferor, the transferee, and the escrow agent for complying with Section 147.0404(c).

(d) The transferor of any existing structure shall not be required to retrofit when a change of ownership occurs as a result of the following:

(1) A court order, including an order by a probate court in the administration of an estate;

(2) A foreclosure or voluntary or involuntary bankruptcy;

(3) The exercise of eminent domain;

(4) The administration of a deceased person's estate, guardianship, conservatorship, or trust;

(5) One title co-holder of real property transferring, selling, or exchanging with one or more other title co- holders;

(6) A transfer, without consideration, from one family member to another family member; or

(7) A decree of dissolution of marriage, a decree of legal separation, or from a property settlement agreement incidental to such a decree.

§ 147.0405 Retrofit upon Bathroom Alteration

Upon bathroom alteration, the responsible person shall replace any existing plumbing fixture in the bathroom being altered with a water-conserving plumbing fixture.

§ 147.0406 Retrofit Exemptions

The Building Official may grant an exemption to the provisions of this division to any person if the Building Official determines that any of the following conditions exists:

(a) A water-conserving plumbing fixture would be installed in an existing structure that has been identified by a local, state, or federal government entity as an historical site, and an historically accurate water-conserving plumbing fixture is not available;

(b) Installation of a water-conserving plumbing fixture would require modifications to plumbing system components located beneath a finished wall or surface; or

(c) The unique configuration of a building drainage system or portions of a public sewer, or both, require a greater quantity of water to flush the system in a manner consistent with public health.

§ 147.0407 When a Plumbing Permit Is Required for Water-conserving Plumbing Fixture Installation

Any person who installs a water-conserving plumbing fixture pursuant to Section 147.0404 in any single dwelling unit, or in any multiple dwelling unit with 8 or fewer units, shall not be required to obtain a plumbing permit pursuant to Section 129.0402, unless the installation requires an alteration or replacement of drainage, waste, vent, or supply-plumbing pipes.

§ 147.0408 Self-verification

(a) Before a change of ownership, the transferor and the transferee of any structure or any existing structure shall complete the following procedures:

(1) The transferor shall sign a Water Conservation Certificate certifying that the transferor has complied with the requirements of this division or is exempt from retrofitting pursuant to Section 147.0406.

(2) After signing the Water Conservation Certificate, the transferor shall forward the Water Conservation Certificate to the transferee for review and signature.

(3) The transferee shall sign the Water Conservation Certificate, thereby acknowledging awareness and understanding of the requirements of this division.

(4) After the transferee has signed the Water Conservation Certificate, the transferor shall file the Water Conservation Certificate with the Building Official.

(5) If the structure or existing structure goes through escrow, the transferor also shall file a copy of the Water Conservation Certificate with the escrow agent before the close of escrow.

(b) In the event the transferor and transferee of an existing structure agree that the transferee shall have responsibility for the retrofit upon change of ownership pursuant to Section 147.0404(b), before the change of ownership, the transferor and the transferee shall complete the following procedures:

(1) The transferor and the transferee shall sign a Transfer of Responsibility to Retrofit Certificate certifying that the transferee has assumed responsibility for the retrofit.

(2) After the transferor and the transferee have signed the Transfer of Responsibility to Retrofit Certificate, the transferor shall file the Transfer of Responsibility to Retrofit Certificate with the Building Official.

(3) If the existing structure goes through escrow, the transferor also shall file a copy of the Transfer of Responsibility to Retrofit Certificate with the escrow agent before the close of escrow.

(4) Upon completing the retrofit, the transferee shall sign a Water Conservation Certificate certifying that the transferee has complied with the requirements of this division.

(5) Within at least 30 calendar days of the completion of the retrofit, the transferee shall file the signed Water Conservation Certificate with the Building Official.

(c) If the transferor and the transferee have agreed to have compliance with this division

§ 147.0408 Cont'd

included as a condition of escrow, have the responsibility for retrofitting assumed by the transferee, and have the retrofit paid for from the proceeds of the sale of the existing structure pursuant to Section 147.0404(c), the transferor and the transferee shall complete the following procedures:

(1) The transferor and the transferee shall sign a Transfer of Responsibility to Retrofit Certificate certifying that the transferee has assumed responsibility for the retrofit.

(2) After the transferor and the transferee have signed the Transfer of Responsibility to Retrofit Certificate, and before the close of escrow, the transferor shall file the Transfer of Responsibility to Retrofit Certificate with the Building Official and a copy thereof with the escrow agent.

(3) Upon completing the retrofit, the transferee shall sign a Water Conservation Certificate certifying that the transferee has complied with the requirements of this division.

(4) Within at least 30 calendar days of the completion of the retrofit, the transferee, or the escrow agent on the transferee's behalf, shall file the signed Water Conservation Certificate with the Building Official.

(d) The transferor of any structure that is in compliance with the requirements of this division shall not be required to file a Water Conservation Certificate with the Building Official before a change of ownership pursuant to Section 147.0408 if a Water Conservation Certificate has been filed with the Building Official by a previous owner of the structure.

(e) Upon completing the retrofit of a bathroom pursuant to Section 147.0405, the responsible person shall complete the following procedures:

(1) The responsible person shall sign a Bathroom Alteration Retrofit Certificate certifying that the responsible person has complied with the requirements of Section 145.0405.

(2) Within at least 30 calendar days following completion of any bathroom alteration, the responsible person shall file the signed Bathroom Alteration Retrofit Certificate with the Building Official.

§ 147.0409 Agents of a Transferor

Nothing in this division is intended to create any duty upon the agent of a transferor or a transferee of any structure or any existing structure, unless otherwise mutually agreed to in writing.

San Diego Municipal Code

Land Development/ Zoning Code Update

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DRAFT

Revised
November 1997

Historical Resources Guidelines

November 1997

Note: This Draft Document was Adopted by City Council on December 9, 1997. The regulations do not become effective until after approval by the California Coastal Commission. Commission Hearings are anticipated in March-April 1998.

Printed on recycled paper

This information, document, or portions thereof, will be made available in alternative formats upon request.

I. INTRODUCTION

Purpose and Intent of Historical Resources Guidelines

The purpose of this document is to provide property owners, the development community, consultants and the general public with explicit guidelines for the management of historical resources located within the jurisdiction of the City of San Diego. These guidelines are designed to implement the City's Historical Resources Regulations contained in the Land Development Code (Chapter 14, Division 3, Article 2) in compliance with applicable local, state and federal policies and mandates, including, but not limited to, the City's *Progress Guide and General Plan*, the California Environmental Quality Act of 1970, and Section 106 of the National Historic Preservation Act of 1966. The intent of the guidelines is to ensure consistency in the management of the City's historical resources, including identification, evaluation, preservation/mitigation and development.

In a very real sense, the historical resources of San Diego belong to everyone, and their proper management is important to all of us. This derives from the fact that history is the cornerstone of civic pride and spirit in every American neighborhood, community and ethnic group. One of America's greatest strengths is our intellectual and cultural diversity. Historical resources reflect the history of all Americans, from descendants of the earliest Native Americans to later explorers, settlers, and immigrants of European, African and Asian nations. A community without a sense of history lacks an identification with the common fabric of American history made up of many different but interwoven fibers.

What Are Historical Resources?

Historical resources include all properties (historic, archaeological, landscapes, traditional, etc.) eligible or potentially eligible for the National Register of Historic Places, as well as those that may be significant pursuant to state and local laws and registration programs such as the California Register of Historical Resources or the City of San Diego Historical Resources Register. "Historical resource" means site improvements, buildings, structures, historic districts, signs, features (including significant trees or other landscaping), places, place names, interior elements and fixtures designated in conjunction with a property, or other objects of historical, archaeological, scientific, educational, cultural, architectural, aesthetic, or traditional significance to the citizens of the City. They include buildings, structures, objects, archaeological sites, districts or landscapes possessing physical evidence of human activities that are typically over 45 years old, regardless of whether they have been altered or continue to be used. Historical resources also include traditional cultural properties. The following definitions are based, for the most part, on California's Office of Historic Preservation's (OHP) Instructions for Recording Historical Resources and are used to categorize different types of historical resources when they are recorded.

A "building" is a construction created principally to shelter any form of human activity (e.g., a house, barn, church, hotel or similar construction). The term building may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn.

The term "structure" is used to distinguish buildings from those functional constructions usually made for purposes other than creating human shelter. Constructed by humans, structures include large scale engineering projects such as water control systems (e.g., dams, reservoirs, aqueducts, water towers, etc.) or transportation systems (e.g., railroads, bridges, roads, trails, etc.), as well as mine shafts, kilns, ovens, light-houses, radio

telescopes, etc.

The term "object" is used to distinguish buildings and structures from those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be moveable, by nature or design, an object is associated with a specific setting or environment.

An "archaeological site" is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure (whether standing, ruined or vanished) where the location itself possesses historical, cultural or archaeological value regardless of the value of any existing structure. Archaeological sites which consist of less than three associated artifacts and/or ecofacts within a 50 square meter area are commonly called isolates.

A "district" possesses a significant concentration, linkage or continuity of archaeological sites, buildings, structures, objects, or landscapes united historically or aesthetically by plan or physical development.

A "landscape" may be classified as cultural, designed or rural. A cultural landscape is a geographical area which has been used by people; shaped or modified by human activity, occupation or intervention; or is imbued with significant value in the belief system of a culture or society. A designed landscape is consciously laid out by a professional designer according to academic or professional standards, theories or philosophies of landscape architecture; or by an amateur using a recognized style or tradition. It may have a historical association with a significant person, trend or event in landscape gardening or landscape architecture, or a significant relationship to the theory or practice of landscape architecture. A rural historic landscape is a geographic area that historically has been used by people, or shaped or modified by human activity, occupancy or intervention. It is usually a district possessing a significant concentration, linkage, or continuity of land use, vegetation, buildings, structures, roads, waterways and natural features. In this concentration, it provides a distinct sense of time and place.

A "traditional cultural property" is a locale which has been, and often continues to be of religious, mythological, cultural, economic and/or social importance to an identifiable ethnic group. This includes sacred areas where religious ceremonies have been or currently are practiced or which are central to a group's origins as a people. Also included are areas where plants or other materials have been or currently are gathered for food, medicine or other economic purposes. These kinds of traditional cultural properties may not possess physical evidence of human activities. Traditional cultural properties also include neighborhoods which have been modified over time by ethnic or folk group use in such a way that the physical and cultural manifestations of the ethnic or folk culture are still distinguishable today. Cultural expressions shared within familial, ethnic, occupational, or regional groups include but are not limited to: technical skill, language, music, oral history, ritual, pageantry, and handicraft traditions which are learned orally, by imitation or in performance, and are generally maintained without benefit of formal instruction or institutional direction. Physical features may include: distinctive landscape and settlement patterns, architectural typologies, materials and methods of construction, and ornamental detailing.

It is important to note, that the different kinds of historical resources described above may not be mutually exclusive. Historic buildings, structures and/or objects are frequently associated with archaeological sites. Similarly, archaeological sites may also comprise traditional cultural properties for the Native American community.

Applicable Policies and Regulations

The public stewardship and management of historical resources are provided for in the local, state and federal policies and regulations that form the basis for the City of San Diego's development review process.

PROGRESS GUIDE AND GENERAL PLAN

The Cultural Resources Management Element of the City of San Diego's *Progress Guide and General Plan* was adopted in 1979. The stated goals of the Cultural Resources Management Element are:

- Preservation of San Diego's rich historical and prehistoric tradition so that it may become part of the consciousness of the present and future generations.
- Effectuation of a cultural resources management program that maximizes, insofar as practicable, the living utility of historic resources.
- Conservation not only structures of outstanding historic and architectural merit, but also those structures which contribute to the economic and social well-being of the city.
- Enaction of local ordinances which would ensure effective preservation, protection and management of significant cultural resources and would place such resources in the public domain.
- Conservation in their entirety the largest and most unique prehistoric sites found within the City to be held for investigation with more sophisticated techniques developed at some future time.
- Preservation of historic resources in number and type so as to successfully evoke the distinctive character of all significant stages of San Diego's history.

To achieve these goals, the Cultural Resources Management Element provides six principles to guide historical resources management activities. Among these are the following:

- In general, it is better to preserve than to repair; better to repair than to restore; and better to restore than to reconstruct. Removal of historic resources from their original or long time locations seriously detracts from their significance. Features should be retained "on site" wherever possible.
- Awareness of the condition that archaeological resource preservation may not always be compatible with all uses primarily because the natural setting of the site is an integral part of the resource and also because intensive human activity near such resources can be counter-productive to preservation efforts.
- For archaeological resources it is better to preserve than to mitigate impacts. Mitigation is improved if a fifteen percent or larger sample is excavated; however, holding a site out of development without excavation would be preferable as a long-term strategy. In unusual cases prehistoric sites could co-exist with other uses which would have a minimum disturbance

impact. When excavation is undertaken it should be done by qualified professionals, data should be stored with an appropriate institution, all materials and data should be fully analyzed and compiled in a report of publishable quality.

Finally, the Cultural Resources Management Element concludes with a series of twelve recommendations, which includes the following:

- Prepare a comprehensive City-wide inventory of cultural resources including both prehistoric sites and man-made resources.
- Prepare a comprehensive plan and program by both public and private sectors to accommodate urban growth while preserving structures and complexes of importance to urban identity.
- Create an archive for the City and County of San Diego wherein all excavated collections, records and reports could be centrally located.
- Develop public policy to protect prehistoric sites from the encroachment of expanding land uses.

THE COMPREHENSIVE HISTORIC PRESERVATION PLAN

The Comprehensive Historic Preservation Plan was prepared by the Historical Site Board and the San Diego Planning Department in order to direct and focus the City's efforts to deal with increasingly complex historic preservation issues. There are four elements to this plan, which are the Inventory Element, the Incentives Element, the Education Element, and the Draft Historic Resource Board Ordinance. The first three elements were adopted by the City Council in February 1992; the final element has been incorporated into the Land Development Code project and would be adopted as part of the action on the Code.

The Inventory Element addresses a comprehensive citywide inventory program. It is important to have a complete and comprehensive historical resource inventory, by community plan area, of the entire City in order to record and identify the existence and value of historic resources; to provide a measure of the scope of the total preservation effort required; and to assist in the development of appropriate methods to secure their preservation.

Since demolition of structures does not require discretionary approval in many parts of the City, there is a potential that historical resources that have not been identified and designated through an inventory could be lost before such an effort is undertaken. The lack of comprehensive inventories has created an ad-hoc designation process that has provided inconsistent protection of the City's historic resources.

Inventories of the built environment (buildings, structures, objects, landscapes) have been completed in various communities in the City. Several other areas have not been inventoried and a systematic archaeological inventory has not been undertaken. The Board has tentatively prioritized the following communities to have historical resource inventories for the built environment prepared or updated within the next five years: Point Loma/Ocean Beach; La Jolla; Mission Beach/Pacific Beach; and Golden Hill. Priority is established by the age and early development of the community and the extent of current development pressure.

The purpose of the Education Element is to better inform the public, historic property owners, and City officials about the purpose, policies and benefits of historic preservation. The idea behind this element is that widespread community support would be required for the successful implementation of the Comprehensive Historic Preservation Plan. In order to gain this support, understanding of the significant contributions of historic resources to the quality of life is needed.
The Incentives Element is designed to encourage preservation of identified historical resources. There are many existing incentives that are either financial or service oriented. The following programs are financial incentives:

1. The Federal Historic Preservation Rehabilitation Investment Tax Credit Program provides a 20% investment tax credit for the substantial rehabilitation of depreciable properties listed on the National Register of Historic Places;
2. Owners of designated historic properties may apply for a Conditional Use Permit to allow a use that is not otherwise permitted by right under exiting zoning;
3. In the Housing Commission Rehabilitation Loan Program, the City's Housing Commission provides loans to rehabilitate low-income multi-family residential structures and to low-income families to rehabilitate their residences; and
4. The Mills Act Agreements are an under utilized tax incentive available to the owners of historic properties. The owners may enter in an agreement for a minimum of ten years to restrict the use of the property, require its preservation and maintenance, and allow for periodic examination of the interior and exterior of the property by the County Assessor, the State Department of Parks and Recreation, and the State Board of Equalization.

The following programs are service incentives:

1. The planning/development services staff to the Board provides assistance and counseling regarding rehabilitation, design issues, use, building codes, conditional uses, incentives, financial and planning issues;
2. Urban Conservation staff is required to provide historic property owners with assistance and counseling through the program above; and
3. The Board requires that plaques and signs be put on historic properties. The Board has made arrangements with a local foundry for the owners of historic; and properties to purchase a plaque of Board-approved design at a reduced cost.

CITY COMMITMENT TO NATIVE AMERICAN COMMUNITY

The City Manager has demonstrated a commitment to addressing Native American concerns regarding traditional cultural properties through establishment of a Native American Advisory Committee to solicit input on City projects and private projects involving City-owned land. The formation of the Native American Advisory Committee was approved by the City Council's Transportation and Land Use Committee in July 1990.

LAND DEVELOPMENT CODE

The purpose and intent of the Historical Resources Regulations of the Land Development Code (Chapter 14, Division 3, Article 2) is to protect, preserve and, where damaged, restore the historical resources of San Diego. The regulations apply to all proposed development within the City of San Diego when historical resources are present on the premises regardless of the requirement to obtain a Neighborhood Development Permit or Site Development Permit. When any portion of a premises contains historical resources, as defined in the Land Development Code Chapter 11, Article 3, Division 1, the regulations apply to the entire premises.

Historical resources consist of designated historical resources, historical districts, historical buildings, structures, objects, and landscapes, important archaeological sites and traditional cultural properties. Only minor alteration of a designated historical resource or of a historical building or structure within a historical district may be allowed if the alteration does not affect the special character or special historical, architectural, archaeological, or cultural value of the resource. Traditional cultural properties are required to be protected and preserved as a condition of development approval. Development within an area containing an important archaeological site is permitted if necessary to achieve a reasonable development area with up to 25 percent encroachment into the site. Additional encroachment of 15 percent is allowed for essential public service projects.

Any loss of a historical resource through alteration or encroachment is required to be offset by mitigation in accordance with Section III of these Guidelines. Mitigation measures include preservation in whole or in part or avoidance as the preferred method of mitigation with other methods such as documentation and/or salvage of the resource prior to its disturbance allowed when preservation is not feasible .

The proposed regulations include a deviation process by which project approval could occur without compliance with the historical resources regulations to afford relief from the regulations when all feasible measures to mitigate for the loss of the resource have been provided by the applicant and when denial of the development would result in economic hardship.

A Construction Permit, Neighborhood Development Permit or Site Development Permit is required for the following types of development proposals:

(1) Process One Construction Permit:

Any development on a parcel that has historical resources on the site that will not adversely affect the historical resources and is consistent with one or more of the exemption criteria in accordance with section 143.0220 of the Land Development Code.

(2) Process Two Neighborhood Development Permit:

Any single dwelling unit residential development on a single dwelling unit lot of any size when a traditional cultural property or important archaeology site is present.

(3) Process Four Site Development Permit:

Any multiple dwelling unit residential, commercial or industrial development on any size lot, or

any subdivision on any size lot, or any public works construction project or any project-specific land use plan when a designated historical resource or historical district is present and any development that deviates from the development regulations for historical resources as described in the Land Development Code.

CITY OF SAN DIEGO HISTORICAL RESOURCES BOARD

The Historical Resources Board is established by the City Council as an advisory board to identify, designate and preserve the historical resources of the City; to review and make a recommendation to the appropriate decision making authority on applications for permits and other matters relating to the demolition, destruction, substantial alteration, removal or relocation of designated historical resources; to establish criteria and provide for a Historical Resources Inventory of properties within the boundaries of the City; and to recommend to the City Council and Planning Commission procedures to facilitate the use of the Historical Resources Inventory results in the City's planning process in accordance with Section 111.0206 of the Land Development Code.

PUBLIC RESOURCES CODE AND CALIFORNIA ENVIRONMENTAL QUALITY ACT

The California Environmental Quality Act (CEQA) states that:

> The Legislature further finds and declares that it is the policy of the state to ... preserve for future generations ... examples of the major periods of California history (Section 21001).

CEQA requires that before approving discretionary projects the Lead Agency must identify and examine the significant adverse environmental effects which may result from that project. A project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment (Section 21084). A substantial adverse change is defined as demolition, destruction, relocation, or alteration activities which would impair historical significance (Section 5020.1). Any historical resource listed in or eligible to be listed in the California Register of Historical Resources, including archaeologically resources, is considered to be historically or culturally significant. Resources which are listed in a local historic register or deemed significant in a historical resource survey as provided under Section 5024.1(g) are presumed historically or culturally significant unless "the preponderance of evidence" demonstrates they are not. Finally, a resource that is not listed in, or determined to be eligible for listing in, the California Register of Historic Resources, not included in a local register of historic resources, or not deemed significant in a historical resource survey may nonetheless be historically significant, pursuant to Section 21084.1.

Appendix G of CEQA further states that a project will normally have a significant effect on the environment if it will:

(j) Disrupt or adversely affect a prehistoric or historic archaeological site or a property of historic or cultural significance to a community or ethnic or social group, ...

(w) Conflict with established recreational, educational, religious, or scientific uses of the area.

NATIONAL HISTORIC PRESERVATION ACT

Section 106 of the National Historic Preservation Act establishes a consultation process which is intended to accommodate historic preservation concerns with the needs of Federal undertakings. The Section 106 process only applies to projects involving federal land, funds or permits. Section 106 of the Act requires a Federal agency head with jurisdiction over a Federal, federally assisted, or federally licensed undertaking to take into account the effects of the agency's undertaking on properties included in or eligible for the National Register of Historic Places and, prior to approval of an undertaking, to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on the project. Consulting parties are the primary participants in the Section 106 process, and may include a Federal agency official, the State Historic Preservation Officer, the Advisory Council on Historic Preservation and other interested persons. Interested persons may include local governments, applicants, the Native American community and the public.

Section 110(f) of the Act requires that Federal agency heads, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to any National Historic Landmark that may be directly and adversely affected by an undertaking and, prior to approval of such undertaking, afford the Advisory Council a reasonable opportunity to comment.

II. DEVELOPMENT REVIEW PROCESS

The development review process consists of two separate aspects: the implementation of the Historical Resources Regulations and the determination of impacts and mitigation under the California Environmental Quality Act (CEQA). This section establishes the baseline standards for the development review process in the City of San Diego.

When Are Surveys Required?

FOR PURPOSES OF OBTAINING A PERMIT

For premises not already determined to contain historical resources, the City Manager shall determine the need for a site specific survey for the purposes of obtaining a Construction Permit, Neighborhood Development Permit or Site Development Permit for development proposed for any parcel containing a structure that is more than 45 years old and not located within any area identified below as exempt or for any parcel identified for review based on the Historical Resource Sensitivity Maps. The City Manager shall determine the need for a site specific survey within 10 working days of application of a construction permit or within 30 calendar days of an application for a development permit. A site specific survey shall be required when the City Manager determines that a historical resource may exist on the premises. If the City Manager does not require a site specific survey within the specified time period a permit for historical resources shall not be required.

The Historical Resource Sensitivity Maps are maintained by the Development Services Department and used to identify properties that have a likelihood of containing archaeological sites based on records from the South Coastal Information Center at San Diego State University and the San Diego Museum of Man, and site specific information on file with the City. If it is demonstrated that archaeological sites do in fact exist on or immediately adjacent to any property, whether identified for review or not, then a survey shall be required by the City Manager. If it is demonstrated that archaeological sites do not in fact exist on any property identified for review, then the Historical Resource Sensitivity Maps shall be updated to remove that property from the review requirements.

The following areas have been determined to be exempt from the requirement for a site specific survey for the identification of a potential historical building or historical structure:

(To be added as areas are identified by the Historical Resources Board.).

If a site specific survey is required, it shall be conducted in such a manner as to determine the presence or absence of potential historical resources consistent with Chapter III of these Guidelines (Methods).

Based on the site specific survey and the best scientific information available, the City Manager shall determine whether a historical resource exists, whether a potential historical resource merits designation by the Historical Resources Board in accordance with Chapter 12, Article 3, Division 2 of the Land Development Code, and the precise location of the historical resource or potential historical resource. If historical resources are not present, then a Neighborhood Development Permit or Site Development Permit for historical resources shall not be required. The documentation used to determine the presence or absence and location of historical resources shall be provided by the applicant at the request of the City Manager. The property owner or

applicant shall obtain a Construction Permit, Neighborhood Development Permit or Site Development Permit, in accordance with the Land Development Code, before any development activity occurs on a premises that contains historical resources.

FOR PURPOSES OF ENVIRONMENTAL REVIEW (CEQA)

Historic property (built environment) surveys are required for properties within a project's Area of Potential Effect (APE) which are 45 years of age or older and which have integrity of setting, location, design, materials, workmanship, feeling, and association. In rare instances, properties which have not yet achieved 45 years of age may be historically significant. Among them are: important International Style structures; industrial or military structures significant in Cold War history; buildings, structures, and objects representing significant technological or scientific advances; the works of architectural masters; and roadside-related architecture from the 1950s and 1960s which is fast disappearing. Such resources must be proven to have exceptional significance in their contribution to recent history, as documented by a preponderance of evidence.

Archaeological surveys are required when development is proposed on previously undeveloped parcels, when a known resource is identified on site or within a one-mile radius, when a previous survey is more than five years old if the potential for resources exists, or based on a site visit by a qualified consultant or knowledgeable City staff.

When Are Evaluations Required?

Historical resource evaluations are required when new resources are identified as a result of the survey, when previously recorded resources that have not been previously evaluated are relocated during the survey, and when previously recorded sites are not relocated during the survey if there is a likelihood that the resource still exists. Evaluations will not be required if the resource has been evaluated for CEQA significance or for National Register eligibility within the last five years if there has been no change in the conditions which contributed to the determination of significance or eligibility. A property should be re-evaluated if its condition or setting has either improved or deteriorated, if new information is available, or if the resource is becoming increasingly rare due to the loss of other similar resources.

How Are Impacts Assessed?

The impact assessment is based on the Area of Potential Effect (APE) which includes the area of both the direct and indirect impacts of a proposed project on a historical resource. The potential for cumulative impacts to historical resources must also be assessed for significance. In order to identify the extent and degree of the impacts, the APE must be established on the proposed project site plan or map. Once the boundaries of the APE have been defined and the resources have been evaluated for significance, the project impacts will be addressed by the City Manager based on the project design. If a historical resource is not significant, both the resource and the effect on it must be noted in the Initial Study or the EIR, but will not be considered further in the CEQA process.

DIRECT IMPACTS

Any part of a development that will have a potential effect on historical resources is considered a direct impacts. Direct impacts are generally those that will cause damage to the resource, such as:

1. mass grading;
2. road construction;
3. pipelines for sewer and water;
4. staging areas;
5. access roads;
6. destruction of all or part of a property;
7. deterioration due to neglect;
8. alteration;
9. inappropriate repair;
10. new addition;
11. relocation from original site; and
12. isolation of a historic resource from its setting, when the setting contributes to its significance.

INDIRECT IMPACTS

Indirect impacts are included within the APE. In the built environment, indirect impacts include the introduction of visual, audible or atmospheric effects that are out of character with the historic property or alter its setting, when the setting contributes to the property's significance. Examples include, but are not limited to, the construction of a large scale building, structure, object, or public works project that has the potential to cast shadow patterns on the historic property, intrude into its viewshed, generate substantial noise, or substantially increase air pollution or wind patterns.

For archaeological resources and traditional cultural properties, indirect impacts are often the result of increased public accessibility to resources not otherwise subject to impacts which may result in an increased potential for vandalism and site destruction. Placing sites into open space does not always mean that there will not be the potential for indirect impacts to the resource. Since open space boundaries can change during the project review as a result of environmental design and/or community constraints, resources placed into open space need to be evaluated for indirect impacts.

CUMULATIVE IMPACTS

Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time. The loss of a historical resource data base due to mitigation by data recovery may be considered a cumulative impact. In the built environment, cumulative impacts most often occur to districts, where several minor changes to contributing properties, their landscaping, or to their setting, over time result in a significant loss of integrity.

If it is determined that significant resources will be impacted by the proposed project, there are several mitigation strategies that can be utilized. These are discussed below.

What Criteria Are Used to Evaluate Significance?

Federal, state and local criteria have been established for the determination of historical resource significance. The Historical Resources Regulations of the Land Development Code pertain only to historical resources that meet the definitions contained in Chapter 11, Article 3, Division 1 of the Code and may differ from the definition of historical resources in these Guidelines and from a determination of significance under CEQA, as

provided below.

NATIONAL REGISTER OF HISTORIC PLACES

The National Register criteria, contained in *National Register Bulletin 16* (U.S. Department of the Interior 1986:1), state that: The quality of significance in American history, architecture, archaeology, engineering and culture is present in districts, sites, buildings, structures and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

1. That are associated with events that have made a significant contribution to the broad patterns of our history; or
2. That are associated with the lives of persons significant in our past; or
3. That embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. That have yielded, or may be likely to yield information important in prehistory or history.

Criteria Considerations (Exceptions): Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

A. a religious property deriving primary significance from architectural or artistic distinction or historical importance; or
B. a building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
C. a birthplace or grave of a historical figure of outstanding importance if there no other appropriate site or building directly associated with his or her productive life; or
D. a cemetery which derives its primary significance from graves of persons of transcendent importance, from distinctive design features, or from association with historic events; or
E. a reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
F. a property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or
G. a property achieving significance within the past 50 years if it is of exceptional importance.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

For the purposes of CEQA, a significant historic resource is one which qualifies for the California Register of Historical Resources or is listed in a local historic register or deemed significant in a historical resource survey, as provided under Section 5024.1(g) of the Public Resources Code. A resource that is not listed in, or determined to be eligible for listing in, the California Register of Historic Resources, not included in a local

register of historic resources, or not deemed significant in a historical resource survey may nonetheless be historically significant for purposes of CEQA.

A resource may be listed in the California Register if it is significant at the local, state, or national level, under one or more of the following four criteria.

1. It is associated with events or patterns of events that have made a significant contribution to the broad patterns of local or regional history and cultural heritage of California or the United States.
2. It is associated with the lives of persons important to the nation or to California's past.
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values.
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the state or nation.

CEQA (Appendix K) also defines an "important archaeological resource" as one which:

1. Is associated with an event or person of
   a. Recognized significance in California or American history, or
   b. Recognized scientific importance in prehistory.
2. Can provide information which is of both demonstrable public interest and useful in addressing scientifically consequential and reasonable or archaeological research questions.
3. Has a special or particular quality such as oldest, best example, largest, or last surviving example of its kind.
4. Is at least 100 years old and possesses substantial stratigraphic integrity; or
5. Involves important research questions that historical research has shown can be answered only with archaeological methods.

CITY OF SAN DIEGO PROGRESS GUIDE AND GENERAL PLAN

Significance criteria as outlined in the *Progress Guide and General Plan* reflect a broad definition of historical, architectural and cultural importance; a perspective of local, rather than state or national significance; and the belief that all aspects of history are potentially of equal importance.

CITY OF SAN DIEGO HISTORICAL RESOURCES REGISTER

Any improvement, building, structure, sign, interior element and fixture, feature, site, place, district, area or object may be designated as historic by the City of San Diego Historical Resources Board if it meets any of the following criteria :

1. exemplifies or reflects special elements of the City's, a community's or a neighborhood's historical, archaeological, cultural, social, economic, political, aesthetic, engineering, landscaping or architectural development;
2. is identified with persons or events significant in local, state or national history;
3. embodies distinctive characteristics of a style, type, period or method of construction or is a valuable example of the use of indigenous materials or craftsmanship;

4. is representative of the notable work of a master builder, designer, architect, engineer, landscape architect, interior designer, artist or craftsman;

5. is listed on or has been determined eligible by National Park Service for listing on the National Register of Historic Places or is listed or has been determined eligible by the State Historical Preservation Office for listing on the State Register of Historical Resources; or
6. is a finite group of resources related to one another in a clearly distinguishable way or is a geographically definable area or neighborhood containing improvements which have a special character, historical interest or aesthetic value or which represent one or more architectural periods or styles in the history and development of the City.

CITY OF SAN DIEGO CEQA SIGNIFICANCE

As stated above, if a resource is not listed in, or determined eligible for listing in, the California Register, not included in a local register, or not deemed significant in a historical resource survey it may nonetheless be historically significant. If a proposed project has the potential to effect a historical resource, the significance of that resource must be determined. The significance of a historical resource is based on the potential for the resource to address important research questions as documented in a site specific technical report prepared as part of the environmental review process. Research priorities for the prehistoric, ethnohistoric and historic periods of San Diego history are discussed in Appendix A (San Diego History) to these Guidelines and should be used in the determination of historical significance. As a baseline, the City of San Diego has established the following criteria to be used in the determination of significance under CEQA.

An archaeological site must consist of at least three associated artifacts/ecofacts (within a 50 square meter area) or a single feature and must be at least 45 years of age. Archaeological sites containing only a surface component are generally considered not significant, unless demonstrated otherwise. Such site types may include isolated finds, bedrock milling stations, sparse lithic scatters, and shellfish processing stations. All other archaeological sites are considered potentially significant. The determination of significance is based on a number of factors specific to a particular site including site size, type and integrity; presence or absence of a subsurface deposit, soil stratigraphy, features, diagnostics, and datable material; artifact and ecofact density; assemblage complexity; cultural affiliation; association with an important person or event; and ethnic importance.

The determination of significance for historic buildings, structures, objects and landscapes is based on age, location, context, association with an important person or event, uniqueness, and integrity.

A site will be considered to possess ethnic significance if it is associated with a burial or cemetery; religious social or traditional activities of a discrete ethnic population; an important person or event as defined by a discrete ethnic population; or the mythology of a discrete ethnic population.

NON-SIGNIFICANT RESOURCE TYPES

Archaeological sites containing only a surface component are generally considered not significant, unless demonstrated otherwise. (Testing is required to document the absence of a subsurface deposit.) Such sites may include:

1. Isolates;
2. Sparse Lithic Scatters;
3. Isolated Bedrock Milling Stations; and
4. Shellfish Processing Stations.

Sparse Lithic Scatters are identified and evaluated based on criteria from the OHP's "California Archaeological Resource Identification and Data Acquisition Program: Sparse Lithic Scatters" (February 1988). Isolated Bedrock Milling Stations are defined as having no associated site within a 50 meter radius and lacking a subsurface component. Shellfish Processing Stations are defined as containing a minimal amount of lithics and no subsurface deposit.

Historic buildings, structures, objects and landscapes are generally not significant if they are less than 45 years old. A non-significant building or structure located within an historic district is by definition not significant.

Resources found to be non-significant as a result of the survey and assessment, will require no further work beyond documentation of the resources and inclusion in the survey and assessment report.

What Mitigation Strategies Are Available?

When significant historical resources are present within the Area of Potential Effect, mitigation is required prior to project implementation. The preferred alternative for mitigating impacts to historical resources is avoidance or preservation in place. If preservation is demonstrated to be infeasible, then alternative measures would be required.

AVOIDANCE/PRESERVATION OF ARCHAEOLOGICAL SITES AND TRADITIONAL CULTURAL PROPERTIES (PREFERRED)

Areas containing sensitive archaeological and traditional cultural resources which are to be avoided by grading or construction should be identified on grading and building plans. Areas to be preserved should be staked or fenced and protective measures implemented prior to grading. Protective measures should also be identified on grading and building plans.

Preservation can be accomplished in a number of ways including:

1. Planning construction to avoid significant resources;
2. Planning parks, green space, or other open space to preserve historical resources;
3. "Capping" or covering archaeological sites with a layer of soil before building tennis courts, parking lots, or similar facilities. Capping is an acceptable alternative when the following conditions are met:
    a. The soils to be covered will not suffer serious compaction;
    b. The covering materials are not chemically active;
    c. The site is one in which the natural processes of deterioration have effectively ceased; and

d. The site has been recorded and an index of the contents of the site has been made.

4. Deeding significant resources into permanent conservation easements.

ARCHAEOLOGICAL DATA RECOVERY PROGRAM

When avoidance as a means of mitigation is not feasible, it is necessary to implement a research design and data recovery program. The data recovery program involves the scientific excavation of a representative sample of the features and artifacts contained within that part of the site which will be destroyed by project development. The excavation shall extend to the full depth of the archaeological deposit. The data recovery program should be based on a written research design and is subject to the provisions as outlined in CEQA, Appendix K. The data recovery program must be reviewed and approved by the City Manager.

The research design should identify important research questions, link research topics to the data already known to be present in the site, and explain procedures that will be used in the collection, analysis and curation of recovered materials. The sample size to be excavated will vary with the nature and size of the site.

HISTORIC BUILDING/STRUCTURE/OBJECT MITIGATION

Preferred mitigation is to avoid the resource through project redesign. If the resource cannot be entirely avoided, all prudent and feasible measures to minimize harm to the resource shall be taken. Depending upon project impacts, measures can include, but not be limited to:

1. preparing a historic resource management plan;
2. adding new construction which is compatible in size, scale, materials, color and workmanship tot he historic resource (such additions, whether portions of existing buildings or additions to historic districts, shall be clearly distinguishable from historic fabric);
3. repairing damage according to the Secretary of the Interior's Standards for Rehabilitation;
4. screening incompatible new construction from view through the use of berms, walls and landscaping in keeping with the historic period and character of the resource;
5. shielding historic properties from noise generators through the use of sound walls, double glazing and air conditioning; and
6. removing industrial pollution at the source of production.

If there are no other ways to save a building, structure or object other than relocation, such measures shall be performed in accordance with National Parks Service standards. Appropriate relocation sites shall duplicate, as closely as possible, the original location in terms of size, topography, neighborhood setting, orientation and site landscaping. Prior to the move, the resource shall be documented in its original location according to Historic American Building Survey (HABS) or Historic American Engineering Record (HAER) standards. Such documentation will serve as baseline data for historically correct reconstruction of the new site.

If the resource cannot be accommodated through project redesign and relocation is not feasible, it shall be documented according to HABS or HAER standards prior to demolition. Such documentation, including a written report, photographs, and in some cases, measured drawings and videotape, shall be prepared by a qualified professional to the standards determined by the National Park Service.

How Are Reports Prepared?

Historic resource reports shall be prepared by qualified professionals as determined by the criteria set forth in Appendix B of these Guidelines. The discipline shall be tailored to the resource under evaluation. In cases involving complex resources, such as traditional cultural properties, rural landscape districts, or sites involving a combination of prehistoric and historic archaeology, or historic districts, a team of experts will be necessary for a complete evaluation.

Specific types of historical resource reports are required to document the methods (see Section III of these Guidelines) used to determine the presence or absence of historical resources; to identify the potential impacts from proposed development and evaluate the significance of any identified historical resources; to document the appropriate curation of materials; in the case of potentially significant impacts to historical resources, to recommend appropriate mitigation measures that would reduce the impacts to below a level of significance; and to document the results of mitigation and monitoring programs, if required.

Archaeological Resource Management reports shall be prepared in conformance with the California Office of Historic Preservation (OHP) "Archaeological Resource Management Reports (ARMR): Recommended Contents and Format". This requirement will standardize the content and format of all archaeology technical reports submitted to the City. A confidential appendix must be submitted (under separate cover), along with historical resources reports for archaeological sites and traditional cultural properties, containing the confidential resource maps and records search information gathered during the background study.

Appendix C (Archaeological Resource Management Report Format) will be used by the City Manager in the review of archaeological resource reports. Consultants must ensure that archaeological resource reports are prepared consistent with this checklist.

SURVEY AND EVALUATION REPORT

If historical resources are identified, they must be evaluated consistent with Section III (Methods) of these Guidelines. The Survey and Evaluation Report must include information regarding the significance determination based on criteria set forth above and a discussion of results of the evaluation program. When impacts to significant historical resources are anticipated as a result of the project, the report must include recommendations for mitigation consistent with these Guidelines.

When no archaeological resources are identified within the project area (APE) as a result of the background research and field survey, then no further work is necessary other than completion of the Archaeological Resources Report Form (Appendix D to these Guidelines).

The Archaeological Resources Report Form (Appendix D to these Guidelines) may also be used, rather than preparation of an Archaeological Resource Management report, when archaeological resources are identified and, based on an evaluation, are determined to be non-significant or are potentially significant but will not be directly impacted by the proposed development project.

MITIGATION REPORT

When mitigation for significant impacts to historical resources is required as a condition of project approval, a report must be prepared to document implementation of the requirements with appropriate graphics, describing the results, analysis, and conclusions of the mitigation program.

MONITORING REPORT

If monitoring during grading or construction is required as a condition of project approval, a report must be prepared detailing the monitoring program, with appropriate graphics, describing the results, analysis, and conclusions of the program.

How is Curation Accomplished?

All original maps, field notes, non-burial related artifacts, catalog information and final reports must be curated at an institution within San Diego County. Qualified institutions are those with proper facilities and staffing for insuring research access to the collections, consistent with federal standards. Since there are currently no qualified institutions in San Diego County that can accept additional collections, the historical resource consultant is responsible for temporary curation until such time as a regional facility becomes available. Arrangements for long-term curation must be established between the applicant/property owner and the consultant prior to the initiation of the field reconnaissance.

The disposition of burial related artifacts is governed by state and federal law.

III. METHODS

This section establishes the baseline standard for the methods of identifying and recording historical resources, evaluating their significance, and mitigating those impacts to historical resources determined to be significant as required by the Land Development Code and the California Environmental Quality Act.

Defining Project Area (Area of Potential Effects)

The Area of Potential Effects (APE) is the geographic area (or areas) within which a project may cause changes in the character or use of historical resources. Investigations and surveys are conducted within the APE to identify the presence or absence of historical resources and, if present, to evaluate their significance. The APE should include all historical resources which reasonably can be expected to be affected (resulting in a change to their historical, architectural, archaeological or cultural character) by a proposed project. The APE is project specific and should be large enough to accommodate minor project design changes. In other words, the initial APE for survey and evaluation programs may be larger than the final APE for mitigation programs and/or monitoring programs. The APE may also differ for different types of historical resources (e.g., archaeological sites, historical buildings/structures or traditional cultural properties). Therefore, it is important that the project APE is defined on a case-by-case basis.

At a minimum, the APE for private development projects is defined as the proposed development site, including both developable and open space areas. In addition to the development site, however, it is not uncommon for proposed projects to include off-site improvements such as off-site grading associated with cut-and-fill slopes, access roads, public utility lines, etc. Any off-site improvements must be included within the project APE. For public works projects, staging areas should also be included in the APE.

Determining Presence or Absence of Historical Resources

BACKGROUND RESEARCH

Background research is a prerequisite to historical resource investigations. While the level of effort involved in background research may vary depending on the type of investigation, the basic ingredients remain the same: a records search, literature search, interviews and Native American consultation.

The information derived from background research should serve as the basis, either in whole or in part, for the research design which guides the overall study. Sufficient background research should be done to provide the context and association within which to identify broad patterns of human activity in the area's past; its economic development; changing demographic, social and cultural characteristics; and patterns of land use. This context serves as the basis for understanding and evaluating sites, buildings and structures identified in the survey process. Background research is focused on relevant topics and periods of history or prehistory. Also this research often makes it possible to predict where certain historical resources will be found and what they may look like. Background research is performed under the supervision of a qualified principal investigator with experience in the region. References shall be provided for all sources consulted.

Records Searches

Knowledge of previously recorded historical resources is integral to ensuring that the field work phase of an investigation is adequate. Major sources of information that must be consulted are the listings of the National Register of Historic Places, California Registered Historical Landmarks, California Points of Historical Interest, California Register of Historical Resources, California Sacred Lands Register and City of San Diego Historical Site Board Register.

Records searches from both the South Coastal Information Center at San Diego State University and the San Diego Museum of Man are required for all historical resource studies submitted to the City. Records searches for both the project property and a one-mile radius are required for historical resource survey and evaluation reports, while records searches for the project property alone may be appropriate for mitigation reports and monitoring reports. Records searches must be no more than six months old.

As part of the above referenced historical resource reports, the records search information should be bound separately and one copy submitted to the Development Services Department as a confidential appendix. This information shall include:

- a copy of the records search letters from both the South Coastal Information Center at San Diego State University and the San Diego Museum of Man,
- a legible copy of the records search maps showing previously recorded sites within the project area and a one-mile radius, and
- a copy of the site records for all previously recorded historical resources.

The County of San Diego Cartographic Services and other sources should be consulted for historical maps and aerial photographs to help identify the existence of potential historical resources. In addition, the

Environmental Analysis Section (EAS) of the Development Services Department maintains a reference library that includes a set of City Engineering maps identifying project locations, records search data and a copy of the historical resource report(s) for each project. As has been the policy of EAS in the past, historical resource locations, record search maps and site records will not be distributed in public documents. This information, however, is available to qualified consultants.

Literature Search

A review of previous research conducted in the project area and vicinity is also required. For the most part, this includes unpublished historical resource reports identified through records searches, but may also include unpublished primary source materials and published studies. This information may help determine the potential for historical resources to exist on a property, as well as document the extent of previous investigations. Additional background information, including studies associated with specific research topics, may also be appropriate as part of the literature search for mitigation reports.

Interviews

Consultants should also contact the San Diego Historical Society, other local historical societies and knowledgeable individuals, as appropriate, for information about possible resources in the project area.

Native American Consultation

Prior to the onset of field work, the Native American Heritage Commission and the local Native American community shall be consulted for input regarding possible impacts to historical resources within the project area, particularly as they relate to traditional cultural properties and areas of Native American sensitivity. Among its duties, the Native American Heritage Commission is responsible for maintaining the California Sacred Lands Register. This consultation would allow the Native American community the opportunity to become involved prior to the beginning of field work, rather than at the time sensitive resources are encountered.

FIELD RECONNAISSANCE

The field reconnaissance must be conducted under the direction of a qualified professional (see Section V) from the appropriate discipline based on the type of resource being investigated. In cases involving complex resources, a team of experts may be necessary for a complete investigation.

Archaeological Resources

Survey for archaeological resources must be conducted by an archaeologist certified by the Society of Professional Archeologists (SOPA), who must participate in the entire field survey. The survey must conform to professional standards and accomplish thorough coverage of the property. The goal of the field reconnaissance should be complete coverage of the property using linear transects, with surveyors spaced 10 to 15 meters apart (10-meter spacing with vegetation, 15-meter spacing with no vegetation). These thresholds should provide complete coverage of the property unless circumstances such as vegetation, steep slopes or

existing buildings obstruct ground surface visibility. If the ground surface is not visible, an enhanced reconnaissance may be required.

If an enhanced reconnaissance is appropriate, proper steps should be taken to ensure that the methods involved will not cause damage to potential or existing resources on the property. In areas where vegetation is especially heavy, it may be necessary to employ alternative methods for clearing the subject property. The preferred method is clearing the ground surface by hand with a weed-eater or scythe, followed by mowing of non-native grasses (native grasses may require less harmful methods) and, finally, disking. While disking is the least desirable method of ground clearance, it may be appropriate where vegetation is especially heavy. The disking blade, however, should not exceed a diameter of six inches in order to achieve the least amount of damage to historical resources. Periodic ground clearance of vegetation at specified intervals is another method that can be utilized during the enhanced reconnaissance.

Mechanical trenching/coring may be employed when all other methods of ground surface clearance are infeasible due to dense vegetation or poor ground surface visibility. It may also be necessary to use mechanical trenches in areas that are subject to the rapid accumulation of alluvial soils (e.g., adjacent to river beds, marshes, lagoons, etc.), in areas covered by imported fill, in areas where the likelihood of buried cultural deposits may occur and in areas where historical resources have been previously recorded.

Consultants are encouraged to employ innovative survey techniques when conducting an enhanced reconnaissance. These may include remote sensing techniques such as the proton-magnetometer, ground penetrating radar and other soil resistivity techniques as determined on a site specific basis.

Traditional Cultural Properties

In the case of Native American traditional cultural properties, guidance must come from the Native American Heritage Commission (NAHC). Resources identified during the field reconnaissance must be evaluated for their importance with all information documented in the survey and evaluation report. Any Native American traditional cultural property encountered should be recorded (see below) and filed with the NAHC for inclusion in the Sacred Lands Inventory and forwarded to the local Tribal Commission archives. The "Remarks and Interpretations" section of the Archaeological Site Record (Part 2) form should include the name of the contact person for the local Native American group. The historical resources forms should also be sent to both the SCIC and the San Diego Museum of Man. This gives the resource several levels of review during the planning process.

Historical Resource Documentation

All newly identified historical resources must be recorded on State of California Primary Record forms (DPR 523A). Historical resources forms for previously recorded resources should be updated and submitted in the appropriate manner. Procedures for completing these forms are presented in Instructions for Recording Historical Resources. Consultants are responsible for submitting all historical resources forms to the South Coastal Information Center for assignment of a state trinomial. The state trinomial for each new and/or updated resource must be referenced in all subsequent reports. In addition, a second set of historical resources

forms must be forwarded to the San Diego Museum of Man for their files.

Isolates. Isolates must be recorded on Primary Record forms only. Resources identified as isolates must be collected, recorded and mapped as part of the survey. Information about isolates should be included in the survey report, and no further work will be necessary.

Archaeological Sites. In addition to the Primary Record form, archaeological sites should be recorded on the Archaeological Site Record (Part 1 and 2) form (DPR 523C), Linear Feature Record form (DPR 523E), Milling Station Record form (DPR 523F), Rock Art Record form (DPR 523G), Artifact Record form (DPR 523H), Photograph Record form (DPR 523I), Location Map form (DPR 523J), Sketch Map form (DPR 523K) and Continuation Sheet form (DPR 523L), as appropriate.

Historic Buildings, Structures or Objects. In addition to the Primary Record form, historic buildings, structures or objects should be recorded on the Building, Structure and Object Record form (DPR 523B), Linear Feature Record form, Photograph Record form, Location Map form, Sketch Map form and Continuation Sheet form, as appropriate.

Historic Districts. In addition to the Primary Record form, historic districts should be recorded on the District Record forms (DPR 523D), Photograph Record form, Location Map form, Sketch Map form and Continuation Sheet form, as appropriate.

Historic Landscapes. In addition to the Primary Record form, historic landscapes should be recorded on the District Record form, Photograph Record form, Location Map form, Sketch Map form and Continuation Sheet form, as appropriate.

Traditional Cultural Properties. In addition to the Primary Record form, traditional cultural properties should be recorded on the Building, Structure and Object Record form, Archaeological Site Record form, Linear Feature Record form, Milling Station Record form, Rock Art Record form, Artifact Record form, Photograph Record form, Location Map form, Sketch Map form and Continuation Sheet, as appropriate.

Evaluating the Significance of Historical Resources

ARCHAEOLOGICAL RESOURCE SITES AND NATIVE AMERICAN TRADITIONAL CULTURAL PROPERTIES

An acceptable testing program for assessing the significance of historical resources must include documentation and evaluation of both the surface and subsurface components of the resource. The appropriate Native American groups shall be notified prior to any subsurface investigation for input regarding historical resources within the project area. If the Native American community requests the participation of an observer, the request shall be honored. The Native American consultation process shall be meaningful and input shall be solicited in such a manner as to adequately solicit concerns. The views of the Native American community on the resources being evaluated shall be documented and considered a formal part of the process. If traditional cultural properties are identified, then the evaluation must include ethnographic analysis to document, to the extent possible, the significance of the resource.

There is no cookbook formula for what constitutes adequate evaluation of archaeological resources, nor should there be. Individual archaeological sites differ as to the properties that make them significant. At a minimum, however, an evaluation program should include a level of effort which is adequate to determine: 1. the horizontal and vertical dimensions of a site, 2. chronological placement, 3. site function, 4. artifact/ecofact density and variability, 5. presence/absence of subsurface features, and 6. research potential.

Surface Investigation

Site boundaries are determined by the areas of use and are a matter of close observation. Activity areas may or may not be conspicuous on many parts of the site, but once recognized, they should be mapped. When surface features or disturbances are encountered, they must be measured and mapped so that the precise provenience and association with other objects is known. Mapping methods that can be used for establishing site boundaries are: compass and tape; transit and stadia rod; and the plane table and alidade. Documentation of the surface component of a site requires some level of controlled surface collection and analysis of recovered materials. The amount of surface collection (complete vs sample) and the method employed (point provenience vs collection grid) should be determined on a case by case basis, as circumstances warrant. It is expected, however, that surface collection would result in the recovery of all surface material from sites with up to 100-200 surface artifacts. For sites with more than 200 surface artifacts, surface collection may consist of a statistically valid sample, but should generally not represent less than 10 percent of the total site area. The point provenience collection method is the process by which artifacts are mapped, (using proper equipment) based on their exact location or concentration. Also referred to as micro-mapping, point provenience is employed when a complete surface collection is undertaken. Use of the collection grid method is dependent in part on the extent of surface visibility. This method maintains horizontal control, and a convenient way to ascertain the measured relationships between all components of the site. If the surface visibility is good, all materials should be collected. It is logical to use large grids where previous disturbances have been documented, but on less disturbed or pristine sites, smaller grids (1x1) are appropriate. It may also be appropriate to use surface scrapes as a last resort when ground visibility is severely obscured.

Subsurface Investigation

For documenting the subsurface component of a site, a minimum number of standard test units to evaluate the presence or absence of subsurface deposits based on overall site and/or locus size is required. This minimum number of units is modified from recommendations of the Office of Historic Preservation as follows:

2 test units at sites less than 500 square meters in size;
4 test units at sites between 500 and 2,000 square meters;
6 test units at sites between 2,000 and 6,000 square meters;
8 test units at sites between 6,000 and 8,000 square meters;
10 test units at sites between 8,000 and 10,000 square meters.

It is assumed that archaeological sites which exceed 10,000 square meters in size would be subdivided into discrete activity loci, with the minimum number of test units for each locus to be determined by the size of the locus. A standard test unit is defined as a 1 meter by 1 meter unit excavated in arbitrary 10 centimeter levels to sterile soil or to a minimum depth of 50 centimeters.

For sites that are located wholly within proposed open space areas that would be preserved as a condition of project approval, indexing of the subsurface of the site is necessary to provide baseline information for the proper management of the preserved resource. It is anticipated that a minimum of two units for sites less than 6,000 square meters in size and four units for sites greater than 6,000 square meters in size would be necessary. Adequate information is required to prepare an appropriate preservation plan, as required by CEQA and therefore, more than the minimum number of test units may be necessary.

If a subsurface component exists, the boundaries of the deposit can be established through the use of shovel test pit's (STP's), postholes and trenching. Shovel test pits may be used to document the limits of subsurface deposits, but can not in most cases be used in place of the minimum number of test units. Shovel test pits should measure at least 30 centimeters by 50 centimeters and are expected to follow the same excavation parameters as test units. Postholes can be used as well to establish the depth of the deposit, and gather data for soil samples. Trenches are often utilized to expose features and establish depth of the deposit across the site. Width of the trench is dependent upon the size of the backhoe bucket being used, but should not exceed one meter in size.

Extended Subsurface Investigation

While adequate to determine the presence or absence of a subsurface component, the minimum number of test units described above may not be adequate to evaluate the significance of the site based on local, state and national criteria. In that case, additional test units will be necessary t provide substantial evidence to support the significance determination. Further, if a site is determined to be significant and is not proposed for preservation as a condition of project approval, a research design and data recovery program would be required (see below).

Excavation Methods

Proper excavation methods should be employed during any subsurface investigation. Because excavation is the means by which information is unearthed, it must be conducted methodically so that whatever is found can be seen and studied within its own context. With this in mind, the standards for excavation as established by the National Park Service (NPS) should be followed at all times. In addition, the Development Services Department expects that the criteria set forth in these guidelines will ensure quality fieldwork and reports.

The standard unit size is a 1 meter by 1 meter square, excavated by hand in arbitrary 10 centimeters levels to sterile soil or to a minimum depth of 50 centimeters. Although hand excavation is preferred, the use of machinery is acceptable when demonstrated that it is necessary. The standard shovel test pit size is a 30 centimeter by 50 centimeter square excavated by hand in arbitrary 10 centimeters levels to sterile soil or to a minimum depth of 50 centimeters. The stratigraphic profile of the site must include enough data in order to make a determination about the archaeological sequence of the site, as well as the order in which the deposits were laid down. All excavated soils must be passed through 1/8-inch mesh screen unless other methods prove more efficient based on site type or soil consistency. Other screening methods include flotation, the process by which soil is sifted through a fine-mesh screen fastened over a special container filled with water, and water screening. This method should be used at the discretion of the field supervisor and substantiated in the survey and assessment report (see Section IV). Soil samples recovered during the resource evaluation are used to

indicate whether site disturbances were natural or man-made, and determine the type of activity taking place on the site. Munsel Soil Color Charts are used in the field to assess the hue, value, and chroma of the soil for each excavated level, and can provide data relative to the geology of the site as well as the surrounding area.

Field records should be maintained in a manner that permits independent interpretation. It is essential that field records be legible and comprehensive, as well as standardized in format and level of detail. The field notes are a permanent written record of the excavation, and must be available upon request if deemed necessary.

Cataloging and Analysis

Complete analysis of the material recovered during the testing program and completion of any appropriate specialty studies is expected prior to submittal of the technical survey and evaluation report. This should include lithic tool analysis, lithic flake/ debitage analysis, ceramic analysis, faunal analysis (including shellfish, animal bone and fish bone), fish otolith analysis, obsidian analysis, radiocarbon analysis, blood residue analysis, macro-botanical analysis, palynological analysis, etc., as appropriate. In order to adequately evaluate the significance of archaeological resources, it is necessary to identify the scientific potential of the resource (i.e., the data sets present) and the variability within artifact/ecofact classes.

HISTORIC BUILDINGS/STRUCTURES/OBJECTS

Evaluation of historic structures must include sufficient archival research in order to make a determination of significance. Standing structures, as well as architectural/engineering features are evaluated based on criteria such as:

1. age;
2. location;
3. context;
4. association(s) with an important person or event;
5. uniqueness; or
6. structural integrity.

Details such as the names of the architect, builder and the year built, along with information regarding past owners are an important asset in the evaluation process. In addition to the above criteria, it is necessary to include data discussing the significant contribution that was made to the area whether the historic structure is currently in use or not. It may also be appropriate to include a sampling of the site surface or subsurface by utilizing the methods outlined above for archaeological resources.

Research should include a chain of title and literature search conducted at local archives. The San Diego Historical Society, and the California Room of the San Diego Library are good sources for historical information. Sanborn Fire Maps for the City of San Diego, 1928 San Diego County Aerial Survey, County Assessor deed records and other pertinent archival materials should be utilized when necessary. Other sources for historic information include, The National Register of Historic Places and the California Office of Historic Preservation.

Mitigating Significant Impacts to Historical Resources

When significant historical resources are present within the Area of Potential Effect, mitigation is required prior to project implementation. The preferred alternative for mitigating impacts to historical resources is avoidance or preservation in place. If preservation is demonstrated to be infeasible, then alternative measures would be required.

ARCHAEOLOGICAL SITES AND TRADITIONAL CULTURAL PROPERTIES AVOIDANCE/PRESERVATION (PREFERRED)

Areas containing sensitive archaeological and traditional cultural resources which are to be avoided by grading or construction should be identified on grading and building plans. Areas to be preserved should be staked or fenced and protective measures implemented prior to grading. Protective measures should also be identified on grading and building plans.

Preservation can be accomplished in a number of ways including:

1. Planning construction to avoid significant resources;
2. Planning parks, green space, or other open space to preserve historical resources;
3. "Capping" or covering archaeological sites with a layer of soil before building tennis courts, parking lots, or similar facilities. Capping is an acceptable alternative when the following conditions are met:
   a. The soils to be covered will not suffer serious compaction;
   b. The covering materials are not chemically active;
   c. The site is one in which the natural processes of deterioration have effectively ceased; and
   d. The site has been recorded and an index of the contents of the site has been made.
4. Deeding significant resources into permanent conservation easements.

ARCHAEOLOGICAL DATA RECOVERY PROGRAM

When avoidance as a means of mitigation is not feasible, it is necessary to implement a research design and data recovery program. The data recovery program involves the scientific excavation of a representative sample of the features and artifacts contained within that part of the site which will be destroyed by project development. The data recovery program should be based on a written research design and is subject to the provisions as outlined in CEQA, Appendix K. The data recovery program must be reviewed and approved by the City Manager.

The research design should identify important research questions (see the research priorities discussed in Appendix A to these Guidelines), link research topics to the data already known to be present in the site, and explain procedures that will be used in the collection, analysis and curation of recovered materials. The sample size to be excavated will vary with the nature and size of the site.

HISTORIC BUILDING/STRUCTURE/OBJECT MITIGATION

Preferred mitigation is to avoid the resource through project redesign. If the resource cannot be entirely avoided, all prudent and feasible measures to minimize harm to the resource shall be taken. Depending upon

project impacts, measures can include, but not be limited to:

1. preparing a historic resource management plan;
2. adding new construction which is compatible in size, scale, materials, color and workmanship to the historic resource (such additions, whether portions of existing buildings or additions to historic districts, shall be clearly distinguishable from historic fabric);
3. repairing damage according to the Secretary of the Interior's Standards for Rehabilitation;
4. screening incompatible new construction from view through the use of berms, walls and landscaping in keeping with the historic period and character of the resource;
5. shielding historic properties from noise generators through the use of sound walls, double glazing and air conditioning; and
6. removing industrial pollution at the source of production.

If there are no other ways to save a building, structure or object other than relocation, such measures shall be performed in accordance with National Parks Service standards. Appropriate relocation sites shall duplicate, as closely as possible, the original location in terms of size, topography, neighborhood setting, orientation and site landscaping. Prior to the move, the resource shall be documented in its original location according to Historic American Building Survey (HABS) or Historic American Engineering Record (HAER) standards. Such documentation will serve as baseline data for historically correct reconstruction of the new site.

If the resource cannot be accommodated through project redesign and relocation is not feasible, it shall be documented according to HABS or HAER standards prior to demolition. Such documentation, including a written report, photographs, and in some cases, measured drawings and videotape, shall be prepared by a qualified professional to the standards determined by the National Park Service.

Determining the Need for Monitoring

Monitoring may be required when significant resources are known or suspected to be present on a project site, but cannot be recovered prior to grading due to obstructions such as, existing development or dense vegetation. The project archaeologist may suggest or recommend monitoring the site as a result of their own previous research of the surrounding area. Monitoring may also be required to mitigate for potentially significant indirect impacts to an archaeological site. An archaeological monitor is defined as an individual having expertise in the collection and salvage of cultural resources and working under the direction of a qualified archaeologist (see Appendix B to the Guidelines).

The Applicant shall provide verification that a qualified archaeologist and/or monitor has been retained to implement the monitoring program. All persons involved in archaeological monitoring must be approved by EAS staff prior to the preconstruction meeting. The archaeologist must attend any preconstruction meetings for the purpose of making comments and/or suggestions in regards to the monitoring program. Discussion at this time with the contractors regarding excavation plans may help to avoid any unnecessary complications later in the construction process.

NATIVE AMERICAN OBSERVER

A Native American observer must be retained for all subsurface investigations and disturbances whenever a Native American Traditional Cultural Property or any archaeological site located on City property or within the APE of a City project is the subject of destruction. The observer should be consulted during the preparation of the written report, at which time they may express concerns about the treatment of sensitive resources. If the Native American community requests participation of an observer for subsurface investigations on private property, the request should be honored.

DEMOLITION

Monitoring during demolition will be required in order to recover buried archaeological or historic materials known to exist below grade. Demolition would be temporarily halted if the monitor determines that salvage to above ground resources is necessary, and damage to the subsurface deposit may occur.

CONSTRUCTION/GRADING

When significant resources are known or suspected to be present on a project site, but cannot be recovered prior to grading due to existing development, monitoring of grading activities by a qualified archaeologist is required. The archaeologist would be empowered to temporarily halt or divert grading activities to recover cultural resources. These requirements must be noted on the grading plans. The investigator is also required to prepare a report on the results of the monitoring activities (see Section III).

Discovering Unexpected Historical Resources During Construction

CESSATION OF WORK

If previously unknown historical resources are discovered during construction, the archaeological monitor shall have the authority to divert or temporarily halt ground disturbance operations in the immediate area of the discovery until the project analyst from EAS has been notified.

EVALUATION OF RESOURCE

Once notified, EAS staff will, in consultation with the archaeologist, take responsibility for meeting the requirements of CEQA and other state statutes concerning the discovery of human remains and other previously unknown resources. Evaluation of the resource will be necessary and EAS must concur with the evaluation procedures before construction activities may continue on other portions of the project.

Burials need not be evaluated further, as they are always significant and must be treated accordingly. State law must be followed if burials are encountered during construction. In addition, CEQA Appendix K provides guidance to the Lead Agency, as well as to the consultant, for the evaluation of unexpected discoveries during construction.

RESEARCH DESIGN AND DATA RECOVERY

For significant historical resources that are discovered during construction, a Research Design and Data

Recovery Program shall be prepared and carried out in order to mitigate project impacts. All collected cultural remains shall be cleaned, catalogued, and permanently curated with an appropriate institution. Artifacts shall be analyzed to identify function and chronology as they relate to the history of the area. Faunal material shall be identified as to species, and specialty studies shall be completed as appropriate. In addition, any sites or features encountered as a result of the above program, must be recorded on the appropriate site forms and submitted to the SCIC and the San Diego Museum of Man.

San Diego Municipal Code

LAND DEVELOPMENT/ZONING CODE UPDATE

HISTORICAL RESOURCES GUIDELINES

APPENDIX A: SAN DIEGO HISTORY

NOVEMBER 1997

City of San Diego

SAN DIEGO HISTORY

The history of a region provides the context for the evaluation and management of historical resources. The history of San Diego can be divided into four prehistoric periods, one ethnohistoric period and three historic periods. These periods are discussed below as summarized in Rosen (1994) and Van Wormer (1995). For a detailed discussion of San Diego's history, see for example, the *Historic Properties Background Study for the City of San Diego Clean Water Program* (Brian F. Mooney Associates n.d.).

Prehistoric Periods

Systematic archaeological studies in San Diego County began with the work of Malcolm J. Rogers of the San Diego Museum of Man in the 1920s and 1930s. Rogers (1929, 1945, 1966) developed a three part chronologic sequence of prehistoric cultures for the region which was subsequently built upon by Claude Warren (1967, 1968). More recent studies have sought to further refine (Cárdenas 1986, 1987; Moratto 1984; Moriarty 1966, 1967; True 1970, 1980, 1986; True and Beemer 1982; True and Pankey 1985; Waugh 1986) or criticize (Bull 1983, 1987; Gallegos 1987) this sequence. The prehistory of the region is divided into four major periods: Early Man, Paleo-Indian, Early Archaic and Late Prehistoric.

EARLY MAN PERIOD (BEFORE 8500 BC)

No firm archaeological evidence for the occupation of San Diego County before 10,500 years ago has been discovered. The myths and history that is repeated by the local Native American groups now and at the time of earlier ethnographic research indicate both their presence here since the time of creation and, in some cases, migration from other areas. There are some researchers who advocate an occupation of southern California prior to the Wisconsin Glaciation, around 80,000 to 100,000 years ago (Carter 1957, 1980; Minshall 1976). Local proposed Early Man sites include the Texas Street, Buchanan Canyon and Brown sites, as well as Mission Valley (San Diego River Valley), Del Mar and La Jolla (Bada et al. 1974; Carter 1957, 1980; Minshall 1976, 1983, 1989; Moriarty and Minshall 1972; Reeves 1985; Reeves et al. 1986). However, two problems have precluded general acceptance of these claims. First, artifacts recovered from several of the localities have been rejected by many archaeologists as natural products rather than cultural artifacts. Second, the techniques used for assigning early dates to the sites have been considered unsatisfactory (Moratto 1984; Taylor et al. 1985).

Careful scientific investigation of any possible Early Man archaeological remains in this region would be assigned a high research priority. Such a priority would reflect both the substantial popular interest in the issue and the general anthropological importance which any confirmation of a very early human presence in the western hemisphere would have. Anecdotal reports have surfaced over the years that Early Man deposits have been found in the lower levels of later sites in Mission Valley. However, no reports or analyses have been produced supporting these claims.

PALEO-INDIAN PERIOD (8500-6000 BC)

The earliest generally-accepted archaeological culture of present-day San Diego County is the Paleo-Indian culture of the San Dieguito Complex. This complex is usually assigned to the Paleo-Indian Stage and dated to about 10,500 years ago. It would therefore appear to be contemporary with the better-known Fluted Point Tradition of the High Plains and elsewhere and the Western Pluvial Lakes Tradition of the Desert West. The San Dieguito Complex, is believed to represent a nomadic hunting culture by some investigators of the complex (Davis et al. 1969; Moriarty 1969; Rogers 1929, 1966; Warren 1966, 1967) characterized by the use of a variety of scrapers, choppers, bifaces, large projectile points and crescentics, a scarcity or absence of milling implements, and a preference for fine-grained volcanic rock over metaquartzite.

Careful scientific investigation of San Dieguito Complex sites in the region would also be assigned a high research priority. Major research questions relating to the Paleo-Indian Period include confirmation of the presence of the Fluted Point Tradition in San Diego County (Davis and Shutler 1969); better chronological definition of the San Dieguito Complex; determination of whether the San Dieguito assemblages do in fact reflect an early occupation, rather than the remains from a specialized activity set belonging to an Early Archaic Period culture; clarification of the relationship of the San Dieguito Complex, if it represents a separate culture, to the subsequent Early Archaic Period cultures; determination of the subsistence and settlement systems which were associated with the San Dieguito Complex; and clarification of the relationship of the San Dieguito Complex to similar remains in the Mojave Desert, in northwestern and central California, in southern Arizona and in Baja California. The San Dieguito Complex was originally defined in an area centering on the San Dieguito River valley, north of San Diego (Rogers 1929).

EARLY ARCHAIC PERIOD (6000 BC-AD 0)

As a result of climatic shifts and a major change in subsistence strategies, a new cultural pattern assignable to the Archaic Stage is thought by many archaeologists to have replaced the San Dieguito culture before 6000 BC. This new pattern, the Encinitas Tradition, is represented in San Diego County by the La Jolla and Pauma complexes. The coastal La Jolla Complex is characterized as a gathering culture which subsisted largely on shellfish and plant foods from the abundant littoral resources of the area. The La Jolla Complex is best known for its stone-on-stone grinding tools (mano and metate), relatively crude cobble-based flaked lithic technology and flexed human burials. Inland Pauma Complex sites have been assigned to this period on the basis of extensive stone-on-stone grinding tools, Elko Series projectile points and the absence of remains diagnostic of later cultures.

Among the research questions focusing on this period are the delineation of change or the demonstration of extreme continuity within the La Jolla and Pauma complexes; determination of whether coastal La Jolla sites represent permanent occupation areas or brief seasonal camps; the relationship of coastal and inland Archaic cultures; the scope and character of Archaic Period long-range exchange systems; the role of natural changes or culturally-induced stresses in altering subsistence strategies; and the termination of the Archaic Period in a cultural transformation, in an ethnic replacement or in an occupational hiatus in western San Diego County.

LATE PREHISTORIC PERIOD (AD 0-1769)

The Late Prehistoric Period in San Diego County is represented by two distinct cultural patterns, the Yuman Tradition from the Colorado Desert region and the Shoshonean Tradition from the north. These cultural patterns are represented locally by the Cuyamaca Complex from the mountains of southern San Diego County

and the San Luis Rey Complex of northern San Diego County. The people of the Cuyamaca and San Luis Rey complexes are ancestral to the ethnohistoric Kumeyaay (Diegueño) and Luiseño, respectively. Prehistorically, the Kumeyaay were a hunting and gathering culture that adapted to a wide range of ecological zones from the coast to the Peninsular Range. A shift in grinding technology reflected by the addition of the pestle and mortar to the mano and metate, signifying an increased emphasis on acorns as a primary food staple, as well as the introduction of the bow and arrow (i.e., small Cottonwood Triangular and Desert Side-notched projectile points), obsidian from the Obsidian Butte source in Imperial County and human cremation serve to differentiate Late Prehistoric populations from earlier peoples. Pottery is also characteristic of the Cuyamaca Complex, but is absent from the San Luis Rey Complex until relatively late (post AD 1500).

Explanatory models applied to Late Prehistoric sites have drawn most heavily on the ethnographic record. Notable research opportunities for archaeological sites belonging to the Late Prehistoric period include refining chronology, examining the repercussions from environmental changes which were occurring in the deserts to the east, clarifying patterns of inter- and intra- regional exchange, testing the hypothesis of pre-contact horticultural/agricultural practices west of the desert, and testing ethnographic models for the Late Prehistoric settlement system. Hector (1984) focused on the Late Prehistoric Period to examine the use of special activity areas within large sites typical of this period. At issue was whether activities such as tool making, pottery manufacturing and dining were conducted in specific areas within the site, or whether each family unit re-created these activity areas throughout the site. Her findings indicated that no specialized areas existed within Late Prehistoric sites, and furthermore that tools made during this period served a variety of functions.

Late Prehistoric sites appear to be proportionately much less common than Archaic sites in the coastal plains subregion of southwestern San Diego County (Christenson 1990:134-135; Robbins-Wade 1990). These sites tend to be located on low alluvial terraces or at the mouths of coastal lagoons and drainages. Of particular interest is the observation that sites located in the mountains appear to be associated with the Late Prehistoric Period. This suggests that resource exploitation broadened during that time, as populations grew and became more sedentary.

Ethnohistoric Period

The founding of Mission San Diego de Alcalá in 1769 by Father Junípero Serra and Mission San Luis Rey de Francia in 1798 by Father Lasuén brought about profound changes in the lives of the Yuman-speaking Kumeyaay (Diegueño) and Shoshonean-speaking Luiseño of San Diego County. The coastal Kumeyaay and Luiseño were quickly brought into their respective missions or died from introduced diseases. Ethnographic work, therefore, has concentrated on the mountain and desert peoples who were able to retain some of their aboriginal culture. As a result, ethnographic accounts of the coastal Kumeyaay and Luiseño are few. Today the descendants of the Kumeyaay bands are divided among 12 reservations in the south county; the descendants of the Luiseño bands among five reservations in the north county.

The Kumeyaay are generally considered to be a hunting-gathering society characterized by central-based nomadism. While a large variety of terrestrial and marine food sources were exploited, emphasis was placed on acorn procurement and processing as well as the capture of rabbit and deer. Shipek (1963, 1989b) has strongly suggested that the Kumeyaay, or at least some bands of the Kumeyaay, were practicing proto-agriculture at the time of Spanish contact. While the evidence is problematic, the Kumeyaay were certainly adept land and resource managers with a history of intensive plant husbandry.

Kumeyaay houses varied greatly according to locality, need, choice and raw materials. Formal homes were build only in the winter as they took some time to build and were not really necessary in the summer. Summer camps needed only a windbreak and were usually located under convenient trees, a cave fronted with rocks or an arbor built for protection from the sun. During the summer, the Kumeyaay moved from place to place, camping where ever they were. In the winter they constructed small elliptically shaped huts of poles covered with brush or bark. The floor of the house was usually sunk about two feet into the earth. In the foothills and mountains *hiwat* brush or deer broom was applied in bundles tied on with strands of yucca. In cold weather the brush was covered with earth to help keep the heat inside. Bundles of brush were tied together to make a door just large enough to crawl through.

Most activities, such as cooking and eating, took place outside the house. The cooking arbor was a lean-to type structure or four posts with brush over the top. Village owned structures were ceremonial and were the center of many activities. Sweathouses were built and used by the Kumeyaay men. They were built around four posts set in a square near a river or stream and usually had a dug-out floor. The sweathouse was also used sometimes as a place for treating illnesses.

As with most hunting-gathering societies, Kumeyaay social organization was formed in terms of kinship. The Kumeyaay had a patrilineal type of band organization (descent through the male line) with band exogamy (marriage outside of one's band) and patrilocal marital residence (married couple integrates into the male's band). The band is often considered as synonymous with a village or rancheria, which is a political entity.

Almstedt (1980:45) has suggested that the term rancheria should be applied to both a social and geographical unit, as well as to the particular population and territory held in common by a native group or band. She also stressed that the territory for a rancheria might comprise a 30 square mile area. Many households would constitute a village or rancheria and several villages were part of a larger social system usually referred to as a consanguineal kin group called a *cimuL*. The members of the *cimuL* did not intermarry because of their presumed common ancestry, but they maintained close relations and often shared territory and resources (Luomala 1963:287-289).

Territorial divisions among Kumeyaay residential communities were normally set by the circuit of moves between villages by *cimuLs* in search of food. As Spier (1923:307) noted, the entire territory was not occupied at one time, but rather the communities moved between resources in such a manner that in the course of a year all of the recognized settlements may have been occupied. While a *cimuL* could own, or more correctly control, a tract of land with proscribed rights, no one from another *cimuL* was denied access to the resources of nature (Luomala 1963:285; Spier 1923:306); since no individual owned the resources, they were to be shared.

The Kumeyaay practiced many forms of spiritualism with the assistance of shamans and *cimuL* leaders. Spiritual leaders were neither elected to, nor inherited their position, but achieved status because they knew all the songs involved in ceremonies (Shipek 1991) and had an inclination toward the supernatural. This could include visions, unusual powers or other signs of communication with the worlds beyond. Important Kumeyaay ceremonies included male and female puberty rites, the fire ceremony, the whirling dance, the eclipse ceremony, the eagle dance, the cremation ceremony and the yearly mourning ceremony (Spier 1923:311-326).

Important areas of research for the Ethnohistoric Period include identifying the location of Kumeyaay settlements at the time of historic contact and during the following 50 years of the Spanish Period; delineating the effects of contact on Kumeyaay settlement/ subsistence patterns; investigating the extent to which the Kumeyaay accepted or adopted new technologies or material goods from the intrusive Spanish culture; and examining the changes to Kumeyaay religious practices as a result of contact.

Historic Periods

San Diego history can be divided into three periods: the Spanish, Mexican and American periods.

SPANISH PERIOD (AD 1769-1822)

In spite of Juan Cabrillo's earlier landfall on Point Loma in 1542, the Spanish colonization of Alta California did not begin until 1769. Concerns over Russian and English interests in California motivated the Spanish government to send an expedition of soldiers, settlers and missionaries to occupy and secure the northwestern borderlands of New Spain. This was to be accomplished through the establishment and cooperative inter-relationship of three institutions: the Presidio, Mission and Pueblo. In 1769 a land expedition led by Gaspár de Portola reached San Diego Bay, where they met those who had survived the trip by sea on the San Antonio and the San Carlos. Initially camp was made on the shore of the bay in the area that is now downtown San Diego. Lack of water at this location, however, led to moving the camp on May 14, 1769 to a small hill closer to the San Diego River and near the Kumeyaay village of Cosoy. Father Junípero Serra arrived in July of the same year to find the Presidio serving mostly as a hospital. The Spanish built a primitive mission and presidio structure on the hill near the river. The first chapel was built of wooden stakes and had a roof made of tule reeds. Brush huts and temporary shelters were also built.

Bad feelings soon developed between the native Kumeyaay and the soldiers, resulting in construction of a stockade whose wall was made from sticks and reeds. By 1772 the stockade included barracks for the soldiers, a storehouse for supplies, a house for the missionaries and the chapel, which had been improved. The log and brush huts were gradually replaced with buildings made of adobe bricks. Flat earthen roofs were eventually replaced by pitched roofs with rounded roof tiles. Clay floors were eventually lined with fired-brick.

In August, 1774 the Spanish missionaries moved the Mission San Diego de Alcalá to its present location six miles up the San Diego River valley (modern Mission Valley) near the Kumeyaay village of Nipaguay. Begun as a thatched *jacal* chapel and compound built of willow poles, logs and tules, the new Mission was sacked and burned in the Kumeyaay uprising of November 5, 1775. The first adobe chapel was completed in October, 1776 and the present church was begun the following year. A succession of building programs through 1813 resulted in the final rectilinear plan that included the church, bell tower, sacristy, courtyard, residential complex, workshops, corrals, gardens and cemetery (Neuerburg 1986). Orchards, reservoirs and other agricultural installations were built to the south on the lower San Diego River alluvial terrace and were irrigated by a dam and aqueduct system.

In 1798 the Spanish constructed the Mission San Luis Rey de Francia in northern San Diego County. They also established three smaller mission outposts (asistencias) at Santa Ysabel, Pala and Las Flores (Smythe 1908; Englehardt 1920; Pourade 1961). The mission system had a great effect on all Native American groups from the coast to the inland areas and was a dominant force in San Diego County.

Life for the new settlers at the San Diego Presidio was isolated and difficult. The arid desert climate and aggressive Native American population made life hard for the Spanish settlers. They raised cattle and sheep, gathered fish and seafood and did some subsistence farming in the San Diego River valley to generate enough food to keep the fledgling community of a few hundred Spaniards and hundreds of Native American neophytes alive. The situation for Spanish Period San Diegans' was complicated by the Spanish government's insistence on making trade with foreign ships illegal. Although some smuggling of goods into San Diego was done, the amounts were likely small (Smythe 1908:81-99; Williams 1994).

Significant research topics for the Spanish Period involve the chronology and ecological impact caused by the introduction of Old World plants and the spread of New World domesticates in southern California; the differences and similarities in the lifeways, access to resources and responses to change between different Spanish institutions; the effect of Spanish colonization on the Kumeyaay population; and the effect of changing colonial economic policies and the frontier economic system on patterns of purchase, consumption and discard.

MEXICAN PERIOD (AD 1822-1846)

In 1822 the political situation changed. Mexico won its independence from Spain and San Diego became part of the Mexican Republic. The Mexican Government opened California to foreign ships, and a healthy trade soon developed, exchanging the fine California cattle hides for the manufactured goods of Europe and the eastern United States. Several of these American trading companies erected rough sawn wood-plank sheds at La Playa on the bay side of Point Loma. The merchants used these "hide-houses" for storing the hides before transport to the east coast (Robinson 1846:12; Smythe 1908:102). As the hide trade grew, so did the need for more grazing lands. Thus the Mexican Government began issuing private land grants in the early 1820s, creating the rancho system of large agricultural estates. Much of the land came from the Spanish missions, which the Mexican government secularized in 1833. The mission system, however, had begun to decline when the Mission Indians became eligible for Mexican citizenship and refused to work in the mission fields. The ranchos dominated California life until the American takeover in 1846 (Smythe 1908:101-106; Robinson 1948; Killea 1966; Pourade 1963). The Mexican Period brought about the continued displacement and acculturation of the native populations.

Another change in Mexican San Diego was the decline of the presidio and the rise of the civilian pueblo. The establishment of Pueblos in California under the Spanish government met with only moderate success and none of the missions obtained their ultimate goal, which was to convert to a Pueblo. Pueblos did, however, begin to form, somewhat spontaneously, near the California Presidios. As early as 1791, presidio commandants in California were given the authority to grant small house lots and garden plots to soldiers and their families (Richman 1911:346). Some time after 1800, soldiers from the San Diego Presidio began to move themselves and their families from the presidio buildings to the tableland down the hill near the San Diego River. Historian William Smythe noted that Don Blas Aguilar, who was born in 1811, remembered at least 15 such grants below Presidio Hill by 1821 (Smythe 1908:99). Of these 15 grants only five within the boundaries of what would become Old Town had houses in 1821. These included the retired commandant Francisco Ruiz adobe (now known as the Carrillo Adobe), another building later owned by Henry Fitch on Calhoun Street, the Ybanes and Serrano houses on Juan Street near Washington Street, and a small adobe house on the main plaza owned by Juan Jose Maria Marron (*San Diego Union* 6-15-1873:3). By 1827, as many as 30 homes existed around the central plaza and in 1835, Mexico granted San Diego official pueblo (town) status. At this time the town had a population of nearly 500 residents, later reaching a peak of roughly 600 (Killea 1966:9-35). By 1835 the presidio, once the center of life in Spanish San Diego, had been abandoned and lay in ruins. Mission San Diego de Alcalá fared little better. In 1842, 100 Indians lived under the care of the friars and only a few main buildings were habitable (Pourade 1963:11-12, 17-18). The town and the ship landing area (La Playa) were now the centers of activity in Mexican San Diego.

Adobe bricks were used as the primary building material of houses during the Mexican Period because wood was scarce and dirt and labor were plentiful. The technique had been brought to the New World from Spain, where it had been introduced by the Moors in the Eighth Century. Adobe bricks were made of a mixture of clay, water sticks, weeds, small rocks and sand. The sticks, weeds and small rocks held the bricks together and the sand gave the clay something to stick to. The mixture was poured into a wooden form measuring about 4 inches by 11 inches by 22 inches and allowed to dry. A one-room, single-story adobe required between 2,500 and 5,000 bricks. Walls were laid on the ground or built over foundations of cobblestone from the riverbed. To make walls the adobe bricks were stacked and held together with a thick layer of mortar (mud mixed with sand). Walls were usually three feet thick and provided excellent insulation from the winter cold and summer heat. To protect the adobe bricks from washing away in the rain, a white lime plaster or mud slurry was applied to the walls by hand and smoothed with a rock plaster smoother. The lime for the lime plaster was made by burning seashells in a fire. The lime was then mixed with sand and water. Once the plaster had dried, it formed a hard shell that protected the adobe bricks. The roof was usually made of carrizo cane bound with rawhide strips. Floors were usually of hard packed dirt, although tile was also used.

The new Pueblo of San Diego did not prosper as did some other California towns during the Mexican Period. In 1834 the Mexican government secularized the San Diego and San Luis Rey missions. The secularization in San Diego County had the adverse effect of triggering increased Native American hostilities against the Californios during the late 1830s. The attacks on outlying ranchos, along with unstable political and economic factors helped San Diego's population decline to around 150 permanent residents by 1840. San Diego's official Pueblo status was removed by 1838 and it was made a subprefecture of the Los Angeles Pueblo. When the Americans took over after 1846, the situation had stabilized somewhat, and the population had increased to roughly 350 non-Native American residents (Killea 1966:24-32; Hughes 1975:6-7).

Two important areas of research for the Mexican Period are the effect of the Mexican rancho system on the Kumeyaay population and the effect of changing colonial economic policies and the frontier economic system

on patterns of purchase, consumption and discard.

AMERICAN PERIOD (AD 1846-PRESENT)

When United States military forces occupied San Diego in July 1846, the town's residents split on their course of action. Many of the town's leaders sided with the Americans, while other prominent families opposed the United States invasion. A group of Californios under Andres Pico, the brother of the Governor Pio Pico, harassed the occupying forces in Los Angeles and San Diego during 1846. In December 1846, Pico's Californios engaged U.S. Army forces under General Stephen Kearney at the Battle of San Pasqual and inflicted many casualties. However, the Californio resistance was defeated in two small battles near Los Angeles and effectively ended by January 1847 (Harlow 1982; Pourade 1963).

The Americans raised the United States flag in San Diego in 1846, and assumed formal control with the Treaty of Guadalupe-Hidalgo in 1848. In the quarter of a century following 1848, they transformed the Hispanic community into a thoroughly Anglo-American one. They introduced Anglo culture and society, American political institutions and especially American entrepreneurial commerce. By 1872, they even relocated the center of the city and community to a new location that was more accessible to the bay and to commerce (Newland 1992:8). Expansion of trade brought an increase in the availability of building materials. Wood buildings gradually replaced adobe structures. Some of the earliest buildings to be erected in the American Period were "Pre-fab" houses which were built on the east coast of the United States and shipped in sections around Cape Horn and reassembled in San Diego.

In 1850, the Americanization of San Diego began to develop rapidly. On February 18, 1850, the California State Legislature formally organized San Diego County. The first elections were held at San Diego and La Playa on April 1, 1850 for county officers. San Diego grew slowly during the next decade. San Diegans attempted to develop the town's interests through a transcontinental railroad plan and the development of a new town closer to the bay. The failure of these plans, added to a severe drought which crippled ranching and the onset of the Civil War, left San Diego as a remote frontier town. The troubles led to an actual drop in the town's population from 650 in 1850 to 539 in 1860 (Garcia 1975:77). Not until land speculator and developer Alonzo Horton arrived in 1867 did San Diego begin to develop fully into an active American town (MacPhail 1979).

Alonzo Horton's development of a New San Diego (modern downtown) in 1867 began to swing the community focus away from Old Town. After the county seat was moved in 1871 and a fire destroyed a major portion of the business block in April 1872, Old Town rapidly declined in importance.

American Period resources can be categorized into remains of the frontier era, rural farmsteads and urban environments, with different research questions applicable to each category. Important research topics for the frontier era include studying the changing function of former Mexican ranchos between 1850 and 1940 and investigating the effect on lifestyles of the change from Hispanic to Anglo-American domination of the pueblo of San Diego. Research domains for rural farmsteads include the definition of a common rural culture, comparing the definition of wealth and consumer preferences of successful rural farm families versus middle and upper-middle class urban dwellers, definition of the evolution and adaptation of rural vernacular architecture, and identification of the functions of external areas on farmsteads. Research questions for urban environments include definition of an urban subsistence pattern; definition of ethnic group maintenance and patterns of assimilation for identifiable ethnic groups; identification of specific adaptations to boom and bust

cycles; definition of a common culture for working, middle and upper-middle class urban residents; identification of adaptations to building techniques, architectural styles, technological change and market fluctuations through analysis of industrial sites; and investigation of military sites to relate changes in armament technology and fortification expansion or reduction to changing priorities of national defense.

ARCHITECTURE

The built environment, including structures and landscapes, is a vital source of historical evidence on past lifeways, work, ideas, cultural values and adaptations. The built environment is neither a product of random events, nor a static phenomena. The rearrangement of structural features and land use are part of the way in which people organize their lives. Landscapes are lands that have been shaped and modified by human actions and conscious design to provide housing, accommodate production systems, develop communication and transportation networks, designate social inequalities and express aesthetics (Rubertone 1989)

Vernacular architectural studies have demonstrated that pioneer farmers and urban dwellers used folk styles to meet specific needs. Analysis of these house types illustrate adaptation by households as a result of changing needs, lifestyle and economic status. Studies of structural forms at military complexes have documented changes in technology and national defense priorities, and industrial site studies have documented technological innovation and adaptation. The spatial relationships of buildings and spaces, and changes in those relationships through time, also reflect cultural values and adaptive strategies (Carlson 1990; Stewart-Abernathy 1986).

San Diego's built environment spans over 200 years of architectural history. The real urbanization of the City as it is today began in 1869 when Alonzo Horton moved the center of commerce and government from Old Town (Old San Diego) to New Town (downtown). Development spread from downtown based on a variety of factors, including the availability of potable water and transportation corridors. Factors such as views, and access to public facilities affected land values, which in turn affected the character of neighborhoods that developed.

During the Victorian Era of the late 1800s and early 1900s, the areas of Golden Hill, Uptown, Banker's Hill and Sherman Heights were developed. Examples of the Victorian Era architectural styles remain in those communities, as well as in Little Italy.

Little Italy developed in the same time period. The earliest development of the Little Italy area was by Chinese and Japanese fishermen, who occupied stilt homes along the bay. After the 1905 earthquake in San Francisco, many Portuguese and Italian fishermen moved from San Francisco into the area; it was close to the water and the distance from downtown made land more affordable.

Barrio Logan began as a residential area, but because of proximity to rail freight and shipping freight docks, the area became more mixed with conversion to industrial uses. This area was more suitable to the industrial uses because land values were not as high: topographically the area is more level and not as interesting in terms of views as the areas north of downtown. Various ethnic groups settled in the area because there land ownership was available to them.

San Ysidro began to be developed at about the same time, the turn of the century. The early settlers were followers of the Littlelanders movement. There, the pattern of development was lots designed to accommodate small plots of land for each homeowner to farm as part of a farming-residential cooperative community.

Nearby Otay Mesa-Nestor began to be developed by farmers of Germanic and Swiss background. Some of the prime citrus groves in California were in the Otay Mesa-Nestor area; in addition, there were grape growers of Italian heritage who settled in the Otay River Valley and tributary canyons and produced wine for commercial purposes.

At the time downtown was being built, there began to be summer cottage/retreat development in what are now the Beach communities and La Jolla area. The early structures in these areas was not of substantial construction; it was primarily temporary vacation housing.

Development spread to the Greater North Park and Mission Hills areas during the early 1900s. The neighborhoods were built as small lots, a single lot at a time; there was not large tract housing development of those neighborhoods. It provided affordable housing away from the downtown area, and development expanded as transportation improved.

There was farming and ranching in Mission Valley until the middle portion of the 20th century when the uses were converted to commercial and residential. There were dairy farms and chicken ranches adjacent to the San Diego River where now there are motels, restaurants, office complexes and regional shopping malls.

There was little development north of the San Diego River until Linda Vista was developed as military housing in the 1940s. The federal government improved public facilities and extended water and sewer pipelines to the area. From Linda Vista, development spread north of Mission Valley to the Clairemont Mesa and Kearny Mesa areas. Development in these communities was mixed use and residential on moderate size lots.

San Diego State University was established in the 1920s; development of the state college area began then and the development of the Navajo community was outgrowth from the college area and from the west.

Tierrasanta, previously owned by the U.S. Navy was developed in the 1970s. It was one of the first planned unit developments with segregation of uses. Tierrasanta and many of the communities that have developed since, such as Rancho Penasquitos and Rancho Bernardo, represent the typical development pattern in San Diego in the last 25 to 30 years: uses are well segregated with commercial uses located along the main thoroughfares, and the residential uses are located in between. Industrial uses are located in planned industrial parks.

Examples of every major period and style remain, although few areas retain neighborhood-level architectural integrity due to several major building booms when older structures were demolished prior to preservation movements and stricter regulations regarding historic structures. Among the recognized styles in San Diego are Spanish Colonial, Pre-Railroad New England, National Vernacular, Victorian Italianate, Stick, Queen Anne, Colonial Revival, Neoclassical, Shingle, Folk Victorian, Mission, Craftsman, Monterey Revival, Italian Renaissance, Spanish Eclectic, Egyptian Revival, Tudor Revival, Modernistic and International (McAlester and McAlester 1990).

Research interests related to the built environment include San Diego's railroad and maritime history, development in relationship to the automobile, the role of recreation in the development of specific industries, as well as the design and implementation of major regional planning and landscaping projects, the role of international fairs on architecture, landscape architecture and city building; the development of industrial and military technologies between the two world wars; the relationship between climate, terrain, native plant

material and local gardening and horticultural practices, planning and subdivision practices from the turn of the century to the present day and the post-war period of suburbanization.

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San Diego Municipal Code

LAND DEVELOPMENT/ZONING CODE UPDATE

HISTORICAL RESOURCES GUIDELINES

APPENDIX B: HISTORICAL RESOURCES CONSULTANT QUALIFICATIONS

NOVEMBER 1997

City of San Diego

HISTORICAL RESOURCES CONSULTANT QUALIFICATIONS

The City recognizes a difference between the qualifications required for individual's nominating a property to the City of San Diego Historical Resources Board for designation and individual's preparing technical documentation for CEQA compliance. The process for designating historical resources (San Diego Land Development Code, Section 123.0210) allows any person to nominate a property for designation by submitting an Historical Resources Board Register Sheet and Research Report, as identified in the Board's "Guidelines and Procedures for Designation of Historical Sites", to the Board's administrative staff to be considered for forwarding to the Board. It is the Board's intent that Research Reports for historical designations and artistic/architectural designations be simple enough to preclude the necessity of hiring a consultant to prepare them. Research Reports for archaeological designations and natural resource designations, however, must be prepared by qualified individuals.

For CEQA compliance, the City is committed to ensuring that historical resource studies are conducted by qualified professionals. Towards this end, the City strongly recommends that individuals working in any of the disciplines routinely practicing in the historic preservation field today should meet certain minimum professional standards in education, training and experience as described below. These standards, for the most part, follow the professional qualification standards found in the Secretary of Interior's "Standards and Guidelines for Archeology and Historic Preservation" (1995). In addition, it is recommended that individuals conducting historical resource studies be certified by the Society of Professional Archeologists (SOPA), when appropriate, and be approved by the City Manager prior to the onset of work.

The City Manager may grant approval to an individual not meeting the minimum qualifications standards described below. Such individuals may submit their qualifications to the City for consideration. The decision will be made at the discretion of the City Manager on a case-by-case basis.

Principal Investigator

ARCHAEOLOGY

The minimum qualifications for a Principal Investigator conducting archaeological studies are a graduate degree in Archaeology, Anthropology or closely related field (e.g., Historical Archaeology and Cultural Anthropology) PLUS: 1) active SOPA certification or equivalent training accepted for accreditation purposes; 2) at least two years of full-time demonstrable experience (or equivalent specialized training) at a supervisory level with prehistoric archaeological resources of southern California; AND 3) a demonstrated ability to carry research to completion, including scholarly research, publications, papers or similar research and writings in prehistoric archaeology relating to the prehistoric material culture, prehistoric archaeological resources or the prehistoric built environment of southern California. Demonstrable experience includes, but is not limited to: 1) teaching prehistoric archaeology with an emphasis on and related to prehistoric material culture, prehistoric archaeological resources or the prehistoric built environment of southern California; OR 2) administrative, project review or supervisory experience in an historic preservation program or office (academic institution, historical organization or agency, museum, cultural resources management consulting firm or similar professional institution) with an emphasis on and related to prehistoric material culture, prehistoric

archaeological resources or the prehistoric built environment of southern California.

The Principal Investigator shall act as Field and Laboratory Director and shall be responsible for the preparation of all required technical reports, including survey and evaluation results, determinations of significance and preservation/mitigation programs. The Principal Investigator shall ensure that each field and laboratory supervisor and assistant have adequate training to assure that all aspects of the field and lab work are carried out in a professional manner.

ARCHITECTURAL HISTORY

The minimum qualifications for a Principal Investigator conducting studies in Architectural History are a graduate degree in Architectural History or closely related field (e.g., Art History or Historic Preservation) PLUS at least one year of demonstrable experience in applying the methods and practices of Architectural History in the historic preservation arena; OR a Bachelor's degree in Architectural History or closely related field PLUS at least three years of demonstrable experience in applying the methods and practices of Architectural History in the historic preservation arena. Demonstrable experience includes, but is not limited to: 1) scholarly research, publications, papers or similar research and writings related to the history of architecture, historic material culture, historic resources or the historic built environment of southern California; OR 2) teaching the history of architecture, historic material culture, historic resources or the historic built environment of southern California; OR 3) administrative, project review or supervisory experience in an historic preservation program or office (academic institution, historical organization or agency, museum, cultural resources management consulting firm or similar professional institution) with an emphasis on and relating to the history of architecture, historic material culture, historic resources or the historic built environment of southern California; OR 4) field work in Architectural History that emphasizes the identification, evaluation, treatment or documentation of architecture, historic material culture, historic resources or the historic built environment of southern California.

CULTURAL ANTHROPOLOGY

The minimum qualifications for a Principal Investigator conducting studies in Cultural Anthropology are a graduate degree in Anthropology or closely related field (e.g., Ethnography, Ethnohistory, Folklife, Ethnobotany, Ethnozoology, Ethno-archaeology, Cultural Geography, Sociology, Social Anthropology and Oral History) with specialization in Cultural Anthropology PLUS at least one year of demonstrable experience in applying the methods and practices of Cultural Anthropology in southern California. Demonstrable experience includes, but is not limited to: 1) scholarly research, publications, papers or similar research and writings on the theory or practices of Cultural Anthropology as it relates to historic preservation, historic or prehistoric material culture, historic or prehistoric resources or the historic or prehistoric built environment of southern California; OR 2) teaching the theory or practices of Cultural Anthropology as it relates to historic preservation, historic or prehistoric material culture, historic or prehistoric resources or the historic or prehistoric built environment of southern California; OR 3) administrative, project review or supervisory experience in an historic preservation program or office (academic institution, historical organization or agency, museum, cultural resources management consulting firm or similar professional institution) with an emphasis on the Cultural Anthropology of southern California; OR 4) field work in Cultural Anthropology that emphasizes the identification, evaluation, treatment or documentation of historic or prehistoric material culture, historic or prehistoric resources or the historic or prehistoric built environment of southern California.

HISTORICAL ARCHAEOLOGY

The minimum qualifications for a Principal Investigator conducting studies in Historical Archaeology are a graduate degree in Anthropology with a specialization in Historical Archaeology, Archaeology with a specialization in Historical Archaeology or closely related field (e.g., Prehistoric Archaeology and Cultural Anthropology) PLUS: 1) active SOPA certification or equivalent training accepted for accreditation purposes; 2) at least two years of full-time demonstrable experience (or equivalent specialized training) at a supervisory level with historic archaeological resources of southern California; AND 3) a demonstrated ability to carry research to completion, including scholarly research, publications, papers or similar research and writings in historical archaeology relating to the historic material culture, historic archaeological resources or the historic built environment of southern California. Demonstrable experience includes: 1) teaching historical archaeology with an emphasis on and related to historic material culture, historic archaeological resources or the historic built environment of southern California; OR 2) administrative, project review or supervisory experience in an historic preservation program or office (academic institution, historical organization or agency, museum, cultural resources management consulting firm or similar professional institution) with an emphasis on and related to historic material culture, historic archaeological resources or the historic built environment of southern California.

HISTORICAL PRESERVATION

The minimum qualifications for a Principal Investigator conducting studies in Historical Preservation are a graduate degree in Historical Preservation or closely related field (e.g., Environmental Studies, American Civilization, Architectural History, Public Administration, Law, Planning, History, Anthropology, Humanities and Cultural Geography) PLUS at least one year of demonstrable experience in applying the methods and practices of historical preservation in the identification, evaluation or treatment of historic or archaeological resources; OR a bachelor's degree in Historical Preservation or closely related field PLUS at least three years of demonstrable experience in applying the methods and practices of historical preservation in the identification, evaluation or treatment of historic or archaeological resources. Demonstrable experience includes, but is not limited to: 1) scholarly research, publications, papers or similar research and writings in Historical Preservation relating to historic or prehistoric material culture, historic or archaeological resources or the historic or prehistoric built environment of southern California; OR 2) teaching Historical Preservation as it relates to historic or prehistoric material culture, historic or archaeological resources or the historic or prehistoric built environment of southern California; OR 3) administrative, project review or supervisory experience in an historic preservation program or office (academic institution, historical organization or agency, museum, cultural resources management consulting firm or similar professional institution) with an emphasis on historical preservation in southern California and its relationship to the identification, evaluation or treatment of historic or archaeological resources; OR 4) field work that identifies, evaluates or protects the historic or prehistoric resources of southern California.

HISTORY

The minimum qualifications for a Principal Historian are a graduate degree in History or closely related field (e.g., American Studies, American Civilization, Historic Preservation and Humanities) PLUS at least one year of demonstrable experience in applying the methods and practices of History in the Historic Preservation arena; OR a bachelor's degree in History or closely related field PLUS at least three years of demonstrable experience in applying the methods and practices of History in the historic preservation arena. Demonstrable experience

includes, but is not limited to: 1) scholarly research, publications, papers or similar research and writings related to the historic material culture, historic resources or the historic built environment of southern California; OR 2) teaching History with an emphasis on and relating to historic material culture, historic resources or the historic built environment of southern California; 3) administrative, project review or supervisory experience in an historic preservation program or office (academic institution, historical organization or agency, museum, cultural resources management consulting fir or similar professional institution) with direct experience in History relating to historic material culture, historic resources or the historic built environment of southern California; OR 4) field work in History that emphasizes the identification and evaluation of historic material culture, historic resources or the historic built environment of southern California.

UNDERWATER ARCHAEOLOGY

The minimum qualifications for an Underwater Archaeologist are a graduate degree in Archaeology, Anthropology or closely related field (e.g., Historical Archaeology and Cultural Anthropology) PLUS: 1) active SOPA Certification or equivalent training accepted for accreditation purposes; 2) at least two years of full-time demonstrable experience (or equivalent specialized training) at a supervisory level with underwater archaeological resources of southern California; AND 3) a demonstrated ability to carry research to completion, including scholarly research, publications, papers or similar research and writings in underwater archaeology relating to the historic or prehistoric material culture, historic or prehistoric resources or the historic or prehistoric built environment of southern California. Demonstrable experience includes, but is not limited to: 1) teaching underwater archaeology with an emphasis on and related to historic or prehistoric material culture, historic or prehistoric resources or the historic or prehistoric built environment of southern California; OR 2) administrative, project review or supervisory experience in an historic preservation program or office (academic institution, historical organization or agency, museum, cultural resources management consulting firm or similar professional institution) with an emphasis on and related to historic or prehistoric material culture, historic or prehistoric resources or the historic or prehistoric built environment of southern California.

Archaeological Supervisors and Monitors

The minimum qualifications for archaeological field/laboratory supervisors and monitors are a bachelor's degree in Archaeology, Anthropology or closely related field (e.g., Archaeology and Cultural Anthropology) PLUS: 1) at least two years of demonstrable experience (or equivalent specialized training) with prehistoric archaeological resources of the United States; AND 2) at least one year of full-time demonstrable experience at a supervisory level with prehistoric archaeological resources of southern California. Demonstrable experience includes, but is not limited to: 1) administrative, project review or supervisory experience in an historic preservation program or office (academic institution, historical organization or agency, museum, cultural resources management consulting firm or similar professional institution) with an emphasis on and related to prehistoric material culture, prehistoric archaeological resources or the prehistoric built environment of southern California; OR 2) field work that emphasizes the identification, evaluation, treatment or documentation of prehistoric material culture, prehistoric archaeological resources or the prehistoric built environment of southern California.

Traditional Cultural Property Expertise

The minimum qualifications for traditional cultural property expertise are a community-recognized traditional cultural authority who can speak on behalf of the community with regard to historic or prehistoric resources; OR community-recognized permission to consult with a traditional cultural authority and to speak on behalf of that authority PLUS at least one year of demonstrable experience in applying information concerning traditional cultural properties in the historic preservation arena. Demonstrable experience includes, but is not limited to: 1) study with traditional cultural authorities concerning community traditions associated with traditional cultural properties of southern California; OR 2) teaching or passing on community traditions that relate to traditional cultural properties of southern California; OR 3) administering or working in a program on behalf of a traditional community that identifies, evaluated, documents and protects traditional cultural properties in southern California; OR 4) fieldwork on behalf of the community to identify, evaluate, document and protect traditional cultural properties in southern California.

San Diego Municipal Code

LAND DEVELOPMENT/ZONING CODE UPDATE

HISTORICAL RESOURCES GUIDELINES

APPENDIX C: ARCHAEOLOGICAL RESOURCE MANAGEMENT REPORT FORMAT

NOVEMBER 1997

City of San Diego

ARCHAEOLOGICAL RESOURCE MANAGEMENT REPORT FORMAT

This report format must be used when significant archaeological resources would be directly impacted as a result of a proposed development project. This format may be modified, as necessary, when historical resources other than archaeological resources are also present within the project area.

I. TITLE PAGE
- A. Report title (type of study, project name, city, state).
- B. LDR number.
- C. Party to whom report submitted (lead agency under CEQA).
- D. Party for whom report prepared (e.g., contracting or responsible party such as a permitting agency, property owner, or lead agency under CEQA).
- E. Consulting firm preparing report (name, address, telephone number).
- F. Authors (include titles).
- G. Date (month, year).

II. NATIONAL ARCHAEOLOGICAL DATA BASE INFORMATION
- A. Authors (same as I.F).
- B. Consulting firm (same as I.E).
- C. Report date (same as I.G).
- D. Report title (same as I.A).
- E. Party submitted to (same as I.C).
- F. Party submitted by (same as I.D).
- G. Contract number.
- H. USGS quadrangle location of study area.
- I. Acreage of study area.
- J. Keywords

III. TABLE OF CONTENTS
- A. Major report sections, subheadings and appendices with page numbers.
- B. Figures with page numbers.
- C. Photographs with page numbers.
- D. Tables with page numbers.

IV. MANAGEMENT SUMMARY/ABSTRACT
- A. Purpose and scope of cultural resource investigation (e.g., constraints study, survey and evaluation, mitigation, monitoring).
- B. Date(s) of investigation.
- C. Summary of results (e.g., if survey, list number and types of historical resources identified).
- D. Constraints on investigation (e.g., time, finances, logistics, dense vegetation, weather, right-of-entry, etc.).
- E. Summary of significance/eligibility of historical resources pursuant to CEQA, City of San Diego Land Development Code, California Register of Historical Resources, and, if applicable, the National Register of Historic Places criteria.

F. Summary of direct, indirect and cumulative impacts on historical resources.
G. Summary of recommendations (e.g., additional survey, resource evaluation, preservation program, research design and data recovery program and monitoring program).
H. Curation of field notes, collections and reports.

V. PROJECT INFORMATION/INTRODUCTION
A. Purpose of study (relevant Federal, State and local laws). Any studies that preceded and recommended current study.
B. USGS project location (section, township, range, quadrangle). Include USGS quadrangle map with project boundaries (map must include quad name, north arrow and scale).
C. Geographic limits of study area in acres; include 800' scale City Engineering map with survey boundaries (study area may or may not coincide with project boundaries).
D. Project description, nature and extent of anticipated impacts (must include site plan).
E. Project schedule: phases of planning and construction.
F. Personnel organization: active participants and duties (qualifications in appendix).

VI. SETTING
A. Natural Setting
1. General physiographic region.
2. Local environment of study area (i.e., landform, geology, soils, fresh water, climate, vegetation, animal life). Location of culturally important resources (e.g., rock outcrops, oak groves, lagoons, etc.), as appropriate.
3. Current land use.
B. Cultural Setting
1. Brief summary of prehistory/history of study area, as appropriate.
2. Summary of previously recorded cultural resources within one-mile of study area (record searches from South Coastal Information Center and San Diego Museum of Man in confidential appendix).
3. Detailed summary of previously recorded sites and studies on-site.

VII. RESEARCH DESIGN
A. Theoretical basis of proposed study.
B. Summary of important research questions for study area or identified resources.
C. Testable hypotheses or research goals.
D. Test implications of hypotheses or expected historical resource information (historical resource types, distribution, data categories).

VIII. METHODS
A. Definitions for cultural resource types (i.e., types of buildings, structures, objects, sites or districts), if different from SHPO definitions.
B. Research methods employed (e.g., literature review, surface survey, excavation, laboratory analysis, specialty studies).
1. Date(s) of investigation.
2. Research and sampling strategies employed, why used, how conducted, and person hours/days expended. 10-meter transect spacing required for most surveys; up to 15 meters, if justified (i.e., 100% ground surface visibility). Survey coverage should

approximate 40 acres/person day. All areas, including open space, must be surveyed, with exception of slopes steeper than 25% gradient.

3. Include 800' scale City Engineering map showing areas not surveyed or surveyed using different strategies, if different from V.C.
4. Descriptive summary of project areas examined; include percentage of ground surface visibility.
5. Resource recording procedures, as appropriate.
6. General description of surface and subsurface treatment (i.e., types and methods of mapping, surface collection, feature documentation and excavation).
7. Cultural materials collected (if any); include methods of documentation and removal.
8. Laboratory methods employed (e.g., washing, catalog procedures, lithic analysis, ceramic analysis, flotation, special treatment, etc.).
9. Specialty studies conducted (e.g., radiocarbon, obsidian sourcing and hydration, shellfish, animal bone, fish bone, macrobotanical, pollen, phytolith, blood protein, etc.); include name of analyst (report in appendix).

C. Native American consultation.

D. Curation of field notes, collections and reports.

IX. REPORT OF FINDINGS

A. Single survey and evaluation report required.

B. Results of survey and evaluation. If present, list of historical resources in study area classified as buildings, structures, objects, sites, districts, or recent resources (<45 years old). Primary Record number required for all historical resources; permanent trinomial (CA-SDI-XXXX) required for all archaeological sites.

C. Historical resource location maps (USGS quadrangle map and 800' scale City Engineering map) required in confidential appendix. Archaeological resource site maps (200' scale or better) in text, as long as location not easily identified. Site maps must show topography, resource boundaries, surface mapping, features, disturbance, and subsurface excavation locations.

D. Description of each cultural resource listed under IX.C, including topographic setting, configuration, overall dimensions, surface features, artifacts observed/collected and photograph of resource. Completed Primary Records required in a confidential appendix for all newly discovered historical resources. Additional records are required, as appropriate. Updated records are also required for all previously recorded historical resources.

E. Summary of specific evaluation procedures employed for each resource in project area (i.e., surface collection and mapping, recording of surface features, subsurface excavation, etc.), including any resources that would be preserved in open space.

F. Evaluation of historic building(s), including documentation/evaluation of architect, people who have occupied/owned building(s), architecture and relationship to surrounding structures and community, is required if identified as part of the survey.

G. Subsurface evaluation required for any sites previously recorded in project area, but not relocated during survey. This may include mechanical trenching and/or coordination with geotechnical investigations.

H. Description of physical context for each evaluated resource (i.e., topography, geomorphology, stratigraphy, excavation profiles, etc.).

I. Description of archaeological/structural features (e.g., bedrock milling, hearths, refuse pits,

living floors, structural foundations, pathways, gardens, etc.). Include location, dimensions, attributes, and associations; illustrations and photographs; results of specialty studies related to features.

J. Description and quantification of artifacts by artifact class and material type (e.g., flaked stone, groundstone, ceramics, bone tools, modified shell, etc.). Include typological analysis of artifacts, illustrations/photographs of all tools, and analysis of artifact manufacture and use.

K. Description of non-artifactual material (e.g., shellfish, animal bone, fish bone, burned seeds, etc.); include specialty study reports in appendix.

L. Results of other specialty studies (e.g., radiocarbon, obsidian sourcing and hydration, pollen, phytolith, blood protein, etc.); include reports in appendix.

M. Description of discovery, examination and disposition of human remains, if any; include reburial agreement in appendix.

N. Description of spatial distribution and patterning of cultural material by class and type (e.g., flaked stone, groundstone, ceramics, shellfish, bone, etc.).

O. Results of Native American consultation.

X. DISCUSSION/INTERPRETATION

A. Results of study as related to specific research design questions.

B. Results of study in terms of general research objectives.

XI. MANAGEMENT CONSIDERATIONS

A. Detailed discussion addressing significance/eligibility of each historical resource pursuant to CEQA, California Register of Historical Resources, City of San Diego Land Development Code, and, if applicable, the National Register of Historic Places criteria.

B. Assessment of potential direct, indirect, and cumulative impacts for each identified historical resource. For reports involving multiple resources, provide table of historical resources, potential impacts and significance/eligibility.

C. Consideration of alternative measures to avoid or minimize adverse impacts for each significant historical resource.

D. Recommendations (i.e., explicit preservation program, documentation of historic buildings, research design and data recovery program, or combination) for each significant historical resource required. Include monitoring program during grading to ensure compliance with preservation program or for identification of new resources, if appropriate.

XII. REFERENCES

XIII. CERTIFICATION

XIV. APPENDICES

A. Personnel qualifications (resumes)
B. Curatorial or reburial agreements, if any
C. Reviewers comments/agency correspondence, if any
D. Artifact/collection catalog
E. Photographic records
F. Native American observer/monitor reports, if any
G. Project maps and plans, drawings, etc., if not in body of text
H. Specialty studies/technical reports

XV. CONFIDENTIAL APPENDICES (bound separately)

A. Records search results
B. Historical resource location maps and site maps
C. New or updated historical resource records

Adapted from Archaeological Resource Management Reports (ARMR): Recommended Contents and Format (California Office of Historic Preservation, December 1989)

Revised 9/97

San Diego Municipal Code

LAND DEVELOPMENT/ZONING CODE UPDATE

HISTORICAL RESOURCES GUIDELINES

APPENDIX D: ARCHAEOLOGICAL RESOURCE REPORT FORM

NOVEMBER 1997

City of San Diego

ARCHAEOLOGICAL RESOURCE REPORT FORM

This report form shall be used when a site specific survey for historical resources was completed and no archaeological resources were identified within the project area (APE). This form may be used, rather than completion of an Archaeological Resource Management report, when archaeological resources were identified and, based on an evaluation, were determined to be non-significant or are potentially significant but will not be directly impacted by the proposed development project. Completion of the required site specific survey and this report form must conform to the Historical Resources Guidelines of the Land Development Manual.

I. PROJECT DESCRIPTION AND LOCATION (Include the geographic limits of the study area and a description of the proposed development project.)

II. SETTING
Natural Environment (Past and Present)

Ethnography/History

III. AREA OF POTENTIAL AFFECT (APE) (Describe the nature and extent of anticipated direct, indirect and cumulative impacts.)

IV. STUDY METHODS (Include a description of the specific methods used in the identification and evaluation of archaeological resources for this study.)

City of San Diego
ARCHAEOLOGICAL RESOURCE REPORT FORM Page 2

V. RESULTS OF STUDY
Background Research

Field Reconnaissance

Evaluation

VI. RECOMMENDATIONS (Include recommendations for mitigation of significant indirect and cumulative impacts and monitoring, as appropriate.)

VII. SOURCES CONSULTED	DATE
National Register of Historic Places ☐	Month and Year:
California Register of Historical Resources ☐	Month and Year:
City of San Diego Historical Resources Register ☐	Month and Year:
Archaeological/Historical Site Records: South Coastal Information Center ☐ San Diego Museum of Man ☐	 Month and Year: Month and Year:

Other Sources Consulted:

VIII. CERTIFICATION

Preparer:	Title:

Signature: Date:

City of San Diego
ARCHAEOLOGICAL RESOURCE REPORT FORM Page 3

IX. ATTACHMENTS
National Archaeological Data Base Information

Bibliography

Maps (Include all of the following maps.)
- City of San Diego 800' scale
- U.S.G.S. Quadrangle
- Project Maps (Delineate area of actual survey on Project Map, or largest scale map available.)
- Site Plan

Photographs (Include site and artifact photographs, as appropriate.)

Personnel Qualifications (Include resumes if not already on file with the City.)

X. CONFIDENTIAL APPENDICES (Bound separately)
Records search results

Historical resource location maps and site maps

New or updated historical resource records

San Diego Municipal Code

LAND DEVELOPMENT/ZONING CODE UPDATE

HISTORICAL RESOURCES GUIDELINES

APPENDIX E: HISTORICAL RESOURCES BOARD GUIDELINES AND PROCEDURES FOR DESIGNATION OF HISTORIC SITES (Bound Under Separate Cover)

NOVEMBER 1997

San Diego Municipal Code

LAND DEVELOPMENT/ZONING CODE UPDATE

HISTORICAL RESOURCES GUIDELINES

APPENDIX F: THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION AND GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS (Bound Under Separate Cover)

NOVEMBER 1997

RECORD PACKET COPY

CITY OF SAN DIEGO
HISTORIC SITE BOARD

GUIDELINES AND PROCEDURES FOR DESIGNATION OF HISTORIC SITES

REPUBLISHED ON JUNE 23, 1994
WITH AMENDMENTS TO SECTION III. B

ABSTRACT

Guidelines and Procedures for Designation of Historic Sites

This document consists of two elements:

1. Historical Report Submittal requirements including a sample report, a Historic Site Register form and a list of historical resources.

2. A Historical Site Board Policy Manual including Historic Site Registration Rules, a Definition of Historic Significance, Information on Meeting Conduct and a Procedure for Establishing Historic Districts.

I. Primary Requirements (for all sites):

The proposer shall submit a Historical Site Board Register Sheet containing the following information:

A. Site identification:

1. Name and location of site including street number legal description or any other identification

2. A map of the area containing a sketch showing location of site or building including streets, alleys, lot numbers, and building outlines (for large sites, a United States Geological Survey map should be used)

B. Name and address of owner(s) of record

C. Name and address of person(s) preparing report if different than above

D. Photographs of the site or structure(s), both current and historical (if available)

E. Abstract (briefly describe why this site is worthy of designation and provide a physical description of the site)

II. Additional Requirements:

Depending on the type of designation sought, one or more of the following reports shall be submitted:

A. Report for historical designation:

Definition: Historical sites are those sites notable for their associations with persons or events significant to the history of San Diego. A historical site might be a structure, battlefield, park, meeting place or location of a significant event. Historical report should include:

1. Evidence to establish and document the date and

historical significance of the site or biographical information on the persons associated with the site

2. Detailed list of source material including specific references used to compile the report (see attached criteria and samples)

3. Chain of title since the date of construction (may be Waived by petition to the Board if undue hardship is involved with obtaining a particularly difficult chain of title)

B. Reports for artistic/architectural designation

1. Definition Architectural sites are those sites notable as important examples of a specific type, period, trend or style of architecture including other cultural resources such as murals and sculpture, or are the work of important architects, builders, or designers. Report should include:

   a. Evidence establishing the date and architectural significance of the site, including biographical information on the architect or builder (if known)

   b. Detailed list of source material including specific references used to compile the report (see attached criteria and samples)

   c. Physical description of structure including size, materials, alterations, present condition, and a site landscape description

2. Building interiors:

   It is generally assumed that interior spaces are <u>not</u> included in designation unless specified by the person requesting designation. If interior designation is sought, the architectural report should include the following:

a. Report on the interior features of the structure including physical description and condition

b. Sketch floorplans

c. Photographs of significant interior spaces and features

3. Historical landscapes:

Historical landscape sites would include both designed and cultural landscapes, and would be notable as important examples of a specific type, period, trend or style of landscape architecture or the work of important landscape architects or designers. Cultural landscapes would include settlements, farms, and other adaptations of the natural landscape. If landscape designation is sought, the report should include the following:

a. Evidence establishing the date and significance of the site, including biographical information on the landscape architect or designer (if known)

b. Detailed list of source material including specific references used to compile the report (see attached criteria and samples)

c. Physical description of the site including size, plantings, built features, natural features, alterations and present condition

C. Report for archaeological designation:

Definition: Archaeological sites are those sites notable for their ability to reveal evidence of or help interpret past human lifeways through their remaining artifacts, art, architecture, religious or ceremonial features. Archaeological report should include:

1. Qualifications of the researcher: certification by

the Society of Professional Archaeologists (SOPA) or equivalent education and experience

2. Evidence to establish and document the archaeological significance of the site (previous fieldwork, ethnographies, Cultural Resource Management reports, records searches, field surveys, etc.)

3. Detailed list of source material including specific references used to compile the report (see attached criteria and samples)

D. Report for natural resource designation:

Definition: Natural resource sites are those sites notable for their unique floral:, faunal, fossil, topographic, hydraulic or geological features. Natural resource report should include:

1. Qualifications of the researcher: master's degree in some aspect of field biology, geology, resource management, etc., or a proven record of scientific research and publication

2. Evidence to establish the significance of the natural resource (scientific studies, lists compiled under the Federal Endangered Species Act, California Native Plant Protection Act, etc.)

3. Detailed list of source material including specific references used to compile the report (see attached criteria and samples)

E. Optional material:

Additional material may be included if the person requesting designation feels it would be helpful to the members of the Board in making their decision. This might include information on interiors if interior designation is not being sought, copies of original deeds, transfers, or other documents used in preparing reports.

III. Procedure for public hearings related to designation of historical sites:

A. Prior to hearing date:

1. A final typewritten draft of the report(s) shall be reviewed by staff for completeness and sufficiency, and a date shall be set for hearing the item at the next regularly scheduled Board meeting.

2. Following approval of the draft report(s) 30 copies of the report shall be submitted to Historical Site Board staff.

3. The site shall be made available for inspection by Board members (including interiors if interior designation is being sought) prior to the hearing date.

B. Conduct of hearing:

1. Except as otherwise specifically noted below Roberts Rules of Order shall apply to the conduct of meetings.

2. A quorum of Board Members must be present in order to commence any public meeting of the Board. A quorum shall consist of the majority of the Members of the Board who have been appointed and sworn into office. However, in no circumstance will less than five (5) Members ever qualify to constitute a quorum of the Board.

3. An affirmative vote of the majority of the Members of the Board who have been appointed and sworn into office is required for the Board to take any action. However, in no circumstance will less than the affirmative vote of five (5) Members ever qualify for the Board to take any action.

4. A site may be added to the Registry of Historical Landmarks by action of the Board.

a. Only Board Members who have physically visited and seen a proposed site may vote on designation, unless the Board takes action to waive this requirement on the day of the public hearing or beforehand if known. The site visit requirement may only be waived if the Board can make one of the following findings:

(1) A physical visit to the site would not significantly contribute to an understanding or appreciation of the historicity of the proposed site; or,

(2) The availability of access to the site is limited and the historical elements are sufficiently documented and demonstratable to the Board through the use of graphic or visual aids.

Any action of the Board to designate a site should take place on the day of the public hearing. However, at the close of the public hearing, the Board may take action to delay designation to a future date (not to exceed two meetings in the future).

5. Any member may abstain from voting on any issue, with or without declaring a reason therefore. However, should a member desire to abstain he or she shall declare before any Board vote.

6. Any proposal for addition, modification, or deletion of a site to or from the Registry shall be accompanied by a report and study documenting the reasons therefore. If a site is deleted or the designation modified, the report shall indicate the reasons why the original criteria are no longer valid. Such report and study shall be furnished the Board at least a month prior to a hearing on such proposal. If, upon presentation of the report and study, the Board determines that sufficient evidence is presented to warrant a

hearing, such a hearing may be authorized to be held no sooner than the next regular monthly meeting.

7. No hearing shall in any case be held unless the owner of the subject site has been notified of the date, time, and place of the hearing.

8. Any action to add or delete a site to or from the Registry of Historical Landmarks having been acted upon by the board, no motion to reconsider such action shall be placed before the Board earlier than 2 months after the initial action, and then only after notification of the site owner that such action is contemplated.

9. Presentations for hearings will be limited to eight (8) minutes per side. This restriction may be waived by the Board.

10. Continued excessive absence is construed to be a lack of desire to continue to participate in activities of the Board and is therefore considered voluntary resignation from the Board. If a Member is absent from three Board meetings within one year the Member shall show cause to the Board why the Mayor should not be notified of his or her implied resignation from the Board.

Reference Samples

Published Materials

books:
author(s) title. city: publisher, date

Stewart, Don M. Frontier Port: A Chapter in San Diego's History. Los Angeles: Ward Ritchie Press, 1965.

periodicals:
author(s) "title of article." name of publication volume, number (date): page(s)

Petersen, Martin E. "William Templeton Johnson, San Diego Architect, 1877-1957." Journal of San Diego History Vol. XVII, No. 4 (Fall, 1971): 20-30

newspapers:
name of paper date, section page: column(s)
San Diego Union may 16, 1923, A 5:3-5

maps:
"title." cartographer/publisher, date (repository)
"Official Map of San Diego County." T.D. Beasley, 1890 (San Diego Historical Society)

Unpublished Materials

dissertations, theses, papers, etc.:
author "title." type of paper, institution for whom paper was prepared, date (repository)

Krase, Jean Flaherty "The Old World Ceramic Sherds from San Diego's Presidio." master's thesis, San Diego State University, 1979 (San Diego State University Library)

interviews:
name of interviewee, name of interviewer, date of interview, place of interview

John K. Smith interviewed by Linda R. Jones, Oct. 16, 1983, San Diego, Calif.

If reference was taken from a taped or transcribed interview in an accessible collection, add the name of the repository

manuscripts, documents, photographs, architectural records, public records, etc:
description and date of material, name of collection or identifying number, name of repository containing material

letter, Capt. A.A. Ackerman to Hazel Waterman, San Diego, Dec. 10, 1912, Waterman Box file, MSS 226, San Diego Historical Society

HISTORICAL RESOURCES

Title Insurance Company
222 A Street
San Diego, California
(Chain of Title)

County Recorders Office
1600 Pacific Highway, Room 260
San Diego, CA. 92101

County Recorders Office
P.O. Box 1750
San Diego, CA. 92112

2nd Floor: Birth, death, marriages $2.00/hour fee
Basement: All recorded documents, i.e. deeds, mortgages, etc.

Water & Sewer Utilities
2781 Caminito Chollas
San Diego, CA.
Water & Sewer hook-up dates - useful in establishing date of building construction, owner, builder or architect

San Diego County Probate Records & Records of Litigation
220 W. Broadway
San Diego, CA.
Basement-Old Records

Mt. Hope Cemetery
3751 Market Street
San Diego, CA.

San Diego Public Library, California Room 2nd Floor
820 E Street
San Diego, CA.

Great Register of Voters
Census
City Directories 1886 - present
Sanborn Fire Map 1887, 1888
San Diego Union, indexed except for years 1903-1930
Regional and subject files
Biographic files
Additional newspapers, not indexed

Neighborhood Libraries

San Diego Historical Society Library & Manuscripts Collection
1649 El Prado
San Diego, CA. 92102

P.O. Box 81825
San Diego, CA. 92138

Research Library may be used by members or $5.00 charge for one year, student; or $1.00 one time use.

Great Register of Voters
Census
Subject and Regional Files
Biographies
Oral Interviews
Assessment records (old, assorted)
Historical Photos

OUTLINE OF CONTENTS OF REPORTS PREPARED BY MEMBERS OF THE HISTORICAL SITES BOARD RESEARCH COMMITTEE OF SAN DIEGO OR BY ANY OTHER GROUP OR PERSON SUBMITTING HISTORICAL SITE INFORMATION

A. Completed copy of the San Diego Historical Site Board Register

B. Title page, including:

1. Name of research project. When there is a given name, such as Mount Vernon, it is given preference. If a second name is most used, parenthesis may be used: Grand Hotel (Hotel Horton). If there is no given name, the name should be that of the original owner. If the building has important later historical owners or associations, a second name can be added by hyphenation, such as Quartermass-Wilde House.

2. Name of Researcher, researching assistant, and/or name of person preparing the report if other than the researcher.

3. Name of Architectural researcher, if other than above.

4. Name of Architect consulted and the extent of his contribution.

5 Dates the project was accepted by the Research Committee, the Historical Sites Board, the State of California, or the National Register. These will have to be added later.

C. Body of the report. This may be in narrative form, but must include the following identifiable information, in the given order; if any part is not applicable, say why; if not available, give sources exhausted.

1. Location Description. Street number, legal description, any other identification.

2. Ownership data, as completely as can be obtained since the structure was built. Ownership of the land previously should be noted only if significant, such as Horton's Addition. Remember there is another place in the report for biography of important owners, and also for historical significance.

3. Factual details. Original use, present use, architect (any details that pertain to him, unless the architect himself is of historical significance, in which case he would be mentioned more fully under point 6).

4. Physical details. If there is a separate architectural report, this section may be omitted. Otherwise, include style, number of stories, wall construction, foundation type, condition, alterations, a description of the site including trees and out-buildings, and an architects estimate of the structural soundness of the building.

5. Historical significance. A description of events that have taken place in or about the site or house or building, and/or

a concise statement about the historical significance of owners and occupants. Pertinent here also would be a resume of the architectural significance of the building in the development of architecture in San Diego, as an example of an era or a particular style, or features which make the building significant. This is a summary section.

6. Biographies of important people who have lived in the house, or the architect, builder, etc.

7. Name and address of the owner of record, and comments about the future of the building, if pertinent.

D. A sketch showing location of site or building, including streets, alleys, lot numbers, building and outbuildings.

E. Photos of building, if possible, an early photo as well as present. Identify as to date and source.

F. Bibliography and references.

G. List of exhibits attached. These could include excerpts from title company records and City Recorder's records in the form of a chain of title (photostatic reproductions are not necessary); tracings from a fire map; photocopies of pictures and biographical material of particular importance; photocopies of newspaper articles, or the clippings themselves, mounted; letters comfirming any statements of value of buildings or trees quoted in the report itself. The chain of title is a must.

H. Exhibits, in order listed.

I. Architectural Report, including all material gathered by the architectural researcher. Include a sketch of the floor plan of each floor unless original drawings are available or the building is to be measured by HABS.

EXAMPLE OF A COMPLETED RESEARCH PROJECT

ON A VICTORIAN HOUSE

HISTORICAL DATA CONCERNING THE TIMKEN HOUSE

Legal Description: E. 75.05 feet of Lot "G", and all of Lot "H" excepting the north 10' thereof, in block 288 of Hortons Addition.

Present Owner: Arthur L. Austin

Present use: Residence

In the great boom years of the late 1880's and early 1890's many "Eastern Capitalists" (a term in vogue in that day) came to San Diego, attracted by the business opportunities, climate and excitement of the West. Among the most outstanding of these men was Henry Timken, who was to contribute to the development of the town through his business activity and whose fortune, disbursed by his descendants, contributed significantly to the cultural opportunities of San Diegans down to the present day. Henry Timken purchased (in his wife's name, as was often done in those times), the South ½ of lot 288, Hortons Addition, on Sept. 3, 1887, for $11,500. We have found no records of a building date for the mansion they erected on the South-east corner of this property, but assume one of this size could not have been completed before 1888. The purchase price indicates the land was vacant, by comparison with other nearby. In the city directory of 1889-90 Henry Timken is listed as residing at First and Laurel, along with his two grown sons, H.H. and W. R. The former and his father are often confused in newspaper accounts and elsewhere.

On April 4, 1893, Henry and his wife sold this house and property to R. A. and Mary Thomas (it was again listed in the wife's name.) R. A. Thomas was very active in land speculation in this boom city, as revealed by the records at the City Recorders Office. As he purchased this valuable land and expensive mansion for only $1 it must be assumed there were other considerations, probably of a real estate nature (Mr. Timken was dealing extensively in real estate at this time).

On the property was again sold, to Adolph G. and Alice Gasson (listed in wifes name only), in what must have been another complicated transaction, for $10. Mr. Gasson, known as "Dolph", was a very colorful local figure: businessman (brewery, butcher shop, cattle grower) politician (marshall, 1872) speculator (mining, real estate). As contrasted with the retiring Mr. Timken, about whom little was written, Mr. Gasson appeared regularly in the news, even when it was no more than his horse running away with his buggy!

Mr. and Mrs. Gasson sold the house on Jan 23, 1903 to Wm. Mifflin and Mary Lash Smith, for $20,000. Capt. Smith was another figure of prominence in the community. He was the first owner to appear in local history books (see attached reproductions). He was an active and influential man, a "great reader and student...and while always refusing to run for public office himself, he wielded a potent and wholesome influence in political affairs." (See attached reproductions from Heilbrons History of San Diego County). Capt. Smith was very active in fraternal activities, and was indeed one of the original organizers of the Elks. (See also Blacks History of San Diego County, reproduction attached).
The children and grandchildren of Capt. Smith have contributed greatly to the social and cultural life of this community, as they continue to do today. Capt. Smith gave portions of his property to his children,

Through the years; the various lots became divided unevenly. His widow, Mary Lash Smith, died on March 14, 1918, leaving the house on just a portion of the property, to her daughter, Jessie S. Ward. On September 27, 1920, she sold the house for $10 to Hanna and Mamie Toomey.

This stately mansion became a boarding house, which it remained until June 7, 1965, when purchased by Arthur L. and Barbara Austin. This active and appreciative couple restored the house to its original sparkling grandeur within a year. On April 3, 1969, the house became the property of Mr. Austin alone.

Historical Significance to San Diego:

This house represents a period of great activity and growth in our city; a very important period in bringing to San Diego such outstanding men as the early residents of the house. The builder, Mr. Timken was a nationally known figure, millionaire, an inventor, manufacturer, and founder of a family of philanthropists, generous contributors to the cultural life of this city.

Architectural Significance:

This mansion is very typical of the late Victorian style. It is of special interest to the architectural history of San Diego, because it represents a period of rapid growth and financial affluence unmatched for its effects on the expanding city, a time when San Diego emerged from frontier life.
As it is well built, sturdily constructed, and in excellent condition, inside and out; and virtually unchanged, it is a prime example for study of the period.

Architect:

unknown

Notable Features:

Of late Victorian style, the house exhibits Queen Anne, Georgian and classical Greek qualities. The most unique feature is the squared tower at the front corner. The front door has handsome cut glass panes, said to be Tiffany glass. Handsome burl inlay in interior paneling, parquet floor of inlaid hardwoods in entry, and several spindled and carved fireplaces add to the interest of this house.

Alterations:

None of a major sort, except the kitchen, which has been modernized, though retaining its original shape. The heating units, many plumbing fixtures and much of the hardware are still in use (see attached article by Beth Mohr in the San Diego Union)

Condition:

Excellent in all respects

Name of Researcher

RECORD OF TITLE TO PORTIONS OF LOTS G & H, BLOCK 288
HORTONS ADDITION commonly known as Timken House

Excerpts from records of Title Insurance Co. of San Diego:

5-28-86 Horton to D. C. Reed--Lots A to L

6-25-86 Reed to Thos. Lanktree--Lots A to L

6-30-86 Lanktree to Oscar E. Hill--Lots A to L

9-14-86 Lanktree and Hill to Mrs. Lucretia Lanktree--Lots A to L

5-12-87 Lucretia Lanktree to Herman Emanuel--Lots D to I

9-3-87 Emanuel to Frederika Timken--Lots D to I

Excerpts from records of the San Diego City Recorder:

Herman Emanuel to Fredericka Timken, $11,590.00, the South ½ of Block 288 in Hortons Addition, her separate property, 9-3-87, book 97 p. 132

Henry Timken and Fredericka Timken of St. Louis, Mo., for $1.00 and Certain lands conveyed to Henry Timkens, to Mary O. Thomas of San Diego as her seperate property, South ½ of block 288 in Hortons Addition, 4-4-93, Book 215 P. 110

Mary A. Thomas and R. A. Thomas, for $10.00, to Alice Gasson, South half of block 288 of Hortons Addition, book 281 p. 76

Alice Gasson and Adolph Gasson, for $20,000, to Wm. Mifflin Smith and Mary Lash Smith, Lots D, E, F, G, H, I in block 288 of Hortons Addition 1-23-1903, book 215 p. 110

probate of will of Mary Lash Smith, who died 3-14-18--to Jessie S. Ward the E. 75.05' of Lot "C" and all of "H" except the N. 10' thereof 2-21-19, book 775 p. 4.

Jessie S. Ward, for $10, grant to Hanna and Mamie Toomey, to E. 75.05' of lot G, and all of lot H except the N. 10' thereof, in block 288, b.808, p.

Mary (Mame) (Mamie) Toomey, to Arthur and Barbara J. Austin, 6-7-65 file no. 100436, 100437

HENRY TIMKEN

For details of his early life see accompanying excerpt from the Dictionary of American Biography.

Henry Timken moved to San Diego upon his retirement, in 1887. He was already wealthy, but returned briefly to Canton, Ohio to erect a plant for the production of the Timken Roller Bearing, the result of the second invention destined to carry his name around the world. He left the active management to his sons, H. H. and Wm. R. He was also the owner of extensive agricultural lands in Kansas and citrus groves in California.

He was apparently a retiring man, with a sense of humor, as he listed himself as a "carpenter" in the City Directory of 1893-94. He did not remain idle in his retirement in San Diego; records reveal extensive real-estate transactions, and involvement in the construction of a pier in San Diego. At the time of his death, in April, 1909, the "Timken Block" in down-town San Diego was under construction.

Mrs. Amelia C. Bridges, daughter of Henry, was one of the nations leading philanthropists. She gave the Fine Arts Gallery to the City of San Diego, as well as many priceless works one exhibit there. She was a long time resident of this city. Other gifts without record went to individuals, or to institutions and to societies.

The two sons, H. H. and Wm. R. lived here and in Ohio; they and their wives, Lillian and Edith, were patrons of the San Diego Fine Arts Gallery. The Timken Foundation constructed a $1,000,000 East addition to the Gallery (by the time of its completion this was referred to as the $1,500,000 Timken Gallery-S.D. Union, 9-19-65). There is also a Timken-Sturges foundation at Scripps Clinic, in La Jolla.

Future Use: At this time the house will remain a private residence. However, it sits upon very valuable land, in a neighborhood of high-rise offices and apartment buildings. A change of ownership, therefore might mean the house is in danger.

BIBLIOGRAPHY

Johnson, Allen, Dictionary of American Biography, 1956, vol. 18

Heilbron, Carl H. (ed.) History of San Diego County, 1936, p. 139

Black, Samuel T., History of San Diego County, vol. 2, p. 68

Whiffen, Markus, A Guide to American Architecture since 1780

Olmsted, Roger and Watkins, T. H., Here Today (Jr. League of San Francisco)

Smythe, Wm. E., History of San Diego 1542 to 1908, 1908.

EXHIBITS ATTACHED

Excerpts from Title Insurance Records

Excerpts from City Recorders records

sketches of original property and present property

tracing from Sanborn's Fire Map of 1888, on file in Calif. Room of Library

Photocopy of picture of Henry Timken, from Smythe

Photocopy of biography of Henry Timken, Dict. of Amer. Biography

Photocopy of picture of Capt. Wm. Mifflin Smith, from Heilbron, Hist. of S.D.

Photocopy of Biography of Capt. Wm. Mifflin Smith, from Heilbron, Hist. of S.D

Photocopy of last portion of biography of Wm. Mifflin Smith, Black's History

Photocopy of microfilm: newspaper article, San Diego Union, Feb. 20, 1966;
Old San Diego Mansion Regains Early Splendor by Beth Mohr, regarding restorati

OUTLINE FOR ARCHITECTURAL REPORT

RESEARCH COMMITTEE HISTORICAL SITE BOARD

Submitted by _____

I. Name and Address of Site

A. Architect
B. Date of Erection
C. Builder, if known
D. Original Use

II. Architectural Significance, Style and Value as an example of its period

A. Notable Features

III. Physical Details

A. Foundation and Basement
B. Number of Stories
C. Exterior Walls
D. Doors and Windows
E. Roof and Chimneys
F. Interior Walls and ceilings, floors, stairways, and other outstanding features such as carpeting and wallpaper
G. Miscellaneous, such as hardware, lighting and heating

IV. Additions, Alterations and Restorations

V. Is the structure in such a sound state of repair that preservation and restoration would be worthwhile?

VI. Would the structure be an asset to the immediate neighborhood if retained?

VII. Is it your opinion that the structure is worthy of preservation?

VIII. Suggested Uses

HISTORIC SURVEY
ARCHITECT'S REPORT

SPENCER-OGDEN BUILDING
Southwest Corner, Fifth Avenue and "F" Street
San Diego, San Diego County, California

ARCHITECTURAL MERIT AND INTEREST:

This small building, built in 1874 by Charles Delaval, bears special interest. Not only does it have an unusual structural system which sheds light on the construction practices of the time but it is also one of the earliest buildings on Fifth Avenue. The exterior decorative treatment is an unusual combination of styles and details but when it is looked at as a whole it is quite rythmic and pleasant. Restoration would enhance its appearance and make it one of the nicer small scale buildings along Fifth Avenue.

CONDITION OF FABRIC:

The building is in fair condition. Its structural condition cannot be determined easily but it should be sound. Some deterioration was noted in the masonry wall facing "F" Street. The exterior detailing is also in fair condition but could be easily restored.

DETAILED DESCRIPTION OF THE EXTERIOR:

Overall Dimensions:

25' wide (along Fifth Avenue) x 100' deep (along "F" Street) x approximately 35' high.

Number of Stories:

Two stories plus a basement.

Layout, Shape:

The building has a rectangular plan and has 25' of frontage on Fifth Avenue and 100' along "F" Street. It adjoins buildings on both streets.

Foundation:

Inaccessible for observation but probably is constructed of masonry.

Wall Construction:

There is difficulty determining exact wall construction but a good educated guess can be made. The ground floor walls appear to be a combination of brick and iron framework covered with cement plaster. The top floor walls, which were added later, appear to be wood stud also covered with cement plaster. The decorative details were constructed of various materials. There are some brick ledges, iron pilasters, stucco pilasters (may be covering something else) with iron capitals, wood pilasters and capitals, wood relief moldings, pressed metal cornice and wood scroll brackets.

Structural System:

This is to me one of the more interesting parts of this building. Resting on a foundation, probably of masonry construction, the first floor walls are, I believe, made of brick with some iron work support for what appears to be a large opening on Fifth Avenue. The floor support was unobserved but is probably of wood joist construction. The ceiling construction was also unobserved but may be of structural iron that is referred to in the history. The second floor which was added later is, I believe, entirely of wood. Wood columns and ceiling beams are visible in the second floor rooms but may have been added later for additional support.

Chimneys:

None are present.

Openings - Doors:

None of the street level doors appear to be original. There are no exterior doors on the second floor. The opening to the second floor staircase has been boarded over and a new door added. The locations of the original openings are not known but instead of the original one store there are now three.

Openings - Windows:

Again, on the ground floor none of the windows appear to be original. On the top floor all the windows are original.

They are rectangular double-hung. The one exception is in the last bay on the "F" Street side. It is a three sided projecting bay with windows on all three sides and wrought iron railing on top.

Roof:

The roof is a flat composition type with parapet walls all around and four sky-lights along the south side.

DETAILED DESCRIPTION OF THE INTERIOR:

Plans:

The ground level has been changed from its original one store to three. There is an original stairway about two thirds of the way along the "F" Street side from the corner. The top floor is basically original, having been used alternately as retail establishments, office space or apartment space. The staircase goes up to a second floor landing. Turning left and stepping up you enter one large room that takes up the entire east end of the floor. To the right and up is a three room apartment with storage rooms above the stairs.

Stairways:

There is one staircase from "F" Street to the second floor landing. It has the typical period wooden wainscot.

Flooring:

The original flooring is inaccessible but is assumed to be wooden.

Wall and Ceiling Finish:

Lath and plaster is still in existance on the top floor and the ground floor was probably also plastered originally.

Doors and Doorways:

There were few doors originally but those assumed to be original on the second floor are wooden with molded wood trim around the openings.

Decorative Features:

Original interior features that remain are very plain and

are probably typical. One distinctive feature is the skylights on the second floor. There are three in the large room, one in each regular size bay. There is also a smaller one in the apartment on the west end of the floor.

Mechanical Equipment:

Electrical lighting.

SITE AND SURROUNDINGS:

General Setting:

The building faces both east (Fifth Avenue) and north ("F" Street). Next to it on Fifth Avenue is a three story building and on the "F" Street side it is adjacent to a two story building.

PREPARED BY: Alfred J. Hadzima
San Diego, California
January 1974.

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

PRIMARY RECORD

Primary #
HRI #
Trinomial
NRHP Status Code
Other Listings
Review Code Reviewer Date

Page ___ of ___ *Resource Name or #: (Assigned by recorder)

P1. Other Identifier:

*P2. Location: ☐ Not for Publication ☐ Unrestricted *a. County

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad Date T___; R___; ___ ¼ of ___ ¼ of Sec___; _____ B.M.

c. Address City Zip

d. UTM: (Give more than one for large and/or linear resources) Zone ____; _____ mE/ _____ mN

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

*P3b. Resource Attributes: (List attributes and codes)

*P4. Resources Present: ☐Building ☐Structure ☐Object ☐Site ☐District ☐Element of District ☐Other (Isolates, etc.)

P5a. Photo or Drawing (Photo required for buildings, structures, and objects.)

P5b. Description of Photo: (View, date, accession #)

*P6. Date Constructed/Age and Sources: ☐Historic ☐Prehistoric ☐Both

*P7. Owner and Address:

*P8. Recorded by: (Name, affiliation, and address)

*P9. Date Recorded:

*P10. Survey Type: (Describe)

*P11. Report Citation: (Cite survey report and other sources, or enter "none.")

*Attachments: NONE ☐Location Map ☐Sketch Map ☐Continuation Sheet ☐Building, Structure, and Object Record ☐Archaeological Record ☐District Record ☐Linear Feature Record ☐Milling Station Record ☐Rock Art Record ☐Artifact Record ☐Photograph Record ☐ Other (List)

DPR 523A (1/95) *Required Information

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

Primary #
HRI#

BUILDING, STRUCTURE, AND OBJECT RECORD

Page ___ of ___

*NRHP Status Code _____

*Resource Name or # (Assigned by recorder) _____

B1. Historic Name: _____

B2. Common Name: _____

B3. Original Use: _____ B4. Present Use: _____

*B5. Architectural Style: _____

*B6. Construction History: (Construction date, alterations, and date of alterations)

*B7. Moved? ☐No ☐Yes ☐Unknown Date: _____ Original Location: _____

*B8. Related Features:

B9a. Architect: _____ b. Builder: _____

*B10. Significance: Theme _____ Area _____

Period of Significance _____ Property Type _____ Applicable Criteria _____

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

B11. Additional Resource Attributes: (List attributes and codes) _____

*B12. References:

B13. Remarks:

(Sketch Map with north arrow required.)

*B14. Evaluator: _____

*Date of Evaluation: _____

(This space reserved for official comments.)

DPR 523B (1/95)

*Required information

City of San Diego

HISTORICAL SITE BOARD POLICY

Revised February 26, 1979

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3.1 General Procedural Rules for Conduct of Meetings

4. HISTORICAL DISTRICTS

4.1 Procedure for Establishing Districts

City of San Diego

HISTORICAL SITE BOARD POLICY

General Procedural Rules for Registration

1. Any person may propose the registration of a historical site or building to the Board. Such proposal shall be in writing and shall set forth such particulars as deem it worthy of registration and preservation in the opinion of the proposer.

   In the case of sites proposed by persons who are not members of the Board, it is normally expected that such proposer shall provide the evidence and historical data needed by the Committee and the Board.

2. Upon the addition or deletion of a site to the Registry of Historical Sites, the Secretary to the Historical Sites Board shall:

   a. Prepare the file forms based on drafts prepared by the Committee.

   b. Notify the recorded owner and others as required.

   c. Maintain an individual file on each site including all records, drawings and photographs.

   d. Record the action and findings of the Board with the County Recorder.

City of San Diego

HISTORICAL SITE BOARD POLICY

Definition of
Historical Significance

1. A historical site is any site (including significant trees or other plant life located thereon), building, structure, district or mark of historical significance due to its association with such things as noted past events, historical persons or distinguishing architectural characteristics or a signficant representation of an era in the development of the city.

2. The quality of significance in American History, architecture, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

   a. that are identified with historic personages or with important events in the main currents of national, state, or local history.

   b. that embody the distinctive characteristics of an architectural style, are valuable for the study of a type, period, or method of construction, or possess high artistic values.

   c. that are a notable work of a master builder, designer, or architect.

   d. which best exemplify the broad cultural, political, economic, or social history of the nation, state, or community.

   e. which have yielded or are likely to yield information important in pre-history or history.

3. Historical sites may be designated for "exterior only" or for the combined exterior and interior significance.

4. All efforts should be made to document and preserve records, drawings and photographs of all designated sites.

City of San Diego

HISTORICAL SITE BOARD POLICY

General Procedural Rules
for Conduct of Meetings

1. Except as otherwise specifically noted below Roberts Rules of Order shall apply to the Conduct of meetings.

2. Definitions:
Authorized Membership - The number of Board members appointed to and serving on the Board.
Quorum - A majority of the authorized membership. A minimum of five members is required for a quorum.

3. A site shall be added to the Registry of Historical Landmarks only upon the affirmative roll call vote of a majority of the authorized membership of the Board. A minimum of five votes is needed to designate a site.

   a. Only Board members who have physically visited and seen a proposed site may vote on designation unless otherwise authorized as noted in the Guidelines and Procedures.

   b. The Board shall vote to identify the criteria which gives significance to the site.

4. A site may be deleted from the Registry of Historical Landmarks only upon the affirmative roll call vote of a majority of the authorized membership of the Board. A minimum of five votes is needed to delete designation of a site.

5. All other matters, other than (3) and (4) above, shall be decided by a majority of a quorum present by voice or roll call vote as the Chairman may decide.

6. Any member may abstain from voting on any issue, with or without declaring a reason therefore. However, should a member desire to abstain, he or she shall declare before any Board vote of a matter.

7. Any proposal for addition, modification, or deletion of a site to or from the Registry shall be accompanied by a report and study documenting the reasons therefore. If a site is deleted or the designation modified, the report

shall indicate the reasons why the original criteria are no longer valid. Such report and study shall be furnished the Board at least one month prior to a hearing on such proposal. If, upon presentation of the report and study, the Board determines that sufficient evidence is presented to warrant a hearing, such a hearing may be authorized to be held not sooner than the next regular monthly meeting.

8. No hearing shall in any case be held unless the owner of the subject site shall have been notified of the date, time and place of the hearing.

9. Any action to add or delete a site to or from the Registry of Historical Landmarks having been acted upon by the Board, no motion to reconsider such action shall be placed before the Board earlier than 2 months after the initial action, and then only after notification of the site owner that such action is contemplated.

10. Presentations for hearings will be limited to eight (8) minutes per side. This restriction may be waived by a majority vote of Board members.

11. Continued excessive absence is construed to be a lack of desire or ability to continue to participate in activities of the Board and is therefore considered voluntary resignation from the Board. If a member is absent from four Board meetings in the previous 12 months, the member shall be considered to have automatically resigned from the Board and a letter of resignation to the Mayor will be prepared by HSB staff for their signature.

    Any member who has accrued 2 absences in the previous 12 months shall be notified and counciled by HSB staff.

12. Board members shall adhere to a code of ethics (Council Policy 000-4) and a conflict of interest code (California Code of Regulations Section 18730). Both of these policies are included in the Board's information binder.

13. These General Procedural Rules are adopted by a majority of the authorized membership of the Board and may be amended only by the same majority. A minimum of five votes is necessary to approve a rules change.

Policy No. 4.1

City of San Diego

HISTORICAL SITE BOARD POLICY

Procedure for Establishing Districts	Adopted 1/7/77

In carrying out its function as an advisory board relating to the identification, protection, retention, and preservation of historical sites and districts in the City of San Diego, the Board will designate Historic Districts deemed to have significant historic and/or architectural value, pursuant to Chapter II, Article 6, Section 26.02 of the Municipal Code.

The board will solict and encourage the participation of citizens and property owners in the identification of areas which posses potential historic and/or architectural value.

An application shall be prepared by any proponent of a district designation to contain the following information:

Content of application and report:

I. A Statement of Significance, which should include:

1. A description of structures of substantial Historic/Architectural/Cultural significance in the district, including period or date of construction, architectural style, notable features or details, location of site in relation to yards and open space, and historic associations (if any).

2. Description of building relationships in districts.

3. Description of environmental characteristics, such as maturity and extent of vegetation, type and condition of street and sidewalk pavement, open space pattern, scale of buildings, compatibility

Attachment 2

of construction materials, and quality and visual continuity of fences, walls, gates, and other site features.

4. Analysis of visual strengths and weaknesses of the area.

II. A map, of appropriate scale, indicating

1. Structures of Historic/Architectural/Cultural significance in the district.

2. Individual buildings by period of construction and/or architectural style.

3. Relation of structures to yards, courts, inner block access points, and other open space features.

4. Parcels of vacant land.

5. Existing zoning:

III. Supplementary Materials, including

1. Photographs of significant buildings.

2. Photographs of streetscape within district.

3. A scale model (optional)

4. A legal description and plat of the area proposed for historic recognition.

IV. Objectives for Preservation

1. Outline of desirable public and private objectives for the future conservation and development of the area.

2. Identification and evaluation of any known development plans within the area or in proximity to it which will have an effect on the character of the area.

Upon receipt of the application for a historic district, the Board shall determine if the merits of the proposed district justifies a public hearing. If the Board decides affirmatively, a hearing shall be set for the next regular meeting. All property owners within the proposed district, concerned organizations, planning groups and news media shall be notified of the pending application and advised of hearing place and time.

Attachment 2

After holding a public hearing pursuant to Section 26.02, the Board shall approve or deny the application. If the Board adopts a resolution establishing the historic district, it shall make such exceptions as it deems appropriate to maintain the characteristics and features which the district is intended to foster. Affected property owners shall be notified in writing as to the final status of their property.

The adopted district, along with all changes, shall be subject to appeal to the City Council, pursuant to Section 26.02.

Upon final adoption of a resolution establishing the district, the following degrees of coverage shall apply:

DEGREES OF COVERAGE

The Board intends to maintain the scale and basic character of the subject District and other designated historic districts through:

a. Protection and preservation of the basic characteristics and salient architectural details of structures insofar as these characteristics and details are compatible with the Historic District, as defined by the Board in the Statement of Significance adopted for each district.

b. Affording the widest possible scope for continuing vitality through private renewal and architectural creativity, within appropriate controls and standards. The Board intends to foster a climate in which each historic district may continue to exist as a living, changing neighborhood and not a static museum.

c. Encouragement of the development of vacant property and redevelopment of incompatibly developed properties in accordance with the character of the area.

In order to maintain a cohesive district-wide character, all buildings within the boundaries of the districts shall be regarded to be of equal merit by the Board, except where the Board finds that a structure is clearly incompatible with the character of the Historic District.

Where such a finding of incompatibility has been made, the Board shall so indicate by letter to the owner or his agent. Said finding shall be deemed to waive the Board's referral obligations. The Board, however, shall continue to be notified to issuance of permits relating to all property within the district.

A finding of incompatibility shall mean that the affected structure does not qualify for special consideration under the Building Code and/or Tax Code. Upon designation of a Historic District all buildings within the District, other than cited above as incompatible, shall be considered Historic Sites for these proposes.

Vacant parcels within the boundaries of the district shall be deemed to have significance as they relate to the quality and character of the district. The Board shall reserve the right to review major alteration of vacant sites, unless otherwise delegated to a planned district review authority as established by the City Council. No permit for the demolition, substantial alteration or removal of any building, structure or site, located in a designated historic district, except as specifically excepted, shall be issued without first referring the matter to the Historical Site Board, except where the City Manager determines that demolition, removal or substantial alteration of any such building, structure or site is immediately necessary in the interest of the public health, safety or general welfare. The Building Inspection and the Engineering and Development Departments shall notify the Historical Site Board in writing of any such request within five (5) days of its receipt.

If deemed necessary to maintain the historical and/or architectural integrity of a historic district the Board will prepare a set of developmental guidelines to be available for project review.

Where the City Council has designated a planned district, the Planned District Review Authority shall have review responsibility for alterations within such a historic district.

Where a major alteration is contemplated within a historic district also designated a planned district, a liason committee composed of two members of the Historic Site Board shall review the proposed project in conjunction with the Planned District Review Authority and prepare a recommendation to be presented to the Planned District Review Authority.

Alteration to street furniture and other public improvements within the district shall be subject to review by the Board, unless delegated to a planned district review authority.

Where the Board has designated an historic district which is not also a planned district, the Board will assume sole responsibility for review of proposed alteratioh to structures or sites.

Attachment 2.

The Board will determine upon designation of a district, those features and characteristics deemed essential to the maintenance of the district's arhitectural and/or historic integrity. Approval of proposed projects would be contingent upon their compatibility with this integrity.

The Board will request through the City Manager and the Planning Director, the participation of the Departments of Planning, Property, Engineering and Development, and Transportation and other departments as appropriate to assist in the preparation of a Historic District.

Upon designation of a District, the Board will request that actions of these Departments which would affect a Historic District, including proposed changes in land use, changes in traffic patterns and street closings, be forwarded to the Board for review.

HISTORIC DISTRICT CRITERIA

The following criteria shall be utilized in determining the significance of an area proposed for district designation:

1. An area associated with groups of existing or former residents who, because of their common employment or heritage have contributed significantly to the City's development. Such an area will usually contain structures of architectural interest identified with common heritage and traditional functions.

2. An area or district associated with a traditional activity, such as a central market, an educational or transportation facility, wharves, or warehousing. Such an area may also be remarkable for the particular architectural styles or method of construction associated with its original or traditional activity. Often, a traditional activity has significantly shaped the history of the community which it served adding to its historic significance. If the traditional function exists in the present, it serves to illustrate the similarities and differences between past and present.

3. A district which was once representative of common existence during a specific historic era but is now rare or unusual. Such as: an example of architecture, artistry, or design once common, now rare; a function or use once common, now rare.

4. Neighborhoods or Districts illustrating the progressive development of style and changes in architectural and cultural taste.

5. Districts illustrating the development of coherent or consistent planning and design, or innovations in planning philosophy.

6. Districts which illustrate the application of improved and mechanical techniques of construction, and innovations in the use of materials and their adoption in a new region.

7. Districts which illustrate the development of public works and other significant engineering achievements. During all historical periods structural aspects have been important, but after c.1850, systems or construction employing steel and masonry constributed greatly to the evolution of commercial, industrial, and public buildings and therefore take a large part in the study of architecture of late periods.

8. Districts which illustrate the details of daily living during a previous period. Equipment or machanical devices such as call bells, speaking tubes, dumbwaiters, fans similar systems are examples.

9. Districts which illustrate the evolution of an industrial era and its effect on humanity. Examples include company towns, gasworks, factories, manufacturing processes, and marketing developments. Aspects of these which have been instrumental in changing modes of work, altering working conditions, improving living standards, and generally affecting the social order may also manifest significance.

10. Examples of workmanship, craftsmanship, artistry, or design which would today be economically infeasible or difficult to reproduce and/or are of benefit to the contemporary community as significant reminders of the past.

11. Building groupings where the significance and importance of the individual structures is increased because of their relationship to a grouping or row of other significant structures, which may or may not be of a similar period of design style.

12. Districts of quality buildings or sites, often made up of individual landmark structures supported by other structures of somewhat lesser importance. Such districts are normally easily definable and have a significance over and above the sum of the values of each historic site because of the total historic environment.

RECORD PACKET COPY

The Secretary of the Interior's

Standards for Rehabilitation

and Guidelines for Rehabilitating Historic Buildings

U.S. Department of the Interior
National Park Service
Preservation Assistance Division
Washington, D.C.

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402

The Secretary of the Interior's Standards for Historic Preservation Projects with Guidelines for Applying the Standards were initially written in 1976 by W. Brown Morton III and Gary L. Hume. The Guidelines for Rehabilitating Historic Buildings were revised and expanded in 1983 by Gary L. Hume and Kay D. Weeks. The Standards for Rehabilitation were revised in 1990 following a public commenting period. It should be noted that the minor revisions to the Standards for Rehabilitation will not affect their application so that a project which was previously acceptable would continue to be acceptable.

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INTRODUCTION

The Secretary of the Interior is responsible for establishing standards for all program under Departmental authority and for advising Federal agencies on the preservation of historic properties listed or eligible for listing in the National Register of Historic Places. In partial fulfillment of this responsibility, the Secretary of the Interior's Standards for Historic Preservation Projects have been developed to guide work undertaken on historic buildings—there are separate standards for acquisition, protection, stabilization, preservation, rehabilitation, restoration, and reconstruction. **The Standards for Rehabilitation** (codified in 36 CFR 67) comprise that section of the overall preservation project standards and addresses the most prevalent treatment. "Rehabilitation" is defined as "the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values."

Initially developed by the Secretary of the Interior to determine the appropriateness of proposed project work on registered properties within the Historic Preservation Fund grant-in-aid program, the **Standards for Rehabilitation** have been widely used over the years—particularly to determine if a rehabilitation qualifies as a Certified Rehabilitation for Federal tax purposes. In addition, the Standards have guided Federal agencies in carrying out their historic preservation responsibilities for properties in Federal ownership or control; and State and local officials in reviewing both Federal and nonfederal rehabilitation proposals. They have also been adopted by historic district and planning commissions across the country.

The intent of the Standards is to assist the long-term preservation of a property's significance through the preservation of historic materials and features. The Standards pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and interior of the buildings. They also encompass related landscape features and the building's site and environment, as well as attached, adjacent, or related new construction. To be certified for Federal tax purposes, a rehabilitation project must be determined by the Secretary to be consistent with the historic character of the structure(s), and where applicable, the district in which it is located.

THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION

The following Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

(1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

(2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

(3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

(4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

(5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

(6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

(7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

(8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

(10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

As stated in the definition, the treatment "rehabilitation" assumes that at least some repair or alteration of the historic building will be needed in order to provide for an efficient contemporary use; however, these repairs and alteration must not damage or destroy materials, features or finishes that are important in defining the building's historic character. For example, certain treatments—if improperly applied—may cause or accelerate physical deterioration of historic building. This can include using improper repointing or exterior masonry cleaning techniques, or introducing insulation that damages historic fabric. In almost all of these situations, use of these materials and treatments will result in a project that does not meet the Standards. Similarly, exterior additions that duplicate the form, material, and detailing of the structure to the extent that they compromise the historic character of the structure will fail to meet the Standards.

Technical Guidance Publications

The National Park Service, U.S. Department of the Interior, conducts a variety of activities to guide Federal agencies, States, and the general public in historic preservation project work. In addition to establishing standards and guidelines, the Service develops, publishes, and distributes technical information on appropriate preservation treatments, including Preservation Briefs, case studies, and Preservation Tech Notes.

A Catalog of Historic Preservation Publications with stock numbers, prices, and ordering information may be obtained by writing: Preservation Assistance Division, Technical Preservation Services, P.O. Box 37127, Washington, D.C. 20013-7127.

GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS

The Guidelines were initially developed in 1977 to help property owners, developers, and Federal managers apply the Secretary of the Interior's "Standards for Rehabilitation" during the project planning stage by providing general design and technical recommendations. Unlike the Standards, the Guidelines are *not* codified as program requirements. Together with the "Standards for Rehabilitation" they provide a model process for owners, developers, and Federal agency managers to follow.

It should be noted at the outset that the Guidelines are intended to assist in applying the Standards to projects generally; consequently, they are not meant to give case-specific advice or address exceptions or rare instances. For example, they cannot tell an owner or developer which features of their own historic building are important in defining the historic character and must be preserved—although examples are provided in each section—or which features could be altered, if necessary, for the new use. This kind of careful case-by-case decisionmaking is best accomplished by seeking assistance from qualified historic preservation professionals in the planning stage of the project. Such professionals include architects, architectural historians, historians, archeologists, and others who are skilled in the preservation, rehabilitation, and restoration of historic properties.

The Guidelines pertain to historic buildings of all sizes, materials, occupancy, and construction types; and apply to interior and exterior work as well as new exterior additions. Those approaches, treatments, and techniques that are consistent with the Secretary of the Interior's "Standards for Rehabilitation" are listed in the "Recommended" column on the left; those approaches, treatments, and techniques which could adversely affect a building's historic character are listed in the "Not Recommended" column on the right.

To provide clear and consistent guidance for owners, developers, and federal agency managers to follow, the "Recommended" courses of action in each section are listed in order of historic preservation concerns so that a rehabilitation project may be successfully planned and completed—one that, first, assures the preservation of a building's important or "character-defining" architectural materials and features and, second, makes possible an efficient contemporary use. Rehabilitation guidance in each section begins with protection and maintenance, that work which should be maximized in every project to enhance overall preservation goals. Next, where some deterioration is present, repair of the building's historic materials and features is recommended. Finally, when deterioration is so extensive that repair is not possible, the most problematic area of work is considered: replacement of historic materials and features with new materials.

To further guide the owner and developer in planning a successful rehabilitation project, those complex design issues dealing with new use requirements such as alterations and additions are highlighted at the end of each section to underscore the need for particular sensitivity in these areas.

Identify, Retain, and Preserve

The guidance that is basic to the treatment of all historic buildings—***Identifying, retaining, and preserving*** the form and detailing of those architectural materials and features that are important in *defining the historic character*—is always listed first in the "Recommended" column. The parallel "Not Recommended" column lists the types of actions that are most apt to cause the diminution or even loss of the building's historic character. It should be remembered, however, that such loss of character is just as often caused by the cumulative effect of

a series of actions that would seem to be minor interventions. Thus, the guidance in *all* of the "Not Recommended" columns must be viewed in that larger context, e.g., for the total impact on a historic building.

Protect and Maintain

After identifying those materials and features that are important and must be retained in the process of rehabilitation work, then ***protecting and maintaining*** them are addressed. Protection generally involves the least degree of intervention and is preparatory to other work. For example, protection includes the maintenance of historic material through treatments such as rust removal, caulking, limited paint removal, and re-application of protective coatings; the cyclical cleaning of roof gutter systems; or installation of fencing, protective plywood, alarm systems and other temporary protective measures. Although a historic building will usually require more extensive work, an overall evaluation of its physical condition should always begin at this level.

Repair

Next, when the physical condition of character-defining materials and features warrants additional work ***repairing*** is recommended. Guidance for the repair of historic materials such as masonry, wood, and architectural metals again begins with the least degree of intervention possible such as patching, piecing-in, splicing, consolidating, or otherwise reinforcing or upgrading them according to recognized preservation methods. Repairing also includes the limited replacement in kind—or with compatible substitute material—of extensively deteriorated or missing *parts* of features when there are surviving prototypes (for example, brackets, dentils, steps, plaster, or portions of slate or tile roofing). Although using the same kind of material is always the preferred option, substitute material is acceptable if the form and design as well as the substitute material itself convey the visual appearance of the remaining parts of the feature and finish.

Replace

Following repair in the hierarchy, guidance is provided for ***replacing*** an entire character-defining feature with new material because the level of deterioration or damage of materials precludes repair (for example, an exterior cornice; an interior staircase; or a complete porch or storefront). If the essential form and detailing are still evident so that the physical evidence can be used to re-establish the feature as an integral part of the rehabilitation project, then its replacement is appropriate. Like the guidance for repair, the preferred option is always replacement of the entire feature in kind, that is, with the same material. Because this approach may not always be technically or economically feasible, provisions are made to consider the use of a compatible substitute material.

It should be noted that, while the National Park Service guidelines recommend the replacement of an entire character-defining feature under certain well-defined circumstances, they *never* recommend removal and replacement with new material of a feature that—although damaged or deteriorated—could reasonably be repaired and thus preserved.

Design for Missing Historic Features

When an entire interior or exterior feature is missing (for example, an entrance, or cast iron facade; or a principal staircase), it no longer plays a role in physically defining the historic character of the building unless it can be accurately recovered in form and detailing through the proc-

ess of carefully documenting the historical appearance. Where an important architectural feature is missing, its recovery is always recommended in the guidelines as the *first* or preferred, course of action. Thus, if adequate historical, pictorial, and physical documentation exists so that the feature may be accurately reproduced, and if it is desireable to re-establish the feature as part of the building's historical appearance, then designing and constructing a new feature based on such information is appropriate. However, a *second* acceptable option for the replacement feature is a new design that is compatible with the remaining character-defining features of the historic building. The new design should always take into account the size, scale, and material of the historic building itself and, most importantly, should be clearly differentiated so that a false historical appearance is not created.

Alterations/Additions to Historic Buildings

Some exterior and interior alterations to the historic building are generally needed to assure its continued use, but it is most important that such alterations do not radically change, obscure, or destroy character-defining spaces, materials, features, or finishes. Alterations may include providing additional parking space on an existing historic building site; cutting new entrances or windows on secondary elevations; inserting an additional floor; installing an entirely new mechanical system; or creating an atrium or light well. Alteration may also include the selective removal of buildings or other features of the environment or building site that are intrusive and therefore detract from the overall historic character.

The construction of an exterior addition to a historic building may seem to be essential for the new use, but it is emphasized in the guidelines that such new additions should be avoided, if possible, and considered *only* after it is determined that those needs cannot be met by altering secondary, i.e., non character-defining interior spaces. If, after a thorough evaluation of interior solutions, an exterior addition is still judged to be the only viable alternative, it should be designed and constructed to be clearly differentiated from the historic building and so that the character-defining features are not radically changed, obscured, damaged, or destroyed.

Additions to historic buildings are referenced within specific sections of the guidelines such as Site, Roof, Structural Systems, etc., but are also considered in more detail in a separate section, NEW ADDITIONS TO HISTORIC BUILDINGS.

Health and Safety Code Requirements; Energy Retrofitting

These sections of the rehabilitation guidance address work done to meet health and safety code requirements (for example, providing barrier-free access to historic buildings); or retrofitting measures to conserve energy (for example, installing solar collectors in an unobtrusive location on the site). Although this work is quite often an important aspect of rehabilitation projects, it is usually not part of the overall process of protecting or repairing character-defining features; rather, such work is assessed for its potential negative impact on the building's historic character. For this reason, particular care must be taken not to radically change, obscure, damage, or destroy character-defining materials or features in the process of rehabilitation work to meet code and energy requirements.

Specific information on rehabilitation and preservation technology may be obtained by writing to the National Park Service, at the addresses listed below:

Preservation Assistance Division
National Park Service
P.O. Box 37127
Washington, D.C. 20013-7127

National Historic Preservation
Programs
Western Regional Office
National Park Service
450 Golden Gate Ave.
Box 36063
San Francisco, CA 94102

Division of Cultural Resources
Rocky Mountain Regional Office
National Park Service
655 Parfet St.
P.O. Box 25287
Denver, CO 80225

Preservation Services Division
Southeast Regional Office
National Park Service
75 Spring St. SW., Room 1140
Atlanta, GA 30303

Office of Cultural Programs
Mid-Atlantic Regional Office
National Park Service
Second and Chestnut Streets
Philadelphia, PA 19106

Cultural Resources Division
Alaska Regional Office
National Park Service
2525 Gambell St.
Anchorage, AK 99503

BUILDING EXTERIOR

Masonry: Brick, stone, terra cotta, concrete, adobe, stucco and mortar

Masonry features (such as brick cornices and door pediments, stone window architraves, terra cotta brackets and railings) as well as masonry surfaces (modelling, tooling, bonding patterns, joint size, and color) may be important in defining the historic character of the building. It should be noted that while masonry is among the most durable of historic building materials, it is also the most susceptible to damage by improper maintenance or repair techniques and by harsh or abrasive cleaning methods. Most preservation guidance on masonry thus focuses on such concerns as cleaning and the process of repointing.

Recommended	*Not Recommended*
Identifying, retaining, and preserving masonry features that are important in defining the overall historic character of the building such as walls, brackets, railings, cornices, window architraves, door pediments, steps, and columns; and joint and unit size, tooling and bonding patterns, coatings, and color.	Removing or radically changing masonry features which are important in defining the overall historic character of the building so that, as a result, the character is diminished.
	Replacing or rebuilding a major portion of exterior masonry walls that could be repaired so that, as a result, the building is no longer historic and is essentially new construction.
	Applying paint or other coatings such as stucco to masonry that has been historically unpainted or uncoated to create a new appearance.
	Removing paint from historically painted masonry.
	Radically changing the type of paint or coating or its color.
Protecting and maintaining masonry by providing proper drainage so that water does not stand on flat, horizontal surfaces or accumulate in curved decorative features.	Failing to evaluate and treat the various causes of mortar joint deterioration such as leaking roofs or gutters, differential settlement of the building, capillary action, or extreme weather exposure.
Cleaning masonry only when necessary to halt deterioration or remove heavy soiling.	Cleaning masonry surfaces when they are not heavily soiled to create a new appearance, thus needlessly introducing chemicals or moisture into historic materials.

Recommended	*Not Recommended*
Carrying out masonry surface cleaning tests after it has been determined that such cleaning is necessary. Tests should be observed over a sufficient period of time so that both the immediate effects and the long range effects are known to enable selection of the gentlest method possible.	Cleaning masonry surfaces without testing or without sufficient time for the testing results to be of value.
Cleaning masonry surfaces with the gentlest method possible, such as low pressure water and detergents, using natural bristle brushes.	Sandblasting brick or stone surfaces using dry or wet grit or other abrasives. These methods of cleaning permanently erode the surface of the material and accelerate deterioration.
	Using a cleaning method that involves water or liquid chemical solutions when there is any possibility of freezing temperatures.
	Cleaning with chemical products that will damage masonry, such as using acid on limestone or marble, or leaving chemicals on masonry surfaces.
	Applying high pressure water cleaning methods that will damage historic masonry and the mortar joints.
Inspecting painted masonry surfaces to determine whether repainting is necessary.	Removing paint that is firmly adhering to, and thus protecting, masonry surfaces.
Removing damaged or deteriorated paint only to the next sound layer using the gentlest method possible (e.g., handscraping) prior to repainting.	Using methods of removing paint which are destructive to masonry, such as sandblasting, application of caustic solutions, or high pressure waterblasting.
Applying compatible paint coating systems following proper surface preparation.	Failing to follow manufacturers' product and application instructions when repainting masonry.
Repainting with colors that are historically appropriate to the building and district.	Using new paint colors that are inappropriate to the historic building and district.

Recommended	*Not Recommended*
Evaluating the overall condition of the masonry to determine whether more than protection and maintenance are required, that is, if repairs to the masonry features will be necessary.	Failing to undertake adequate measures to assure the preservation of masonry features.
Repairing masonry walls and other masonry features by repointing the mortar joints where there is evidence of deterioration such as disintegrating mortar, cracks in mortar joints, loose bricks, damp walls, or damaged plasterwork.	Removing nondeteriorated mortar from sound joints, then repointing the entire building to achieve a uniform appearance.
Removing deteriorated mortar by carefully hand-raking the joints to avoid damaging the masonry.	Using electric saws and hammers rather than hand tools to remove deteriorated mortar from joints prior to repointing.
Duplicating old mortar in strength, composition, color, and texture.	Repointing with mortar of high portland cement content (unless it is the content of the historic mortar). This can often create a bond that is stronger than the historic material and can cause damage as a result of the differing coefficient of expansion and the differing porosity of the material and the mortar.
	Repointing with a synthetic caulking compound.
	Using a "scrub" coating technique to repoint instead of traditional repointing methods.
Duplicating old mortar joints in width and in joint profile.	Changing the width or joint profile when repointing.
Repairing stucco by removing the damaged material and patching with new stucco that duplicates the old in strength, composition, color, and texture.	Removing sound stucco; or repairing with new stucco that is stronger than the historic material or does not convey the same visual appearance.
Using mud plaster as a surface coating over unfired, unstabilized adobe because the mud plaster will bond to the adobe.	Applying cement stucco to unfired, unstabilized adobe. Because the cement stucco will not bond properly, moisture can become entrapped between materials, resulting in accelerated deterioration of the adobe.

Recommended	*Not Recommended*
Repairing masonry features by patching, piecing-in, or consolidating the masonry using recognized preservation methods. Repair may also include the limited replacement in kind—or with compatible substitute material—of those extensively deteriorated or missing parts of masonry features when there are surviving prototypes such as terra-cotta brackets or stone balusters.	Replacing an entire masonry feature such as a cornice or balustrade when repair of the masonry and limited replacement of deteriorated or missing parts are appropriate. Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the masonry feature or that is physically or chemically incompatible.
Applying new or non-historic surface treatments such as water-repellent coatings to masonry only after repointing and only if masonry repairs have failed to arrest water penetration problems.	Applying waterproof, water-repellent, or non-historic coatings such as stucco to masonry as a substitute for repointing and masonry repairs. Coatings are frequently unnecessary, expensive, and may change the appearance of historic masonry as well as accelerate its deterioration.
Replacing in kind an entire masonry feature that is too deteriorated to repair—if the overall form and detailing are still evident—using the physical evidence to guide the new work. Examples can include large sections of a wall, a cornice, balustrade, column, or stairway. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.	Removing a masonry feature that is unrepairable and not replacing it; or replacing it with a new feature that does not convey the same visual appearance.

The following work is highlighted to indicate that it represents the particularly complex technical or design aspects of rehabilitation projects and should only be considered after the preservation concerns listed above have been addressed.

Design for Missing Historic Features

Designing and installing a new masonry feature such as steps or a door pediment when the historic feature is completely missing. It may be an accurate restoration using historical, pictorial, and physical documentation; or be a new design that is compatible with the size, scale, material, and color of the historic building.	Creating a false historical appearance because the replaced masonry feature is based on insufficient historical, pictorial, and physical documentation. Introducing a new masonry feature that is incompatible in size, scale, material and color.

Wood: Clapboard, weatherboard, shingles, and other wooden siding and decorative elements	Because it can be easily shaped by sawing, planing, carving, and gouging, wood is the most commonly used material for architectural features such as clapboards, cornices, brackets, entablatures, shutters, columns and balustrades. These wooden features—both functional and decorative—may be important in defining the historic character of the building and thus their retention, protection, and repair are of particular importance in rehabilitation projects.

Recommended	*Not Recommended*
Identifying, retaining, and preserving wood features that are important in defining the overall historic character of the building such as siding, cornices, brackets, window architraves, and doorway pediments; and their paints, finishes, and colors.	Removing or radically changing wood features which are important in defining the overall historic character of the building so that, as a result, the character is diminished. Removing a major portion of the historic wood from a facade instead of repairing or replacing only the deteriorated wood, then reconstructing the facade with new material in order to achieve a uniform or "improved" appearance. Radically changing the type of finish or its color or accent scheme so that the historic character of the exterior is diminished. Stripping historically painted surfaces to bare wood, then applying clear finishes or stains in order to create a "natural look." Stripping paint or varnish to bare wood rather than repairing or reapplying a special finish, i.e., a grained finish to an exterior wood feature such as a front door.
Protecting and maintaining wood features by providing proper drainage so that water is not allowed to stand on flat, horizontal surfaces or accumulate in decorative features.	Failing to identify, evaluate, and treat the causes of wood deterioration, including faulty flashing, leaking gutters, cracks and holes in siding, deteriorated caulking in joints and seams, plant material growing too close to wood surfaces, or insect or fungus infestation.

Recommended	*Not Recommended*
Applying chemical preservatives to wood features such as beam ends or outriggers that are exposed to decay hazards and are traditionally unpainted.	Using chemical preservatives such as creosote which can change the appearance of wood features unless they were used historically.
Retaining coatings such as paint that help protect the wood from moisture and ultraviolet light. Paint removal should be considered only where there is paint surface deterioration and as part of an overall maintenance program which involves repainting or applying other appropriate protective coatings.	Stripping paint or other coatings to reveal bare wood, thus exposing historically coated surfaces to the effects of accelerated weathering.
Inspecting painted wood surfaces to determine whether repainting is necessary or if cleaning is all that is required.	Removing paint that is firmly adhering to, and thus, protecting wood surfaces.
Removing damaged or deteriorated paint to the next sound layer using the gentlest method possible (handscraping and handsanding), then repainting.	Using destructive paint removal methods such as a propane or butane torches, sandblasting or waterblasting. These methods can irreversibly damage historic woodwork.
Using with care electric hot-air guns on decorative wood features and electric heat plates on flat wood surfaces when paint is so deteriorated that total removal is necessary prior to repainting.	Using thermal devices improperly so that the historic woodwork is scorched.
Using chemical strippers primarily to supplement other methods such as handscraping, handsanding and the above-recommended thermal devices. Detachable wooden elements such as shutters, doors, and columns may—with the proper safeguards—be chemically dip-stripped.	Failing to neutralize the wood thoroughly after using chemicals so that new paint does not adhere. Allowing detachable wood features to soak too long in a caustic solution so that the wood grain is raised and the surface roughened.
Applying compatible paint coating systems following proper surface preparation.	Failing to follow manufacturers' product and application instructions when repainting exterior woodwork.
Repainting with colors that are appropriate to the historic building and district.	Using new colors that are inappropriate to the historic building or district.

Wood (continued)

Recommended	*Not Recommended*
Evaluating the overall condition of the wood to determine whether more than protection and maintenance are required, that is, if repairs to wood features will be necessary.	Failing to undertake adequate measures to assure the preservation of wood features.
Repairing wood features by patching, piecing-in, consolidating, or otherwise reinforcing the wood using recognized preservation methods. Repair may also include the limited replacement in kind—or with compatible substitute material—of those extensively deteriorated or missing parts of features where there are surviving prototypes such as brackets, moldings, or sections of siding.	Replacing an entire wood feature such as a cornice or wall when repair of the wood and limited replacement of deteriorated or missing parts are appropriate. Using substitute materials for the replacement part that does not convey the visual appearance of the surviving parts of the wood feature or that is physically or chemically incompatible.
Replacing in kind an entire wood feature that is too deteriorated to repair—if the overall form and detailing are still evident—using the physical evidence to guide the new work. Examples of wood features include a cornice, entablature or balustrade. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.	Removing an entire wood feature that is unrepairable and not replacing it; or replacing it with a new feature that does not convey the same visual appearance.

The following work is highlighted because it represents the particularly complex technical or design aspects of rehabilitation projects and should only be considered after the preservation concerns listed above have been addressed.

Design for Missing Historic Features

Designing and installing a new wood feature such as a cornice or doorway when the historic feature is completely missing. It may be an accurate restoration using historical, pictorial, and physical documentation; or be a new design that is compatible with the size, scale, material, and color of the historic building.	Creating a false historic appearance because the replaced wood feature is based on insufficient historical, pictorial, and physical documentation. Introducing a new wood feature that is incompatible in size, scale, material, and color.

Architectural Metals: Cast iron, steel, pressed tin, copper, aluminum, and zinc	Architectural metal features—such as cast-iron facades, porches, and steps; sheet metal cornices, roofs, roof cresting and storefronts; and cast or rolled metal doors, window sash, entablatures, and hardware—are often highly decorative and may be important in defining the overall historic character of the building. Their retention, protection, and repair should be a prime consideration in rehabilitation projects.

Recommended	*Not Recommended*
Identifying, retaining, and preserving architectural metal features such as columns, capitals, window hoods, or stairways that are important in defining the overall historic character of the building; and their finishes and colors.	Removing or radically changing architectural metal features which are important in defining the overall historic character of the building so that, as a result, the character is diminished. Removing a major portion of the historic architectural metal from a facade instead of repairing or replacing only the deteriorated metal, then reconstructing the facade with new material in order to create a uniform, or "improved" appearance. Radically changing the type of finish or its historical color or accent scheme.
Protecting and maintaining architectural metals from corrosion by providing proper drainage so that water does not stand on flat, horizontal surfaces or accumulate in curved, decorative features.	Failing to identify, evaluate, and treat the causes of corrosion, such as moisture from leaking roofs or gutters. Placing incompatible metals together without providing a reliable separation material. Such incompatibility can result in galvanic corrosion of the less noble metal, e.g., copper will corrode cast iron, steel, tin, and aluminum.
Cleaning architectural metals, when necessary, to remove corrosion prior to repainting or applying other appropriate protective coatings.	Exposing metals which were intended to be protected from the environment. Applying paint or other coatings to metals such as copper, bronze, or stainless steel that were meant to be exposed.

Recommended	*Not Recommended*
Identifying the particular type of metal prior to any cleaning procedure and then testing to assure that the gentlest cleaning method possible is selected or determining that cleaning is inappropriate for the particular metal.	Using cleaning methods which alter or damage the historic color, texture, and finish of the metal; or cleaning when it is inappropriate for the metal.
	Removing the patina of historic metal. The patina may be a protective coating on some metals, such as bronze or copper, as well as a significant historic finish.
Cleaning soft metals such as lead, tin, copper, terneplate, and zinc with appropriate chemical methods because their finishes can be easily abraded by blasting methods.	Cleaning soft metals such as lead, tin, copper, terneplate, and zinc with grit blasting which will abrade the surface of the metal.
Using the gentlest cleaning methods for cast iron, wrought iron, and steel—hard metals—in order to remove paint buildup and corrosion. If handscraping and wire brushing have proven ineffective, low pressure dry grit blasting may be used as long as it does not abrade or damage the surface.	Failing to employ gentler methods prior to abrasively cleaning cast iron, wrought iron or steel; or using high pressure grit blasting.
Applying appropriate paint or other coating systems after cleaning in order to decrease the corrosion rate of metals or alloys.	Failing to re-apply protective coating systems to metals or alloys that require them after cleaning so that accelerated corrosion occurs.
Repainting with colors that are appropriate to the historic building or district.	Using new colors that are inappropriate to the historic building or district.
Applying an appropriate protective coating such as lacquer to an architectural metal feature such as a bronze door which is subject to heavy pedestrian use.	Failing to assess pedestrian use or new access patterns so that architectural metal features are subject to damage by use or inappropriate maintenance such as salting adjacent sidewalks.
Evaluating the overall condition of the architectural metals to determine whether more than protection and maintenance are required, that is, if repairs to features will be necessary.	Failing to undertake adequate measures to assure the preservation of architectural metal features.

Recommended	*Not Recommended*
Repairing architectual metal features by patching, splicing, or otherwise reinforcing the metal following recognized preservation methods. Repairs may also include the limited replacement in kind—or with a compatible substitute material—of those extensively deteriorated or missing parts of features when there are surviving prototypes such as porch balusters, column capitals or bases; or porch cresting.	Replacing an entire architectural metal feature such as a column or a balustrade when repair of the metal and limited replacement of deteriorated or missing parts are appropriate. Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the architectural metal feature or that is physically or chemically incompatible.
Replacing in kind an entire architectural metal feature that is too deteriorated to repair—if the overall form and detailing are still evident—using the physical evidence to guide the new work. Examples could include cast iron porch steps or steel sash windows. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.	Removing an architectural metal feature that is unrepairable and not replacing it; or replacing it with a new architectural metal feature that does not convey the same visual appearance.

The following work is highlighted to indicate that it represents the particularly complex technical or design aspects of rehabilitation projects and should only be considered after the preservation concerns listed above have been addressed.

Design for Missing Historic Features

Designing and installing a new architectural metal feature such as a sheet metal cornice or cast iron capital when the historic feature is completely missing. It may be an accurate restoration using historical, pictorial and physical documentation; or be a new design that is compatible with the size, scale, material, and color of the historic building.	Creating a false historic appearance because the replaced architectural metal feature is based on insufficient historical, pictorial, and physical documentation. Introducing a new architectural metal feature that is incompatible in size, scale, material, and color.

Roofs

The roof—with its shape; features such as cresting, dormers, cupolas, and chimneys; and the size, color, and patterning of the roofing material—can be extremely important in defining the building's overall historic character. In addition to the design role it plays, a weathertight roof is essential to the preservation of the entire structure; thus, protecting and repairing the roof as a "cover" is a critical aspect of every rehabilitation project.

Recommended	*Not Recommended*
Identifying, retaining, and preserving roofs—and their functional and decorative features—that are important in defining the overall historic character of the building. This includes the roof's shape, such as hipped, gambrel, and mansard; decorative features such as cupolas, cresting, chimneys, and weathervanes; and roofing material such as slate, wood, clay tile, and metal, as well as its size, color, and patterning.	Radically changing, damaging, or destroying roofs which are important in defining the overall historic character of the building so that, as a result, the character is diminished.
	Removing a major portion of the roof or roofing material that is repairable, then reconstructing it with new material in order to create a uniform, or "improved" appearance.
	Changing the configuration of a roof by adding new features such as dormer windows, vents, or skylights so that the historic character is diminished.
	Stripping the roof of sound historic material such as slate, clay tile, wood, and architectural metal.
	Applying paint or other coatings to roofing material which has been historically uncoated.
Protecting and maintaining a roof by cleaning the gutters and downspouts and replacing deteriorated flashing. Roof sheathing should also be checked for proper venting to prevent moisture condensation and water penetration; and to insure that materials are free from insect infestation.	Failing to clean and maintain gutters and downspouts properly so that water and debris collect and cause damage to roof fasteners, sheathing, and the underlying structure.
Providing adequate anchorage for roofing material to guard against wind damage and moisture penetration.	Allowing roof fasteners, such as nails and clips to corrode so that roofing material is subject to accelerated deterioration.

Recommended	*Not Recommended*
Protecting a leaking roof with plywood and building paper until it can be properly repaired.	Permitting a leaking roof to remain unprotected so that accelerated deterioration of historic building materials—masonry, wood, plaster, paint and structural members—occurs.
Repairing a roof by reinforcing the historic materials which comprise roof features. Repairs will also generally include the limited replacement in kind—or with compatible substitute material—of those extensively deteriorated or missing parts of features when there are surviving prototypes such as cupola louvers, dentils, dormer roofing; or slates, tiles, or wood shingles on a main roof.	Replacing an entire roof feature such as a cupola or dormer when repair of the historic materials and limited replacement of deteriorated or missing parts are appropriate. Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the roof or that is physically or chemically incompatible.
Replacing in kind an entire feature of the roof that is too deteriorated to repair—if the overall form and detailing are still evidence—using the physical evidence to guide the new work. Examples can include a large section of roofing, or a dormer or chimney. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.	Removing a feature of the roof that is unrepairable, such as a chimney or dormer, and not replacing it; or replacing it with a new feature that does not convey the same visual appearance.

The following work is highlighted to indicate that it represents the particularly complex technical or design aspects of rehabilitation projects and should only be considered after the preservation concerns listed above have been addressed.

Design for Missing Historic Features

Designing and constructing a new feature when the historic feature is completely missing, such as a chimney or cupola. It may be an accurate restoration using historical, pictorial and physical documentation; or be a new design that is compatible with the size, scale, material, and color of the historic building.	Creating a false historical appearance because the replaced feature is based on insufficient historical, pictorial, and physical documentation. Introducing a new roof feature that is incompatible in size, scale, material, and color.

Recommended	*Not Recommended*
Alterations/Additions for the New Use	
Installing mechanical and service equipment on the roof such as air conditioning, transformers, or solar collectors when required for the new use so that they are inconspicuous from the public right-of-way and do not damage or obscure character-defining features.	Installing mechanical or service equipment so that it damages or obscures character-defining features; or is conspicuous from the public right-of-way.
Designing additions to roofs such as residential, office, or storage spaces; elevator housing; decks and terraces; or dormers or skylights when required by the new use so that they are inconspicuous from the public right-of-way and do not damage or obscure character-defining features.	Radically changing a character-defining roof shape or damaging or destroying character-defining roofing material as a result of incompatible design or improper installation techniques.

Windows

A highly decorative window with an unusual shape, or glazing pattern, or color is most likely identified immediately as a character-defining feature of the building. It is far more difficult, however, to assess the importance of repeated windows on a facade, particularly if they are individually simple in design and material, such as the large, multi-paned sash of many industrial buildings. Because rehabilitation projects frequently include proposals to replace window sash or even entire windows to improve thermal efficiency or to create a new appearance, it is essential that their contribution to the overall historic character of the building be assessed together with their physical condition before specific repair or replacement work is undertaken.

Recommended	*Not Recommended*
Identifying, retaining, and preserving windows—and their functional and decorative features—that are important in defining the overall historic character of the building. Such features can include frames, sash, muntins, glazing, sills, heads, hoodmolds, panelled or decorated jambs and moldings, and interior and exterior shutters and blinds.	Removing or radically changing windows which are important in defining the overall historic character of the building so that, as a result, the character is diminished.
	Changing the number, location, size or glazing pattern of windows, through cutting new openings, blocking-in windows, and installing replacement sash which does not fit the historic window opening.
	Changing the historic appearance of windows through the use of inappropriate designs, materials, finishes, or colors which radically change the sash, depth of reveal, and muntin configuration; the reflectivity and color of the glazing; or the appearance of the frame.
	Obscuring historic window trim with metal or other material.
	Stripping windows of historic material such as wood, iron, cast iron, and bronze.
Protecting and maintaining the wood and architectural metal which comprise the window frame, sash, muntins, and surrounds through appropriate surface treatments such as cleaning, rust removal, limited paint removal, and re-application of protective coating systems.	Failing to provide adequate protection of materials on a cyclical basis so that deterioration of the windows results.

Recommended	*Not Recommended*
Making windows weathertight by recaulking and replacing or installing weatherstripping. These actions also improve thermal efficiency.	Retrofitting or replacing windows rather than maintaining the sash, frame, and glazing.
Evaluating the overall condition of materials to determine whether more than protection and maintenance are required, i.e. if repairs to windows and window features will be required.	Failing to undertake adequate measures to assure the preservation of historic windows.
Repairing window frames and sash by patching, splicing, consolidating or otherwise reinforcing. Such repair may also include replacement in kind of those parts that are either extensively deteriorated or are missing when there are surviving prototypes such as architraves, hoodmolds, sash, sills, and interior or exterior shutters and blinds.	Replacing an entire window when repair of materials and limited replacement of deteriorated or missing parts are appropriate.
	Failing to reuse serviceable window hardware such as brass lifts and sash locks.
	Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the window or that is physically or chemically incompatible.
Replacing in kind an entire window that is too deteriorated to repair—if the overall form and detailing are still evident—using the physical evidence to guide the new work. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.	Removing a character-defining window that is unrepairable and blocking it in; or replacing it with a new window that does not convey the same visual appearance.

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Design for Missing Historic Features

Designing and installing new windows when the historic windows (frame, sash and glazing) are completely missing. The replacement windows may be an accurate restoration using historical, pictorial, and physical documentation; or be a new design that is compatible with the window openings and the historic character of the building.	Creating a false historical appearance because the replaced window is based on insufficient historical, pictorial, and physical documentation.
	Introducing a new design that is incompatible with the historic character of the building.

Recommended	*Not Recommended*
Alterations/Additions for the New Use	
Designing and installing additional windows on rear or other-non character-defining elevations if required by the new use. New windows openings may also be cut into exposed party walls. Such design should be compatible with the overall design of the building, but not duplicate the fenestration pattern and detailing of a character-defining elevation.	Installing new windows, including frames, sash, and muntin configuration that are incompatible with the building's historic appearance or obscure, damage, or destroy character-defining features.
Providing a setback in the design of dropped ceilings when they are required for the new use to allow for the full height of the window openings.	Inserting new floors or furred-down ceilings which cut across the glazed areas of windows so that the exterior form and appearance of the windows are changed.

Entrances and Porches

Entrances and porches are quite often the focus of historic buildings, particularly when they occur on primary elevations. Together with their functional and decorative features such as doors, steps, balustrades, pilasters, and entablatures, they can be extremely important in defining the overall historic character of a building. Their retention, protection, and repair should always be carefully considered when planning rehabilitation work.

Recommended	*Not Recommended*
Identifying, retaining, and preserving entrances—and their functional and decorative features—that are important in defining the overall historic character of the building such as doors, fanlights, sidelights, pilasters, entablatures, columns, balustrades, and stairs.	Removing or radically changing entrances and porches which are important in defining the overall historic character of the building so that, as a result, the character is diminished. Stripping entrances and porches of historic material such as wood, iron, cast iron, terra cotta, tile and brick. Removing an entrance or porch because the building has been reoriented to accommodate a new use. Cutting new entrances on a primary elevation. Altering utilitarian or service entrances so they appear to be formal entrances by adding panelled doors, fanlights, and sidelights.
Protecting and maintaining the masonry, wood, and architectural metal that comprise entrances and porches through appropriate surface treatments such as cleaning, rust removal, limited paint removal, and re-application of protective coating systems.	Failing to provide adequate protection to materials on a cyclical basis so that deterioration of entrances and porches results.
Evaluating the overall condition of materials to determine whether more than protection and maintenance are required, that is, if repairs to entrance and porch features will be necessary.	Failing to undertake adequate measures to assure the preservation of historic entrances and porches.

Recommended	*Not Recommended*
Repairing entrances and porches by reinforcing the historic materials. Repair will also generally include the limited replacement in kind—or with compatible substitute material—of those extensively deteriorated or missing parts of repeated features where there are surviving prototypes such as balustrades, cornices, entablatures, columns, sidelights, and stairs.	Replacing an entire entrance or porch when the repair of materials and limited replacement of parts are appropriate.
	Using a substitute material for the replacement parts that does not convey the visual appearance of the surviving parts of the entrance and porch or that is physically or chemically incompatible.
Replacing in kind an entire entrance or porch that is too deteriorated to repair—if the form and detailing are still evident—using the physical evidence to guide the new work. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.	Removing an entrance or porch that is unrepairable and not replacing it; or replacing it with a new entrance or porch that does not convey the same visual appearance.

The following work is highlighted to indicate that it represents the particularly complex technical or design aspects of rehabilitation projects and should only be considered after the preservation concerns listed above have been addressed.

Design for Missing Historic Features

Designing and constructing a new entrance or porch if the historic entrance or porch is completely missing. It may be a restoration based on historical, pictorial, and physical documentation; or be a new design that is compatible with the historic character of the building.	Creating a false historical appearance because the replaced entrance or porch is based on insufficient historical, pictorial, and physical documentation.
	Introducing a new entrance or porch that is incompatible in size, scale, material, and color.

Alterations/Additions for the New Use

Designing enclosures for historic porches when required by the new use in a manner that preserves the historic character of the building. This can include using large sheets of glass and recessing the enclosure wall behind existing scrollwork, posts, and balustrades.	Enclosing porches in a manner that results in a diminution or loss of historic character such as using solid materials such as wood, stucco, or masonry.

Recommended

Designing and installing additional entrances or porches when required for the new use in a manner that preserves the historic character of the building, i.e., limiting such alteration to non-character-defining elevations.

Not Recommended

Installing secondary service entrances and porches that are incompatible in size and scale with the historic building or obscure, damage, or destroy character-defining features.

Storefronts

Storefronts are quite often the focus of historic commercial buildings and can thus be extremely important in defining the overall historic character. Because storefronts also play a crucial role in a store's advertising and merchandising strategy to draw customers and increase business, they are often altered to meet the needs of a new business. Particular care is required in planning and accomplishing work on storefronts so that the building's historic character is preserved in the process of rehabilitation.

Recommended	*Not Recommended*
Identifying, retaining, and preserving storefronts—and their functional and decorative features—that are important in defining the overall historic character of the building such as display windows, signs, doors, transoms, kick plates, corner posts, and entablatures.	Removing or radically changing storefronts—and their features—which are important in defining the overall historic character of the building so that, as a result, the character is diminished.
	Changing the storefront so that it appears residential rather than commercial in character.
	Removing historic material from the storefront to create a recessed arcade.
	Introducing coach lanterns, mansard overhangings, wood shakes, nonoperable shutters, and small-paned windows if they cannot be documented historically.
	Changing the location of a storefront's main entrance.
Protecting and maintaining masonry, wood, and architectural metals which comprise storefronts through appropriate treatments such as cleaning, rust removal, limited paint removal, and reapplication of protective coating systems.	Failing to provide adequate protection to materials on a cyclical basis so that deterioration of storefront features results.

Recommended

Protecting storefronts against arson and vandalism before work begins by boarding up windows and installing alarm systems that are keyed into local protection agencies.

Evaluating the overall condition of storefront materials to determine whether more than protection and maintenance are required, that is, if repairs to features will be necessary.

Repairing storefronts by reinforcing the historic materials. Repairs will also generally include the limited replacement in kind—or with compatible substitute material—of those extensively deteriorated or missing parts of storefronts where there are surviving prototypes such as transoms, kick plates, pilasters, or signs.

Replacing in kind an entire storefront that is too deteriorated to repair—if the overall form and detailing are still evident—using the physical evidence to guide the new work. If using the same material is not technically or economically feasible, then compatible substitute materials may be considered.

Not Recommended

Permitting entry into the building through unsecured or broken windows and doors so that interior features and finishes are damaged through exposure to weather or through vandalism.

Stripping storefronts of historic material such as wood, cast iron, terra cotta, carrara glass, and brick.

Failing to undertake adequate measures to assure the preservation of the historic storefront.

Replacing an entire storefront when repair of materials and limited replacement of its parts are appropriate.

Using substitute material for the replacement parts that does not convey the same visual appearance as the surviving parts of the storefront or that is physically or chemically incompatible.

Removing a storefront that is unrepairable and not replacing it; or replacing it with a new storefront that does not convey the same visual appearance.

The following work is highlighted to indicate that it represents the particularly complex technical or design aspects of rehabilitation projects and should only be considered after the preservation concerns listed above have been addressed.

Recommended	*Not Recommended*
Design for Missing Historic Features	
Designing and constructing a new storefront when the historic storefront is completely missing. It may be an accurate restoration using historical, pictorial, and physical documentation; or be a new design that is compatible with the size, scale, material, and color of the historic building. Such new design should generally be flush with the facade; and the treatment of secondary design elements, such as awnings or signs, kept as simple as possible. For example, new signs should fit flush with the existing features of the facade, such as the fascia board or cornice.	Creating a false historical appearance because the replaced storefront is based on insufficient historical, pictorial, and physical documentation. Introducing a new design that is incompatible in size, scale, material, and color. Using new illuminated signs; inappropriately scaled signs and logos; signs that project over the sidewalk unless they were a characteristic feature of the historic building; or other types of signs that obscure, damage, or destroy remaining character-defining features of the historic building.

BUILDING INTERIOR
Structural System

If features of the structural system are exposed such as loadbearing brick walls, cast iron columns, roof trusses, posts and beams, vigas, or stone foundation walls, they may be important in defining the building's overall historic character. Unexposed structural features that are not character-defining or an entire structural system may nonetheless be significant in the history of building technology; therefore, the structural system should always be examined and evaluated early in the project planning stage to determine both its physical condition and its importance to the building's historic character or historical significance. See also Health and Safety Code Requirements.

Recommended

Identifying, retaining, and preserving structural systems—and individual features of systems—that are important in defining the overall historic character of the building, such as post and beam systems, trusses, summer beams, vigas, cast iron columns, above-grade stone foundation walls, or loadbearing brick or stone walls.

Not Recommended

Removing, covering, or radically changing features of structural systems which are important in defining the overall historic character of the building so that, as a result, the character is diminished.

Putting a new use into the building which could overload the existing structural system; or installing equipment or mechanical systems which could damage the structure.

Demolishing a loadbearing masonry wall that could be augmented and retained and replacing it with a new wall (i.e., brick or stone), using the historic masonry only as an exterior veneer.

Leaving known structural problems untreated such as deflection of beams, cracking and bowing of walls, or racking of structural members.

Utilizing treatments or products that accelerate the deterioration of structural material such as introducing urea-formaldehyde foam insulation into frame walls.

STRUCTURAL SYSTEM (continued)

Recommended	*Not Recommended*
Protecting and maintaining the structural system by cleaning the roof gutters and downspouts; replacing roof flashing; keeping masonry, wood, and architectural metals in a sound condition; and assuring that structural members are free from insect infestation.	Failing to provide proper building maintenance on a cyclical basis so that deterioration of the structural system results.
Examining and evaluating the physical condition of the structural system and its individual features using non-destructive techniques such as X-ray photography.	Utilizing destructive probing techniques that will damage or destroy structural material.
Repairing the structural system by augmenting or upgrading individual parts or features. For example, weakened structural members such as floor framing can be spliced, braced, or otherwise supplemented and reinforced.	Upgrading the building structurally in a manner that diminishes the historic character of the exterior, such as installing strapping channels or removing a decorative cornice; or damages interior features or spaces.
	Replacing a structural member or other feature of the structural system when it could be augmented and retained.
Replacing in kind—or with substitute material—those portions or features of the structural system that are either extensively deteriorated or are missing when there are surviving prototypes such as cast iron columns, roof rafters or trusses, or sections of loadbearing walls. Substitute material should convey the same form, design, and overall visual appearance as the historic feature; and, at a minimum, be equal to its loadbearing capabilities.	Installing a replacement feature that does not convey the same visual appearance, e.g., replacing an exposed wood summer beam with a steel beam.
	Using substitute material that does not equal the loadbearing capabilities of the historic material and design or is otherwise physically or chemically incompatible.

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Recommended	*Not Recommended*
Alterations/Additions for the New Use	
Limiting any new excavations adjacent to historic foundations to avoid undermining the structural stability of the building or adjacent historic buildings.	Carrying out excavations or regrading adjacent to or within a historic building which could cause the historic foundation to settle, shift, or fail; or could have a similar effect on adjacent historic buildings.
Correcting structural deficiencies in preparation for the new use in a manner that preserves the structural system and individual character-defining features.	Radically changing interior spaces or damaging or destroying features or finishes that are character-defining while trying to correct structural deficiencies in preparation for the new use.
Designing and installing new mechanical or electrical systems when required for the new use which minimize the number of cutouts or holes in structural members.	Installing new mechanical and electrical systems or equipment in a manner which results in numerous cuts, splices, or alterations to the structural members.
Adding a new floor when required for the new use if such an alteration does not damage or destroy the structural system or obscure, damage, or destroy character-defining spaces, features, or finishes.	Inserting a new floor when such a radical change damages a structural system or obscures or destroys interior spaces, features, or finishes.
	Inserting new floors or furred-down ceilings which cut across the glazed areas of windows so that the exterior form and appearance of the windows are radically changed.
Creating an atrium or a light well to provide natural light when required for the new use in a manner that assures the preservation of the structural system as well as character-defining interior spaces, features, and finishes.	Damaging the structural system or individual features; or radically changing, damaging, or destroying character-defining interior spaces, features, or finishes in order to create an atrium or a light well.

Interior: Spaces, Features, and Finishes	An interior floor plan, the arrangement of spaces, and built-in features and applied finishes may be individually or collectively important in defining the historic character of the building. Thus, their identification, retention, protection, and repair should be given prime consideration in every rehabilitation project and caution exercised in pursuing any plan that would radically change character-defining spaces or obscure, damage or destroy interior features or finishes.

Recommended	*Not Recommended*
Interior Spaces	
Identifying, retaining, and preserving a floor plan or interior spaces that are important in defining the overall historic character of the building. This includes the size, configuration, proportion, and relationship of rooms and corridors; the relationship of features to spaces; and the spaces themselves such as lobbies, reception halls, entrance halls, double parlors, theaters, auditoriums, and important industrial or commercial use spaces.	Radically changing a floor plan or interior spaces—including individual rooms—which are important in defining the overall historic character of the building so that, as a result, the character is diminished.
	Altering the floor plan by demolishing principal walls and partitions to create a new appearance.
	Altering or destroying interior spaces by inserting floors, cutting through floors, lowering ceilings, or adding or removing walls.
	Relocating an interior feature such as a staircase so that the historic relationship between features and spaces is altered.

Recommended	*Not Recommended*
Interior Features and Finishes	
Identifying, retaining, and preserving interior features and finishes that are important in defining the overall historic character of the building, including columns, cornices, baseboards, fireplaces and mantles, paneling, light fixtures, hardware, and flooring; and wallpaper, plaster, paint, and finishes such as stenciling, marbling, and graining; and other decorative materials that accent interior features and provide color, texture, and patterning to walls, floors, and ceilings.	Removing or radically changing features and finishes which are important in defining the overall historic character of the building so that, as a result, the character is diminished.
	Installing new decorative material that obscures or damages character-defining interior features or finishes.
	Removing paint, plaster, or other finishes from historically finished surfaces to create a new appearance (e.g., removing plaster to expose masonry surfaces such as brick walls or a chimney piece).
	Applying paint, plaster, or other finishes to surfaces that have been historically unfinished to create a new appearance.
	Stripping historically painted wood surfaces to bare wood, then applying clear finishes or stains to create a "natural look."
	Stripping paint to bare wood rather than repairing or reapplying grained or marbled finishes to features such as doors and paneling.
	Radically changing the type of finish or its color, such as painting a previously varnished wood feature.
Protecting and maintaining masonry, wood, and architectural metals which comprise interior features through appropriate surface treatments such as cleaning, rust removal, limited paint removal, and reapplication of protective coatings systems.	Failing to provide adequate protection to materials on a cyclical basis so that deterioration of interior features results.

Recommended	*Not Recommended*
Protecting interior features and finishes against arson and vandalism before project work begins, erecting protective fencing, boarding-up windows, and installing fire alarm systems that are keyed to local protection agencies.	Permitting entry into historic buildings through unsecured or broken windows and doors so that interior features and finishes are damaged by exposure to weather or through vandalism.
	Stripping interiors of features such as woodwork, doors, windows, light fixtures, copper piping, radiators; or of decorative materials.
Protecting interior features such as a staircase, mantel, or decorative finishes and wall coverings against damage during project work by covering them with heavy canvas or plastic sheets.	Failing to provide proper protection of interior features and finishes during work so that they are gouged, scratched, dented, or otherwise damaged.
Installing protective coverings in areas of heavy pedestrian traffic to protect historic features such as wall coverings, parquet flooring and panelling.	Failing to take new use patterns into consideration so that interior features and finishes are damaged.
Removing damaged or deteriorated paints and finishes to the next sound layer using the gentlest method possible, then repainting or refinishing using compatible paint or other coating systems.	Using destructive methods such as propane or butane torches or sandblasting to remove paint or other coatings. These methods can irreversibly damage the historic materials that comprise interior features.
Repainting with colors that are appropriate to the historic building.	Using new paint colors that are inappropriate to the historic building.
Limiting abrasive cleaning methods to certain industrial or warehouse buildings where the interior masonry or plaster features do not have distinguishing design, detailing, tooling, or finishes; and where wood features are not finished, molded, beaded, or worked by hand. Abrasive cleaning should *only* be considered after other, gentler methods have been proven ineffective.	Changing the texture and patina of character-defining features through sandblasting or use of other abrasive methods to remove paint, discoloration or plaster. This includes both exposed wood (including structural members) and masonry.
Evaluating the overall condition of materials to determine whether more than protection and maintenance are required, that is, if repairs to interior features and finishes will be necessary.	Failing to undertake adequate measures to assure the preservation of interior features and finishes.

Recommended	*Not Recommended*
Repairing interior features and finishes by reinforcing the historic materials. Repair will also generally include the limited replacement in kind—or with compatible substitute material—of those extensively deteriorated or missing parts of repeated features when there are surviving prototypes such as stairs, balustrades, wood panelling, columns; or decorative wall coverings or ornamental tin or plaster ceilings.	Replacing an entire interior feature such as a staircase, panelled wall, parquet floor, or cornice; or finish such as a decorative wall covering or ceiling when repair of materials and limited replacement of such parts are appropriate.
	Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts or portions of the interior feature or finish or that is physically or chemically incompatible.
Replacing in kind an entire interior feature or finish that is too deteriorated to repair—if the overall form and detailing are still evident—using the physical evidence to guide the new work. Examples could include wainscoting, a tin ceiling, or interior stairs. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.	Removing a character-defining feature or finish that is unrepairable and not replacing it; or replacing it with a new feature or finish that does not convey the same visual appearance.

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Design for Missing Historic Features

Designing and installing a new interior feature or finish if the historic feature or finish is completely missing. This could include missing partitions, stairs, elevators, lighting fixtures, and wall coverings; or even entire rooms if all historic spaces, features, and finishes are missing or have been destroyed by inappropriate "renovations." The design may be a restoration based on historical, pictorial, and physical documentation; or be a new design that is compatible with the historic character of the building, district, or neighborhood.	Creating a false historical appearance because the replaced feature is based on insufficient physical, historical, and pictorial documentation or on information derived from another building.
	Introducing a new interior feature or finish that is incompatible with the scale, design, materials, color, and texture of the surviving interior features and finishes.

Recommended	*Not Recommended*
Alterations/Additions for the New Use	
Accommodating service functions such as bathrooms, mechanical equipment, and office machines required by the building's new use in secondary spaces such as first floor service areas or on upper floors.	Dividing rooms, lowering ceilings, and damaging or obscuring character-defining features such as fireplaces, niches, stairways or alcoves, so that a new use can be accommodated in the building.
Reusing decorative material or features that have had to be removed during the rehabilitation work including wall and baseboard trim, door moulding, panelled doors, and simple wainscoting; and relocating such material or features in areas appropriate to their historic placement.	Discarding historic material when it can be reused within the rehabilitation project or relocating it in historically inappropriate areas.
Installing permanent partitions in secondary spaces; removable partitions that do not destroy the sense of space should be installed when the new use requires the subdivision of character-defining interior spaces.	Installing permanent partitions that damage or obscure character-defining spaces, features, or finishes.
Enclosing an interior stairway where required by code so that its character is retained. In many cases, glazed fire-rated walls may be used.	Enclosing an interior stairway with fire-rated construction so that the stairwell space or any character-defining features are destroyed.
Placing new code-required stairways or elevators in secondary and service areas of the historic building.	Radically changing, damaging, or destroying character-defining spaces, features, or finishes when adding new code-required stairways and elevators.

Recommended	*Not Recommended*
Creating an atrium or a light well to provide natural light when required for the new use in a manner that preserves character-defining interior spaces, features, and finishes as well as the structural system.	Destroying character-defining interior spaces, features, or finishes; or damaging the structural system in order to create an atrium or light well.
Adding a new floor if required for the new use in a manner that preserves character-defining structural features, and interior spaces, features, and finishes.	Inserting a new floor within a building that alters or destroys the fenestration; radically changes a character-defining interior space; or obscures, damages, or destroys decorative detailing.

Mechanical Systems: Heating, Air Conditioning, Electrical, and Plumbing	The visible features of historic heating, lighting, air conditioning and plumbing systems may sometimes help define the overall historic character of the building and should thus be retained and repaired, whenever possible. The systems themselves (the compressors, boilers, generators and their ductwork, wiring and pipes) will generally either need to be upgraded, augmented, or entirely replaced in order to accommodate the new use and to meet code requirements. Less frequently, individual portions of a system or an entire system are significant in the history of building technology; therefore, the identification of character-defining features or historically significant systems should take place together with an evaluation of their physical condition early in project planning.

Recommended	*Not Recommended*
Identifying, retaining, and preserving visible features of early mechanical systems that are important in defining the overall historic character of the building, such as radiators, vents, fans, grilles, plumbing fixtures, switchplates, and lights.	Removing or radically changing features of mechanical systems that are important in defining the overall historic character of the building so that, as a result, the character is diminished.
Protecting and maintaining mechanical, plumbing, and electrical systems and their features through cyclical cleaning and other appropriate measures.	Failing to provide adequate protection of materials on a cyclical basis so that deterioration of mechanical systems and their visible features results.
Preventing accelerated deterioration of mechanical systems by providing adequate ventilation of attics, crawlspaces, and cellars so that moisture problems are avoided.	Enclosing mechanical systems in areas that are not adequately ventilated so that deterioration of the systems results.
Repairing mechanical systems by augmenting or upgrading system parts, such as installing new pipes and ducts; rewiring; or adding new compressors or boilers.	Replacing a mechanical system or its functional parts when it could be upgraded and retained.
Replacing in kind—or with compatible substitute material—those visible features of mechanical systems that are either extensively deteriorated or are missing when there are surviving prototypes such as ceiling fans, switchplates, radiators, grilles, or plumbing fixtures.	Installing a replacement feature that does not convey the same visual appearance.

The following work is highlighted to indicate that it represents the particularly complex technical or design aspects of rehabilitation projects and should only be considered after the preservation concerns listed above have been addressed.

Recommended	*Not Recommended*
Alterations/Additions for the New Use	
Installing a completely new mechanical system if required for the new use so that it causes the least alteration possible to the building's floor plan, the exterior elevations, and the least damage to historic building material.	Installing a new mechanical system so that character-defining structural or interior features are radically changed, damaged, or destroyed.
Installing the vertical runs of ducts, pipes, and cables in closets, service rooms, and wall cavities.	Installing vertical runs of ducts, pipes, and cables in places where they will obscure character-defining features.
	Concealing mechanical equipment in walls or ceilings in a manner that requires the removal of historic building material.
	Installing "dropped" acoustical ceilings to hide mechanical equipment when this destroys the proportions of character-defining interior spaces.
Installing air conditioning units if required by the new use in such a manner that the historic materials and features are not damaged or obscured.	Cutting through features such as masonry walls in order to install air conditioning units.
Installing heating/air conditioning units in the window frames in such a manner that the sash and frames are protected. Window installations should be considered only when all other viable heating/cooling systems would result in significant damage to historic materials.	Radically changing the appearance of the historic building or damaging or destroying windows by installing heating/air conditioning units in historic window frames.

BUILDING SITE

The relationship between a historic building or buildings and landscape features within a property's boundaries—or the building site—helps to define the historic character and should be considered an integral part of overall planning for rehabilitation project work.

Recommended	*Not Recommended*
Identifying, retaining, and preserving buildings and their features as well as features of the site that are important in defining its overall historic character. Site features can include driveways, walkways, lighting, fencing, signs, benches, fountains, wells, terraces, canal systems, plants and trees, berms, and drainage or irrigation ditches; and archeological features that are important in defining the history of the site.	Removing or radically changing buildings and their features or site features which are important in defining the overall historic character of the building site so that, as a result, the character is diminished.
Retaining the historic relationship between buildings, landscape features, and open space.	Removing or relocating historic buildings or landscape features, thus destroying the historic relationship between buildings, landscape features, and open space. Removing or relocating historic buildings on a site or in a complex of related historic structures—such as a mill complex or farm—thus diminishing the historic character of the site or complex. Moving buildings onto the site, thus creating a false historical appearance. Lowering the grade level adjacent to a building to permit development of a formerly below-grade area such as a basement in a manner that would drastically change the historic relationship of the building to its site.
Protecting and maintaining buildings and the site by providing proper drainage to assure that water does not erode foundation walls; drain toward the building; nor erode the historic landscape.	Failing to maintain site drainage so that buildings and site features are damaged or destroyed; or, alternatively, changing the site grading so that water no longer drains properly.

Recommended

Minimizing disturbance of terrain around buildings or elsewhere on the site, thus reducing the possibility of destroying unknown archeological materials.

Surveying areas where major terrain alteration is likely to impact important archeological sites.

Protecting, e.g. preserving in place known archeological material whenever possible.

Planning and carrying out any necessary investigation using professional archeologists and modern archeological methods when preservation in place is not feasible.

Protecting the building and other features of the site against arson and vandalism before rehabilitation work begins, i.e., erecting protective fencing and installing alarm systems that are keyed into local protection agencies.

Providing continued protection of masonry, wood, and architectural metals which comprise building and site features through appropriate surface treatments such as cleaning, rust removal, limited paint removal, and re-application of protective coating systems; and continued protection and maintenance of landscape features, including plant material.

Not Recommended

Introducing heavy machinery or equipment into areas where their presence may disturb archeological materials.

Failing to survey the building site prior to the beginning of rehabilitation project work so that, as a result, important archeological material is destroyed.

Leaving known archeological material unprotected and subject to vandalism, looting, and destruction by natural elements such as erosion.

Permitting unqualified project personnel to perform data recovery so that improper methodology results in the loss of important archeological material.

Permitting buildings and site features to remain unprotected so that plant materials, fencing, walkways, archeological features, etc. are damaged or destroyed.

Stripping features from buildings and the site such as wood siding, iron fencing, masonry balustrades; or removing or destroying landscape features, including plant material.

Failing to provide adequate protection of materials on a cyclical basis so that deterioration of building and site features results.

Recommended

Evaluating the overall condition of materials to determine whether more than protection and maintenance are required, that is, if repairs to building and site features will be necessary.

Repairing features of buildings and the site by reinforcing the historic materials. Repair will also generally include replacement in kind—with a compatible substitute material—of those extensively deteriorated or missing parts of features where there are suviving prototypes such as fencing and paving.

Replacing in kind an entire feature of the building or site that is too deteriorated to repair—if the overall form and detailing are still evident—using the physical evidence to guide the new work. This could include an entrance or porch, walkway, or fountain. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.

Not Recommended

Failing to undertake adequate measures to assure the preservation of building and site features.

Replacing an entire feature of the building or site such as a fence, walkway, or driveway when repair of materials and limited replacement of deteriorated or missing parts are appropriate.

Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the building or site feature or that is physically or chemically incompatible.

Removing a feature of the building or site that is unrepairable and not replacing it; or replacing it with a new feature that does not convey the same visual appearance.

The following work is highlighted to indicate that it represents the particularly complex technical or design aspects of rehabilitation project work and should only be considered after the preservation concerns listed above have been addressed.

Recommended	*Not Recommended*
Design for Missing Historic Features	
Designing and constructing a new feature of a building or site when the historic feature is completely missing, such as an outbuilding, terrace, or driveway. It may be based on historical, pictorial, and physical documentation, or be a new design that is compatible with the historic character of the building and site.	Creating a false historical appearance because the replaced feature is based on insufficient historical, pictorial, and physical documentation. Introducing a new building or site feature that is out of scale or otherwise inappropriate. Introducing a new landscape feature or plant material that is visually incompatible with the site or that destroys site patterns or vistas.
Alterations/Additions for the New Use	
Designing new onsite parking, loading docks, or ramps when required by the new use so that they are as unobtrusive as possible and assure the preservation of character-defining features of the site. Designing new exterior additions to historic buildings or adjacent new construction which is compatible with the historic character of the site and which preserve the historic relationship between a building or buildings, landscape features, and open space. Removing nonsignificant buildings, additions, or site features which detract from the historic character of the site.	Placing parking facilities directly adjacent to historic buildings where automobiles may cause damage to the buildings or landscape features or be intrusive to the building site. Introducing new construction onto the building site which is visually incompatible in terms of size, scale, design, materials, color and texture or which destroys historic relationships on the site. Removing a historic building in a complex, a building feature, or a site feature which is important in defining the historic character of the site.

DISTRICT/ NEIGHBORHOOD

The relationship between historic buildings, and streetscape and landscape features within a historic district or neighborhood helps to define the historic character and therefore should always be a part of the rehabilitation plans.

Recommended	*Not Recommended*
Identifying, retaining, and preserving buildings, and streetscape, and landscape features which are important in defining the overall historic character of the district or neighborhood. Such features can include streets, alleys, paving, walkways, street lights, signs, benches, parks and gardens, and trees.	Removing or radically changing those features of the district or neighborhood which are important in defining the overall historic character so that, as a result, the character is diminished.
Retaining the historic relationship between buildings, and streetscape and landscape features such as a town square comprised of row houses and stores surrounding a communal park or open space.	Destroying streetscape and landscape features by widening existing streets, changing paving material, or introducing inappropriately located new streets or parking lots. Removing or relocating historic buildings, or features of the streetscape and landscape, thus destroying the historic relationship between buildings, features and open space.
Protecting and maintaining the historic masonry, wood, and architectural metals which comprise building and streetscape features, through appropriate surface treatments such as cleaning, rust removal, limited paint removal, and reapplication of protective coating systems; and protecting and maintaining landscape features, including plant material.	Failing to provide adequate protection of materials on a cyclical basis so that deterioration of building, streetscape, and landscape features results.
Protecting buildings, paving, iron fencing, etc. against arson and vandalism before rehabilitation work begins by erecting protective fencing and installing alarm systems that are keyed into local protection agencies.	Permitting buildings to remain unprotected so that windows are broken; and interior features are damaged. Stripping features from buildings or the streetscape such as wood siding, iron fencing, or terra cotta balusters; or removing or destroying landscape features, including plant material.

Recommended

Evaluating the overall condition of building, streetscape and landscape materials to determine whether more than protection and maintenance are required, that is, if repairs to features will be necessary.

Repairing features of the building, streetscape, or landscape by reinforcing the historic materials. Repair will also generally include the replacement in kind—or with a compatible substitute material—of those extensively deteriorated or missing parts of features when there are surviving prototypes such as porch balustrades, paving materials, or streetlight standards.

Replacing in kind an entire feature of the building, streetscape, or landscape that is too deteriorated to repair—when the overall form and detailing are still evident—using the physical evidence to guide the new work. This could include a storefront, a walkway, or a garden. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.

Not Recommended

Failing to undertake adequate measures to assure the preservation of building, streetscape, and landscape features.

Replacing an entire feature of the building, streetscape, or landscape such as a porch, walkway, or streetlight, when repair of materials and limited replacement of deteriorated or missing parts are appropriate.

Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the building, streetscape, or landscape feature or that is physically or chemically incompatible.

Removing a feature of the building, streetscape, or landscape that is unrepairable and not replacing it; or replacing it with a new feature that does not convey the same visual appearance.

The following work is highlighted because it represents the particularly complex technical or design aspects of rehabilitation projects and should only be considered after the preservation concerns listed above have been addressed.

Recommended	*Not Recommended*
Design for Missing Historic Features	
Designing and constructing a new feature of the building, streetscape, or landscape when the historic feature is completely missing, such as row house steps, a porch, streetlight, or terrace. It may be a restoration based on historical, pictorial, and physical documentation; or be a new design that is compatible with the historic character of the district or neighborhood.	Creating a false historical appearance because the replaced feature is based on insufficient historical, pictorial and physical documentation. Introducing a new building, streetscape or landscape feature that is out of scale or otherwise inappropriate to the setting's historic character, e.g., replacing picket fencing with chain link fencing.
Alterations/Additions for the New Use	
Designing required new parking so that it is as unobtrusive as possible, i.e., on side streets or at the rear of buildings. "Shared" parking should also be planned so that several business can utilize one parking area as opposed to introducing random, multiple lots.	Placing parking facilities directly adjacent to historic buildings which cause the removal of historic plantings, relocation of paths and walkways, or blocking of alleys.
Designing and constructing new additions to historic buildings when required by the new use. New work should be compatible with the historic character of the district or neighborhood in terms of size, scale, design, material, color, and texture.	Introducing new construction into historic districts that is visually incompatible or that destroys historic relationships within the district or neighborhood.
Removing nonsignificant buildings, additions, or streetscape and landscape features which detract from the historic character of the district or the neighborhood.	Removing a historic building, building feature, or landscape or streetscape feature that is important in defining the overall historic character of the district or the neighborhood.

Although the work in these sections is quite often an important aspect of rehabilitation projects, it is usually *not* part of the overall process of preserving character-defining features (maintenance, repair, replacement); rather, such work is assessed for its potential negative impact on the building's historic character. For this reason, particular care must be taken not to obscure, radically change, damage, or destroy character-defining features in the process of rehabilitation work to meet new use requirements.

HEALTH AND SAFETY CODE REQUIREMENTS

As a part of the new use, it is often necessary to make modifications to a historic building so that it can comply with current health, safety and code requirements. Such work needs to be carefully planned and undertaken so that it does not result in a loss of character-defining spaces, features, and finishes.

Recommended

Identifying the historic building's character-defining spaces, features, and finishes so that code-required work will not result in their damage or loss.

Complying with health and safety code, including seismic codes and barrier-free access requirements, in such a manner that character-defining spaces, features, and finishes are preserved.

Working with local code officials to investigate alternative life safety measures or variances available under some codes so that alterations and additions to historic buildings can be avoided.

Providing barrier-free access through removable or portable, rather than permanent, ramps.

Providing seismic reinforcement to a historic building in a manner that avoids damaging the structural system and character-defining features.

Upgrading historic stairways and elevators to meet health and safety codes in a manner that assures their preservation, i.e., so that they are not damaged or obscured.

Installing sensitively designed fire suppression systems, such as a sprinkler system for wood frame mill buildings, instead of applying fire-resistant sheathing to character-defining features.

Not Recommended

Undertaking code-required alterations to a building or site before identifying those spaces, features, or finishes which are character-defining and must therefore be preserved.

Altering, damaging, or destroying character-defining spaces, features, and finishes while making modifications to a building or site to comply with safety codes.

Making changes to historic buildings without first seeking alternatives to code requirements.

Installing permanent ramps that damage or diminish character-defining features.

Reinforcing a historic building using measures that damage or destroy character-defining structural and other features.

Damaging or obscuring historic stairways and elevators or altering adjacent spaces in the process of doing work to meet code requirements.

Covering character-defining wood features with fire-resistant sheathing which results in altering their visual appearance.

Recommended	*Not Recommended*
Applying fire-retardant coatings, such as intumescent paints, which expand during fire to add thermal protection to steel.	Using fire-retardant coatings if they damage or obscure character-defining features.
Adding a new stairway or elevator to meet health and safety codes in a manner that preserves adjacent character-defining features and spaces.	Radically changing, damaging, or destroying character-defining spaces, features, or finishes when adding a new code-required stairway or elevator.
Placing a code-required stairway or elevator that cannot be accommodated within the historic building in a new exterior addition. Such an addition should be located at the rear of the building or on an inconspicuous side; and its size and scale limited in relationship to the historic building.	Constructing a new addition to accommodate code-required stairs and elevators on character-defining elevations highly visible from the street; or where it obscures, damages or destroys character-defining features.

ENERGY RETROFITTING

Some character-defining features of a historic building or site such as cupolas, shutters, transoms, skylights, sun rooms, porches, and plantings also play a secondary energy conserving role. Therefore, prior to retrofitting historic buildings to make them more energy efficient, the first step should always be to identify and evaluate the existing historic features to assess their inherent energy conserving potential. If it is determined that retrofitting measures are necessary, then such work needs to be carried out with particular care to insure that the building's historic character is preserved in the process of rehabilitation.

Recommended	*Not Recommended*
District/Neighborhood	
Maintaining those existing landscape features which moderate the effects of the climate on the setting such as deciduous trees, evergreen wind-blocks, and lakes or ponds.	Stripping the setting of landscape features and landforms so that the effects of the wind, rain, and the sun result in accelerated deterioration of historic materials.
Building Site	
Retaining plant materials, trees, and landscape features, especially those which perform passive solar energy functions such as sun shading and wind breaks.	Removing plant materials, trees, and landscape features, so that they no longer perform passive solar energy functions.
Installing freestanding solar collectors in a manner that preserves the historic property's character-defining features.	Installing freestanding solar collectors that obscure, damage, or destroy historic landscape or archeological features.
Designing attached solar collectors, including solar greenhouses, so that the character-defining features of the property are preserved.	Locating solar collectors where they radically change the property's appearance; or damage or destroy character-defining features.
Masonry/Wood/Architectural Metals	
Installing thermal insulation in attics and in unheated cellars and crawlspaces to increase the efficiency of the existing mechanical systems.	Applying urea of formaldehyde foam or any other thermal insulation with a water content into wall cavities in an attempt to reduce energy consumption.

Recommended	*Not Recommended*
Installing insulating material on the inside of masonry walls to increase energy efficiency where there is no character-defining interior moulding around the window or other interior architectural detailing.	Resurfacing historic building materials with more energy efficient but incompatible materials, such as covering historic masonry with exterior insulation.
Installing passive solar devices such as a glazed "trombe" wall on a rear or inconspicuous side of all the historic building.	Installing passive solar devices such as an attached glazed "trombe" wall on primary or other highly visible elevations; or where historic material must be removed or obscured.
Roofs	
Placing solar collectors on noncharacter-defining roofs or roofs of nonhistoric adjacent buildings.	Placing solar collectors on roofs when such collectors change the historic roofline or obscure the relationship of the roof to character-defining roof features such as dormers, skylights, and chimneys.
Windows	
Utilizing the inherent energy conserving features of a building by maintaining windows and louvered blinds in good operable condition for natural ventilation.	Removing historic shading devices rather than keeping them in an operable condition.
Improving thermal efficiency with weatherstripping, storm windows, caulking, interior shades, and, if historically appropriate, blinds and awnings.	Replacing historic multi-paned sash with new thermal sash utilizing false muntins.
Installing interior storm windows with airtight gaskets, ventilating holes, and/or removable clips to insure proper maintenance and to avoid condensation damage to historic windows.	Installing interior storm windows that allow moisture to accumulate and damage the window.

Recommended	*Not Recommended*
Installing exterior storm windows which do not damage or obscure the windows and frames.	Installing new exterior storm windows which are inappropriate in size or color, which are inoperable.
	Replacing windows or transoms with fixed thermal glazing or permitting windows and transoms to remain inoperable rather than utilizing them for their energy conserving potential.
Considering the use of lightly tinted glazing on non-character-defining elevations if other energy retrofitting alternatives are not possible.	Using tinted or reflective glazing on character-defining or other conspicuous elevations.
Entrances and Porches	
Utilizing the inherent energy conserving features of a building by maintaining porches, and double vestibule entrances in good condition so that they can retain heat or block the sun and provide natural ventilation.	Enclosing porches located on character defining elevations to create passive solar collectors or airlock vestibules. Such enclosures can destroy the historic appearance of the building.
Interior Features	
Retaining historic interior shutters and transoms for their inherent energy conserving features.	Removing historic interior features which play a secondary energy conserving role.
New Additions to Historic Buildings	
Placing new additions that have an energy conserving function such as a solar greenhouse on non-character-defining elevations.	Installing new additions such as multistory solar greenhouse additions which obscure, damage, destroy character-defining features.
Mechanical Systems	
Installing thermal insulation in attics and in unheated cellars and crawlspaces to conserve energy.	Apply urea formaldehyde foam or any other thermal insulation with a water content or that may collect moisture into wall cavities.

NEW ADDITIONS TO HISTORIC BUILDINGS

An attached exterior addition to a historic building expands its "outer limits" to create a new profile. Because such expansion has the capability to radically change the historic appearance, an exterior addition should be considered only after it has been determined that the new use cannot be successfully met by altering non-character-defining *interior* spaces. If the new use cannot be met in this way, then an attached exterior addition is usually an acceptable alternative. New additions should be designed and constructed so that the character-defining features of the historic building are not radically changed, obscured, damaged, or destroyed in the process of rehabilitation. New design should always be clearly differentiated so that the addition does not appear to be part of the historic resources.

Recommended

Placing functions and services required for the new use in non-character-defining interior spaces rather than installing a new addition.

Constructing a new addition so that there is the least possible loss of historic materials and so that character-defining features are not obscured, damaged, or destroyed.

Locating the attached exterior addition at the rear or on an inconspicuous side of a historic building; and limiting its size and scale in relationship to the historic building.

Designing new additions in a manner that makes clear what is historic and what is new.

Not Recommended

Expanding the size of the historic building by constructing a new addition when the new use could be met by altering non-character-defining interior spaces.

Attaching a new addition so that the character-defining features of the historic building are obscured, damaged, or destroyed.

Designing a new addition so that its size and scale in relation to the historic building are out of proportion, thus diminishing the historic character.

Duplicating the exact form, material, style, and detailing of the historic building in the new addition so that the new work appears to be part of the historic building.

Imitating a historic style or period of architecture in new additions, especially for contemporary uses such as drive-in banks or garages.

NEW ADDITIONS TO HISTORIC BUILDINGS (continued)

Recommended	*Not Recommended*
Considering the attached exterior addition both in terms of the new use and the appearance of other buildings in the historic district or neighborhood. Design for the new work may be contemporary or may reference design motifs from the historic building. In either case, it should always be clearly differentiated from the historic building and be compatible in terms of mass, materials, relationship of solids to voids, and color.	Designing and constructing new additions that result in the diminution or loss of the historic character of the resource, including its design, materials, workmanship, location, or setting.
	Using the same wall plane, roof line, cornice height, materials, siding lap or window type to make additions appear to be a part of the historic building.
Placing new additions such as balconies and greenhouses on non-character-defining elevations and limiting the size and scale in relationship to the historic building.	Designing new additions such as multistory greenhouse additions that obscure, damage, or destroy character-defining features of the historic building.
Designing additional stories, when required for the new use, that are set back from the wall plane and are as inconspicuous as possible when viewed from the street.	Constructing additional stories so that the historic appearance of the building is radically changed.

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San Diego Municipal Code

Land Development/ Zoning Code Update

DRAFT

Revised
November 1997

Steep Hillside Guidelines

November 1997

Note: This Draft Document was Adopted by City Council on December 9, 1997. The regulations do not become effective until after approval by the California Coastal Commission. Commission Hearings are anticipated in March-April 1998.

This information, document, or portions thereof, will be made available in alternative formats upon request.

Printed on recycled paper

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STEEP HILLSIDE GUIDELINES INTRODUCTION

Approved - November 18, 1997

The Steep Hillside Guidelines are divided into four sections, each providing standards and guidelines intended to assist in the interpretation and implementation of the development regulations for steep hillsides contained in Chapter 14, Article 3, Division 1, Environmentally Sensitive Land. Every proposed development that encroaches into steep hillsides will be subject to the Environmentally Sensitive Lands Regulations and will be evaluated for conformance with the Steep Hillside Guidelines as part of the review process for the required Neighborhood Development Permit or Site Development Permit.

The Sections of the Steep Hillside Guidelines are as follows:

Section I: Description of Regulations

This section provides detailed explanations for specific regulations contained in the Environmentally Sensitive Lands Regulations. These regulations must be complied with and the Steep Hillside Guidelines provide details of the regulation and guidance on how compliance is achieved.

Section II: Design Standards

This section provides general standards for design of various types of developments that propose to encroach into steep hillsides. These standards are specifically referenced in the Environmentally Sensitive Lands Regulations and general conformance is required. Guidelines for conformance with each standard is provided.

Section III: Community-Specific Requirements

This section identifies hillside development standards for specific Community Plans. Development on steep hillsides within the identified Community Plans must be in conformance with the design standards in Section II in addition to the requirements specified in this section for the particular Community Plan.

Section IV: Findings, Deviations and Alternative Compliance

This section discusses the required findings that must be made in order to approve a Neighborhood Development Permit or Site Development Permit for a development that proposes to encroach into steep hillsides. Additionally, this section includes the criteria to be considered in evaluating a deviation from the Environmentally Sensitive Lands Regulations and alternative compliance for steep hillside development area regulations along with guide lines for making the required additional findings for both.

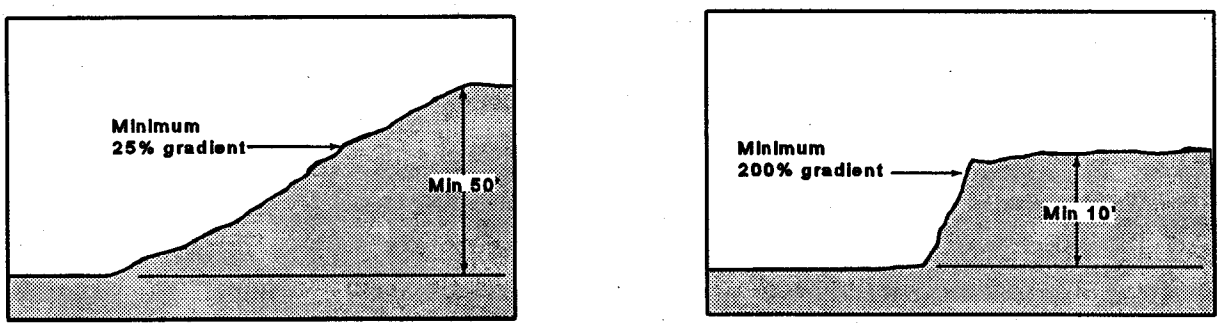
Section I
Description of Regulations

The following guidelines are intended to aide in the interpretation and implementation of some of the regulations found in Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations. The numbers referenced for each regulation refer to the Code section numbers of the draft Environmentally Sensitive Lands regulations. The text provided for each regulation does not repeat the Code language but rather restates the regulations with more details and explanations.

(A) 143.0110 When Environmentally Sensitive Lands Regulations Apply

Generally, the steep hillside regulations of the Environmentally Sensitive Lands regulations are applicable when development is proposed on a site containing any portions with a natural gradient of at least 25 percent (25 feet of vertical distance for every 100 feet of horizontal distance) and a vertical elevation of at least 50 feet. The steep hillside regulations are also applicable if a portion of the site contains a natural gradient of at least 200 percent (200 feet of vertical distance for every 100 feet of horizontal distance) and a vertical elevation of at least 10 feet. See Diagram I-1. The vertical elevation must occur generally in the area with the steep hillsides and may include some pockets of area with less than 25 percent gradient.

Diagram I-1: Steep Hillside Criteria



An exemption from the steep hillside regulations and the requirement for a Neighborhood Development Permit or Site Development Permit may be granted if the proposed development does not encroach into the steep hillsides and the development maintains a setback of 40 feet from the top of the steep hillsides.

(B) 143.0113 Determination of Location of Environmentally Sensitive Lands, Applicability of Division and Decision Process

The determination of the precise location of the steep hillsides on a site shall be made with the information submitted by the applicant, and any other information available, including City maps and records and site inspections. If the proposed development encroaches into the steep hillside area or does not observe the required setback from the steep hillsides to obtain an exemption, a Neighborhood Development Permit or Site Development Permit will be required in accordance with Table 143-01A.

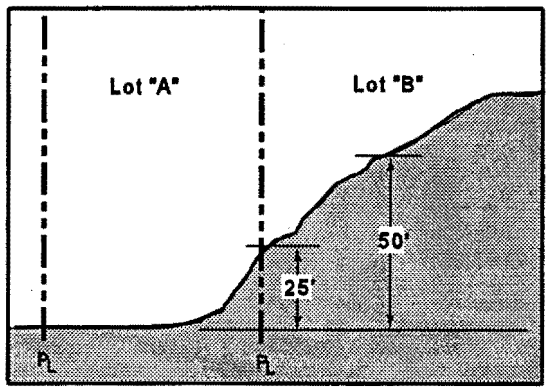
The permit required is based on the type of development proposed and the type of environmentally sensitive lands

present (in addition to steep hillsides).

If the site contains steep hillsides but does not have 50 feet of vertical elevation, an off-site analysis of the adjacent property(s) must be made to determine whether the steep hillsides on the subject site are part of a steep hillside system that extends off-site and exceeds the 50-foot elevation. See Diagram I-2. If the 50-foot elevation is met when considering the extension of the steep hillsides off-site, the subject site will be subject to the steep hillside regulations.

Diagram I-2: Off-Site Steep Hillside Criteria

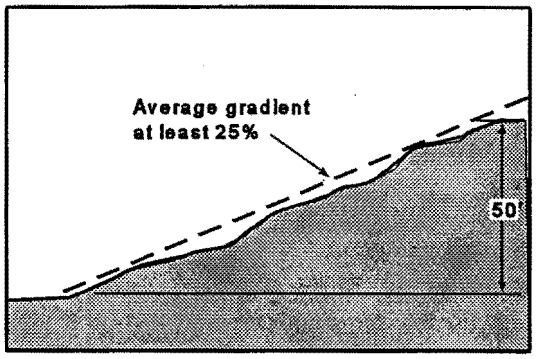
Lot "A" is subject to Environmentally Sensitive Lands Regulations since the 25' high on-site slope is part of a hillside that extends off site and exceeds 50' elevation



The measurement of the vertical elevation of the steep hillside shall consider the entire slope system and not only the individual portions of the slope with at least 25 percent gradient. That is, the measurement of the vertical elevation may include some areas with less than 25 percent gradient as long as the overall, predominant slope gradient is 25 percent. See Diagram I-3.

Diagram I-3: Average Gradient

The hillside is subject to Enviornmentally Sensitive Lands Regulations since the overall gradient is at least 25% (even though small portions of hillside are less than 25% gradient)



(C) 143.0140(a) Requirement for Covenant of Easement

Any portions of a site containing steep hillsides (or any other Environmentally Sensitive Lands) that are not part of the allowable development area, shall be left undeveloped and in their natural state. Assurance of the continued preservation of the remainder portion will be achieved with the requirement for the property owner to record a covenant of easement against the title to the property that will maintain that portion of the property

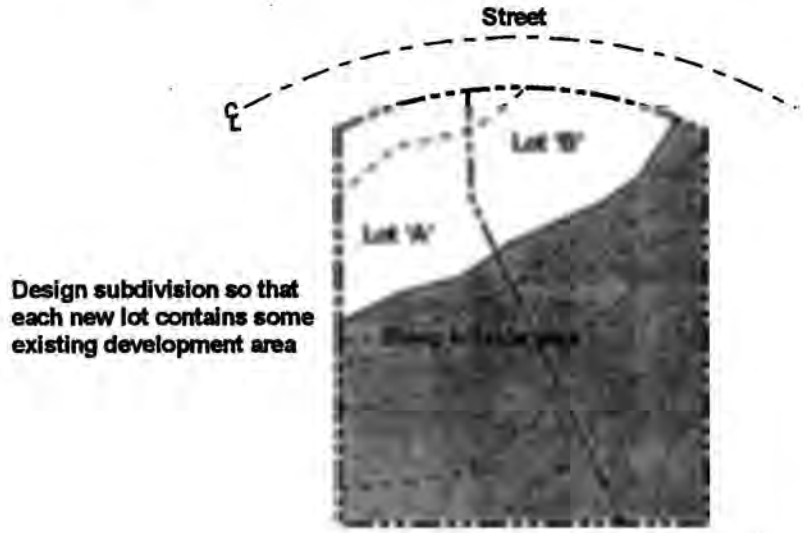
in its natural state and only permit uses that are identified in the approved Neighborhood Development Permit or Site Development Permit. The property owner may offer to dedicate in fee the remainder portion of the site, although the City is not obligated to accept the dedication. Such decision by the City will be based on a nu mber of factors including, but not limited to, the property's location, necessary maintenance, and permitted uses.

(D) 143.0140(b) and (c) General Regulations for Subdivisions

(b) When a subdivision is proposed, the allowable development area shall be based on the area of the original unsubdivided premises. All development, including pads, graded areas, streets and driveways shall be located within the allowable development area and any encroachment into steep hillsides that is permitted will be based on the entire premises and not calculated separately for each newly created lot. For lots where development is not proposed at the time of subdivision, the grading plan must indicate the limits of future development of such lots and this future potential development area will be included in the development area calculation for the subdivision.

(c) Each newly created lot within a subdivision shall include some portion that does not conta in steep hillsides that will serve as the location (or future location) of development of the lot. See Diagram I-4. Since this area without steep hillsides will be considered part of the total development area of the subdivision, it shoul d be sufficient in size to accommodate a reasonable development without requiring additional encroachment into steep hillsides. If additional encroachment is desired for development area on an individual lot, development area calculation will be based on the original subdivision and not the individual lot. That is, even if the individual lot has a development area that is less than 25 percent of the lot area, additional encroachment into steep hillsides on the lot will only be permitted if the development area of the original subdivision was less than 25 percent of the area of the original unsubdivided premises.

Diagram I-4: General Regulations for Subdivisions



E) 143.0142(a)(2) and (3) Development Area

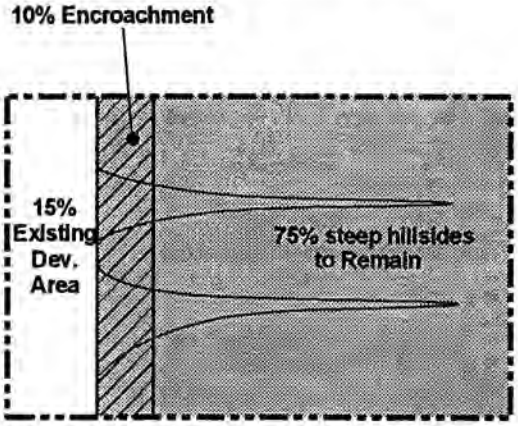
(2) The allowable development area of a site containing steep hillsides shall be calculated as follows:

The existing development area includes all developed portions of a site plus any un developed portions that do not contain steep hillsides. The total development area includes the existing deve lopment area plus any areas proposed for any development. Included as part of the allowable development area are all areas of grading, including the limits of cut and fill slopes, all structures and all other improvements, other than erosion control measures, as described in (H), below.

If the existing development area is less than 25 percent of the total site area, then the allowable development area will also include the amount of encroachment into steep hillsides necessary to achieve a total development area that is equal to 25 percent of the site. See Diagram I-5.

Diagram I-5: Development Area Calculation with 15% Existing Development Area

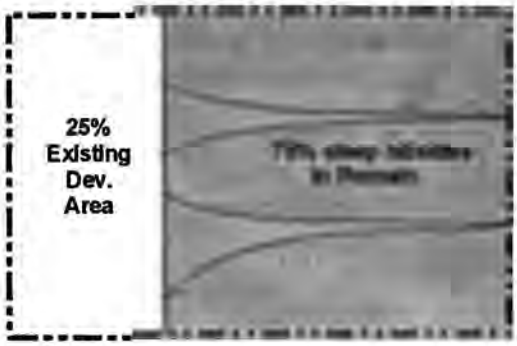
- **15% existing development area / 85% steep hillsides**
- **encroachment = 10% of site area for a total development of 25%**



If the existing development area is more than 25 percent of the total site area (less than 75 percent of the site containing steep hillsides), then no encroachment into the steep hillsides shall be permitted, except as described in Section 143.0142(a)(3), below. See Diagram I-6.

Diagram I-6: Development Area Calculation with 25% Existing Development Area

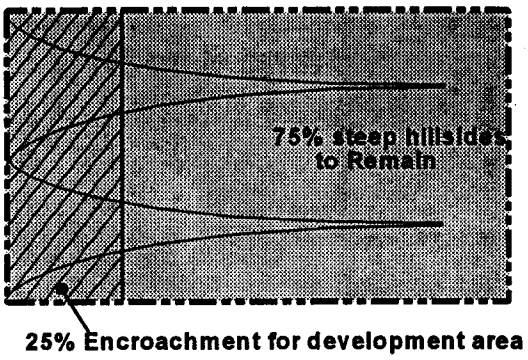
No encroachment permitted since 25% development area is existing



If a site has no existing development area (100% of the site containing steep hillsides), a maximum 25

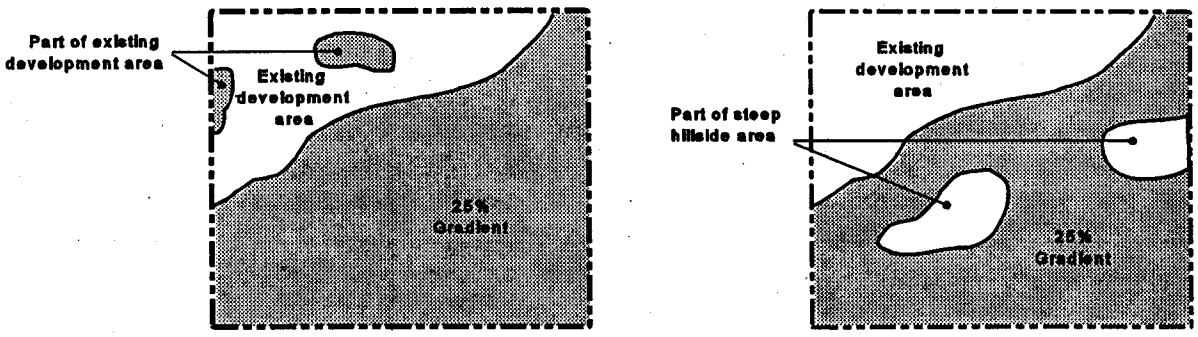
percent of the site area may be encroached upon to achieve the allowable development area, except as described in Section 143.0142(a)(3), below. See Diagram I-7.

Diagram I-7: Development Area with no Existing Development Area



Small isolated pockets of 25 percent or greater
gradient completely surrounded by existing development area shall be considered part of the existing development area provided the pockets total less than 10 percent of the existing development area. Development of such pockets will not be counted as encroachment. Likewise, small pockets of less than 25 percent gradient surrounded by steep hillsides shall be considered part of the steep hillsides and development of these pockets will only be permitted consistent with the regulations for all other steep hillsides. See Diagram I-8.

Diagram I-8: Small Isolated Pockets



Additional development proposed within the development area of a premises with an approved Site Development Permit will be permitted only if the proposed development is in substantial conformance with the Site Development Permit. Such a development area will not be considered "disturbed" so as to qualify as an exemption from the Environmentally Sensitive Lands regulations for any additional future

development.

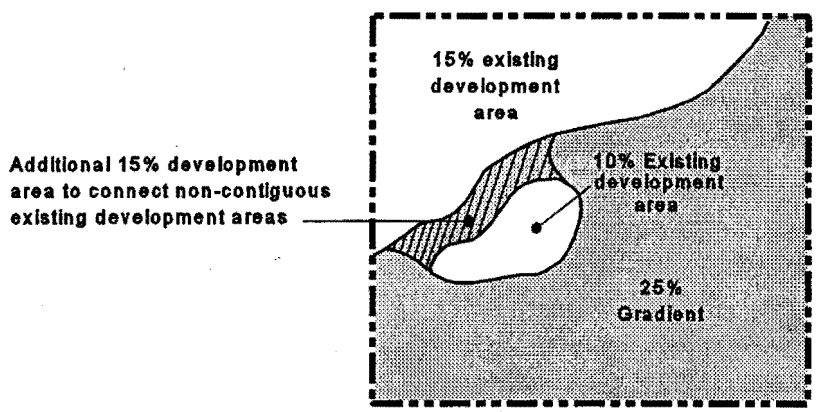
(3) An additional 15 percent of site area (for a maximum of 40 percent of the site area) may be encroached upon and used as development area for the following conditions:

For projects where the following major public facilities are required, an additional 15 percent development area may be permitted when it is not feasible to locate them within the allowable 25 percent

development area: publicly-owned parks and recreation facilities, fire and police stations, publicly-owned libraries, public schools, major public roads and prime arterials, and public utility systems.

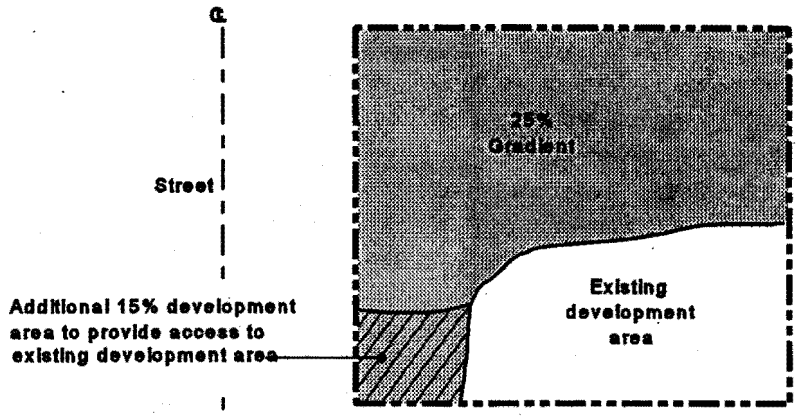
For projects where the existing development area is not contiguous, an additional 15 percent of the site may be encroached upon in order to connect the development areas. See Diagram I-9. This additional encroachment shall not apply if there exists a single contiguous development area with direct access that equals at least 25 percent of the site area. If an additional 15 percent development area is not sufficient connect the development areas, a deviation may be requested in accordance with Section 143.0150.

Diagram I-9: Additional encroachment for Non-Contiguous Development Areas



For projects where the existing development area does not have direct access to a public right-of-way, an additional 15 percent of the site may be encroached upon in order to gain access to the development area. See Diagram I-10. If the existing development area is less than 25 percent of the site area, the encroachment for access shall be included in the allowable 25 percent development area. If additional encroachment is still needed to gain access, an additional 15 percent of the site may be encroached upon (for a maximum development area of 40 percent of the site area). If the existing development area is more than 40 percent and has no access or if the additional 15 percent development area is not sufficient to obtain access, a deviation may be may be requested in accordance with Section 143.0150.

Diagram I-10: Additional Encroachment for Access to Development Area



(F) 143.0142(e) Hold Harmless and/or Indemnification Agreement

In general, a Hold Harmless Agreement will be required with the Site or Neighborhood Development Permit for all proposed developments on sites containing steep hillsides.

The requirement for an indemnification agreement will depend on how the remainder portion of the site will be maintained in its natural condition and the level of public access anticipated on the remainder portion.

- When the remainder portion of the site is dedicated in fee to the City, an indemnification agreement will not be required for that area.

- When the remainder portion of the site is dedicated as an easement, a hold harmless and/or indemnification agreement may be required if public access is anticipated on that portion.

(G) 143.0142(f) Drainage

To the extent feasible, all drainage from development of a site containing steep hillsides should be directed aw ay from any steep hillside areas and directed towards a public storm drain system or onto a street developed with a gutter system designed to carry surface drainage runoff. This does not apply to natural drainage courses existing on the portions of the site that are not proposed to be developed. These natural drainage courses shoul d be retained where feasible, but not be impacted by additional runoff from the developed portions of the site.

(H) 143.0142(g) Erosion Control Measures

Erosion control measures include, but are not limited to, retaining walls, air placed concrete and other structures, devises, or methods appropriate for controlling or minimizing erosion. All feasibl e methods of erosion control shall be considered, including sandbags, revegetation, and drainage diversion and improvements.

Erosion control measures do not include those preventive meassures required for soil stabilization or drainage.

Air-placed concrete, retaining walls, and buttress fills shall only be used to protect existing principal structures or public improvements and if it is determined that no other less impacting method will accomplish the erosion control.

Erosion control measures that impact steep hillsides shall require a Neighborhood Development Permit or Site Development Permit. Erosion control measures are not subject to the 25 percent development area limit as long as they do not impact sensitive biological resources and are not located within the deliniated viewshed areas of Map Drawing No. C-720.

A geotechnical report shall be required documenting the need for the erosion control measure unless it is demonstrated by the City Manager through the submittal of an appropriate investigative report, documentation or other evidence that unstable conditions on the site do not exist.

The geotechnical report shall identify the type and design of the erosion control measure necessary, based upon site specific conditions.

The City manager shall determine if any repair or maintenance activity of an approved and permitted erosion control measure constitutes a minor modification or requires an amendment to the permit(s) or a new permit(s). The City Manager shall require submittal of necessary reports, documents or any other material necessary to make such determination. Repair or maintenance of an erosion control measure which was constructed or placed without City approvals or permits shall necessitate all required approvals and permits to be obtained.

Section II
Design Standards

In designing a development proposal for a site containing steep hillsides, the following standards must be incorporated into the project design, as described below. The design standards are grouped by project type to which they are applicable and guidelines are provided for meeting each standard. The approval of a Neighborhoo d Development Permit or Site Development Permit requires general conformance with all of the applicable design standards and the indicated guidelines provide methods by which conformance may be achieved. Not all of the guidelines may be necessary in order to comply with a particular standard. The development shall incorporate as many guidelines as necessary to comply with the standard and make the required findings for permit approval.

(A) Individual Single Dwelling Unit

Standard 1: Development on steep hillsides shall respect existing natural landforms.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- Significant natural features such as drainage courses, rock outcroppings, sensitive biological resources and mature trees should be preserved and incorporated into the development design.

- The height of manufactured slopes should be minimized so as not to become a prominent feature in the grading design.

- Development should avoid large areas containing steep hillsides with a natural gradient in excess of 200 percent, except that:

  Access to the site may encroach into these steep hillsides only if no other feasible means of access to the property exists.

  Development may encroach into these steep hillsides if there are no other areas that are feasible for development or the area with these steep hillsides constitutes a minor portion of the entire site.

- When the top of a steep hillside is cut and fill is placed on the hillside, the fill slope should be blended with the natural steep hillside.

[SEE DIAGRAM II-1, page 25]

- If located adjacent to natural topography or manufactured slopes that are landform graded, newly created manufactured slopes should be landform graded with undulating slopes, irregular/ varying gradients, and with the top (crest) and bottom (toe) of new manufactured slopes rounded to resemble natural landforms.

[SEE DIAGRAM II-2, page 25]

Standard 2: Site improvements shall be designed and sited to minimize impacts to the steep hillside areas.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- Development should be concentrated in the least steep areas of the site in order to preserve as much of the natural terrain as possible.

- Development could be located close to the street in order to preserve as much of the natural terrain as possible.

[SEE DIAGRAM II-3, page 25]

- When designing a structure on a lot, the siting, orientation and steep hillside disturbance should blend with the surrounding developed properties.

- Retaining walls could be used to reduce the total extent of grading in the steep hillside areas, subject to the following:

  The maximum height for a single retaining wall, measured from grade to grade, shall be 10 feet. When the overall retained height would exceed 10 feet, the retaining wall shall be broken into multiple stepped walls, with no individual wall height exceeding 6 feet.

A minimum horizontal distance of 3 feet shall be maintained between each individual wall in the stepped wall system, and shall be landscaped.

[SEE DIAGRAM II-4, page 26]

Retaining walls could be incorporated into the design of the structure so that they become part of the structure.

[SEE DIAGRAM II-5, page 26]

The color of retaining walls should blend with the natural terrain and the color of the structures on the site.

Gravity retaining walls could be used, regardless of the height, provided that landscaping and irrigation is installed in the face of the wall.

- Long driveways should follow the contours of the natural terrain.

[SEE DIAGRAM II-6, page 26]

- Fence locations should not enclose natural steep hillside areas that are protected by way of easements, conditions of permit, or other mechanisms intended to protect the area in a natural state.

- Pools, tennis courts and other features that require large graded areas should not be permitted in the steep hillside areas of the site.

Standard 3: The design and placement of structures on the site shall respect the steep hillside character of the site.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- Structures should be designed to fit the natural contour of the site rather than the site being altered to fit a particular structure type. Large flat pads should be avoided in favor of stepped, or split-level structures that follow the general contours of the site.

[SEE DIAGRAM II-7, page 27]

- Structure designs and foundation types should be utilized that are compatible with the existing steep hillside conditions and require less grading.

[SEE DIAGRAM II-8, page 27]

- Structures could be utilized to screen high retaining walls and extensive manufactured slopes.

[SEE DIAGRAM II-9, page 27]

- Raised decks could be utilized for outdoor recreational space as an option to graded yards.

- Structures built on a rim of a canyon should be low in profile and stepped back from the steep hillside area.

- When a structure is built on a steep hillside, it should be stepped to follow the natural line of the existing topography.

[SEE DIAGRAM II-10, page 28]

- When located on a steep hillside, structures should be set into the steep hillside to help blend the structure into the site.

[SEE DIAGRAM II-11, page 28]

- The required parking could be incorporated within the structure. Where feasible, raised decks could be used for driveways.

[SEE DIAGRAM II-12, page 28]

Standard 4: Designated public view corridors from public streets and other public property, as identified in the adopted Land Use Plan, shall be maintained.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- Structure placement and orientation could be utilized to maximize opportunities for view corridors.

- Landscaping could be utilized that will compliment and not obscure designated view corridors.

Standard 5: Natural drainage patterns shall be respected to the extent feasible.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- There should be no increase in the peak rate or concentration of run-off which results in increased erosion to the steep hillside areas.

- Any increase in run-off from what occurs naturally should be directed away from the steep hillside areas.

- The amount of impervious surfaces should be minimized.

- If possible, grading during the rainy season should be avoided. There should be close phasing of grading operations, slope erosion control and building construction to reduce the period when bare slopes are susceptible to erosion.

(B) Single Dwelling Unit Subdivision

Standard 1: Development on steep hillsides shall respect existing natural landforms.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- Significant natural features such as drainage courses, rock outcroppings, sensitive biological resources and mature trees should be preserved to the greatest extent possible and incorporated into the development design.

- Development should avoid large areas containing steep hillsides with a natural gradient in excess of 200 percent, except that:

  Access to the site may encroach into these steep hillsides only if no other feasible means of access to the property exists.

  Development may encroach into these steep hillsides if there are no other areas that are feasible for development or the area with these steep hillsides constitutes a minor portion (generally less that 10 percent) of the entire site.

- Steep hillsides between developed canyon bottoms and ridges could be maintained in their natural state.

[SEE DIAGRAM II-13, page]

- When the top of a steep hillside is cut and fill is placed on the hillside, the fill slope should be blended with the natural steep hillside.

[SEE DIAGRAM II-1, page 25]

- The angle of lots and graded pads should follow the contours of the slope and/or the course of the canyon rim and take advantage of views.

[SEE DIAGRAM II-14, page 29]

- Alteration of entire steep hillsides could be avoided by maintaining areas of existing natural topography in the design of the development.

[SEE DIAGRAM II-15, page 29]

- Priority should be given to the preservation of steep hillsides that are located adjacent to areas designated as open space.

Standard 2: The development shall be designed to minimize grading.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- The design of streets and long driveways could be used to minimize the amount of grading, as follows:

  Streets and long driveways should follow the contours of the natural terrain.

  [SEE DIAGRAM II-6, page 26]

  Streets could be located along ridges and valleys provided this location is not in conflict with other adopted regulations or policies.

  Streets that are narrow, single loaded, and/or split level could be provided.

  [SEE DIAGRAM II-16, page 30]

- Retaining walls could be utilized to reduce the total amount of grading provided their heights are minimized and they are only used in non-prominent locations.

  [SEE DIAGRAM II-17, page 30]

- Alternative forms of retaining systems could be utilized to minimize grading.

- Gravity retaining walls could be used, regardless of the height, provided that landscaping and irrigation is installed in the face of the wall.

- The size and shape of lots could be varied in order to maximize the amount of steep hillsides to be preserved.

  [SEE DIAGRAM II-18, page 30]

- The use of all areas of the site that do not contain steep hillsides should be maximized prior to encroaching into any steep hillside areas.

Standard 3: Graded areas shall be designed to blend with existing or planned adjacent topography.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- If located adjacent to natural topography or manufactured slopes that are landform graded, newly created manufactured slopes should be landform graded with undulating slopes, irregular/ varying gradients, and with the top (crest) and bottom (toe) of new manufactured slopes rounded to resemble natural landforms.

  [SEE DIAGRAM II-2, page 25]

- The transition between manufactured slopes and natural topography should be blended to avoid harsh angular lines.

[SEE DIAGRAM II-19, page 31]

- Landscaping on manufactured slopes adjacent to natural topography should be similar to the vegetation on the natural slopes.

- Slopes that are adjacent to major and secondary streets and highways and slopes in areas designated as significant public view areas should always be landform graded regardless of the adjacent topography.

Standard 4: Site improvements shall minimize impacts to the steep hillside areas.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- Development should be concentrated in the least steep areas of the site in order to preserve as much of the natural terrain as possible.

[SEE DIAGRAM II-20, page 31]

- Structures could be utilized to screen high retaining walls and extensive manufactured slopes.

[SEE DIAGRAM II-9, page 27]

- Breaks between structures could be provided for visual access to steep hillside areas.

- Fence locations should not enclose natural steep hillside areas that are protected by way of easements, conditions of permit, etc.

Standard 5: The placement of structures within the subdivision shall respect the steep hillside character of the site.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- Structures and foundation types should be utilized that are compatible with the existing steep hillside conditions and require less grading. Split level and embedded structures should be encouraged.

[SEE DIAGRAM II-8, page 27]

- Structures built on a steep hillside should not project higher than the closest ridgeline above the structure.

[SEE DIAGRAM II-21, page 31]

- Structures built at the top of a steep hillside or on a rim of a canyon should be low in profile and stepped back from the steep hillside area.

Standard 6: Designated public view corridors from public streets and other public property, as identified in the adopted Land Use Plan, shall be provided and maintained.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- Breaks along the street could be provided where no structures will be located.

- Single-loaded streets could be provided adjacent to steep hillside areas and natural open space.

[SEE DIAGRAM II-22, page 32]

- The separation between buildings could be designed to maximize opportunities for view corridors.

- Public view corridors down sloping streets should be maintained.

- Views of steep hillsides should be preserved from public right-of-ways and parks and visual access to open space areas from steep hillside developments should be preserved.

Standard 7: Natural drainage patterns shall be respected to the extent feasible.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- There should be no increase in the peak rate or concentration of run-off which results in increased runoff to the steep hillside areas.

- Any increase in run-off from what occurs naturally should be directed away from the steep hillside areas.

- If possible, grading during the rainy season should be avoided. There should be close phasing of grading operations, slope erosion control and building construction to reduce the period when bare slopes are susceptible to erosion.

- Existing drainage swales and gullies should be retained and incorporated into the design of the development.

(C) Multiple Dwelling Unit Development

Standard 1: Development on steep hillsides shall respect existing natural landforms.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- Significant natural features such as drainage courses, rock outcroppings, sensitive biological resources and mature trees should be preserved to the greatest extent possible and incorporated into the development design.

- Development should avoid large areas conataining steep hillsides with a natural gradient in excess of 200 percent, except that:

  Access to the site may encroach into these steep hillsides only if no other feasible means of access to the property exists.

  Development may encroach into these steep hillsides if there are no other areas that are feasible for development or the area with these steep hillsides constitutes a minor portion of the entire site.

- Alteration of entire steep hillsides could be avoided by maintaining areas of existing natural topography in the design of the development.

[SEE DIAGRAM II-15, page 29]

- Steep hillside areas should not be mass graded to create a large flat pad. Instead, smaller stepped pads could be used that follow the existing topography.

[SEE DIAGRAM II-23, page 32]

- When the top of a steep hillside is cut and fill is placed on the hillside, the fill slope should be blended with the natural steep hillside.

Standard 2: The development shall be designed to minimize impacts to steep hillsides.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- The design of streets and long driveways could be used to minimize the amount of grading, as follows:

  Streets and long driveways should follow the contours of the natural terrain.

[SEE DIAGRAM II-6, page 26]

  Streets and driveways could be located along ridges and valleys provided this location is not in conflict with other adopted regulations or policies.

  Streets and driveways could be provided that are narrow, single loaded, and/or split level.

[SEE DIAGRAM II-16, page 30]

- Retaining walls could be used to reduce the total extent of grading in the steep hillside areas, subject to the following:

  The maximum height for a single retaining wall, measured from grade to grade, shall be 10 feet. When the overall retained height would exceed 10 feet, the retaining wall shall be broken into multiple stepped walls, with no individual wall height exceeding 10 feet. A minimum horizontal distance of 3 feet shall be maintained between each individual wall in the stepped wall system and shall be landscaped.

  [SEE DIAGRAM II-4, page 26]

  Retaining walls could be incorporated into the design of the structure so that they become part of the structure.

  [SEE DIAGRAM II-5, page 26]

  The color of retaining walls should blend with the natural terrain and the color of the structures on the site.

  Gravity retaining walls could be used, regardless of the height, provided that landscaping and irrigation is installed in the face of the wall.

Standard 3: Graded areas shall be designed to blend with existing or planned adjacent topography.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- If located adjacent to natural topography or manufactured slopes that are landform graded, newly created manufactured slopes should be landform graded with undulating slopes, irregular/ varying gradients, and with the top (crest) and bottom (toe) of new manufactured slopes rounded to resemble natural landforms.

  [SEE DIAGRAM II-2, page 25]

- The transition between manufactured slopes and natural topography should be blended to avoid harsh angular lines.

  [SEE DIAGRAM II-19, page 31]

- Landscaping on manufactured slopes adjacent to natural topography should be similar to the vegetation on the natural slopes.

- Slopes that are adjacent to major and secondary streets and highways and slopes in areas designated as significant public view areas should always be landform graded regardless of the adjacent topography.

Standard 4: Site improvements shall be designed and sited to minimize impacts to the steep hillside areas.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- Development should be concentrated in the least steep areas of the site in order to preserve as much of the natural terrain as possible.

[SEE DIAGRAM II-20, page 31]

- Development could be located close to the street in order to preserve as much of the natural terrain as possible.

[SEE DIAGRAM II-3, page 25]

- Multiple small parking lots at different levels could be utilized instead of one large parking lot.

- Pools, tennis courts and other features that require large graded areas should be located on the flatter portions of the site.

Standard 5: The design and placement of structures on the site shall respect the steep hillside character of the site.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- Structures should be designed to fit the natural contour of the site rather than the site being altered to fit a particular structure type. Large flat pads should be avoided in favor of stepped, or split-level structures that follow the general contours of the site.

[SEE DIAGRAM II-7, page 27]

- Structure designs and foundation types should be utilized that are compatible with the existing steep hillside conditions and require less grading.

[SEE DIAGRAM II-8, page 27]

- Structures built at the top of a steep hillside or rim of a canyon should be low in profile and stepped back from the steep hillside area.

- Structures could be utilized to screen high retaining walls and extensive manufactured slopes.

[SEE DIAGRAM II-9, page 27]

- Structures built on a steep hillside should not project higher than the closest ridgeline above the structure.

[SEE DIAGRAM II-22, page 32]

- Raised decks and roof decks could be utilized for outdoor recreational space.

- Parking could be located under the structure on up-sloping lots and on top of structure on down-sloping lots to reduce grading needed for parking lots.

[SEE DIAGRAM II-24, page 32]

Standard 6: Designated public view corridors from public streets and other public property, as designated in the adopted Land Use Plan, shall be provided and maintained.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- Pedestrian access ways could be provided adjacent to natural open space.

- The separation between buildings could be designed to maximize opportunities for view corridors.

- Structure placement should be oriented to respect designated view corridors.

- Landscaping could be utilized that will enhance and not obscure designated view corridors.

Standard 7: Natural drainage patterns shall be respected to the extent feasible.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- There should be no increase in the peak rate or concentration of run-off which results in increased erosion to the steep hillside areas.

- Any increase in run-off from what occurs naturally should be directed away from the steep hillside areas.

- The amount of impervious surfaces should be minimized.

(D) Commercial, Industrial, and Other Non-Residential Development

Standard 1: Development on steep hillsides shall respect existing natural landforms.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- Significant natural features such as drainage courses, rock outcroppings, sensitive biological resources and mature trees should be preserved to the greatest extent possible and incorporated into the development design.

- Development should avoid large areas containing steep hillsides with a natural gradient in excess of 200 percent, except that:

  Access to the site may encroach into these steep hillsides only if no other feasible means of access to the property exists.

  Development may encroach into these steep hillsides if there are no other areas that are feasible for development or the area with these steep hillsides constitutes a minor portion of the entire site.

- Areas of existing natural topography should be integrated into the design of the development.

- Priority should be given to the preservation of steep hillsides that are located adjacent to areas designated as open space.

- When the top of a steep hillside is cut and fill is placed on the hillside, the fill slope should be blended with the natural steep hillside.

[SEE DIAGRAM II-1, page 25]

Standard 2: The development shall be designed to minimize grading.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- Streets and driveways should follow the contours of the natural terrain.

[SEE DIAGRAM II-6, page 26]

- The use of all areas of the site that do not contain steep hillsides should be maximized prior to encroaching into any steep hillside areas.

- Retaining walls could be used to reduce the total extent of grading in the steep hillside areas, subject to the following:

  The maximum height of a single retaining wall located adjacent to natural steep hillsides designated as open space or adjacent to major and secondary streets and highways or sidewalks, measured from grade to grade, shall be 10 feet. When the overall retained height would exceed 10 feet, the retaining wall shall be broken into multiple stepped walls, with no individual wall height exceeding 10 feet. A minimum horizontal distance of 3 feet shall be maintained between each individual wall in the stepped wall system and shall be landscaped.

[SEE DIAGRAM II-4, page 26]

Retaining walls could be incorporated into the design of the structure so that they become part of the structure.

[SEE DIAGRAM II-5, page 26]

Gravity retaining walls could be used, regardless of height, provided that landscaping and irrigation is installed in the face of the wall.

- Narrow, single loaded, and/or split level streets and driveways could be utilized where possible.
- Shared access to adjacent lots could be used to reduce the amount of grading required for driveways.
- Development areas should be located at varying elevations to respect the existing contours of the site.
- The size and shape of lots could be utilized to maximize the amount of steep hillsides to be preserved.

[SEE DIAGRAM II-18, page 30]

Standard 3: Graded areas shall be designed to blend with existing or planned adjacent topography.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- If located adjacent to natural topography or manufactured slopes that are landform graded, newly created manufactured slopes should be landform graded with undulating slopes, irregular/ varying gradients, and with the top (crest) and bottom (toe) of new manufactured slopes rounded to resemble natural landforms.

[SEE DIAGRAM II-2, page 25]

- The transition between manufactured slopes and natural topography should be blended to avoid harsh angular lines.

[SEE DIAGRAM II-19, page 31]

- Landscaping on manufactured slopes adjacent to natural topography should be similar to the vegetation on the natural slopes.
- Slopes that are adjacent to major and secondary streets and highways and slopes in areas designated as significant public view areas should always be landform graded regardless of the adjacent topography.

Standard 4: Site improvements shall be designed and sited to minimize impacts to the steep hillside areas.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- Development should be concentrated in the least steep areas of the site in order to preserve as much of the natural terrain as possible.

[SEE DIAGRAM II-19, page 31]

- The design and placement of site improvements should take into consideration the location surrounding developments.

- Parking located near the top of steep hillside areas should be set back from the edge of steep hillsides or buffered with a combination of berms and landscaping.

[SEE DIAGRAM II-25, page 33]

- Parking areas should be terraced to reflect existing topography.

- Parking structures could be used to reduce the amount of graded, surface parking needed.

- Multiple small parking lots at different levels could be utilized instead of one large parking lot.

Standard 5: The design and placement of structures on the site shall respect the steep hillside character of the site.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- Structures built at the top of a steep hillside or rim of a canyon should be low in profile and stepped back from the steep hillside area.

- The use of reflective building materials should be minimized.

- Structures could be utilized to screen high retaining walls and extensive manufactured slopes.

[SEE DIAGRAM II-9, page 27]

- When located near the top of steep hillside areas, buildings should be situated so that landscaped parking areas may serve as a buffer between the steep hillside area and the building.

- When a structure is built on a steep hillside, it should be stepped to follow the natural line of the existing topography.

[SEE DIAGRAM II-10, page 28]

- When located on a steep hillside, structures should be set into the steep hillside to help blend the structure into the site.

[SEE DIAGRAM II-11, page 28]

- Underground, tuck-under, rooftop, and/or integrated structured parking could be used in the design of the structures.

[SEE DIAGRAM II-24, page 32]

- Multiple smaller buildings at different elevations could be used as an option to a single large building.

- Decks and other spaces integrated into the building could be used for public space.

Standard 6: Designated public view corridors from public streets and other public property, as identified in the adopted Land Use Plan, shall be provided and maintained.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- Pedestrian access ways could be provided adjacent to natural open space areas.

- Structure placement and orientation could be utilized to maximize opportunities for view corridors.

- Landscaping could be utilized that will complement and not obscure designated view corridors.

Standard 7: Natural drainage patterns shall be respected to the extent feasible.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- There should be no increase in the peak rate or concentration of run-off which results in increased erosion to the steep hillside areas.

- Existing drainage swales and gullies should be retained and incorporated into the design of the development.

- The amount of impervious surfaces should be minimized.

Diagrams for Design Standards

Diagram II-1: Fill Slopes Blended with Natural Steep Hillsides

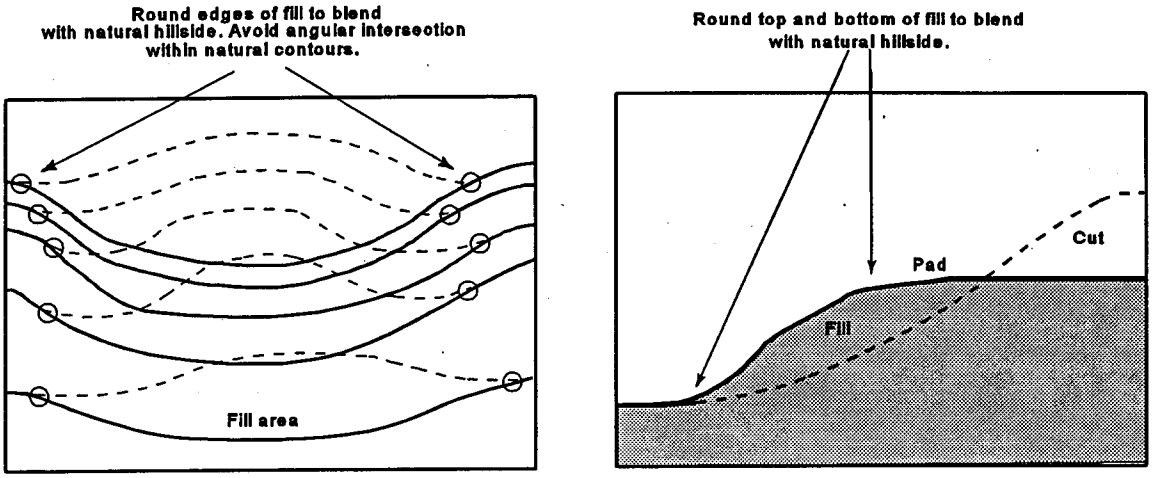


Diagram II-2: Landform Graded Slopes

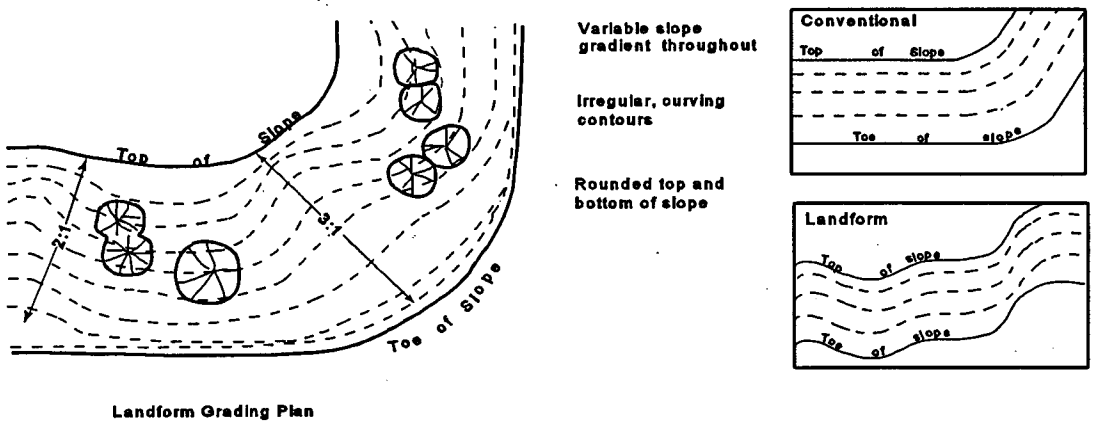


Diagram II-3: Building Locations

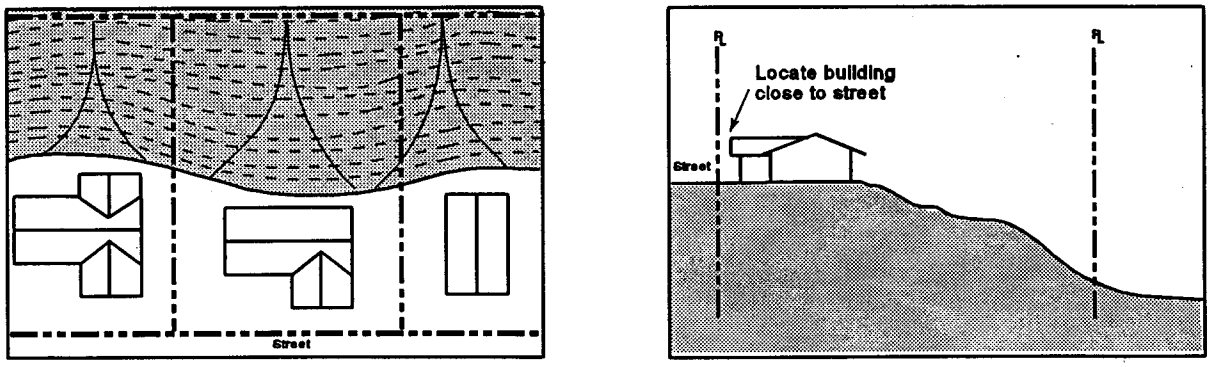


Diagram II-4: Retaining Wall Height

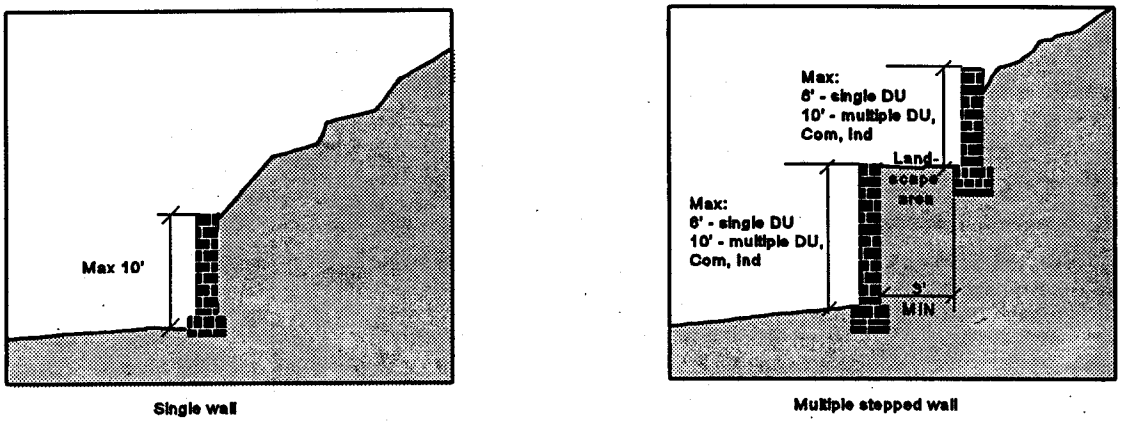


Diagram II-5: Retaining Wall within Structure

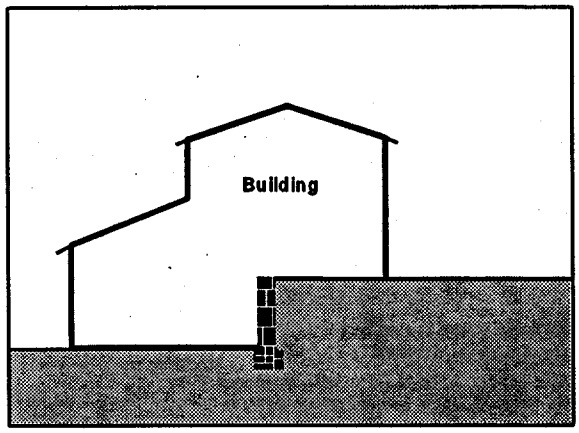


Diagram II-6: Long Driveways

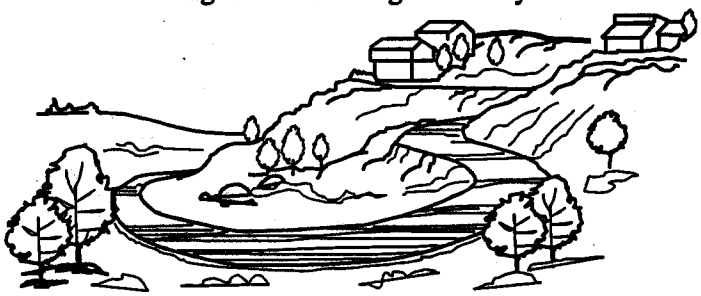


Diagram II-7: Structures that fit Natural Contours

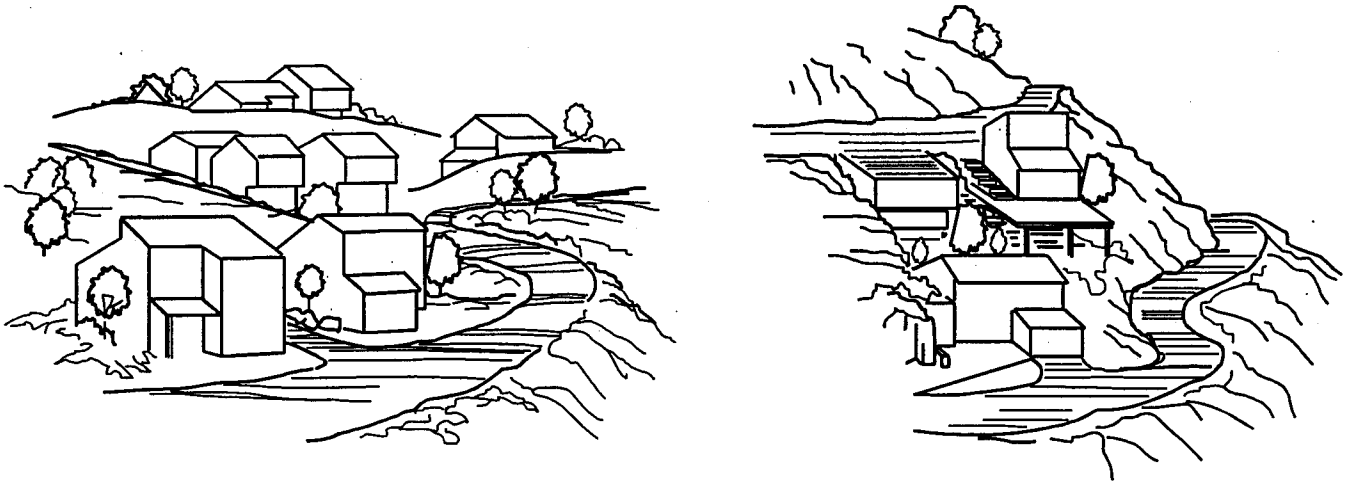


Diagram II-8: Steep Hillside Structure / Foundation types

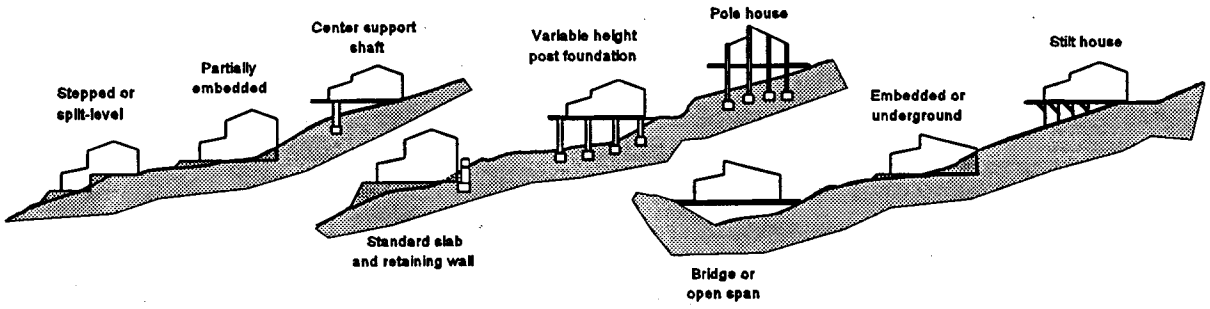


Diagram II-9: Structure located in front of Manufactured Slope

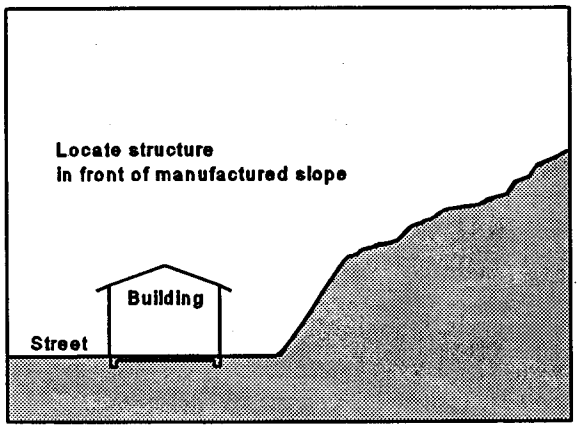


Diagram II-10: Stepped Building

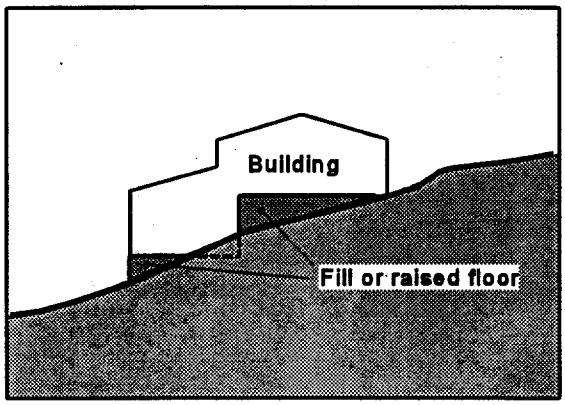


Diagram II-11: Building set into Steep Hillside

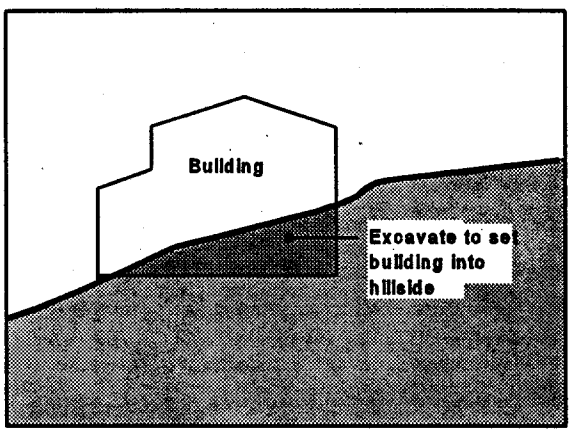
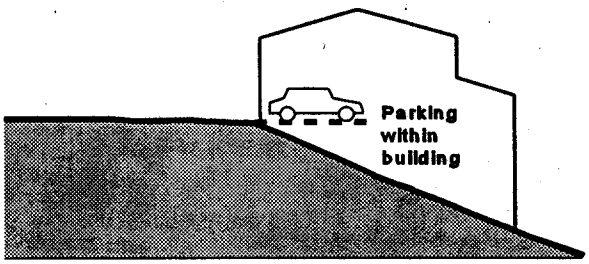


Diagram II-12: Parking on Steep Hillside Sites



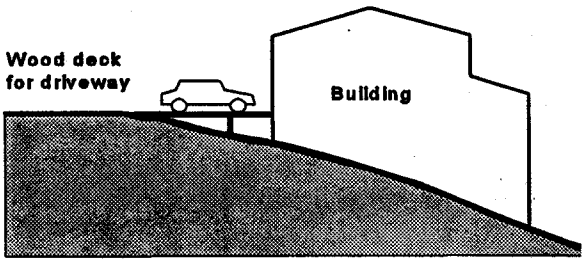


Diagram II-13: Natural Hillsides Retained between Development Areas

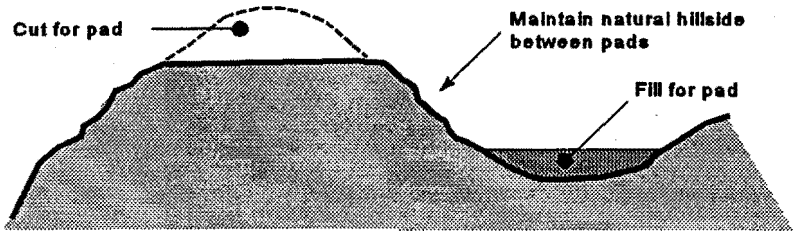


Diagram II-14: Lots that Follow Hillside Contours

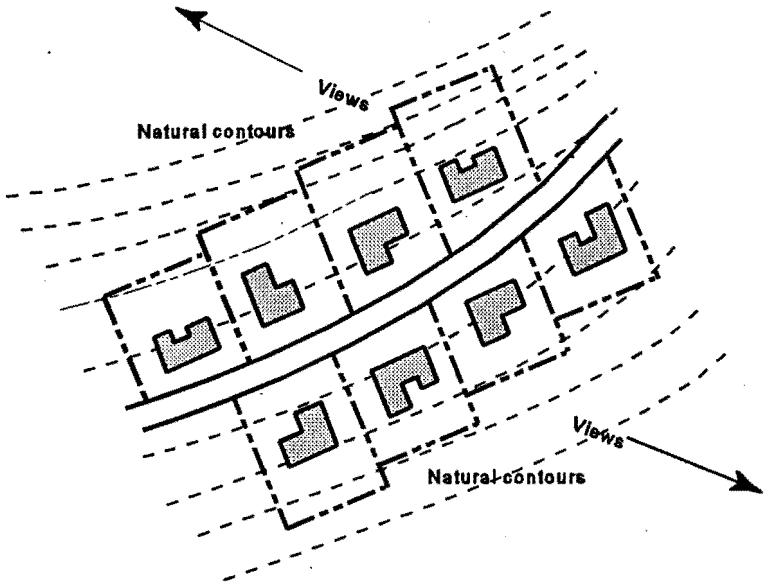


Diagram II-15: Retained Areas of Undisturbed Hillsides within Development

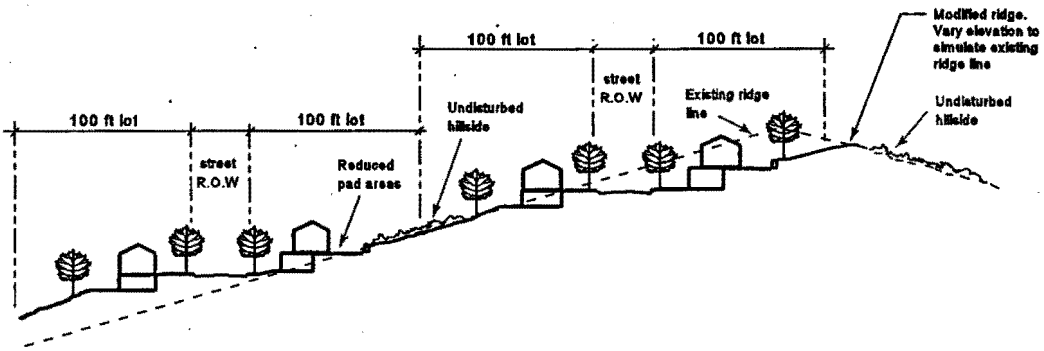
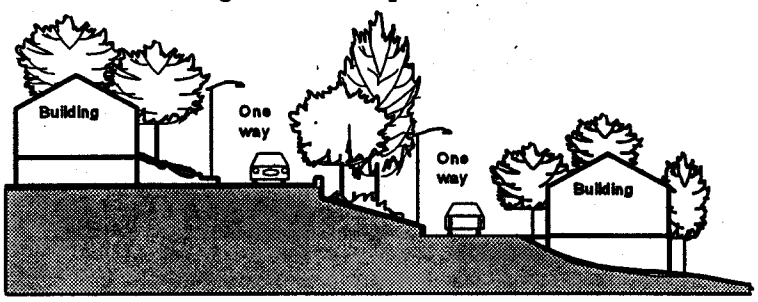


Diagram II-16: Split Level Street



Split level roads can reduce site disturbance

Diagram II-17: Use of Retaining Walls in Hillside Developments

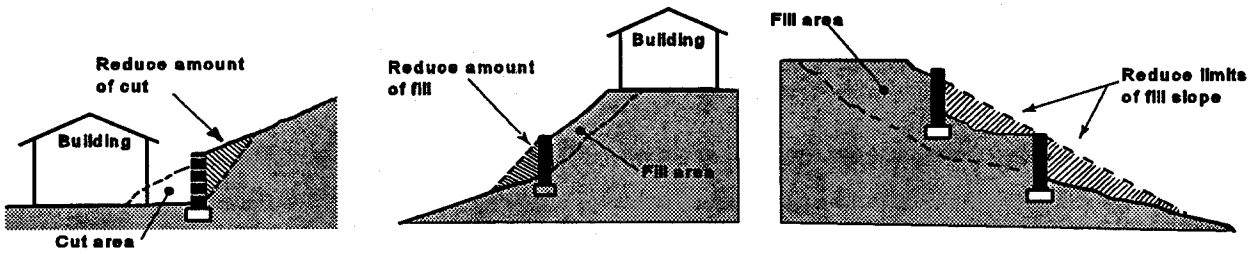


Diagram II-18: Varied Lot Size and Shape

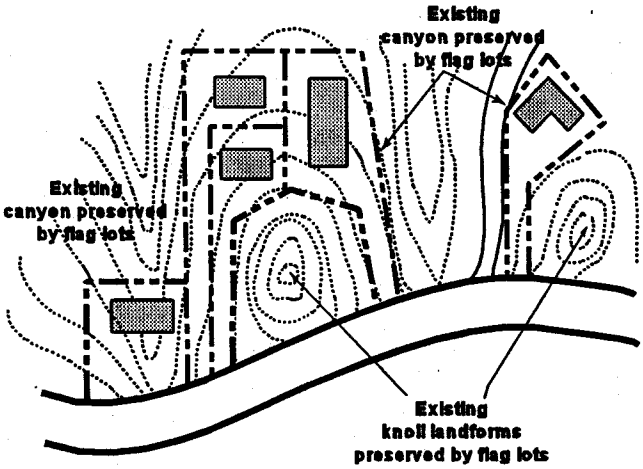


Diagram II-19: Blended Manufactured Slopes

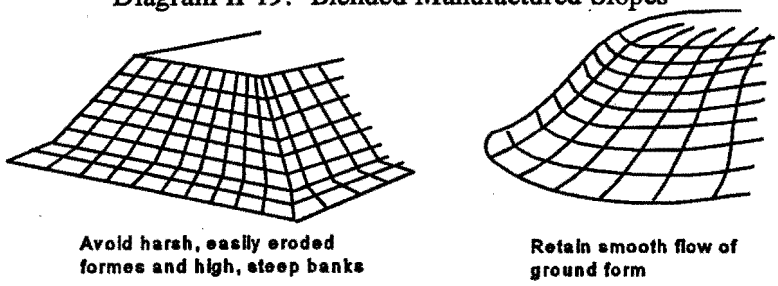


Diagram II-20: Development Located on Least Steep Areas

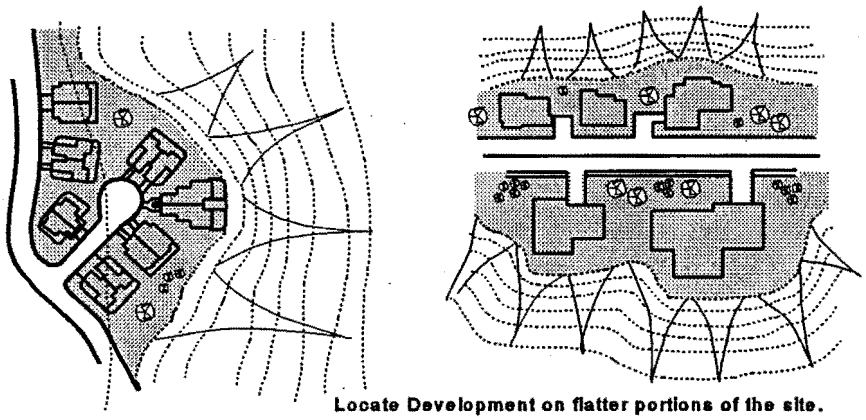


Diagram II-21: Building Located near Ridgeline

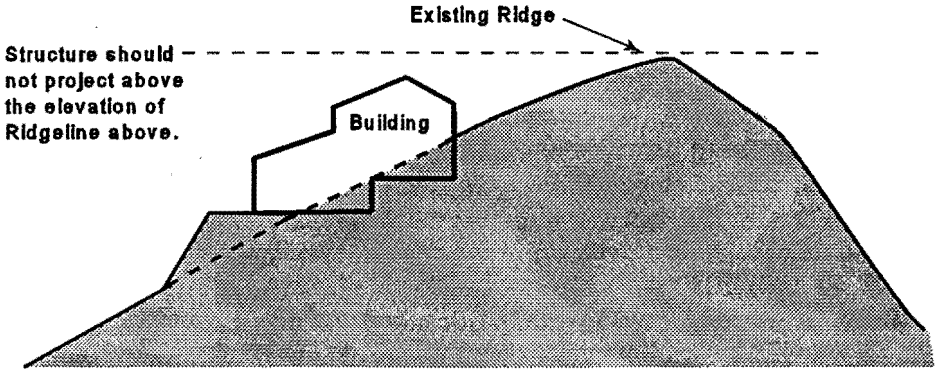


Diagram II-22: Single Loaded Streets

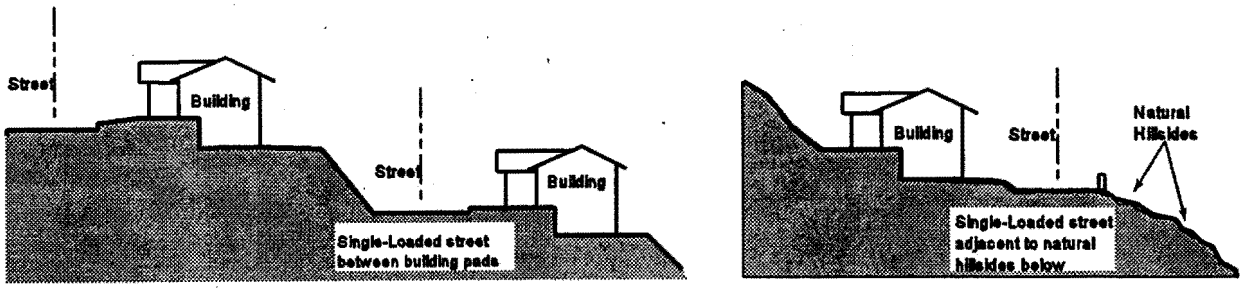


Diagram II-23: Stepped Pads

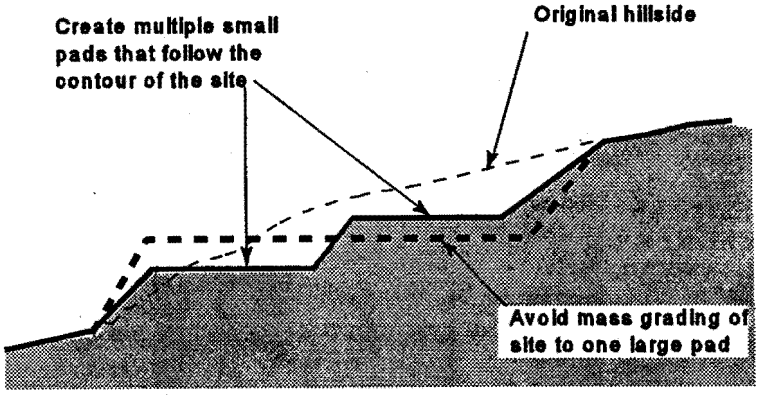


Diagram II-24: Parking for Hillside Structures

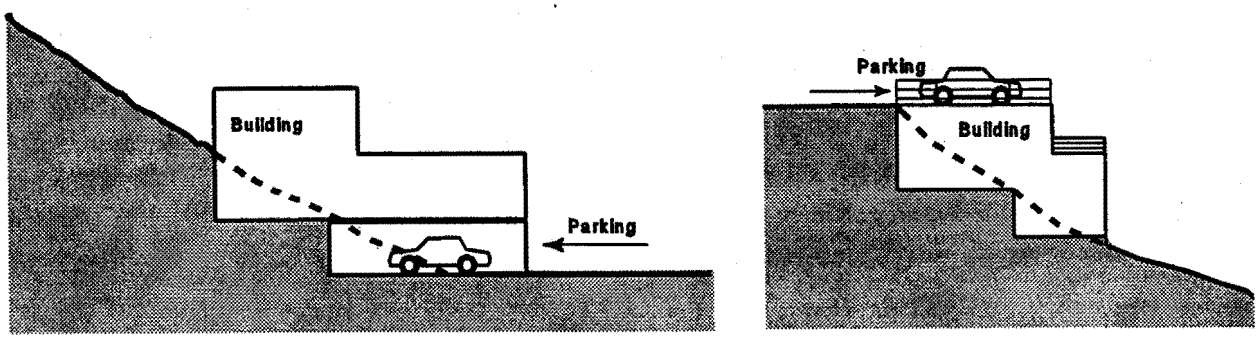
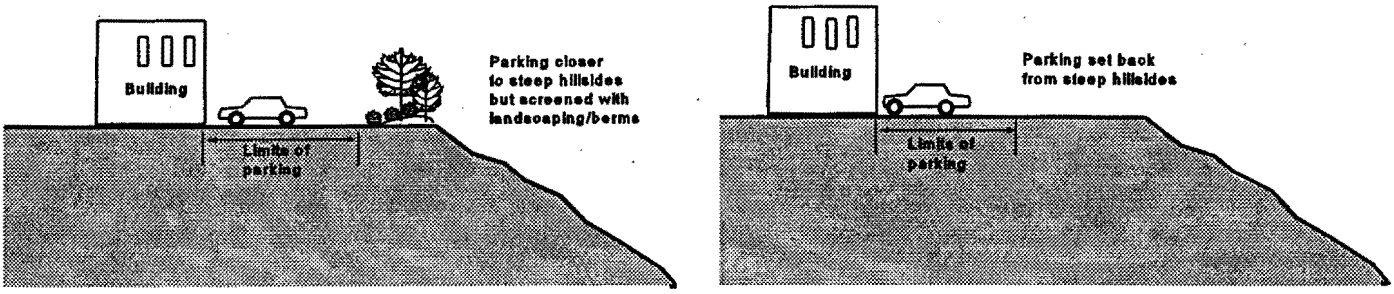


Diagram II-25: Parking Lots Near Steep Hillsides



Section III
Community-Specific Requirements

The following guidelines are recommendations for development on steep hillsides within specific Community Plans that are not addressed elsewhere in the Steep Hillside Guidelines. The recommendations came directly from the indicated Community Plan and conformance is required in order to make the findings for development approval. [Additional recommendations from various Community Plans are not listed in this Section because they are incorporated elsewhere in the Steep Hillside Guidelines and applicable citywide.]

(A) Mira Mesa

Grading over the rim of Los Penasquitos Canyon shall not be permitted.

Clustered units, single-story structures or single-story elements, roofs sloped toward the canyon, or increased setbacks from the canyon rim shall be used to ensure that visibility of new development from Los Penasquitos Canyon Preserve is minimized. Development shall not be visible from the northern trail in Los Penasquitos Canyon or the location of the planned trail in Lopez Canyon at the point that is located nearest to the proposed development. Lines-of-sight from the trails to the proposed development shall be submitted by the applicant.

Fences adjacent to Los Penasquitos Canyon Preserve shall be constructed of wrought or cast iron, or vinyl-coated chain link with a wooden frame.

Landscaping adjacent to Los Penasquitos, Lopez, Carroll or Rattlesnake canyons shall be predominantly native species.

Wherever possible, public access to the rim and view of Los Penasquitos Canyon Preserve should be provided in the form of paths, scenic overlooks, and streets.

(B) Rancho Penasquitos

In the Black Mountain transition zone, as shown in the Community Plan, a gradual transition using

For the Penasquitos Canyon transition zone, as shown in the Community Plan, in those areas where residential development backs onto proposed open space, a buffer at least 50 feet wide should be created. Layers of the buffer should include the rear yard areas; a consistent fence style along the length of the development; clusters of shrubs and trees offsetting the fence line; and a rounded slope with the landscaping gradually blended into the natural vegetation where manufactured slopes are necessary. The natural vegetation should be replaced whenever possible, except within the Fire Management Zone.

The ridge-canyon relationship should be maintained and not obliterated. While hilltops and valleys may be graded to permit development, the sense of distinctive landform should remain. Special care should be taken to preserve the landform of the ridgetop in the Black Mountain area and the Camino Ruiz open space corridor in Penasquitos Canyon.

For artificial slopes over 15 feet in height, slopes should be blended, tops of slope banks should be rounded, and contoured or sculptured, grading should be both horizontally and vertically, all artificial slopes should be blended to meet native terrain. The overall effect desired is a natural undulating terrain rather than a manufactured appearance.

Siting of buildings along canyon rims should consider city-wide brush management requirements. Minimum setbacks from top of slope ranging from 20 to 50 feet (depending on fire severity rating) should be required in order to reduce the potentially significant environmental impacts associated with the brush management.

The treatment of rooftops should be varied on sloping sites, rather than consisting of extended horizontal lines. Rooflines should be used to emphasize the variety in shape and flowing character of the hillside instead of masking it.

(C) Miramar Ranch North

Site planning should maintain the topographic relief of the existing terrain and preserve significant views from and of development areas as shown on the 1"-400' scale concept grading plan which may be found in the map pocket of the Community Plan.

It is recognized that in some portions of the Community Plan, substantial cuts and fills are required. These cut and fill areas arise where important streets must meet City engineering standards, such as for grades and curve radii. Three cases in point are Scripps Ranch Boulevard at the western entrance to the community; Spring Canyon road along are the ridge between Scripps Ranch and Miramar Ranch North; and the north-south road passing by the eastern elementary school site, through Cypress Canyon, and northward across the power easement. In the detailed engineering of important roads in the Community Plan area, care should be taken to minimize the cuts and fills to the extent feasible while meeting City road standards.

The height difference between ridges and canyons should be retained to the greatest extent possible.

(D) Carmel Mountain Ranch

In general, manufactured slopes should be a maximum grade of 2:1, and no more than 50 feet in height. Exceptions to this standard include the manufactured slopes along North City Parkway and within Units 41, 22, 23 ,20, 5, 5A, 6, 6A, 9, 15, and 15A. Special design guidelines for some of these slopes are provided below.

Some of the manufactured slopes in or adjacent to Units 41, 22, 23, 5, 5A, 15 and 15A may be equal to or greater than 50 feet in height.

- Unit 41: A 50-foot vertical separation is likely at the western perimeter of this parcel along Carmel Mountain Road.

- Unit 22: Two cut slopes ranging from 50 feet to 60 feet may be necessary at selected locations along the western perimeter of the parcel.

- Unit 23: The variable topography in this area may require two interior slopes of 50 feet and two fill slopes ranging from 70 feet to 100 feet.

- Unit 5 and 5A: A vertical separation ranging from 50 feet to 60 feet is anticipated between Units 5 and 6.

- Units 15 & 15A: A vertical separation of 50 feet is anticipated between Units 15, 15A and 16. In addition to the general design standards, the following measures are recommended to reduce the scale of tall manufactured slopes:

Slopes should be heavily planted and utilize a variety of plants species and plant heights to modulate the appearance of the slope.

Trees should be planted near the base of slopes to de-emphasize the scale of slopes.

Boulders should be incorporated into the landscaping of slopes to retain the natural character of the site.

If stable rock is uncovered during grading, slopes may be steepened to 1.5:1 and 1:1 to reduce the height of cut as well as provide an interesting visual feature.

(E) Mission Valley

Design roads serving hillside and canyon developments carefully and sensitively.

1. Roads serving residential development near the upper ridge of the south rim of the Valley should be cul-de-sacs or loops extending from existing upland streets. These extensions should be "single loaded" (with structures on one side only and of minimum width).

2. Roads serving Valley development (office, educational, commercial-recreation, commercial-retail) at the base of the steep hillsides should consist of short side streets branching off Camino Del Rio South

or Hotel Circle South. These side streets should provide primary access to projects in preference to collector street.

Large scale development (commercial, office, or commercial-recreation) at the base of the steep hillsides should not cut or grade, nor extend above the 150-foot elevation contour on the southern slopes.

All that portion of the Mission Valley Community Plan area located south of Interstate 8 should be incorporated into a South Mission Valley Height Limitation Zone, which established a height limitation of a new or altered buildings of 40 to 65 feet.

The steep hillsides should provide a clear area of demarcation between the Mission Valley Community Plan area and the communities on the mesas above Mission Valley.

Development at the base of slopes should utilize the following design principles:

1. Emphasize a horizontal rather than a vertical orientation for building shape.

2. Step back each successive floor of the structure to follow the natural line of the slope.

3. Utilize building materials and colors which are of earth tones, particularly dark hues.

4. Design roof areas to minimize disruption of views from the crest of the hillsides. Sloped or landscaped roofs and enclosed mechanical equipment can help to achieve this effect.

(Municipal Code/PDO)

Orient development towards the valley and take access to Mission Valley projects from roads that do not extend above the 150-foot elevation contour.

Preserve the natural landform and greenbelt of the southern hillsides and rehabilitate the northern hillsides.

Southern Slopes:

1. Preserve existing steep hillsides and use the steep hillsides as a backdrop and guide to building form.

2. Cluster, contour and terrace structures into sites to preserve the form of the steep hillsides.

3. Cluster development in disturbed or sparsely vegetated portions of the slope.

4. Design automobile access to minimize hillside disruption. To avoid excessive grading, locate automobile access adjacent to street access and separated from habitable building sections. Linkages from the street to the building should be made through pedestrian ways or bikeways.

Northern Slopes:

1. Develop near the base of the slope. Building height and setbacks should be designed to create a band of visible open slope areas landscaped according to City-wide standards between the ridge line and building roofs that mirror the greenbelt effect of the southern hillsides.

2. Development beyond the base of the steep hillsides should be low in profile.

3. Adapt building and parking areas to the terrain. Minimize the visual impact of buildings by terracing them up or down a slope, providing view corridors through them and terracing outdoor deck areas.

(F) Sabre Springs

Fill slopes should be minimized along the creek environments in order to maximize view potentials and minimize erosion from such slopes. This is particularly important along Penasquitos Creek.

Daylight cut and fill methods should be used to the extent feasible in grading of development areas on prominent ridges near Poway Road and Interstate 15, and in the southeast portion of the planning area. Grading in these areas should result in minimal fill slopes, and in retention of steep ridge slopes between ridge top and canyon housing sites in a natural state to the greatest extent feasible.

All manufactured slopes, both temporary and permanent, should be a maximum grade of 2 to 1, and no more than 30 to 50 feet in height. Slopes exceeding the height limit at the freeway interchange, along the southeast boundary, and along the southwest boundary should be specially treated as described in the Community Plan.

Grading should be limited to what is necessary such that spillovers into natural areas such as the creeks are avoided and native vegetation to be preserved is not trampled. The final earth surface of development sites should be watered and rolled to form a hardened, compacted cap of soil which will minimize dust and erosion.

(G) La Jolla

Where the linkage between two areas of designated open space is provided by steep hillsides, such as the steep hillsides that lie between Soledad Open Space Park and La Jolla Heights Park, development will be sited in a manner that preserves that linkage.

Set back large residential structures from the brow of the hillside. This is especially important for those locations that are visible from natural open space systems, park lands and the seashore. The reservation of the natural character of these areas depends upon minimizing visual intrusions.

Provide visual access to open space areas in all large developments that are proposed on steep hillsides. Public views of open space areas can be enhanced by providing roadway turnouts at scenic locations. Design walls and fences to accommodate existing public vistas, respecting the legitimate needs of privacy and public safety.

Limit public access in hillside areas that contain sensitive resources to scientific or educational use. Confine access to designated trails or paths and no access shall be approved which would result in the disruption of habitat areas.

Lot divisions shall be required to have a portion of each created lot in areas of less than 25 percent gradient. The portion of the lot to be in slopes of less than 25 percent gradient shall be equal to or exceeding the area represented by the Building Size Ratio (floor area ratio) for the zone in which the property is located. This requirement would not apply to parcels restricted to open space uses, either by dedication or transfer of title to The City of San Diego or another responsible public agency.

(H) San Pasqual Valley

Building pads should not be created on the most visible portions of both the ridgelines and the valley floor.

Although the use of retaining walls within view of the valley is highly discouraged, there may be instances in which no alternative is available. In this case, the retaining wall should not exceed six feet in height and should conform to the natural contour of the topography and be screened with indigenous landscaping. Earthtone colors and decorative natural materials such as stone construction should be used to blend with the natural landscape.

Any parcels that have been disturbed by illegal grading should be restored through corrective grading techniques and/or revegetation of the native habitat.

The use of stem walls should be avoided.

The facades of structures should be angled at varying degrees to follow the natural topography of the site.

Rooflines of structures should vary in angle and height to provide a changing profile. Rooflines shall emphasize the natural landforms and help blend the structures into the natural open space environment.

Accessory uses such as tennis courts, gazeboes, and swimming pools that would require retaining walls and/or extensive structural supports visible from the valley should be avoided. Accessory uses should be set back from the ridgeline and properly screened with landscaping to be unobtrusive. In deck construction, large distances between structures and grade shall be avoided.

In subdivisions, open space linkages should be required for pedestrian/bike traffic and equestrian trails linking the project with the valley's proposed trail system.

In subdivisions, projects should be designed to provide appropriately sized open space linkages where deemed necessary to allow for wildlife movement and trail linkages.

To reduce the need for property line fencing on major steep hillsides, subdivisions should be designed to place steep hillsides adjacent to proposed building pads in separate open space lots. Where property lines do transverse steep hillsides, fencing on the steep hillside area should be discouraged; however, where such fencing is required the fencing should be visually unobtrusive in color and material.

Fencing should be unobtrusive, typically open and non-opaque when viewed from public areas of the valley, with natural colors to blend with landscape.

(I) Sorrento Hills

There shall be no grading or development on the bluffs.

In areas adjacent to Los Penasquitos Canyon Preserve, building roof lines should slope in a manner which complements the contours of the natural mesa edge landform. Individual building stories may be staggered contiguous to the mesa edge so as to minimize views of structures from the canyon bottom.

When buildings and landscaping are introduced that can be viewed in the context of the bluffs, form, color and texture should be controlled so that development blends into the foreground and does not visually detract from the bluffs.

(J) Navajo, Tierrasanta, East Elliott (within sub-area 2 of the Mission Trails Design District, in accordance with Chapter 13, Article 2, Division 7)

New developments shall maintain contiguous public access immediately adjacent to Mission Trails park edge or boundaries.

In a conventional subdivision rear property lines shall not be permitted contiguous to Mission Trails park boundary. Access roads or bike paths could be used to buffer park from private yards.

Common recreational/open space areas shall abut Mission Trails park boundary. Private property lines shall not be permitted within 20 feet of the park's edge or boundary.

New developments immediately abutting Mission Trails park should provide open space linkages, bike/pedestrian (and equestrian if in East Elliott) access to the park.

Only clustered development and structures that conform to steep terrain shall be permitted.

Hillside development shall not be permitted on steep hillsides fifty percent or greater. The clustering concept should be applied to avoid those steep hillsides.

Lots and structures should be oriented towards views and vistas of Mission Trails Park. For example, lots should be oriented at right angles to the contour lines in a staggered fashion instead of at right angles to the streets.

Utilize for community or public land use those portions of the steep hillsides most exposed to public view, or from which the widest views are possible.

Site major structures to show only a portion of themselves beyond the hill's brow or profile when viewed from important roads.

Do not obscure the hillside foot at the end of streets perpendicular to Mission Trails Park, with the exception as outline, except as follows:

Only buildings of significance to the entire community should be allowed at the ends of streets perpendicular to Mission Trails Park.

The paved surface ground in a given development shall not exceed forty-five percent of the total development areas, in order to support the natural system of drainage. Paved surface ground includes structure foundations, driveways, patios, sidewalks, parking areas, and streets.

At least three of the following techniques shall be employed to limit the amount of paved surface and further reduce interference with the natural drainage system:

a) Clustered design as previously described.

b) Grading of foundation area only, open type foundations as previously described.

c) Raised wood decks instead of concrete slabs for patios, driveways and parking.

d) Common driveways or cul-de-sacs, and narrow street for access.

e) Elimination of paved sidewalks. Provision of street sidewalks should be a response to need rather than to arbitrary policy.

f) Design of garage/parking space either under or over the structure depending on whether the lot is uphill or downhill from the street.

Streets should follow and/or end in views from the crest of steep hillsides. Wherever possible development facing the park should be set below road grade to preserve public views of the park from the roadway.

Aim streets directly at Mission Trails Park to create sightlines for maximum visual impact.

(K) Clairemont Mesa and Linda Vista (areas adjacent to Tecolote Canyon)

Structures should be set back or placed at staggered distances from the canyon rim to avoid a "wall effect" along the rim. In cases where the Tecolote Canyon Natural Park boundary is at a lower elevation than the canyon rim, structures should still maintain setbacks from the rim and utilize the area between the rim and park property lines as a landscaped buffer.

The facades of structures should be angled at varying degrees to follow the course of the canyon rim. When viewed from the opposite rim Tecolote canyon, the structures should emphasize the line of the canyon rim.

Rooflines of structures should vary in angle and height to provide a changing profile along Tecolote canyon rim when viewed from the opposite rim. A changing roofline will emphasize the verticality of the canyon walls and help blend the structures into the natural hillside environment.

In larger scale development projects, pedestrian facilities rather than auto facilities should be located adjacent to Tecolote canyon rim as the scale of pedestrian facilities is more adaptable to the varying land forms of the canyon rim.

Larger scale developments should provide appropriate pedestrian access to Tecolote canyon rim. Pedestrian facilities, such as lookout points and pathways, should be located in areas adjacent to the canyon rim, but should not provide access into Tecolote Canyon Natural Park.

Where it is appropriate to locate roadways and driveways along Tecolote canyon rim, they should follow the natural course and contours of the rim. Landscaping should be provided to buffer roadways and driveways from the canyon. These buffered roadways and driveways would then provide open edges between the canyon and development.

Where it is appropriate to locate parking facilities adjacent to the rim, they should be minimal in size and buffered from the canyon by landscaping.

Traffic flow should be parallel to or directed away from the canyon rim. Adequate access for service and emergency vehicles into Tecolote Canyon Natural Park must be considered, but illegal off-road vehicles shall be excluded. Street layout and design should not create any pressure to construct new public roads through any part of Tecolote Canyon Natural Park.

Grading should not occur within Tecolote canyon. If any areas within the canyon are disturbed by grading occurring adjacent to the canyon, or by minor grading necessary for the provision of services such as sewers or runoff control facilities, the disturbed areas should be repaired to blend in with natural slopes and contours and should be revegetated with native plants. Additionally, grading operations should not occur during the rainy season between October 1 and April 1 of any year.

(L) Uptown

The permitted floor area for lots partially within open space areas should be based only upon that portion of the lot outside of the open space designation. As a minimum for lots predominantly or entirely within open space, the permitted floor area should assume a lot depth of 100 feet rather than the true lot depth in computing the lot area. In designing the project, the garage should not be eliminated in an effort to reduce the floor area.

Developments which are on any portion of a property within designated open space should maintain existing views and public access to canyon areas, and adapt to the natural terrain.

Developments on corner lots of existing streets which serve as public view corridors for vistas and open space need special design considerations such as being required to setback from the corner or terrace away from the street.

Limit the development intensity in hillside locations where emergency access may be hampered by narrow, curving streets.

Only very low residential development density (1-2 D.U./Acre) should be allowed on a site in the biological/geological zone, as shown in the Uptown Community Plan Hillside Evaluation Model, which includes any slope of 25 percent gradient or greater, and the canyon bottoms. No grading or vegetation removal should be permitted within the undeveloped portion of this zone, unless required due to the necessity to stabilize other areas of the site.

The Urban Design Zone, as shown in the Uptown Community Plan Hillside Evaluation Model, is a transition zone designed to preserve the open space character of the neighborhood and afford public views to the open space system. This zone includes steep hillsides at he canyon rim plus other slopes that are not as highly sensitive geologically or biologically as the as the Biological/ Geological Zone. Development density allowable on-site in this zone should be very low density (3-5 D.U./Acre). Development encroachment into this zone should be moderate, with minimal

grading. Location of development should be such that public views from public streets into the open space, or surrounding panorama, are not impeded, but rather are enhanced.

The hillside development criteria in Table 6 of the Uptown Community Plan should be utilized to determine the appropriate residential dwelling unit densities for any given hillside site.

Whenever encroachment into open space areas occur, the density of the project site should be limited to between 1 and 4 D.U./Acre. The appropriate density within the 1-4 D.U./Acre range would be determined based upon the hillside/canyon evaluation criteria in Figure 15, and the Open Space Priority Matrix in Appendix D, as shown in the Community Plan.

Section IV
Findings, Deviations and Alternative Compliance

Development on a site containing steep hillsides requires the approval of a Neighborhood Development Permit or Site Development Permit, unless exempted from the requirement to obtain the permit pursuant to the Environmentally Sensitive Lands regulations. The required findings for a Neighborhood Development Permit and Site Development Permit are listed in Sections 126.0404(a) and 126.0504(a), respectively. In addition to the general findings for a Neighborhood Development Permit or Site Development Permit, approval of a development on a site containing steep hillsides requires that six additional findings be made that are specific to the environmentally sensitive lands present. Section (A), below, identifies the additional six required findings (found in Sections 126.0404(b) and 126.0504(b)) and what will be considered in making the findings.

If a deviation from any of the Environmentally Sensitive Lands regulations is requested pursuant to Section 143.0150, two additional findings (found in Sections 126.0404(c) and 126.0504(c)) must be made in addition to the general Neighborhood Development Permit or Site Development Permit findings and the additional six findings for Environmentally Sensitive Lands. Section (B), below, outlines some of the situations in which a deviation could be considered and identifies the two additional deviation findings and what will be considered in making the findings.

If alternative compliance is requested for the steep hillside development area regulations pursuant to Section 143.0151, three additional findings (found in Section 126.0504(e)) must be made in addition to the general Site Development Permit findings and the additional six findings for Environmentally Sensitive Lands. Section (C),

below, outlines some of the situations in which alternative compliance could be considered and identifies the three additional alternative compliance findings and what will be considered in making the findings.

(A) Additional Development Permit Findings for Environmentally Sensitive Lands:

(1) The site is physically suitable for the design and siting of the proposed development, and the development will result in minimum disturbance to environmentally sensitive lands.

- The proposed development complies with the development area regulations, where applicable pursuant to the Environmentally Sensitive Lands regulations.

- The proposed development conforms with the design standards for structure design and site improvement. Design concepts are incorporated into the development where feasible.

(2) The proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces and/or flood and fire hazards.

- The proposed development conforms with the design standards for grading, landform alteration, and site improvement. Design standards are met and design concepts are incorporated into the development where feasible.

- The proposed development complies with the regulations for drainage and erosion control measures and incorporates drainage guidelines.

- The use of retaining walls in the proposed development is minimized and conforms with the design guidelines for retaining walls.

(3) The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

- The proposed development conforms with the design standards for the type of development proposed.

- The proposed development conforms with the specific requirements for steep hillside developments for the Community in which the development is located.

(4) The proposed development will be consistent with the City of San Diego MSCP Subarea Plan.

- If within or adjacent to the MHPA, the proposed development will be in conformance with any recommendations regarding development location and siting.

- Steep hillsides which contain sensitive biological resources will be regulated through the sensitive biological resource regulations and the Biology Guidelines and conformance with other goals of the Subarea Plan will be required.

(5) *The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.*

[This finding is only applicable if the site contains sensitive coastal bluffs or coastal beaches unless drainage from the site will significantly impact such environmentally sensitive lands.]

(6) *The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.*

[This finding is primarily applicable to sites that contain sensitive biological resources; however, compliance with the Steep Hillside Regulations and Steep Hillside Guidelines may involve impacts to sensitive biological resources.]

(B) Criteria and Findings for Deviation from Environmentally Sensitive Lands Regulations:

Deviations from the steep hillside regulations may be considered for, but is not limited to, the following:

- Development that proposes to exceed the maximum allowable development area. Exceeding the allowable development area must be tied to existing site conditions or a unique development design that necessitates additional encroachment into steep hillsides.

- An alternative drainage design that may not comply with every aspect of the regulations but is consistent with the intent.

- An alternative revegetation plan that meets the intent of landscape regulations.

Deviations should not be used solely to accommodate a development that clearly does not conform to the regulations when it appears feasible that measures could be incorporated to achieve compliance.

Deviations should not be considered for economic hardship in complying with the regulations.

Additional Development Permit Findings for Deviations from Environmentally Sensitive Lands Regulations:

(1) *There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands.*

- Potential alternative development design options have been considered.

- Other regulations and guidelines for steep hillsides will be complied with so that the overall development design will conform to the intent of the Steep Hillside Regulations and Steep Hillside Guidelines.

(2) *The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions applicable to the land, not of the applicant's making.*

- Natural topographical features or conditions exist that make the regulations infeasible for a particular site. These do not include past grading or development activities that present constraints to desired ultimate site development.

- The deviation is only from those regulations necessary to make the project feasible in light of the special circumstances that exist on the site. Alternative methods for achieving the goals of those regulations are presented in the development design.

(C) Criteria and Findings for Alternative Compliance for Steep Hillside Development Area Regulations:

Alternative compliance from the steep hillside development area regulations may be considered only for the following:

- Development, other than a single dwelling unit on an individual lot, that proposes to exceed the maximum allowable steep hillside development area. Such developments are proposing to encroach into the steep hillside area more than the amount permitted by the steep hillside development area regulations.

Alternative compliance is not available for a single dwelling unit on an individual lot.

Alternative compliance is not available for a premises that is designated as open space in the applicable Land Use Plan or that is zoned OR-1-1 or OR-1-2.

Alternative compliance shall not be used for consideration of deviations from any other environmentally sensitive lands regulations (other than steep hillside development area found in Section 143.0142(a)).

Additional Site Development Permit Findings for Alternative Compliance for Steep Hillside Development Area Regulations:

(1) The proposed development is in conformance with the Steep Hillside Guidelines.

- The development complies with all aspects of the Steep Hillside Guidelines

(2) The proposed development conforms to the applicable Land Use Plan.

- The development complies with the type of development recommended by the Land Use Plan for this location.

- The Land Use Plan recommends development of the subject premises at the intensity levels proposed.

(3) Strict application of the steep hillside development area regulations would result in conflicts with other City regulations, policies, or plans.

- Limiting the amount of development area would be inconsistent with recommendations in the applicable Land Use Plan.

- Other City policies or programs will be jeopordized by limiting the development area on the subject premises.

San Diego Municipal Code

Land Development/ Zoning Code Update

Biology Guidelines

November 1997

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This information, document, or portions thereof, will be made available in alternative formats upon request.

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These Guidelines have been formulated by the Development Services Department to aid in the implementation and interpretation of the Environmentally Sensitive Lands Regulations (ESL), San Diego Land Development Code, Chapter 14, Division 1, Section 143.0101 et seq, and the Open Space Residential (OR-1-2) Zone, SDLDC, Chapter 13, Division 2, Section 131.0201 et seq. Section III of these Guidelines, (Biological Impact Analysis and Mitigation Procedures), also serve as standards for the determination of impact and mitigation under the California Environmental Quality Act (CEQA).

These guidelines are the baseline biological standards for processing Neighborhood Development Permits and Site Development Permits issued pursuant to the ESL. For impacts associated with steep hillsides, please refer to the Steep Hillside Guidelines for the Environmentally Sensitive Lands Regulations.

A. Sensitive Biological Resources. The ESL defines Sensitive Biological Resources as those lands included within the Multiple Habitat Planning Area (MHPA) as identified in the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan (City of San Diego 1995), and other lands outside of the MHPA that contain wetlands; vegetation communities classifiable as Tier I, II, IIIA or IIIB; habitat for rare, endangered or threatened species; or narrow endemic species.

1. The Multiple Habitat Planning Area (MHPA) are those lands that have been included within the City of San Diego's MSCP Subarea Plan for habitat conservation. These areas have been determined to provide the necessary habitat quantity, quality and connectivity to support the future viability of San Diego's unique biodiversity and thus are considered to be a Sensitive Biological Resource. The City of San Diego's MHPA contains "hard-lines", with limited development permitted based on the development area allowance of the OR-1-2 zone in order to achieve an overall 90% preservation goal (see Section II.B for discussion of OR-1-2 zone).

   The boundaries of the MHPA are depicted on 1"=2000' foot scale maps and in many areas of the City on 1"=800' scale maps.

2. Wetlands Many of the species included in the MSCP (i.e. Covered Species) are dependent on wetlands for habitat and foraging. The definition of wetlands in the ESL regulation is intended to differentiate uplands (terrestrial areas) from wetlands, and furthermore to differentiate naturally occurring wetland areas from those created by human activities. Except for areas created for the purposes of wetland habitat or resulting from human actions to create open waters or from the alteration of natural stream courses, it is not the intent of the City to regulate artificially created wetlands in historically non-wetland areas. For the purposes of the ESL, artificially created lakes such as Lake Hodges, artificially channeled floodways such as the Carmel Valley Restoration and Enhancement Project (CVREP) and previously dredged tidal areas such as Mission Bay should be considered wetlands under the ESL regulations. The following provides guidance for defining wetlands regulated by the City of San Diego under the Land Development Code.

Naturally occurring wetland vegetation communities are typically characteristic of wetland areas. Examples of wetland vegetation communities include saltmarsh, brackish marsh, freshwater

marsh, riparian forest, oak riparian forest, riparian woodland, riparian scrub and vernal pools. Common to all wetland vegetation communities is the predominance of hydrophytic plant species (plants that are adapted for life in anaerobic soils). Many references are available to help identify and classify wetland vegetation communities; Holland (1986), Cowardin et al. (1979), Keeler-Wolf and Sawyer (1996), and Zedler (1987). The U.S. Army Corps of Engineers Wetland Delineation Manual (1987) provides technical information on hydrophytic species.

Problem areas can occur when delineating wetlands due to previous human activities or naturally occurring events. Areas lacking naturally occurring wetland vegetation communities are still considered wetlands if hydric soil or wetland hydrology is present and past human activities have occurred to remove the historic vegetation, or catastrophic or recurring natural events preclude the establishment of wetland vegetation. Examples include agricultural grading in floodways, dirt roads bisecting vernal pools, channelized streambeds, areas of scour within streambeds, and coastal mudflats and salt pannes that are unvegetated due to tidal duration. The U.S. Army Corps of Engineers Wetland Delineation Manual (1987) provides technical information on hydric soils and wetland hydrology.

Areas lacking wetland vegetation communities, hydric soils and wetland hydrology due to non-permitted filling of previously existing wetlands, will be considered a wetland under the ESL and regulated accordingly. The removal of the fill and restoration of the wetland may be required as a condition of project approval.

Areas that contain wetland vegetation, soils or hydrology created by human activities in historically non-wetland areas do not qualify as wetlands under this definition. Examples are wetland vegetation growing in brow ditches, wastewater treatment ponds and road ruts created by off-road vehicles (see also Corps of Engineers Regulatory Program Regulations (33 CFR)Section 328.3 (a)-(e) for additional examples). Areas of historic wetlands can be assessed using historic aerial photographs, existing environmental reports (EIRs, biology surveys, etc..), and other collateral material such as soil surveys.

Some coastal wetlands, vernal pools and riparian areas have been previously mapped. The maps, labeled "C-713 and C-740" are available to aid in the identification of wetlands. Additionally, the 1":2000' scale MSCP vegetation maps may also be used as a general reference, as well as the U.S. Fish and Wildlife Service's (USFWS) National Wetlands Inventory maps. These maps, available for viewing at the Development Services Department, should not replace site-specific field mapping.

3. Vegetation Communities within the MSCP study area have been divided into four tiers of sensitivity (the first includes the most sensitive, the fourth the least) based on rarity and ecological importance.

   Tier I habitats include lands classified as southern foredunes, Torrey pines forest, coastal bluff scrub, maritime succulent scrub, maritime chaparral, native grasslands, and oak woodlands. Tier II includes lands classified as coastal sage scrub and coastal sage scrub/chaparral. Tier IIIA includes lands classified as mixed chaparral and chamise

chaparral. Tier IIIB includes lands classified as non-native grassland. Tier IV includes lands classified as disturbed, agriculture, and eucalyptus.

Classifications should use the California Department of Fish and Game (CDFG) listing of community associations (Holland 1986), as a reference for classifying vegetation.

4. Listed Species. Habitats supporting plant or animal species which have been listed or proposed for listing by the state or federal governments as rare, endangered, or threatened ("listed species"), are also considered sensitive biological resources under the ESL. *[Note: Some listed species are considered adequately conserved under the MSCP (Covered Species), others are not (Listed Non-covered Species)].*

5. Narrow Endemic Species. Species adopted by the City Council as narrow endemic species, identified below, are considered Sensitive Biological Resources *[Note: Some of these narrow endemic species are also listed species]*:

Narrow Endemic Species

Acanthomintha ilicifolia	San Diego thornmint
Agave shawii	Shaw's agave
Ambrosia pumila	San Diego ambrosia
Aphanisma blitoides	Aphanisma
Astragalus tener var. titi	Coastal dunes milk vetch
Baccharis vanessae	Encinitas baccharis
Dudleya blochmaniae ssp. brevifolia	Short-leave live-forever
Dudleya variegata	Variegated dudleya
Hemizonia conjugens	Otay tarplant
Navarretia fossalis	Prostrate navarretia
Opuntia parryi var. serpentina	Snake cholla
Orcuttia californica	Orcutt grass
Pogogyne abramsii	San Diego mesa mint
Pogogyne nudiuscula	Otay Mesa mint

6. Covered Species. Covered species are those species included in the Incidental Take Authorization issued to the City by the Federal or State government as part of the City's MSCP Subarea Plan. The term 'non-covered species' is sometimes used to identify species not included in the Incidental Take Authorization. A list of these species are provided in Appendix A.

B. Wetland Buffers. A wetland buffer is an area or feature(s) that protects the functions and values of the adjacent wetland.

II. DEVELOPMENT REGULATIONS

Specific development regulations pertaining to Sensitive Biological Resources exist in the Municipal Code in both the ESL (Chapter 14, Division 1, Section 143.0141) and the OR-1-2 zone (Chapter 13, Division 2, Section 131.0230). The following guidelines are provided to supplement these development regulation requirements.

A. Environmentally Sensitive Lands (ESL)

1. Wetlands and Listed Non-covered Species Habitat.

Wetlands and Listed Non-covered Species are protected by Federal and State regulations. (Listed non-covered species are those species listed as rare, threatened or endangered which are not covered by the Incidental Take Authorization issued to the City by the federal or state governments under the MSCP Plan. A list of species covered by the MSCP is provided in Appendix A.)

It is recognized that some projects will be required to obtain Federal and State permits. Applicants will be required to confer with the appropriate State and Federal agencies prior to the public hearing for the development proposal, and incorporate any state or federal requirements into their project design.

The discretionary permit, and any associated subdivision map, will be conditioned to restrict the issuance of any grading permit until all necessary federal and state permits have been obtained and a copy of the permit, authorization letter or other official mode of communication from the Resource Agencies is transmitted to the City of San Diego. City public projects do not need grading permit, however these projects will still be required to obtain all necessary federal and state permits prior to any clearing or grading of the project site.

Under the ESL, impacts to wetlands should be avoided. For vernal pools, the avoidance of a sufficient amount of the watershed necessary for the continuing viability of the ponding area is also required. Unavoidable impacts should be minimized to the maximum extent practicable. Whether an impact is unavoidable will be determined on a case-by-case basis. Examples of unavoidable impacts include those necessary to allow reasonable use of a parcel entirely constrained by wetlands, roads where the only access to the developable portion of the site results in impacts to wetlands, and essential public facilities (essential roads, sewer, water lines, etc.) where no feasible alternative exists. Unavoidable impacts will need to be mitigated in accordance with Section III.B.1.a. of these Guidelines.

A wetland buffer shall be maintained around all wetlands when necessary and as appropriate to protect the functions and values of the wetland. Section 320.4(b)(2) of the U.S. Army Corps of Engineers General Regulatory Policies (33 CFR 320-330) list criteria for consideration when evaluating the wetland functions and values. These include wildlife habitat (spawning, nesting, rearing, and foraging), food chain productivity, water quality, ground water recharge, and areas for the protection from storm and floodwaters. Wetland buffers should be determined on a case-by-case basis taking into consideration the type and

size of development, the sensitivity of the wetland resources to detrimental edge effects, natural feature such as topography, and the functions and values of the wetland. Examples of functional buffers include areas of native or non-invasive landscaping, rock/boulder barriers, berms, walls, fencing and similar features that reduce indirect impacts on the wetland. Measures to reduce adverse lighting and noise should also be addressed where appropriate. Section 1.4.3. Land Use Adjacency Guidelines, of the City's MSCP Subarea Plan, can be used to help determine appropriate measures for wetland buffers

2. Development in the MHPA. For parcels wholly or partially within the MHPA, development is limited to the development area allowed by the OR-1-2 zone, as described below (see Section II.B). Zone 2 brush management is considered "impact neutral" and is not considered part of the proposed development area. The development area must be located on the least sensitive portions of the site. The following list, in order of increasing sensitivity, is provided as a guideline for assessing the least sensitive portion of the site. Projects should be designed to avoid impacts to covered species where feasible. *This list should be used in combination with existing site-specific biological information, such as potential edge-effects from existing and proposed development, preserve configuration, habitat quality, wildlife movement, and topography.*

   a. Areas devoid of vegetation, including previously graded areas and agricultural fields.

   b. Areas of non-native vegetation, disturbed habitats and eucalyptus woodlands.

   c. Areas of chamise or mixed chaparral, and non-native grasslands.

   d. Areas containing coastal scrub communities.

   e. All other upland communities.

   f. Occupied habitat of listed species, narrow endemic species, *Muilla clevelandii* (San Diego goldenstar), and all wetlands.

   g. All areas necessary to maintain the viability of wildlife corridors (e.g. linear areas of the MHPA < 1000' wide).

   Within each of the previous categories a-g above, areas containing Steep Hillsides will be considered more sensitive than those areas without Steep Hillsides.

   Proposed development must be sited on the least sensitive areas and may only encroach into more sensitive areas in order to achieve the allowable development area.

In addition to the previous siting requirements, any development inside the MHPA, which identify the occurance of the following species, must include an impact avoidance area as follows:

- 300 feet from any nesting site of Cooper's hawk (*Accipiter cooperii).*
- 1,500 feet from known locations of the southern pond turtle (*Clemmys marmorata pallida*).
- 900 feet from any nesting sites of northern harriers (*Circus cyaneus*)
- 4000 feet from any nesting sites of golden eagles (*Aquila chrysaetos*).
- 300 feet from any occupied burrow of burrowing owls (*Speotyto cunicularia hypugaea*).

These conditions are requirements of the Incidental Take Authorization in order to consider these species adequately conserved.

3. Development Outside of the MHPA. For parcels outside of the MHPA, there is no limit on the encroachment into Sensitive Biological Resources, with the exception of wetlands, and listed non-covered species habitat (which are regulated by state and federal agencies and narrow endemic species as described below. However, impacts to Sensitive Biological Resources must be assessed and mitigation, where necessary, must be provided in conformance with Section III of these Guidelines. *[NOTE: Encroachment into areas outside of the MHPA, that are designed and zoned as open space, would be limited to the encroachment allowed by the underlying zone].*

   Outside the MHPA, projects must incorporate additional measures for the protection of narrow endemics. These measures can include management (e.g. fencing, signage), enhancement (e.g. removal of exotic species), restoration (e.g. expansion of existing populations) and/or transplantation into areas of protected open space. The appropriate measure(s) should be determined on a case-by case basis depending on the autecology of the species and the size, type and location of the proposed development.

4. Restrictions on Grading. All clear, grubbing or grading (inside and outside the MHPA) will be restricted during the breeding season where development may impact the following species:

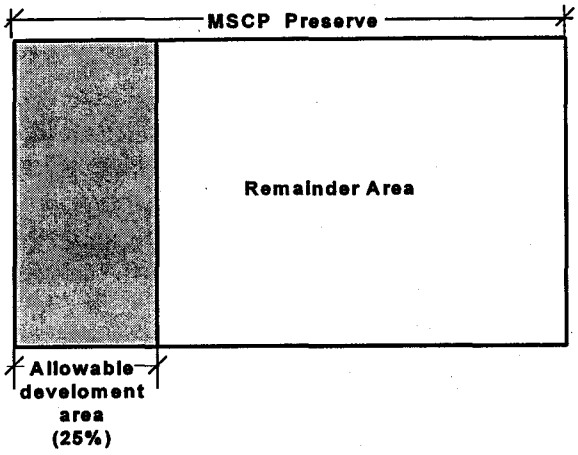
   - Western snowy plover (March 1 - September 15)
   - southwestern flycatcher (May 1 - August 30)
   - least tern (April 1 - September 15)
   - cactus wren (February 15 - August 15)
   - least bell's vireo (March 15 - September 15)
   - tricolored black bird (March 1 - August 1)
   - California gnatcatcher(March 1 - August 15 inside MHPA only. No restrictions outside MHPA)

B. Open Space Residential Zone (OR-1-2)

The OR-1-2 Zone provides for low-density residential, agricultural and passive open space uses. Every parcel zoned OR-1-2 has a development area as follows:

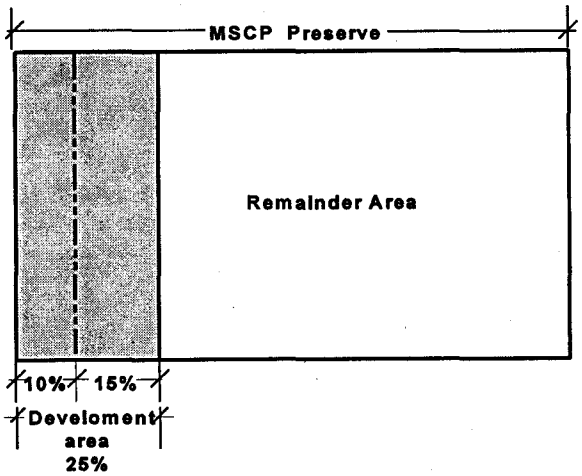
1. Development Area. The allowable development area of a site (premise) within the OR-1-2 zone includes all portions of the site, both developed and undeveloped, that occur outside of the MHPA. If this area is less than 25% of the total size of the site, then the development area would also include the amount of encroachment into the MHPA necessary to achieve development on 25% of the site (see Figure 1). The location of any allowable development into the MHPA would be determined by the ESL, as outlined above (Section II.A.2). No encroachment into the MHPA beyond the development area is allowed. All areas outside of the development area (remainder area) would be left in a natural undeveloped condition, except for those passive uses permitted by the OR-1-2 zone. At the time of development, a covenant may be recorded or conservation easement granted on property not dedicated to the City (see Section III.B.2).

FIGURE 1
OR-1-2 Zone Development Area
Examples



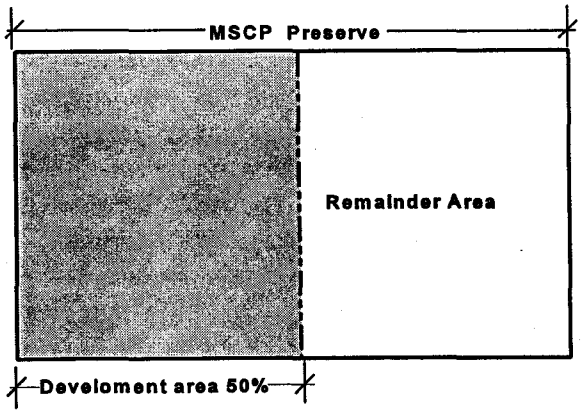
EXAMPLE 1:

Parcels wholly within the MSCP Preserve
- **Development area : 25%**
- **Encroachment into MSCP Preserve: 25%**



EXAMPLE 2:

Parcels straddling the MSCP Preserve (less than 25% outside Preserve)
- **Development area : 25%**
- **Encroachment into MSCP Preserve: 15%**



EXAMPLE 3:

Parcels straddling the MSCP Preserve (more than 25% outside Preserve)
- **Development area : 50%**
- **Encroachment into MSCP Preserve: 0%**

Premises less than four acres in size that are partially or wholly in the MHPA would be allowed a development area of 1 acre in areas where the MHPA is of at least 1000 feet in width. The measurement of the MHPA width should be as follows: a straight line drawn through any portion of the premises should be a minimum of 1000 feet from the edges of the MHPA.

Up to an additional 5% development area inside the MHPA is permitted in order to accommodate essential public facilities, as identified in an adopted Land Use Plan (e.g. Community Plan, Specific Plan). Essential public facilities include identified circulation element roads, major water and sewer lines, publicly owned schools, parks, libraries and police and fire facilities. Roads, water and sewer lines that service a proposed project, and are not identified on the existing Land Use Plan, previously adopted by City Council, do not qualify for the additional 5% development area. The additional 5% development area will require mitigation pursuant to section III.

All areas of grading, including cut and fill slopes (even if proposed for revegetation), Zone 1 of brush management, and any temporary staging areas should be considered part of the development area. Zone 2 of brush management may occur outside of the development area. Temporary disruptions of habitat and temporary staging areas that do not alter landform and that will be

revegetated are generally not considered to be permanent habitat loss. Staff will work with the applicant to ensure that appropriate revegetation and restoration will be completed as part of the development process.

[Note: The Development Regulations of the OR-1-2 Zone apply to all property within the MHPA. In some cases, parcels may be zoned other than OR-1-2, but would still be subject to the OR-1-2 development area regulations pursuant to the ESL. (Sec. 143.0141.(d)]

III. BIOLOGICAL IMPACT ANALYSIS AND MITIGATION PROCEDURES

Mitigation is the process of reducing significant impacts to below a level of significance. The process of identifying biological mitigation under the ESL and CEQA consists of two parts;

- The identification of significant biological impacts, and
- The identification of the corresponding mitigation requirements to reduce the impacts to below a level of significance.

The following procedures are to be used for identifying and mitigating impacts to sensitive biological resources.

These guidelines are provided to establish a city-wide consistency and equity among projects. Diversion

from these guidelines may have significant effects on the successful implementation of the MSCP, and thus, a possible significant effect on regional biodiversity conservation. Therefore, any significant proposed deviation would require a site-specific analysis in the Biological Survey Report to identify what effects, if any, it would have on the regional MSCP. The City Manager or designee will be the final authority to determine the adequacy of any mitigation that is recommended to the City decision-maker.

A. Identification of Impacts

1. Biological Survey Report. A biological survey report is required for all proposed development projects which are subject to the ESL regulations, and/or where the CEQA review has determined that there may be a significant impact on other biological resources considered sensitive under CEQA. Table 1 outlines the survey requirements for various biological resources inside and outside the MHPA. The biological survey conducted as part of the MSCP may be used where the applicant and the City agree that the MSCP data adequately reflects the habitats and species found on the site, or the applicant may prepare a survey, according to the City of San Diego's Biological Survey Guidelines (City of San Diego 1978 and 1994a), for purposes of refining and/or confirming the regional MSCP biological data (i.e. vegetation and sensitive species maps). The Biological Survey Report must identify and map biological resources present on the site, including any portions of the site identified as part of the MHPA and any species considered sensitive pursuant to CEQA (see Table 1 a summary of survey requirements). Each vegetation community type should be categorized into either wetlands or one of four upland Habitat Tiers. City staff will confirm the adequacy of all maps during the CEQA environmental review process.

Table 1:
Summary of Biological Survey Requirements

RESOURCE	SURVEY REQUIREMENTS	
	Inside MHPA	Outside MHPA
Vegetation		
•Uplands	Confirm/Revise MSCP mapping.	Confirm/Revise MSCP mapping.
•Wetlands	Delineate wetlands per City definition.	Delineate wetlands per City definition.
Covered spp[1]		
•Listed spp (e.g. gnatcatcher)	Focused survey per protocol.	Per MSCP conditions of coverage[2].
•Narrow endemic (e.g. S.D. Thornmint)	Focused survey per protocol.	Focused survey per protocol.
•Other (e.g. S.D. horned lizard)	Survey as necessary to comply with sitting requirements as outlined in Section II.A.2 of these Guidelines.	Per MSCP conditions of coverage[2].
Non-Covered spp[1]		
•Listed spp (e.g. pacific pocket mouse)	Focused survey per protocol.	Focused survey per protocol.
•"Other Sensitive Species[3]" (e.g. little mouse tails)	Case-by-case determination depending on the spp.	Case-by-case determination depending on the spp.

1 Based upon the MSCP mapping, site specific surveys, the NDDB records, previous EIRs and biological surveys, and/or discussion with the wildlife agencies, the potential for listed species, narrow endemics and CEQA sensitive species will be determined. Where there is a reasonable likeihood that one of these species exists, surveys will follow the above requirements.

2 Survey as necessary to conform with Appendix A of the City of San Diego MSCP Subarea Plan (March 1997).

3 "Other Sensitive Species" Those other species that are not listed by federal and/or state agencies and/or not covered by the MSCP and to which any impacts may be considered significant under CEQA.

The location and extent of each resource must be clearly identified on a map of an appropriate scale (same scale as development drawings), on which the acreage of each vegetation community must be provided. Individual sensitive species must be depicted on the map and territories identified, where they have been determined. It is expected that the mapping scale will vary with size and type of project proposed. For projects with accompanying tentative subdivision maps or projects under 10 acres in size, the scale should be a minimum of 1"=200'; for projects without accompanying tentative maps a smaller scale map is considered acceptable and should be based on the size of the proposed project (e.g. 1":400' for specific plan). The minimum mapping units should be clearly identified in the text of the report, and should be base on the mapping scale and the vegetation community. A minimum mapping unit for uplands of approximately 1/4 acres is generally considered acceptable for the 1"=200' scale.

2. Impact Analysis. The Biological Survey Report must identify all potential impacts from the development (both on-site impacts and off-site impacts such as roads, water and sewer lines) to Sensitive Biological Resources and to other significant biological resources as determined by the CEQA process (i.e. sensitive, non-covered species). The report should evaluate the significance of these impacts. Impact assessments need to include analysis of direct impacts (e.g. grading, Zone 1 brush management), indirect (e.g. lighting, noise) and cumulative impacts. The *City of San Diego's Significance Determination Guidelines under the California Environmental Quality Act* (City of San Diego 1994b) should be used as a reference. Mitigation for direct impacts will be assessed in accordance with Table 2 and 3. Cumulative impacts for covered species have been addressed under the MSCP Plan and may be referenced. Zone 2 brush management is considered impact neutral (not considered an impact and not considered acceptable as a mitigation area). Indirect impacts to covered species could be mitigated by conformance to Section 1.4.3, Land Use Adjacency Guidelines, and implementing Section 1.5, Preserve Management Recommendations, of the City's MSCP Subarea Plan.

The proposed project must be superimposed onto a map with the biological resources. The area covered by each biological resource, including the boundaries of the MHPA, if applicable, and the proposed area of impact to each resource by the proposed development must be presented in both a graphic and tabular form in the Biological Survey Report.

B. Identification of the Mitigation Program

The Biological Survey Report will provide a program that identifies a plan of action to reduce significant impacts to below a level of significance. The Mitigation Program will consist of three required elements: 1) Mitigation Element, 2) Protection and Notice Element and 3) Management Element. Each of these elements are further described below. This mitigation program must be incorporated in the permit conditions and/or subdivision map, as well as, construction specifications for public projects, and shown on the constructions plans as appropriate.

The Biological Survey Report should also provide evidence that the nature and extent of the mitigation proposed is reasonably related (nexus) and proportional to the adverse biological impacts of the proposed development.

1. Mitigation Element. Mitigation must be determined on a case-by-case basis. Mitigation refers to actions to help sustain the viability and persistence of biological resources, as exemplified below. Mitigation will consist of actions that either compensate for impacts by replacing or providing substitute habitats, or rectify the impact by restoring the affected habitats. The requirements of the

mitigation will be based on the type and location of the impacted habitat, and additionally for uplands, on the location of the mitigation site. The Mitigation Element will consist of a discussion of the amount (i.e. quantity) and the type (i.e. method) of mitigation.

The following guidelines are provided to achieve consistency and equity among projects. Mitigation for specific projects may differ depending on site-specific conditions as supported by the project-level analysis.

a. Mitigation for Wetlands Impacts

The ESL regulations require that impacts to wetlands be avoided. Unavoidable impacts should be minimized to the maximum extent practicable, and mitigated as follows:

As part of the project-specific environmental review pursuant to CEQA, all unavoidable wetlands impacts will need to be analyzed and mitigation will be required in accordance with Table 2; mitigation should be based on the impacted type of wetland habitat. Mitigation should prevent any net loss of wetland functions and values of the impacted wetland.

Acquistion and/or enhancement of existing wetlands may be considered as partial mitigation for any balance of the remaining mitigation requirement after restoration or creation if wetland acreage is provided at a minimum of a 1:1 ratio.

For example, satisfaction of the mitigation requirement may be considered for a 3:1 mitigation ratio, with two parts consisting of acquisition and/or enhancement of existing acres, and one part restoration or creation.

The mitigation ratios, set forth in Table 2, in combination with the requirements for no-net-loss of functions and values and in-kind mitigation, are adequate to achieve the conservation goals of the City's MSCP Subarea Plan for wetland habitats and the covered species which utilize those habitats.

Wetland mitigation required as part of any federal (404) or state (1601/1603) wetland permit will supersede and will not be in addition to any mitigation identified in the CEQA document for those wetland areas covered under any state or federal wetland permit. Wetland habitat outside the jurisdiction of the state and federal permits will be mitigated in accordance with the CEQA document.

TABLE 2: Wetland Mitigation Ratios

HABITAT TYPE	MITIGATION RATIO
Coastal Wetlands	
- salt marsh	4:1
- salt panne	4:1
Riparian Habitats	
- oak riparian forest	3:1
- riparian forest	3:1
- riparian woodland	3:1
- riparian scrub	2:1
Freshwater Marsh	2:1
Natural Flood Channel	2:1
Disturbed Wetland	2:1
Vernal Pools	2:1 to 4:1
Marine Habitats	2:1
Eelgrass Beds	2:1

NOTES: **Any impacts to wetlands must be mitigated "in-kind" and achieve a "no-net loss" of wetland function and values. Mitigation for vernal pools can range from 2:1 when no endangered are present, up to 4:1 when endangered species with very limited distributions (e.g. Pogogyne abramsii) are present.**

b. Mitigation for Upland Impacts

The City of San Diego has developed a MSCP Subarea Plan which identifies the conservation and management of a City-wide system of interconnected open space. The habitat based level of protection afforded by the implementation of the MHPA is intended to meet the mitigation obligations of Covered Species and most likely the majority of species determined to be determined to be sensitive pursuant to the CEQA review process. The City has adopted a policy that development should be directed outside of the MHPA and lands inside should be conserved. While this would result in the depletion (net loss) of the existing inventory of Sensitive Biological Resources, the successful implementation of the MSCP would retain the long-term viability, and avoid further extirpation, of many of San Diego's sensitive species. Therefore, for upland habitats, measures that contribute towards overall implementation of the MSCP may be considered as mitigation, even when a net loss of the existing inventory of sensitive biological resources occurs. These methods, described below, allow for greater flexibility in mitigation methodology, including off-site acquisition, on-site preservation, habitat restoration and in limited cases, monetary compensation.

(1) Upland Impacts Within the MHPA.

Where the MHPA covers more than 75% of a premise, development will be limited to that amount necessary to achieve a development area of 25% of the premise, based upon the development area regulations of the OR-1-2 zone (see Section II.B.1). No mitigation will be required for the direct impacts to uplands associated with this development area.

City linear utility projects (i.e. sewer and water pipelines) are exempt from the development area limitation but need to mitigate all direct impacts in accordance with Table 3. Likewise, all projects processed through a deviation would need to provide mitigation in accordance with Table 3 for impacts beyond the allowable development area of the OR-1-2 Zone.

(2) Upland Impacts Outside of the MHPA.

Where the MHPA covers less than 75% of a premises, no development will be allowed within the MHPA. Mitigation, based upon the ratios set forth in Table 2, will be required for all significant biological impacts. These ratios are based upon the rarity of the upland resources as characterized by one of four Habitat Tiers. Due to the critical nature and high biological value of the MHPA, mitigation should be directed to the MHPA. Thus, a lower mitigation ratio may be applied for projects that propose to mitigate inside of the MHPA. Lands outside the MHPA containing narrow endemic species will be treated as if the land was inside the MHPA for purposes of mitigation.

TABLE 3:
UPLAND MITIGATION RATIONS

TIER	HABITAT TYPE	MITIGATION RATIOS			
				Location of Preservation	
		Location of Impact		Inside	Outside
TIER 1: (rare uplands)	Southern Foredunes Torrey Pines Forest Coastal Bluff Scrub Maritime Succulent Scrub Maritime Chaparral Native Grassland Oak Woodlands		Inside*	2:1	3:1
			Outside	1:1	2:1
				Location of Preservation	
		Location of Impact		Inside	Outside
TIER II: (uncommon uplands)	Coastal Sage Scrub (CSS) CSS/Chaparral		Inside*	1:1	2:1
			Outside	1:1	1.5:1
				Location of Preservation	
		Location of Impact		Inside	Outside
TIER III A: (common uplands)	Mixed Chaparral Chamise Chaparral		Inside*	1:1	1.5:1
			Outside	0.5:1	1:1
				Location of Preservation	
		Location of Impact		Inside	Outside
TIER III B: (common uplands	Non-native Grasslands		Inside*	1:1	1.5:1
			Outside	0.5:1	1:1
				Location of Preservation	
		Location of Impact		Inside	Outside
TIER IV: (other uplands)	Distirbed Agriculture Eucalyptus		Inside*	0:1	0:1
			Outside	0:1	0:1

Notes:

1.For all Tier I impacts, the mitigation could (1) occur within the MHPA portion of Tier I (in Tier) or (2) occur outside of the MHPA within the affected habitat type (in-kind).

2. For impacts to Tier II, III A and III B habitats, the mitigation could (1) occur within the MHPA portion of Tiers I - III (out-of-kind) or (2) occur outside of the MHPA within the affected habitat type (in-kind).

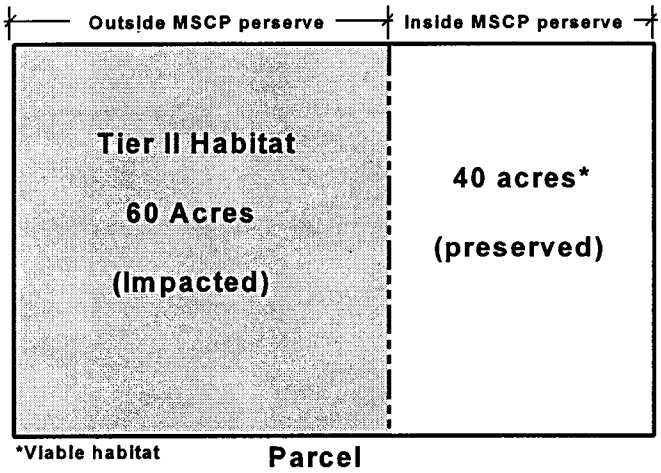
*** No mitigation would be required for impacts within the base development area (25%) occurring inside the MHPA. Mitigation for any impacts from development in excess of the 25% base development area for community plan public facilities or for projects processed through the deviation process would be required at**

the indicated ratios.

The mitigation requirement would be evaluated against any portion of the premise within the MHPA that is left undeveloped as a condition of the permit. If the portion of the premise containing the MHPA is equal to or greater than mitigation requirement, then no further mitigation would be required. Any acreage of the mitigation requirement not satisfied on-site will be required to be mitigated off-site.

Thus, by way of example, if a project is impacting 60 acres of coastal sage scrub (Tier II) outside of the MHPA and preserving 40 acres of viable habitat on-site within the MHPA, then the remaining uncompensated acreage is 20 acres [60 ac - (1:1 x 40 ac) = 20 ac]. This would require the preservation of 20 acres (20 x 1:1) of mitigation within the MHPA, or 30 acres (20 X 1.5:1) outside (see Figure 2).

FIGURE 2
Mitigation Example



MITIGATION

1. On-site preservation:
   [60 acres - (1:1 x 40 acres)] = 20 acres **20 acres uncompensated**

2. Off-site preservation:
   (20 acres x 1:1) = 20 acres Inside MSCP Preserve
   or
   (20 acres x 1.5:1) = 30 acres Outside MSCP Preserve

Mitigation for all Tier I impacts must be in-tier, but may be out-of-kind. For impacts to Tier II, IIIA or IIIB habitats, the mitigation could (1) include any Tier I, II, IIIA or IIIB habitats (out-of-kind) within the MHPA, or (2) occur outside of the MHPA

within the affected habitat type (in-kind).

Any outstanding mitigation may be satisfied by one, or a combination, of the following methods, or other methods that are determined on a case-by-case basis to reduce impacts to below a level-of-significance. *In all cases, mitigation sites must have long-term viability.* Viability will be assessed by the connectivity of the site to larger planned open space, surrounding land uses, and sensitivity of the MHPA resources to environmental change.

In general, areas within the MHPA are considered to have long-term viability. Areas outside of the MHPA proposed for mitigation may require additional biological studies to support the determination of long-term viability.

- Mitigation Methods:

(a) Off-site Acquisition: The purchase or dedication of land with equal or greater habitat value can be considered as a method of mitigation. Impacts within the City of San Diego must be mitigated within the City's of San Diego's jurisdiction, preferably in the MHPA.

" Mitigation Banks " are privately or publicly held lands that sell mitigation credits instead of fee title for habitat areas on which a conservation easement has been placed. Under this method, a large site can be acquired over time by multiple projects requiring small mitigation needs. Purchase of areas of "credits" from an established bank can be acceptable, as long as the required acreage is subtracted from the remaining credits in the bank and is not available for future projects. All banks must have provisions approved for long-term management, be part of a regional habitat preserve system and upon request provide an updated record of the areas (credits) purchased from the bank and those that are remaining.

New mitigation banks must be established pursuant to the "Official Policy on Conservation Banks" (California Resource Agencies 1995) and the "Supplemental Policy Regarding Conservation Banks within the NCCP Area of Southern California (USFWS 1996). In general, the purchase of credits from mitigation banks located outside of the City of San Diego's jurisdiction will not be allowed.

(b) On-Site Preservation: The following provides guidance for evaluating the acceptability of on-site preservation as mitigation with respect to the long-term viability of the site.

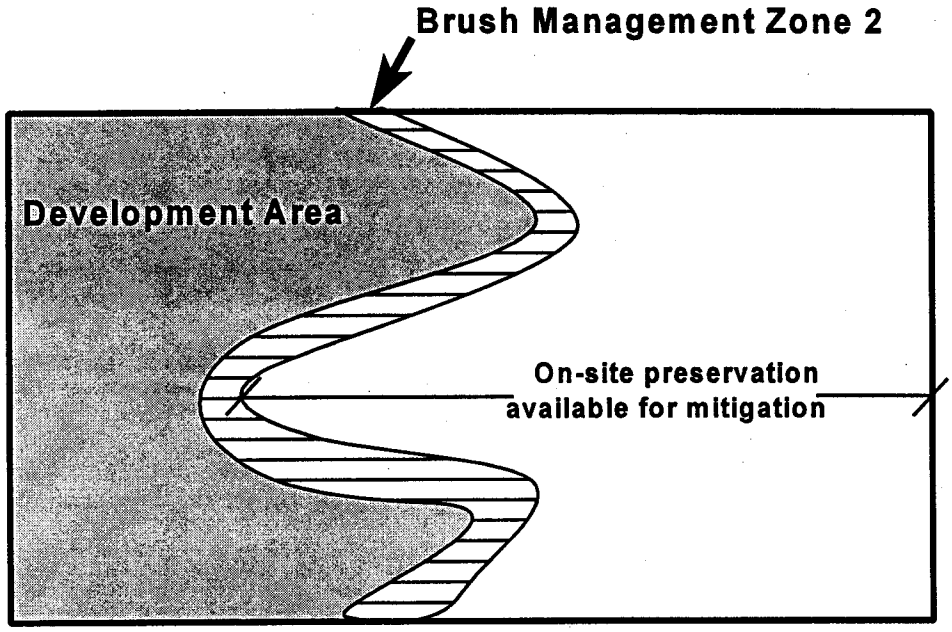
(1) Inside MHPA: For premises that straddle the MHPA, the on-site preservation of lands inside the MHPA, outside of brush management zones, are considered to have long-term viability due to their connectivity to larger planned open space and their

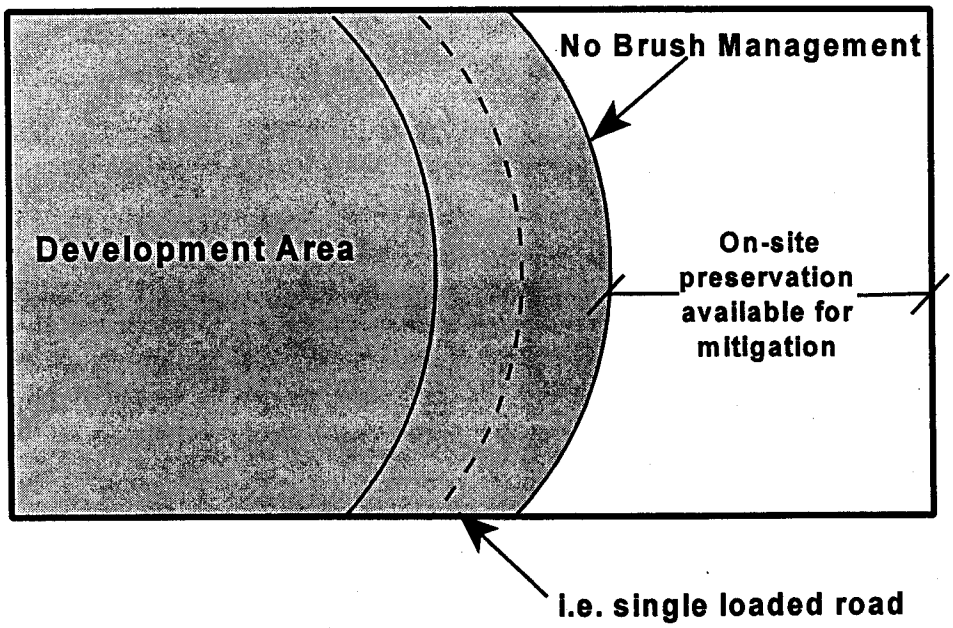
contribution towards regional biodiversity preservation. Areas containing Brush Management Zone 2 will be considered impact neutral (not considered an impact and not considered acceptable as a mitigation area); see Figure 3. *Land inside the MHPA, outside of brush management zones, will be considered acceptable as mitigation and no additional studies to support this determination will be required.*

[Note: Lands outside the MHPA containing narrow endemic species would be considered acceptable as mitigation and would be treated as if the land was inside the MHPA for purposes of mitigation.]

(2) Outside MHPA: The on-site preservation of lands outside the MHPA may be considered acceptable as mitigation provided they have long-term biological value. Long-term biological value should be assessed in terms of connectivity to larger areas of planned open space, and any potential current or future indirect impacts associated with the urban interface. As indicated above, areas containing Brush Management Zone 2 will be considered impact neutral (not considered an impact and not considered acceptable as a mitigation area).

FIGURE 3
Urban Interface

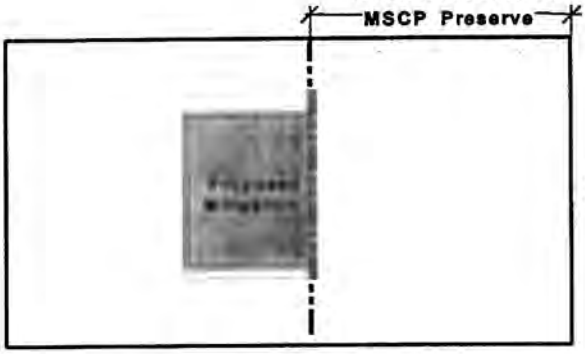




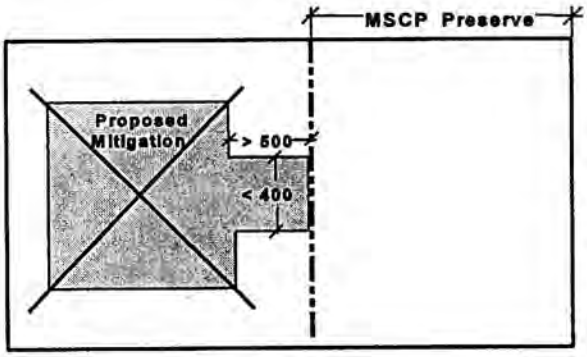
(i) Connectivity: Isolated habitat patches have been shown to lack the diversity and resilience of connected systems (Noss 1983, Soule et al. 1988, Temple 1983, Wright and Hubbell 1983). In most cases, the species first to extirpate (disappear) from these isolated areas are rare species that do not adapt well to human influenced environments. Unfortunately, these species are those targeted for conservation by the MSCP.

Areas preserved on-site, but outside of the MHPA, will only generally be considered to be acceptable as mitigation if connected to the MHPA. As a general guideline, areas completely surrounded by development and areas connected by native vegetation of less than 400 feet wide for greater than 500 feet long will be considered isolated, and will not count as mitigation (see Figure 4).

FIGURE 4
Determination of Connectivity



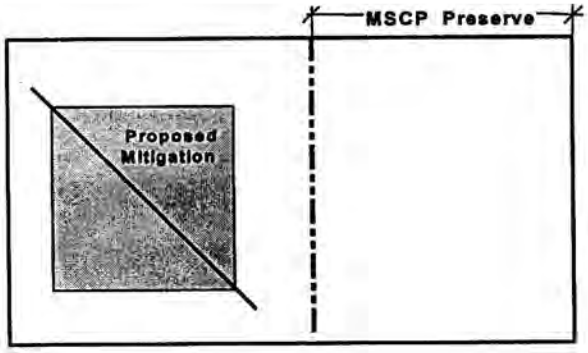
CONNECTED
Generally acceptable for mitigation



ISOLATED
Generally not acceptable as mitigation

Factors for consideration:

- Size of habitat patch
- Species and habitat type
- Adjacent land uses
- Proximity to larger habitat patches
- Topography



ISOLATED
Generally not acceptable as mitigation

Factors for consideration:

- Size of habitat patch
- Species and habitat type
- Adjacent land uses
- Proximity to larger habitat patches
- Topography

Site-specific studies with field observations, which incorporate the best available scientific information and methods, would be necessary to provide a basis for any modification to these standards at the project level. Other factors such as topography (steep slopes), major road systems or other large public facility, and habitat patch size will also be considered in assessing potential isolation of a site.

Isolated areas may, on a case-by-case basis, be considered for use as mitigation where it can be reasonably demonstrated that the resource can persist in isolation (e.g. narrow endemics species or unique habitats such as vernal pools) or act as "stepping stones" for wildlife movement between portions of the MHPA.

(ii) Urban Interface: The interface (edge) between native plant communities and human-modified areas are considered to be adverse to many native species. Many wildlife species decrease along the edge of habitat due to detrimental conditions, such as increased parasitism (by species such as the brown-headed cowbird), increased nest predation (by species such as jays, raccoons, opossums, and domestic cats and dogs), and increased competition for nesting areas (by starlings and other non-native (exotic) species) (Brettingham and Temple 1983, Gates and Gysel 1978, Noss 1993, Temple 1987). Invasion by exotic plants (such as escaped landscaping ornamental), and off-road vehicles also increases along habitat edges (Noss 1983, Alberts et al 1993, Sauvajot and Buechner 1993, Scott 1993). Other factors such as increased noise and night-time lighting may also contribute to the adverse conditions. These conditions are collectively called "edge effects".
Few studies have attempted to quantify the distance of edge effects. The Draft MSCP Plan indicated that edge conditions range from 200 to 600 feet depending on adjacent land uses. A 1994 article on avian nest success indicates that the most conclusive studies suggest that edge effects are most predominately documented within fifty meters of an edge (Paton 1994).

Based on the site-specific analysis, edge-effect areas may be reduced depending on type of adjacent land use (e.g. golf course vs. residential) or if special development features are provided (e.g. single loaded streets, effective fencing, etc.).

Areas outside the MHPA with significant edge-effects, as determined by the site-specific analysis, will generally not be considered acceptable as mitigation.

(c) Habitat Restoration: The restoration of degraded habitat may be considered as mitigation. Habitat restoration may include creation of habitat that was previously converted by human activities, and/or the enhancement of existing degraded habitat, where the proposed enhancement increases the habitat quality and biological function of the site.

Decompaction and revegetation of existing roads and trails, removal of exotic invasive species in conjunction with the establishment of native species, and the conversion of agricultural and disturbed lands back to native habitat are examples of acceptable restoration efforts. The removal of trash from a site does not constitute restoration in and of itself but may be a component of the restoration. Any area that will continue to be subjected to periodic clearing (e.g. pipeline maintenance) would not be considered as mitigation. Areas proposed for restoration must contain the appropriate site conditions (e.g. hydrology, slope aspect, soils) for the proposed habitat.

All restoration will be required to have a restoration plan that outlines specific species for planting/hydroseeding, timing, irrigation and grading requirements, if any, as well as a long-term maintenance, monitoring and reporting program, and criteria for success, as well as contingency measures in case of failure (see Attachment B). It is expected that the monitoring of the restoration would be no less than five years, but could be completed earlier if the five year success criteria were met.

The restoration plan will establish appropriate monitoring and reporting periods. In general it is expected that quarterly reports will be prepared by the applicants consultant for the first year and annual reports thereafter to document the status of the restoration effort until deemed complete by the City Manager or designee. These reports will identify any necessary remedial measures to be implemented by the applicant upon approval by the City.

A surety bond is required to assure implementation of all restoration efforts. The surety bond can be structured to return certain portions of the bond after demonstrating the successful completion of major restoration milestones (e.g. meeting the success criteria for year three). The restoration plan should clearly identify the milestones.

Further details on CEQA mitigation monitoring can be obtained from the City of San Diego Mitigation, Monitoring and Reporting Program (July 1993).

(d) Monetary Compensation: In some cases, developments with small impacts may compensate by payment into a fund used to acquire, maintain and administer the preservation of sensitive biological resources. This fund is only intended to be used for the mitigation of impacts to small, isolated sites with lower long-term conservation value. For purposes of this fund, small is generally considered less than 5 acres, but could in some cases, be considered up to 10 acres.

Mitigation monies will be deposited in the City of San Diego's Habitat Acquisition Fund (Fund # 10571), as established by City Council Resolution R-275129, adopted on February 12, 1990.

Monetary compensation must also include an amount equal ten percent of the total for administrative costs.

Administration of the fund is the responsibility of the City of San Diego Development Services Department, with cooperation from other City Departments including: Park and Recreation (for maintenance); Auditor (for accounting); and Real Estates Assets (for estimates of land cost). Staff costs will not be charged to the fund except to cover appraisal and administrative expenses (from the 10% administrative fee).

The process for utilizing this type of mitigation is as follows:

Staff members from the Development Services Department will request from the Real Estates Assets Department an estimate of average land costs of the focused acquisition area closest to the project site. Focused acquisition areas have been identified by the MSCP as large areas of habitat critical for biodiversity preservation and the success of the MSCP (e.g. Carmel Mountain, Del Mar Mesa, East Elliot, western Otay Mesa). The Real Estates Assets Department will base the estimate on previous appraisals and comparable land costs of lands within the focused acquisition area. The applicant will be required to contribute the estimated average per acre land cost multiplied by the mitigation ratio plus the additional amount for administration.

A two million dollar "cap" has been be placed on the amount of money that may accumulate in the Habitat Acquisition Fund.

The purpose of this cap is to insure that funds are spent in a timely manner. After the cap has been reached, no other funds may be accepted until the money is expended.

c. Species Specific Mitigation

In general, it is accepted that securing comparable habitat at the required ratio will mitigate for the direct impact to most sensitive species. While this is true for species with wide geographic distributions and/or large territory sizes, species with very limited geographic ranges (narrow endemic species) would require additional efforts designed to protect these species. A list of narrow endemic species is provided on page 3 of these Guidelines.

The specific actions necessary to protect narrow endemics must be determined on a case-by-case basis. Transplantation and/or soil salvage are examples of acceptable mitigation methods for some of these species. Fencing, signage and management are other examples of mitigation. The Mitigation Program in the Biological Survey Report should identify all specific actions related to the mitigation of these narrow endemic species, in addition to any other requirements necessary for the mitigation of their habitats.

In addition to the protection of narrow endemics, certain species are only considered adequately conserved as part of the MSCP (i.e. covered species) if translocation/restoration of the species is provided at the project-level (See Table 3-5 of MSCP Plan and Section 1.3 of City's Subarea Plan). These species are *Ceanothus verrucosus* (wart-stemmed ceanothus), *Opuntia parryi var. serpentina* (snake cholla), *Speotyto cunicularia hypugaea* (burrowing owl), and restoration of any impacted habitat of the *Camylorhynchus brunneicapillus* (coastal cactus wren). The first three of these species are plants and may be transplanted, or incorporated into any revegetation plan proposed for the site. Translocation of burrowing owls should follow the passive relocation protocols as specified in the CDFG report on burrowing owls.

Species specific analysis for sensitive species not covered by the MSCP may be required as part of the CEQA process. It is expected that the majority of CEQA sensitive species not covered by the MSCP will be adequately mitigated through the habitat based mitigation described in Section B.1.a and B.1.b of these guidelines. A rare circumstance may arise, however, when mitigation actions specific to a particular species may be required. The project-level biological survey report will justify why such actions are necessary in light of the habitat level protection provided by the MSCP.

2. Protection and Notice Element. The Mitigation Program must provide assurances that areas offered for mitigation or remainder areas in the OR-1-2 zone not developed, but indirectly impacted by proposed development, will be adequately protected from future development. Additionally, adequate notice must be recorded against the title of the property to memorialize the status of mitigation and remainder areas. The Protection Element will identify the specific actions incorporated into the project to protect any areas offered as mitigation. The following methods are considered to adequately protect mitigation and remainder areas:

   a. Dedication. Dedication in fee title to the City is the preferred method of protecting mitigation areas. It is the City's Policy to accept lands being offered for dedication unless certain circumstances prohibit the acceptance such as the presence of hazardous materials, title problems, unpaid taxes or unacceptable encumbrances including liens. The City Manager or designee must recommend, and the City Council must accept all proposed dedications on a case-by-case basis. Dedication of mitigation sites to other conservation entities, such as the U.S. Fish and Wildlife Service, Nature Conservancy, Trust for Public Lands, or the Environmental Trust, may also be permissible, if acceptable to the City Manager or designee.

   b. Conservation Easement. In lieu of dedication in fee title, mitigation or remainder areas may be encumbered by a conservation easement. Conservation easements relinquish development rights to another entity. The conservation easement would be in the favor of the City (or other conservation entity, if acceptable to the City Manager or designee) with the U.S. Fish and Wildlife Service and the California Department of Fish and Game named as third party beneficiaries. The language of the easement would identify the mitigation or remainder area and provide that no clearing, grubbing, grading or disturbance of the native vegetation would be allowed within the area.

   c. Covenant of Easement. In lieu of dedication in fee title or granting of a conservation easement, where a project has utilized all of its development area potential as allowed under the OR-1-2 zone, then as a condition of permit approval, a covenant of easement would be required to be recorded against the title of the property for the remainder area, with the U.S. Fish and Wildlife Service and the California Department of Fish and Game named as third party beneficiaries. A covenant of easement is a legally binding promise made by the property owner with respect to future use of the land. Identification of those permissible passive activities and any other conditions of the permit would be incorporated into the covenant. The covenant would be recorded against the title of the property and would run with the land. The applicant will allow the City limited right of entry to the remainder area to monitor the applicant's management of the area.

3. Management Element. The Mitigation Program must provide assurances that the mitigation or remainder areas in the OR-1-2, will be adequately managed and monitored in a manner consistent with -Section 1.5 Preserve Management, of the City's MSCP

Subarea Plan. The Mitigation Program should identify how the objectives of the City's MSCP Preserve Management recommendations will be met for the area, as well as provide any additional management recommendations resulting from site-specific information (area specific management directives). The plan must also identify the responsible entity and funding source for the long-term maintenance and management.

a. Management by the City. In general, the entity that holds the fee title or is granted a conservation easement, will be responsible for the management of the mitigation area. If the City of San Diego is the responsible party, then upon acceptance of the property, the area will be managed in accordance with the MSCP Habitat Management Plan as modified by the area specific management directives. The project applicant would not be responsible for future monitoring reports or maintenance activities.

   In no case will the City be required to accept any brush management functions that are made a condition of a discretionary project. It is expected that a Homeowners Association or similar group will be established for any brush management responsibilities.

b. Private Party Management. If the City does not hold fee title, or a conservation easement is not granted then the project applicant must provide for the management of the mitigation area. The Mitigation Program must include documentation on how the project would implement the objectives of the MSCP Preserve Management and the area specific management directives. The Mitigation Program must identify the responsible entity for long-term maintenance and management, the requirements for future management and monitoring reports, and a secure funding source to pay for the management in perpetuity.

IV. FINDINGS/ DEVIATIONS

Development on a site containing sensitive biological resources requires the approval of a Neighborhood Development Permit or Site Development Permit, unless exempted from the requirement to obtain the permit pursuant to the Environmentally Sensitive Lands regulations. The required findings for a Neighborhood Development Permit or Site Development Permit are listed in the Land Development Code Section 126.0504. In addition to the general findings for a Neighborhood Development Permit or Site Development Permit, approval of a development on a site containing sensitive biological resources requires that five additional findings be made that are specific to the environmentally sensitive lands present these are also listed in Land Development Code Section 126.0504. Section A, below, discusses these additional five required findings, and what will be considered in making the findings.

Additionally, if a deviation from any of the Environmentally Sensitive Lands regulations is requested, two more findings must be made in addition to the general Neighborhood Development Permit or Site Development Permit findings and the five additional findings for environmentally sensitive lands. These findings are listed in Land Development Code Section 126.0504. Section B identifies the two additional deviation findings and what will be considered in making the findings.

A. Permit Findings for ESL (SDLDC Sec. 126.0504)

1. *The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands;*

   - For projects in the OR-1-2 zone, the proposed development complies with the allowable development area regulations of the underlying zone (SDLDC Section 131.0250 et seq).

   - For development that is proposed to occur within the MHPA, the proposed development is sited on the least sensitive portion of the site as pursuant to Section II.A.2 of the Biology Guidelines.

2. *The proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards and fire hazards;*

   [This finding is primarily applicable to sites that contain steep hillsides; refer to the Steep Hillside Guidelines]

3. *The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands;*

   - For development that is proposed to occur within or adjacent to the MHPA, the proposed development conforms to the recommendations of the City's MSCP Plan, Section 1.4.3 Land Use Adjacency in regards to the treatment of the MHPA boundary (e.g. fencing, lighting, drainage).

   - The proposed project conforms with the requirements of the Biology Guidelines for the protection and management of any lands left undeveloped as a condition of the permit (Section III.B.2 and III.B.3).

4. *The proposed development will be consistent with the City of San Diego MSCP Subarea Plan.*

   The proposed development will be consistent with the provisions of the City's Subarea Plan including but not limited to:

   - General and specific MHPA Guidelines of Section 1.2 (Description of Subarea),
   - Section 1.3 conditions for MSCP species coverage,
   - Section 1.4.1 Compatible Land Uses,
   - Section 1.4.2 General Planning Policies and Design Guidelines,
   - Section 1.4.3 Land Use Adjacency Guidelines section, and
   - General and specific management recommendations of Section 1.5 Framework Management Plan.

5. *The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.*

   [This finding is applicable if the site contains sensitive coastal bluffs or coastal beaches; drainage from the site should not significantly impact these environmentally sensitive lands]

6. *The nature and extent of mitigation required as a condition of the permit is reasonably related to and calculated to alleviate negative impacts created by the proposed development.*

   - The proposed project has identified all potentially significant impacts pursuant to the *City of San Diego's Significance Determination Guidelines under the California Environmental Quality Act (City of San Diego 1994b)*, and has provided a Mitigation Program in conformance with the Biology Guidelines. Any departures from the mitigation standards of the Biology Guidelines have been both qualitatively and quantitatively supported by site-specific information presented in the Biological Survey Report.

B. Additional Development Permit Findings for Deviation from ESL

1. *There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands.*

   - The proposed project has considered all alternatives (including avoidance) and all technically feasible mitigation and has either incorporated these measures into the project or has provided evidence for why the measures are infeasible. All projects with unmitigated impacts will need to provide CEQA Findings and a Statement of Overriding Considerations to the decision-maker.

2. *The proposed deviation is the minimum necessary to afford relief from special circumstance or conditions applicable to the land and not of the applicant's making.*

   - The deviation is only from those regulations necessary to make the project feasible. Alternative methods for achieving the goals of those regulations are presented by the project. The project has clearly demonstrated that further avoidance or minimization is infeasible, and that feasible mitigation has been provided.

   - Other regulations and guidelines for Sensitive Biological Resources will be complied with so that the overall development design will conform to the intent of the Sensitive Biological Resources Regulations of the ESL, the intent of the OR-1-2 zone, the Biology Guidelines and the City's MSCP Subarea Plan, including the Habitat Management Plan.

   - Natural feature or conditions exist that make compliance with the regulations infeasible for a particular site. Affording relief should not be evaluated against the applicants desired use of the site, but should reflect the existing development rights of the underlying zone.

For example, if a site is completely covered by a narrow endemic species, leaving the site without development potential under the ESL, then the deviation process could be used to afford relief, per the underlying zone.

Deviations may not be used solely to accommodate a development that clearly does not conform to the regulations when it appears feasible that measures could be incorporated to achieve compliance.

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Flora and Fauna Covered by the Multiple Species Conservation Program

SCIENTIFIC NAME	COMMON NAME	DESIGNATION (FS/CNPS/RED)
Flora:		
Acanthomintha ilicifolia	San Diego thormint	PE/SE/1B/232
Agave shawii	Shaw's agave	--/--/ 2/333
Ambrosia pumila	San Diego ambrosia	--/--/ 1B/322
Aphanisma blitoides	Aphanisma	--/S2/ 3/222
Arctostaplylos glandulosa var. crassifolia	Del Mar manzanita	FE--/1B/332
Arctostaphylos otavensis	Otay Manzanita	--/--/1B/323
Astragalus tener var. titi	Coastal dunes milk vetch	F1/SE/1B/333
Baccharis vanessae	Encinitas Coyote brush	FE/SE/1B/333
Berberis nevinii	Nevin's barberry	F1/SE/1B/333
Brodiaea filifolia	Thread-leafed brodiaea	PT/SE/1B/333
Brodisea occuttii	Orcutt's brodiaea	--/--/1B/132
Calamagrostis koelerioide	Dense reed grass	F3c/--/4/122
Calochortus dunnii	Dunn's mariposa lily	--/SR1B222
Caulanthus stenocarpus	Slender-pod jewel flower	--/SR/--/--
Ceanothus cyaneus	Lakeside ceantothus	--/--/1B/322
Ceanothus verrucosus	Wart-stemmed ceanothus	--/--/2/121
Cordvlanthus maritimus ssp. maritimus	Salt marsh bird's-beak	FE/SE/1B/222
Cordylanthus orcuttianus	Orcutt's bird's-beak	--/--/2/331
Corethyrogyre filaginiogolia var. linifolia	Del Mar sand aster	--/--/1B/323
Cupressus forbesii	Tecate cypress	--/--/1B/322
Dudleya blochmaniae ssp. brevifolia	Short-leaved live-forever	--/SE/1B/333
Dudleya variegata	Variegated dudleya	--/--/ 4/122
Dudleya viscida	Sticky dudleya	F1/--/1B/323
Ericameria palmeri ssp. palmeri	Palmer's ericameria	--/--/ 2/221
Erysimum ammophilum	Coast wallflower	--/--/ 4/123
Eryngium aristulatum ssp. parishii	San Diego button-celery	FE/SE/1B/232
Ferocactus viridescens	San Diego barrel cactus	--/--/ 2/131
Hemizonia conjugens	Otay tarplant	PE/SE/1B/322
Lepechinia cardiophylla	Heart-leaved pitcher sage	--/--/1B/322
Lepechinia ganderi	Gander's pitcher sage	--/--/1B/312
Lotus nuttallianus	Nuttall's lotus	--/--/1B/332
Monardella hypoleuca ssp. lanata	Felt-leaved monardella	--/--/1B/223
Monardella linoides ssp. viminea	Willowy monardella	PE/SE/1B/232

ATTACHMENT "A"

Muilla clevelandii	San Diego goldenstar	--/--/1B/222
Navarretia fossalia	Prostrate navarretia	--/--/1B/232
Nolina interra	Dehesa bear-grass	F1/SE/1B/332
opuntia parryi var. Serpentina	Snake cholla	--/--/1B/332
Orcuttia californica	California Orcutt grass	FE/SE/1B/332
Pogogyne abramsii	San Diego mesa mint	FE/SE/1B/233
Pogogyne nudiuscula	Otay Mesa mint	FE/SE/1B/332
Pinus torreyana ssp. torreyana	Torrey pine (native populations)	--/--/1B/323
Rosa minutifolia	Small-leaved rose	--/SE/ 2/331
Satureja chandleri	San Miguel savory	F3c/--/4/122
Senecio ganderi	Gander's butterweed	--/SR/1B/232
Solanum tenuilobatum	Narrow-leaved nightshade	--/--/--/---
Tetracoccus dioicus	Parry's tetracoccus	--/--/1B/322

Fauna:

Panoquina errans	Saltmarsh skipper	--/--
Mitoura thornei	Thorne's harstreak	--/S2
Branchinecta sandiegoensis	San Diego fairy shrimp	FE/--
Streptocephalus woottoni	Riverside fairy shrimp	FE/--
Bufo microscanphus ssp. californicus	Arroyo southwestern toad	FE/SSC
Rana aurora ssp. Draytoni	California red-legged frog	FT/SSC
Clemmys marmorata ssp. Pallida	Southwestern pond turtle	--/SSC
Cnemidophorus hyperythrus ssp. beldingi	Orange-throated whiptail	--/SSC
Phyrnosoma coronatum ssp. blainvillei	San Diego horned lizard	--/SSC
Accipiter cooperii	Cooper's hawk	--/SSC
Agelaius tricolor	Tricolored blackbird	--/SSC
Aguila chrysaetos	Golden eagle	--/SSC
Aimophila ruficeps ssp. canescens	Southern california rufous crowned sparrow	--/SSC
Branta canadensis ssp. Moffitti	Canada goose	--/--
Buteo swainsoni	Swainson's hawk	--/CT
Buteo regalis	Ferruginous hawk	--/SSC
Campylorhynchus brunneicapillus ssp. Couesi	Coastal cactus wren	--/SSC
Charadrius alexandrinus ssp. nivosus	Western snowy plover	FT/SSC
Charadrius montanus	Mountain plover	--/SSC
Circus cyaneus	Northern harrier	--/SSC
Egretta rufescens	Reddish egret	--/--
Empidonax traillii ssp. extimus	SW. Willow flycatcher	FE/SE
Falco peregrinus anatum	American peregrine falcon	--/ST

ATTACHMENT "A"

Haliaeetus leucocephalus	Bald eagle	FE/SE
Numenius americanus	Long-billed curlew	F3c/SSC
Passerculus sandwichensis ssp. beldingi	Belding's savannah sparrow	--/SE
Passerculus sandwichensis	Large-billed savannah sparrow	--/SSC
Palcanus occidentalis ssp. californicus	California brown pelican	FE/SE
Plegadis chihi	White-faced ibis	--/SSC
Polioptila californica ssp californica	California gnatcatcher	FT/SSC
Rallus longirostris ssp. levipes	Light-footed clapper rail	FE/SE
Sialia mexicana	Western bluebird	--/--
Speotyto (Athene) cunicularia ssp. hypugaea	Western burrowing owl	--/SSC
Sterna elegans	Elegant tern	--/SSC
Sterna antillarum ssp. browni	California least tern	FE/SE
Vireo bellii ssp. pusillus	Least Bell's vireo	FE/SE
Taxidea taxus	American badger	--/SSC
Felis concolor	Mountain lion	--/--
Odocoileus hemionus fuliginata	Southern mule deer	--/--

Federal Listing
State of California Listing
CNPS - California native Plant Society's (CNPS) List.
RED - CNPS's Rarity, Endangerment and Distribution Code.

ATTACHMENT "A"

General Outline for
Revegetation/Restoration Plans

Introduction
- Background and project location(s) (with maps)
- Project Purpose & Restoration Goal(s) and Objectives

Existing Conditions
- Environmental setting/vegetation & wildlife of affected/ impacted area(s) [can be in intro]
- Environmental setting, ownership, land uses of area to be revegetated (figures/maps)
- Description/evaluation of vegetation, soil, hydrology/drainage conditions, topography, constraints (topo maps)
- Reference Site(s) for development of specifications, and for monitoring use.

Responsibilities
- Financial Responsibility
- Revegetation Team:
  - Project Biologist (include training of contractors, as needed)
  - Monitor, if different
  - Landscape/Reveg/Maintenance Contractor(s)
  - Seed/plant collection/procurement contracting

Site Preparation
- Removal of debris, if necessary
- Land shaping/grading and drainage plan, if needed
- Topsoil/brush & propagule salvage and translocation plan, if needed
- Weed Eradication
- Soil Preparation

Planting Specifications
- Seed sources and procurement
- Seed Mixes/Container plant lists (lbs/ac)
- Planting Design (include timing/schedule, planting plan)
- Seed application methods (imprinting, hydroseed or mulch, hand broadcasting, etc.)
- Irrigation

Maintenance
- Site Protection (fencing, signage)
- Weed Control (methods, schedule)
- Horticultural Treatments (pruning, leaf litter, mulching, removal of diseased plants)
- Erosion Control
- Replacement plantings and reseeding
- Vandalism
- Irrigation maintenance, if needed

Monitoring and Success Assessment

ATTACHMENT "B"

- Monitoring & Reporting Schedules
- Performance Standards
- Monitoring procedures
  - horticultural (seeding and plant assessments)
  - biological, including sampling methods
- Reporting program

Remediation and Contingency Measures
Performance Bond
Notification of Completion

ATTACHMENT "B"

San Diego Municipal Code

Land Development/ Zoning Code Update

DRAFT

Revised
November 1997

printed on recycled paper

Coastal Bluffs & Beaches Guidelines

November 1997

Note: This Draft Document was Adopted by City Council on December 9, 1997. The regulations do not become effective until after approval by the California Coastal Commission. Commission Hearings are anticipated in March-April 1998.

This information, document, or portions thereof, will be made available in alternative formats upon request.

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COASTAL BLUFFS AND BEACHES GUIDELINES INTRODUCTION

Approved - November 18, 1997

The Coastal Bluffs and Beaches Guidelines are intended to assist in the interpretation and implementation of the development regulations for sensitive coastal bluffs and coastal beaches contained in Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations. Every development proposed on a sensitive coastal bluff (within 100 feet of the bluff edge) or on a site containing a coastal beach (where the development will be within 100 feet of the beach) will be subject to the environmentally sensitive lands regulations and will be evaluated for conformance with these guidelines as part of the review process for the required Site Development Permit unless the proposed development is exempt from the environmentally sensitive lands regulations pursuant to Section 143.0110(c). In addition to the findings required for the Site Development Permit, supplemental findings for environmentally sensitive lands must also be made to approve the development. A Coastal Development Permit will be required in addition to the Site Development Permit.

The Coastal Bluffs and Beaches Guidelines are divided into three sections as follows:

Section I: Explanation of Definitions

This section provides additional explanations of the definitions for terms pertaining to coastal bluffs and coastal beaches that are defined in Chapter 11, Article 3, Division 1, Land Development Terms. The distinction between coastal bluffs and sensitive coastal bluffs is clarified.

Section II: Description of Regulations

This section provides detailed explanations for specific regulations contained in the environmentally sensitive lands regulations. The environmentally sensitive lands regulations must be complied with and the Coastal Bluffs and Beaches Guidelines provide details on the regulations and explanations on how compliance can be achieved.

Section III: Coastal Bluff Measurement Guidelines

This section provides detailed guidelines and illustrations for determining the location of the bluff edge for sensitive coastal bluffs and measuring the required setbacks from the bluff edge.

Section I
Explanation of Definitions

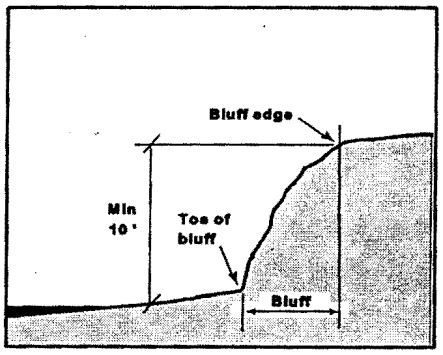
For each of the following terms, the definition is repeated (in italics) from Chapter 11, Article 3, Division 1, Land Development Terms, followed by additional information intended to clarify the definitions. The additional information provided is not part of the definition.

(A) Coastal Bluff

Coastal Bluff means an escarpment or steep face of rock, decomposed rock, sediment, or soil resulting from erosion, faulting, or folding of the land mass that has a vertical relief of 10 feet or more and is located in the coastal zone.

A coastal bluff is a naturally formed precipitous landform that generally has a gradient of at least 200 percent (1:2 slope) with a vertical elevation of at least 10 feet. See Diagram I-1. The gradient of a coastal bluff could be less than 200 percent but the vertical elevation must always be at least 10 feet. A coastal bluff is a form of environmentally sensitive lands that is included in the definition of steep hillsides. The coastal bluff includes the bluff face which is all the area between the toe of the bluff and the bluff edge. Steep Landforms meeting the criteria of coastal bluffs occur both inside and outside the Coastal Zone. These landforms and all other steep hillsides, both inside and outside the Coastal Zone, are regulated by the steep hillside regulations of the environmentally sensitive lands regulations (Section 143.0142) and are subject to the Steep Hillside Guidelines.

Diagram I-1: Coastal Bluff



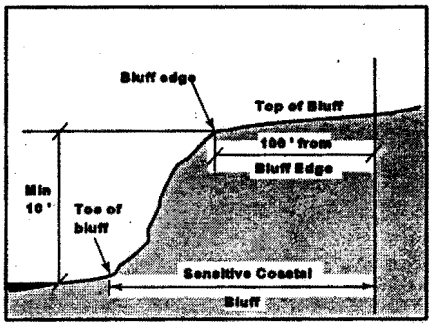
(B) Sensitive Coastal Bluff

Sensitive Coastal Bluff means a coastal bluff that is designated within Hazard Category Numbers 41 through 47, inclusive, on the City's Geologic Hazard Maps plus the area of an additional 100-foot landward strip located landward and contiguous to the coastal bluff edge.

Sensitive coastal bluffs are a form of coastal bluffs that are generally located along the shoreline and adjacent to coastal beaches. Sensitive coastal bluffs include the bluff face and the area of the top of bluff located within 100 feet of the bluff edge. See Diagram I-2. Because of their location, sensitive coastal bluffs are regulated differently than other coastal bluffs (or steep hillsides). Although they technically meet the definition of steep hillsides,

sensitive coastal bluffs are regulated by a separate regulation section in the environmentally sensitive lands regulations (Section 143.0143) and are subject to the Coastal Bluffs and B Beaches Guidelines.

Diagram I-2: Sensitive Coastal Bluff

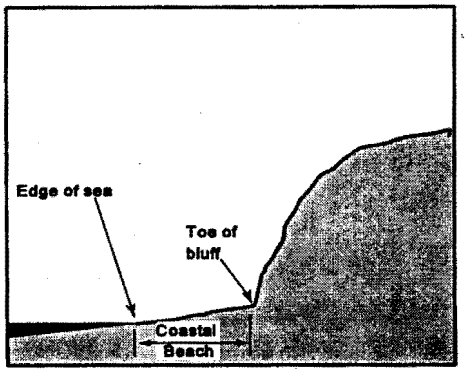


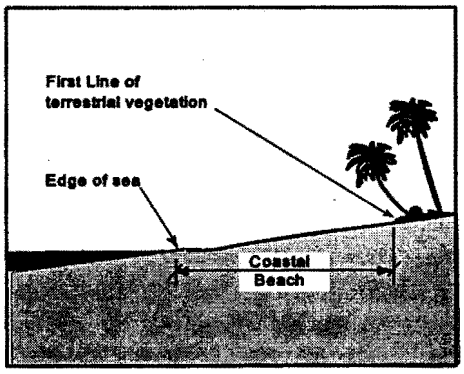
(C) Coastal Beach

Coastal Beach means the land between the edge of the sea and the first line of terrestrial vegetation or development or the toe of an adjacent sensitive coastal bluff or seawall, whichever is most seaward.

A coastal beach is an Environmentally Sensitive Land that is generally defined as the land lying between the shoreline and the toe of the adjacent sensitive coastal bluff or seawall. If no seawall or bluff exists, the landward limits of the coastal beach shall be the first line of terrestrial vegetation. See Diagram I-3

Diagram I-3: Coastal Beach





(D) Coastal Bluff Edge

Coastal Bluff Edge means the seaward-most termination of the top of a sensitive coastal bluff where the downward gradient of the land surface begins to increase more or less continuously until it reaches the general gradient of the coastal bluff face.

The coastal bluff edge is the upper termination of a coastal bluff face where the downward gradient of the top of bluff increases more or less continuously until it reaches the general gradient of the bluff face. When the top edge

of the coastal bluff is rounded away from the bluff face as a result of erosional processes related to the presence of the bluff face, the coastal bluff edge shall be defined as that point at the top of bluff nearest the bluff face beyond which the downward gradient of the land surface increases more or less continuously until it reaches the general gradient of the bluff face. If evidence shows that the rounding is a result of geologic processes other than processes related to the presence of the bluff face, the location of the coastal bluff edge shall be determined through consideration of the available geologic data.

In a case where there is a step like feature at the top of the coastal bluff, the landward edge of the topmost riser shall be considered the coastal bluff edge.

The coastal bluff edge is a continuous line across the entire length of the coastal bluff on the premises from which all bluff setbacks shall be measured.

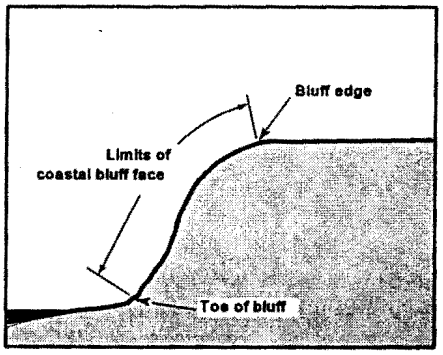
See Section III, part (A) for details on determining the location of the coastal bluff edge for sensitive coastal bluffs.

(E) Coastal Bluff Face

Coastal Bluff Face means that portion of a sensitive coastal bluff lying between the toe of the existing bluff and the coastal bluff edge.

The coastal bluff face is vertical or contains a relatively steep consistent gradient and may be rounded at the top, adjacent to the coastal bluff edge. When the bluff is rounded at the top as a result of erosional processes due to the presence of the bluff face, the bluff face shall include the rounded portion. The coastal bluff face of a sensitive coastal bluff (at least at the toe of the bluff) is typically subject to marine erosion. See Diagram I-4.

Diagram I-4: Coastal Bluff Face



Generally, no development is permitted on the face of a sensitive coastal bluff, except as permitted in Section 143.0143(h) and (I) of the Environmentally Sensitive Lands regulations.

Section II
Description of Regulations

The regulations for development proposed on a sensitive coastal bluff are located in Section 143.0143. The regulations for development proposed on a site containing a coastal beach are located in Section 143.0144. The following guidelines are intended to aide in the interpretation and implementation of pertinent development regulations in these sections. The numbers referenced for each development regulation refer to the Code section numbers of the draft environmentally sensitive lands regulations. The text provided for each regulation does not repeat the Code language but rather restates the regulation with more details and explanations.

(A) 143.0143(a) Development on the Face of a Sensitive Coastal Bluff

In general, development is not permitted on the face of a sensitive coastal bluff. Only erosion control facilities, essential public drainage facilities, and public physical beach access facilities are permitted on the face of a sensitive coastal bluff, subject to the regulations in Section 143.0143(g) and (h). Other uses identified in Section 143.0130(a) are permitted on the sensitive coastal bluff, landward of the bluff edge, and only in compliance with the required setbacks from the bluff edge, pursuant to Section 143.0143(f).

Where a stepped bluff landform exists, all of the area of the site that is seaward of the bluff edge (measured at the uppermost riser within the premises) shall be considered the bluff face. This shall include the generally horizontal steps that are below the uppermost riser.

(B) 143.0143(f) Distance from Coastal Bluff Edge of Sensitive Coastal Bluffs

Development proposed on a sensitive coastal bluff, including primary and accessory structures, and grading, shall be located at least 40 feet landward from the coastal bluff edge, except as follows:

(1) A distance of more than 40 feet from the coastal bluff edge may be required based on current geologic conditions.

(2) Development may be located less than 40 feet but not less than 25 feet from the coastal bluff edge if there is evidence in a geology report that the site is stable enough to support the development at the proposed distance and if the development will neither be subject to nor contribute to significant geologic instability. In determining the stability of the sensitive coastal bluff, consideration shall be given to the rate of bluff retreat to determine whether the proposed development will be impacted within a reasonable economic life-span, taken to be 75 years. If a development is approved with a less-than-40-foot distance to the coastal bluff edge, future erosion control measures may be precluded if it cannot be demonstrated that the bluff stability is in danger. Air-placed concrete, retaining walls and seawalls will only be permitted when the principal structure or public improvements are in eminent danger.

Note: If a seawall (or other stabilization/ erosion control measure) has been installed due to excessive erosion on a premises, that premises shall not qualify for a reduction of the required 40-foot distance to the coastal bluff edge. Since the instability of the coastal bluff necessitated the installation of the seawall, the coastal bluff would not be considered stable enough to support development within the 40-foot bluff edge setback.

(3) A distance of five feet from the coastal bluff edge may be granted for landscape features and accessory structures that are located at grade so that they are not elevated at the base or constructed with a raised floor. Permitted features and structures include landscaping, paved walkways, at-grade decks, unenclosed patios, open shade structures, lighting standards, fences and walls, seating benches, and signs. A distance of five feet from the coastal bluff edge may not be granted for buildings, garages, carports, pools, spas, and raised decks with load bearing support structures.

(4) Fences on the side property lines are not subject to a distance requirement from the coastal bluff edge as long as the fence is an open fence and does not exceed 5 feet in height. This type of fence may extend to the coastal bluff edge only when it is located at the side property line, but in no case may the fence extend onto the coastal bluff face. Any fence proposed across the coastal bluff (i.e. parallel to the coastal bluff edge) must be set back at least 5 feet from the coastal bluff edge, unless it is determined that the fence is needed to provide safety and to protect resource areas, in which case such fence must be an open fence and shall not exceed a height of 5 feet.

(C) 143.0143(g) Erosion Control Measures

Erosion control measures include, but are not limited to, retaining walls, air-placed concrete, and other structures, devices or methods appropriate for controlling or minimizing erosion of the sensitive coastal bluff. All feasible methods of erosion control shall be considered, including sandbags, revegetation, and drainage diversion and improvements.

Erosion control measures do not include those preventive measures required for soil stabilization or drainage.

Air-placed concrete, retaining walls, and buttress fills shall only be used to protect existing principle structures or public improvements and if it is determined that no other feasible less impacting method will accomplish the erosion control. Such measures shall not be used to accommodate proposed development nor to increase the area of the top of bluff.

The installation of erosion control measures shall not affect the location of the coastal bluff edge.

(D) 143.0143 (j) Visual Corridors for Sensitive Coastal Bluffs

A site-specific analysis shall be conducted to determine and quantify the impact of the proposed development upon visual access to the ocean. If a visual corridor is feasible and all criteria in Section 143.0143(j) are met, the appropriate corridor shall be required as a condition of development approval. Consideration may be given to the development of the adjacent property in determining the appropriate width of the view corridor on the subject premises, so that the overall width of the corridor is at least 10 feet when measured across both properties. Any such required corridor shall be created and approved by the City Manager prior to the commencement of any construction on the premises.

No structures or other obstructions that will impede views shall be installed within the boundaries of any required visual corridor. Open fencing and landscaping may be installed within the view corridor provided such improvements do not significantly obstruct views to the ocean.

When remodeling is proposed to an existing structure and the existing development is to be retained which precludes the establishment of a 10-foot wide visual corridor, the preservation of any partial existing visual corridor on the premises will be accepted.

(E) 143.0143 (k) Vertical Public Access Easements for Sensitive Coastal Bluffs

A site-specific analysis shall be conducted to determine and quantify the impact of the proposed development upon vertical access to the ocean. If the impacts of the proposed development justify in nature and scope the need for such access, the appropriate easements shall be required as a condition of development approval. Any such required easements shall be created and approved by the City Manager prior to the commencement of any construction on the premises.

No structures or other obstructions that will impede access shall be installed within the boundaries of any required vertical acceess easement. Open fencing and landscaping may be installed within vertical easements provided such improvements do not hinder access or significantly obstruct views to the ocean.

If vertical access is determined to be required on a premises where there is evidence that such access exists, the existing access shall be retained, if feasible, through the easement requirement. If not feasible, an alternative access easement shall be provided on the same premises.

In determining whether the proposed development justifies the need for the requirement of a vertical public access easement, the following factors shall be considered:

- Appropriateness of access
- Privacy rights of landowner
- Existing public access
- Historic public use
- Intensification of land use
- Habitat values of the site
- Topographic constraints of the site
- Fragility of environmentally sensitive lands in the vicinity
- Nature of development in the vicinity
- Development's effect on current and projected demands for access and recreation
- Physical obstructions and the aesthetic, visual or recreational value of public use areas
- Recreational needs of the public
- Impact of development on public's use of beach areas

(F) 143.0144(a) Development on Coastal Beaches

Any site that contains any portion of a coastal beach shall be subject to a Site Development Permit unless the proposed development qualifies for an exemption pursuant to Section 143.0110(c). The uses permitted on the coastal beach are only those listed in Section 143.0130(b), all of which are public facilities. If a privately owned premises contains a coastal beach, the private development shall occur on the portion of the premises that does not contain the coastal beach. If no such area exists or if such area is infeasible for development, a deviation from the environmentally sensitive lands regulations must be requested with the Site Development Permit.

(G) 143.0144(c) Visual Corridors for Coastal Beaches

A site-specific analysis shall be conducted to determine and quantify the impact of the proposed development upon visual access to the ocean. If a visual corridor is feasible and all criteria in Section 143.0144(c) are met, the appropriate corridor shall be required as a condition of development approval. Consideration may be given to the development of the adjacent property in determining the appropriate width of the view corridor on the subject premises, so that the overall width of the corridor is at least 10 feet when measured across both properties. Any such required corridor shall be created and approved by the City Manager prior to the commencement of any construction on the premises.

No structures or other obstructions that will impede views shall be installed within the boundaries of any required visual corridor. Open fencing and landscaping may be installed within the view corridor provided such improvements do not significantly obstruct views to the ocean.

When remodeling is proposed to an existing structure and the existing development is to be retained which precludes the establishment of a 10-foot wide visual corridor, the preservation of any partial existing visual corridor on the premises will be accepted.

(H) 143.0144 (d) and (e) Vertical and Lateral Easements for Coastal Beaches

A site-specific analysis shall be conducted to determine and quantify the impact of the proposed development upon vertical and lateral access to the ocean. If the impacts of the proposed development justify in nature and scope the need for such access, the appropriate easements shall be required as a condition of development approval. Any such required easements shall be created and approved by the City Manager prior to the commencement of any construction on the premises.

No structures or other obstructions that will impede access shall be installed within the boundaries of any required easement. Open fencing and landscaping may be installed within a vertical easement provided such improvements do not hinder access to the ocean.

If vertical or lateral access is determined to be required on a premises where there is evidence that such access exists, the existing access shall be retained, if feasible, through the easement requirement. If not feasible, an alternative access easement shall be provided on the same premises.

If a beach or headland width is less than 25 feet, the lateral access easement shall include the entire beach or headland area.

In determining whether the proposed development justifies the need for the requirement of a vertical public access easement or a lateral access easement, the following factors shall be considered:

- Appropriateness of access
- Privacy rights of landowner
- Existing public access
- Historic public use
- Intensification of land use
- Habitat values of the site

- Topographic constraints of the site
- Fragility of environmentally sensitive lands in the vicinity
- Nature of development in the vicinity
- Development's effect on current and projected demands for access and recreation
- Physical obstructions and the aesthetic, visual or recreational value of public use areas
- Recreational needs of the public
- Impact of development on public's use of beach areas

Section III
Bluff Measurement Guidelines

The following guidelines provide details on determining the location of the bluff edge for sensitive coastal bluffs and measuring the required bluff edge setback.

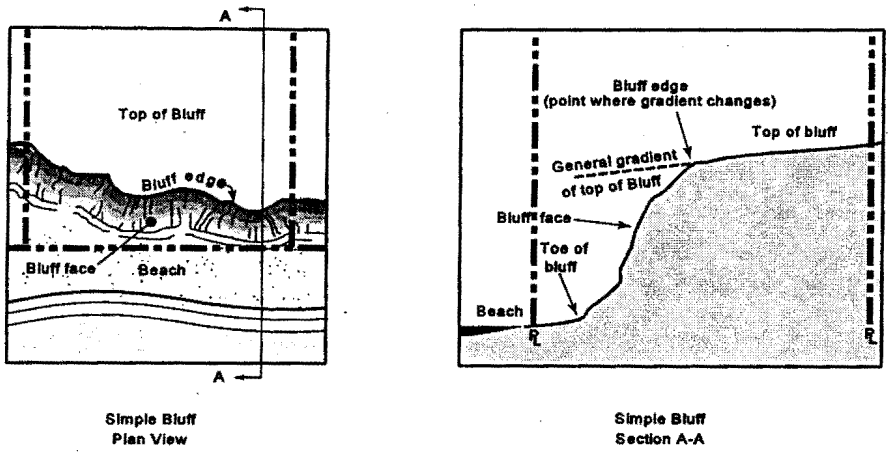
(A) Determination of Coastal Bluff Edge for Sensitive Coastal Bluffs

The following are examples of typical sensitive coastal bluff configurations with the determination of the coastal bluff edge identified:

(1) Simple Bluff

The coastal bluff edge is a line across the sensitive coastal bluff at the seaward edge of the top of bluff. The line of the coastal bluff edge is formed by measuring the uppermost point of change in gradient at any location on the subject premises. See Diagram III-1.

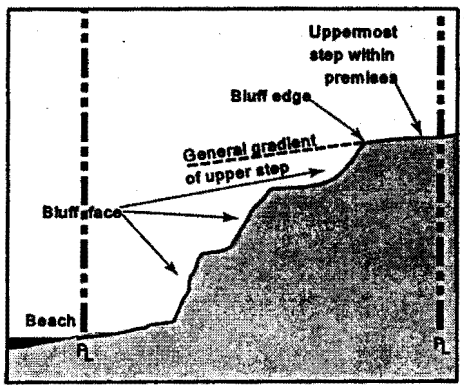
Diagram III-1: Simple Bluff



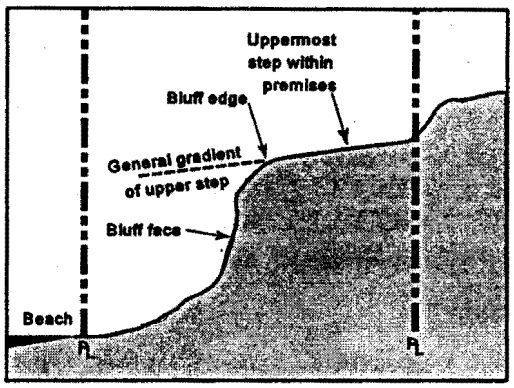
(2) Step-like Bluff Formation:

If the sensitive coastal bluff contains a step-like feature, the coastal bluff edge shall be measured at the change in gradient of the uppermost step within the subject premises. See Diagram III-2.

Diagram III-2: Step-like Bluff Formation



Multiple Steps within Premises



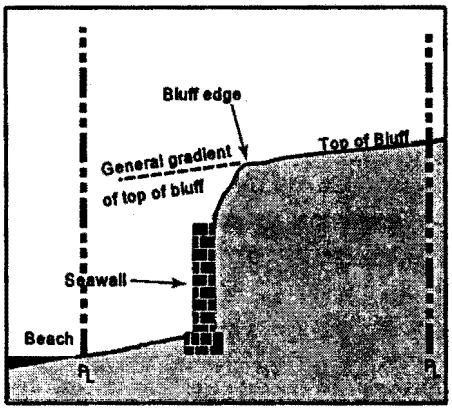
Single Step within Premises

(3) Sensitive Coastal Bluff with a Seawall

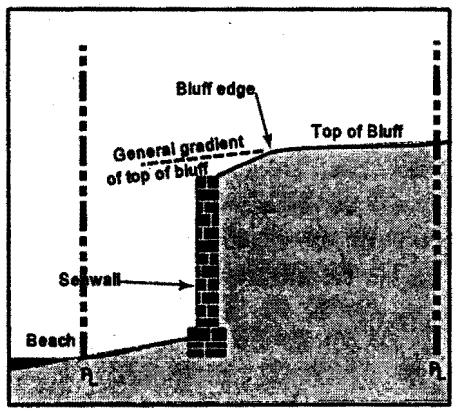
If the coastal bluff face has been partially altered with the installation of retaining walls, seawalls, or other device, the coastal bluff edge shall be considered the pre-existing change in gradient and shall continue to be measured as described in (a), above. That is, the installation of a seawall shall not affect the location of the coastal bluff edge. See Diagram III-3.

Note: If a seawall has been installed on a premises due to excessive erosion, that premises shall not qualify for development at a reduced distance from the coastal bluff edge. Since the instability of the sensitive coastal bluff necessitated the installation of the seawall, the sensitive coastal bluff would not be considered stable enough to support development within the 40-foot distance to the coastal bluff edge.

Diagram III-3: Sensitive Coastal Bluff with a Seawall



Seawall with Extreme Gradient Change

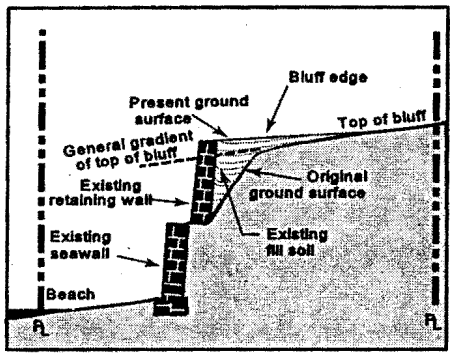


Seawall with Gradual Gradient Change

(4) Modified Landform

Where a coastal bluff face has been altered by grading and/or retaining wall, the coastal bluff edge shall be determined from the original geometry of the natural ground surface, projected to the present ground surface. See Diagram III-4. This may be determined by geotechnical investigation and/or historic documents such as photographs and maps.

Diagram III-4: Modified Landform



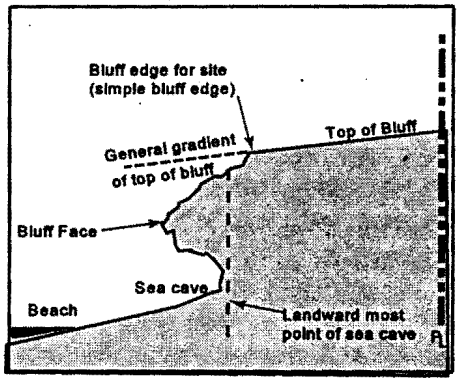
Modified Landform

(5) Sea caves

Where a sea cave (a natural cavity or recess beneath the surface of the earth that is formed by or a result of marine erosion) or overhang exists, the coastal bluff edge shall be either the simple bluff edge (See Diagram III-5(A)) or a line following the landward most point of the sea cave projected to the ground surface above (See Diagram III-5(B)), whichever is more landward.

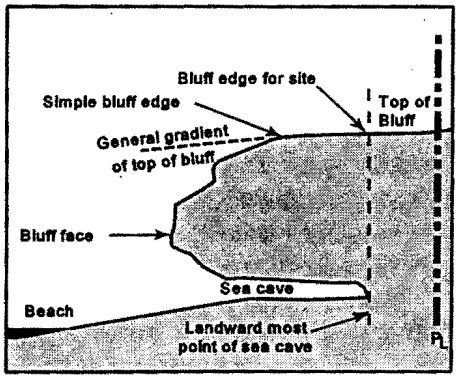
Diagram III-5: Sea Caves

(A)



Shallow Sea Cave

(B)

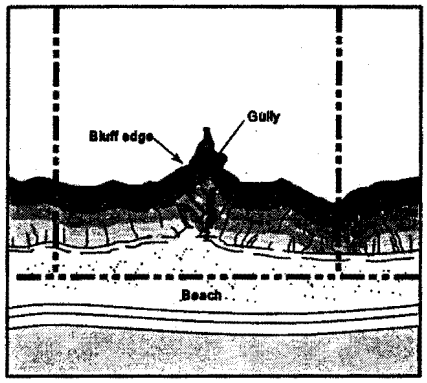


Deep Sea Cave

(6) Gullies

Where a gully (a small, local erosional feature that results in a minor perturbation of the bluff face) has developed that does not accommodate drainage from off-site, the coastal bluff edge shall follow the landward limits of the gully. See Diagram III-6:

Diagram III-6: Gully

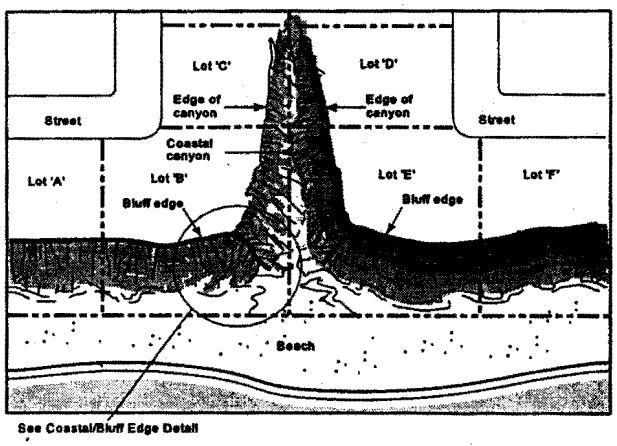


Gully

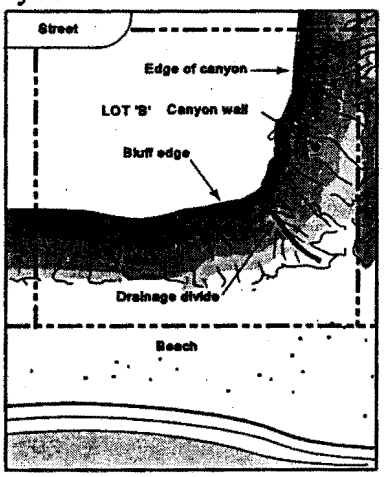
(7) Coastal Canyons

Where a site is bounded on at least one side by a coastal canyon (a large, established regional drainage course that traditionally accepts runoff from off-site), the coastal bluff edge is defined as the portion of the site which drains directly into the ocean. That portion of the site which drains first to the canyon (landward of the drainage divide) is not considered to be a sensitive coastal bluff. See Diagram III-7.

Diagram III-7: Coastal Canyon



Coastal Canyon

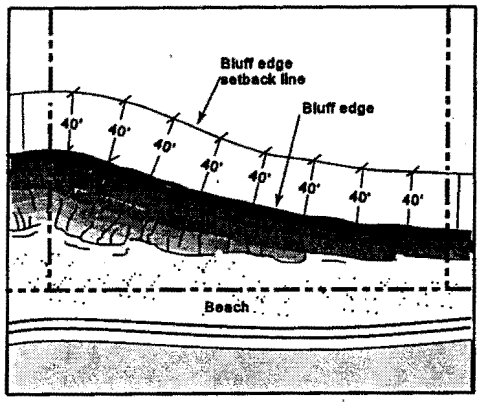


Coastal Canyon/Bluff Edge detail

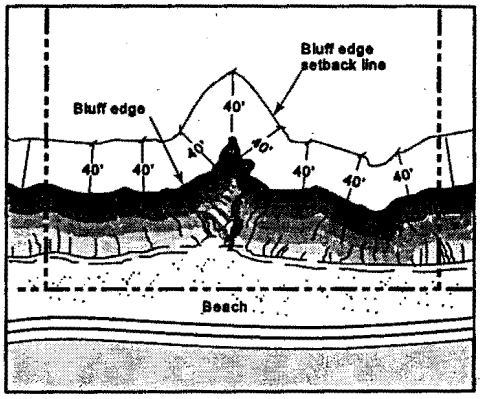
(B) Measurement of Distance from Coastal Bluff Edge for Sensitive Coastal Bluffs

The distance from the coastal bluff edge required for development on a sensitive coastal bluff is measured landward and perpendicular to every point along the coastal bluff edge. The line of the required distance from the coastal bluff edge will result in a line that is parallel to the coastal bluff edge. See Diagram III-8.

Diagram III-8: Distance from Coastal Bluff Edge



Distance from Coastal Bluff Edge



Distance from Coastal Bluff Edge