

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



September 19, 2008

Th 17a

TO: COMMISSIONERS AND INTERESTED PERSONS**FROM: SHERILYN SARB, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT
ELLEN LIRLEY, COASTAL PROGRAM ANALYST, SAN DIEGO COAST DISTRICT****SUBJECT: STAFF RECOMMENDATION ON CITY OF SAN DIEGO MAJOR LCP
AMENDMENT NO. 3-07C & D (Mini-dorms and Large Retail) for Commission
Meeting of October 15-17, 2008**

SYNOPSIS

The subject Local Coastal Plan (LCP) Implementation Plan (IP) amendment was submitted and filed as complete on February 13, 2008. Commission regulations establish a 60-day review period for such amendments. However, a one-year time extension was granted on April 10, 2008. As such, the last date for Commission action on this item is April 12, 2009.

The IP amendments addressed herein are comprised of two out of four components of the amendment submittal. The other two components, affordable housing density bonuses and affordable/in-fill housing and sustainable projects, will come before the Commission separately and at a later date.

SUMMARY OF AMENDMENT REQUEST

For purposes of this report and hearing, the City of San Diego has requested amendments to its certified LCP addressing two separate matters. First, the City proposes to modify its single-unit residential (RS) zones to prohibit construction of houses with more than six bedrooms on lots less than 10,000 sq.ft. in size. The amendments would also allow a maximum of four surface parking spaces per lot, while not allowing the site to present a "parking lot" appearance. Modifications would also require one parking space per bedroom and limit garage conversions for units with five or more bedrooms in campus impact areas. Finally, this set of amendments would reduce the driveway width to twelve feet in campus impact areas and create minimum single dwelling unit parking design regulations to be applied citywide.

Second, the requested amendments also address regulation of large retail establishments, which typically raise issues relating to design, bulk and scale, and also traffic in some

instances. In addition to providing a definition for the term “large retail,” the proposed amendments add different levels of discretionary review for permits to construct large retail uses (50,000 sq.ft. to 100,000 sq.ft., or more) in any commercial or industrial zone where they are now allowed by right.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval as submitted for both LCP amendment components. Although the various modifications were somewhat controversial at the local level, implementation of these amendments will not have adverse impacts on coastal resources. The mini-dorm regulations are intended to maintain the characteristics of single-family neighborhoods, especially in campus impact areas, where homes are often rented out to multiple students at the same time, creating parking and traffic issues that would not result from a typical residential household of only one or two adults. The regulations do not change allowed uses or zones, but would primarily increase parking requirements and add design regulations.

With respect to large retail uses, these developments are already allowed by right in many commercial and light industrial zones. The proposed amendments would add discretionary review where it does not now exist, to increase design standards for such facilities. The proposed regulations would not allow large retail uses in any zones where they are not already allowed, but would only provide better oversight.

The appropriate resolutions and motions begin on Page 3. The findings for approval of the Implementation Plan Amendment as submitted begin on Page 4.

BACKGROUND

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

ADDITIONAL INFORMATION

Further information on the City of San Diego LCP amendment 3-07 C & D may be obtained from Ellen Lirley, Coastal Planner, at (619) 767-2370.

PART I. OVERVIEW

A. LCP HISTORY

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

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

B. STANDARD OF REVIEW

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

C. PUBLIC PARTICIPATION

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

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTION

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

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

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Following the staff recommendation will result in certification of the Implementation Program Amendment as submitted and the adoption

of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AMENDMENT
AS SUBMITTED:**

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

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

MINI-DORMS/LCPA #3-07C

A. AMENDMENT DESCRIPTION

Recognizing the proliferation of single-family residences being used as rental units for multiple adult students was causing several problems in single-family neighborhoods, the City has adopted several resolutions to address the matter, including the subject mini-dorm regulations. Associated with this amendment are two other ordinances addressing rooming houses and high density residential; these are addressed in a separate staff report on this same agenda, as they were part of a different LCP amendment submittal package. The proposed regulations are intended to maintain the characteristics of single-family neighborhoods, especially in campus impact areas, which are associated with the University of San Diego (USD), the University of California at San Diego (UCSD) and San Diego State University (SDSU), and apply to areas within a certain radius of those campuses. Of these, only UCSD is located partially within the coastal zone. When homes are rented out to multiple adult students at the same time, most if not all having their own cars, such use can create parking and traffic issues that would not result from a typical residential household of only one or two adults.

The proposed regulations do not change allowed uses in any zones or the locations of any zones, but would primarily increase parking requirements and add design regulations for surface parking to prevent residential properties from looking like parking lots. Some regulations will apply city-wide, while others will only apply in campus impact areas. All proposed regulations apply only to single-family residential zones (RS Zones), and require that development on lots less than 10,000 sq.ft. in size be limited to a maximum

of six bedrooms, surface parking be limited to a maximum of four parking spaces, and parking design regulations be adopted. Within the campus impact areas, other requirements will reduce driveway width to twelve feet, require one parking space per bedroom, and limit garage conversions on homes having five or more bedrooms.

B. FINDINGS FOR APPROVAL

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP.

a) Purpose and Intent of the Ordinance. The purpose of the RS zones is to provide appropriate regulations for the development of single dwelling units that accommodate a variety of lot sizes and residential dwelling types and which promote neighborhood quality, character, and livability. The intent is that these zones provide for flexibility in development regulations that allow reasonable use of property while minimizing adverse impacts to adjacent properties.

b) Major Provisions of the Ordinance. Key provisions of this ordinance are:

- 14 RS zones distinguished by minimum lot size and location
- Use regulations based on individual zones
- Minimum lot standards based on individual zones
- Architectural design standards
- Regulations addressing setbacks, parking, floor area ratio, etc.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. RS zones occur city-wide, and are found in most certified land use plans within the City's LCP. These ordinance revisions do not rezone any properties and they do not modify the allowed uses in any zone. They do limit homes on lots of less than 10,000 sq.ft. to a maximum of six bedrooms, require one parking space for each bedroom and limit on-site parking to no more than four surface parking spaces. They also limit garage conversions of homes with five or more bedrooms and reduce driveway widths in campus impact areas and add city-wide single-family residence parking design guidelines. The amendments are expected to reduce the prevalence of mini-dorms, maintain the character of single-family zones and still allow property owners to develop homes consistent with the zone regulations. The IP, including these amendments, will continue to be consistent with and adequate to carry out all land use plan policies, since the intent is to promote and reinforce the basic purpose of the RS zones. Therefore, the Commission finds the proposed modifications to the City of San Diego LDC acceptable, as submitted by the City.

LARGE RETAIL ESTABLISHMENTS/LCPA #3-07D**A. AMENDMENT DESCRIPTION**

The subject request is to amend the City's Implementation Plan (IP), which consists of portions of the Land Development Code (LDC). In this case, the requested amendment addresses regulation of large retail establishments, which typically raise issues relating to design, bulk and scale, and also traffic in some instances. First, the proposal would add a definition of "large retail establishment" to the LDC. It would state:

"Large retail establishment means one single-tenant retail establishment 50,000 square feet or greater gross floor area or one multiple tenant retail establishment 50,000 square feet or greater gross floor area where the multiple tenants share common check stands, a controlling interest, storage areas, warehouses, or distribution facilities."

In addition to providing a definition for the term "large retail," the proposed amendments impose discretionary review where it does not now exist. Any proposed large retail establishment of 50,000 sq.ft. or more would be required to obtain a Process 2 Neighborhood Development Permit, and any proposed retail establishment of 100,000 sq.ft. or more would need to obtain a Process 4 Site Development Permit. These discretionary permits will allow public input into the review process, and allow the appropriate decision makers to address any specific design and traffic concerns raised. The proposed discretionary reviews would not apply to maintenance of, or small additions to, previously conforming uses, unless the proposed changes/additions would change trip generation for the facility.

These amendments are proposed to apply city-wide, and within the coastal zone would be in addition to a coastal development permit when one is required. These amendments will not allow new development of large retail establishments in any commercial or industrial zone where such facilities are not already allowed by right.

B. FINDINGS FOR APPROVAL

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP.

a) Purpose and Intent of the Ordinances. The purpose of the commercial zones is to provide for the employment, shopping, services, recreation, and lodging needs of the residents of and visitors to the City. Their intent is to provide distinct regulations for size, intensity, and design to reflect the variety of the desired development patterns within San Diego's communities.

The purpose of the light industrial zones is to provide for a wide range of manufacturing and distribution activities. The zone standards are to encourage sound industrial development by providing an attractive environment free from adverse impacts

associated with some heavy industrial uses. The light industrial zones are intended to permit a range of uses, including non-industrial uses in some instances.

b) Major Provisions of the Ordinance. Both the commercial and industrial zones include many provisions. Key provisions common to both include:

- A description of the many individual zones found under these headings
- Lists of allowed uses according to individual zones
- Site design, including setbacks, parking and landscaping for such uses
- Architectural requirements

c) Adequacy of the Ordinance to Implement the Certified LUP Segments.

Commercial and light industrial zones occur city-wide, and are found in all certified land use plans within the City's LCP. However, many of the commercial and light industrial zones do not currently allow large retail uses due to various use and/or design standards in those zones. Other commercial and light industrial zones currently do allow large retail establishments by right, which means there is currently no discretionary review of such projects, except in the coastal zone where a coastal development permit would be required for conversion to or construction of large retail uses. Only where this type of retail use is allowed in the current LDC, will it continue to be allowed; the amendments will not allow large retail establishments in zones where they are not currently allowed.

The proposed amendments add two different levels of City discretionary review, depending on the size of the proposed facility. This will provide the City and the general public an opportunity to provide input, particularly on such matters as traffic and parking, structural design, and landscaping. Large retail establishments are not a high priority use under the Coastal Act, nor in individual certified LUPs. Although it is likely they are an allowed use in some parts of the coastal zone already, they would not be allowed in visitor-serving, neighborhood commercial or office commercial zones, due to use restrictions with those zones. The visitor-serving zones and development within the beach impact area is typically of greatest priority to the Coastal Commission, as these are the locations where many public access concerns arise. Other zones that currently allow large retail uses by right are already part of the IP previously certified by the Commission.

In summary, these ordinance revisions do not rezone any properties and they do not modify the allowed uses in any zone. The existing zone uses and locations have previously been found consistent with and adequate to carry out all certified LUP policies. Nothing in the proposed amendment changes that finding. The proposed regulations are merely intended to provide an additional level of review before existing uses could be converted or new large retail establishments could be constructed within certain commercial and light industrial zones of the City. Therefore, the Commission finds the proposed modifications to the City of San Diego LDC acceptable as submitted by the City.

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

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

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

ORDINANCE NUMBER O- 19650 (NEW SERIES)

DATE OF FINAL PASSAGE AUG 01 2007


AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING SAN DIEGO MUNICIPAL CODE, BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4, BY AMENDING TABLE 131.04D AND SECTION 131.0447; BY AMENDING CHAPTER 13, ARTICLE 2, DIVISION 8, BY AMENDING SECTION 132.0802 AND TABLE 132-08A; AND, BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5, BY AMENDING SECTION 142.0520, BY ADDING SECTION 142.0521, AND BY AMENDING SECTION 142.0560; ALL RELATED TO THE REGULATION OF THE PHYSICAL DEVELOPMENT OF SINGLE DWELLING UNITS IN RESIDENTIAL-SINGLE UNIT ZONES.

WHEREAS, the purpose of residential-single (RS) unit zones is to provide for areas of residential development that promote neighborhood quality, character, and livability, and minimizes adverse impacts to adjacent properties; and

WHEREAS, increasing incompatible development of single dwelling units in residential-single (RS) unit zones, is adversely impacting neighborhood quality, character, and livability incompatible and inconsistent with the purpose of residential-single (RS) unit zones; and

WHEREAS, on September 19, 2006, Council District 7 hosted a public workshop on the said increasing incompatible development of single dwelling units in residential-single (RS) unit zones, attended by over 300 residents and community leaders, which resulted in an October 11, 2006 memorandum to the Mayor and City Attorney, requesting analysis of possible changes that could be made to the Land Development Code; and

WHEREAS, on November 20, 2006, in response to said October 11, 2006 memorandum, the City Attorney issued a report (RC 2006-30) to the Land Use and Housing Committee analyzing issues associated with, and options for ameliorating, the said increasing in

EXHIBIT NO. 1
APPLICATION NO.
SDLCPA 3-07 C
M. D. Ordinance
11 pages
 California Coastal Commission

development of single dwelling units in residential-single (RS) unit zones, including amendments to the Land Development Code; and

WHEREAS, on November 29, 2006 and March 7, 2007, the Land Use and Housing Committee of the City Council conducted hearings, on the said increasing incompatible development of single dwelling units in residential-single (RS) unit zones, whereby the Committee unanimously approved action items to amend the Land Development Code to limit lots less than 10,000 square feet in single dwellings in residential-single (RS) unit zones to a maximum of 6 bedrooms, with surface parking for a maximum of four vehicles; require one parking space per bedroom and limit garage conversions for units with 5 bedrooms or more in campus impact areas; reduce the driveway width to 12 feet in campus impact areas; and create minimum single dwelling unit parking design regulations citywide, in an effort to maintain the character of single dwelling unit neighborhoods; and

WHEREAS, on December 11, 2006, Council District 1 wrote a memorandum to the Mayor, on the said increasing incompatible development of single dwelling units in residential-single (RS) unit zones, requesting that actions taken by the City be applied citywide; and

WHEREAS, on May 10, 2007, the City Attorney, along with Council Districts 2 and 7, hosted a public forum, on the said increasing incompatible development of single dwelling units in residential-single (RS) unit zones, led by a panel of numerous City officials, and leaders from the three largest local universities, and attended by over 200 residents and community leaders, public testimony was uniformly in support of an approach that would include regulating incompatible development of single dwelling units as a way to protect the quality of life in residential-single (RS) unit zones; and

WHEREAS, the City wishes to amend the Land Development Code, to ameliorate increasing incompatible development of single dwelling units in residential-single (RS) unit zones, to preserve neighborhood quality, character, and livability, compatible with the purpose of residential-single (RS) unit zones; NOW, THEREFORE,

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

Section 1. That Chapter 13, Article 1, Division 4 of the San Diego Municipal Code [SDMC] is amended by amending Section 131.0431, Table 131.04D to read as follows:

§131.0431 Development Regulations of Residential Zones

Table 131-04D
Development Regulations of RS Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
		RS-						
	1st & 2nd >>							
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5	6	7
Max permitted density (DU per lot)		1	1	1	1	1	1	1
Min lot area (sf)		40,000	20,000	15,000	10,000	8,000	6,000	5,000
Min lot dimensions								
Lot width (ft)		100	80	75	65	60	60	50
Street frontage (ft) [See Section 131.0442(a)]		100	80	75	65	60	60	50
Lot width (corner) (ft)		110	85	80	70	65	65	55
Lot depth (ft)		100	100	100	100	100	95	95
Setback requirements								
Min Front setback (ft) [See Section 131.0443(a)(1)]		25(1)	25(1)	20(1)	20(1)	20(1)	15(1)	15(1)
Min Side setback (ft)		10(2)	10(2)	6(2)	6(2)	6(2)	5(2)	4(2)
Min Street side setback (ft)		10(2)	10(2)	10(2)	10(2)	10(2)	10(2)	10(2)
Min Rear setback (ft)		25(3)	25(3)	20(3)	20(3)	20(3)	15(3)	13(3)
Setback requirements for resubdivided corner lots [See Section 131.0443(i)]		applies	applies	applies	applies	applies	applies	applies
Max structure height (ft)		24/30(4)	24/30(4)	24/30(4)	24/30(4)	24/30(4)	24/30(4)	24/30(4)

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
		RS-						
	1st & 2nd >>							
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5	6	7
Lot coverage for sloping lots [See Section 131.0445(a)]		applies	applies	applies	applies	applies	applies	Applies

Max floor area ratio	0.45	varies(5)	varies(5)	varies(5)	varies(5)	varies(5)	varies(5)
Max paving/ hardscape [See Section 131.0447]	applies	applies	applies	applies	applies	applies	applies
Accessory uses and structures [See Section 131.0448 (a),(b)]	applies	applies	applies	applies	applies	applies	applies
Garage regulations [See Section 131.0449(a)]	applies	applies	applies	applies	applies	applies	applies
Building spacing [See Section 131.0450]	applies	applies	applies	applies	applies	applies	applies
Max third story dimensions [See Section 131.0460]	-	applies	applies	applies	applies	applies	applies
Architectural projections and encroachments [See Section 131.0461(a)]	applies	applies	applies	applies	applies	applies	applies
Supplemental requirements [See Section 131.0464(a)]	applies	applies	applies	applies	applies	applies	applies
Diagonal plan dimension [See Section 131.0465]	--	--	--	--	--	--	applies
Bedroom regulation	applies(7)	applies(7)	applies(7)	applies(7)	applies(7)	applies(7)	applies(7)

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator		Zones					
	1st & 2nd >>		RS-					
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	8	9	10	11	12	13	14
Max permitted density (DU per lot)		1	1	1	1	1	1	1
Min lot area (sf)		40,000	20,000	15,000	10,000	8,000	6,000	5,000
Min lot dimensions								
Lot width (ft)		100	80	75	65	60	60	50
street frontage (ft) [See Section 131.0442(a)]		100	80	75	65	60	60	50
Lot width (corner) (ft)		110	85	80	70	65	65	55
Lot depth (ft)		100	100	100	100	100	95	95
Setback requirements								
Min Front setback (ft) [See Section 131.0443(a)(1)]		25	25	25	20	15	15	15
Min Side setback (ft)		10	8	7	6	5	5	4
Min Street side setback (ft)		20	15	15	10	10	10	10
Min Rear setback (ft)		10(6)	10(6)	10(6)	10(6)	10(6)	10(6)	10(6)
Setback requirements for resubdivided corner lots [See Section 131.0443(i)]		applies	applies	applies	applies	applies	applies	applies
Max structure height (ft)		35	35	35	35	35	35	35
Lot coverage for sloping lots [See Section 131.0445(a)]		-	-	-	-	-	-	-
Max floor area ratio [See Section 131.0446(b)]		0.45	0.60	0.60	0.60	0.60	0.60	0.60
Max paving/ hardscape [See Section 131.0447]		applies	applies	applies	applies	applies	applies	applies
Accessory uses and structures [See Section 131.0448 (a),(b)]		applies	applies	applies	applies	applies	applies	applies
Garage regulations [See Section 131.0449(a)]		applies	applies	applies	applies	applies	applies	applies
Building spacing [See Section 131.0450]		applies	applies	applies	applies	applies	applies	applies
Max third story dimensions		-	-	-	-	-	-	-
Architectural projections and encroachments [See Section 131.0461(a)]		applies	applies	applies	applies	applies	applies	applies
Supplemental requirements [See Section 131.0464(a)]		applies	applies	applies	applies	applies	applies	applies
Diagonal plan dimension		-	-	-	-	-	-	-
Bedroom regulation		applies(7)	applies(7)	applies(7)	applies(7)	applies(7)	applies(7)	applies(7)

Footnotes for Table 131-04D

- 1 See Section 131.0443(a)(2).
- 2 See Section 131.0443(a)(3).

3 See Section 131.0443(a)(4).

4 See Section 131.0444(b).

5 See Section 131.0446(a).

6 See Section 131.0443(a)(5).

7 On *lots* less than 10,000 square feet, a *single dwelling unit* shall be limited to 6 *bedrooms* maximum.

Section 2. That Chapter 13, Article 1, Division 4 of the SDMC is amended by amending Section 131.0447 to read as follows:

§131.0447 Maximum Paving and Hardscape in Residential Zones

Paving and *hardscape* on *single dwelling unit* lots located in the RS zones shall be minimized as follows:

- (a) The required *front yard* shall be limited to a maximum of 60 percent paving and *hardscape*.
- (b) Within the required *street yard* paving and *hardscape* shall be limited to:
 - (1) A driveway with direct vehicular access to required *off-street parking spaces* located outside of the required *setback* in accordance with section 142.0521,
 - (2) A walkway to facilitate pedestrian access to the *dwelling unit*, and
 - (3) Any decorative paving or *hardscape* that is not designed for vehicular access.
- (c) In order to maintain the character of the RS zone, paving and *hardscape* for vehicular use on *lots* less than 10,000 square feet, shall be further limited to off-street, surface parking for a maximum of 4 vehicles. Additional paving and *hardscape* shall be permitted for non-vehicular use or where necessary to provide vehicular access to garage parking.

Section 3. That Chapter 13, Article 2, Division 8 of the San Diego Municipal Code is amended by amending Section 132.0802, Table 132-08A to read as follows:

§132.0802 Where the Parking Impact Overlay Zone Applies

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

**Table 132-08A
Parking Impact Overlay Zone Applicability**

Type of Development Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) Any single dwelling unit development located within the campus impact area	See the parking regulations in Sections 131.0447, 142.0520, 142.0521, and 142.0560	No permit required by this division
(2) Any development located within the beach impact area and any multiple dwelling unit development located within the campus impact area	See the parking regulations in Sections 131.0447, 142.0520, 142.0521, 142.0525, 142.0530, 142.0535, 142.0540 and 142.0560	No permit required by this division
(3) Any eating and drinking establishment that is located in the beach impact area and in the CC-5-2, CC-5-4, or CC-3-5 zones	See the parking regulations in Section 142.0530(b)	No permit required by this division

Section 4. That Chapter 14, Article 2, Division 5, of the SDMC is amended by amending Section 142.0520, Table 142-05 B to read as follows:

§142.0520 Single Dwelling Unit Residential Uses — Required Parking Ratios

The required number of *off-street parking spaces* for *single dwelling units* and related uses are shown in Table 142-05B.

**Table 142-05B
Minimum Required Parking Spaces for
Single Dwelling Units and Related Uses**

Type of Unit and Related Uses	Number of Required Parking Spaces
All single dwelling units, except those with five or more bedrooms in campus impact areas (See Chapter 13, Article 2, Division 8)	2 spaces per dwelling unit ⁽¹⁾
Single dwelling units with five or more bedrooms in campus impact areas (See Chapter 13, Article 2, Division 8)	1 space per bedroom (previously conforming parking regulations in Section 142.0510(d) do not apply ⁽²⁾)
Housing for senior citizens (maximum 1 bedroom)	1 space per dwelling unit

Footnote for Table 142-05B

¹ Single dwelling units that do not provide a driveway at least 20 feet long, measured from the back of the sidewalk to that portion of the driveway most distant from the sidewalk, as

illustrated in Diagram 142-05A, shall provide two additional parking spaces. These parking spaces may be on-street, abutting the subject property, but shall conform to section 142.0525(c)(4).

² In campus impact areas, new *single dwelling unit development* with 5 or more *bedrooms* shall provide a minimum of 2 parking spaces in a garage. Where an existing garage is proposed for conversion to habitable area, garage parking shall be replaced with an equivalent number of garage parking spaces on the *premises*.

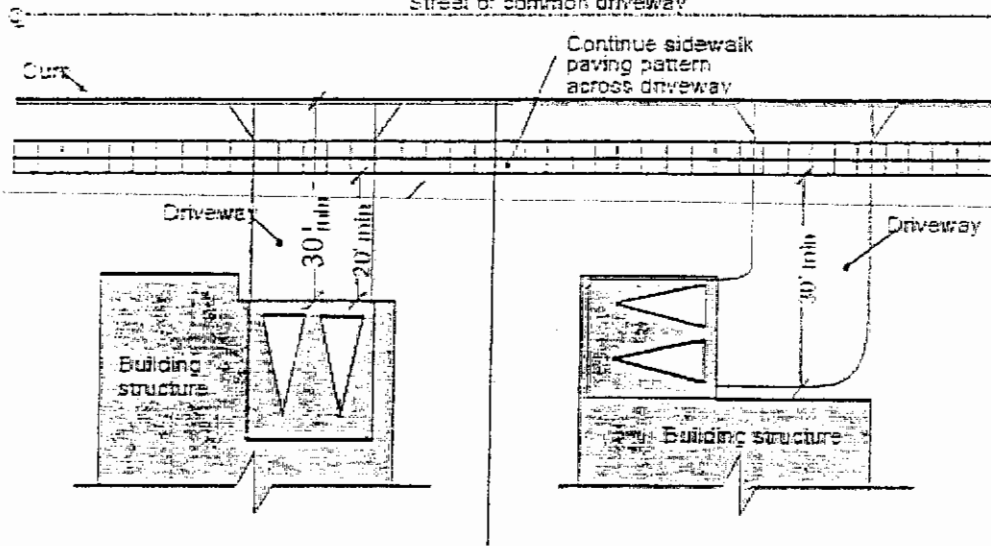
Section 5. That Chapter 14, Article 2 Division 5 of the SDMC is amended by amending, Section 142.0521 to read as follows:

§142.0521 Parking Site Design for Single Dwelling Unit Residential Uses

Parking facilities for *single dwelling unit residential* uses shall be designed in accordance with the following:

- (a) *Single dwelling unit developments* shall meet the minimum parking requirement established by section 142.0520.
- (b) Paving and *hardscape* for vehicular use shall be minimized in accordance with section 131.0447.
- (c) *Development* and design of parking areas shall comply with section 142.0560.
- (d) Driveway width (exclusive of driveway apron) shall comply with section 142.0560. The driveway curb cut shall be located a minimum of 3 feet from the side *property line* to accommodate a standard driveway apron.
- (e) Beyond the driveway curb cut opening, the drive aisle width shall be a minimum of 10 feet and a maximum of 25 feet.
- (f) The minimum distance between a parking space and a sidewalk or curb opening shall comply with Diagram 142-05A.

Diagram 142-05A
Minimum Distance Between an Off-Street Parking Space
and a Sidewalk or Curb Opening
Street or common driveway



Section 6. That Chapter 14, Article 2, Division 5 of the SDMC is amended by amending Section 142.0560 to read as follows:

§142.0560 **Development and Design Regulations for Parking Facilities**

- (a) through (i) [No change in text.]
- (j) Driveway and Access Regulations
- (1) Driveway width shall be determined based on the size of the lot, type of use proposed, and location inside or outside of the Parking Impact Overlay Zone. Refer to Tables 142-05L and 142-05M for the applicable minimum and maximum driveway widths.

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

Use	Minimum Width		Maximum Width (Outside of Parking Impact Overlay Zone)		Maximum Width Parking Impact Area
	One-Way	Two-Way	One-Way	Two-Way	
Detached <i>Single Dwelling Unit</i>	12 feet		25 feet		Two Way 12 feet
<i>Dwelling Unit</i> in the RX Zone	12 feet		20 feet		12 feet
<i>Multiple Dwelling Unit</i>	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 Parking Impact Overlay Zone)		Maximum Width Parking Impact Area
	One-Way	Two-Way	One-Way	Two-Way	
Detached <i>Single Dwelling Unit</i>	12 feet		20 feet		Two Way 12 feet
<i>Dwelling Unit</i> in the RX Zone	12 feet		20 feet		12 feet
<i>Multiple Dwelling Unit</i>					
2 units	12 feet		20 feet		12 feet

3-5 units	14 feet		20 feet		14 feet
6 or more units	14 feet	20 feet	20 feet	25 feet	20 feet
Nonresidential	14 feet	24 feet	20 feet	30 feet	25 feet

Section 7. 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 8. This ordinance takes effect outside the Coastal Overlay Zone 30 days after final passage; inside the Coastal Overlay Zone it takes effect upon unconditional certification by the California Coastal Commission.

Section 9. Pursuant to the California Environmental Quality Act (Public Resources Code § 21000 et. seq.) an adequate and final Addendum to Environmental Impact Report No. 96-0333, Project No. 129501 entitled "Amendments to Address 'Mini Dorms' and Preserve the Character of the RS Zones," has been reviewed and completed for this ordinance that reflects the independent judgment of the City of San Diego as Lead Agency. (Cross reference Resolution - certifying the Addendum to Environmental Impact Report No. 96-0333.)

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Marianne Greene
Marianne Greene
Deputy City Attorney

MG:ca
06/28/2007
Or.Dept:DSD
O-2007-160

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUL 24 2007.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 8-1-07
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

STRIKEOUT ORDINANCE

Received

DEC 27 2007

California Coastal Commission (Q-2007-29)
San Diego Coastal District **VERSION B**

OLD LANGUAGE: ~~STRIKEOUT~~
NEW LANGUAGE: UNDERLINE


ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1, BY AMENDING SECTION 113.0103; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 4 BY ADDING SECTION 126.0402(l); AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5 BY ADDING SECTION 126.0502(d)(8); AMENDING CHAPTER 12, ARTICLE 7, DIVISION 1 BY AMENDING SECTION 127.0103(a), TABLE 127-01A; AMENDING CHAPTER 12, ARTICLE 7, DIVISION 1 BY ADDING SECTION 127.0106(e); AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5, BY AMENDING SECTION 131.0522, TABLE 131-05B; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6, BY AMENDING SECTION 131.0622, TABLE 131-06B; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 4, BY AMENDING SECTION 142.0404; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 4, BY ADDING SECTION 142.0405(c)(4); AMENDING CHAPTER 14, ARTICLE 2, DIVISION 4, BY AMENDING SECTION 142.0405(d); AMENDING CHAPTER 14, ARTICLE 2, DIVISION 4, BY AMENDING SECTION 142.0406(c)(3); AMENDING CHAPTER 14, ARTICLE 2, DIVISION 4, BY AMENDING SECTION 142.0412; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 3, BY AMENDING SECTION 143.0302, TABLE 143-03A; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 3, BY ADDING SECTION 143.0355; AND AMENDING CHAPTER 14, ARTICLE 3, DIVISION 4 BY ADDING SECTION 143.0410(a)(3)(H); ALL PERTAINING TO LARGE RETAIL ESTABLISHMENTS.

WHEREAS, on July 23, 2003, the Land Use and Housing Committee of the City Council directed the Planning Department staff to develop an ordinance regulating large retail establishments;

WHEREAS, the purpose of these regulations is to provide standards for evaluation of large retail establishments relating to design, bulk, and scale;

EXHIBIT NO. 2
APPLICATION NO.
SDLCPA 3-07 D
L. R. Ordinance
16 pages
 California Coastal Commission

WHEREAS, the intent of these regulations is to minimize development footprint, preserve community character, create a pedestrian scale environment, and promote a diversity of uses in accordance with the General Plan Strategic Framework Element and City of Villages strategy;

WHEREAS, the preparation of the proposed ordinance was as open to comprehensive public participation as possible;

WHEREAS, many of the provisions of the proposed ordinance have been reviewed and recommendations have been made by various interest groups and organizations as well as by the Planning Commission and the Land Use and Housing Committee of the City Council; NOW, THEREFORE,

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 through Land use plans [No change.]

Large retail establishment means one single-tenant retail establishment 50,000 square feet or greater gross floor area or one multiple tenant retail establishment 50,000 square feet or greater gross floor area where the multiple tenants share common check stands, a controlling interest, storage areas, warehouses, or distribution facilities.

Lateral access through Yard [No change.]

Section 2. That Chapter 12, Article 6, Division 4 of the San Diego Municipal Code is amended by adding section 126.0402(l), to read as follows:

§126.0402 When a Neighborhood Development Permit Is Required

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

- (1) A Neighborhood Development Permit is required for development of a large retail establishment of 50,000 or more square feet gross floor area in all commercial and industrial zones, and in all planned districts, except the Centre City Planned District.

Section 3. That Chapter 12, Article 6, Division 5 of the San Diego Municipal Code is amended by adding section 126.0502(d)(8), to read as follows:

§126.0502 When a Site Development Permit Is Required

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

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

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

(8) Development of a large retail establishment of 100,000 or more square feet gross floor area in all commercial and industrial zones, and in all planned districts.

(e) [No change.]

Section 4. That Chapter 12, Article 7, Division 1 of the San Diego Municipal Code is amended by amending section 127.0103(a), Table 127-01A; and by adding section 127.0106(e) to read as follows:

§127.0103 Review Process for Previously Conforming Premises and Uses

[No change in first paragraph.]

(a) *Previously Conforming Structural Envelope*

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

Type of <i>Development</i> Proposal	Applicable Sections	Required Development Permit/Decision Process
Maintenance, repair or alteration (less than or equal to 50% of <i>market value</i> of entire <i>structure</i> or improvement) through Reconstruction (following fire, natural disaster, act of the public enemy) for nonresidential <i>structures</i> .	[No change.]	[No change.]
Expansion/enlargement, where new construction conforms with all current development regulations.	127.0106(a), (b) <u>and</u> (e)	CP/Process 1
Expansion/enlargement where new construction requests a reduction of up to 20% from required <i>setbacks</i> .	[No change.]	[No change.]

(b) [No change.]

(c) [No change.]

§127.0106 Expansion or Enlargement of Previously Conforming Structures

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

(e) Proposed expansion or enlargement of a *previously conforming large retail establishment* is subject to a Process One Construction Permit and the applicable supplemental regulations in Section 143.0355(e) except as described below. Proposed expansion or enlargement of a *large retail establishment* that would result in a *structure* 100,000 square feet or greater *gross floor area* and an increase in average daily trips is subject to a Site Development Permit in accordance with Section 126.0502.

Section 5. That Chapter 13, Article 1, Division 5 of the San Diego Municipal Code is amended by amending section 131.0522, Table 131-05B to read as follows:

§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 ⁽¹⁾			CR-		CO-		CV-		CP-		
	3rd >>	1-			1-	2-	1-		1-		1-		
	4th >>	1	2	3	1	1	1	2	1	2	1		
Open Space through Institutional		[No change.]											
Retail Sales													
Building Supplies & Equipment		P ⁽¹¹⁾			P ⁽¹¹⁾		P ⁽¹¹⁾		-		-	-	
Food, Beverages and Groceries		P ⁽¹¹⁾			P ⁽¹¹⁾		P ⁽¹¹⁾		P ⁽¹¹⁾		P ⁽¹¹⁾		-
Consumer Goods, Furniture, Appliances, Equipment		P ⁽¹¹⁾			P ⁽¹¹⁾		P ⁽¹¹⁾		P ^(3,11)		-		-
Pets & Pet Supplies		P ⁽¹¹⁾			P ⁽¹¹⁾		P ⁽¹¹⁾		-		-		-
Sundries, Pharmaceutical, & Convenience Sales		P ⁽¹¹⁾			P ⁽¹¹⁾		P ⁽¹¹⁾		P ⁽¹¹⁾		P ⁽¹¹⁾		-
Wearing Apparel & Accessories		P ⁽¹¹⁾			P ⁽¹¹⁾		P ⁽¹¹⁾		-		P ⁽¹¹⁾		-
Separately Regulated Retail Sales Uses													
Agriculture Related Supplies & Equipment		-			P		P		-		-		-
Alcoholic Beverage Outlets		L			L		L		L		L		-
Plant Nurseries		P			P		P		-		-		-
Swap Meets & Other Large Outdoor Retail Facilities		-			C		C		-		C ⁽¹⁰⁾		-
Commercial Services through Signs		[No change.]											

Use Categories/Subcategories [See section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																
	1st & 2nd >>	CC-																
	3rd >>	1-			2-			3-			4-			5-				
	4th >>	1	2	3	1	2	3	4	5	1	2	3	4	5	1	2	3	4
Open Space through Institutional		[No change.]																
Retail Sales																		
Building Supplies & Equipment		P ⁽¹¹⁾			P ⁽¹¹⁾			-			P ⁽¹¹⁾			P ⁽¹¹⁾				
Food, Beverages and Groceries		P ⁽¹¹⁾			P ⁽¹¹⁾			P ⁽¹¹⁾			P ⁽¹¹⁾			P ⁽¹¹⁾				
Consumer Goods, Furniture, Appliances, Equipment		P ⁽¹¹⁾			P ⁽¹¹⁾			P ⁽¹¹⁾			P ⁽¹¹⁾			P ⁽¹¹⁾				
Pets & Pet Supplies		P ⁽¹¹⁾			P ⁽¹¹⁾			P ⁽¹¹⁾			P ⁽¹¹⁾			P ⁽¹¹⁾				
Sundries, Pharmaceutical, & Convenience Sales		P ⁽¹¹⁾			P ⁽¹¹⁾			P ⁽¹¹⁾			P ⁽¹¹⁾			P ⁽¹¹⁾				
Wearing Apparel & Accessories		P ⁽¹¹⁾			P ⁽¹¹⁾			P ⁽¹¹⁾			P ⁽¹¹⁾			P ⁽¹¹⁾				
Separately Regulated Retail Sales Uses																		
Agriculture Related Supplies & Equipment		-			-			-			P			P				
Alcoholic Beverage Outlets		L			L			L			L			L				
Plant Nurseries		P			P			P			P			P				

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	
Swap Meets & Other Large Outdoor Retail Facilities		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C
Commercial Services through Signs	[No change.]																			

Footnotes to Table 131-05B

¹ through ¹⁰ [No change.]

¹¹ Development of a large retail establishment is subject to Section 143.0302.

Section 6. That Chapter 13, Article 1, Division 6 of the San Diego Municipal Code is amended by amending section 131.0622, Table 131-06B to read as follows:

§131.0622 Use Regulations Table for Industrial Zones

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

**Table 131-06B
Use Regulations Table for Industrial Zones**

Use Categories/ Subcategories [See section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone designator	Zones								
	1st & 2nd >>	IP-		IL-			IH-		IS-	
	3rd >>	1-	2-	1-	2-	3-	1-	2-	1-	
	4th >>	1	1	1	1	1	1	1	1	
Open Space through Institutional	[No change.]									
Retail Sales										
Building Supplies & Equipment		-	-	p ^(6,15)	p ⁽¹⁵⁾	p ⁽¹⁵⁾	-	p ^(6,15)	p ⁽¹⁵⁾	
Food, Beverages and Groceries		-	-	-	-	p ⁽¹⁵⁾	-	-	-	
Consumer Goods, Furniture, Appliances, Equipment		-	-	-	p ^(2,15)	p ⁽¹⁵⁾	-	-	p ^(3,15)	
Pets & Pet Supplies		-	-	-	-	p ⁽¹⁵⁾	-	-	-	
Sundries, Pharmaceuticals, & Convenience Sales		-	p ^(5,15)	p ^(5,15)	p ^(5,15)	p ⁽¹⁵⁾	p ^(5,15)	p ^(5,15)	p ^(4,15)	
Wearing Apparel & Accessories		-	-	-	p ^(3,15)	p ^(3,15)	-	-	p ^(3,15)	
Separately Regulated Retail Sales Uses										
Agriculture Related Supplies & Equipment		-	-	-	P	P	P	P	P	
Alcoholic Beverage Outlets		-	-	-	-	L	-	-	-	
Plant Nurseries		-	-	-	-	P	-	P	P	
Swap Meets & Other Large Outdoor Retail Facilities		-	-	C	C	C	C	C	C	
Commercial Services through Signs	[No change.]									

Footnotes for Table 131-06B

¹ through ¹⁴ [No change.]

¹⁵ Development of a large retail establishment is subject to Section 143.0302.

Section 7. That Chapter 14, Article 2, Division 4 of the San Diego Municipal Code is amended by amending section 142.0404; by adding section 142.0405(c)(4); by amending section 142.0405(d); by amending section 142.0406(c)(3); and by amending section 142.0412 to read as follows:

§142.0404 Street Yard and Remaining Yard Planting Area and Point Requirements

[No change in first paragraph.]

Table 142-04C

Street Yard and Remaining Yard Planting Requirements

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

Type of Development Proposal	Type of Yard	Planting Area Required (Percentage of total yard area unless otherwise noted below) ⁽¹⁾	Plant Points Required (Number of plant points required per square foot of total street yard or remaining yard area) or required trees ⁽¹⁾
<u>Large retail establishments in any Industrial Zone.</u>	<u>Street Yard</u>	<u>25%</u> ⁽⁴⁾	<u>0.05 points, exclusive of palms</u>
	<u>Remaining Yard</u>	<u>30%</u>	<u>0.05 points</u>

Footnotes to Table 142-04C [No change.]

§142.0405 Additional Yard Planting Area and Point Requirements

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

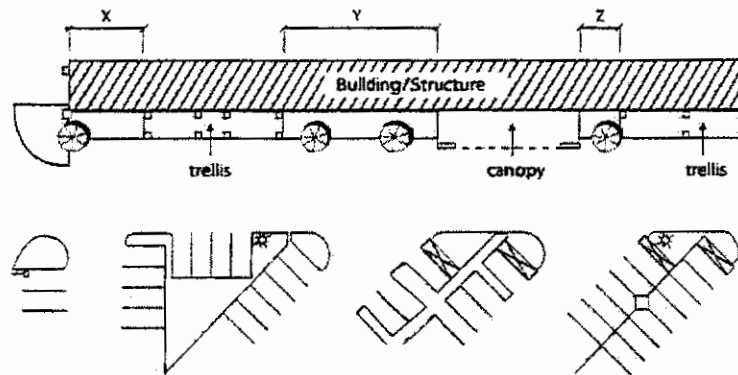
(c) Additional commercial yard and large retail establishment requirements:

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

(4) Facade Planting Area for large retail establishments. Within the street yard, a facade planting area, as shown in Diagram 142-04A shall be provided between the vehicular use area and the street wall. This facade planting area shall be planted with a minimum of 20 points (trees only) at a linear rate of 30 feet of building street wall wherever trellises, arcades, awnings or extended covered entries do not occur which shall be a minimum of 30 percent of the length of the building street wall.

Diagram 142-04A

Facade Planting Area for Large Retail Establishments

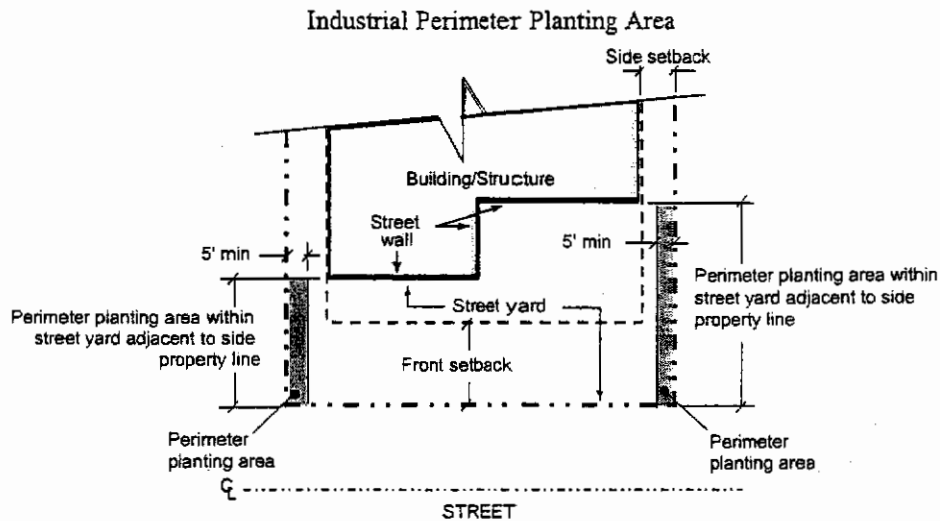


$$\frac{X + Y + Z}{30} \times 20 \text{ points} = \text{Required number of points (trees only)}$$

X + Y + Z = minimum of 30% of the length of the building street wall

- (d) Additional industrial yard and large retail establishment requirements:
- (1) Perimeter Planting Area. Within the *street yard* for industrial zones or industrial *development*, a 5-foot-wide perimeter planting area adjacent to each side *property line*, as shown in Diagram 142-04A, shall be provided for the full depth of the *street yard* except where vehicular access (maximum 25 feet) and pedestrian access (maximum 6 feet) points cross perpendicular to a side *property line*. This planting area shall be planted with a combination of trees and shrubs that achieves 0.2 points per square foot of the required area. Where loading docks are placed along more than 25 percent of the *street wall* length in the IL and IH zones, the perimeter planting area points required shall be increased to 0.5 points per square foot of area.

Diagram 142-04AB



- (2) Facade Planting Area. Within the *street yard*, a facade planting area, as shown in Diagram 142-04B, shall be provided that abuts the *street wall* and is at least equal to 50 percent of the length as determined by adding the lines connecting the outermost points of the structure along the street wall as shown in Diagram 142-04C, and that has a width of at least 9 feet measured perpendicularly to the building. This requirement shall not apply to large retail establishments.

Diagram 142-04BC

Industrial Facade Planting Areas

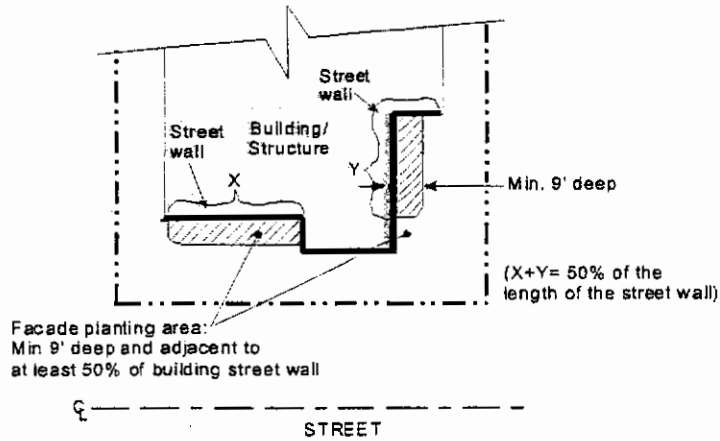
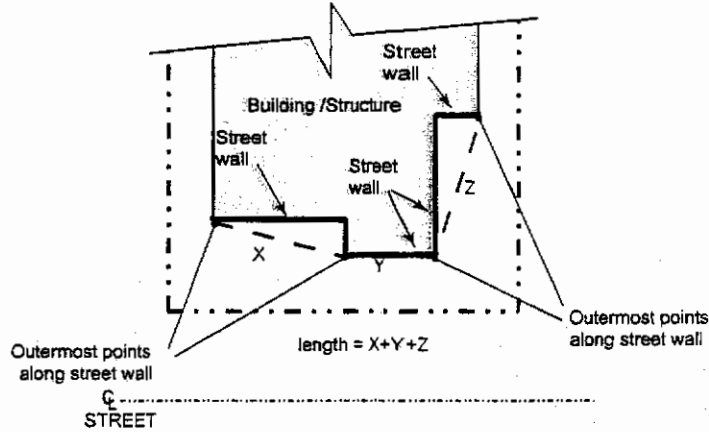


Diagram 142-04CD

Industrial Facade Area Street Wall Length



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

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

[No changes to remainder of Section 142.0405(d)(2)]

§142.0406 Vehicular Use Area Planting Area and Point Requirements

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

(c) A *vehicular use area* located within the *street yard* shall be separated from the curb in the *public right-of-way* by a required planting area totaling at

least 8 feet in width, measured perpendicularly to the *public right-of-way*.

This planting area shall meet the following requirements:

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

(3) The width of this planting area may be reduced to 3 feet if a solid wall of at least 3 feet in height is provided for the entire length of the *vehicular use area*- for sites under 5 acres. Sites that are between 5 and 10 acres are required to provide the planting area buffer that is 8 feet. For sites over 10 acres, a planting area buffer must be 12 feet in width with a potential reduction to 8 feet with a 3 feet high wall. The remaining planting area shall be located between the wall and curb within the *public right-of-way* and planted with the equivalent of 1 shrub for every 10 feet of wall length. These shrubs shall achieve at least 18 inches in height of maturity.

(4) [No change.]

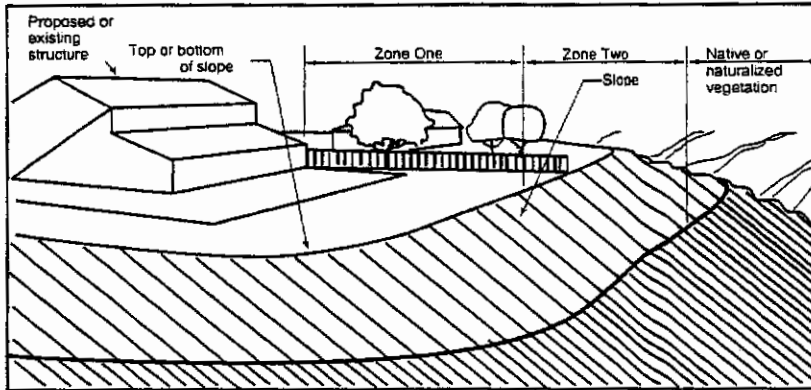
§142.0412 Brush Management

(a) [No Change.]

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

Diagram 142-04DE

Brush Management Zones



[No change (b)(1) through (2) and (c) through (l).]

Section 8. That Chapter 14, Article 3, Division 3 of the San Diego Municipal Code is amended by amending section 143.0302, Table 143-03A; and by adding section 143.0355 to read as follows:

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

[No change to first paragraph.]

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

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process
Affordable/In-Fill Housing Projects with Deviations through Clairemont Mesa Height Limit Overlay Zone [No change.]	[No change.]	[No change.]
<u>Development of a large retail establishment of 50,000 or more square feet gross floor area in all commercial and industrial zones, and in all planned districts, except the Centre City Planned District</u>	143.0303, 143.0305, 143.0355, 143.0375	NDP/Process Two
<u>Development of a large retail establishment of 100,000 or more square feet gross floor area in all commercial and industrial zones, and in all planned districts</u>	143.0303, 143.0305, 143.0355, 143.0375	SDP/Process Four

§143.0355 Supplemental Neighborhood Development Permit and Site Development Permit Regulations for Large Retail Establishments

The following supplemental regulations apply to development of large retail establishments. The purpose of these regulations is to provide standards for the evaluation of large retail establishments. The intent of these regulations is to minimize development footprint, preserve community character, create a pedestrian scale environment, and promote a diversity of uses in accordance with the General Plan.

(a) Minimum Setbacks

A large retail establishment shall have a minimum front and street side setback of 8 feet. Architectural features as defined in Section 143.0355(b) are permitted to encroach a maximum of 4 feet into the required front and street side yards.

(b) Building Articulation

A large retail establishment shall incorporate architectural features from at least four of the following eight categories:

- (1) Pilasters
- (2) Trellises
- (3) Awnings or extended covered entries
- (4) Arcades
- (5) Varied roof lines or roof cornices
- (6) A minimum of three material changes, such as glazing, tile, stone, or varied pattern/texture shall be provided in street (facing) wall surfaces, where no one material shall cover less

than 10 percent of the wall area or more than 60 percent of the wall area.

(7) A minimum of 25 percent of street wall area transparent with clear glass visible into a commercial use, or a minimum of 25 percent of street wall area covered with display windows.

(8) Clerestory windows

(c) Pedestrian Paths

Pedestrian access and pathways shall be designed to provide an interconnected network for pedestrian travel between buildings within the same *development* in accordance with Section 131.0550.

(d) Landscaping Requirements

Landscape for *large retail establishments* shall comply with Sections 142.0404, 142.0405 and 142.0406.

(e) Expansion or Enlargement of Existing Structures

Proposed expansion or enlargement of a *previously conforming large retail establishment* is subject to Section 127.0106(e) and the supplemental regulations in Section 143.0355(a) and (c), and Section 142.0410.

Section 9. In the event of a conflict between any provision of this ordinance and any other provision of the San Diego Municipal Code, this ordinance shall be controlling. If a court of competent jurisdiction determines that any provision of this ordinance is invalid or otherwise unenforceable, that provision shall be severed from the remainder of the ordinance in a manner that preserves the remainder to the fullest extent possible. Prior to severing any provision,

however, the court shall attempt to interpret and apply the provision in a manner that achieves the ordinance's intent and purpose to the fullest extent possible consistent with the law.

Section 10. 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 11. This ordinance shall take effect and be in force on the thirtieth day after its passage. However, this ordinance will not apply within the Coastal Zone until the California Coastal Commission unconditionally certifies this ordinance as a Local Coastal Program Amendment.

Section 12. That City departments are instructed not to issue any permit for development that is inconsistent with this ordinance unless application for such permit was submitted and deemed complete by the City Manager prior to the date this ordinance becomes effective.

JLG:als
10/17/06
Or.Dept:Planning
O-2007-29