

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

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November 19, 2001

RECORD PACKET COPY

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TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: **CITY OF SAN DIEGO DE MINIMIS LOCAL COASTAL PROGRAM
AMENDMENT NO. 3-2001 (Land Development Code/Third Quarterly
Update)** (For Commission review at its meeting of December 11 - 14, 2001)

The Coastal Act was amended January 1, 1995 to provide for a more streamlined method to review amendments to local coastal programs. Section 30514(d) allows the Executive Director to make a determination that a proposed LCP amendment is de minimis in nature. The Executive Director must determine that the proposed amendment: 1) has no impact, either individually or cumulatively, on coastal resources; 2) is consistent with the policies of Chapter 3; and 3) does not propose any change in land use or water use or any change in the allowable use of property. Section 30514(d) requires the local government to notice the proposed de minimis LCP amendment 21 days prior to submitting it to the Executive Director either through: 1) publication in a newspaper of general circulation; 2) posting onsite and offsite the area affected by the amendment; or 3) direct mailing to owners of contiguous property. If the Executive Director makes the determination that the proposed amendment qualifies as a "de minimis" amendment and finds the public notice measures have been satisfied, such determination is then reported to the Commission for its concurrence.

PROPOSED AMENDMENT

The City of San Diego has submitted an LCP amendment package which includes as one component a Third Quarterly Update to the Land Development Code (LDC). The LDC is the certified Implementation Plan for the City of San Diego Local Coastal Program. The proposed LCP amendment includes a number of changes to the LDC, some of which are minor in nature and serve only to correct or clarify references and exhibits, correct italicized words, or make interpretive clarifications. These elements have been separated from the major LCP amendment submittal and are being processed as a de minimis LCP amendment. Following is a summary of the proposed changes along with a brief explanation of the purpose for or intent of the change and a reason why it is de minimis pursuant to Section 30514 of the Coastal Act.

Section 126.0704 Exemptions from a Coastal Development Permit

Adds Subsection (i) specifically addressing single-family home improvements by referencing California Code of Regulations Sections 13250(a) and (b). This clarifies what is exempt from permit requirements pursuant to Section 30610 of the Coastal Act.

Section 127.0103 Review Process for Previously Conforming Premises and Uses

Reformats section to clarify the required review processes for previously conforming structures, uses and/or densities. It expands a single table into three tables to address each category separately. No change in intent will result.

Section 127.0107 Change in Use of a Previously Conforming Use

Amends text in Subsection (b) to clarify that an intensification of use means an increase in required parking, consistent with other sections of the certified LDC. No change in intent will result.

Section 127.0202 General Rules for Previously Conforming Signs

Amends text in Subsection (e) to provide correct terminology addressing signs designated as historical resources. No change in intent will result.

Section 128.0314(b) Certification of Environmental Documents

Removes the italics from the word "certification." The LDC italicizes all defined terms throughout the document for clarity. However, in this instance, the word is used in a different context than the defined meaning and should not be italicized. No change in intent or application will result.

Section 129.0119(a)(6)(C) Bond Required for Construction Permit for Grading or Public Improvements

Adds a bonding requirement for grading with an estimated cost above \$50,000. No change in intent will result.

Section 131.0112 Descriptions of Use Categories and Subcategories

In Subsection (a)(2)(C), this correction removes the italics from the word "processing." In this instance, the word is used in a different context than the defined meaning and should not be italicized. No change in intent or application will result.

**Section 131.0222 Use Regulations Table for Open Space Zones; and
Section 131.0322 Use Regulations Table for Agricultural Zones**

In Tables 131.02B and 131-03B, this correction removes the italics from the word "facilities" in the title "Moving and Storage Facilities." In this instance, the word is used in a different context than the defined meaning and should not be italicized. No change in intent or application will result.

Section 131.0250 Allowable Development Area in OR Zones

Amends Diagram 131-02A to change the phrase "or 20% or" to of 25% of. This change is to correct an error and refers to allowable development area, which is a maximum of 25% of the entire premises pursuant to all other regulations of this section of the LDC. No change in intent or application will result.

Section 131.0250 Allowable Development Area in OR Zones

Amend Subsection (b)(6) to delete the word "Plan" in the title "Multiple Species Conservation Program Plan" because it is incorrect. No change in intent will result.

Section 131.0443 Setback Requirements in Residential Zones

Amends Subsection (e)(2)(B) to add a setback allowance for premises less than 40 feet in width. This was inadvertently omitted from the ordinance but will not result in any change in intent or application.

Section 131.0461 Architectural Projections and Encroachments in Residential Zones

Corrects a typographical error in Subsection (a)(4)(B) by removing the word "be" from the sentence beginning "The fireplace and chimney are not be subject to the 45 degree..." No change in intent or application will result.

Section 131.0531 Development Regulations Tables of Commercial Zones

Corrects a typographical error in Table 131-05D, Footnote 4 by amending the text to italicize "gross floor area" rather than just "gross floor." No change in intent or application will result.

Section 141.0406 Correctional Placement Centers

Corrects a typographical error in Subsection (h) by removing the italics from the word "required" in the phrase "required yards." No change in intent or application will result.

Section 141.0412 Homeless Facilities

Adds Subsection (a)(2)(A) to exempt emergency shelters which are accessory uses to religious institutions operating for 30 days or less per year from these regulations. This means such facilities will not require a Conditional Use Permit, but does not affect the potential need for a Coastal Development Permit. Thus, no potential for impact on coastal resources or change in land use will occur; change in process only.

Section 141.1004 Mining and Extractive Industries

Corrects a typographical error in Subsection (m) by removing the italics from the words "Process Four," which is not a defined term. No change in intent or application will result.

Section 141.1104 Community Identification Signs

In Subsections (a)(5) and (b)(5), this correction removes the italics from the word "flood." In this instance, the word is used in a different context than the defined meaning and should not be italicized. No change in intent or application will result.

Section 141.1104 Community Identification Signs

In Subsection (b)(3)(B), this correction removes the italics from the word "walls," which is not a defined word. No change in intent or application will result.

Section 142.0725 Electrical/Radioactivity Regulations

Clarify the application of this regulation by hyphenating the word "radio-activity" wherever it occurs. The ordinance addresses the operation of radios, not hazardous substances. No change in intent will result.

Section 142.1206 Violation of Sign Regulations

In Subsection (a)(3) the last word should be "or," not "and." No change in intent will result, but the ordinance could be easily misinterpreted in its current form.

Section 143.0840 General Rules for Coastal Overlay Zone Affordable Housing Replacement Regulations

In Subsection (d), replace the phrase "from time to time" with "bi-annually update." This clarifies the time period for updates, but does not result in any change in intent.

Biology Guidelines

Correct the reference in the second paragraph on Page 26 to Section 126.0407. The correct reference is to Section 126.0704. No change in intent will result.

"Child Care Facilities"

This is a defined term appearing in numerous places throughout the LDC. In some locations, it has not been italicized. This correction will italicize the term wherever it is found in the LDC. No change in intent will result.

The City Council resolutions that approve and convey the proposed de minimis LCP amendment are attached. The LCP resolutions were approved by the City Council on June 12, 2001, except for the one pertaining to Homeless Facilities, which was approved on July 31, 2001. The amendment was properly noticed through newspaper publication and direct mail and there are no known interested parties. The amendment request as a whole (LCPA #2-2001) was received in the Commission office on August 14, 2001 and is not yet complete for processing; however, the City requested that the subject de minimis component be separated from the major amendment submittal and processed as expeditiously as possible. The de minimis component was renumbered as LCPA #3-2001) and set for the next available Commission agenda.

DISCUSSION

The City of San Diego LCP consists of land use plans for the twelve LCP segments and a single implementation program for the entire coastal zone area within the City. It has been effectively certified since 1988, with a few remaining areas of deferred certification. The Commission has processed many amendments to the LCP since its original certification; most of these have been certified, some as submitted and some with suggested modifications.

The revisions to the Land Development Code addressed in this action are de minimis in nature. They include minor reformatting, text or diagram changes to clarify existing code language and correct typographical errors. The proposed de minimis changes do not change land uses or have any potential for impact to coastal resources. All proposed de minimis modifications are consistent with Chapter 3 of the Coastal Act.

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 de minimis LCP amendment, as submitted, would not result in significant environmental impacts under the meaning of the California Environmental Quality Act. 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 de minimis LCP amendment, as submitted, can be supported.

DETERMINATION

The Executive Director determines that the City of San Diego LCP amendment is de minimis. Based on the information submitted by the City, the proposed LCP amendment will have no impact, either individually or cumulatively, on coastal resources. It is consistent with the policies of Chapter 3 of the Coastal Act. The amendment does not propose any change in land use or any change in the allowable use of property. The City has properly noticed the proposed amendment. As such, the amendment is de minimis pursuant to Section 30514(d).

MOTION:

I move that the Commission concur with the Executive Director's determination that the LCP amendment, as submitted, is de minimis.

STAFF RECOMMENDATION:

The Executive Director recommends that the Commission **concur** in this determination. Unless three or more members of the Commission object to this determination, the amendment shall become effective and part of the certified LCP ten (10) days after the date of the Commission meeting.

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Strikeout~~

NEW LANGUAGE: Underlined

(SO-2001-123)(COR. COPY)

ORDINANCE NUMBER O- 18948

ADOPTED ON JUN. 12, 2001

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 12 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING ARTICLE 6, DIVISION 3, SECTION 126.0303; BY AMENDING ARTICLE 7, DIVISION 1, SECTIONS 127.0103 AND 127.0107; DIVISION 2, SECTION 127.0202; BY AMENDING ARTICLE 8, DIVISION 3, SECTION 128.0314; BY AMENDING ARTICLE 9, DIVISION 1, SECTION 129.0119; CHAPTER 13, BY AMENDING ARTICLE 1, DIVISION 1, SECTION 131.0112; DIVISION 2, SECTIONS 131.0222 AND 131.0250; DIVISION 3, SECTION 131.0322; DIVISION 4, SECTIONS 131.0422, 131.0443, AND 131.0461; DIVISION 5, SECTIONS 131.0522 AND 131.0531; DIVISION 6, SECTION 131.0622; CHAPTER 14, BY AMENDING ARTICLE 1, DIVISION 4, SECTION 141.0406; DIVISION 10, SECTION 141.1004; DIVISION 11, SECTION 141.1104; BY AMENDING ARTICLE 2, DIVISION 5, SECTION 142.0530; DIVISION 7, SECTION 142.0725; DIVISION 12, SECTION 142.1206; AND BY AMENDING ARTICLE 3, DIVISION 8, SECTION 143.0840, ALL PERTAINING TO THE LAND DEVELOPMENT CODE.

§126.0303 When a Conditional Use Permit Is Required

[No change to first paragraph.]

- (a) Conditional Use Permits Decided by Process Three

Agricultural equipment repair shops through Boarding kennels [No change.]

~~Child care facilities~~Child care facilities

[No change to remainder of section.]

§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 previously conforming category, such as existing *structural envelope*, *density*, and uses are shown in Tables 127-01A through 127-01C. If the proposed *development* includes more than one previously conforming category, all corresponding regulations, as and described in text in Sections 127.0104 through 127.0108 apply.

(a) Previously Conforming Structural Envelope

Table 127-01A
~~Review Process for Previously Conforming Premises and Uses~~

Development/Activity Proposed	REQUIRED REVIEW PROCESS					
	Existing Structural Envelope		Existing Density		Existing Use	
	E	PC	E	PC	E	PC
Maintenance, repair or alteration (less than or equal to 50% of <i>market value</i> of entire <i>structure</i> or improvement) that does not expand the <i>structural envelope</i> . See Section 127.0104.	1	1	1	1	1	1
Maintenance, repair or alteration (greater than 50% of <i>market value</i> of entire <i>structure</i> or improvement) that does not expand the <i>structural envelope</i> . 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 <i>previously conforming</i> use within the same use category. See Section 127.0107.	n/a	n/a	n/a	n/a	n/a	1
Operating a <i>previously conforming</i> use, including resumption of <i>previously conforming</i> 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 <i>previously conforming</i> 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 <i>previously conforming</i> 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

Table 127-01A
Review Process for Previously Conforming Structural Envelope

<u>Type of Development Proposal</u>	<u>Applicable Sections</u>	<u>Required Development Permit/Decision Process</u>
<u>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.</u>	<u>127.0104</u>	<u>CP/Process 1</u>

<u>Maintenance, repair or alteration (greater than 50% of market value of entire structure or improvement) that does not expand the structural envelope.</u>	<u>127.0104</u>	<u>CP/Process 1</u>
<u>Reconstruction (following fire, natural disaster, act of the public enemy) for residential structures or for nonresidential structures when the cost of reconstruction is less than 50 percent of market value.</u>	<u>127.0105(a), (b) and (e)</u>	<u>CP/Process 1</u>
<u>Reconstruction (following fire, natural disaster, act of the public enemy) for nonresidential structures when the cost of reconstruction is greater than 50 percent of market value.</u>	<u>127.0105(c) and (d)</u>	<u>NDP/Process 2</u>
<u>Expansion/enlargement, where new construction conforms with all current development regulations.</u>	<u>127.0106(a) and (b).</u>	<u>CP/Process 1</u>
<u>Expansion/enlargement where new construction requests a reduction of up to 20% from required setbacks.</u>	<u>127.0106(c).</u>	<u>NDP/Process 2</u>

Legend to Table 127-01A:

CP ≡ Construction Permit
NDP ≡ Neighborhood Development Permit

(b) Previously Conforming Density

Table 127-01B
Review Process for Previously Conforming Density

<u>Type of Development Proposal</u>	<u>Applicable Sections</u>	<u>Required Development Permit/Decision Process</u>
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<u>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.</u>	<u>127.0104.</u>	<u>CP/Process 1</u>
<u>Maintenance, repair or alteration (greater than 50% of market value of entire structure or improvement) that does not expand the structural envelope.</u>	<u>127.0104.</u>	<u>NDP/Process 2</u>
<u>Reconstruction (following fire, natural disaster, act of the public enemy) for residential structures or for nonresidential structures when the cost of reconstruction is less than 50 percent of market value.</u>	<u>127.0105(a), (b) and (e)</u>	<u>CP/Process 1</u>
<u>Reconstruction (following fire, natural disaster, act of the public enemy) for nonresidential structures when the cost of reconstruction is greater than 50 percent of market value.</u>	<u>127.0105(c) and (d)</u>	<u>NDP/Process 2</u>
<u>Expansion/enlargement, where new construction conforms with all current development regulations.</u>	<u>127.0106(a) and (b).</u>	<u>NDP/Process 2</u>
<u>Expansion/enlargement where new construction requests a reduction of up to 20% from required setbacks.</u>	<u>127.0106(c).</u>	<u>NDP/Process 2</u>

Legend to Table 127-01B:

CP \equiv Construction Permit
NDP \equiv Neighborhood Development Permit

(c) Previously Conforming Use

Table 127-01C
Review Process for Previously Conforming Use

<u>Type of Development Proposal</u>	<u>Applicable Sections</u>	<u>Required Development Permit/Decision Process</u>
<u>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.</u>	<u>127.0104</u>	<u>CP/Process 1</u>
<u>Maintenance, repair or alteration (greater than 50% of market value of entire structure or improvement) that does not expand the structural envelope.</u>	<u>127.0104</u>	<u>NDP/Process 2</u>
<u>Reconstruction (following fire, natural disaster, act of the public enemy).</u>	<u>127.0105</u>	<u>CP/Process 1⁽¹⁾</u>
		<u>NDP/Process 2⁽²⁾</u>
<u>Expansion/enlargement, where new construction conforms with all current development regulations.</u>	<u>127.0106(a) and (b)</u>	<u>NDP/Process 2⁽³⁾</u>
<u>Expansion/enlargement where new construction requests a reduction of up to 20% from required setbacks.</u>	<u>127.0106(c)</u>	<u>NDP/Process 2⁽³⁾</u>
<u>Change to another previously conforming use within the same use category.</u>	<u>127.0107</u>	<u>CP/Process 1</u>
<u>Operating a previously conforming use, including resumption of previously conforming use up to 2 years after discontinuance.</u>	<u>127.0108(a) and (c)</u>	<u>CP/Process 1</u>
<u>Resumption of a previously conforming use after 2 years discontinuance.</u>	<u>127.0108(b) and (c)</u>	<u>NUP/Process 2</u>
<u>Increase in floor area to a previously conforming use (less than or equal to 20% of gross floor area of the existing structure).</u>	<u>127.0109</u>	<u>NUP/Process 2⁽³⁾</u>

Legend to Table 127-01C:

CP = Construction Permit

NDP ≡ Neighborhood Development Permit
NUP ≡ Neighborhood Use Permit

Footnotes to Table 127-201A-C:

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

§127.0107 Change in Use of a Previously Conforming Use

- (a) [No change.]
- (b) Within the Coastal Overlay Zone, if a change in use from a previously conforming use to another use within the same use category of the Use Regulation Tables of Chapter 13, Article 1 involves any intensification of use, the previously conforming rights are not retained for the new use. For the purposes of Section 127.0107, intensification of use means a change in the use of a lot or premises which, based on the provisions of the applicable zone, requires more off-street parking than the most recent legal use on the premises.
- (c) [No change.]

§127.0202 General Rules for Previously Conforming Signs

The following general rules apply to all *previously conforming signs*.

- (a) through (d) [No change.]
- (e) These *previously conforming sign* procedures do not apply to *signs* that are ~~have been designated~~ designated *historical resources*. A ~~designated~~ historical sign which is a designated historical resource is subject to Chapter 14, Article 3, Division 2 (Historical Resources Regulations).

(f) [No change.]

§128.0314 Erroneous Information in Environmental Documents

(a) [No change.]

(b) This section shall not apply if the information originally submitted was considered valid at the time of ~~certification~~ certification of the environmental document but later methodology establishes that the information is no longer valid.

§129.0119 Bond Required for Construction Permit for Grading or Public Improvements

(a) [No change in sentence.]

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

(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) and (B) [No change.]

(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 and plus 25% percent of the estimated cost above \$50,000;

(D) and (E) [No change.]

(b)-(f) [No change.]

§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) [No change.]

(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) and (B) [No change.]

(C) Dairies -- Uses related to the milking of livestock and processing processing milk for consumption or transportation to markets.

(D) and (F) [No change.]

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

§131.0222 Use Regulations Table for Open Space Zones

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

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

[Changes to portions of Table 131-02B.]

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

Separately Regulated Commercial Services Uses					
Child Care Facilities <i>Child Care Facilities:</i>					
Wholesale, Distribution, Storage					
Equipment & Materials Storage Yards		-		-	
Moving & Storage Facilities <i>Facilities</i>		-		-	
Warehouses		-		-	
Wholesale Distribution		-		-	

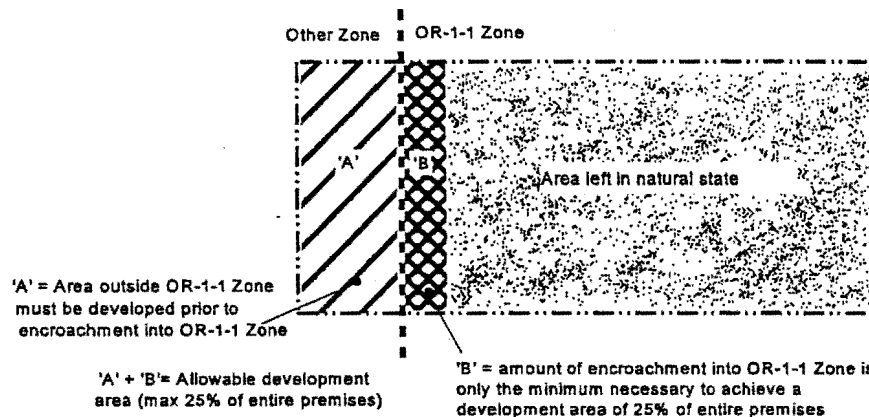
Footnotes for Table 131-02B - [No change.]

§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) [No change.]
 - (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.

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Diagram 131-02A
Allowable Development Area with Encroachment Into OR-1-1 Zone



[The text under the diagram has been amended as follows:]

"B" = amount of encroachment into OR-1-1 Zone is only the minimum necessary to achieve a development area ~~or of 20% or~~ 25% of entire premises.

(B) [No change.]

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

(b) A *premises* within the OR-1-2 zone, within or partially within the *MHPA* is subject to the following regulations:

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

(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) through (11) [No change.]

§131.0322 Use Regulations Table for Agricultural Zones

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

Legend for Table 131-03B - No change

[Change to a portion of Table 131-03B.]

Table 131-03B
Use Regulations Table of Agricultural Zones

Separately Regulated Commercial Services Uses					
Child Care Facilities <i>Child Care Facilities:</i>					
Wholesale, Distribution, Storage					
Equipment & Materials Storage Yards	-		-		
Moving & Storage Facilities <i>Facilities</i>	-		-		
Warehouses	-		-		
Wholesale Distribution	-		-		

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

§131.0422 Use Regulations Table for Residential Zones

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

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

[Change to a portion of Table 131-04B]

Table 131-04B
Use Regulations Table of Residential Zones

Commercial Services					
Child Care Facilities <i>Child Care Facilities:</i>					

[Note: *Child Care Facilities* appears two times under "Commercial Services" in Table 131-04B. Both references are to be italicized.]

§131.0443 Setback Requirements in Residential Zones

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

(e) *Setbacks* in RM-2-4, RM-2-5, RM-2-6 Zones

(1) [No change.]

(2) *Side Setbacks* in RM-2-4, RM-2-5, RM-2-6 Zones

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

(C) 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.

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

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

§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 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) through (3) [No change.]

(4) Fireplace enclosures may encroach into required *yards* subject to the following requirements:

(A) [No change.]

(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) and (D) [No change.]

(5) through (10) [No change.]

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

§131.0522 Use Regulations Table of Commercial Zones

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

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

[Change to a portion of Table 131-05B]

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

Commercial Services					
Child Care Facilities <i>Child Care Facilities:</i>					

[Note: *Child Care Facilities* appears two times under "Commercial Services" in Table 131-05B.
Both references are to be italicized.]

§131.0531 Development Regulations Tables of Commercial Zones

[No change in first sentence.]

(a) [No change.]

[No change in Table 131-05C.]

[No change in Table 131-05D.]

Footnotes For Table 131-05D

Footnotes 1 through 3 [No change.]

- 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.

§131.0622 Use Regulations Table for Industrial Zones

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

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

[Change to a portion of Table 131-06B]

**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					
	1-	2-					1
	1	1		1	2		
Commercial Services							
Child Care Facilities <u>Child Care Facilities:</u>							

§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) through (g) [No change.]

(h) Centers that have 99 or fewer residents shall provide an exercise area of at

least 900 square feet, not including ~~required~~ 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~~ 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) through (p) [No change.]

§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) through (l) [No change.]

(m) Deviations from the approved *reclamation* plan, including an IMP, are not permitted unless amendments to the *reclamation* plan, financial assurances and the Conditional Use Permit have been approved by the decision maker in accordance with Process Four ~~Process Four~~, or the Substantial Conformance Review process where applicable.

(n) and (o) [No change.]

§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) through (4) [No change.]

(5) Community entry *signs* may be illuminated only with low intensity, ground-mounted ~~flood~~ flood lights.

(b) Neighborhood Area Identification *Signs*

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

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

(A) [No change.]

(B) *Signs* on freestanding ~~walls~~ walls not exceeding 6 feet in height and 20 square feet in *sign copy area*.

(4) [No change.]

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

(6) [No change.]

§142.0530 Nonresidential Uses - Parking Ratios

(a) [No change to text.]

[No change to Tables 142.05D and 142.05E.]

[Change to a portion of Table 142.05F]

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

Separately Regulated Uses					
Child care facilities <u>Child Care Facilities:</u>					

§142.0725 ~~Electrical/Radioactivity~~ Radio-Activity Regulations

Electrical and ~~radioactivity~~ radio-activity disturbance from any *premises* shall not unduly interfere with the normal operation of equipment or instruments on adjacent properties or in the community.

§142.1206 Violations of Sign Regulations

(a) [No change.]

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

(3) Display any sign without the required Sign Permit Sticker; ~~and~~ or

(4) [No change.]

(b) [No change.]

§143.0840 General Rules for Coastal Overlay Zone Affordable Housing Replacement Regulations

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

(d) The San Diego Housing Commission shall adopt, and ~~from time to time~~ bi-annually update, a schedule for in-lieu fees.

PD:cdk
04/23/2001
05/23/2001 COR. COPY
Or.Dept: PDR
SO-2001-123

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Strikeout~~

NEW LANGUAGE: Underlined

(SO-2001-124)

ORDINANCE NUMBER O- 18950

ADOPTED ON June 12, 2001

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 12 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING ARTICLE 6, DIVISION 7, SECTION 126.0704, PERTAINING TO COASTAL DEVELOPMENT PERMITS OF THE LAND DEVELOPMENT CODE.

§126.0704 Exemptions from a Coastal Development Permit

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

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

- (i) Any improvement to a *single dwelling unit* that constitutes part of a "single-family residential building" as defined in California Administrative Code, Title 14, section 13250(a) and that does not require a coastal development permit pursuant to California Administrative Code, Title 14, section 13250(b).

PD:cdk
04/23/2001
Or.Dept: PDR
SO-2001-124

OLD LANGUAGE: ~~Struck Out~~
NEW LANGUAGE: Underlined

(O-2001-109)

ORDINANCE NUMBER O- 18965 (NEW SERIES)

ADOPTED ON JULY 31, 2001

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE 1,
DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 141.0412 RELATING TO HOMELESS
FACILITIES.

SEC. 141.0412 Homeless Facilities

(a) This section regulates the following homeless facilities.

(1) [No change.]

(2) Emergency shelters: Any facility that provides sleeping accommodations
andwith restroom facilities to homeless persons on a day-to-day basis, for
periods of thirty day or less.

(A) Emergency shelters which are accessory uses to religious
institutions or religious organizations operating for 30 days or less
in any 365-day period are exempt from this section.

[No change to remainder of section.]

KS:cdk
01/09/2001
Or.Dept:Plan. & Dev. Rev.
O-2001-109

San Diego
LCRA # 3-2