

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4402  
(619) 767-2370



July 18, 2006

**Thu 13a**

**TO: COMMISSIONERS AND INTERESTED PERSONS**

**FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR**

**SUBJECT: CITY OF SAN DIEGO DE MINIMIS LOCAL COASTAL PROGRAM  
AMENDMENT NO. 1-06 (Land Development Code/ Fifth Quarterly  
Update) (For Commission review at its meeting of August 8-11, 2006)**

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 consists of a Fifth 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 which are minor in nature and serve only to correct or clarify references and exhibits, correct misspelled words, or make interpretive clarifications. The Fifth Update is divided into six categories including Measurement, Permit Process, Use, CEQA Implementation Procedures, Parking and Minor Corrections. There are a total of 49 issues included in the Fifth Update, some of which would not be applicable in the coastal zone. City staff has indicated the Fifth Update purposefully includes non-controversial items so the amendment can be processed fairly quickly. Following is a discussion of the proposed changes including 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.

**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.

**DISCUSSION**

**Measurement Issues**

Amendments to the following 7 issues are intended to clarify how various things are defined or measured in the Land Development Code.

**Section 113.0273(c) Measuring Visibility Area**

Clarifies how visibility areas are measured at the intersection of a street and a driveway. Generally, no structures are permitted within a visibility area unless otherwise permitted by the applicable zone general development regulations. No change in intent will occur.

**Section 142.0310(c)(2)(C) Open Fence in Coastal Zone**

Revises definition of open fence to clarify the difference in what constitutes "open" in the general citywide zone vs. the coastal overlay zone. Specifically, the citywide definition requires that at least 35 percent of the vertical surface area of each six-foot section of fence must be open to light. In the Coastal Overlay Zone, however, an open fence shall have at least 75 percent of its vertical surface area open to light. Language is proposed to clarify this point. No change in intent will result.

**Section 142.0740 Outdoor Lighting Regulations**

Revises existing Outdoor Lighting Regulations to be consistent with the new energy code in effect October, 2005 and addresses conflicts between code requirements and current

industry practice regarding lighting for security purposes. The proposed amendments include a purpose and intent statement requiring compliance with State Energy Efficiency Standards; clarifying the requirement that light fixtures shall be directed or shielded to not be visible off-site, not fall on surrounding properties or create glare on public rights-of-way; and addressing appropriate lighting alternatives for security purposes. An existing provision of the Outdoor Lighting Regulations requires exterior lighting on properties adjacent to or that contain sensitive biological resources to be low-level lights and shields to minimize the amount of light entering any identified resource area. No change in intent will result.

#### **Section 131.0448 Accessory Structures**

Clarifies that the cumulative area of all accessory buildings encroaching into the required yards shall not exceed 525 sq.ft. in gross floor area (GFA) whereas current language makes it appear that the cumulative area of all accessory buildings must not exceed 525 sq.ft. (GFA). No change in intent will result.

#### **Section 113.0103 Building Facade**

Revises the measurement of building façade which refers to the closest public right-of-way, to clarify that alleys are not considered such rights-of-way. The intent is that garages not be allowed to dominate the building facade as viewed from the public right-of-ways. No change in intent or application will result.

#### **Section 113.0234 Underground Parking Floor Area Ratio**

Clarifies the language defining gross floor area of underground parking structures which is calculated in relationship to the structure and grade adjacent to the exterior walls of the building. The proposed change would bring this section into consistency with other code language that addresses basements. No change in intent will result.

#### **Section 144.0504 Vacancy Rate Determination**

Modifies the vacancy rate language to specify that the Planning Dept. report will be based on one survey conducted between March and May with a second survey between September and November, instead of January and July. No change to intent.

#### **Permit Process**

Amendments to the following 5 issues are proposed to improve the permit process and address inconsistencies in the existing regulations.

#### **Section 129.0211 Change of Building Permit Application**

#### **Section 129.0218 Expiration of a Building Permit**

#### **Section 129.0219 Extension of Time for a Building Permit**

#### **Section 129.0312 Expiration of an Electrical Permit**

### **Section 129.0413 Expiration of a Plumbing/Mechanical Permit**

Makes several modifications to the chapters addressing construction permits related to Building Permit application and expiration requirements, expiration of a building permit, extension of time for a building permit and expiration of an Electrical, Plumbing or Mechanical Permit. This does not change the intent.

### **Section 143.0410(a)(3)(B) Deviations of FAR for total premises with PDP (Kearny Mesa only)**

Amends code to permit a deviation in Kearny Mesa from the floor area ratio for the total premises pursuant to a Planned Development Permit to allow for consistency with the Kearny Mesa land use plan. However, this community is located outside the coastal zone and thus, this change represents no impact on coastal resources. Deviations from the FAR for total premises would not be permitted in other areas of the City.

### **Section 143.0151 and Table 143-01A –Alternative Compliance for Steep Hillsides**

Correction to the table that states that alternative compliance projects shall be processed as Process Three to include the correct process which is Process Four, consistent with Section 143.0151 of the code language. Alternative compliance is not applicable in the coastal zone. No change in intent will occur.

### **Section 126.0110 Cancellation of a Development Permit**

Addition to this section of the code which allows for cancellation of a development permit before it has been utilized. The section does not contain provisions of cancellation of a permit *after* it has been utilized. New language is added to clarify that the process for rescinding a permit is the same as the process for amendment to a development permit. No change in intent will occur.

### **Section 126.0504(m)/143.0910/143.0915/143.0920 Sustainable Buildings Expedite Program – Not Part of certified LCP**

Sections 126.0504(m), 143.0910, 143.0915 and 143.0920 proposed for revision, are not part of the City of San Diego certified Local Coastal Program and not applicable in the coastal zone. Therefore, these revisions are not approved as part of De Minimis LCP Amendment #1-06. These sections addresses deviations for Affordable/In-Fill Housing projects and are being revised to allow Sustainable Buildings to deviate with a Site Development Permit through the same process as affordable housing/infill projects.

### **Uses**

Amendments to the following 5 issues are proposed to clarify existing separately regulated uses and uses regulated by the Agricultural and Commercial base zones.

**Section 131.0522/131.0540/141.0612/Table 131-05B/ Ground Floor  
Residential/Instructional Studio Development in Commercial Zones**

Strikes portion of Table 131-05B and instead makes a new reference to Section 131.0540 such that all references to residential use on ground floor are consolidated into this one section of the code. In addition, the restriction on instructional studios not being permitted on the ground floor of the commercial visitor zones in the coastal overlay zone is transferred to the section of the code which addresses instructional studios as a separately regulated use. No change to the allowable use or intent is proposed and the language is simply being moved from one section of the code to another.

**Section 141.0606 Child Care Facilities**

The language of the code addresses development regulations for child care centers which includes that such facilities cannot be permitted within 1,000 feet of any known business that has hazardous materials. Due to changes in state law, the reference to “acutely hazardous” materials has been changed to “regulated substances”. The code language is corrected to reflect this change. No change in allowable use or intent will occur.

**Section 131.0222 Use Regulations- Tables 131-02B, 131-03B, 131-04B, 131-05B, 131-06 B and Sections 141.0615 and 141-.0624-141.0626 – Outpatient Medical Clinics**

Clarifications are made to the separately regulated use section of the code to differentiate between “outpatient medical clinics” vs. “urgent care clinics”. The regulations are intended to regulate medical clinics that operate after standard business hours (i.e. urgent care) and not meant to be applied to general medical offices that have outpatient services. To make this clear, several revisions to this section of the code are proposed. No change to the intent or use is proposed.

**Section 131.0322 Table 131-03B and Section 141.0414 Interpretive Centers**

Modify the section addressing regulations for Agricultural-General zones to address the preservation of the rural character of the San Pasqual Valley (outside of the coastal overlay zone). Also, the restrictions on Interpretive Center structures are proposed to be removed from the section addressing separately regulated uses to the section addressing Agricultural Zone Use Tables. Specifically, a footnote is added (which mirrors the language of the existing code) that interpretive centers are not permitted within floodplains located in agriculturally zoned areas of the coastal overlay zone. No change to the intent or use is proposed.

**Section 141.0620(i)(8) Recycling Facilities**

Revision to the section of the code that requires that a traffic study on adjacent streets be performed in conjunction with recycling centers. Instead, this requirement is being

transferred to the regulations under the Transportation Development Section, the department that is responsible for determining when such traffic studies are necessary based on a project's expected daily trip generation. No change in use is proposed.

## **CEQA**

Amendments to the following 2 issues are proposed to remove redundancy between Chapter 6 and Chapter 12 and to clarify the City's existing CEQA Implementation Procedures

### **Repeal Chapter 6 Article 9 Division 1-3CEQA Implementation Procedures**

Chapter 6 addressing CEQA provisions is being removed entirely because the redundant sections should have been repealed in 2000 when the LDC was implemented. Chapter 6 is not part of the certified Local Coastal Program (LCP). All CEQA regulations are currently addressed in Chapter 12 Article 8 which is part of the certified LCP. A cross-reference to Section 128.0310(a) (which addresses EIR requirements) is also proposed. No change in use will result.

### **Section 128.0313 Notice of Determination**

Changes are proposed to achieve consistency with the CEQA statutes to clarify which department of the City is responsible for filing a notice of determination and that it must be filed within five days of the date of *final action* for a project that included an environmental document (whereas current language states the notice should be filed within five working days of project approval). No change in intent will occur.

## **Parking**

Amendments to the following 6 issues are proposed to address inconsistencies in the parking regulations and to modify parking requirements where they have proven to be problematic.

### **Section 142.0560(j)(8) Street Frontage Calculation for Driveways**

The current language states that properties that have access to an alley and at least 150 feet of street frontage may have one driveway opening for each 150 feet of frontage. A clarification is made such that this requirement means a maximum of one driveway opening for each 150 feet of total street frontage is permitted. No change in intent will occur.

### **Section 142.0560(j)/Table 142-05L New Table 142-05M Driveway and Access Regulations**

Strikes the reference to Table 142-05L and instead makes a clarification that the driveway width is determined by the size of lot, type of use proposed and whether or not the site is inside or outside of the Beach Impact Area of the Parking Impact Overlay Zone. A new table is proposed to allow a minimum 12' wide driveway access design for narrow lots such that this requirement is also applicable to sites containing two-dwelling units. Presently this requirement only applies to single-family residences situated on narrow lots. New references are made to two new tables 142-05L and 1420-05M. No change in intent or impacts on coastal resources will result.

#### **Section 142.0560(b) – Table 142-05J Tandem Parking Space Length**

Changes are proposed to the table that lists the requirement for a tandem space length as 35 feet. This currently listed dimension was intended to include one compact space which was permitted under the previous code. A correction is made to the size of the tandem space length from 35 to 36 feet which will accommodate two standard size (18-foot long) spaces which is consistent with the current LDC regulations. No change in intent will occur.

#### **Section 142.0530 – Table 142-05F Self Storage Parking Requirement**

The existing requirement for all wholesale, distribution and storage uses is 1 space per 1,000 sq.ft. of floor area which the City has found is unreasonably high for a self-storage facility. The proposed code amendment would create a new category for self-storage facilities as a specified non-residential use. The proposed requirement for self storage facilities is 1 space per 10,000 sq.ft. plus 3.3. spaces per 1,000 sq.ft. of accessory office space. No impacts to coastal resources will result.

#### **Section 142.0545 – Table 142-05H Shared Parking Reqt. for Cinemas in Transit Areas**

The current table shows that the parking requirements for cinemas is the same (1 space per 3 seats) during peak parking demand and in transit areas. However, the proposed transit area requirement is 85 percent of the minimum parking requirement. The proposed clarification is being made to reflect the lower ratio for the transit area. No impacts to coastal resources are expected to result.

#### **Section 142.0560(c) Aisle Dimensions**

A footnote is being added to this table to permit a reduction from 24 feet to 22 feet for minimum drive aisle width for narrow lots 50 feet or less in width such that a perpendicular parking layout can be accommodated on site. This will not result in a change in land use or allowable use of property.

#### **Minor Corrections**

The remainder of the changes to the Land Development Code consist of corrections to terms, spelling errors, numerical references, italicization errors, capitalization errors and incorrect references to Sections or Tables in the Code. (See Exhibit No. 4).

The City Council resolution that approves and conveys the proposed De minimis LCP amendment is attached. The LCP amendment was approved by the City Council on February 7, 2006. The amendment was properly noticed through newspaper publication and direct mail. The amendment request was filed on June 1, 2006 and an extension of time of up to one year was approved at the June, 2006 meeting. Last day for Commission action is August 1, 2007.

### **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.

OK'd 7/18/06  
2-21-06

**RECEIVED**

(O-2006-87)

MAY 12 2006

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

ORDINANCE NUMBER O- 19467 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 01 2006

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 11, ARTICLE 3, BY AMENDING SECTIONS 113.0103, 113.0234, AND 113.0273; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 1, BY AMENDING SECTION 126.0110; AMENDING CHAPTER 13, ARTICLE 1, BY AMENDING SECTIONS 131.0222, 131.0322, 131.0422, 131.0448, 131.0522, 131.0540, AND 131.0622; AMENDING CHAPTER 14, ARTICLE 1, BY AMENDING SECTIONS 141.0414, 141.0606, 141.0612, AND 141.0620; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6, BY REPEALING SECTION 141.0615; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6, BY ADDING SECTION 141.0624; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6, BY RENUMBERING SECTION 141.0624 TO SECTION 141.0625; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6, BY RENUMBERING SECTION 141.0625 TO SECTION 141.0626; AMENDING CHAPTER 14, ARTICLE 2, BY AMENDING SECTIONS 142.0310, 142.0530, 142.0545, 142.0560, AND 142.0740; AMENDING CHAPTER 14, ARTICLE 3, BY AMENDING SECTIONS 143.0110, AND 143.0410, OF THE SAN DIEGO MUNICIPAL CODE, ALL RELATING TO THE LAND DEVELOPMENT CODE.

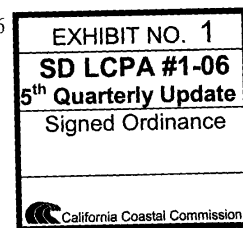
BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 11, Article 3, Division 1, of the San Diego Municipal Code is amended by amending Section 113.0103, to read as follows:

**§113.0103 Definitions**

*Abutting Property to Building Envelope* [No change.]

*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*, excepting alleys. See Section 113.0216 information on determining *building facade*.



**PAGES 2-49 OF ORDINANCE NO. 19467 ARE THE SECTIONS OF THE LAND  
DEVELOPMENT CODE, AS AMENDED BY THE COUNCIL THROUGH THIS  
ORDINANCE**

**THE AMENDED SECTIONS ARE NOT INCLUDED HERE BUT ARE SHOWN  
IN STRIKE-OUT/UNDERLINE FORMAT AS EXHIBIT 3 AND 4 TO  
SAN DIEGO LCPA #1-06 STAFF REPORT**

SD LCPA #1-06 EX.1

Footnotes to Table 143-01(A) [No change.]

(c) [No change.]

Section 22. That Chapter 14, Article 3, Division 4, of the San Diego Municipal Code is amended by amending Section 143.0410, to read as follows:

**§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) and (2) [No change.]

(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* except as permitted in the Kearny Mesa Community Plan;

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

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

Section 23. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.


Section 24. 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 the applicable provisions of this ordinance become effective.

Section 25. That this ordinance shall take effect and be in force on the date it is effectively certified by the California Coastal Commission as a City of San Diego Local Coastal Program amendment, but no sooner than thirty days from the date of adoption by the City Council.

Section 26. That the City Manager be directed to forward to the Coastal Commission the amendments required to be certified as Local Coastal Program amendments.

Section 27: This ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Hilda Ramirez Mendoza  
Deputy City Attorney

HRM:cfq  
12/09/05  
Or.Dept:DSD  
O-2006-87  
MMS#2207

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at its meeting of FEB 21 2006.

ELIZABETH S. MALAND  
City Clerk

By Margaret E. Kitchman  
Deputy City Clerk

Approved: 3-1-06  
(Date)

JSL  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

HRM:cfq  
12/09/05  
Or.Dept:DSD  
O-2006-87  
MMS#2207

Draft  
5<sup>th</sup> Update

Issue	Section(s)	Description
		<b>MEASUREMENT</b>
1.	113.0273(c)	<u>Measurement of Visibility Area</u> Clarify how visibility areas are measured at the intersection of a street and a driveway.
2.	142.0310(c)(2)(C)	<u>Open Fence in Coastal Zone</u> Within the Coastal Overlay Zone, open fence is defined differently than citywide open fences in Ch 11. Explain difference in the Fence Section of Ch 14.
3.	142.0740	<u>Outdoor Lighting Regulations</u> Update the Outdoor Lighting Regulations to be consistent with the new energy code in effect October 2005 and address conflicts between code requirements and current industry practice regarding lighting for security purposes.
4.	131.0448	<u>Accessory Structures</u> The cumulative area of all encroaching accessory structures shall not exceed 525 sq ft. Clarify that when calculating the area, the entire area of the accessory building is calculated and not just the portion that encroaches into the setback.
5.	113.0103	<u>Building Façade</u> Change the definition of building façade to exclude alleys.
6.	113.0234(a)(3) Diagram 113-02K	<u>Underground Parking FAR</u> Modify the underground parking exemption threshold for FAR from 2'-6" above grade to 3'-6" above grade for consistency with basements.
7.	144.0504	<u>Vacancy Rate Determination</u> Modify the vacancy rate language to specify that the Planning Department report shall be based on one survey conducted between the months of March and May and a second survey that is conducted between the months of September and November. The existing language specifies January and July.
		<b>PERMIT PROCESS</b>
8.	129.0211 129.0218	<u>Permit application and expiration requirements in the building, electrical and plumbing/mechanical regulations</u> Proposed modifications to Chapter 12 Article 9 Construction

Draft  
5<sup>th</sup> Update

Issue	Section(s)	Description
	129.0219 129.0312 129.0413	Permits related to Building Permit application and expiration requirements, expiration of a Building Permit, extension of time of a Building Permit, and expiration of Electrical, Plumbing, or Mechanical Permits.
9.	143.0410(a)(3)(B)	<u>Deviation of FAR for Total Premises with PDP</u> Amend code to permit a deviation in Kearny Mesa from the floor area ratio for the total premises for consistency with the Kearny Mesa land use plan.
10.	143.0110 Table 143-01A	<u>Alternative Compliance for Steep Hillside</u> Table 143-01A states that alternative compliance projects shall be processed as Process Three. Section 143.0151 states that alternative compliance projects shall be processed as Process Four. Clarify that Process Four is the correct process.
11.	126.0110(b)	<u>Rescinding Development Permits</u> The LDC has a section for cancellation of development permits, but it applies only to permits that have not been utilized. There is no specific reference for applicants looking to rescind a permit that has been utilized. Clarify that the process for rescinding a permit is the same as the process for amending a development permit.
12.	126.0504(m) 143.0910 143.0915 143.0920	<u>Sustainable Buildings Expedite Program</u> The proposed code change would add the sustainable buildings expedite program references where appropriate to allow sustainable building projects to deviate with a Site Development Permit through the same process as affordable/infill projects.
		<b>USES</b>
13.	131.0522 Table 131-05B 131.0540 141.0612	<u>Ground Floor Residential Development in Commercial Zones</u> Consolidate all references to residential on ground floor in Section 131.0540. Transfer restriction on instructional studios on ground floor in commercial visitor zones of Coastal Overlay Zone to separately regulated use section 141.0612.
14.	141.0606	<u>Child Care Facilities</u> The State changed their terminology from "acutely hazardous" to "regulated substances". Section 141.0606 still refers to acutely hazardous. Correct the terminology for consistency with CA Health and Safety Code.
15.	131.0222 Table 131-02B	<u>Outpatient Medical Clinic</u> Clarify that the separately regulated use "outpatient medical

**Draft  
5<sup>th</sup> Update**

Issue	Section(s)	Description
	131.0322 Table 131-03B 131.0422 Table 131-04B 131.0522 Table 131-05B 131.0622 Table 131-06B 141.0615 141.0624 141.0625 141.0626	clinic” is intended to regulate medical clinics that operate after standard business hours in an urgent care type of setting and is not meant to be applied to general medical offices with outpatient services. Change use type to “Urgent Care Facilities”.
16.	131.0322 Table 131-03B 141.0414	<u>Agricultural Zone Use Table</u> Modify the use regulations table for the Agricultural-General (AG) zones to take into consideration preservation of the rural character of the San Pasqual Valley. Transfer applicable restrictions on Interpretive Centers from the separately regulated use section to the Agricultural Zone Use Table.
17.	141.0620(i)(8)	<u>Traffic Study for Recycling Facilities</u> Remove the requirement for a traffic study in the recycling facilities code section and continue existing process where the Transportation Development Section determines when a traffic study is required based on a project’s expected daily trip generation.
		<b>CEQA</b>
18.	Ch 6/Art 9/Div 1-3	<u>Repeal Chapter 6 Article 9 Division 1-3 CEQA Regulations</u> Chapter 6 should have been repealed in 1997 with the implementation of the LDC. All CEQA regulations are currently covered in Chapter 12 Article 8.
19.	128.0313	<u>Date of Final Action for Notice of Determination</u> Modify the language for consistency with the CEQA statutes to clarify who files the Notice of Determination and to specify that it is to be filed within 5 days of the date of final action for each project approval.
		<b>PARKING</b>
20.	142.0560 (j)(8)	<u>Street Frontage Calculation for Driveways on Corner Lots</u>

**Draft  
5<sup>th</sup> Update**

Issue	Section(s)	Description
		For properties with access to an alley and at least 150 feet of total street frontage, a maximum of one driveway opening for each 150 feet of total street frontage is permitted.
21.	142.0560(j) Table 142-05L New Table 142-05M	<u>Driveway Size and Design on Narrow Lots</u> Create a new table to regulate driveway design on narrow lots. Allow a 12 foot minimum for access of up to 2 units on a narrow lot.
22.	142.0560(b) Table 142-05J	<u>Tandem Parking Space Length</u> The Table specifies tandem space length is 35 feet. This includes one compact space as permitted under the old code. Increase the tandem space length dimension from 35 feet to 36 feet total to accommodate two 18 foot spaces for consistency with current LDC regulations.
23.	142.0530 Table 142-05F	<u>Self Storage Parking Requirement</u> The existing requirement for all wholesale, distribution and storage uses is 1 space per 1,000 sq ft of floor area, which is unreasonable for self storage facilities. The proposed requirement for self storage facilities is 1 space per 10,000 sq ft plus 3.3 spaces per 1,000 square feet of accessory office space.
24.	142.0545 Table 142-05H	<u>Shared Parking Requirement for Cinemas in Transit Areas</u> The Table shows the parking requirement for cinemas is the same during peak parking demand and in a transit area. The proposed transit area requirement is .85 spaces per 3 seats for 1-3 screens and .85 spaces per 3.3 spaces for 4 or more screens.
25.	142.0560(c)	<u>Parking Aisle Dimensions on Narrow Lots</u> Decrease the minimum dimension for parking aisles on narrow lots to 22 feet to accommodate a perpendicular parking layout.
<b>MINOR CORRECTIONS</b>		
<b>Incorrect Terms/Spelling Errors</b>		
26.	113.0267 Diagram 113-02HH	Spelling Error. Should read "extension" not "extention."
27.	126.0303	Incorrect Terminology. Modify term "child care facilities" to read "child care centers" in Conditional Use Permit Section.

**Draft  
5<sup>th</sup> Update**

Issue	Section(s)	Description
28.	131.0443(a)(3)(e)	Grammatical Error. ...the setbacks is are based on...
29.	131.0322 Table 131-03B Footnote 10	Spelling Error. Correct the spelling of Tijuana. The section says "Tia Juana".
<b>Incorrect Numerical References</b>		
30.	131.0443(b)(1)(B)	Incorrect Numerical Reference. Setbacks should be 10 feet, 15 feet, 20 feet instead of 10 feet, 13 feet, 16 feet. Also, correct the section reference to 131.0443(b)(1)(A) instead of (e)(2)(A).
31.	142.0820(a)	Incorrect Numerical Reference. Change reference from 2 ½ to 2.5 cubic feet.
32.	142.1270(a)(1)	Incorrect Numerical Reference. Change reference from ½ square foot to .5 square feet.
<b>Italicization Errors</b>		
33.	132.0306(b)(1)	Italicization Error. Development is the defined term that should be italicized. "For residential" should not be italicized.
34.	142.1250(h)(2)	Italicization Error. "Side" is not a defined term in the LDC and should not be italicized.
35.	121.0505(b) 142.1291	Italicization Error. Sign should not be italicized in this context.
<b>Capitalization Errors</b>		
36.	124.0106	Capitalization Error. Capitalize Development Agreement.
37.	129.0102	Capitalization Error. Capitalize Public Right-of-Way Permit.
38.	141.1004(j)(4)(D)	Capitalization Error. Capitalize California Surface Mining and Reclamation Action.
39.	142.0505 Table 142-05A	Capitalization Error. Capitalize Planned Development Permit.
40.	143.0101	Capitalization Error. Capitalize Multi-Habitat Planning Area.
<b>Incorrect Section or Table References</b>		
41.	131.0322 Table 131-03B	Incorrect Table Reference. Modify the Agricultural Zones Use Regulations Table for Companion Units to indicate the use is limited with an "L" instead of conditional with a "C". Conditional use permits are no longer required for Companion Units.

**Draft  
5<sup>th</sup> Update**

Issue	Section(s)	Description
42.	131.0422 Table 131-04B	Incorrect Table Reference. Modify the Residential Zones Use Regulations Table. For Companion Units in the RM zones, the use should be limited "L" not unpermitted "-." in the RM zones as specified in Section 141.0302 Companion Units.
43.	142.0530 Table 142-05D Table 142-05E	Missing Table Reference. Copy Central Urbanized Parking Requirement from Table 151-02E to the Parking Section with the other listed Planned Districts.
44.	142.0530 Table 142-05D Table 142-05E	Incorrect Table Reference. Footnote 6 in Tables 142-05D and 142-05E should be Footnote 5.
45.	142.0545(b)(2)	Incorrect Table Reference. Table 142-05G should be 142-05H
46.	142.0545(b)(3)	Incorrect Table Reference. Table 142.05H should be 142-05I
47.	143.0140(a)	Incorrect Section Reference. Change reference to covenant of easement section from 143.0151 to 143.0152.
48.	145.0410(d)	Incorrect Section Reference. Revise the reference to Section A110(a) to reflect the updated Building Code.
49.	145.0425	Incorrect Section Reference. Update references to the 1998 California Building Code to the 2001 Building Code.

**MEASUREMENT ISSUES**

**Issue #1 Measurement of Visibility Area**

**§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).

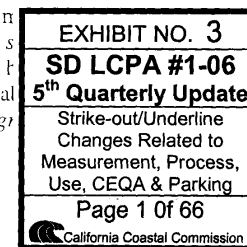
- (a) For *visibility areas* at the intersection of *streets*, two sides of the triangle extend along the intersecting *property lines* for 25 feet and the third side is a diagonal line that connects the two.
- (b) For *visibility areas* at the intersection of a *street* and *alley*, two sides of the 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 from the property line 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* at the street intersection.

**Issue #2 Open Fence in Coastal Zone**

**§142.0310 General Fence Regulations for All Zones**

**(c)(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 n increase as the *fence* is placed farther from the front or s *property line*. No portion of the *fence* shall exceed the h established by a line drawn beginning at a point 6 feet al at the *property line* and ending at a point 9 feet above g, *setback line*, as shown in Diagram 142-03C.



- (C) An open fence shall have at least 35 percent of the vertical surface area of each 6 foot section open to light except within the Coastal Overlay Zone, where an open fence shall have at least 75 percent of its vertical surface area open to light.

Issue #3 Outdoor Lighting Regulations

**§142.0740 Outdoor Lighting Regulations**

- (a) Outdoor lighting shall be regulated by the State of California Title 24 Energy Efficiency Standards outdoor lighting requirements. If a conflict between the requirements of this Division and the State of California Title 24 Energy Efficiency Standards arises, that which produces the least glare shall apply.
- (b) ~~(a)~~ Outdoor lighting fixtures that are used to illuminate a *premises* or an architectural feature on private property shall be directed or shielded ~~shaded~~ so that light does not fall onto surrounding properties or create glare hazards within *public rights-of-way*.
- (c) ~~(b)~~ Outdoor lighting on commercial and industrial properties shall be equipped with automatic timing devices.
- (d) ~~(e)~~ 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*.
- (e) ~~(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~~ where the lighting meets the following criteria:
- (A) Where located within 30 miles of the Palomar Observatory, lighting fixtures below 4,050 lumens are permitted.

Lighting fixtures above 4,050 lumens shall be limited to low pressure sodium or high pressure sodium and equipped with full cut-off optics (fixtures with flat lenses that limit illumination to below the horizontal plane of the fixture or 0% up-light). Where high pressure sodium lighting fixtures are proposed, a photometric study or lighting power density calculation of ground lighting levels shall be required to demonstrate that a 3 footcandle or 0.19 watts per square foot average will not be exceeded.

- (B) Where located a minimum of 30 miles from the Palomar Observatory, lighting fixtures below 4,050 lumens are permitted. Lighting fixtures above 4,050 lumens shall be limited to low pressure sodium or high pressure sodium and equipped with cut-off optics (fixtures that limit illumination to less than 2.5% up-light).
- (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.
- (f) ~~(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 biological resource* areas.
- (g) Exemptions from Outdoor Lighting Regulations:
- (1) Outdoor lighting for automated teller machines and associated parking lot facilities are subject to the California Financial Code Section 13040-13041. Lighting fixtures shall be directed or shielded so that light does not fall onto surrounding properties or create glare hazards within *public rights-of-way*.
- (2) Outdoor lighting producing light directly by combustion of fossil fuels, such as kerosene lanterns or gas lamps, are exempt from the requirements of this Division.
- (3) Luminous tube outdoor lighting fixtures, defined as gas filled tubing, which when subjected to high voltage becomes

luminescent in a color characteristic of the particular gas used (e.g. neon, argon, etc.), are exempt from the requirements of this Division.

- (4) Outdoor lighting on facilities or lands owned, operated, controlled or protected by the United States Government, State of California, County of San Diego, City of San Diego, or other public entity or public agency not subject to City of San Diego ordinances is exempt from the requirements of this Division. Voluntary compliance with the intent of Section 142.0740 is encouraged.

Issue #4 Accessory Structures

**§131.0448 Accessory Structures in Residential Zones**

- (a) Multiple *accessory buildings* are permitted on a *premises*. However the square footage of all *accessory buildings* cannot exceed 25 percent of the allowable *gross floor area* of the *premises*.
- (b) An *accessory building* in the RE, RS, and RX zones may have electrical, gas, and water/sewer connections to provide the following activities:
  - (1) Lighting, washing machines, dryers, laundry tubs, and hot water heater;
  - (2) A one-half bathroom, limited to a water closet and a lavatory sink; and
  - (3) 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.
- (c) *Accessory buildings* in RE, RS, and RX zones may encroach into required *yards* subject to the following conditions:
  - (1) Encroachment into required *yards* can only occur on *premises* with less than 10,000 square feet of area.
  - (2) *Accessory buildings*, not including attached or detached patio, shall be limited to one *story*.
  - (3) The maximum permitted *structure height* of an *accessory building* is 10 feet for a flat roof and 15 feet for a pitched roof. If the *structure* contains a shed roof, the maximum *structure height* is 12 feet measured at the ridge. A building with a flat roof may have a *roof deck*, provided that all handrails and other appurtenances are

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limited to 42 inches in height and comply with all *setback* requirements.

- (4) All required *visibility areas*, as set forth in Section 113.0273, shall be observed.
- (5) No *accessory building* shall be used for living or sleeping purposes.
- (6) In the RE and RS zones, the cumulative area of all *accessory buildings encroaching into required yards* shall not exceed 525 square feet in *gross floor area*.
- (7) In the RX zones, the cumulative area of all *accessory buildings* shall not exceed 400 square feet in *gross floor area*.
- (8) The length of any *accessory building* dimension within the required *yards* shall not exceed 30 feet in any given *setback*.
- (9) The *accessory building* must be placed entirely within the rear 30 percent of the *lot premises* or behind the front 70 feet of the *lot premises*, whichever results in the *accessory building* being located farther from the *street*.
- (10) If the *accessory building* is used for parking and access to the *structure* is taken from the *alley*, a minimum distance of 21 feet shall be provided between the edge of the *alley* opposite the *premises* and the exterior wall of the *accessory building*.
- (11) Within the Coastal Overlay Zone, *accessory structures* are subject to the supplemental regulations in Section 132.0403.

Issue #5 Building Façade

§113.0103 *Abutting Property to Building Envelope* no change

*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* excepting alleys. See Section 113.0216 for additional information on determining *building facade*.

*Business Day to Yard* no change

Issue #6 Underground Parking FAR

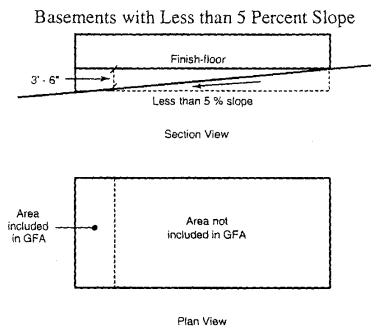
§113.0234 *Calculating Gross Floor Area*

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*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).

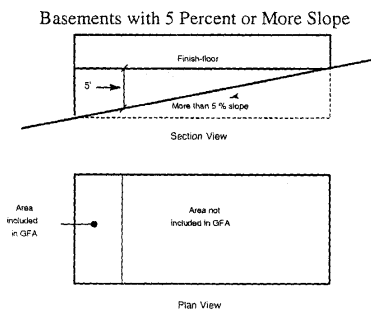
- (a) Elements Included in *Gross Floor Area* For Development in All Zones
  - (1) *Gross floor area* includes all existing and proposed *floors* within the horizontal area delineated by the exterior surface of the surrounding exterior walls of the building.
  - (2) *Gross floor area* includes *basements* 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.

Diagram 113-02I



- (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.

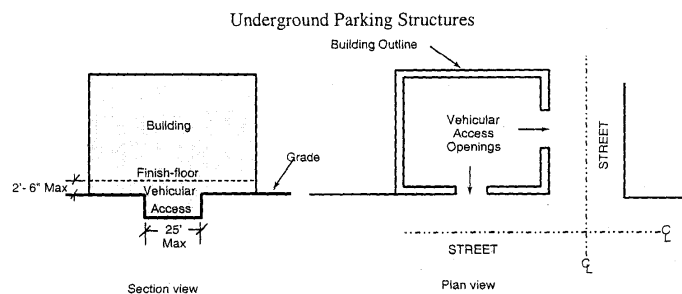
Diagram 113-02J



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- (3) *Gross floor area* includes those portions of *underground parking structures* where, at any point, the vertical distance from *existing grade* or *proposed grade*, whichever is lower, to the *finish-floor* elevation immediately above, is more than 3' 2" 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.

Diagram 113-02K



\*Modify 2'-6" to be 3'-6" in the diagram\*

Issue #7 Vacancy Rate Determination

**§144.0504 Vacancy Rate Determination and Suspension of Relocation Payment**

- (a) On or before March ~~April~~ 1, 2006~~5~~, and each year thereafter, the Planning Commission shall determine that if the average vacancy rate for residential rental units exceeded seven percent on a City-wide basis for the previous calendar year, then the payment of relocation benefits pursuant to section 144.0504(a) shall not apply to condominium conversions in the calendar year starting March ~~April~~ 1 of that year.
- (b) Each year, Planning Department staff shall submit to the Planning Commission ~~in March of each year~~ a report identifying the vacancy rates for residential rental units in the City as of January 1 of that year, and July 1 of the preceding year. The report shall also include an annual average. The report is to be based on the results of a survey of rental apartments to

be taken during the months of March through May and again during the months of September through November January and July of each year, plus any other information regarding vacancy rates submitted to the Planning Commission by other governmental agencies and other interested parties.

### **PROCESS/PERMITS**

#### **Issue #8 Permit Application and Expiration Requirements**

##### **§129.0211 Closing of Building Permit Application**

- (a) If ~~360-calendar days~~ one year have ~~has~~ 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.
- (b) The application file for City owned projects shall be closed after two years have elapsed since the date of submittal of a Building Permit application.
- (c) The Building Official may extend a Building Permit application, for a period not exceeding 180 calendar days, if the Building Official determines that circumstances beyond the control of the applicant prevented issuance of the Building Permit.
- (d) If a request to extend the closing date of a Building Permit application has been filed in accordance with this section, the existing Building Permit application shall be automatically extended until the Building Official has made a decision on the request for an extension.

##### **§129.0218 Expiration of a Building Permit**

- (a) A Building Permit for single dwelling unit or two-dwelling unit projects, and for the relocation of structures shall expire by limitation and become void two years ~~24 months~~ after the date of permit issuance, unless an exception is granted in accordance with Section 129.0218(b). A Building Permit for all other projects shall expire by limitation and become void four years after the date of permit issuance.
- (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.~~

- (b) 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: or an extension of time is approved in accordance with Section 129.0219. All Electrical, Plumbing, or Mechanical Permits associated with a Building Permit shall expire concurrently with the Building Permit.

**§129.0219 Extension of Time for a Building Permit**

- (a) Except for relocation of *structures*, a permittee may submit to the Building Official an application for an extension of time before the expiration date of the Building Permit. The application shall be filed no later than one month in advance of the expiration date. 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. All Electrical, Plumbing, or Mechanical Permits associated with a Building Permit shall be extended to expire concurrently with the Building Permit.
- (b) If an application for an extension of time has been filed 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 completion.

**§129.0312 Expiration of an Electrical Permit**

An Electrical Permit shall expire by limitation and become void 2 years 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. Any Electrical Permit associated with a Building Permit shall expire concurrently with the Building Permit.

**§129.0413 Expiration of a Plumbing/Mechanical Permit**

A Plumbing/Mechanical Permit shall expire by limitation and become void 2 years 24 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. Any Plumbing/Mechanical Permit associated with a Building Permit shall expire concurrently with the Building Permit.

**Issue #9 Deviations from FAR for total premises with PDP**

**§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 regulations apply 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.
  - (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* except as permitted in the Kearny Mesa Community Plan;

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Issue #10 Alternative Compliance for Steep Hillside

**Table 143-01A**  
**Applicability of Environmentally Sensitive Lands Regulations**

<i>Environmentally Sensitive Lands Potentially Impacted by Project</i>						
Type of Development Proposal		Wetlands, listed non-covered species habitat <sup>(1)</sup>	Other Sensitive Biological Resources other than Wetlands and listed noncovered species habitat	Steep Hillside	Sensitive Coastal Bluffs and Coastal Beaches	Floodplains
1. Single dwelling units on individual lots equal to or less than 15,000 square feet <sup>(2)</sup>	R	143.0141(a),(b)	143.0141	143.0142 except (a) <sup>(5)</sup>	143.0143, 143.0144	143.0145 143.0146
	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 143.0146
	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 <sup>(3)</sup>	143.0143, 143.0144	143.0145 143.0146
	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	143.0115, 143.0145 143.0146
	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 <sup>(4)</sup>	143.0143, 143.0144, 143.0150	143.0145, 143.0146 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)

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Environmentally Sensitive Lands Potentially Impacted by Project						
Type of Development Proposal		Wetlands, listed non-covered species habitat <sup>(1)</sup>	Other Sensitive Biological Resources other than Wetlands and listed noncovered species habitat	Steep Hillides	Sensitive Coastal Bluffs and Coastal Beaches	Floodplains
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 Four Three	--	--
	U	--	--	--	--	--

Issue #11 Rescinding Development Permits

**§126.0110 Cancellation of a Development Permit**

- (a) 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 cancelled less than 120 calendar days after the request is received by the City Manager. The City shall forward a written 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 permittee.
- (b) Once a *development permit* has been utilized, an owner or permittee may submit an application to rescind the *development permit* in accordance with the following:
- (1) Where the *development* complies with all use and *development* regulations the application to rescind a *development permit* shall be processed in accordance with Process One.
- (2) For *development* not in compliance with Section 126.0110(b)(1), an application to rescind a *development permit* shall be processed in accordance with the same process as would a new application for the same permit.

Issue #12 Sustainable Buildings Expedite Program

**§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.

(m) Supplemental Findings - Deviations for Affordable/In-Fill Housing Projects and Sustainable Buildings

A development that requires a Site Development Permit in accordance with Section 143.0920 because the applicant has requested a deviation from the applicable development regulations for affordable/in-fill housing and Sustainable Building projects 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, and/or the proposed development will materially assist in reducing impacts associated with fossil fuel energy use by utilizing alternative energy resources, self-generation and other renewable technologies (e.g. photovoltaic, wind, and/or fuel cells) to generate electricity needed by the building and its occupants.
- (2) The development will not be inconsistent with the purpose of the underlying zone;
- (3) Any proposed deviations 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.

**Chapter 14 Article 3 Division 9: Affordable/In-Fill Housing and Sustainable Buildings Development Regulations**

**§143.0910 Purpose of Affordable/In-Fill Housing and Sustainable Buildings Development Regulations**

The purpose of these regulations is to provide flexibility in the application of development regulations for projects providing affordable shelter and a balance of housing opportunities for all economic segments of the community. The intent is to provide an additional incentive to facilitate the development of affordable/in-fill housing and Sustainable Buildings while assuring that the *development* achieves the purpose and intent of the applicable land use plan.

**§143.0915 When Affordable/In-Fill Housing and Sustainable Buildings Regulations Apply**

These regulations apply to the following types of residential *development*:

(a) Residential *development* in accordance with Section 142.13046(a).

(b) through (g) No Change.

**§143.0920 Deviation Requirements for Affordable/In-Fill Housing and Sustainable Buildings**

An applicant may request a deviation from the applicable development regulations for affordable/in-fill housing and Sustainable Buildings in accordance with Section 143.0915 pursuant to a Site Development Permit decided in accordance with Process Four provided that the findings in Section 126.0504(a) and the supplemental findings in Section 126.0504 (m) are made.

**USES**

**Issue #13 Ground Floor Residential Development in Commercial Zones**

Footnotes to Table 131-05B

- <sup>1</sup> Uses shall not begin operating before 6:00 a.m. or continue operating later than 12:00 midnight in CN zones.
- <sup>2</sup> ~~See Section 131.0540. 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.~~

\*Strikeout Footnote 2 reference from Table 131-05B *Instructional Studios* in the CV Zones. The limitation will be transferred to the Instructional Studio Separately Regulated Use Section (141.0612(c)).\*

**§131.0540 Maximum Permitted Residential Density and Other Residential Regulations**

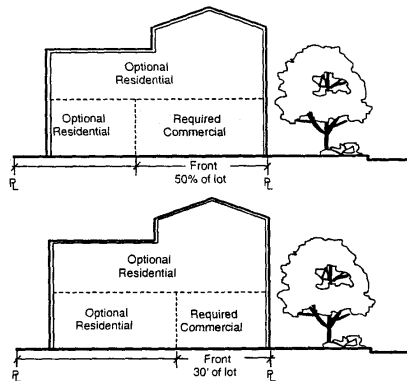
The following regulations apply to all residential *development* within commercial zones:

- (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. Within the Coastal Overlay Zone, required parking cannot occupy more than 50% of the ground floor in the CV-1-1 or CV-1-2 zones.

**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.
- (e) Non owner occupants must reside on the premises for a minimum of 7 consecutive calendar days.
- (f) Within the Coastal Overlay Zone, residential uses are not permitted on the ground floor.

**§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.
- (c) Within the Coastal Overlay Zone, instructional studios are not permitted on the ground floor in the CV-1-1 or CV-1-2 zone.

Issue #14 Child Care Facilities

**§141.0606 Child Care Facilities**

- (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 regulated substances ~~acutely hazardous material~~ above the Threshold Planning Quantities Threshold Quantity as defined by the California Health and Safety Code, Division 20, Chapter 6.95, Section 25500 et seq. listed in the California Code of Regulations, Title 19 Section 2770.5.
  - (B) Handles compressed flammable gases in excess of 1,500 pounds; or
  - (C) Handles flammable liquids in excess of 10,000 gallons.
- (2) The 1,000-foot separation distance shall be measured from the *property line* of the proposed *child care facility* to the use, storage, or handling areas for the regulated substances ~~hazardous material~~. Businesses may

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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 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) No Change

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Issue #15 Outpatient Medical Clinics

§131.0222 Use Regulations Table for Open Space Zones

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 <sup>(1)</sup>		OF <sup>(12)</sup>
	3rd >>	1-	2-	1-	1-		1-
	4th >>	1	1	1	1	2	1
<b>Commercial Services</b>							
Building Services		-	-	-	-	-	-
Business Support		-	-	-	-	-	-
Eating & Drinking Establishments	P <sup>(2)</sup>	-	-	-	-	-	-
Financial Institutions		-	-	-	-	-	-
Funeral & Mortuary Services		-	-	-	-	-	-
Maintenance & Repair		-	-	-	-	-	-
Off-site Services		-	-	-	-	-	-
Personal Services		-	-	-	-	-	-
Assembly & Entertainment	P <sup>(2)</sup>	-	-	-	-	-	-
Radio & Television Studios		-	-	-	-	-	-
Visitor Accommodations		-	-	-	-	-	-
<b>Separately Regulated Commercial Services Uses</b>							
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:							

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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 >>		OP-		OC-		OR <sup>(1)</sup> -
	3rd >>		1-	2-	1-	1-	OF <sup>(12)</sup> -
	4th >>		1	1	1	1 2	1
1-2 Guest Rooms	-	-	-	-	-	N	-
3-5 Guest Rooms	-	-	-	-	-	N	-
6+ Guest Rooms	-	-	-	-	-	C	-
Boarding Kennels	-	-	-	-	-	-	-
Camping Parks	C	C	-	-	-	-	C <sup>(7)</sup>
<i>Child Care Facilities:</i>							
Child Care Centers	C <sup>(2)</sup>	-	-	-	-	-	-
Large Family Day Care Homes	-	-	-	-	-	L	-
Small Family Day Care Homes	-	-	-	-	-	P	-
Eating and Drinking Establishments Abutting Residentially Zoned Property	-	-	-	-	-	-	-
Fairgrounds	-	-	-	-	-	-	C <sup>(7)</sup>
Golf Courses, Driving Ranges, and Pitch & Putt Courses	C	C	-	-	-	C <sup>(9)</sup>	C <sup>(11)</sup>
Helicopter Landing Facilities	-	-	-	-	-	-	C <sup>(11)</sup>
Instructional Studios	C	C	-	-	-	-	-
Massage Establishments, Specialized Practice	-	-	-	-	-	-	-
Nightclubs & Bars over 5,000 square feet in size	-	-	-	-	-	-	-
<del>Outpatient Medical Clinics</del>	-	-	-	-	-	-	-
<i>Parking Facilities as a primary use:</i>							
Permanent Parking Facilities	-	-	-	-	-	-	-
Temporary Parking Facilities	-	-	-	-	-	-	-
Private Clubs, Lodges and Fraternal Organizations	-	-	-	-	-	-	-
Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size <sup>(3)</sup>	C <sup>(2)</sup>	-	-	-	-	-	-
<i>Pushcarts:</i>							
Pushcarts on Private Property	L	-	-	-	-	-	-
Pushcarts in Public-Right-of-Way	N	-	-	-	-	-	-
<i>Recycling Facilities:</i>							
Large Collection Facility	-	-	-	-	-	-	-
Small Collection Facility	-	-	-	-	-	-	-
Large Construction & Demolition Debris <i>Recycling Facility</i>	-	-	-	-	-	-	-
Small Construction & Demolition Debris <i>Recycling Facility</i>	-	-	-	-	-	-	-
Drop-off Facility	L	L	-	-	-	-	-
Green Materials Composting 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 >>	OP-		OC-	OR <sup>(1)</sup>		OF <sup>(12)</sup>
	3rd >>	1-	2-	1-	1-	1-	
	4th >>	1	1	1	1	2	1
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		p <sup>(2)</sup>	-	-	-	-	-
<u>Urgent Care Facilities</u>		=	=	=	=	=	=
Veterinary Clinics & Animal Hospitals		-	-	-	-	-	-
Zoological Parks		C	-	-	-	-	-

§131.0322 Use Regulations Table for Agricultural Zones

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
<b>Commercial Services</b>					
Building Services		-	-	-	-
Business Support		-	-	-	-
Eating & Drinking Establishments		-	-	-	-
Financial Institutions		-	-	-	-

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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 >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
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		-	-	-	-
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(10)	
3-5 Guest Rooms		-		N(10)	
6+ Guest Rooms		-		C(10)	
Boarding Kennels		L		L	
Camping Parks		C		C	
Child Care Facilities:					
Child Care Centers		-		C <sup>(9)</sup>	
Large Family Day Care Homes		-		L <sup>(9)</sup>	
Small Family Day Care Homes		-		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 >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
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 <i>Primary Use</i> :					
Permanent Parking Facilities		-		-	
Temporary Parking Facilities		-		-	
Private Clubs, Lodges and Fraternal Organizations		-		-	
Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size <sup>(5)</sup>		-		C	
Pushcarts					
Pushcarts on Private Property		-		-	
Pushcarts in <i>public right-of-way</i>		-		-	
Recycling Facilities:					
Large Collection Facility		N		N <sup>(9)</sup>	
Small Collection Facility		L		L	
Large Construction & Demolition Debris <i>Recycling Facility</i>		-		-	
Small Construction & Demolition Debris <i>Recycling Facility</i>		-		-	
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		-		-	

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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 >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Sidewalk Cafes		-	-	-	-
Sports Arenas & Stadiums		-	-	-	-
Theaters that are outdoor or over 5,000 square feet in size		-	-	-	-
<u>Urgent Care Facilities</u>		-	-	-	-
Veterinary Clinics & Animal Hospitals		C	C	C	C
Zoological Parks		C	C	C	C

§131.0422 Use Regulations Table for Residential Zones

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	
<b>Commercial Services</b>																									
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	-															-									
<b>Separately Regulated Commercial Services Uses</b>																									
Adult Entertainment Establishments																									
Adult Book Store	-															-									
Adult Cabaret	-															-									
Adult Drive-In Theater	-															-									
Adult Mini-Motion Picture Theater	-															-									
Adult Model Studio	-															-									

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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 >>		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
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																		N				-	
3-5 Guest Rooms		N																		C				-	
6+ Guest Rooms		C																		C				-	
Boarding Kennels		-																		-				-	
Camping Parks		-																		-				-	
Child Care Facilities:																									
Child Care Centers		C																		C				C	
Large Family Day Care Homes		L																		L				L	
Small Family Day Care Homes		P																		P				P	
Eating and Drinking Establishments Abutting Residentially Zoned Property		-																		-				-	
Fairgrounds		-																		-				-	
Golf Courses, Driving Ranges, and Pitch & Putt Courses		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 <sup>(4)</sup>		-																		-				-	
Pushcarts:																									

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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 >>			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
Pushcarts on Private Property				-																		-				
Pushcarts in <i>public right-of-way</i>				-																		-				
Recycling Facilities:																										
Large Collection Facility				-																		-				
Small Collection Facility				-																		-				
Large Construction & Demolition Debris <i>Recycling Facility</i>				-																		-				
Small Construction & Demolition Debris <i>Recycling Facility</i>				-																		-				
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				-																		-				
<u>Urgent Care Facilities</u>				-																		-				
Veterinary Clinics & Animal Hospitals				-																		-				
Zoological Parks				-																		-				

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
		RM-											
		1st & 2nd >>			3rd >>			4th >>			5th >>		
		1	2	3	4	5	6	7	8	9	10	11	12

Commercial Services													
Building Services		-											
Business Support		-											
Eating & Drinking Establishments		-											
Financial Institutions		-											

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Funeral & Mortuary Services	-	-	-	-	-
Maintenance & Repair	-	-	-	-	-
Off-Site Services	-	-	-	-	-
Personal Services	-	-	P <sup>(9)</sup>	P <sup>(9)</sup>	P <sup>(9)</sup>
Assembly & Entertainment	-	-	-	-	-
Radio & Television Studios	-	-	-	-	-
Visitor Accommodations	-	-	-	P <sup>(6)</sup>	P <sup>(6)</sup>
<b>Separately Regulated Commercial Services Uses</b>					
<b>Adult Entertainment Establishments:</b>					
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	-	-	-	-	-
<b>Bed &amp; Breakfast Establishments:</b>					
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	-	-	-	-	-
<b>Child Care Facilities:</b>					
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	-	-	-	-	-

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Outpatient Medical Clinics	-	-	-	-	-
Parking Facilities as a <i>Primary Use</i>					
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 <sup>(4)</sup>	-	-	-	-	-
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	-	-	-	-	-
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	-	-	-	-	-
Urgent Care Facilities	-	-	-	-	-
Veterinary Clinics & Animal Hospitals	-	-	-	-	-
Zoological Parks	-	-	-	-	-

§131.0522 Use Regulations Table of Commercial Zones

**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 <sup>(1)-</sup>			CR-		CO-		CV-		CP-
				1-			1-	2-	1-		1-		1-
	4th >>			1	2	3	1	1	1	2	1	2	1
<b>Commercial Services</b>													
Building Services				-			P	P	P <sup>(6)</sup>		-		-
Business Support				P			P	P	P <sup>(7)</sup>		-		-
Eating & Drinking Establishments				P <sup>(4)</sup>			P	P	P <sup>(5)</sup>		P		-
Financial Institutions				P			P	P	P		-		-
Funeral & Mortuary Services				-			P	P	-		-		-
Maintenance & Repair				P			P	P	P <sup>(6)</sup>		-		-
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		-
<b>Separately Regulated Commercial Services Uses</b>													
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		-

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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									
		CN <sup>(1)</sup> -			CR-		CO-		CV-		CP-
		1st & 2nd >>			1-		1-		1-		1-
		3rd >>			1-		1-		1-		1-
		1	2	3	1	1	1	2	1	2	1
Boarding Kennels		-			C	C	C		C <sup>(10)</sup>		-
Camping Parks		-			C	C	C		C		-
<i>Child Care Facilities:</i>											
Child Care Centers		L			L	-	L		L <sup>(10)</sup>		-
Large Family Day Care Homes		L			L	-	L		L <sup>(10)</sup>		-
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 <sup>(10)</sup>		-
Instructional Studios		P			P	P	C		C <sup>(2)</sup>		-
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 <sup>(10)</sup>		-
<i>Parking Facilities as a Primary Use:</i>											
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		-
Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size <sup>(9)</sup>		-			C	C	-		C		-
<i>Pushcarts:</i>											
Pushcarts on Private Property		L			L	L	L		L		-
Pushcarts in Public Right of Way		N			N	N	N		N		-
<i>Recycling Facilities:</i>											
Large Collection Facility		N			N	N	N		N <sup>(10)</sup>		-
Small Collection Facility		L			L	L	L		L <sup>(10)</sup>		-
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		-			-	-	-		-		-

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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									
		CN <sup>(1)</sup> -			CR-		CO-		CV-		CP-
		1st & 2nd >>			1-		2-		1-		1-
		1	2	3	1	1	1	2	1	2	1
Recyclables From Commercial & Industrial Traffic											
Small Processing Facility Accepting All Types of Traffic		-	-	-	-	-	-	-	-	-	-
Reverse Vending Machines		L			L	L	L	L	L		-
Tire Processing Facility		-	-	-	-	-	-	-	-	-	-
Sidewalk Cafes		N			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		-
<u>Urgent Care Facilities</u>		N			N	N	N	N	N <sup>(10)</sup>		-
Veterinary Clinics & Animal Hospitals		-			C	C	C	C	-		-
Zoological Parks		-			-	-	-	-	-		-

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
<b>Commercial Services</b>																			
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	
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	
<b>Separately Regulated Commercial Services Uses</b>																			
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	

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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
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				
Outpatient Medical Clinics			N			N			N		N					N				
Parking Facilities as a <i>Primary Use</i> :																				
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 Recreation Facilities over 40,000 Square Feet in Size <sup>(9)</sup>			C			C			-		C					C				
Pushcarts:																				
Pushcarts on Private Property			L			L			L		L					L				
Pushcarts in <i>public right-of-way</i>			N			N			N		N					N				
Recycling Facilities:																				
Large Collection Facility			N			N			N		N					N				

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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
Small Collection Facility		L			L			L		L					L				
Large Construction & Demolition Debris <i>Recycling Facility</i>		-			-			-		-					-				
Small Construction & Demolition Debris <i>Recycling Facility</i>		-			-			-		-					-				
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				
<u>Urgent Care Facilities</u>		N			N			N		N					N				
Veterinary Clinics & Animal Hospitals		C			C			C		C					C				
Zoological Parks		-			-			-		-					-				

§131.0622 Use Regulations Table for Industrial Zones

Table 131-06B  
Use Regulations Table for Industrial Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone designator	Zones								
	1st & 2nd >>	IP-		IL-			IH-		IS-	
	3rd >>	1-	2-	1-	2-	3-	1-	2-	1-	
	4th >>	1	1	1	1	1	1	1	1	
Commercial Services										
Building Services		-	-	P	P	P	-	P	P	
Business Support		-	P <sup>(8)</sup>	P <sup>(8)</sup>	P	P	-	P <sup>(8)</sup>	P	
Eating & Drinking Establishments		-	P <sup>(7)</sup>	P <sup>(7)</sup>	P <sup>(7)</sup>	P	-	P <sup>(7)</sup>	P <sup>(4)</sup>	
Financial Institutions		-	P	-	P	P	-	-	P	
Funeral & Mortuary Services		-	-	-	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 >>		IP-		IL-			IIF-		IS-
	3rd >>		1-	2-	1-	2-	3-	1-	2-	1-
	4th >>		1	1	1	1	1	1	1	1
Maintenance & Repair	-	-	P	P	P	-	-	-	-	P
Off-site Services	-	P	P	P	P	-	P	-	-	P
Personal Services	-	-	-	P <sup>(9)</sup>	P <sup>(9)</sup>	-	-	-	-	-
Assembly & Entertainment	-	-	-	P <sup>(11)</sup>	P	-	-	-	-	P <sup>(12)</sup>
Radio & Television Studios	-	P	P	P	P	-	P	-	-	P
Visitor Accommodations	-	-	-	-	-	-	-	-	-	-
<b>Separately Regulated Commercial Services Uses</b>										
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	C	C
Camping Parks	-	-	-	-	-	-	-	-	-	-
Child Care Facilities:										
Child Care Centers	L	L	-	L	L	-	-	L	-	L
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	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 >>		IP-		IL-		IH-		IS-	
	3rd >>		1-	2-	1-	2-	3-	1-	2-	1-
	4th >>		1	1	1	1	1	1	1	1
Golf Courses, Driving Ranges, and Pitch & Putt Courses	-	C	C	C	C	C	C	C	C	C
Helicopter Landing Facilities	C	C	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	L	-
Parking Facilities as a <i>Primary Use</i> :										
Permanent Parking Facilities	C	C	P	C	P	P	P	P	C	C
Temporary Parking Facilities	C	C	N	C	N	N	N	N	C	C
Private Clubs, Lodges and Fraternal Organizations	C	C	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	C	C
Pushcarts:										
Pushcarts on Private Property	L	L	L	L	L	L	L	L	L	L
Pushcarts in Public Right of Way	N	N	N	N	N	N	N	N	N	N
Recycling Facilities:										
Large Collection Facility	L	N	N	N	N	L	L	N	N	N
Small Collection Facility	L	L	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	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	L	C	C
Large Processing Facility Accepting All Types of Traffic	-	C	N	N	N	N	N	N	C	C
Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables From Commercial & Industrial Traffic	-	N	L	L	L	L	L	L	N	N
Small Processing Facility Accepting All Types of Traffic	-	N	N	N	N	N	N	N	N	N
Reverse Vending Machines	L	L	L	L	L	L	L	L	L	L
Tire Processing Facility	-	-	C	-	C	C	C	-	-	-
Sidewalk Cafes	-	N	N	N	N	-	N	N	-	-
Sports Arenas & Stadiums	-	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 >>		IP-			IL-			IH-		IS-
	3rd >>		1-	2-	1-	2-	3-	1-	2-	1-	
	4th >>		1	1	1	1	1	1	1	1	1
Theaters that are outdoor or over 5,000 square feet in size	-	C	-	C	C	-	C	-	C	-	-
Urgent Care Facilities	-	L	-	L	P	-	L	-	L	-	L
Veterinary Clinics & Animal Hospitals	-	C	C	C	P	C	C	C	C	C	C
Zoological Parks	-	-	-	-	-	-	-	-	-	-	-

**§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. Within the beach impact area of the Parking Impact Overlay Zone, off-street parking shall be provided

at a ratio not less than one parking space for every 250 sq ft of gross floor area.

**§141.0624 Urgent Care Facilities**

Urgent care facilities are facilities that are designed or used to provide medical services on a walk-in or emergency care basis that operate outside of standard business hours. Urgent care 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 Section 141.0624(a). Urgent care 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 Section 141.0624(b).

(a) Limited Use Regulations

- (1) Ambulance services are not permitted.
- (2) Overnight patients are not permitted.

(b) Neighborhood Use Permit Regulations

- (1) Overnight patients are not permitted.
- (2) Urgent care facilities 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. Within the beach impact area of the Parking Impact Overlay Zone, off-street parking shall be provided at a ratio not less than one parking space for every 250 sq ft of gross floor area.

**§141.06254 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 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*.

**§141.06265 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.

Issue #16 Agricultural Zone Use Table

**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 <sup>(4)</sup>		P <sup>(4)</sup>	
Aquaculture Facilities		P		P	
Dairies		P		P <sup>(8)</sup>	
Horticulture Nurseries & Greenhouses		P <sup>(6)</sup>		P <sup>(6)</sup>	
Raising & Harvesting of Crops		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 >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Raising, Maintaining & Keeping of Animals		P <sup>(2)</sup>		P <sup>(2),(3)</sup>	
Separately Regulated Agriculture Uses					
Agricultural Equipment Repair Shops		C		-	
Commercial Stables		C <sup>±</sup>		L	
Community Gardens		L		L	
Equestrian Show & Exhibition Facilities		C		C	
Open Air Markets for the Sale of Agriculture-Related Products & Flowers		L		L	
<b>Residential</b>					
Group Living Accommodations		-		-	
Mobilehome Parks		-		-	
Multiple Dwelling Units		-		-	
Single Dwelling Units		P <sup>(1)</sup>		P	
Separately Regulated Residential Uses					
Boarder & Lodger Accommodations		L <sup>±</sup>		L	
Companion Units		-		C	
Employee Housing:					
6 or fewer employees		L <sup>(7)</sup>		L <sup>(7)</sup>	
12 or Fewer employees		L <sup>(7)</sup>		L <sup>(7)</sup>	
Greater than 12 employees		N		C	
Fraternalities, 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 <sup>(10)</sup>	
Transitional Housing:					
6 or fewer persons		-		P	
7 or more persons		-		C <sup>(10)</sup>	
Watchkeeper Quarters		-		-	
<b>Institutional</b>					

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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 >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
<b>Separately Regulated Institutional Uses</b>					
Airports		-E		C	
Botanical Gardens & Arboretums		C		C	
Cemeteries, Mausoleums, Crematories		-E		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		-E		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	
Interpretive Centers		CP (11)		P (11)	
Museums		-		-	
Major Transmission, Relay, or Communications Switching Stations		-E		C	
Social Service Institutions		-		-	
<b>Retail Sales</b>					
Building Supplies & Equipment		-		-	
Food, Beverages and Groceries		-		-	
Consumer Goods, Furniture, Appliances, Equipment		-		-	
Pets & Pet Supplies		-		-	
Sundries, Pharmaceuticals, & Convenience Sales		-		-	
Wearing Apparel & Accessories		-		-	

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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 >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
<b>Separately Regulated Retail Sales Uses</b>					
Agriculture Related Supplies & Equipment		C		C	
Alcoholic Beverage Outlets		-		-	
Plant Nurseries		C		C	
Swap Meets & Other Large Outdoor Retail Facilities		-		C	
<b>Commercial Services</b>					
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		-		-	
<b>Separately Regulated Commercial Services Uses</b>					
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		-		L(10)	
3-5 Guest Rooms		-		N(10)	
6+ Guest Rooms		-		C(10)	

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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 >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Boarding Kennels		± L		L	
Camping Parks		± E		C	
<i>Child Care Facilities:</i>					
Child Care Centers		-		C <sup>(9)</sup>	
Large Family Day Care Homes		-		L <sup>(9)</sup>	
Small Family Day Care Homes		-		P	
Eating and Drinking Establishments Abutting Residentially Zoned Property		-		-	
Fairgrounds		-		C	
Golf Courses, Driving Ranges, and Pitch & Putt Courses		± E		C	
Helicopter Landing Facilities		± E		C	
Instructional Studios		-		-	
Massage Establishments, Specialized Practice		-		-	
Nightclubs & Bars over 5,000 square feet in size		-		-	
Outpatient Medical Clinics		-		-	
<i>Parking Facilities as a Primary Use:</i>					
Permanent Parking Facilities		-		-	
Temporary Parking Facilities		-		-	
Private Clubs, Lodges and Fraternal Organizations		-		-	
Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size <sup>(5)</sup>		-		C	
<i>Pushcarts</i>					
Pushcarts on Private Property		-		-	
Pushcarts in <i>public right-of-way</i>		-		-	
<i>Recycling Facilities:</i>					
Large Collection Facility		± N		N <sup>(9)</sup>	
Small Collection Facility		± L		L	
Large Construction & Demolition Debris <i>Recycling Facility</i>		-		-	
Small Construction & Demolition Debris <i>Recycling Facility</i>		-		-	
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		-		-	

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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 >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
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
<b>Offices</b>					
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		-		-	
<b>Vehicle &amp; Vehicular Equipment Sales &amp; Service</b>					
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 <i>Primary Use</i>		-		-	
<b>Wholesale, Distribution, Storage</b>					
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

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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 >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
<b>Industrial</b>					
Heavy Manufacturing		-		-	
Light Manufacturing		-		-	
Marine Industry		-		-	
Research & Development		-		-	
Trucking & Transportation Terminals		-		-	
<b>Separately Regulated Industrial Uses</b>					
Hazardous Waste Research Facility		-		C <sup>(9)</sup>	
Hazardous Waste Treatment Facility		-		C <sup>(9)</sup>	
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		-		-	
<b>Signs</b>					
Allowable Signs		-	L	-	L
<b>Separately Regulated Signs Uses</b>					
Community Identification Signs		-	N	-	N
Reallocation of Sign Area Allowance		-		-	
Revolving Projecting Signs		-		-	
Signs with Automatic Changing Copy		-		-	
Theater Marquees		-		-	

Footnotes for Table 131-03B

- <sup>1</sup> This use is permitted only as an *accessory use* to a permitted agricultural use.
- <sup>2</sup> Maintaining, raising, feeding, or keeping of 10 or more domestic animals requires a *premises* of at least 5 acres.
- <sup>3</sup> Excludes maintaining, raising, feeding, or keeping of swine.
- <sup>4</sup> See Section 131.0323(a).
- <sup>5</sup> 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.
- <sup>6</sup> See Section 131.0323(b).

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- 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.
- 9 This use is not allowed within the Coastal Overlay Zone
- 10 Not permitted within the following Special Flood Hazard Areas in the Coastal Overlay Zone: San Dieguito River, Carmel Creek, Los Penasquitos Lagoon, Los Penasquitos Creek, the Otay River and the Tijuana Tia Juana River.
- 11 Interpretive centers are not permitted within floodplains located in agriculturally zoned areas of the Coastal Overlay Zone.

**§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.~~
- (a)(b) The design of the structures shall incorporate a variety of architectural elements that help diminish building bulk.
- (b)(e) 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~~ in scale and less intense.
- (c)(d) Off-street parking shall be provided in accordance with Table 142-05F.

Issue #17 Traffic Study for Recycling Facilities

**§141.0620 Recycling Facilities**

- (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 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.

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- (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.

**CEQA**

**Issue #18 Repeal CEQA Chapter 6 Article 9 Division 2**

**Article 9: Environmental Quality Ordinance**

*(“Environmental Impact Report Procedural Ordinance”  
added 11-14-1972 by O-10952 N.S.)  
(Repealed 11-9-1987 by O-12203 N.S.)  
 (“Environmental Quality Ordinance”  
added 11-9-1977 by O-12203 N.S.)*

**Division 1: Purpose, Intent and Policy**

*(“General” added 11-14-1972 by O-10952 N.S.)  
(Repealed 11-9-1977 by O-12203 N.S.)  
 (“Purpose, Intent and Policy”  
added 11-9-1977 by O-12203 N.S.)*

**§69.0101 — Purpose**

Pursuant to the California Environmental Quality Act (Public Resources Code, Section 21000, et seq., herein “the Act” or “CEQA”) and State CEQA Guidelines Title 14, California Code of Regulations, Section 15000, et seq., herein “the Guidelines” or “State CEQA Guidelines”), it is incumbent upon the City of San Diego as a public agency to protect the interest of the public in securing, maintaining, preserving, protecting, rehabilitating and enhancing the environment within the City of San Diego. This Article has been enacted by the Council to attain that purpose, and to give effect to the Act and the Guidelines within the City of San Diego.

**§69.0102 — Citation of Article**

This article shall be known and may be cited as the “Environmental Quality Ordinance of the City of San Diego.”

**~~§69.0103 Declaration of Council Findings and Intent~~**

~~The Council, concurring with the State Legislature, finds and declares as follows:~~

- ~~(a) The maintenance of a quality environment for the people of this City now and in the future is a matter of city-wide concern.~~
- ~~(b) It is necessary to provide a high quality environment that at all times is healthful and pleasing to the senses and intellect of humans.~~
- ~~(c) There is a need to understand the relationship between the maintenance of high quality ecological systems and the general welfare of the people of the City, including their enjoyment of the natural resources of the City.~~
- ~~(d) The capacity of the environment is limited, and it is the intent of the Council that City agencies take immediate steps to identify any critical thresholds for the health and safety of the people of the City and take all coordinated actions necessary to prevent such thresholds being reached.~~
- ~~(e) Every citizen has a responsibility to contribute to the preservation and enhancement of the environment.~~
- ~~(f) The interrelationship of policies and practices in the management of natural resources and waste disposal requires systematic and concerted efforts by public and private interests to enhance environmental quality and to control environmental pollution.~~
- ~~(g) It is the intent of the Council that all City agencies which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, shall regulate such activities so that major consideration is given to preventing environmental damage.~~

**~~§69.0104 Declaration of City Policy: Protection of Environmental Quality~~**

~~The Council, concurring with the State Legislature, further finds and declares that it is the policy of the City to:~~

- ~~(a) Develop and maintain a high quality environment now and in the future, and take all actions necessary to protect, rehabilitate, and enhance the environmental quality of the City.~~

- (b) Take all actions necessary to provide the people of this City with clean air and water, enjoyment of aesthetic, natural, scenic and historic environmental qualities, and freedom from excessive noise.
- (c) Prevent the elimination of fish or wildlife species due to human activity, insure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities and examples of the major periods of California and San Diego history.
- (d) Ensure that the long-term protection of the environment shall be the guiding criterion in public decisions.
- (e) Create and maintain conditions under which humans and nature can exist in productive harmony to fulfill the social and economic requirements of present and future generations.
- (f) Require City agencies at all levels to develop standards and procedures necessary to protect environmental quality.
- (g) Require City agencies at all levels to consider qualitative factors as well as economic and technical factors, and long-term benefits and costs in addition to short-term benefits and costs, and to consider alternatives to proposed actions affecting the environment.

**§69.0105 Declaration of City Policy: Approval of Projects**

The Council, concurring with the State Legislature, further finds and declares that it is the policy of the City that:

- (a) City agencies shall not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects.
- (b) The procedures required by this article are intended to assist City and other public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.
- (c) In the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved notwithstanding one or more significant effects thereof.

**~~§69.0106 — Declaration of City Policy: Use of Environmental Impact Reports~~**

~~In order to achieve the objectives set forth in Section 69.0105 the Council, concurring with the State Legislature, finds and declares that the following policy shall apply to the use of environmental impact reports:~~

- ~~(a) — The purpose of an environmental impact report is to identify the significant effects of a project on the environment, to identify alternatives to the project, and to indicate the manner in which such significant effects can be mitigated or avoided.~~
- ~~(b) — Each City agency shall mitigate or avoid the significant effects on the environment of projects it approves or carries out whenever it is feasible to do so.~~
- ~~(c) — In the event that specific economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, such project may nonetheless be approved or carried out at the discretion of the City agency, provided that the project is otherwise permissible under applicable laws and regulations.~~
- ~~(d) — In applying the policies of subsections B and C to individual projects, the responsibility of a City agency which is functioning as a lead agency shall differ from that of a City agency which is functioning as a responsible agency. A City agency functioning as a lead agency shall have responsibility for considering the effects, both individual and collective, of all activities involved in a project. A City agency functioning as a responsible agency shall have responsibility for considering only the effects of those activities involved in a project, which it is required by law to carry out or approve.~~

**~~§69.0107 — Declaration of City Policy: Environmental Review Process~~**

~~The Council, concurring with the State Legislature, further finds and declares that it is the policy of the City that:~~

- ~~(a) — City agencies integrate the requirements of this article with planning and environmental review procedures otherwise required by law or by local practice so that all such procedures, to the maximum feasible extent, run concurrently, rather than consecutively.~~
- ~~(b) — Documents prepared pursuant to this article be organized and written in such a manner that they will be meaningful and useful to decision makers and to the public.~~

- (c) ~~Environmental impact reports omit unnecessary descriptions of projects and emphasize feasible mitigation measures and alternatives to projects.~~
- (d) ~~Information developed in individual environmental impact reports be incorporated into a data base which can be used to reduce delay and duplication in preparation of subsequent environmental impact reports.~~
- (e) ~~Information developed in environmental impact reports covering larger geographical areas be used to contribute to information required in specific environmental impact reports.~~

**§69.0108 — Incorporation of The Act by Reference**

~~The California Environmental Quality Act and the Guidelines, insofar as applicable, are herein 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 said Act and Guidelines.~~

**§69.0109 — Definitions**

~~For purposes of this Article, the definitions contained in the Act and the Guidelines apply, except as to the following terms which have the meaning hereby assigned:~~

- (a) ~~The term "City" has the same meaning as set forth in Section 11.0301(b).~~
- (b) ~~The term "City agency" means any agency, board, commission, committee, office, department, division or other organizational unit or subunit of the City of San Diego municipal government.~~
- (c) ~~The term "DEP" means the Development and Environmental Planning Division of the Development Services Department.~~
- (d) ~~The term "Director" means the Director of the Development Services Department.~~

**~~§69.0110 — Construction~~**

~~To the extent of any inconsistency or conflict between the provisions of the Act and Guidelines and the provisions of this Article and procedures adopted pursuant thereto, the provisions of the Act and the Guidelines shall control.~~

~~This Article shall be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.~~

**~~Article 9: Environmental Quality Ordinance~~**

**~~Division 2: Procedures for Implementation of CEQA and the State CEQA Guidelines~~**

**~~§69.0201 — Purpose~~**

~~The purpose of the procedures set forth in Article 9, Divisions 1 through 3 is to implement CEQA and the State CEQA Guidelines, and to provide the City of San Diego with objectives, criteria, and specific procedures consistent with CEQA and the State CEQA Guidelines for administering its responsibilities under CEQA, including the timely and orderly evaluation of projects and preparation of environmental documents. The procedures and provisions of this article are intended to supplement the State CEQA Guidelines and to provide additional guidelines for implementing CEQA and evaluating projects in the City.~~

**~~§69.0202 — Authority~~**

~~The procedures set forth in Article 9 are adopted by the City Council pursuant to Section 21082 of CEQA and Section 15022 of the State CEQA Guidelines.~~

**~~§69.0203 — Implementation Procedures~~**

~~All City agencies, in cooperation with DEP, shall systematically review and evaluate the ordinances, plans, policies, standards, criteria, procedures and practices under which they conduct their activities that may affect the quality of the environment and shall make or propose such changes in their activities that will further the purpose, intent and policies of this Article. City agencies shall carry out their responsibilities for preparing and reviewing environmental documents within a reasonable period of time. The Deputy Director is authorized to issue administrative guidelines consistent with CEQA, CEQA Guidelines, current case law and City Council Policy to assist City staff, project applicants and the public in meeting and understanding the requirements of CEQA and this Article. Subject to City Council approval, the Deputy Director shall adopt procedures~~

for resolving disputes on environmental document processing issues:

**§69.0204 — Powers and Duties of the Development and Environmental Planning Division**

The Director shall be responsible for conducting environmental reviews and making determinations in accordance with CEQA regarding the environmental significance of projects and the type of environmental documents required for all projects or activities that are subject to discretionary approval by the City proposed by private applicants, the City, or other public agencies. DEP shall also conduct those activities, prepare appropriate reports and perform such services as set forth in this Article, CEQA, and the State CEQA Guidelines. The requirements for the preparation of environmental documents should not cause undue delays in the processing of applications for permits or other entitlements for use.

DEP shall establish and maintain that degree of independence in the performance of its 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 under its purview, whether beneficial or detrimental, 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, the Planning Department, Development Services Department, any other governmental agency, a developer, a citizen or a group of citizens. DEP shall, in addition, work with and encourage project applicants to incorporate and effect all feasible environmental mitigation measures or project alternatives to minimize, if not preclude, adverse impacts to the environment from the project, consistent with CEQA.

**§69.0205 — Development and Environmental Planning Division Preparation of Reports and Declarations**

After an application for a discretionary permit or action is determined to be complete, DEP shall conduct an initial study of the project to determine whether an environmental document will need to be prepared. DEP shall notify the applicant in accordance with Section 15060 of the CEQA Guidelines of the scope of the environmental document and the additional information required. The time limits set forth in Section 21151.5 of CEQA for preparation of environmental impact reports and negative declarations are hereby adopted and established. The time limits for document preparation and review shall be coordinated with the provisions of the Permit Streamlining Act, Government Code section 65920, et. seq., except that time limits may be suspended as provided in Section 15109 of the Guidelines.

Any environmental impact report or negative declaration prepared pursuant to the requirements of this Article shall be prepared directly by, under contract to, or under the supervision of DEP. The City Manager or Development Services Director is authorized to retain consultants, when appropriate, to implement the provisions of this section and

expend funds collected pursuant to Section 69.0206 of this Code for such purposes. DEP may choose one of the following arrangements, or a combination thereof, for preparing a draft environmental report:

- (a) — Preparing the draft environmental report with its own staff.
- (b) — Contracting with another entity, public or private, to prepare the draft environmental report.
- (c) — Executing a three-party agreement or memorandum of understanding, as appropriate, with the applicant and an independent environmental consultant to govern the preparation of a draft environmental report through the means of an independent contractor.
- (d) — Causing a draft environmental report to be prepared by an environmental consultant retained by the applicant, based on a scope of issues letter prepared by DEP. Reports prepared in this manner shall be subject to the independent review and analysis set forth in Section 69.0204 and shall not be released for public review until DEP staff determines they are adequate.

DEP is responsible for implementation of the three-party agreement or memorandum of understanding for preparation of environmental reports, and ensuring that only qualified environmental consultants prepare such reports.

This section is not intended to prohibit, and shall not be construed as prohibiting, any person from submitting information to DEP. Such information may be submitted in any format and may be included in whole or in part in any such report or declaration.

An environmental report prepared pursuant to Section 69.0205 shall reflect the independent judgment and evaluation of DEP as to its adequacy and objectivity. Prior to the distribution of the draft environmental report for public review, the Deputy Director shall ensure that the draft report, to the maximum extent possible, incorporates the latest pertinent technical or scientific information and is factually accurate and consistent.

#### **§69.0206 — Fees From Party Proposing Project**

DEP shall charge a reasonable fee and collect a deposit from any party proposing a project subject to the provisions of this Article in order to fully recover all reasonable costs incurred by the City in preparing and supervising an environmental impact report, negative declaration or mitigation monitoring program for each project. The Development Services Director shall prepare and submit to the Council an appropriate fee schedule. The schedule shall become effective on its approval by Council resolution, and be published in the composite rate book by the City Clerk.

#### **§69.0207 — Noticing Requirements**

Notice of availability of environmental reports for public review and comment shall be given by DEP using the following procedures:

Attachment 2

- (a) The notice of availability shall be published one time in the officially designated City newspaper, and shall be sent by DEP to all organizations and individuals who have previously requested such notice and to the public library serving the area involved. A copy of the notice of availability shall also be sent to the officially recognized community planning group representing the planning area involved.
- (b) A copy of the notice of availability may also be sent by DEP to a community newspaper within the recognized community planning area.

**§69.0208 — Public Review and Comment**

Other public agencies and members of the public shall have the following time periods to review and comment on draft environmental impact reports and supplements, negative declarations and addenda:

- (a) Negative Declarations
  - (1) When a negative declaration is not required to be submitted to the State Clearinghouse for review by state agencies, then the public review period shall be a minimum of 21 calendar days.
  - (2) When a negative declaration is required to be submitted to the State Clearinghouse for review by state agencies, the public review period shall be a minimum of 30 calendar days unless a shorter period is approved by the State Clearinghouse.
- (b) Draft Environmental Impact Reports and Supplements
  - (1) When a draft environmental impact report or a supplement is not required to be submitted to the State Clearinghouse for review by state agencies, then the public review period shall be a minimum of 30 calendar days.
  - (2) When a draft environmental impact report or a supplement is required to be submitted to the State Clearinghouse for review by state agencies, then the public review period shall be a minimum of 45 calendar days, unless a shorter period is approved by the State Clearinghouse.
- (c) Addenda

All addenda for environmental documents certified more than three years previously shall be distributed for public review for fourteen (14) calendar days along with the previously certified environmental impact report or negative declaration pursuant to section 69.0211; provided, however, that this review period for the addenda shall not extend the time for action beyond that required under law, and provided further that the failure to allow review of addenda or

~~allow sufficient time to review addenda shall not invalidate any discretionary agency approval based upon an addendum under review.~~

~~(d) — Additional Review Time~~

~~An additional review period not to exceed 14 calendar days may be allowed by the Deputy Director for good cause shown upon request of the affected officially recognized community planning group; provided, however, that the additional time for review shall not extend the time for action beyond that required under law, nor shall the failure to allow additional time for review invalidate any discretionary agency approval based upon the document for which the additional review time was requested. The Deputy Director shall adopt guidelines subject to City Council approval under which "good cause" may be shown.~~

~~(e) — Recertification and Reissuance of Previous Environmental Report~~

~~When a previously certified environmental impact report or negative declaration, including any supplement or addendum, adequately covers additional discretionary actions on the same project and accurately analyzes the environmental impacts, and the circumstances surrounding the project are essentially the same, then that document may be reissued for use by the decisionmaking body under an explanatory cover letter certifying that none of the conditions specified in Section 21166 of the Act apply. The decisionmaker shall certify or recertify as necessary that the appropriate environmental documents have been considered prior to discretionary actions on the project. Public review may be required pursuant to Section 15153 of the CEQA Guidelines when the document is to be used in connection with the discretionary approval of another project.~~

**§69.0209 — Responses to Comments**

Written responses shall be prepared by DEP or under the supervision of DEP to letters of comment received during the public review period for all environmental impact reports, negative declarations, supplements, and addenda and be attached to the environmental document.

**§69.0210 — Findings and Statement of Overriding Considerations**

The following procedures are established for the preparation of Findings and the Statement of Overriding Considerations pursuant to Sections 15091 and 15093, respectively, of the State CEQA Guidelines, when significant impacts are identified in a Draft Environmental Impact Report (DEIR):

- (a) — Draft candidate findings shall be submitted to DEP prior to the distribution of the DEIR for public review. Draft candidate findings are not subject to public review at this time. If the draft candidate findings state that mitigation measures and project alternatives are not feasible for physical,

social or other grounds, then the record must demonstrate justification for such conclusions.

If the draft candidate findings state specifically that mitigation measures and project alternatives identified in the draft environmental impact report are not economically feasible, then the record shall demonstrate the economic infeasibility of the mitigation measures to support the findings. In making the findings, DEP shall not require disclosure of material that meets the definition of and would be classified by the applicant as a "trade secret" within the meaning of Public Resources Code Section 21160. If, however, the applicant elects to furnish a "trade secret," then the applicant may furnish the "trade secret" to DEP, and DEP shall accord the protection to the "trade secret" required by law.

(b) The City department or division which is responsible for making a recommendation on the project to the decisionmaker shall, in conjunction with DEP, review the supporting documentation and information to determine whether or not substantial evidence exists to support the draft candidate findings.

(1) If, in the opinion of the recommending department or division and DEP, the documentation is insufficient to support the draft candidate findings, and the applicant does not provide additional requested necessary information, the Deputy Director shall advise the decisionmaker that the record is considered inadequate and that it would not be possible to recommend approval of the project as proposed.

The applicant is thereafter responsible for providing to the decisionmaker any additional oral information or written documentation for the record at the time of the public hearing or other discretionary action to support making the findings and statement of overriding considerations necessary for approval of the proposed project.

(2) If the recommending department or division and DEP determine the information and documentation is sufficient to support the draft candidate findings and any associated proposed statement of overriding considerations, then the recommending department or division in conjunction with DEP shall prepare the findings and statement of overriding considerations for the decisionmaker. Any additional information and documentation provided by the applicant at the public hearing shall be included as an attachment to the record prepared for the decision.

- (e) — The draft candidate findings and proposed statement of overriding considerations shall be completed and be available with copies of the final environmental impact report 14 calendar days prior to the first public hearing or discretionary action on the project.
- (d) — If, prior to making a decision, the decisionmaker determines that substantive additional information has been presented at the public hearing requiring further review, then the decisionmaker may refer such information to DEP for analysis, provided such referral does not adversely affect any time limitations imposed by law.
- (e) — The adopted findings and the statement of overriding considerations shall be based on the entire record of proceedings and be finalized by DEP in consultation with the applicant and the City Clerk and the recommending department or division when appropriate.

**§69.0211 — Addenda to Environmental Reports**

DEP shall be responsible for determining whether to prepare an addendum to an environmental impact report or negative declaration pursuant to Section 15164 of the State CEQA Guidelines. These may be prepared provided no substantial changes have occurred pursuant to CEQA Guidelines section 15162 which require an environmental document, addenda for environmental documents certified more than three (3) years previously shall be distributed by DEP for public review for a fourteen (14) calendar day period, along with the previously certified Environmental Impact Report or negative declaration. DEP shall evaluate written comments on draft addenda in accordance with Section 15088 of the State CEQA Guidelines and incorporate the comments and responses into the final addenda and record. Failure by DEP to provide all or a portion of the review period shall not preclude discretionary action on the project when necessary to avoid conflict with time limits imposed by law.

**§69.0212 — Final Report Distribution and Review**

DEP shall make all final environmental reports available to the public and decision makers at least fourteen (14) calendar days prior to the first public hearing or discretionary action on the project. DEP shall also mail copies of final environmental reports to the public, including but not limited to community planning groups or others, as appropriate, no later than fourteen (14) calendar days prior to the first public hearing or discretionary action. Pursuant to Public Resources Code section 21092.5, DEP shall provide a final environmental impact report to a public agency that commented on the draft document ten (10) days prior to certification of the Document. No comments shall be solicited and no written responses to comments on final environmental reports shall be prepared. The intent of this review period is to provide other public agencies, the public, and the decisionmakers the opportunity to review the final report prior to the first public hearing or discretionary action on the project. Notwithstanding, failure to provide this fourteen (14) calendar day review period shall not be treated as a procedural defect.

and shall not preclude discretionary action on the project when necessary to avoid conflict with time limits imposed by law.

**§69.0213 — Discretionary Extensions of Time**

All discretionary extensions of time (DEOTs) to previously approved discretionary actions shall be subject to environmental review, and shall not be considered as on-going projects. The DEOT shall be evaluated pursuant to Sections 15162 through 15164 of the State CEQA Guidelines to determine the appropriate environmental report, if any, necessary to address the DEOT. All administrative extensions of time for final subdivision maps authorized pursuant to Government Code Section 66452.6(a) (Subdivision Map Act) are ministerial actions and are not subject to additional environmental review.

**§69.0214 — Demolition Permits**

- (a) Except as otherwise provided in Section 69.0214.B or the Act, an application for a demolition permit shall be subject to environmental review where the demolition is an integral part of a pending application for a development project requiring discretionary approval, or where such demolition itself is regulated under a discretionary approval process such as the Hillside Review Overlay Zone (Sec. 101.0454) or Historical Site review (Sec. 26.0205). No demolition permit subject to environmental review shall be issued until the environmental review process is complete and the potential impacts associated with the demolition permit have been considered.
- (b) Section 69.0214.A shall not apply to: (1) demolitions conducted pursuant to judicial or administrative abatements; (2) emergency demolitions necessary to protect public health and safety; or (3) demolitions conducted pursuant to ministerial demolition permits.

**§69.0215 — Reporting and Monitoring Programs**

When the conditions of 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 Section 21081.6 of the Act. Appropriate surety instruments or bonds may be required of 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.

**§69.0216 — Habitat Acquisition**

When a condition of project approval requires habitat acquisition or preservation of a habitat as a feasible mitigation measure for offsetting or avoiding significant effects on

the environment caused by the project, the City Development Services Director in conjunction with the City Manager is hereby authorized to enter into agreements with other public agencies or private non-profit conservancies or foundations for the acquisition and maintenance of such habitat, when and if appropriate. When the affected habitat area is small and isolated, and it has been determined that the applicant cannot feasibly provide like-kind replacement, the applicant may instead pay monetary compensation into a fund administered by the City or other agency to be used for habitat acquisition or preservation of another habitat.

**§69.0217 — Erroneous Information in Environmental Impact Reports**

If, following the certification of an Environmental Impact Report (EIR) in connection with a project approval, it appears that the EIR contains erroneous information, and that this information was both material to and had a substantial effect on the findings and conclusions of the EIR and any related statement of overriding considerations, DEP shall determine the effect and any need for corrective action. If DEP finds correction is necessary and cannot be made pursuant to the provisions of the Act and Guidelines, then DEP shall make recommendations for corrective action to the permit issuing authority. The issuing authority may then schedule a hearing in accordance with the procedures used for the original issuance of the permit to first determine whether or not the permit issued under that certification may legally be revoked or modified, and second, whether it should then be revoked or modified to take into account the effect and materiality of the correct information. Section 69.0217 shall not apply if the information originally submitted was considered valid at the time of certification of the EIR but later methodology established that the information was no longer valid.

**§69.0218 — Enforcement**

Except as otherwise provided in the Municipal Code or by other law, it is unlawful for any project applicant or permittee to do any of the following:

- (a) — to fail to perform a material condition related to the development of a project which was made a condition of such approval or permit issued;
- (b) — to do any act without the required permit; or,
- (c) — to fail to timely comply with, or to acquiesce in such failure to timely perform, any condition or preliminary act required by the Development Services Director, as it materially and substantially relates to the development of a project. Violations may be enforced by criminal or civil judicial action, or both, or in combination with any of the administrative remedies enumerated in Chapter 1 of this Code.

**Article 9: Environmental Quality Ordinance**

**Division 3: Application to Projects**

*("Procedures for Preparation and Review of*

*Environmental Impact Reports" added 11-14-1972  
by O-10952 N.S.; repealed 11-9-1977 by O-12203 N.S.)  
("Application to Projects" added 11-9-1977 by O-12203 N.S.)*

**§69.0301 — Projects to which this Article Applies**

Except as otherwise provided in this article, this article shall apply to discretionary projects proposed to be carried out or approved by any City agency.

**§69.0302 — Projects Exempt from this Article**

Except as otherwise provided in this Article, this Article shall not apply to the following:

- (a) — Ministerial projects proposed to be carried out or approved by any City agency.
- (b) — Emergency repairs to public service facilities necessary to maintain service.
- (c) — Projects undertaken, carried out, or approved by any City agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.
- (d) — Specific actions necessary to prevent or mitigate an emergency.
- (e) — Feasibility or planning studies for possible future actions which have not been approved, adopted or funded.
- (f) — Categorically exempt projects proposed to be carried out or approved by any City agency. The Deputy Director of DEP is authorized to promulgate a list of specific projects which are potentially categorically exempt from CEQA.

Attachment 2

Projects exempted by Section 69.0302 from the preparation of an environmental impact report or negative declaration shall nevertheless include consideration of environmental factors.

**~~§69.0303~~ — Projects to Which NEPA Applies**

~~When an environmental impact statement has been, or will be, prepared for the same project pursuant to the requirements of the National Environmental Policy Act of 1969 and implementing regulations thereto, all or any part of such statement may be submitted in lieu of all or any part of an environmental impact report required by this article, provided that such statement, or the parts thereof so used, shall comply with the requirements of this article and the procedures adopted pursuant thereto.~~

**~~§69.0304~~ — Redevelopment Projects**

~~For all purposes of this article, all public and private activities or undertakings pursuant to or in furtherance of a redevelopment plan shall be deemed a single project.~~

Issue #19 Date of Final Action for Notice of Determination

**§128.0313 Notice of Determination**

The Planning and Development Review Development Services Director, or City Clerk as appropriate for Process Five decisions, shall file a Notice of Determination within 5 working days of ~~following the date of final action for~~ each project approval for which an environmental document was considered. The contents of the Notice of Determination and procedures for its filing shall be consistent with the State CEQA Guidelines, Section 15075 and 15094.

**PARKING**

Issue #20 Street Frontage Calculation for Driveways on Corner Lots

**§142.0560(j)(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 total street frontage, a maximum of one driveway opening for each 150 feet of frontage is permitted.

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- (C) For properties with access to an *alley* and less than 150 feet of total street 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.

Issue #21 Driveway Size and Design on Narrow Lots

**§142.0560(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.~~  
Driveway width shall be determined based on the size of the lot, type of use proposed, and location inside or outside of the Beach Impact Area of the Parking Impact Overlay Zone. Refer to Tables 142-05L and 142-05M for the applicable minimum and maximum driveway widths.

Attachment 2

**Table 142-05L**  
**Driveway Width (Lots greater than 50 feet in width)**

Use	Minimum Width		Maximum Width (Outside of Beach Impact Area of the Parking Impact Overlay Zone)		Maximum Width Beach Impact Area
	One-Way	Two-Way	One-Way	Two-Way	
Detached Single Dwelling Unit	12 feet		25 feet		12 feet
Dwelling Unit in the RX Zone	12 feet		20 feet		12 feet
Multiple Dwelling Unit	14 feet	20 feet	20 feet	25 feet	20 feet
Nonresidential	14 feet	24 feet	20 feet	30 feet	25 feet

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

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

Issue #22 Tandem Parking Space Length

§142.0560(b)

**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	8'-3" wide x 18' long	All uses 8' wide x 36' 35" long
All other uses	8' wide x 18' long	
Parking space abuts a wall, column, or other immovable obstacle	One side abutting obstacle: 9' wide x 18' long  Two sides abutting obstacle:	One side abutting obstacle: 9' wide x 36' 35" long  Two sides abutting obstacle:

Attachment 2

Type of Space	Required Single Space Dimensions	Required Tandem Space Dimensions
	9½' wide x 18' long	9½' wide x 36' 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

Issue #23 Self Storage Parking Requirement

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

Wholesale, Distribution, and Storage <sup>(6)</sup>					
All wholesale, distribution and storage uses	1.0 <sup>(4)</sup>	1.0 <sup>(4)</sup>	4.0	N/A	0.1
<b>Self Storage Facilities</b>	1.0 space/10,000 sq ft plus 3.3 space per 1,000 square foot of accessory office space	N/A	N/A	N/A	N/A
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 <sup>(4)</sup>	1.0 <sup>(4)</sup>	4.0	N/A	0.1

Issue #24 Shared Parking Requirement for Cinemas in Transit Areas

**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 <sup>(1)</sup>
<b>Office (except medical office)</b>		
Weekday	3.3	2.8
Saturday	0.5	0.5
<b>Medical office</b>		
Weekday	4.0	3.4
Saturday	0.5	0.5

Attachment 2

Retail sales	5.0	4.3
Eating & drinking establishment	15.0	12.8
Cinema	1 space per 3 seats	.85 + spaces per 3 seats + space per 3.3 seats
4 or more screens	1 space per 3.3 seats	.85 spaces per 3.3 seats

Issue #25 Parking Aisle Dimensions on Narrow Lots

§142.0560(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 <sup>1</sup>	24 <sup>1</sup>
75°	23	24
60°	18	22
45°	12	20
0° (parallel)	12	20

<sup>1</sup> For narrow lots 50 feet or less in width, the minimum drive aisle may be reduced to 22 feet

**Draft Language: MINOR CORRECTIONS**

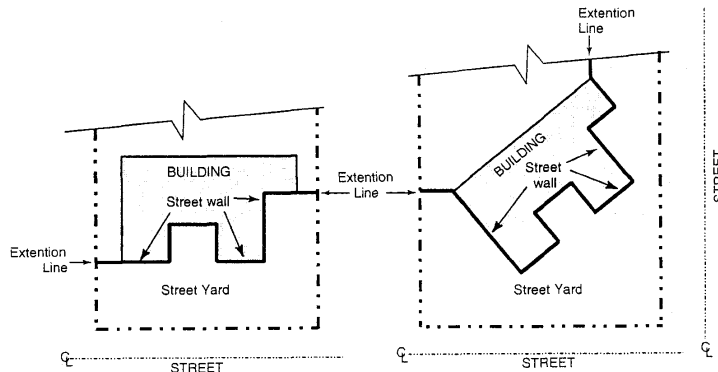
**Incorrect Terms/Spelling Errors**

**Issue #26**

**§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**



\* Change all references in Diagram 113-02HH from “extention” to “extension”.\*

**Issue #27**

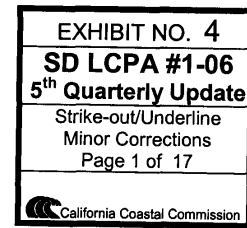
**§126.0303 When a Conditional Use Permit Is Required**

(a) Conditional Use Permits Decided by Process Three

Agricultural equipment repair shops to Boarding kennels No Change.

~~Child care facilities~~ Child Care Centers

~~Churches~~ and places of religious assembly to Veterinary clinics and hospitals  
 No Change.



Draft Language: Minor Corrections

Attachment 3

Issue #28

**§131.0443 Setback Requirements in Residential Zones**

- (a)(3)(E) For irregularly shaped *lots*, such as pie shaped *lots*, the *setbacks* are is based on the average lot width for the first 50 feet of lot depth.

Issue #29

**§131.0322 Use Regulations Table for Agricultural Zones**

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

**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

Footnotes for Table 131-03B  
No Change Footnotes 1 to 9.

- 10 Not permitted within the following Special Flood Hazard Areas in the Coastal Overlay Zone: San Dieguito River, Carmel Creek, Los Penasquitos Lagoon, Los Penasquitos Creek, the Otay River and the Tijuana ~~Tia Juana~~ River.

**Incorrect Numerical References**

Issue #30

**§131.0443 Setback Requirements in Residential Zones**

- (b)(1)(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, 15 ~~13~~ feet, or 20 ~~16~~ feet) described in 131.0443(~~be~~)(12)(A); and

Issue #31

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

- (a) Interior Refuse and *Recyclable Material* Storage. Each dwelling unit shall be equipped with an interior refuse and *recyclable material* storage area of

Draft Language: Minor Corrections

Attachment 3

at least 5 cubic feet. The storage area shall consist of at least 2.5 2-1/2 cubic feet for *recyclable material* and at least 2.5 2-1/2 cubic feet for non-recyclable material.

Issue #32

**§142.1270 Signs in Multiple Dwelling Unit Residential Zones**

- (a)(1) *Street* address numbers are permitted, provided that the numbers do not exceed .5 1/2 square foot each. Address numbers may be either internally or externally illuminated.

**Italicization Errors**

Issue #33

**§132.0306 Supplemental Regulations of the Comprehensive Land Use Plans**

- (b)(1) *For residential-For residential development* within the 60dB CNEL contour, the applicant must demonstrate that indoor noise levels that are attributable to airport operations shall not exceed 45db. For uses not specifically identified, the City Manager shall determine the standard based upon applicable City and State statutory and regulatory requirements. The applicant will be required to spend no more than 10% of construction costs to meet noise attenuation requirements.

Issue #34

**§142.1250 Permanent Secondary Signs in Commercial and Industrial Zones**

- (h)(2) The open side side of the lobby does not front a *public right-of-way*; or

Issue #35

**§121.0505 Sign Permit Violations**

- (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 Sign Regulations.

**§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 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

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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 ~~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 ~~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 ~~Sign~~ Enhancement District, as set forth in this section.

(b) Boundaries

The boundaries of the Ocean Beach Sign ~~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 ~~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 ~~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 ~~Sign~~ Regulations.

- (1) Existing *projecting signs* that extend above the *roof line* are permitted, if installed before the adoption to the City-Wide Sign ~~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*.
- (2) *Projecting signs* not extending above the *roof line* and located between 9 feet above sidewalk to 15 feet above sidewalk, limited

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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 1, Division 5, (Sign Violations and Enforcement Procedures), except that those *signs* specifically prohibited in this district and typically allowed in the Sign Sign Regulations, which are not in compliance with this section shall not be subject to abatement.

**Capitalization Errors**

Issue #36

**§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 Ddevelopment 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.

Issue #37

**§129.0102 When Construction Permit Procedures Apply**

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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.

Issue #38

**§141.1004 Mining and Extractive Industries**

- (j)(4)(D) Other security which the State Mining and Geology Board determines are reasonably available and adequate to ensure reclamation in accordance with the California Surface Mining and Reclamation Action of 1975.

Issue #39

**§142.0505 When Parking Regulations Apply**

**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 <u>P</u> lanned <u>D</u> evelopment <u>P</u> ermit.	Section 142.0525(c)	No permit required by this division

Issue #40

**§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 the Coastal Overlay 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

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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 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.

**Incorrect Section or Table References**

**Issue #41**

**§131.0322 Use Regulations Table for Agricultural Zones**

**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
<b>Residential</b>					
Group Living Accommodations		-	-	-	-
Mobilehome Parks		-	-	-	-
Multiple Dwelling Units		-	-	-	-
Single Dwelling Units		P <sup>(1)</sup>		P	
Separately Regulated Residential Uses					
Boarder & Lodger Accommodations		L		L	
Companion Units		-		LE	
Employee Housing:					
6 or fewer employees		L <sup>(7)</sup>		L <sup>(7)</sup>	

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Issue #42

**§131.0422 Use Regulations Table for Residential Zones**

**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 >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
<b>Residential</b>													
Group Living Accommodations		P <sup>(7)</sup>			P <sup>(7)</sup>			P <sup>(7)</sup>			P <sup>(7)</sup>		P <sup>(7)</sup>
Mobilehome Parks		P <sup>(2)</sup>			P <sup>(2)</sup>			P <sup>(2)</sup>			P <sup>(2)</sup>		-
Multiple Dwelling Units		P <sup>(5)</sup>			P <sup>(5)</sup>			P <sup>(5)</sup>			P <sup>(5)</sup>		P
Single Dwelling Units		P			P			P			P		-
Separately Regulated Residential Uses													
Boarder & Lodger Accommodations		L			L			L			L		L
Companion Units		L -			L -			L -			L -		L -

Issue #43

**§142.0530 Nonresidential Uses — Parking Ratios**

**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 <sup>(2)</sup>
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area <sup>(1)</sup>	Maximum Permitted	Minimum Required
<b>Planned Districts</b>				
Barrio Logan: Subdistrict B	1.0 <sup>(6)</sup>	1.0 <sup>(6)</sup>	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

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Cass Street	2.0	2.0	6.5	0.1
Central Urbanized	2.5	2.1	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	1.0 <sup>(6)</sup>	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 <sup>(6)</sup>	1.0 <sup>(6)</sup>	5.5	0.1

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

Zone	Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment <sup>(3)</sup> 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 <sup>(2)</sup>
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area <sup>(1)</sup>	Maximum Permitted	Minimum Required
<b>Planned Districts</b>				
Barrio Logan: Subdistrict B	1.0 <sup>(6)</sup>	1.0 <sup>(6)</sup>	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
Cass Street	5.0	4.3	25.0	0.1
Central Urbanized	2.5	2.1	6.5	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	1.0 <sup>(6)</sup>	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	2.1	25.0	0.1

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Zone	Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment <sup>(3)</sup> 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 <sup>(2)</sup>
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area <sup>(1)</sup>	Maximum Permitted	Minimum Required
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
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 <sup>(6)</sup>	1.0 <sup>(6)</sup>	20.0	0.1

Issue #44

**§142.0530 Nonresidential Uses — Parking Ratios**

**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 <sup>(2)</sup>
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area <sup>(1)</sup>	Maximum Permitted	Minimum Required
<b>Commercial Zones</b>				
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 <sup>(3)</sup>	4.3	6.5	0.1
CC-3-4 CC-4-4 CC-5-4	2.5	2.1	6.5	0.1

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CC-3-5	1.0 <sup>(6)(5)</sup>	1.0 <sup>(6)(5)</sup>	5.5	0.1
CC-3-5/Beach impact area <sup>(5)</sup>	2.5	2.1	6.5	
CC-4-5	1.0 <sup>(6)(5)</sup>	1.0 <sup>(6)(5)</sup>	5.5	
CC-5-5	1.25	1.25	5.5	0.1
CN-1-1	1.0 <sup>(6)(5)</sup>	1.0 <sup>(6)(5)</sup>	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-2-1	5.0 <sup>(3)</sup>	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
<b>Industrial Zones</b>				
IH-1-1 IH-2-1	5.0	4.3	6.5	0.1
IL-1-1 IL-2-1 IL-3-1	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 <sup>(6)(5)</sup>	1.0 <sup>(6)(5)</sup>	5.5	0.1
<b>Planned Districts</b>				
Barrio Logan: Subdistrict B	1.0 <sup>(6)(5)</sup>	1.0 <sup>(6)(5)</sup>	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
Cass Street	2.0	2.0	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	1.0 <sup>(6)(5)</sup>	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

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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 <sup>(6)(5)</sup>	1.0 <sup>(6)(5)</sup>	5.5	0.1

Footnotes For Table 142-05D

- <sup>1</sup> *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).
- <sup>2</sup> *Bicycle Parking.* See Section 142.0530(e).
- <sup>3</sup> *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.
- <sup>4</sup> *Beach impact area.* For area of applicability, see Chapter 13, Article 2, Division 8 (Parking Impact Overlay Zone).
- <sup>5</sup> *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 of the Parking Impact Overlay Zone, application of this policy shall not result in a reduction of required on-site parking.

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

Zone	Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment <sup>(3)</sup> 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 <sup>(2)</sup>
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area <sup>(1)</sup>	Maximum Permitted	Minimum Required
<b>Commercial Zones</b>				
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 <sup>(4)</sup>	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

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Zone	Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment <sup>(3)</sup> 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 <sup>(2)</sup>
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area <sup>(1)</sup>	Maximum Permitted	Minimum Required
CC-4-4/Coastal Overlay Zone <sup>(4)</sup>	5.0	4.3	25.0	0.1
CC-5-4	2.5	2.1	25.0	0.1
CC-3-5	1.0 <del>(6)(5)</del>	1.0 <del>(6)(5)</del>	20.0	0.1
CC-3-5/Coastal Overlay Zone <sup>(4)</sup>	5.0	4.3	25.0	0.1
CC-4-5	1.0 <del>(6)(5)</del>	1.0 <del>(6)(5)</del>	20.0	
CC-5-5	1.25	1.25	20.0	0.1
CN-1-1	1.0 <del>(6)(5)</del>	1.0 <del>(6)(5)</del>	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	15.0	12.8	25.0	0.1
CR-2-1				
CO-1-1	15.0	12.8	25.0	0.1
CO-1-2				
CV-1-1	15.0	2.1	25.0	0.1
CV-1-2	5.0	4.3	25.0	0.1
<b>Industrial Zones</b>				
IH-1-1	15.0	12.8	25.0	0.1
IH-2-1				
IL-1-1	15.0	12.8	25.0	0.1
IL-2-1				
IL-3-1				
IP-1-1	15.0	12.8	25.0	0.1
IP-2-1				
IS-1-1	1.0 <del>(6)(5)</del>	1.0 <del>(6)(5)</del>	20.0	0.1
<b>Planned Districts</b>				
Barrio Logan: Subdistrict B	1.0 <del>(6)(5)</del>	1.0 <del>(6)(5)</del>	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
Cass Street	5.0	4.3	25.0	0.1
Golden Hill	1.25	1.25	20.0	0.1
La Jolla	5.0	4.3	20.0	0.1

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La Jolla Shores	1.0	1.0 <sup>(6)(5)</sup>	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	2.1	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
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 <sup>(6)(5)</sup>	1.0 <sup>(6)(5)</sup>	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. 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.
- 4 *Coastal Overlay Zone.* For area of applicability, see Chapter 13, Article 2, Division 4.
- 5 *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 of the Parking Impact Overlay Zone, application of this policy shall not result in a reduction of required on-site parking.

Issue #45

**§142.0545 Shared Parking Requirements**

- (b)(2) Table 142-05G H contains the peak parking demand for selected uses, expressed as a ratio of parking spaces to *floor* area.

Issue #46

**§142.0545 Shared Parking Requirements**

- (b)(3) Table 142-05H I 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

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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 “-”.

Issue #47

**§143.0140 General Development Regulations for all Environmentally Sensitive Lands**

- (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 143.0152 ~~143.0151~~.

Issue #48

**§145.0410 Regulations for Buildings Not Classified as Essential or Hazardous Facilities**

- (d) The removal, stabilization, and bracing process shall include the provision of roof-to-wall 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 A113.1 of the 1997 UCBC Appendix Chapter I, or new anchors meeting the minimum requirements of Section A113.1 ~~A110(a)~~ shall be installed.

Issue #49

**§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:

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- (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 ~~2001~~ 1998 California Building Code, 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

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cement mortar is required for new materials under the 2001  
~~1998~~ California 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 Section.
- (d) Allowable stresses for archaic materials not specified in the 2001  
~~1998~~ California Building Code, 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.