

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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May 30, 2014

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TO: COMMISSIONERS AND INTERESTED PERSONS

**FROM: SHERILYN SARB, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT
ALEXANDER LLERANDI, COASTAL PLANNER, SD COAST DISTRICT**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF SAN DIEGO LCP
AMENDMENT NO. SAN-MAJ-2-13A (8th Update to the Land Development
Code) for Commission Meeting of June 11-13, 2014**

SYNOPSIS

On August 20, 2013, the City of San Diego's Local Coastal Program (LCP) Amendment No. 2-13 A and B was filed in the San Diego District office. This submittal involved two unrelated items: the subject proposed changes to the City's Land Development Code (LDC), and unrelated revisions to ordinances governing microbreweries. A one-year time extension was granted on the amendment submittal on October 10, 2013. As such, the last date for Commission action on this item is the October 2014 hearing. The Commission approved the microbreweries component of the amendment submittal on December 12, 2013.

SUMMARY OF AMENDMENT REQUEST

The subject amendment request consists of approximately 54 separate items, and represents the 8th Update of the certified LDC, which went into effect in the coastal zone on January 1, 2000. The City periodically reviews the LDC and proposes corrections, modifications, clarifications, etc. to make the document easier to understand, implement and enforce. This update is similar to past updates in that it covers a number of different issue categories of the LDC, including permit processes, measurement, parking, green building regulations, and minor corrections.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of the proposed amendment, as submitted. The proposed amendment seeks to streamline certain administrative processes governing the review and approval of certain types of currently permissible development, such as sidewalk cafes and brush management, as well as clean up and clarify many provisions by removing redundancies and outdated cross-references. Thus, the proposed amendment raises no Coastal Act issues because the LDC would remain consistent with the City's many certified Land Use Plans (LUPs). The appropriate resolutions and motions begin on Page 3. The findings for approval begin on Page 5.

BACKGROUND

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

ADDITIONAL INFORMATION

Further information on the City of San Diego LCP Amendment SAN-MAJ-2-13A may be obtained from Alexander Llerandi, 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(s). The Commission shall take action by a majority vote of the Commissioners present.

C. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires local governments to provide the public with the maximum opportunities to participate in the development of the LCP amendment

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

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

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

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

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

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

RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

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

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

A. AMENDMENT DESCRIPTION

The subject amendment request consists of approximately 54 separate items, and represents the 8th Update of the certified Land Development Code (LDC), which went into effect in the coastal zone on January 1, 2000. The City periodically reviews the LDC and proposes corrections, modifications, clarifications, etc. to make the document easier to understand, utilize and enforce. The proposed amendment affects all four LDC

chapters that constitute the bulk of the certified implementation plan (Chapters 11 through 14).

This update is similar to past updates in that it covers a number of different issue categories of the LDC, including permit processes, measurement, parking, green building regulations, and minor corrections. Some examples include: a) streamline the permit process for sidewalk cafes; b) permit child care facilities in already-developed agricultural residential zones; c) simplify the ability of the Fire Marshall to grant modifications to brush management; and d) streamlining the process to request tandem parking.

In addition, much of the update addresses how measurements and calculations are to be obtained. The standards themselves, such as overall height limits, required setback width, etc. are not changed, but the explanation of how to measure and calculate has been simplified to be more understandable for any developer, homeowner, or concerned citizen. These directions provide the appropriate methods to use to determine setbacks, calculate height or floor area ratio, etc. as well as making definitions of terms clearer. Similarly, although parking standards are not modified, some changes clarify when certain variances or alternative standards can be applied, or clarifies previously redundant or vague definitions. Also, identical language found in more than one part of the IP is being deleted where possible to avoid duplication. Some land uses have had the applicable process level required for their analysis and approval by the City changed or brought closer in line with similar uses. Lastly, the Council adopted modified provisions to allow some limited development with previously conforming setbacks but then subsequently revoked the action. So, the Commission is reviewing two changes with regard to these provisions (Sections 127.0102 and 131.0443) that result in no change to the current code.

B. FINDINGS FOR APPROVAL

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

1. Applicable LUP Policies

Torrey Pines Community Plan

- Land uses adjacent to environmentally sensitive habitats shall not negatively impact those areas.

- Protect, preserve and enhance the variety of natural features within the San Dieguito River Valley including the floodplain, the open waters of the lagoon and river, wetlands, marshlands and uplands.

Mira Mesa Community Plan

- No encroachment shall be permitted into wetlands, including vernal pools. [...]

La Jolla LCP Land Use Plan

- The City should preserve and protect the coastal bluffs, beaches and shoreline areas of La Jolla assuring that development occurs in a manner that protects these resources, encourages sensitive development, retains biodiversity and interconnected habitats and maximizes physical and visual public access to and along the shoreline.

Pacific Beach LCP Land Use Plan

- Enhance existing public access to the beach, bay, and park areas along the shoreline to benefit community residents and visitors.

The following examples are provided to demonstrate how the proposed amendments do not conflict with the certified LUPs. Most, if not all, City of San Diego certified land use plans include setback criteria, but do not address how it is measured. The proposed changes to the IP clarify how or when to calculate the setbacks. Many of the proposed changes to the LDC primarily rearrange the structure of the relevant sections and clarify cross-references to make them more user-friendly without changing the basic parameters of the certified IP. Thus, the modified regulations remain consistent with the certified LUPs. Also, the certified LUPs identify what uses will be allowed where, and the subject amendment does not modify these land use designations or corresponding zones except for relatively minor modifications, such as the child care provisions discussed above. However, the LUPs do not include detail about what type of permit process different types of developments must follow. Thus, modifying the permit process to streamline or require a greater degree of discretion for some types of developments does not conflict with any LUP policies.

Although the amendment request does not raise any significant Coastal Act concerns relative to conformity with the certified LUPs, there are certain proposed provisions that warrant additional comment. The 8th Update, as submitted, does contain provisions permitting an additional use within zones where it was previously prohibited: child care facilities in the Agricultural-Residential (AR) Zone within the Coastal Zone. Due to the limited quantity and unique nature of agriculture within San Diego's Coastal Zone, child care facilities, along with numerous other uses, were prohibited within both agricultural-general and agricultural-residential zones within the Coastal Zone so as to reinforce the focus on agricultural uses and limiting competing uses that could displace agriculture. However, there currently exist certain portions of agricultural residential zones within

San Diego that were previously developed with residential subdivisions. It is these developed areas that are the focus of the introduction of child care uses, and to limit the impact such uses may have on agricultural, the 8th Update, as submitted, will require proposed child care facilities to obtain a conditional use permit, which is a discretionary permit that requires findings that the use will be consistent with the certified LCP. Furthermore, Section 141.0606(c)(10) would be created to limit, within the Coastal Overlay Zone, proposed child care facilities to only previously-developed sites that are not developed with open space or agricultural uses as defined in the LCP. Thus, while the 8th Update, as submitted, does introduce child care facilities into a zone where it was previously prohibited, it does so in such a limited and narrow manner that it can be found consistent with the certified land use plans.

The 8th Update, as submitted, also introduces Section 129.0104; as proposed by the City, it would create a formal administrative process for the Development Services Director to grant minor modifications for single family dwelling units in cases where strict application of development regulations would be impractical. These modifications would be for otherwise ministerial actions and would only involve development regulations, not permitted uses. While the certified LCP already provides a measured amount of flexibility in the form of variances and deviations, the City found that situations arose where the proposed modification was so minor that the time and resources expended in the application of the full variance process exceeded the public benefit. While the introduction of any flexibility from the certified regulations of the LCP can create the potential for unanticipated resource impacts, the situations in which the City desired such flexibility have to date been rare. Furthermore, to ensure that the application of the proposed flexibility continues to be rare and is properly documented, Section 129.0104, as proposed, not only limits its application to single family dwellings, but also lists the specific monitoring and findings that must be made before any such flexibility can be applied. One of the specific required findings is consistency with the adopted land use plans. Thus, the proposed administrative flexibility is found to be narrow enough in scope and reach as to avoid raising substantial Coastal Act issues; and, this element can be found consistent with the certified land use plans.

Sidewalk cafes are already a permissible use under the certified LCP. However, in order to streamline their permitting and reduce barriers to their use, the 8th Update, as proposed, would remove the requirement for a discretionary Neighborhood Use Permit for sidewalk cafes that meet clearly delineated criteria regulating – among other aspects – siting, dimensions, hours of operation, noise, and public passage. Sidewalk cafes are visitor-serving uses that encourage a pedestrian-oriented ambiance as well as activating the area for public use. While such a use can potentially have adverse effects on public access should they substantially impede public passage or deviate from their primary role as dining establishments, the clearly delineated manner in which the sidewalk cafes qualifying for the proposed permit streamlining must be operated in limits any substantial impacts to public access. More importantly, such cafes constitute high priority visitor-serving uses that are promoted in all the certified land use plans. The small storefront footage of many, if not most, of the uses in the coastal zone where sidewalk cafes are already popular further ensures that they will be limited in scope and size. Finally, while the City's proposal would remove the requirement for a discretionary permit – the

Neighborhood Use Permit – and therefore a public process at the local level, for many sidewalk cafes, uses that would serve alcohol on the premises would still be required to apply to the Department of Alcohol Beverage Control, granting a venue for public comment and review. Furthermore, within the coastal zone, should a sidewalk café be proposed that raises the potential for adverse impacts to coastal resources, such as changing the intensity of use and requiring additional parking, a coastal development permit would still be required and grant the public a forum in which to review and comment on the proposed development. Any relevant sections in the applicable Planned Development Ordinance would also still apply to the sidewalk cafes. Thus, the 8th Update's permit streamlining for sidewalk cafes, as proposed, is found to be consistent with the certified land use plans and tailored in such a way as to avoid raising substantial Coastal Act issues relative to the IP amendment's conformity with the LUP.

Regarding brush management, under the certified LCP, the Fire Chief may already grant alternative compliance for brush management that still meets the intent of providing adequate fire safety. However, the existing code limits that authority by requiring that a third-party consultant review the development and give their opinion before the Fire Chief can grant alternative compliance. The Fire Chief is currently under no obligation to incorporate the third-party opinion, and thus its absolute requirement in all situations can at times impede the efficient promulgation of alternative compliance. The 8th Update, as proposed, recognizes that in many situations, the Fire Chief has the necessary and sufficient expertise to ably determine whether alternative compliance is necessary and is able to achieve the fire safety intent of the brush management regulations of the Land Development Code. With regards to brush management in the coastal zone, while alternative compliance does raise the potential of impacts to sensitive vegetation, the 8th Update, as proposed, requires that proposed alternative brush management minimize impacts to undisturbed native or naturalized vegetation where possible, while still meeting fire safety requirements. In addition, the factors to be considered by the Fire Chief reinforce that each development must be considered on a case-by-case basis looking at the specific conditions of the site and surrounding development, as well as adjacent habitat areas. Furthermore, the environmentally sensitive lands regulations of the certified LCP would still be applicable and provide limitations on steep slope encroachment and the protection of sensitive habitats. Thus, the 8th Update, as proposed, can be found consistent with the resource protection policies of the certified land use plans.

Another category of proposed changes deals with assembly uses which under the City's LDC includes churches, other assembly uses, entertainment establishments and private clubs. In most of the LDC zoning classifications, churches are conditionally permitted uses but other assembly uses or entertainment facilities could be permitted by right. Therefore, based on direction from the City Attorney's office, the City is proposing that all such assembly uses must be evaluated in a similar fashion under the code. Therefore, some churches would now be permitted by right in many zones. However, within the coastal zone, they would still not be allowed in the Visitor Commercial or CV zone where high priority, visitor-serving uses are mandated. This zone is typically applied in the City's nearshore areas where visitor commercial nodes are located that represent popular destination points for tourists and residents alike. In addition, none of the

otherwise required development regulations are being changed; so, lot coverage, landscaping and parking provisions would all still be applied. Within the coastal zone, development, including churches, is precluded within the floodplain and would still be addressed by the environmentally sensitive lands ordinance. Therefore, this revision can be found consistent with the certified land use plans.

In summary, these modifications focus on the development review processes without any material changes in permitted uses. Development standards are not being lessened in any zone; in fact, the provisions for sidewalk cafes are being augmented. The critical resource protection measures of the LDC are not being modified. Therefore, the Commission finds that the 8th update amendment is consistent with, and adequate to carry out, the certified LUPs.

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

Section 21080.9 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.

An EIR (No. 96-0333) was prepared and certified by the City, on October 28, 1997, for the original project – the adoption of the Land Development code. The proposed amendments to the LDC as part of the 8th Update were reviewed by the City's Environmental Analysis Section and they determined, in accordance with CEQA Guidelines Section 15162(a), that no subsequent EIR or other environmental document is needed for the adoption of the 8th Update, as all impacts were adequately addressed and disclosed in EIR No. 96-0333.

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.

STRIKEOUT ORDINANCE

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NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 9.5, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 59.5.0203, 59.5.0204, AND 59.5.0206, AND BY AMENDING SECTION 59.5.0202; AMENDING CHAPTER 11, ARTICLE 1, DIVISION 1 BY AMENDING SECTIONS 111.0101 AND 111.0106, AND BY ADDING SECTION 111.0107; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 2 BY AMENDING SECTION 112.0203; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 3 BY AMENDING SECTIONS 112.0302, 112.0305, AND 112.0307; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 5 BY AMENDING SECTIONS 112.0501 AND 112.0504; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 113.0103; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 2 BY AMENDING SECTIONS 113.0202, 113.0237, AND 113.0270; AMENDING CHAPTER 12, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 121.0202; AMENDING CHAPTER 12, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 121.0308; AMENDING CHAPTER 12, ARTICLE 2, DIVISION 1 BY AMENDING SECTIONS 122.0105 AND 122.0107; AMENDING CHAPTER 12, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 123.0103; AMENDING CHAPTER 12, ARTICLE 5, DIVISION 1 BY AMENDING SECTIONS 125.0120 AND 125.0124; AMENDING CHAPTER 12, ARTICLE 5, DIVISION 4 BY AMENDING SECTION 125.0461; AMENDING CHAPTER 12, ARTICLE 5, DIVISION 10 BY AMENDING THE DIVISION TITLE, AND SECTIONS 125.1001, 125.1010, 125.1030, AND 125.1040; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 1 BY AMENDING SECTIONS 126.0106, 126.0110, AND 126.0111; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 2 BY AMENDING SECTION 126.0203; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 126.0303; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 4 BY AMENDING

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SECTION 126.0402; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5 BY AMENDING SECTION 126.0504; AMENDING CHAPTER 12, ARTICLE 7, DIVISION 1 BY AMENDING SECTION 127.0102; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 1 BY AMENDING SECTION 129.0104, AND BY ADDING SECTION 129.0120; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 2 BY AMENDING SECTIONS 129.0202 AND 129.0203; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 7 BY AMENDING SECTIONS 129.0702, 129.0710, 129.0715, 129.0720, AND 129.0742; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTIONS 131.0220 AND 131.0222; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTIONS 131.0320, 131.0322, AND 131.0323; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTIONS 131.0420, 131.0422, 131.0423, 131.0431, 131.0443, AND 131.0461; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTIONS 131.0520, 131.0522, 131.0540, AND 131.0543; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTIONS 131.0620, 131.0622, 131.0623, AND 131.0631; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 8 BY AMENDING SECTIONS 132.0801 AND 132.0802; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 9 BY AMENDING SECTIONS 132.0902 AND 132.0905; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 10 BY AMENDING SECTION 132.1002; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 14 BY AMENDING SECTION 132.1402; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 141.0306; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 4 BY REPEALING SECTION 141.0404, AND BY AMENDING SECTIONS 141.0407 AND 141.0420; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 141.0502; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6 BY AMENDING SECTIONS 141.0601, 141.0604, 141.0606, 141.0619, 141.0620, 141.0621, AND 141.0625; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 7 BY AMENDING SECTION 141.0702; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 4 BY AMENDING SECTIONS 142.0402, 142.0412, AND 142.0413; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTIONS 142.0530, 142.0540, AND 142.0545; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 12 BY AMENDING SECTIONS 142.1205 AND 142.1290; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 2 BY AMENDING SECTIONS 143.0212 AND 143.0220; AMENDING CHAPTER 14, ARTICLE 10, DIVISION

1 BY AMENDING SECTIONS 1410.0104 AND 1410.0105; AMENDING CHAPTER 14, ARTICLE 10, DIVISION 5 BY ADDING SECTIONS 1410.0505 AND 1410.0510; AMENDING CHAPTER 15, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 153.0101; AMENDING CHAPTER 15, ARTICLE 8, DIVISION 1 BY AMENDING SECTION 158.0101; AMENDING CHAPTER 15, ARTICLE 9, DIVISION 1 BY AMENDING SECTION 159.0101; AMENDING CHAPTER 15, ARTICLE 10, DIVISION 1 BY AMENDING SECTION 1510.0101; AMENDING CHAPTER 15, ARTICLE 10, DIVISION 3 BY AMENDING SECTION 1510.0303; AMENDING CHAPTER 15, ARTICLE 12, DIVISION 1 BY AMENDING SECTION 1512.0101; AMENDING CHAPTER 15, ARTICLE 15, DIVISION 1 BY AMENDING SECTION 1515.0101; AMENDING CHAPTER 15, ARTICLE 16, DIVISION 1 BY AMENDING SECTION 1516.0101; AMENDING CHAPTER 15, ARTICLE 19, DIVISION 3 BY AMENDING SECTIONS 1519.0302 AND 1519.0303; AMENDING CHAPTER 15, ARTICLE 19, BY AMENDING APPENDIX A, ALL RELATING TO THE 8TH UPDATE TO THE LAND DEVELOPMENT CODE AND RELATED PROVISIONS

§59.5.0202 **Duties and Responsibilities of the Administrator Noise Abatement Administrator**

- (a) [No change in text.]
- (b) The Administrator is expressly charged:
- (1) through (2) [No change in text.]
- (3) ~~To grant or issue variances, permits, notices, or other matters required under the provisions of this article as~~ allow exceptions to the requirements of this article, subject to conditions, when practical difficulties or unnecessary hardship involved in carrying out this article exist, if the exception will not be contrary to its the purpose and intent of this article or detrimental to the public health, safety, and general welfare of the citizens of the City of San Diego; ~~when, due to special conditions, strict and literal interpretation and~~

~~enforcement of the provisions of this article would result in unusual difficulties or unnecessary hardship or be inconsistent with the general purposes of this article. In granting any such variance or permit, the Administrator shall hold hearings and may impose such conditions as he deems necessary or desirable to protect the public health, safety, and general welfare in accordance with this article.~~

~~The requirement for a public hearing prior to issuing a permit or variance may be waived by the Administrator where a single social event is scheduled to occur between the hours of 7:00 a.m. and 11:00 p.m. and does not involve more than 200 persons or where a Special Event Permit is issued pursuant to Chapter II, Article 2, Division 40 of this Code by the City Manager.~~

(4) [No change in text.]

§59.5.0203 Issuance of Permits or Variances by Administrator

~~The Administrator shall evaluate all applications for permits or variances from the requirements of this article and may grant said variances with respect to time for compliance, subject to such terms, conditions, and requirements as he or she may deem reasonable to achieving compliance with the provisions of this article. Each such variance shall set forth in detail the approved method of achieving compliance and a time schedule for its accomplishment. If in the judgment of the Administrator the time for compliance cannot be reasonably determined, a permit to cause the noise may be issued for a period not to exceed three (3) years. In~~

determining the reasonableness of the terms of any proposed permit or variance, said Administrator shall consider the magnitude of nuisance caused by the offensive noise, the uses of property within the area of impingement by the noise, operations carried on under existing nonconforming rights or conditional use permits or zone variances, the time factors related to study, design, financing and construction use permits or zone variances, the time factors related to age and useful life of the equipment and the general public interest and welfare.

A nominal fee shall be charged to each *applicant* for processing permits or variances. Fee schedules shall be approved by Council resolution. A report of permits and variances shall be prepared monthly and be available for public review.

§59.5.0204 Appeals

Any person directly affected by the noise and/or the *applicant* who is aggrieved by approval or disapproval of a variance or permit by the Administrator may appeal in writing within fourteen (14) calendar days of the decision to the Neighborhood Code Compliance Department Deputy Director who will schedule an appeal hearing before a hearing officer appointed by the City Manager. In the case of a permit denial, the hearing shall be scheduled as soon as feasibly practical in order to consider the matter.

§59.5.0206 The San Diego City Noise Map

(a) The official record of noise levels in the City of San Diego shall be the San Diego City Noise Map. The Development Services Director shall compile existing records of sound level measurements and noise

~~prediction models available to The City of San Diego, and take further sound level measurements as necessary. From these records, measurements and models, the Development Services Director shall determine Community Noise Equivalent Levels (CNEL) for The City of San Diego. The map shall be sufficiently detailed to enable a resident to locate his/her place of residence. Where adequate data are available the map shall be marked with isograms of CNEL at 60 decibels, and at five-decibel intervals above 60 decibels.~~

- (b) ~~At least once each year the Development Services Director shall revise the San Diego City Noise Contours, correcting any inadequacies that may have become evident particularly from noise measurements made during the preceding year.~~
- (c) ~~Any person may request the Development Services Director to accept for a location within the City of San Diego, a CNEL where none is predicted by the San Diego City Noise Map or which differs from the predicted one, subject to the following requirements. The request shall be accompanied by an estimate of the annual CNEL at the place that is based on a survey of noise there that includes essentially continuous measurement of the sound level over a period of at least two weeks, and appropriate information about the noise making activity in the area during the test period and during the preceding year. These two items shall be such as to support the stated estimate of annual CNEL within an accuracy of two decibels. The survey and estimate of annual CNEL for the specific date~~

~~and place shall be made by a qualified acoustical consultant at the expense of the applicant.~~

§111.0101 Title

- (a) Chapters 11, 12, 13, and 14 of the City of San Diego Municipal Code shall be known collectively, and may be referred to, as the Land Development Code. Chapter 15 of the Municipal Code contains regulations pertaining to Planned Districts as adopted by the City and shall constitute a part of the Land Development Code.
- (b) Chapter 14, Article 5 (Building Regulations), Article 6 (Electrical Regulations), ~~and Article 7 (Plumbing and Mechanical Regulations),~~ Article 8 (Mechanical Regulations), Article 9 (Residential Building Regulations), and Article 10 (Green Building Regulations), shall be known as the Building Regulations, the Electrical Regulations, ~~and the Plumbing and Mechanical Regulations,~~ the Mechanical Regulations, the Residential Building Regulations, and the Green Building Regulations respectively and may be referred to collectively as the Building, Electrical, Plumbing, ~~and Mechanical,~~ Residential Building, and Green Building Regulations.
- (c) ~~Chapter 15 of the Municipal Code contains regulations pertaining to Planned Districts as adopted by the City and shall constitute a part of the Land Development Code.~~

§111.0106 Land Development Manual

- (a) The City may establish and adopt submittal requirements, review procedures, and standards and guidelines for *development* to supplement ~~to~~ the Land Development Code. These support documents shall be known collectively as the Land Development Manual.
- (b) The Land Development Manual may be amended on a quarterly basis or as needed to comply with revisions to local, state, or federal law. The Land Development Manual may be amended in one of the following ways.
- (1) [No change in text.]
 - (2) Major amendments to the Land Development Manual shall be approved ~~in accordance with Process Five~~ by the City Council. Major amendments shall include the creation or elimination of a chapter or chapters, or the significant revision of a chapter or ~~chapters that exceeds the requirements to qualify as a minor~~ amendment as provided in Section 111.0106(b)(1).
- (c) [No change in text.]

§111.0107 Process for Amending the Land Development Code

- (a) Amendments to the Land Development Code shall be processed as follows:
- (1) Amendments to the Land Development Code that involve zoning regulations, as defined in California Government Code

section 65850, shall be decided by the City Council after a hearing held by the Planning Commission to consider whether to recommend approval, conditional approval, or denial.

(A) If the Planning Commission does not make a recommendation within 60 calendar days of the initial Planning Commission hearing, the City Council may take action without a Planning Commission recommendation.

(B) Notice of the Planning Commission and City Council hearings shall be provided in accordance with Sections 112.0305 and 112.0307 as applicable.

(2) Amendments to the Land Development Code that do not involve zoning regulations, as defined in California Government Code section 65850, shall be decided by the City Council.

(b) An application for an amendment to the Land Development Code filed by an applicant shall identify how the proposed amendment accomplishes at least one of the following goals:

(1) Simplifies land development regulations;

(2) Clarifies language or concepts within land development regulations;

(3) Makes the land development regulations more objective;

(4) Makes the code more adaptable to changes in technology or innovative techniques;

- (5) Eliminates redundancy and contradictions in the land development regulations;
- (6) Maintains a standardized land development regulation framework;
or
- (7) Increases predictability in the application of land development regulations.

§112.0203 Waiver of Fees or Deposits

- (a) [No change in text.]
- (b) ~~Processing fees or deposits for Conditional Use Permits and Neighborhood Development Permits are waived for nonprofit institutions or organizations whose primary purpose is the promotion of public health and welfare and who have qualified for federal tax benefits. This waiver does not apply to institutions or organizations in circumstances in which the City is precluded by the California Constitution from making a gift of City funds.~~
- (e)(b) If the City Manager determines that project delays have been caused solely by the actions of City agencies, the City Manager may, under the authority granted by the City Council, waive any portion of the fees or deposits.

§112.0302 Notice by Mail

- (a) [No change in text.]

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

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

(4) The officially recognized community planning group, if any, that represents the area in which the proposed ~~development~~ development is located, and officially recognized community planning groups that represent the area within 300 feet of the location of the proposed development; and

(5) through (6) [No change in text.]

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

§112.0305 Notice for Land Use Plans or Zoning Ordinances

When a *land use plan*, a zoning ordinance, or a rezoning ordinance is to be considered at a public hearing, the City Manager shall submit a Notice of Public Hearing for publication as set forth in Section 112.0303 to be published at least 10 *business days* before the date of the public hearing. The Notice of Public Hearing shall include the date, time, and place of the hearing, the identity of the hearing body, a general explanation of the matter to be considered, and a general description of the location of the real property, if any, that is the subject of the hearing. This notice shall be provided in addition to the other notices required by this division.

§112.0307 Notice for Local Coastal Programs and Implementing Ordinances

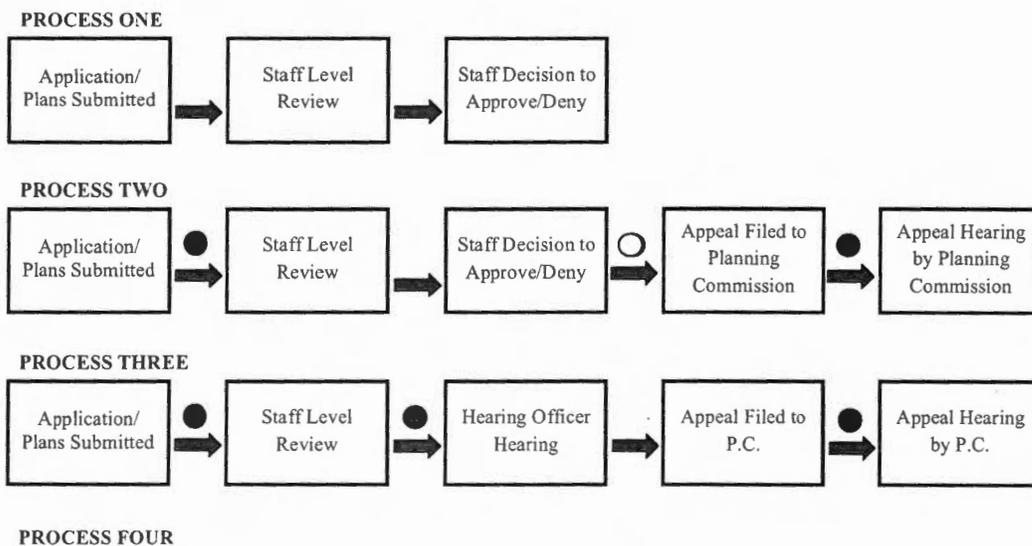
(a) through (b) [No change in text.]

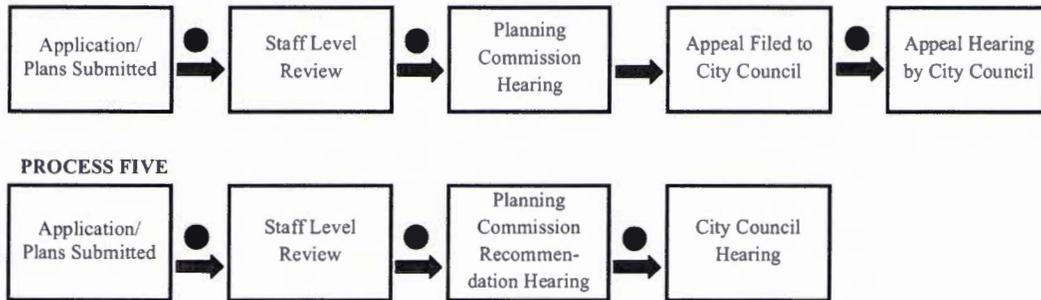
(c) Notice of availability of a *Local Coastal Program* amendment shall be provided in accordance with Section 112.0301(d).

112.0501 Overview of Decision Process

Applications for permits, maps, or other matters shall be acted upon in accordance with one of the five decision processes established in this division and depicted on Diagram 112-05A. The subject matter of the *development* application determines the process that shall be followed for each application. The provisions of Chapter 12 that pertain to each permit, map, or other matter describe the decision process in more detail. Diagram 112-05A is provided for convenience of reference only and does not define, describe, or limit the scope, meaning, or intent of any provision of the Land Development Code. This diagram describes the City of San Diego's processes only and does not describe other decision processes that may be required by other agencies, such as the State Coastal Commission.

**Diagram 112-05A
Decision Processes with Notices**





Key

- Public Notice to all Property Owners, and Tenants, Community Planning Groups within 300 Feet of the development, and Anyone Requesting Notice and to Community Planning Groups
- "Limited" Public Notice to Applicant, Community Planning Groups within 300 Feet, and Anyone Requesting Notice

§112.0504 Process Two Appeal Hearing

(a) The Planning Commission shall hear appeals of Process Two decisions subject to the following requirements, unless otherwise specified in the Land Development Code.

(a)(1) Persons Who Can Appeal. The following persons may request an appeal hearing after the designated staff person's decision:

(1)(A) An *applicant*; or

(2)(B) Any other person who files an application for a Process

Two appeal hearing in accordance with Section

112.0504(b)(a)(2).

(b)(2) Request for a Process Two Appeal Hearing. A Process Two decision may be appealed by filing an application for a Process Two appeal hearing with the City Manager no later than 12 *business days* after the *decision date*. If an applicant appeals the denial of an Extension of Time for a map waiver or tentative map

in accordance with Sections 125.0124 and 125.0461, the decision may be appealed no later than 15 calendar days after the *decision date* in accordance with Subdivision Map Act section 66452.6(e).

- (e)(3) Grounds for Appeal. A Process Two decision may be appealed on any of the following grounds:
- (1)(A) Factual Error. The statements or evidence relied upon by the decision maker when approving, conditionally approving, or denying a permit, map, or other matter were inaccurate;
 - (2)(B) New Information. New information is available to the *applicant* or the *interested person* that was not available through reasonable efforts or due diligence at the time of the decision;
 - (3)(C) *Findings* Not Supported. The decision maker's stated *findings* to approve, conditionally approve, or deny the permit, map, or other matter are not supported by the information provided to the decision maker; or
 - (4)(D) Conflicts. The decision to approve, conditionally approve, or deny the permit is in conflict with a *land use plan*, a City Council policy, or the Municipal Code.
- (4)(4) Scheduling an Appeal Hearing. The City Manager shall assign a date for an appeal hearing before the Planning Commission no later than 10 calendar days after the date on which an application

for the appeal hearing is filed with the City Manager. The appeal hearing shall generally be held within 60 calendar days following the filing of the application for the hearing. The appeal hearing shall be noticed in accordance with Section 112.0308.

~~(e)(5)~~ Power to Act on the Decision at Appeal Hearing. At the conclusion of the appeal hearing, the Planning Commission may affirm, reverse, or modify the staff decision.

(b) Exception. Where the Land Development Code specifies that the City Council is the appeal body for a Process Two decision, Sections 112.0504(a)(4) and 112.0504(a)(5) shall not apply. Instead, the scheduling of the appeal hearing and the power to act on the decision at the appeal hearing shall be in accordance with Sections 112.0508(d) and 112.0508(e).

§113.0103 Definitions

Abutting Property through Building facade [No change in text.]

Business day means any day except a Saturday, Sunday, or holiday listed in Municipal Code Section ~~21.04~~ 21.0104, unless otherwise specified.

Certificate of Correction through Kitchen [No change in text.]

Land use plans means the ~~Progress Guide and~~ General Plan and adopted community plans, specific plans, precise plans, and sub-area plans.

Large retail establishment through Parking space, off-street [No change in text.]

~~*Parking structure, underground* (See *underground parking structure*)~~

Parkway through Substantial conformance [No change in text.]

Substantial improvement for the purposes of Sections 129.0104(c) and 143.0146 means any reconstruction, rehabilitation, addition, or other proposed new *development* of a structure, the cost of which, equals or exceeds 50 percent of the *market value* of the structure before the start of construction of the improvement.

Surface Mining through Yard [No change in text.]

§113.0202 **When Rules for Calculation and Measurement Apply**

This division applies to *development* when the applicable regulations include terms or concepts that are shown in Table 113-02A. The Rules for Calculation and Measurement clarify development regulations and land development terms by expanding on the regulations and providing detailed explanations of pertinent aspects of the regulation. These rules govern the way in which the development regulations are implemented. The land ~~*development*~~ development terms and the sections for the corresponding rules are provided in Table 113-02A. The Rules for Calculation and Measurement of one regulation or term may be used in conjunction with another.

Table 113-02A
Rules for Calculation and Measurement

Land Development Term or Concept	Section
<i>Attic</i> through Distance Between Uses [No change in text.]	
<u><i>Existing Grade:</i></u>	113.0228
<i>Existing Grade</i>	113.0231
<i>Proposed Grade</i>	
<i>Gross floor area</i> through Yards [No change in text.]	

§113.0237 **Determining a Lot**

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

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

(4) The ~~lot~~ lot was created before March 4, 1972, held as a separate parcel by a subsequent purchaser, and has at least 15 feet of street frontage or other legal access to a dedicated street as approved by the City Engineer; or

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

(6) The lot consists of two or more parcels held by the same record owner that otherwise meet the requirements of Section 113.0237(a)(1), that are tied together through a recorded Lot Tie Agreement between the record owner and the City in accordance with Section 129.0120.

(b) through (c) [No change in text.]

§113.0270 **Measuring Structure Height**

(a) [No change in text.]

(b) *Structure Height of Fences, Walls, and Retaining Walls*

(1) *Fence and Wall Height*

(A) ~~No~~ The height of any portion of a *fence* or wall is measured from the lowest *grade* abutting the *fence* or wall to the top of the *fence* or wall, except that the height of a *fence* or wall

on top of a *retaining wall* is measured from *grade* on the higher side of the *retaining wall*, as shown in Diagram 113-02QQ.

Diagram 113-02QQ [No change in text.]

(B) [No change in text.]

(2) [No change in text.]

(c) [No change in text.]

§121.0202 General Enforcement Authority Regarding the Land Development Code

(a) In addition to the enforcement authority provided in Municipal Code Section 12.0102, the City Manager or designated Code Enforcement Official shall have the authority to promulgate policies and regulations reasonably necessary to implement the intent and provisions of the Land Development Code including all provisions of the Building, Electrical, Plumbing, and Mechanical, Residential Building, and Green Building Regulations. The City Manager or designated Code Enforcement Official shall coordinate and develop programs and policies for the consistent and uniform enforcement of the Land Development Code.

(b) [No change in text.]

§121.0308 No Permission to Violate Codes

(a) The issuance or granting of any *development permit* or *construction permit* or any plan, specifications, computations, or inspection approval does not constitute a permit for, or an approval of, any violation of any of the provisions of the Land Development Code, including the Building,

Electrical, Plumbing, ~~or Mechanical~~, Residential Building, or Green Building Regulations, or any other ordinance of the City. *Development permits, construction permits*, or inspections presuming to give authority to violate or cancel the provisions of the Land Development Code, Building, Electrical, Plumbing, ~~or Mechanical~~, Residential Building, or Green Building Regulations or other ordinances of the City are not valid.

(b) [No change in text.]

§122.0105 Decision Process for Land Use Plans

(a) Land use plans and land use plan amendments shall be initiated in accordance with the General Plan Land Use Element.

(b) A Once initiated in accordance with Section 122.0105(a), a decision on a land use plan or a land use plan ~~an amendment to a land use plan~~ shall be made in accordance with Process Five.

~~(a)~~(c) The City Council may make a minor change to a proposed *land use plan* during the public hearing.

~~(b)~~(d) The City Council shall refer any material change to a proposed *land use plan* to the Planning Commission for its recommendation. The failure of the Planning Commission to provide a recommendation on the material change within 45 calendar days of the date of the conclusion of the Commission hearing shall be deemed a recommendation for approval.

§122.0107 ~~Adoption and Amendment~~ Required Contents of Specific Plans

(a) Specific plans adopted on or after January 1, 2000 shall be prepared pursuant to the California Government Code ~~and shall be processed in~~

~~accordance with the *land use plan* initiation criteria and the decision process described in this division.~~

- (b) [No change in text.]
- (c) ~~A specific plan shall be adopted by a resolution of the City Council.~~
- (d)(c) Zoning or rezoning to implement the specific plan shall be adopted by ordinance of the City Council.

§123.0103 Commencement of a Zoning or Rezoning Action

A proposed action to designate a zone on a property or change an existing zone may be commenced in the following manner:

- (a) [No change in text.]
- (b) By Application. A property owner may commence a zoning or rezoning action by filing an application in accordance with Sections 112.0102 and 123.0104.

§125.0120 When a Map Waiver May Be Requested

A *subdivider* may request a waiver of *tentative map*, *parcel map*, or *final map* requirements as provided by the *Subdivision Map Act*, Sections 66428 and 66428.1 for any of the following:

- (a) [No change in text.]
- (b) Condominium Projects.
 - (1) The ~~*Subdivider*~~ *subdivider* may request a waiver of the requirement to file a *tentative map* and *parcel map* or *final map* for the construction of a new condominium project on a single parcel that was previously mapped and monumented in a manner

satisfactory to the City Engineer in accordance with Subdivision
Map Act Section 66428(b); or

(2) The ~~Subdivider~~ subdivider may request a waiver of the
requirement to file a *tentative map* and *parcel map* for:

(A) a A condominium conversion project creating four or fewer
condominium units;

(B) A new commercial or industrial condominium project on a
single parcel;

(C) Conversion of existing *development* to four or fewer
commercial or industrial condominiums; or

(D) The new commercial or industrial portion of a mixed-use
condominium project on a single parcel.

(c) [No change in text.]

§125.0124 Extension of Time for a Map Waiver

The expiration date of a Map Waiver may be extended as follows:

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

(c) Decision Process. An application for Extension of Time for a Map Waiver
shall be acted upon in accordance with Process Two, except that it shall be
appealable in accordance with Section 125.0124(f).

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

(d) through (e) [No change in text.]

(f) Appeals. The City Council shall hear appeals of decisions on Extensions
of Time for Map Waivers.

§125.0461 **Extension of Time for a Tentative Map**

The expiration date of a *tentative map* may be extended as follows:

(a) The expiration date of a *tentative map* may be extended one or more times if the extensions do not exceed a total of 72 months in accordance with the *Subdivision Map Act*. This time-frame does not include any legislative extensions enacted pursuant to state law.

(1) [No change in text.]

(2) Decision Process. An application for Extension of Time for a *tentative map* shall be acted upon in accordance with Process Two, except that it shall be appealable in accordance with Section 125.0461(c).

(A) through (B) [No change in text.]

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

(b) [No change in text.]

(c) Appeals. The City Council shall hear appeals of decisions on Extensions of Time for tentative maps.

Article 5: Subdivision Procedures

Division 10: Easement ~~Abandonments~~ Vacations

§125.1001 **Purpose of Easement Vacation Procedures**

The purpose of these procedures is to establish the process and criteria to approve the vacation of ~~to vacate~~ *public service easements* and other easements granted to the public or the City of San Diego, ~~and to supplement the provisions of This~~ division establishes an alternative process to vacate *public service easements* as

provided for by California Streets and Highways Code Sections 8300 through 8363. Section 8311 and to distinguish this alternative decision process from the process that applies by law to vacation of other easements and to the vacation of public service easements with a tentative map in accordance with the Subdivision Map Act.

§125.1010 When an Easement Vacation May Be Initiated Requested

- (a) ~~The vacation of a public service easement or other easement may be initiated by resolution of the City Council or by petition or request by any person pursuant to the California Streets and Highway Code.~~
- (b) ~~A public service easement or other easement may also be vacated by filing a tentative map and a parcel map or final map pursuant to the Subdivision Map Act Sections 66434(g), 66445(j), 66499.20 1/4 or 66499.20 1/2, and in accordance with the provisions of this article.~~
- (c) ~~A public service easement or other easement may be summarily vacated if it does not contain public utility facilities or does not contain active public utility facilities that would be affected by the vacation and if any one of the following applies:~~
- (1) ~~The easement has not been used for the purpose for which it was dedicated or acquired for 5 consecutive years immediately preceding the proposed vacation;~~
- (2) ~~The date of dedication or acquisition is less than 5 years and more than 1 year immediately preceding the proposed vacation, and the~~

~~easement has not been used continuously since the date of~~

~~dedication; or~~

- (3) ~~The easement has been superseded by relocation or determined to be excess by the easement holder, and there are no other public facilities located within the easement.~~

An applicant may request the vacation of a public service easement or other easement by application in accordance with one of the following:

- (a) Pursuant to local adopted procedures in Section 125.1030(b) as an alternative to the procedures set forth for the vacation of public service easements in the California Streets and Highways Code;
- (b) In conjunction with a tentative map application and the procedures for the vacation of public streets and easements on final maps and parcel maps pursuant to Subdivision Map Act Sections 66434(g), 66445(j), 66499.20 1/4 or 66499.20 1/2 and as set forth in Section 125.1030(a); or
- (c) A request to vacate any other type of easement as set forth in Section 125.1030(a).

§125.1030 Decision Process for an Easement Vacation

- (a) A decision on an application to vacate a public service easement requested in accordance with Section 125.1010(a)(2) or to vacate any other type of easement requested in accordance with Section 125.1010(a)(3) shall be made by the City Council in accordance with Process Five, with the following exceptions to Process Five procedures except that a recommendation by the Planning Commission is not required.

(b) A decision on an application to vacate a *public service easement* requested in accordance with Section 125.1010(a)(1) shall be made in accordance with Process Two, except that the decision shall be appealable directly to the City Council.

(1) This process is intended to provide an alternative to other procedures provided by law for the vacation of *public service easements*.

(2) Once a *public service easement* vacation has been approved in accordance with this section and all appeal rights have been exhausted, the City Engineer shall execute a quitclaim deed conveying the City's right, title and interest in the unused *public service easement* to the property owner.

~~(a) The Notice of Public Hearing required by Section 112.0301(c) shall be distributed 14 calendar days before the date of the public hearing, and shall be published in a newspaper of general daily circulation for at least two successive weeks prior to the hearing in accordance with California Streets and Highways Code Section 8322. The Notice of Public Hearing shall be posted in accordance with California Streets and Highways Code Section 8323. Where the vacation of a *public service easement* occurs in conjunction with an application for a *tentative map*, notice in accordance with this section shall not be required.~~

- (b) ~~A summary vacation of a *public service easement* or other easement pursuant to Section 125.1010(e) does not require a recommendation by the Planning Commission.~~

125.1040 Findings for a Public Service Easement and Other Easement Vacations

[No change in text.]

§126.0106 Recordation of a Development Permit

- (a) [No change in text.]
- (b) After the date on which all rights of appeal have expired, the *applicant* shall sign and return a copy of the approved permit to the City.
- (c) The City will forward the permit and the resolution approving the permit to the County Recorder for recordation provided that the *applicant* has paid all required fees and costs in accordance with Section 112.0202.
- (d) Before the City forwards the permit for recordation, the *applicant* may submit a request in writing to the City Manager that the City obtain a certified copy of the permit from the County Recorder. The *applicant* shall pay the fees to obtain the certified copy.

§126.0110 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 canceled 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 and permittee.

(b) [No change in text.]

§126.0111 Extension of Time of a Development Permit

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

(d) Decision Process. A decision on an application for an extension of time of a *development permit* shall be made in accordance with ~~the same process required for a new application for the same *development permit*~~ Process Two, except that it shall be appealable in accordance with Section 126.0111(i).

(e) through (h) [No change in text.]

(i) Appeals. The City Council shall hear appeals of decisions on Extensions of Time for *development permits*.

§126.0203 When a Neighborhood Use Permit Is Required

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

Automobile service stations through Revolving Project Signs [No change in text.]

Sidewalk cafes that deviate from the requirements of Section 141.0621(a)

Signs with automatic changing copy through *Wireless communication facilities* (under certain circumstances described in Section 141.0420) [No change in text.]

(b) [No change in text.]

§126.0303 When a Conditional Use Permit Is Required

An application for the following types of uses in certain zones may require a Conditional Use Permit. To determine whether a Conditional Use Permit is required in a particular zone, refer to the applicable Use Regulation Table in Chapter 13. The decision process is described in Section 126.0304.

(a) Conditional Use Permits Decided by Process Three

Agricultural equipment repair shops through Child Care Centers [No change in text.]

~~Churches and places of religious assembly~~

Commercial stables through *Wireless communication facilities* (under circumstances described in Section 141.0420) [No change in text.]

(b) through (c) [No change in text.]

§126.0402 When a Neighborhood Development Permit Is Required

(a) through (l) [No change in text.]

(m) A Neighborhood Development Permit is required for *development of a wireless communication facility with an equipment enclosure that exceeds 250 square feet as described in Section 141.0420(g)(3), or that contains equipment enclosures not placed underground as described in Section 141.0420(i)(2).*

- (n) A Neighborhood Development Permit is required for *development* proposing to count tandem parking spaces as two parking spaces towards the off-street parking requirement as described in Section 132.0905(a)(5).
- (o) A Neighborhood Development Permit is required for *development* of a college, university, vocational, or trade school on a *premises* identified as Prime Industrial Land in a *land use plan* as described in Section 141.0407(e)(2).

§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 (o) that are applicable to the proposed *development* as specified in this section.

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

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

A Site Development Permit required in accordance with Section 143.0210 because of potential impacts to *designated historical resources* where a deviation is requested in accordance with Section 143.0260 for substantial alteration of a *designated historical resource* or within a *historical district* or new construction of a *structure* located within a *historical district* may be approved or conditionally approved only if the decision maker makes

the following supplemental *findings* in addition to the *findings* in Section 126.0504(a)-:

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

(j) through (o) [No change in text.]

127.0102 General Rules for Previously Conforming Premises and Uses

The following general rules apply to all *previously conforming premises* and uses:

(a) through (j) [No change in text.]

(k) Where *previously conforming development* provides a *setback* less than the current requirement, new *development* on the *premises* may be located in compliance with the *previously conforming setback* for up to 50 percent of the length of the *building envelope* on a *floor-by-floor* basis.

§129.0104 Construction Permit Authorities

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

(c) The powers and duties of the Development Services Director or a designee with respect to *construction permits* are as follows:

(1) To administer and enforce the applicable provisions of the Land Development Code and Municipal Code;

(2) To review applications for *construction permits* including plans, specifications, and other data to determine if an application is in compliance with the Municipal Code and adopted City zoning standards;

- (3) To interpret the applicable provisions of the Land Development Code in conformance with the purpose and intent of the Land Development Code;
- (4) To adopt policies reasonably necessary to clarify the application of development regulations in conformity with the purpose and intent of the Land Development Code; and
- (5) To grant minor modifications for a *single dwelling unit development* when there are practical difficulties involved in carrying out the applicable development regulations of the Land Development Code, and the requested minor modification is the minimum modification necessary to address the practical difficulty. The details of any action granting a minor modification shall be documented in writing in the project file. To grant a minor modification, the Development Services Director must determine:
- (A) That strict application of the Land Development Code is impractical;
- (B) That the minor modification is in conformance with the purpose and intent of the Municipal Code and adopted *land use plans*;
- (C) That the minor modification does not lessen any fire protection or public safety requirements; and
- (D) That the minor modification does not involve a *substantial improvement*.

§129.0120 **Lot Tie Agreements**

- (a) If a lot consists of two or more parcels held by the same record owner as set forth in Section 113.0237(a)(6), construction permits shall not be issued unless and until a Lot Tie Agreement is entered into to the satisfaction of the Building Official and City Engineer. The Lot Tie Agreement shall be recorded against the applicable properties in the Office of the San Diego County Recorder. The Lot Tie Agreement shall require the record owner to hold the applicable parcels as one and to maintain common ownership and control. The Lot Tie Agreement shall be binding upon, and the benefits of the Lot Tie Agreement shall inure to the parties and all successors in interest to the parties to the Lot Tie Agreement.
- (b) Cancellation of a recorded Lot Tie Agreement shall be reviewed and approved by the Building Official and City Engineer in accordance with Process One if the need to hold the property as one parcel no longer exists. If approved, the City shall forward a written declaration of the cancellation of the Lot Tie Agreement to the County Recorder.

§129.0202 **When a Building Permit Is Required**

- (a) No *structure* regulated by the Land Development Code shall be erected, constructed, enlarged, altered, repaired, improved, converted, permanently relocated or partially demolished unless a ~~separate~~ Building Permit for each *structure* has first been obtained from the Building Official, except as exempted in Sections 129.0202(b) and 129.0203.
- (b) through (c) [No change in text.]

§129.0203 Exemptions from a Building Permit

(a) A Building Permit is not required for the following *structures* and activities.

(1) through (24) [No change in text.]

(25) A sidewalk cafe that is in compliance with Section 141.0621, unless any one of the following applies:

(A) The sidewalk cafe would alter or modify the existing building, building façade, or any means of building egress;

(B) The sidewalk cafe would be located on a raised platform or in a sunken area; or

(C) A barrier consisting of railings, fences, or planter boxes would be installed to delineate the area of the sidewalk cafe.

(b) through (e) [No change in text.]

§129.0702 When a Public Right-of-Way Permit Is Required

(a) A Public Right-of-Way Permit is required for the following unless otherwise exempt under Section 129.0703:

(1) [No change in text.]

(2) The construction of privately owned *structures, or facilities, or improvements* in the ~~*public right-of-way*~~; *public right-of-way or in a public service easement;*

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

(b) The City ~~Manager~~ Engineer may;

- (1) Require a building permit for private structures encroaching in the public right-of-way in addition to, or in place of, a Public Right-of-Way Permit; or
- (2) waive Waive the requirement for a Public Right-of-Way Permit as provided in the Land Development Manual.

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

An application for a Public Right-of-Way Permit shall be submitted in accordance with Sections 112.0102 and 129.0105. The submittal requirements for Public Right-of-Way Permits are listed in the Land Development Manual. A *development permit* or other discretionary approval is required prior to issuance of a Public Right-of-Way Permit for the following:

- (a) If the proposed *encroachment* involves construction of a privately owned *structure* or facility into the *public right-of-way* dedicated for a *street* or an *alley*, and where the *applicant* is the *record owner* of the underlying fee title, a Neighborhood Development Permit is required in accordance with Section 126.0402-(j) except for the following:
 - (1) through (7) [No change in text.]
 - (8) *Encroachments for temporary shoring and tie-backs.*
- (b) If the proposed *encroachment* is erected, placed, constructed, established or maintained in the *public right-of-way* when the *applicant* is not the *record owner* of the property on which the *encroachment* will be located, a Site Development Permit is required in accordance with Section 126.0502(d)(7), except for the following:

- (1) *Encroachments* listed in Section 129.0710(a)(4) through ~~(7)~~(8).
- (2) through (3) [No change in text.]
- (4) *Encroachments* where the *applicant* has written permission from the *record owner* of the underlying fee title in a form to the satisfaction of the City Manager shall be processed in accordance with Section 129.0710(a).

(c) [No change in text.]

§129.0715 Encroachment Maintenance and Removal Agreement

- (a) An Encroachment Maintenance and Removal Agreement is required for any privately owned facilities or *structures* in the *public right-of-way* or in a *public service easement* constructed and maintained by the property owner subject to the following:
 - (1) through (3) [No change in text.]
 - (4) For *structures* encroaching over or under the *public right-of-way*, the property owner agrees to provide an alternate *public right-of-way* or to relocate any existing or proposed City facility to a new alignment, all without cost or expense to the City, whenever it is determined by the City Engineer that any existing or proposed City facility cannot be economically placed, replaced, or maintained due to the presence of the encroaching *structure*.
 - (5) Whatever rights and obligations were acquired by the City with respect to the *public rights-of-way* or *public service easement* shall remain and continue in full force and effect and shall in no way be

affected by the City's grant of permission to construct and maintain the encroaching *structure*.

(6) through (10) [No change in text.]

(11) The property owner shall pay the City or public utility for all costs of relocating, replacing, or protecting a facility within the *public right-of-way* ~~or~~ public service easement when such relocation, replacement, or protection results from the construction of the *encroachment*.

(12) [No change in text.]

§129.0720 Qualifications to Prepare Plans and Perform Construction Work in the Public Right-of-Way or Public Service Easement

[No change in text.]

§129.0742 Commencement of Work within a Public Right-of-Way or Public Service Easement

(a) The *applicant* shall not begin any work, construction, or use within ~~the~~ a *public right-of-way* ~~or~~ public service easement that will be authorized by a Public Right-of-Way Permit until the required permit has been issued.

(b) [No change in text.]

§131.0220 Use Regulations of Open Space Zones

The regulations of Section 131.0222 apply in the open space zones ~~unless otherwise specifically provided by footnotes~~ where indicated in Table 131-02B.

(a) The uses permitted in any open space zone may be further limited by the following:

(1) ~~if the premises is located within~~ Use limitations applicable to the Airport Land Use Compatibility Overlay Zone (Chapter 13,

Article 2, Division 15); ~~or~~

(2) ~~if The presence of environmentally sensitive lands are present,~~
pursuant to Chapter 14, Article 3, Division 1 (Environmentally
Sensitive Lands Regulations); or

(3) Any other applicable provision of the San Diego Municipal Code.

~~(a)~~(b) Within the open space zones no *structure* or improvement, or portion thereof, shall be constructed, established, or altered nor shall any *premises* be used or maintained except for one or more of the purposes or activities listed in Table 131-02B. It is unlawful to establish, maintain, or use any *premises* for any purpose or activity inconsistent with this section or Section 131.0222.

~~(b)~~(c) All uses or activities permitted in the open space zones shall be conducted entirely within an enclosed building unless the use or activity is traditionally conducted outdoors.

~~(e)~~(d) *Accessory uses* in the open space zones may be permitted in accordance with Section 131.0125.

~~(d)~~(e) Temporary uses may be permitted in the open space zones for a limited period of time with a Temporary Use Permit in accordance with Chapter 12, Article 3, Division 4 (Temporary Use Permit Procedures).

~~(e)~~(f) For any use that cannot be readily classified, the City Manager shall determine the appropriate use category and use subcategory pursuant to Section 131.0110.

§131.0222 Use Regulations Table for Open Space Zones

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

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

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

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones				
	1st & 2nd >>	OP-		OC-	OR ⁽¹⁾ -	OF ⁽¹¹⁾ -
	3rd >>	1-	2-	1-	1-	1-
	4th >>	1	1	1	1	2
Open Space through Institutional [No change in text.]						
<u>Churches & Places of Religious Assembly</u>	<u>P⁽²⁾</u>	=	=	=	=	=
Institutional, Separately Regulated Institutional Uses through Institutional, Separately Regulated Institutional Uses, Cemeteries, Mausoleums, Crematories	[No change in text.]					
Churches & Places of Religious Assembly	-	-	-	€	-	-
Institutional, Separately Regulated Uses, Correctional Placement Centers through Signs, Separately Regulated Signs Uses, Neighborhood Identification Signs	[No change in text.]					
<u>Reallocation of Sign Area Allowance-Comprehensive Sign Program</u>	-	-	-	-	-	-
Signs, Separately Regulated Signs Uses, Revolving Projecting Signs through Signs, Separately Regulated Signs Uses, Theater Marquees	[No change in text.]					

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

§131.0320 Use Regulations of Agricultural Zones

The regulations of Section 131.0322 apply in the agricultural zones ~~unless~~ otherwise specifically provided by footnotes where indicated in Table 131-03B.

- (a) The uses permitted in any agricultural zone may be further limited by the following:

- (1) Section 131.0323 (Additional Use Regulations of Agricultural Zones);
 - (2) ~~if the premises is located within~~ Use limitations applicable to the Airport Land Use Compatibility Overlay Zone (Chapter 13, Article 2, Division 15); ~~or~~
 - (3) ~~if~~ The presence of environmentally sensitive lands are present, pursuant to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations); or
 - (4) Any other applicable provision of the San Diego Municipal Code.
- (a)(b) Within the agricultural zones, no *structure* or improvement, or portion thereof, shall be constructed, established, or altered nor shall any *premises* be used or maintained except for one or more of the purposes or activities listed in Table 131-03B. It is unlawful to establish, maintain, or use any *premises* for any purpose or activity not listed in this section or Section 131.0322.
- (b)(c) All uses or activities permitted in the agricultural zones shall be conducted entirely within an enclosed building unless the use or activity is traditionally conducted outdoors.
- (e)(d) *Accessory uses* in the agricultural zones may be permitted in accordance with Section 131.0125.
- (d)(e) Temporary uses may be permitted in the agricultural zones for a limited period of time with a Temporary Use Permit in accordance with Chapter 12, Article 3, Division 4.

(e)(f) For any use that cannot be readily classified, the City Manager shall determine the appropriate use category and use subcategory pursuant to Section 131.0110.

131.0322 Use Regulations Table for Agricultural Zones

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

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

**Table 131-03B
Use Regulations Table of Agricultural Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Open Space through Commercial Services, Separately Regulated Commercial Services, <i>Childcare Facilities</i>:	[No change in text.]				
Child Care Centers	-		C ⁽⁴⁾		
Large <i>Family</i> Child Care Homes	-		L ⁽⁴⁾		
Commercial Services, Separately Regulated Commercial Services, <i>Childcare Facilities</i>:, Small <i>Family</i> Child Care Homes through <i>Signs</i>, Separately Regulated <i>Signs</i> Uses, Community Entry <i>Signs</i>	[No change in text.]				
Reallocation of <i>Sign</i> Area Allowance Comprehensive Sign Program	N		N		
<i>Signs</i>, Separately Regulated <i>Signs</i> Uses, Revolving <i>Projecting Signs</i> through <i>Signs</i>, Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i>	[No change in text.]				

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

§131.0323 **Additional Use Regulations of Agricultural Zones**

The uses ~~in this section are permitted within the agricultural zones as~~ additional use regulations identified in this section are applicable to uses where indicated in Table 131-03B ~~subject to the regulations listed.~~

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

§131.0420 **Use Regulations of Residential Zones**

The regulations of Section 131.0422 apply in the residential zones ~~unless otherwise specifically provided by footnotes~~ where indicated in Table 131-04B.

(a) The uses permitted in any residential zone may be further limited by the following:

(1) Section 131.0423 (Additional Use Regulations of Residential Zones);

(2) ~~if the premises is located within~~ Use limitations applicable to the Airport Land Use Compatibility Overlay Zone (Chapter 13, Article 2, Division 15), or;

(3) ~~if~~ The presence of environmentally sensitive lands are present, pursuant to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations); or

(4) Any other applicable provision of the San Diego Municipal Code.

(a)(b) Within the residential zones, no *structure* or improvement, or portion thereof, shall be constructed, established, or altered, nor shall any *premises* be used or maintained except for one or more of the purposes or activities listed in Table 131-04B. It is unlawful to establish, maintain, or use any

premises for any purpose or activity not listed in this section or Section 131.0422.

(b)(c) All uses or activities permitted in the residential zones shall be conducted entirely within an enclosed building unless the use or activity is traditionally conducted outdoors.

(e)(d) *Accessory uses* in the residential zones may be permitted in accordance with Section 131.0125.

(d)(e) Temporary uses may be permitted in the residential zones for a limited period of time with a Temporary Use Permit in accordance with Chapter 12, Article 3, Division 4.

(e)(f) For any use that cannot be readily classified, the City Manager shall determine the appropriate use category and use subcategory pursuant to Section 131.0110.

§131.0422 Use Regulations Table for Residential Zones

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

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

**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																					
	1 st & 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

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																					
	1 st & 2nd >>	RE-	RS-												RX-	RT-							
	3rd >>	1-	1-												1-	1-							
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3
Open Space through Institutional	[No change in text.]																						
<u>Churches & Places of Religious Assembly</u>	=	=												=	=								
Institutional, Separately Regulated Institutional Uses through Institutional, Separately Regulated Institutional Uses, Cemeteries, Mausoleums, Crematories	[No change in text.]																						
<i>Churches & Places of Religious Assembly</i>	€	€												€	€								
Institutional, Separately Regulated Institutional Uses, Correctional Placement Centers through Signs, Separately Regulated Signs Uses, Neighborhood Identification Signs	[No change in text.]																						
<i>Reallocation of Sign Area Allowance-Comprehensive Sign Program</i>	-	-												-	-								
Signs, Separately Regulated Signs Uses, Revolving Projecting Signs through Signs, Separately Regulated Signs Uses, Theater Marquees	[No change in text.]																						

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories,	Zone Designator	Zones				
	1st & 2nd >>	RM-				
	3rd >>	1-	2-	3-	4-	5-

Subcategories, and Separately Regulated Uses]	4th >>											
	1	2	3	4	5	6	7	8	9	10	11	12
Open Space through Institutional	[No change in text.]											
<u>Churches & Places of Religious Assembly</u>	<u>P</u>		<u>P</u>		<u>P</u>		<u>P</u>		<u>P</u>		<u>P</u>	
Institutional, Separately Regulated Institutional Uses through Institutional, Separately Regulated Institutional Uses, Cemeteries, Mausoleums, Crematories	[No change in text.]											
<i>Churches & Places of Religious Assembly</i>	P		P		P		P		P		-	
Institutional, Separately Regulated Institutional Uses, Correctional Placement Centers through Commercial Services, Personal Services	[No change in text.]											
Assembly & Entertainment	-		-		-		-		-		-	<u>P</u>
Commercial Services, Radio & Television Studios through Signs, Separately Regulated Signs Uses, Neighborhood Identification Signs	[No change in text.]											
<i>Reallocation of Sign Area Allowance-Comprehensive Sign Program</i>	-		-		-		-		-		-	
Signs, Separately Regulated Signs Uses, Revolving Projecting Signs through Signs, Separately Regulated Signs Uses, Theater Marquees	[No change in text.]											

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

§131.0423 Additional Use Regulations of Residential Zones

The following uses are permitted in the residential zones additional use regulations identified in this section are applicable to uses where indicated in Table 131-04B, subject to the additional use regulations in this Section.

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

§131.0431 Development Regulations Table of Residential Zones

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

(a) RE Zones

**Table 131-04C
Development Regulations of RE Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone designator	Zones		
	1st & 2nd >>	RE-		
	3rd >>	1-	1-	1-
	4th >>	1	2	3
Max permitted density (DU per lot) through Setback requirements , Min Rear setback (ft) [See Section 131.0443(a)(4)]	[No change in text.]			
Setback requirements for resubdivided corner lots [See Section 131.0443(i) 113.0246(f)]	applies	applies	applies	
Max structure height (ft) [See Section 131.0444(a)] through Refuse and Recyclable Material Storage [See Section 142.0805]	[No change in text.]			

(b) RS Zones

**Table 131-04D
Development Regulations of RS Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5	6	7
Max permitted density (DU per lot) through Setback requirements , Min Rear setback (ft) [[No change in text.]							
Setback requirements for resubdivided corner lots [See Section 131.0443(i) 113.0246(f)]	applies	applies	applies	applies	applies	applies	applies	

Max structure height (ft) through Refuse and Recyclable Material Storage [See Section 142.0805]	[No change in text.]								
Development Regulations See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones							
	1 st & 2nd >>	RS-							
	3rd >>	1-	1-	1-	1-	1-	1-	1-	
	4th >>	8	9	10	11	12	13	14	
Max permitted density (DU per lot) through Setback requirements, Min Rear Setback (ft)	[No change in text.]								
Setback requirements for resubdivided corner lots [See Section 131.0443(i) 13.0246(f)]	applies	applies	applies	applies	applies	applies	applies		
Max structure height (ft) through Refuse and Recyclable Material Storage [See Section 142.0805]	[No change in text.]								

Footnotes for Table 131-04D Footnotes for Table 131-04D

- 1 [No change in text.]
- 2 ~~The~~ For lots greater than 50 feet in width, the required side setbacks may be reallocated where the combined dimension of each side setback would meet or exceed the combined total required in Table 131-04D. A in which case side setbacks shall not be reduced to less than 4 feet, and street side setbacks shall not be reduced to less than 10 feet. Once a side setback is reallocated and established at a dimension less than the percentage indicated in Table 131-04D, all additions to the primary structure thereafter shall maintain the established side setback.
- 3 through 7 [No change in text.]

(c) through (e) [No change in text.]

§131.0443 **Setback Requirements in Residential Zones**

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

(d) *Setbacks* in RM-1-1, RM-1-2, RM-1-3 Zones

(1) [No change in text.]

(2) *Side Setbacks* in RM-1-1, RM-1-2, RM-1-3 Zones

(A) through (B) [No change in text.]

~~(C)~~ Where there is an existing *development on the premises* with the side *setback* less than the current requirement and the building is to be maintained, new *development* may observe the existing side *setback* for 50 percent of the length of the *building envelope on a floor by floor basis*.

(e) through (h) [No change in text.]

(i) New development on a premises with a previously conforming setback may be located in compliance with the existing previously conforming setback if consistent with Section 127.0102(k).

§131.0461 Architectural Projections and Encroachments in Residential Zones

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

(1) through (11) [No change in text.]

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

(A) [No change in text.]

(B) The encroaching accessory building shall be limited to ~~one~~ *story* and a maximum *structure height* ~~height~~ of 15 feet within the setback. Any development attached to the

accessory building above one story shall comply with the setback; and

(C) [No change in text.]

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

(b) [No change in text.]

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

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

(4) Garages or non-habitable accessory buildings that meet the requirements in Sections 131.0461(a)(12)(A) through 131.0461(a)(12)(D) may only encroach into a required side or rear yard if they are detached.

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

(A) through (B) [No change in text.]

§131.0520 Use Regulations of Commercial Zones

The regulations of Section 131.0522 apply in the commercial zones ~~unless~~ otherwise specifically provided by footnotes where indicated in Table 131-05B.

(a) The uses permitted in any commercial zone may be further limited by the following:

- (1) Section 131.0540 (Maximum permitted residential density and other residential regulations);
- (2) if the premises is located within Use limitations applicable to the Airport Land Use Compatibility Overlay Zone (Chapter 13, Article 2, Division 15); ₂
- (3) if The presence of environmentally sensitive lands are present, pursuant to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations); or
- (4) Any other applicable provision of the San Diego Municipal Code.

(a)(b) Within the commercial zones, no *structure* or improvement, or portion thereof, shall be constructed, established, or altered, nor shall any *premises* be used or maintained except for one or more of the purposes or activities listed in Table 131-05B. It is unlawful to establish, maintain, or use any *premises* for any purpose or activity not listed in this section or Section 131.0522.

(b)(c) All uses or activities permitted in the commercial zones shall be conducted entirely within an enclosed building unless the use or activity is traditionally conducted outdoors.

- (e)(d) *Accessory uses* in the commercial zones may be permitted in accordance with Section 131.0125.
- (d)(e) Temporary uses may be permitted in the commercial zones for a limited period of time with a Temporary Use Permit in accordance with Chapter 12, Article 3, Division 4.
- (e)(f) For any use that cannot be readily classified, the City Manager shall determine the appropriate use category and use subcategory pursuant to Section 131.0110.

§131.0522 Use Regulations Table of Commercial Zones

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

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

**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 in text.]											
<u>Churches & Places of Religious Assembly</u>		<u>P⁽¹⁰⁾</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P⁽¹⁰⁾</u>	=				
Institutional, Separately Regulated Uses through Institutional, Separately Regulated Uses, Cemeteries, Mausoleums, Crematories		[No change in text.]									
Churches & Places of Religious Assembly		€ ⁽¹⁰⁾	€	€	€	€ ⁽¹⁰⁾	-				
Institutional, Separately Regulated Uses, Correctional Placement Centers through Commercial Services, Personal Services		[No change in text.]									

Assembly & Entertainment	<u>-P⁽¹⁰⁾</u>	P	P	<u>-P</u>	<u>P⁽¹⁰⁾</u>	-
Commercial Services, Radio & Television Studios through Separately Regulated Commercial Services Uses , Parking Facilities as a <i>Primary Use</i> :, Temporary Parking Facilities	[No change in text.]					
Private Clubs, Lodges and Fraternal Organizations	<u>CP⁽¹⁰⁾</u>	<u>CP</u>	P	P	<u>P⁽¹⁰⁾</u>	-
Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size ⁽⁹⁾	-	<u>CP</u>	<u>CP</u>	<u>-C</u>	C	-
Separately Regulated Commercial Services Uses , Pushcarts through Recycling Facilities:, Tire Processing Facility	[No change in text.]					
Sidewalk Cafes	<u>NL</u>	<u>NL</u>	<u>NL</u>	<u>NL</u>	<u>NL</u>	-
Separately Regulated Commercial Services Uses , Sports Arenas & Stadiums through Signs , Separately Regulated Signs Uses , Neighborhood Identification Signs	[No change in text.]					
Reallocation of <i>Sign Area Allowance</i> <u>Comprehensive Sign Program</u>	N	N	N	N	N	N
Signs , Separately Regulated Signs Uses , Revolving <i>Projecting Signs</i> through Signs , Separately Regulated Signs Uses , Theater <i>Marquees</i>	[No change in text.]					

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 in text.]																	
<u><i>Churches & Places of Religious Assembly</i></u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>													
Institutional , Separately Regulated Uses through Institutional , Separately Regulated Uses , Cemeteries, Mausoleums, Crematories	[No change in text.]																	
<i>Churches & Places of Religious Assembly</i>	<u>L</u>	<u>L</u>	<u>E</u>	<u>L</u>	<u>E</u>													

Institutional, Separately Regulated Uses , Correctional Placement Centers through Separately Regulated Commercial Services Uses , Parking Facilities as a <i>Primary Use</i> ., Temporary Parking Facilities	[No change in text.]				
Private Clubs, Lodges and Fraternal Organizations	P	CP	P	P	P
Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size ⁽⁹⁾	C	C	C	C	C
Separately Regulated Commercial Services Uses , Pushcarts through Recycling Facilities:, Tire Processing Facility	[No change in text.]				
Sidewalk Cafes	NL	NL	NL	NL	NL
Separately Regulated Commercial Services Uses , Sports Arenas & Stadiums through Signs , Separately Regulated Signs Uses , Neighborhood Identification <i>Signs</i>	[No change in text.]				
<u>Reallocation of Sign Area Allowance-Comprehensive Sign Program</u>	N	N	N	N	N
Signs , Separately Regulated Signs Uses , Revolving <i>Projecting Signs</i> through Signs , Separately Regulated Signs Uses , Theater <i>Marquees</i>	[No change in text.]				

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

131.0540 Maximum Permitted Residential Density and Other Residential Regulations

The following regulations apply to all residential *development* within commercial zones where indicated in Table 131-04B:

(a) through (f) [No change in text.]

131.0543 Setback Requirements for Commercial Zones

Setback requirements are specified in Tables 131-05C, 131-05D, and 131-05E and are subject to the following exceptions and additional regulations:

(a) [No change in text.]

(b) Minimum Side and Rear *Setback*

- (1) In zones that require a 10-foot minimum side or rear *setback* and provide the option for no side or rear *setbacks* as shown in Tables 131-05C, 131-05D, and 131-05E, the *structure* shall either be placed at the *property line* or shall be set back at least 10 feet.
 - (2) The optional side or rear *setback* is not applicable to commercial *development* abutting low density residentially zoned properties as further described in Section 131.0543(c).
- (c) Commercial *Development* Abutting Residentially Zoned Properties
- (1) Commercial *development* abutting low density residentially zoned properties with a permitted *density* of less than 15 *dwelling units* per acre shall provide a 10-foot minimum *setback* for any side or rear *yard* that abuts low *density* residential zoned property. The *structure* shall comply with additional step back requirements in accordance with Section 131.0543(c)(3).
 - (2) Commercial *development* abutting medium to high *density* residentially zoned properties with a permitted *density* of 15 *dwelling units* or more per acre that provide no side or rear *setback* and locate the *structure* at the *property line* as provided for by Section 131.0543(b) shall comply with the following:

 - (A) The minimum side *setback* Minimum step back for structures placed at the side *property line* is as follows.

 - (i) Any portion of the *structure* exceeding 15 feet in height shall be stepped back from the side *property*

line 10 feet, or 10 percent of the ~~lot~~ lot width but not less than 5 feet, whichever is less.

- (ii) Each 15 feet in height above 30 feet shall be stepped back at least 3 feet from the minimum *setback* of that portion of the *structure* immediately below.

~~(2)(B)~~ Minimum rear ~~*setback*~~ step back for structures placed at the rear *property line* is as follows.

- (i) Any portion of the *structure* exceeding 15 feet in height shall be stepped back from the rear *property line* 10 feet, or 10 percent of the ~~lot~~ lot depth but not less than 5 feet, whichever is less.
- (ii) Each 15 feet in height above 30 feet shall be stepped back at least 3 feet from the minimum *setback* of that portion of the *structure* immediately below.

(3) [No change in text.]

131.0620 Use Regulations of Industrial Zones

The regulations of Section 131.0622 apply in the industrial zones ~~unless otherwise specifically provided by footnotes~~ where indicated in Table 131-06B.

- (a) The uses permitted in any industrial zone may be further limited by the following:

- (1) Section 131.0623 (Additional Use Regulations of Industrial Zones);
 - (2) ~~if the premises is located within~~ Use limitations applicable to the Airport Land Use Compatibility Overlay Zone (Chapter 13, Article 2, Division 15), or;
 - (3) Use limitations applicable to Prime Industrial Land identified in an adopted land use plan;
 - (4) ~~if The presence of environmentally sensitive lands are present,~~ pursuant to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations); or
 - (5) Any other applicable provision of the San Diego Municipal Code.
- (a)(b) Within the industrial zones, no *structure* or improvement, or portion thereof, shall be constructed, established, or altered, nor shall any *premises* be used or maintained except for one or more of the purposes or activities listed in Table 131-06B. It is unlawful to establish, maintain, or use any *premises* for any purpose or activity not listed in this section and Section 131.0622.
- (b)(c) All uses or activities permitted in the industrial zones shall be conducted entirely within an enclosed building unless the use or activity is traditionally conducted outdoors.
- (e)(d) *Accessory uses* in the industrial zones may be permitted in accordance with Section 131.0125.

(d)(e) Temporary uses may be permitted in the industrial zones for a limited period of time with a Temporary Use Permit in accordance with Chapter 12, Article 3, Division 4.

(e)(f) For any use that cannot be readily classified, the City Manager shall determine the appropriate use category and use subcategory pursuant to Section 131.0110.

§131.0622 Use Regulations Table for Industrial Zones

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

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

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

Use Categories/ Subcategories	Zone Designator	Zones							
		IP-		IL-			IH-		IS-
[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >								
	3rd >>	1-	2-	1-	2-	3-	1-	2-	1-
	4th >>>	1	1	1	1	1	1	1	1
Open Space through Institutional [No change in text.]									
<u>Churches & Places of Religious Assembly</u>									
		=	=	=	<u>P⁽¹¹⁾</u> <u>16</u>	<u>P⁽¹⁶⁾</u> <u>16</u>	=	=	<u>P⁽¹²⁾</u> <u>16</u>
Institutional, Separately Regulated Institutional Uses, through Institutional, Separately Regulated Institutional Uses, Cemeteries, Mausoleums, Crematories									
[No change in text.]									
<i>Churches & Places of Religious Assembly</i>									
		-	€	-	€	£	-	-	€
Institutional, Separately Regulated Institutional Uses, Correctional Placement Centers through Institutional, Separately Regulated Institutional Uses, Educational Facilities, Colleges / Universities									
[No change in text.]									
Vocational / Trade Schools									
		-	-	-	<u>PL</u>	<u>PL</u>	-	<u>PL</u>	<u>PL</u>
Institutional, Separately Regulated Institutional Uses, Energy Generation & Distribution Facilities through Commercial Services, Separately Regulated Commercial									
[No change in text.]									

Services Uses, Recycling Facilities:, Tire Processing Facility	
Sidewalk Cafes	- <u>NL</u> <u>NL</u> <u>NL</u> <u>NL</u> - <u>NL</u> <u>NL</u>
Commercial Services, Separately Regulated Commercial Services Uses, Sports Arenas & Stadiums through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Neighborhood Identification <i>Signs</i>	[No change in text.]
Reallocation of <i>Sign</i> Area Allowance- <u>Comprehensive Sign Program</u>	N N N N N N N N
<i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Revolving Projecting <i>Signs</i> through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i>	[No change in text.]

Footnotes for Table 131-06B

¹ through ¹⁵ [No change in text]

~~16~~¹⁶ Instructional Studios, ~~and~~ Assembly and Entertainment facilities, and Churches and Places of Religious Assembly are not permitted on a *premises* that is identified as Prime Industrial Land in a *land use plan*.

§131.0623 Additional Use Regulations of Industrial Zones

The ~~uses~~ additional use regulations identified in this section are applicable to uses permitted in the industrial zones where indicated in Table 131-06B ~~subject to the following regulations.~~

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

§131.0631 Development Regulations Table for Industrial Zones

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

**Table 131-06C
Development Regulations for Industrial Zones**

Development Regulations [See Section 131.0630 for Development Regulations of Industrial Zones]	Zone Designator	Zones							
	1st & 2nd >>	IP-	IL-		IH-		IS-		
3rd >>	1- 2-	1- 2-	3-	1- 2-	1				
4th >>	1	1		1		1			

Development Regulations [See Section 131.0630 for Development Regulations of Industrial Zones]	Zone Designator	Zones							
	1st & 2nd >>	IP-	IL-		IH-		IS-		
3rd >>	1- 2-	1- 2-	3-	1- 2-	1				
4th >>	1	1		1		1			
Lot Area through Max <i>Floor Area Ratio</i>	[No change in text.]								
Street Wall Requirements [See Section 131.0660 142.1030]	-	applies		applies		-			
Outdoor Amenities [See Section 131.0665] through Loading Dock and Overhead Door Screening Requirements [See Section 142.1030]	[No change in text.]								

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

§132.0801 Purpose of the Parking Impact Overlay Zone

The purpose of the Parking Impact Overlay Zone is to provide supplemental parking regulations for specified coastal, beach, and campus areas that have parking impacts. The intent of this overlay zone is to identify areas of high parking demand and increase the off-street parking requirements accordingly.

§132.0802 Where the Parking Impact Overlay Zone Applies

(a) This overlay zone applies to property located within the beach impact area, and the campus impact area, ~~and the coastal impact area~~ as shown on Map Nos. C-731 and C-795, filed in the office of the City Clerk. These areas are shown generally on Diagram 132-08A.

(b) [No change in text.]

Table 132-08A
Parking Impact Overlay Zone Applicability [No change in text.]

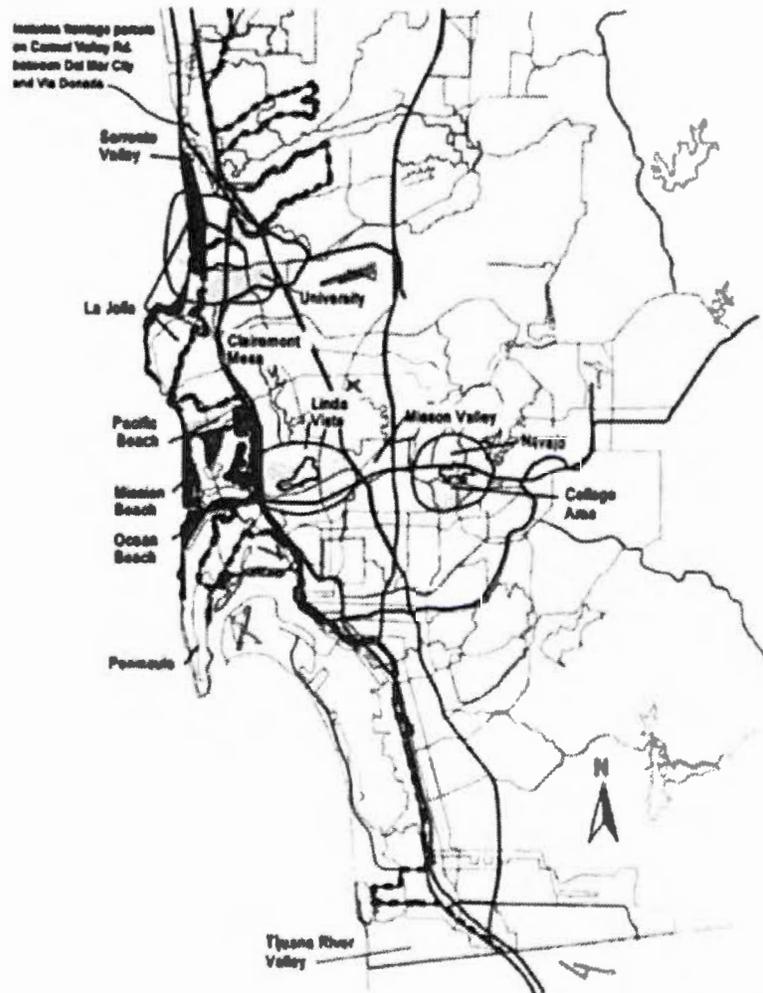


DIAGRAM 132-08A
Parking Impact Area Overlay Zone
This is a reproduction of Map No. C-731
and 796 For illustration purposes only.

Beach Impact Area
Includes all frontage parcels
on inland side of boundary
streets, except Rosecrans St

Campus Impact Area

Coastal Impact Area Boundary
Coastal Impact Area is all areas west
of the Coastal Impact Area Boundary

Approximate coastal zone:
boundary - for reference
only

§132.0902 **Where the Residential Tandem Parking Overlay Zone Applies**

- (a) This overlay zone applies to property ~~located outside the boundaries shown on Map No. C-908 (Coastal Overlay Zone) and within the boundaries shown on Map No. C-922~~ filed in the office of the City Clerk under Document No.OO-19288. These areas are shown generally on Diagrams 132-04A and 132-09A ~~and should be viewed together.~~

- (b) This overlay zone applies to property ~~located within the boundaries shown on Map No. C-908 (Coastal Overlay Zone) and Map No. C-903~~ filed in the office of the City Clerk under Document No's.OO-18872 and OO-18911-1 respectively. These areas are shown generally on Diagrams 132-04A and 132-09B ~~and should be viewed together.~~ Table 132-09A shows the sections that contain the supplemental regulations for specific types of development proposals in this overlay zone.

Table 132-09A
Residential Tandem Parking Overlay Zone Applicability [No change in text.]

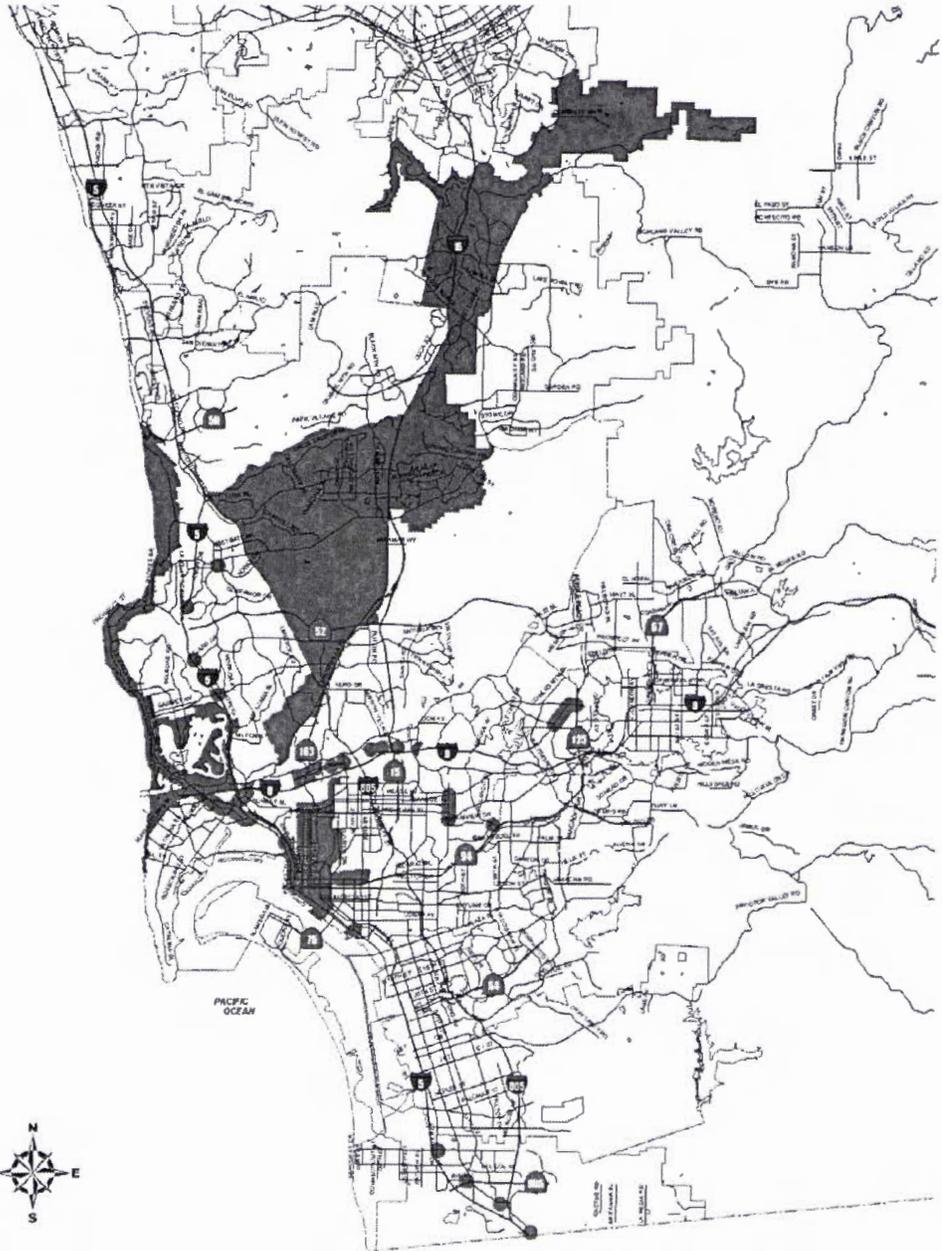


DIAGRAM 132-09A
Residential Tandem Parking
This is a reproduction of Map No. C-922 for illustration purposes only.

§132.0905 **Supplemental Development Regulations of the Residential Tandem Parking**

Overlay Zone

- (a) Tandem parking may be counted as two parking spaces toward the off-street parking required by Chapter 14, Article 2, Division 5 (Parking Regulations) only in the following locations and circumstances:
- (1) In the Golden Hill Community Plan area, the La Jolla Community Plan area, the Mission Beach Precise Plan area, the Mission Valley Community Plan area, the Uptown Community Plan area, ~~and all community plan areas in Council District 5~~ the Mira Mesa Community Plan area, the Scripps Miramar Ranch Community Plan area, the Miramar Ranch North Community Plan area, the Sabre Springs Community Plan area, the Carmel Mountain Ranch Community Plan area, the Rancho Bernardo Community Plan area, and the San Pasqual Community Plan area.
 - (2) [No change in text.]

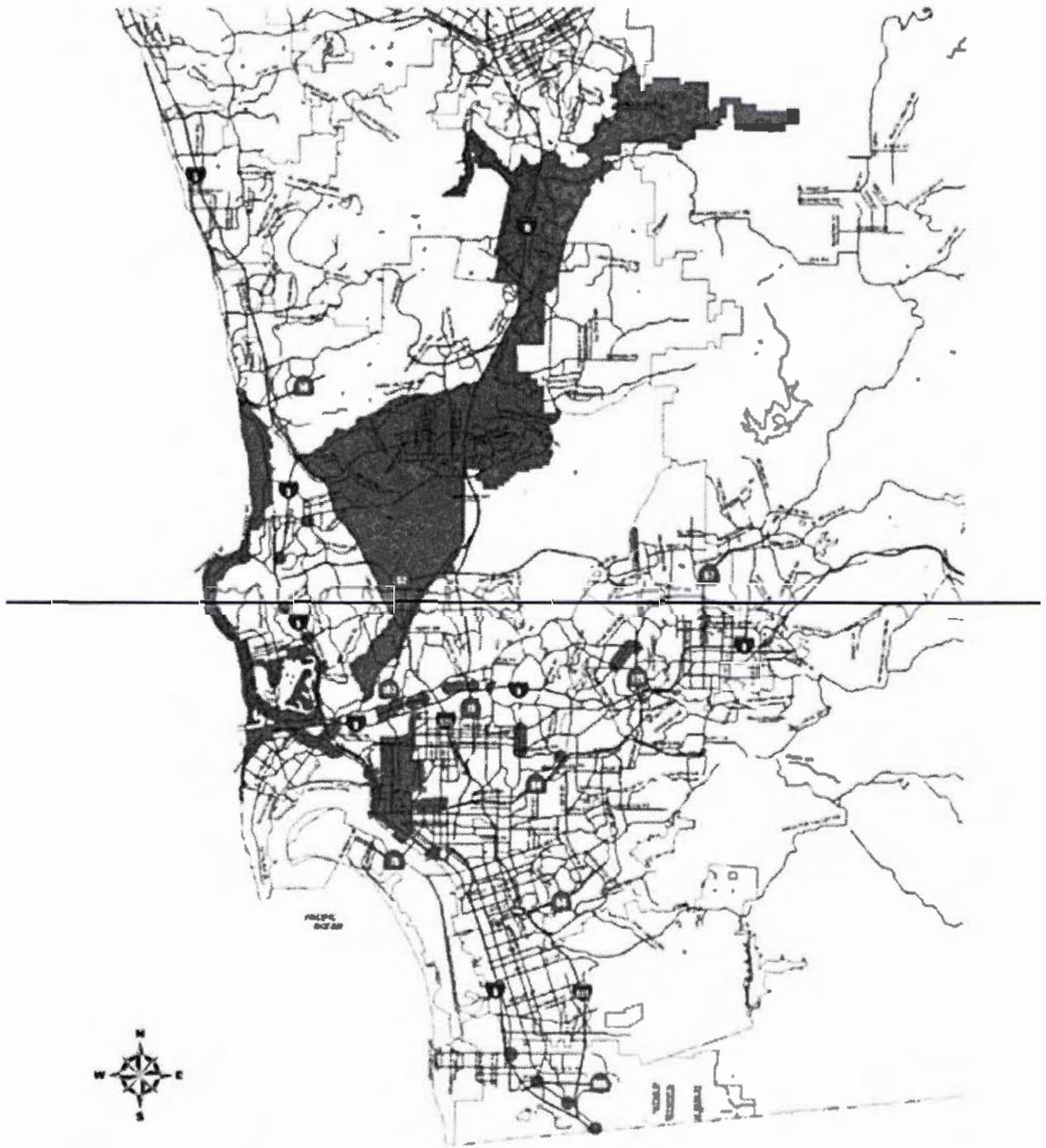


DIAGRAM 132-09A
Residential Tandem Parking
This is a reproduction of Map No. C-822 for illustration purposes only.

(O-2013-82)
REV.CORR.

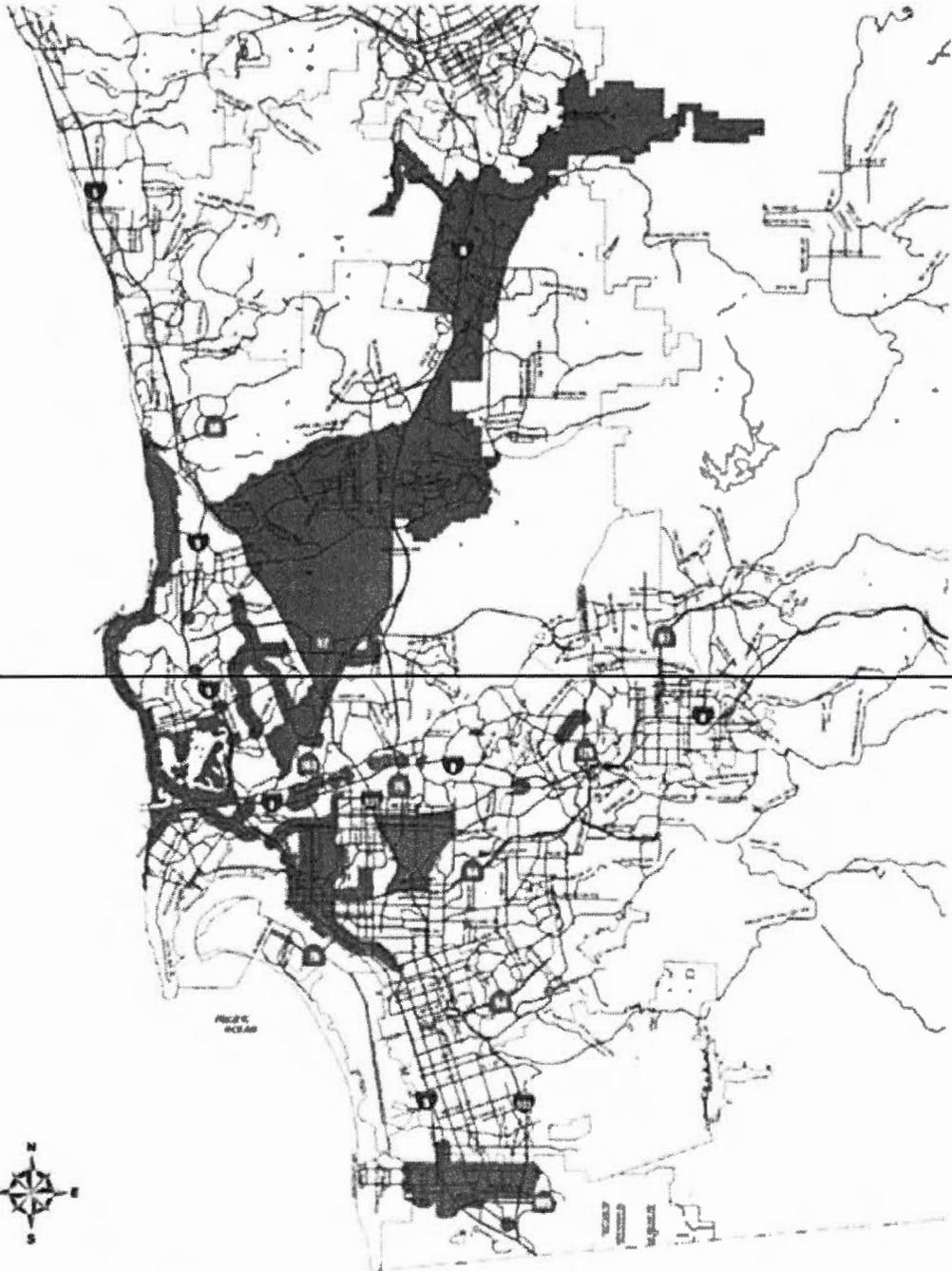


DIAGRAM 132-09B
Residential Tandem Parking
This is a reproduction of Map No. C-903 for illustration purposes only.

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

(5) If a Neighborhood Development Permit is granted in accordance with Section 126.0402 to count tandem parking as two parking spaces toward the off-street parking requirement in any location not provided for in Section 132.0905(a)(1) through (4).

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

§132.1002 Where the Transit Area Overlay Zone Applies

- (a) This overlay zone applies to property ~~located outside the boundaries shown on Map No. C-908 (Coastal Overlay Zone) and within the boundaries shown on Map No. C-921, filed in the office of the City Clerk as Document No. OO-19287-2. These areas are shown generally on Diagrams 132-04A and 132-10A and should be viewed together.~~
- (b) ~~This overlay zone applies to property located within both the boundaries shown on Map No. C-908 (Coastal Overlay Zone) and Map No. C-900, filed in the office of the City Clerk under Document Nos. OO-18872 and OO-18911-2, respectively. These areas are shown generally on Diagrams 132-04A and 132-10B and should be viewed together.~~ Table 132-10A shows the sections that contain the supplemental regulations for specific types of *development* proposals in this overlay zone.

**Table 132-10A
Transit Area Overlay Zone Applicability [No change in text.]**

Diagram 132-10A [No change in text.]

(O-2013-82)
REV. CORR.

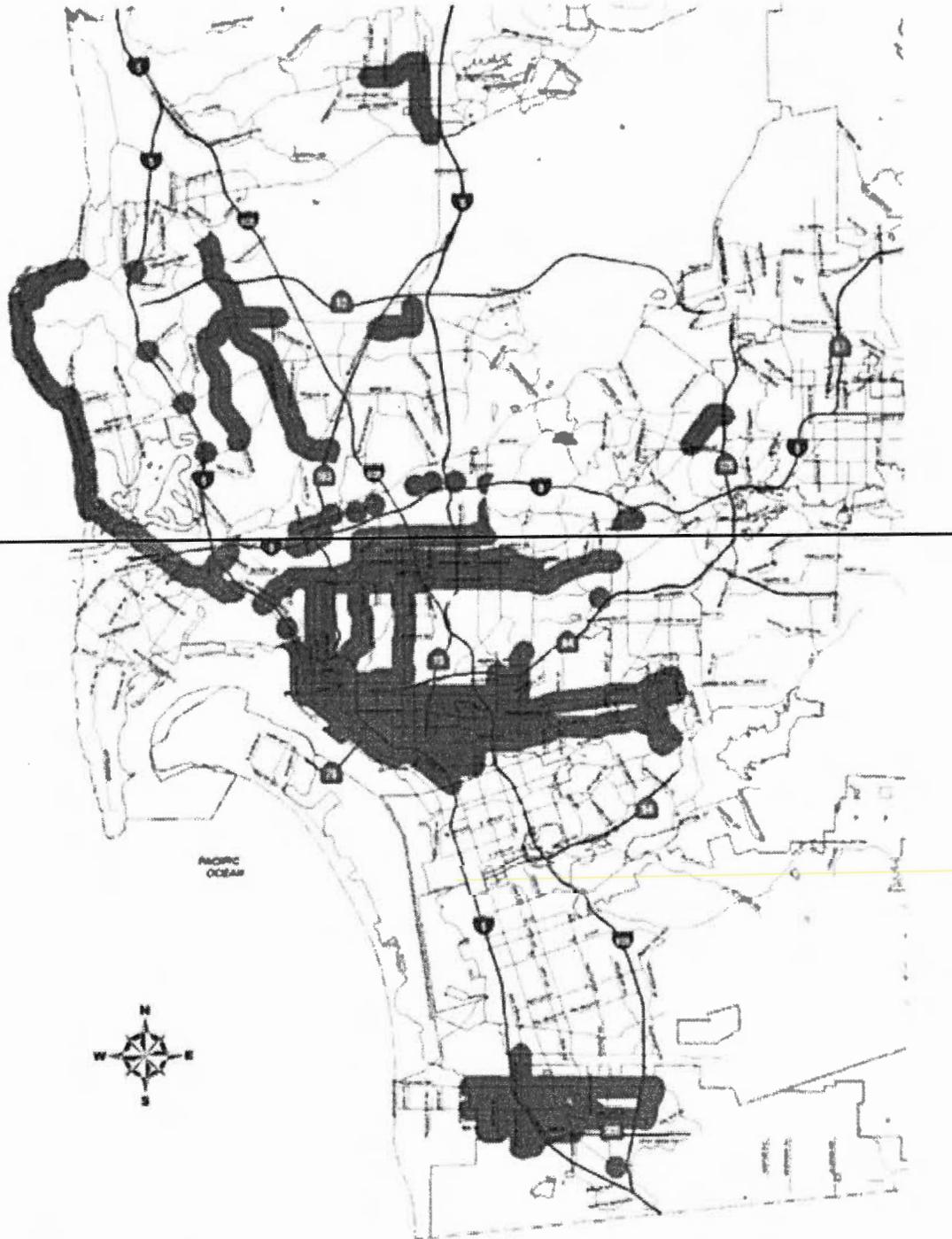


DIAGRAM 132-10B
Transit Area Overlay Zone
This is a reproduction of Map No. C-900 for illustration purposes only.

§132.1402 Where the Community Plan Implementation Overlay Zone Applies

- (a) This overlay zone applies to properties that are identified in a community plan as areas requiring supplemental development regulations or processing of a ~~development permit~~ development permit and that have been incorporated by ordinance into this overlay zone. Table 132.14A lists the community plan areas in which this overlay zone has been applied and the corresponding rezone maps that indicate which properties are within the boundaries of the overlay zone. These maps are filed in the office of the City Clerk. The properties within this overlay zone are shown generally on Diagrams 132.14A through 132-14M.

**Table 132-14A
Community Plans with Property in the Community Plan Implementation Overlay Zone**

Community Plan	Map Number Showing Boundaries of CPIOZ Area
Clairemont Mesa (see Diagram 132.14A)	[No change in text.]
College Area	C-761.1
Linda Vista (See Diagram 132-14C) through Uptown (See Diagram 132.14K)	[No change in text.]

- (b) [No change in text.]

§141.0306 Guest Quarters or Habitable Accessory Buildings

Guest quarters or habitable *accessory buildings* are attached or detached accessory living quarters developed of habitable construction, and located on a *lot* with a *single dwelling unit* that do not provide complete, independent living facilities and do not have direct access to the primary *dwelling unit*. Guest

quarters or habitable *accessory buildings* are solely for the use of the occupants of the primary *dwelling unit* or their guests or employees.

Guest quarters or habitable *accessory buildings* may be permitted accessory to a *single dwelling unit* as a limited use in accordance with Process One in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) through (f) [No change in text.]

~~(g) For detached guest quarters or habitable *accessory buildings*, the maximum *structure height* is 15 feet without a chimney or flue, or 17 feet with a chimney or flue.~~

~~(h)(g) Decks and staircases of not more than 3 feet in height may encroach into required *yards*.~~

~~(i)(h) *Roof decks*, including railings, shall not exceed the height limits in Section 141.0306(f) and (g).~~

~~(j)(i) Occupancy of a *premises* containing guest quarters or habitable *accessory buildings* shall be subject to the following:~~

~~(1) through (3) [No change in text.]~~

~~141.0404 Churches and Places of Religious Assembly~~

~~*Churches* and places of religious assembly are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to Section 141.0404(a). *Churches* and places of religious assembly that do not comply with Section 141.0404(a) may be permitted with a Conditional Use Permit decided in accordance with Process Three subject to Section 141.0404(b). *Churches* and places of religious assembly may also be~~

permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to Section 141.0404(b).

(a) Limited Use Regulations

(1) ~~Churches~~ and places of religious assembly are not permitted:

(A) within the ~~MHPA~~;

(B) within ~~floodplains~~ located in the Coastal Overlay Zone; or

(C) on a ~~premises~~ that is identified as Prime Industrial Land in a ~~land use plan~~.

(2) ~~Churches~~ and places of religious assembly are permitted as a limited use in existing buildings only.

(3) The ~~gross floor area~~ of the ~~church~~ or place of religious assembly shall not exceed 50 percent of the maximum ~~gross floor area~~ permitted for the ~~premises~~.

(4) The ~~church~~ or place of religious assembly shall not be the only use on the ~~premises~~.

(b) Conditional Use Permit Regulations

(1) ~~Churches~~ and places of religious assembly are not permitted:

(A) within the ~~MHPA~~;

(B) within ~~floodplains~~ located in the Coastal Overlay Zone; or

(C) on a ~~premises~~ that is identified as Prime Industrial Land in a ~~land use plan~~.

- (2) The design of the *structures* shall incorporate a variety of architectural elements that help to diminish building bulk.
- (3) *Structures* shall be placed on the site so that larger or high activity buildings are placed away from adjacent property with smaller *structures* and lower levels of activity.
- (4) Off-street parking shall be located away from adjacent residential property.
- (5) Conditions addressing the following issues may be imposed by the decision-maker:
 - (A) Limitations on the intensity of additional uses, such as *schools and child care facilities*, as well as the facilities housing these activities, to a level that is commensurate with the size of the site, the levels of intensity of surrounding *development*, and the capacity of *streets* serving the facility; and
 - (B) Limitations on the number of on-*premises* fund-raising or social activities to a specific number of occurrences each year.

141.0407

Educational Facilities--Schools for Kindergarten to Grade 12, and Colleges/Universities, and Vocational/Trade Schools

Educational facilities are facilities that are designed or used to provide specialized training or education. This section distinguishes between kindergarten to grade 12 schools, colleges and universities, and vocational schools and trade schools.

Educational facilities are permitted by right in zones indicated with a "P", 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.

(a) ~~Educational facilities are not permitted on a premises that is identified as Prime Industrial Land in a land use plan.~~ Permanent development associated with educational facilities is not permitted in agricultural zones in *Proposition A Lands* or within *floodplains* located in the Coastal Overlay Zone.

(b) Schools for Kindergarten to Grade 12

(1) This use category applies to schools that provide instruction to children enrolled in any grade kindergarten to grade 12.

(2) Schools for kindergarten to grade 12 are not permitted on a premises that is identified as Prime Industrial Land in a land use plan.

(3) Conditional use regulations. Schools for kindergarten to grade 12 are permitted as conditional uses in zones indicated by a “C” subject to the following:

(A) The applicant shall provide a master development plan that includes the following:

(1)(i) The student capacity of the campus;

(2)(ii) The size, number, and location of all proposed facilities;

~~(3)~~(iii) The pedestrian and traffic circulation systems
proposed for the site;

~~(4)~~(iv) A transportation and parking development program;
and

~~(5)~~(v) A *development* phasing schedule.

~~(e)~~(B) The design of the *structures* shall incorporate architectural
elements that help to diminish building bulk.

~~(d)~~(C) Larger *structures*, areas with high levels of activity, and
parking areas shall be located on the site away from
surrounding *development* that is smaller in scale or less
intense.

(D) Off-street parking shall be provided in accordance with
Table 142-05G.

(c) Colleges/Universities

(1) Colleges and universities are facilities that provide post secondary
education or higher in a campus setting where the campus typically
has at least one of the following accessory activities or facilities:
intercollegiate athletics, fraternities and sororities, student clubs,
student unions, student dormitories, a campus library, or other
campus facilities to accommodate a large assembly of people.

(2) Conditional use regulations. Colleges and universities are
permitted as conditional uses in zones indicated by a "C" subject to
the following:

- (A) Colleges and universities are not permitted on a premises that is identified as Prime Industrial Land in a land use plan, except as otherwise allowed in accordance with Section 141.0407(e).
- (B) Colleges and universities are subject to the conditional use criteria applicable to schools for kindergarten to grade 12 in Section 141.0407(b)(3).
- (C) Access to colleges and universities shall be as direct as possible from freeways and primary arterials and shall avoid residential streets.
- (D) Colleges and universities that provide education in a traditional office building without any extracurricular facilities of a traditional post secondary educational facility are permitted by right where business and professional offices are permitted uses in zones indicated with a "P". However, this type of educational facility is not permitted on a premises that is identified as Prime Industrial Land in a land use plan, except as otherwise allowed in accordance with Section 141.0407(e).
- (e) ~~Access to colleges and universities shall be as direct as possible from freeways and primary arterials and shall avoid residential streets.~~
- (f) ~~Off-street parking requirements for kindergarten through grade 12 are provided in Table 142-05G. Off-street parking for colleges and~~

~~universities shall be provided to adequately serve the facility without causing parking impacts to surrounding property.~~

(d) Vocational and Trade Schools

(1) Vocational schools are facilities that offer instruction and practical introductory experience in skilled trades such as mechanics, carpentry, plumbing, or construction with training that emphasizes the skills and knowledge needed for a particular job. Trade schools are facilities organized by an industry or a large corporation to provide training, apprentice education, and similar courses.

(2) Limited use regulations. Vocational schools and trade schools are permitted as limited uses in zones indicated by an "L" subject to the following:

(A) Vocational schools and trade schools are not permitted on a premises that is identified as Prime Industrial Land in a land use plan, except as otherwise allowed in accordance with Section 141.0407(e).

(B) Off-street parking shall be provided in accordance with Table 142-05G.

(e) Educational Facilities on Prime Industrial Land

(1) Schools for kindergarten to grade 12 are not permitted on a premises identified as Prime Industrial Land in a land use plan.

(2) Educational facilities that are limited to the instruction of adults may be permitted on a premises identified as Prime Industrial Land in a land use plan if:

(A) The primary emphasis of the educational facility is instruction in subjects incidental to manufacturing and industrial uses; or

(B) A Process Two Neighborhood Development Permit is granted in accordance with Section 126.0402 for a proposed educational facility that would be located in an existing office building that is not suitable for manufacturing or research and development due to the lack of loading docks/roll up doors and insufficient height clearance on the first floor (floor to ceiling height less than 14 feet).

§141.0420 Wireless Communication Facilities

Wireless communication facilities are permitted as a limited use in accordance with Process One in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the regulations in Section 141.0420. *Wireless communication facilities* that do not comply with Section 141.0420(c)(1) or are in the zones indicated with an “N” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) may also be permitted with a Neighborhood Use Permit, subject to the regulations in Section 141.0420(d). *Wireless communication facilities* may also be permitted with a Conditional Use

Permit decided in accordance with Process Three, in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), except that *wireless communication facilities* in areas described in Section 141.0420(f) may be permitted with a Conditional Use Permit decided in accordance with Process Four, in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the following regulations:

(a) The following uses are exempt from the provisions of Section ~~140.0420~~

141.0420:

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

(b) through (f) [No change in text.]

(g) Design Requirements

The following regulations apply to all *wireless communication facilities*:

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

(3) The *wireless communication facility's* equipment shall be located within an existing *building envelope*, whenever possible. If a new equipment enclosure is necessary, it shall be of a height minimally necessary to accommodate the equipment, not to exceed 250 square feet, unless a Process Two Neighborhood Development

Permit is granted in accordance with Section 126.0402.

(4) through (9) [No change in text.]

(h) [No change in text.]

(i) Park Site Installations

(4) In addition to the design guidelines set forth in Section 141.0420(g), the following design requirements apply to *wireless communication facilities* in city parks.

(A)(1) Where practicable, *antennas* shall be mounted on sports field light poles, security light poles, or inside foul line poles or flagpoles. *Antennas* shall not be mounted above the light source on any light poles. All *antennas* on flagpoles or foul line poles shall be concealed within the pole.

(B)(2) If the proposed *wireless communication facility* would be located on city-owned property that has been formally dedicated in perpetuity by ordinance for park, recreation, or cemetery purposes, Equipment ~~equipment~~ enclosures shall be placed underground unless the Park and Recreation Director determines that an above-ground equipment enclosure would not violate Charter Section 55 and a Process Two Neighborhood Development Permit is granted in accordance with Section 126.0402.

(C) ~~No above-ground equipment enclosures for a *wireless communication facility* shall be placed on city owned property, dedicated in perpetuity by ordinance, for park or recreation purposes, except where the *wireless communication facility* use would not violate City of San Diego Charter section 55.~~

§141.0502 **Alcoholic Beverage Outlets**

Any establishment for which a Type 20 Beer and Wine License or a Type 21 General Liquor License has been obtained from, or for which an application has been submitted to, the California Department of Beverage Control for permission to sell alcoholic beverages for off-site consumption shall be regulated as an alcoholic beverage outlet subject to this section.

Alcoholic beverage outlets are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the regulations in Section 141.0502(b). Proposals for alcoholic beverage outlets that do not comply with the regulations in Section 141.0502(b) may be permitted with a Conditional Use Permit decided in accordance with Process Three subject to the regulations in Section 141.0502(c).

- (a) [No change in text.]
- (b) Limited Use Regulations. Alcoholic beverage outlets are permitted as a limited use subject to the following regulations.
 - (1) Alcoholic beverage outlets are not permitted in any of the following locations:
 - (A) through (C) [No change in text.]
 - (D) Within 600 feet of a public or private accredited *school*, a *public park*, a playground or recreational area, a *church* ~~except those established in accordance with Section 141.0404(a)~~, a hospital, or a San Diego County welfare district office; and

(E) [No change in text.]

(2) through (3) [No change in text.]

§141.0601 Adult Entertainment Businesses

(a) [No change in text.]

(b) Adult entertainment businesses are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(1) Adult entertainment businesses shall not be established, or enlarged, ~~or undergo a transfer of ownership or control~~ if the *structure* housing the business would be located within 1,000 feet of any of the following:

(A) through (B) [No change in text.]

(C) ~~The property line of a church except those established in accordance with Section 141.0404(a), a school, a public park, or a social service institution.~~

~~(2) If a church other than one established in accordance with Section 141.0404(a), a school, a public park, a social service institution, or a residential zone is established within 1,000 feet of an adult entertainment business, the person possessing ownership or control of the adult entertainment business is permitted to transfer ownership or control within 2 years of the date on which the school begins a course of instruction for students, the church or social service institution is opened for use, the public park is dedicated,~~

~~or the ordinance establishing the residential zone becomes effective. The person acquiring the ownership or control, however, shall be required to discontinue the adult entertainment business within 5 years from the date of the transfer of ownership or control if the business continues to be within 1,000 feet of the uses or properties listed in Section 141.0601(b)(1).~~

~~(3)~~(2) The public health, safety, and welfare shall be preserved and protected by applying the provisions of this section in the following descending order of importance:

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

§141.0604 Boarding Kennels/Pet Day Care Facilities

Boarding kennels and pet day care facilities for the boarding, training and care of household pets are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to Section 141.0604(a) and (b). Boarding kennels and pet day care facilities may be permitted with a Neighborhood Use Permit decided in accordance with Process Two in the zones indicated with an “N” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to Section 141.0604 (a) and (c).

(a) [No change in text.]

(b) Limited Use Regulations

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

(5) Deviations from Section ~~146.0604(b)~~ 141.0604(b) may be permitted with a Neighborhood Use Permit decided in accordance

with Process Two, with the exception of outdoor facilities in CN zones which are not permitted.

(c) [No change in text.]

§141.0606 Child Care Facilities

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

(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) through (8) [No change in text.]

~~(4)~~(9) Child care centers proposed to be located on public or private *school* sites are permitted as follows:

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

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

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

(10) Within the Coastal Overlay Zone, a child care center shall be permitted only on previously-developed sites that are not developed with open space or agricultural uses as identified in Section 131.0112.

§141.0619 Pushcarts

This section regulates pushcarts on private property and pushcarts in the *public right-of-way*. Pushcarts are moveable, wheeled, nonmotorized vehicles used by vendors for the sale of food or beverage products, fresh-cut flowers, or live plants in pots.

(a) [No change in text.]

(b) Pushcarts in the *Public Right-of-Way*

Pushcarts may be permitted in the *public right-of-way* with a Neighborhood Use Permit in the zones indicated with an “N” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

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

(4) The *applicant* shall obtain and submit with the permit application a ~~notorized~~ notarized authorization from the owner or proprietor of

the adjacent *street* level business for the *applicant* to install and operate the pushcart.

(5) through (18) [No change in text.]

§141.0620 Recycling Facilities

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

(d) Small Collection Facilities

Small collection facilities are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

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

(6) Facilities that are not within a fully enclosed building shall be set back at least 10 feet from any building ~~or~~ and from any public right-of-way, and shall not obstruct pedestrian or vehicular circulation.

(7) through (20) [No change in text.]

(e) through (i) [No change in text.]

§141.0621 Sidewalk Cafes

Sidewalk cafes are outdoor dining spaces located in the public right-of-way that are associated with adjacent eating and drinking establishments. Sidewalk cafes are permitted as a limited use in the zones indicated with an “L” ~~may be permitted with a Neighborhood Use Permit in the zones indicated with an “N”~~ in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to ~~the provisions of this section~~ the following regulations. It is not the intent of this section to

regulate outdoor eating and drinking establishment areas that are located on private property.

(a) ~~The decision maker will evaluate the following to determine if a sidewalk cafe is a suitable use for the proposed site and will not infringe on the use of the *public right of way* by pedestrians:~~

- (1) ~~The width of the sidewalk;~~
- (2) ~~The design and relationship of the cafe to other existing or planned uses in the vicinity;~~
- (3) ~~The amount of pedestrian use and the impact of the cafe's location on pedestrian activity; and~~
- (4) ~~The ability of the cafe to fit the character of the area, create an outdoor pedestrian plaza, intensify pedestrian activity, and make the *street* activity more attractive.~~

~~(b)~~(a) Limited Use Regulations

(1) Design requirements

(A) A sidewalk cafe ~~may~~ shall be located ~~within the *public right of way* only in conjunction with, and adjacent to, a street-level eating or~~ and drinking establishment.

(e) ~~A sidewalk cafe shall be used only for dining, drinking, and circulation. The cafe may provide either waiter/waitress service or self service.~~

(B) A sidewalk cafe that provides a maximum of one row of tables and chairs within 4 feet 6 inches of the building facade, placed in a manner that does not block ingress or egress from the associated eating and drinking

establishment, shall not be required to install a barrier in accordance with Section 141.0621(a)(1)(C).

- (d) (C) If not designed in compliance with Section 141.0621(a)(1)(B), ~~The~~ the area of ~~the~~ a sidewalk cafe shall be delineated by a barrier consisting of railings, *fences*, or a combination of railings and *fences*, and planter boxes that are 3 feet in height or less; ~~solid~~ Solid walls are not permitted.
- (i) The barrier may be either permanently installed or moveable; ~~if~~ If it is moveable, it shall be affixed to the sidewalk while the sidewalk cafe is open for business.
- (ii) A clear, transparent, shatterproof glass or similar material may be used on top of the 3-foot barrier to enclose the sidewalk cafe to minimize windy or cold climatic conditions. ~~The enclosure must meet the following requirements.~~(1) The height of the sidewalk cafe barrier plus the clear enclosure shall not exceed 5 feet.
- (iii) ~~If an enclosure is used,~~ awnings Awnings or umbrellas may be used in conjunction with a sidewalk cafe, ~~but~~ shall not be used as a cafe

covering permanent roof or shelter over the sidewalk cafe area.

(D) Clear Path of Travel

(e)(i) A clear path, free of all obstructions to the flow of pedestrian traffic, shall be provided in the *public right-of-way* and shall be maintained at all times.

Obstructions include traffic signals or *signs*, light standards, parking meters, phone booths, bus stops, trash receptacles, benches, trees, gates that open outward beyond the perimeter of the sidewalk cafe, and similar objects.

(ii) The clear path shall be a paved sidewalk that is at least 8 5 feet wide, the width identified in the applicable adopted land use plan, or the width required by the applicable zone or planned district, whichever width is greater.

(iii) The clear path may meander from side to side to avoid obstructions, but shall maintain a continuous, common surface at least 3 feet in width that provides a direct path of travel past the sidewalk cafe.

(iv) ~~The clear path shall be measured in the following manner:~~(1)The clear path shall be measured from

the outermost point of the sidewalk cafe to the curb
or to the nearest obstruction within the flow of
pedestrian traffic, whichever is shorter.

~~(2)(v)~~ Recesses in the *building facade* shall not be used to
satisfy the clear path requirement; ~~and.~~

~~(3)~~ The decision maker may grant an exception to the
minimum clear path width if pedestrian volumes
and existing *street* conditions are such that no
congestion would result.

~~(f)(E)~~ Accessibility. The A sidewalk cafe shall be designed and
operated so that unsafe conditions are not created for the
physically disabled, blind, or partially sighted. ~~Gates or~~
~~other objects placed within a sidewalk cafe shall not swing~~
~~or project beyond the delineated perimeter of the cafe.~~
~~Cantilevered projections are not permitted. A change in~~
~~paving pattern and texture may be required to alert~~
~~pedestrians of a change in sidewalk use.~~

(i) The surface of a sidewalk cafe shall be level, and
have a running slope and a cross slope that do not
exceed 2 percent (1 unit vertical in 50 units
horizontal).

(ii) A sidewalk cafe shall not be located on a raised
platform or in a sunken area, unless an accessible

ramp is provided in accordance with the California Building Code, or the Americans with Disabilities Act, whichever provides greater accessibility.

- (iii) At least one wheelchair seating space shall be provided for each 20 seats, or portion thereof.
- (iv) When multiple accessible seating spaces are provided, they shall be reasonably distributed and integrated within the area of the sidewalk cafe.
- (v) Accessible wheelchair spaces shall have a minimum unobstructed maneuverability dimension of 30 inches in width by 48 inches in depth.
- (vi) Access to designated wheelchair spaces shall be provided via an accessible path with not less than 36 inches unobstructed width.

(F) An unobstructed path of ingress and egress travel with a minimum 4-foot width that leads occupants directly from exit doors to the public right-of-way shall be required for a sidewalk cafe and associated eating and drinking establishment.

(g)(G) No portion of a sidewalk cafe may be located within 8 feet of the entrance to a ground floor commercial use other than the entrance to the adjacent restaurant unless the property owners and first floor tenants of the affected commercial

~~lease spaces provide a notarized letter of permission. An exception to the minimum distance between sidewalk cafes and adjacent business entrances may be granted by the decision maker after a review of existing conditions in the surrounding commercial area and on the *street* adjacent to the sidewalk cafe if the affected, adjacent property owners and first *floor* tenants give notarized, written permission for the *encroachment*. The decision maker's review will take into consideration the effect that the exception may have on adjoining businesses in terms of visibility and access.~~

~~(h)(H)~~ If *Awnings* *awnings* are attached shall be secured to the main building, they shall be secured in accordance with the California Building Code and shall be subject to inspection by the Building Official prior to occupancy of a sidewalk cafe.

~~(i)(I)~~ The ~~furnishings of the interior of a sidewalk cafe shall consist solely of moveable~~ furnishings, including moveable tables, moveable chairs, and moveable umbrellas.

(J) Landscaping may be placed in moveable planters or planted in the ground inside ~~the~~ a delineated sidewalk cafe area adjacent to the barrier.

- (K) Lighting fixtures may be permanently affixed to the front of the ~~main building~~ associated eating and drinking establishment.
- (j)(L) The name and type of establishment may be placed on umbrellas or on the valance of an *awning*. Other *signs* are not permitted on ~~the~~ a sidewalk cafe.
- (k) ~~Trash or storage areas shall not be located on or adjacent to the public right-of-way.~~
- (l) ~~Musical instruments or sound reproduction devices shall not be operated or used within a sidewalk cafe. For purposes of enforcement of Municipal Code Section 59.5.0101 et. seq., the property line shall be considered the boundary of the sidewalk cafe.~~
- (m) ~~Sidewalk cafes shall be free of litter at all times.~~
- (n) ~~The hours of operation of a sidewalk cafe shall be limited to the hours of operation of the associated eating or drinking establishment.~~
- (o)(M) ~~Within the beach impact area of the Parking Impact Overlay Zone, sidewalk cafes shall not exceed 200 sq ft in area without providing parking. Required parking shall be provided at a ratio not less than one parking space for every additional 200 sq ft (or portion thereof) above the first 200~~

sq-ft Parking for a sidewalk cafe portion of an eating and drinking establishment shall only be required if:

- (i) The area of a sidewalk cafe is greater than 200 square feet;
- (ii) The area of a sidewalk cafe exceeds 25 percent of the combined total of the gross floor area of the associated eating and drinking establishment and the area of the sidewalk cafe; and
- (iii) A sidewalk cafe is located in the Parking Impact Overlay Zone.

(2) Permit requirements

- (A) Prior to installation of any furniture or improvements in the public right-of-way and prior to operation of a sidewalk cafe, the applicant shall obtain a Public Right-of-Way Permit or Building Permit in accordance with Sections 129.0203 and 129.0702, and an Encroachment Maintenance and Removal Agreement in accordance with Section 129.0715. Violations of a Public Right-of-Way Permit or Building Permit shall be subject to the permit revocation procedures set forth in Chapter 12, Article 1, Division 3.

- (B) The dimensions of a sidewalk cafe shall be delineated on a site plan and documented in the associated Public Right-of-Way Permit or Building Permit, as applicable.
 - (C) Prior to occupancy of a sidewalk cafe, inspection shall be required in accordance with Section 129.0111, as applicable.
 - (D) An annual inspection of a sidewalk cafe shall be required to ensure compliance with the limited use regulations for sidewalk cafes.
- (3) Operational requirements
- (A) A sidewalk cafe shall only be used only for dining, drinking, and circulation, and shall operate only in conjunction with an adjacent eating and drinking establishment.
 - (B) A sidewalk cafe may provide either waiter/waitress service or self-service.
 - (C) The sidewalk within, and adjacent to, the sidewalk cafe shall be clean and free of litter at all times.
 - (D) Trash or storage areas shall not be located on or adjacent to the public right-of-way.
 - (E) Musical instruments or sound reproduction devices shall not be operated or used within a sidewalk cafe. For purposes of enforcement of Chapter 5, Article 9.5, the

property line shall be considered the boundary of a sidewalk cafe.

- (F) The hours of operation of a sidewalk cafe shall be limited to the hours that the kitchen facilities of the associated eating and drinking establishment are open for meal ordering. Alcohol, food, or beverages shall not be served or permitted within the sidewalk cafe after 10:00 p.m. Sunday through Thursday, and after 11:00 p.m. Friday through Saturday.
- (G) Smoking shall not be permitted within a sidewalk cafe at any time.
- (H) A sidewalk cafe shall comply with all State of California Department of Alcoholic Beverage Control license requirements, as applicable.
- (I) Outdoor cooking and preparation of food within the public right-of-way is prohibited.
- (J) Portable heaters, if provided, shall be located a minimum of 4 feet away from the exterior face of the building and from any combustible materials, including architectural projections, or in accordance with manufacturer recommendations, whichever is most restrictive.
- (K) A copy of the approved Public Right-of-Way Permit or Building Permit, as applicable, for a sidewalk cafe shall be

posted on the premises of the associated eating and drinking establishment.

(b) A Process Two Neighborhood Use Permit may be requested in accordance with Section 126.0203 to deviate from the requirements in Section 141.0621(a) as follows:

(1) The applicant shall identify any requirement in Section 141.0621(a) where a deviation is being requested and shall specify why the deviation is needed.

(2) The decision maker will evaluate the request in accordance with the adopted land use plan and Land Development Manual to determine if a sidewalk cafe with the proposed deviation is a suitable use for the proposed site and will not infringe on use of the public right-of-way by pedestrians. In making the determination, the decision maker shall consider the following:

(A) The width of the sidewalk;

(B) The design and relationship of the sidewalk cafe to other existing or planned uses in the vicinity;

(C) The amount of pedestrian use and the impact of the sidewalk cafe's location on pedestrian activity; and

(D) The sidewalk cafe's ability to fit the character of the area, create an outdoor pedestrian plaza, intensify pedestrian activity, and make the street activity more attractive.

§141.0625 Veterinary Clinics and Animal Hospitals

Veterinary clinics and animal hospitals are permitted as a limited use in the zones indicated with an “L” and may be permitted with a Neighborhood Use Permit decided in accordance with Process Two in the zones indicated with an “N” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) [No change in text.]
- (b) Limited Use Regulations
 - (1) through (3) [No change in text.]
 - (4) Deviations from Section ~~146.0625(a)~~ 141.0625(a) may be permitted with a Neighborhood Use Permit decided in accordance with Process Two.
- (c) [No change in text.]

§141.0702 Sex Offender Treatment and Counseling Facilities

This section regulates medical treatment or counseling facilities that physically or psychologically treat five or more *sex offenders* in one year.

Sex offender treatment and counseling facilities are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Exemptions
 - (1) Incidental treatment and counseling services offered by the following organizations operating under a Conditional Use Permit are exempt from this section:

- (A) ~~Churches and places of religious assembly as described in Section 141.0404;~~
- (B)(A) Residential care facilities as described in Section 141.0312;
- (C)(B) Transitional housing facilities as described in Section 141.0313;
- (D)(C) Hospitals, intermediate care facilities, and nursing facilities as described in Section 141.0413;
- (E)(D) *Social service institutions* as described in Section 141.0417;
and
- (F)(E) Correctional placement centers as described in Section 141.0406.

(2) [No change in text.]

(b) [No change in text.]

§142.0402 When Landscape Regulations Apply

(a) [No change in text.]

(b) Table 142-04A provides the applicable regulations and type of permit required by this division for the landscaping required in conjunction with the specific types of *development* proposals. Any project that proposes more than one of the types of *development* shown is subject to all of the regulations for each type of *development*.

**Table 142-04A
Landscape Regulations Applicability**

Type of <i>Development</i> Proposal			Applicable Regulations	Required Permit Type/ Decision Process
Column A	Column B	Column C ⁽¹⁾		
1. <u>New structures that equal or exceed the gross floor area shown (Column B), and are proposing the type of shown (Column B), and are proposing the type of development shown (Column C) shown (Column C)</u>	[No change in text.]	[No change in text.]	[No change in text.]	[No change in text.]
2. Additions to <i>structures</i> or additional <i>structures</i> on developed properties that exceed the <i>gross floor area</i> shown or that increase the <i>gross floor area</i> by the percent shown (Column B), and are proposing the type of <i>development</i> shown (Column C) through 13. <i>Condominium Conversions</i> [No change in text.]				
14. <u>Commercial development with at least 1,000 square feet of landscape area</u>			<u>142.0403</u> <u>142.0413</u>	<u>No permit required by this division</u>

Footnote to Table 142-04A Footnote to Table 142-04A [No change in text.]

§142.0412 Brush Management

Brush management is required in all base zones on publicly or privately owned *premises* that are within 100 feet of a *structure* and contain native or naturalized vegetation.

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

(i) ~~In consideration of the topography, existing and potential fuel load, and other characteristics of the site related to fire protection, the Fire Chief may modify the requirements of Section 142.0412, and where applicable with the approval of the Building Official, may require building features~~

~~for fire protection in addition to those required in accordance with Chapter 14, Article 5, Division 7 and Chapter 14, Article 9, Division 3 if the following conditions exist~~ An applicant may request approval of alternative compliance for brush management in accordance with Process One if all of the following conditions exist:

- (1) ~~In the written opinion of the Fire Chief, based upon a fire fuel load model report conducted by a certified fire behavior analyst, the requirements of Section 142.0412 fail to achieve the level of fire protection intended by the application of Zones One and Two; and~~ The proposed alternative compliance provides sufficient defensible space between all structures on the premises and contiguous areas of native or naturalized vegetation as demonstrated to the satisfaction of the Fire Chief based on documentation that addresses the topography of the site, existing and potential fuel load, and other characteristics related to fire protection and the context of the proposed development.
- (2) ~~The modification to the requirements achieves an equivalent level of fire protection as provided by Section 142.0412, other regulations of the Land Development Code, and the minimum standards contained in the Land Development Manual; and~~ The proposed alternative compliance minimizes impacts to undisturbed native or naturalized vegetation where possible while still meeting

the purpose and intent of Section 142.0412 to reduce fire hazards around structures and provide an effective fire break.

- (3) The ~~modification to the requirements~~ proposed alternative compliance is not detrimental to the public health, safety, and welfare of persons residing or working in the area.
- (j) If the Fire Chief approves a ~~modified plan~~ alternative compliance in accordance with this section as ~~part of the City's approval of a development permit~~, the modifications shall be recorded with the approved permit conditions if approved as part of a development permit, or noted in the permit file if approved as part of a construction permit.
- (k) through (o) [No change in text.]

§142.0413 Water Conservation

- (a) through (f) [No change in text.]
- (g) Reclaimed water. ~~New development~~ Development in areas where reclaimed water is available and suitable for irrigation shall provide for a dual water distribution system for all landscaped areas. Only reclaimed water shall be used for irrigation purposes where it is available.

§142.0530 Nonresidential Uses – Parking Ratios

- (a) Retail Sales, Commercial Services, and Mixed-Use Development.
- Table 142-05E establishes the ratio of required parking spaces to building *floor* area in the commercial zones, industrial zones, and planned districts shown, for retail sales uses and for those commercial service uses that are not covered by Table 142-05F or 142-05G. Table 142-05E also establishes

the required parking ratios for mixed-use developments in a single structure that include an allowed use from at least two of the following use categories: (1) retail sales, (2) commercial services, and (3) offices.

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

Zone	Parking Spaces Required per 1,000 Square Feet of <i>Floor Area</i> Unless Otherwise Noted (<i>Floor Area</i> Area Includes <i>Gross Floor Area</i> plus below <i>Grade Floor Area</i> and Excludes <i>Floor Area</i> Area Devoted to Parking)			
	Required Automobile Parking Spaces ⁽¹⁾			Required Bicycle Parking Spaces ⁽²⁾
	Minimum Required Outside a <i>Transit Area</i>	Minimum Required Within a <i>Transit Area</i> ⁽⁺²⁾	Maximum Permitted	Minimum Required
Commercial Zones				
CC-1-1 CC-2-1 CC-4-1 CC-5-1	2.5	2.1	6.5	0.1
CC-1-2 CC-2-2 CC-4-2 CC-5-2	2.5	2.1	6.5	0.1
CC-1-3 CC-2-3 CC-4-3 CC-5-3	5.0 ⁽³⁾	4.3	6.5	0.1
CC-3-4 CC-4-4 CC-5-4	2.5	2.1	6.5	0.1
CC-3-5	1.0 ⁽³⁺⁾	1.0 ⁽³⁺⁾	5.5	0.1
CC-3-5/Beach impact area ⁽⁵⁾	2.5	2.1	6.5	
CC-4-5	1.0 ⁽³⁺⁾	1.0 ⁽³⁺⁾	5.5	
CC-5-5	1.25	1.25	5.5	0.1
CN-1-1	1.0 ⁽³⁺⁾	1.0 ⁽³⁺⁾	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 ⁽³⁾	4.3	6.5	0.1
CO-1-1 CO-1-2	5.0	4.3	6.5	0.1
CV-1-1	5.0	4.3	6.5	0.1
CV-1-2	2.5	2.1	6.5	0.1

Industrial Zones				
IH-1-1 IH-2-1	5.0	4.3	6.5	0.1
IL-1-1 IL-2-1 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 ^(§4)	1.0 ^(§4)	5.5	0.1
Planned Districts				
Barrio Logan: Subdistrict B	1.0 ^(§4)	1.0 ^(§4)	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
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 ^(§4)	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 Street	1.0 ^(§4)	1.0 ^(§4)	5.5	0.1

Footnotes For Table 142-05E

- ¹ Parking spaces for carpool vehicles and zero emissions vehicles are required in accordance with Section 142.0530(d). Bicycle parking is required in accordance with Section 142.0530(e).
- ² 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).
- ³ Bicycle Parking. See Section 142.0530(e).
- ³ Uses Located above 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 area.
- ⁴ Beach impact area. For area of applicability, see Chapter 13, Article 2, Division 8 (Parking Impact Overlay Zone): 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.

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

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

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

Zone	Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment ⁽³⁾ Floor Area Unless Otherwise Noted (Floor Floor Area Includes Gross Floor Area plus below Grade Floor Area and Excludes Floor Area Devoted to Parking)			
	Required Automobile Parking Spaces ⁽²⁾			Required Bicycle Parking Spaces ⁽²⁾
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area ⁽⁴⁾	Maximum Permitted	Minimum Required
Commercial Zones				
CC-1-1 CC-2-1 CC-4-1 CC-5-1	2.5	2.1	25.0	0+1
CC-1-2 CC-2-2 CC-4-2	2.5	2.1	25.0	0+1
CC-5-2	2.5	2.1	25.0	0+1
CC-4-2/Coastal Overlay Zone ⁽⁴⁾	5.0	4.3	25.0	0+1
CC-1-3 CC-2-3 CC-4-3 CC-5-3	15.0	12.8	25.0	0+1
CC-3-4 CC-4-4	2.5	2.1	25.0	0+1
CC-4-4/Coastal Overlay Zone ⁽⁴⁾	5.0	4.3	25.0	0+1
CC-5-4	2.5	2.1	25.0	0+1

CC-3-5	1.0 ⁽⁵⁾	1.0 ⁽⁵⁾	20.0	0+
CC-3-5/Coastal Overlay Zone ⁽⁴⁾	5.0	4.3	25.0	0+
CC-4-5	1.0 ⁽⁵⁾	1.0 ⁽⁵⁾	20.0	
CC-5-5	1.25	1.25	20.0	0+
CN-1-1	1.0 ⁽⁵⁾	1.0 ⁽⁵⁾	20.0	0+
CN-1-2	15.0	12.8	25.0	0+
CN-1-3	2.5	2.1	25.0	0+
CR-1-1 CR-2-1	15.0	12.8	25.0	0+
CO-1-1 CO-1-2	15.0	12.8	25.0	0+
CV-1-1	15.0	2.1	25.0	0+
CV-1-2	5.0	4.3	25.0	0+
Industrial Zones				
IH-1-1 IH-2-1	15.0	12.8	25.0	0+
IL-1-1 IL-2-1 IL-3-1	15.0	12.8	25.0	0+
IP-1-1 IP-2-1	15.0	12.8	25.0	0+
IS-1-1	1.0 ⁽⁵⁾	1.0 ⁽⁵⁾	20.0	0+
Planned Districts				
Barrio Logan: Subdistrict B	1.0 ⁽⁵⁾	1.0 ⁽⁵⁾	20.0	0+
Barrio Logan: Except Subdistrict B	2.5	2.1	20.0	0+
Carmel Valley	15.0	12.8	25.0	0+
Cass Street	5.0	4.3	25.0	0+
Central Urbanized	2.5	2.1	6.5	0+
Golden Hill	1.25	1.25	20.0	0+
La Jolla	5.0	4.3	20.0	0+
La Jolla Shores	1.0	1.0 ⁽⁵⁾	20.0	0+
Mid-City: CN-3 and CV-3	1.25	1.25	20.0	0+
Mid-City: Except CN-3, CV-3	2.5	2.1	25.0	0+
Mount Hope	3.3	2.8	25.0	0+
Mission Valley: CV	5.0	4.3	25.0	0+
Mission Valley: Except CV	15.0	12.8	25.0	0+
Otay Mesa	15.0	12.8	25.0	0+
Old Town	4.0	3.4	25.0	0+

Southeast San Diego	5.0	4.3	25.0	0+1
San Ysidro	5.0	4.3	25.0	0+1
West Lewis Street <u>Street</u>	1.0 ⁽⁵⁾	1.0 ⁽⁵⁾	20.0	0+1

Footnotes For Table 142-05F Footnotes For Table 142-05F

- ¹ 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 eating and drinking establishment's gross floor area and are included in calculating parking requirements.
- ² Parking spaces for carpool vehicles and zero emissions vehicles are required in accordance with Section 142.0530(d). Bicycle parking is required in accordance with Section 142.0530(e).
- ³ 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 through ⁵ [No change in text.]

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

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

Use	Parking Spaces Required per 1,000 Square Feet of Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus below Grade Floor Area, and Excludes Floor Area Devoted to Parking)				
	Required Automobile Parking Spaces ⁽¹⁾				Required Bicycle Parking Spaces ⁽³⁾
	Minimum Required Outside a Transit Area ⁽²⁾	Minimum Required Within a Transit Area ⁽²⁾	Maximum Permitted	Carpool Minimum ⁽²⁾	Minimum
Institutional					
Separately regulated uses					
Botanical Gardens and Arboretums	3.3	2.8	N/A	N/A	2% of Auto-Minimum
Churches and places of	1 per 3 seats; or 1 per 60 inches of	85% of Minimum	N/A	N/A	2% of Auto-Minimum

religious assembly	pew space; or 30 per 1,000 square feet assembly area if seating is not fixed				
Educational facilities:					
Kindergarten through grade 9	2.0 per classroom if no assembly area or 30 per 1,000 square feet assembly area	85% of Minimum	N/A	N/A	2% of Auto Minimum
Grade 10 through grade 12	1 per 5 students at maximum occupancy	85% of Minimum	N/A	N/A	2% of Auto Minimum
Vocational/trade schools	1 per student at maximum occupancy	85% of Minimum	N/A	N/A	2% of Auto Minimum
Exhibit Halls & Convention Facilities	1 per 3 seats; 30.0 if no fixed seats	85% of Minimum	N/A	N/A	2% of Auto Minimum
Hospitals	2 per bed	85% of Minimum	N/A	N/A	2% of Auto Minimum
Intermediate care facilities and nursing facilities	1 per 3 beds	85% of Minimum	N/A	N/A	2% of Auto Minimum
Interpretive Centers	3.3	2.8	N/A	N/A	2% of Auto Minimum
Museums	3.3	2.8	N/A	N/A	2% of Auto Minimum
Radio & Television Broadcasting	3.3	2.9	5.0	0.3	0.03 + .03 bike lockers with shower
Retail Sales: See Table 142-05E					
Commercial Services					
Eating & Drinking Establishments	See Table 142-05F				
Public assembly & entertainment					
Theaters	1-3 screens: 1 per 3 seats 4+ screens: 1 per 3.3 seats Per assembly area if not fixed seats: 50.0	85% of Minimum	N/A	N/A	2% of Auto Minimum
Health clubs	5.0 Clubs with Courts: 1 additional space per the maximum number of authorized players (Amateur Athletic Union) per court	85% of Minimum	N/A	N/A	2% of Auto Minimum
Swimming pools	Commercial: 1 per 100 sq. ft. of pool surface area Community: 1 per 175 sq. ft. of pool surface area	85% of Minimum	N/A	N/A	2% of Auto Minimum
All other public assembly and entertainment	1 per 3 seats; 30.0 if no fixed seats	85% of Minimum	N/A	N/A	2% of Auto Minimum
Visitor accommodations	1 per <i>guest room</i> Conference Area: 10.0	1 per <i>guest room</i> Conference Area: 10.0	N/A	N/A	2% of Auto Minimum
Separately Regulated Uses					

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<u>Child Care Facilities Child Care Centers</u>	1 per staff	85% of Minimum	N/A	N/A	N/A
Funeral parlors & Mortuaries	1 per 3 seats; 30.0 for assembly area if no fixed seats	85% of minimum	N/A	N/A	2% of Auto Minimum
Private clubs, lodges, fraternal organizations (except fraternities and sororities)	1 per <i>guest room</i> , or 2.5, whichever is greater ⁽⁶³⁾	85% of Minimum	N/A	N/A	2% of Auto Minimum
Single room occupancy hotels (For <i>SRO Hotels</i> that meet the criteria for Reduced Parking Demand Housing stated in Section 142.0527, see Section 142.0527 for parking requirements.)	1 per room	0.5 per room	N/A	N/A	0.2 per room
Veterinary clinics & hospitals	2.5	2.1	N/A	N/A	N/A
Offices ⁽⁵⁴⁾					
Business & professional/ Government/ Regional & corporate headquarters (except in IS Zone)	3.3	2.9	5.0	0.3	0.03 + .03 bike lockers with shower
Medical, dental, & health practitioners (except in IS Zone)	4.0	3.5	6.0	0.4	0.03 + .03 bike lockers with shower
All office uses in the IS Zone	1.0 ⁽⁴²⁾	1.0 ⁽⁴²⁾	5.0	N/A	0.1
Vehicle & Vehicular Equipment Sales & Service					
Automobile service stations	2 per Station; with Maintenance Facility, 3 per Station Plus 1 per Service Bay Retail Sales: 3.0	85% of Minimum	N/A	N/A	N/A
Vehicle repair & maintenance	5.0	4.3	N/A	N/A	N/A
Vehicle sales & rentals	1 per each 10 display cars	85% of Minimum	N/A	N/A	N/A

Wholesale, Distribution, and Storage ⁽⁵⁴⁾					
All wholesale, distribution and storage uses	1.0 ⁽⁴²⁾	1.0 ⁽⁴²⁾	4.0	N/A	0-1
Self Storage Facilities	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 ⁽⁴²⁾	1.0 ⁽⁴²⁾	4.0	N/A	0-1

Footnotes For Table 142-05G Footnotes For Table 142-05G

- ¹ Parking spaces for carpool vehicles and zero emissions vehicles are required in accordance with Section 142.0530(d). Bicycle parking is required in accordance with Section 142.0530(e).
- ⁴² Transit Area. The transit area minimum parking ratios apply in the Transit Area Overlay Zone (Chapter 13, Article 2, Division 10) and in the Urban Village Overlay Zone (Chapter 13, Article 2, Division 11).
- ² Carpool. See Section 142.0530(d).
- ³ Bicycle Parking. See Section 142.0530(e). In the beach impact area, one parking space per guest room or 5.0, whichever is greater.
- ⁴ Alley Access. For properties with alley access, one parking space per 10 linear feet of alley frontage may be provided instead of the parking ratio shown in Table 142-05G. 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. Accessory Retail Sales, Commercial Services, and Office Uses. On-site accessory retail sales, commercial services, and office uses that are not open to the public are subject to the same parking ratio as the primary use.
- ⁵ Accessory Retail Sales, Commercial Services, and Office Uses. On-site accessory retail sales, commercial services, and office uses that are not open to the public are subject to the same parking ratio as the primary use. 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 142-05G. 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.
- ⁶ In the beach impact area, one parking space per guest room or 5.0, whichever is greater.

(d) Parking Spaces for Carpool Spaces Vehicles and Zero Emissions Vehicles

- (1) Required carpool Designated parking spaces for carpool vehicles (vehicles containing two or more persons) and zero emissions vehicles (any vehicles certified to zero-emissions standards) shall be provided for non-residential development at the ratio

indicated in Section 142.0530(d)(1)(B), unless exempt under
Section 142.0530(d)(1)(C).

- (A) The required designated parking spaces for carpool vehicles and zero emissions vehicles are to be provided within the overall minimum parking requirement, not in addition to it.
- (B) The required number of designated parking spaces for carpool vehicles and zero emissions vehicles shall be calculated based on the total number of automobile parking spaces required for the premises as follows:
- (i) Zero designated parking spaces for carpool vehicles and zero emissions vehicles if there are 0-9 automobile parking spaces on the premises.
 - (ii) One designated parking space for carpool vehicles and zero emissions vehicles if there are 10-25 automobile parking spaces on the premises.
 - (iii) Three designated parking spaces for carpool vehicles and zero emissions vehicles if there are 26-50 automobile parking spaces on the premises.
 - (iv) Six designated parking spaces for carpool vehicles and zero emissions vehicles if there are 51-75 automobile parking spaces on the premises.

- (v) Eight designated parking spaces for carpool vehicles and zero emissions vehicles if there are 76-100 automobile parking spaces on the premises.
 - (vi) Eleven designated parking spaces for carpool vehicles and zero emissions vehicles if there are 101-150 automobile parking spaces on the premises.
 - (vii) Sixteen designated parking spaces for carpool vehicles and zero emissions vehicles if there are 151-200 automobile parking spaces on the premises.
 - (viii) Designated parking spaces for carpool vehicles and zero emissions vehicles equal to at least 8% of the total automobile parking spaces on the premises if there are 201 or more automobile parking spaces on the premises.
- (C) The following are exempt from the requirements of Section 142.0530(d)(1)(B):
- (i) Proposed building additions that are less than 1,000 square feet; and
 - (ii) Improvements valued at less than \$200,000.
- (2) Carpool Required designated parking spaces for carpool vehicles and zero emissions vehicles shall be clearly labeled as designated

for any combination of carpool vehicles and zero emission vehicles, and shall be conveniently located close to employee entrances.

(3) If there is a charge for parking, ~~carpool~~ designated parking spaces for carpool vehicles and zero emissions vehicles shall be offered at a discount lower rate than the charge for other for-vehicles containing two or more persons.

(4) Required designated parking spaces for carpool vehicles and zero emissions vehicles may also be used by low-emitting and fuel-efficient vehicles, if the applicant determines that the designated parking spaces are otherwise underutilized.

(e) Bicycle Parking Spaces and Facilities

(1) Short-Term Bicycle Parking Spaces

(A) Short-term bicycle parking spaces are intended for use by visitors and shall be calculated based on the total number of automobile parking spaces required for the premises. Unless exempt under Section 142.0530(e)(1)(D), short-term bicycle parking spaces are required for non-residential development. The minimum number of required short-term bicycle parking spaces shall be two; or 0.1 per 1,000 square feet of building floor area, excluding floor area devoted to parking; or 5% of the required automobile parking space minimum, whichever is greater.

~~(1) The minimum number of required bicycle parking spaces is two.~~

~~(2) The maximum number of required bicycle parking spaces is 25.~~

~~These spaces can be accommodated with racks for 25 bicycle spaces or racks for 12 spaces and 12 bicycle lockers if lockers are also required.~~

(B) Short-term bicycle parking spaces shall be convenient and secure and shall consist of permanently-anchored bicycle racks located within 200 feet of a visitor entrance.

(C) A credit may be applied towards the short-term bicycle parking space requirement for existing bicycle parking spaces that are located in a permanently-anchored bicycle rack in the *public right-of-way* within 200 feet of a visitor entrance for the *development*.

(3D) The following uses are exempt from the short-term bicycle facilities parking space requirements:

(i) Proposed building additions that are less than 1,000 square feet; and

(ii) Improvements valued at less than \$200,000; and

(iii) The following uses:

Cemeteries, mausoleums, crematories;

Maintenance and repair uses;

Boarding kennels;

Pet grooming services;

Veterinary clinics and hospitals;

Vehicle and vehicular equipment sales and service
uses; and

~~Mining and extractive industries~~ Industrial uses

(2) Long-Term Bicycle Parking Spaces and Facilities

- (A) Long-term bicycle parking spaces are intended for use by employees and shall be required for non-residential development at a rate of 5% of the required automobile parking for any premises with more than ten full-time employees, unless exempt under Section 142.0530(e)(2)(D). The minimum number of required long-term bicycle parking spaces is one.
- (B) Long-term bicycle parking spaces shall include the following features:
- (i) Covered lockable enclosures with permanently-anchored bicycle racks;
 - (ii) Lockable bicycle rooms with permanently-anchored bicycle racks; or
 - (iii) Lockable, permanently-anchored bicycle lockers.
- (C) Where 10 or more long-term bicycle parking spaces are required, employee shower facilities shall be provided on the premises.

(D) The following are exempt from the long-term bicycle parking space and facilities requirements:

(i) Proposed building additions that are less than 1,000 square feet; and

(ii) Improvements valued at less than \$200,000.

(f) through (h) [No change in text.]

§142.0540 Exceptions to Parking Regulations for Nonresidential Uses

(a) Commercial Uses on Small Lots. Outside the beach impact area of the Parking Impact Overlay Zone, for *lots* that are ~~7,000~~ 10,000 square feet or less, that existed before January 1, 2000, ~~including abutting lots under common ownership,~~ the parking requirements set forth in Table 142-05H may be applied to all commercial uses at the option of the *applicant* as an alternative to the requirements set forth in Section 142.0530. The type of access listed in Table 142-05H determines the minimum number of required *off-street parking spaces*.

**Table 142-05H
Alternative Parking Requirement for
Commercial Uses on Small Lots [No change in text.]**

Footnote to Table 142-05H **Footnote to Table 142-05H** [No change in text.]

(b) through (c) [No change in text.]

§142.0545 Shared Parking Requirements

(a) [No change in text.]

(b) Shared Parking Formula. *Shared parking* is based upon the variations in the number of parking spaces needed (parking demand) over the course of the day for each of the proposed uses. The hour in which the highest

number of parking spaces is needed (peak parking demand) for the proposed *development*, based upon the standards in this section, determines the minimum number of required *off-street parking spaces* for the proposed *development*.

(1) through (6) [No change in text.]

(7) ~~Uses for which standards are not~~ The applicant may request approval of *shared parking* based on the latest Urban Land Institute Parking Study or equivalent study as an alternative to the parking demand rates provided in Tables 142-05I and 142-05J may nevertheless provide *shared parking* with the approval of a Neighborhood Development Permit, provided that if the applicant shows provides evidence to the satisfaction of the City Engineer that the standards used for the proposed *development* result in an accurate representation of alternative parking demand rates more accurately represent the parking demand and peak parking demand for the *development*.

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

§142.1205 **When Sign Regulations Apply**

This Division applies to all *signs* within the City unless otherwise specifically regulated. This Division applies to all construction within the City whether or not a permit or other approval is required. In addition, discretionary permits may also contain conditions that regulate *signs* on certain properties.

Table 142-12A shows the applicable regulations and type of permit required by this Division, if any, for specific types of *signs*.

**Table 142-12A
Sign Regulations Applicability**

Type of <i>Sign</i> or <i>Development Proposal</i>	Applicable Sections	Required Permit Type/Decision Process
Changing the copy of a <i>sign</i> and <i>sign</i> maintenance that does not involve structural and electrical changes through <i>Signs</i> required by law to be visible from the <i>public right-of-way</i> , other than <i>public utility</i> and safety <i>signs</i> , that do not have specified minimum dimensions	[No change in text.]	
Clocks or banners in the <i>public right-of-way</i>	142.1210	Public Public Right-of-Way Permit/Process One
Real estate <i>signs</i> through Any proposal to erect a <i>sign</i> in an open space zone	[No change in text.]	

§142.1290 La Jolla Commercial and Industrial Sign Control District

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

(e) On-Premises *Sign* Regulations for Subdistrict B

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

~~(5)~~(f) Abatement

Any *sign* not in compliance with the provisions of this section within 7 years from the effective date of the ordinance adopting these regulations shall be removed or brought into compliance unless the *sign* is granted an extension of time as set forth in Chapter 12, Article 9, Division 8 (Sign Permit Procedures). Any *sign* located on property subsequently placed in this *sign* district and not in compliance with the provisions of this section shall be removed or brought into compliance within 7 years from the

effective date of the ordinance establishing this *sign* district on the property unless the *sign* is granted an extension of time as set forth in Chapter 12, Article 9, Division 8.

(6) **Severability**

~~If any section, subsection, sentence, clause, or phrase of this section is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this section. The City Council hereby declares that it would have passed this ordinance, and each section, subsections, sentence, clause and phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases hereof be declared invalid or unconstitutional.~~

§143.0212 Need for Site-Specific Survey and Determination of Location of Historical Resources

(a) The City Manager shall determine the need for a site-specific survey for the purposes of obtaining a *construction permit* or *development permit* for *development* proposed for any parcel containing a *structure* that is 45 or more years old and not located within any area identified as exempt in the Historical Resources Guidelines of the Land Development Manual or for any parcel identified as sensitive on the Historical Resource Sensitivity Maps.

(1) Interior *development* and any modifications or repairs that are limited in scope to an electrical or plumbing/mechanical permit shall be exempt from the requirement to obtain a site specific

survey prior to approval of the applicable *construction permit* where the *development* would not include ~~ne~~ a change to the exterior of existing *structures*.

(2) In kind roof repair and replacement shall be exempt from the requirement to obtain a site-specific survey prior to approval of the applicable *construction permit*.

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

§143.0220 **Development Exempted from the Requirement to Obtain a Development Permit for Historical Resources**

The following *development* activities are exempt from the requirement to obtain a Neighborhood Development Permit or Site Development Permit. However, in all cases a *construction permit* is required.

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

(d) Any *development* on a parcel that has an *important archaeological site* and will not result in substantial alteration, demolition, destruction, removal, relocation, or *encroachment* into such resources during or after construction, subject to the following requirements.

(1) [No change in text.]

(2) ~~A 100-foot buffer measured from the edge of the *important archaeological site* shall be provided.~~

(3)(2) All documentation necessary to verify consistency with this subsection shall be provided by the *applicant* consistent with the Historical Resources Guidelines of the Land Development Manual.

~~(4)~~(3) The property owner shall sign an acknowledgment that no further *development* can occur on the property unless the *development* is reviewed and approved in accordance with this division.

(e) through (j) [No change in text.]

§1410.0104 Portions of the 2010 California Green Building Standards Code Not Adopted by the City of San Diego

(a) [No change in text.]

(b) “Reserved.” Sections 5.106.5.2.1 and 5.710.6.3.1 Parking stall marking.

§1410.0105 Modifications to the 2010 California Green Building Standards Code Adopted by the City of San Diego

(a) [No change in text.]

(b) “Reserved.” Sections 5.106.4.1 and 5.710.6.2.1 Short-Term bicycle parking.

(c) Sections 5.106.4.2 and 5.710.6.2.2 Long-Term bicycle parking.

(d) Sections 5.106.5.2 and 5.710.6.3 Designated parking.

§1410.0505 Bicycle Parking Spaces and Facilities for Non-Residential Uses

(a) Sections 5.106.4.1, 5.106.4.2, 5.710.6.2.1, 5.710.6.2.2 of the California Green Building Standards Code are adopted as modified pursuant to Section 1410.0105 of the San Diego Municipal Code in accordance with Sections 1410.0505(b) and 1410.0505(c).

(b) Sections 5.106.4.1 and 5.710.6.2.1 Short-Term bicycle parking. Non-residential *development* shall comply with Section 142.0530(e), which will result in more short-term bicycle parking spaces than otherwise required by the California Green Building Standards Code.

(c) Sections 5.106.4.2 and 5.710.6.2.2 Long-Term bicycle parking.

Non-residential development shall comply with Section 142.0530(e), which will result in more long-term bicycle parking spaces and facilities than otherwise required by the California Green Building Standards Code.

§1410.0510 Designated Parking Spaces for Carpool Vehicles and Zero Emissions Vehicles for Non-Residential Uses

- (a) Sections 5.106.5.2 and 5.710.6.3 of the California Green Building Standards Code are adopted as modified pursuant to Section 1410.0105 of the San Diego Municipal Code in accordance with Section 1410.0510(b).
- (b) Sections 5.106.5.2 and 5.710.6.3 Designated parking. Non-residential development shall comply with Section 142.0530(d), which will result in more designated parking spaces for low-emitting, fuel-efficient and carpool/vanpool vehicles than otherwise required by the California Green Building Standards Code.

§153.0101 Purpose and Intent

The public health, safety, and welfare necessitate distinctive development controls and requirements for capital improvements and public facilities in order to systematically implement the phased growth of Carmel Valley. The regulations contained herein are in keeping with the objectives and proposals of the ~~Progress Guide and~~ General Plan for the City of San Diego, of the Carmel Valley Planned District, and of precise plans adopted in accordance with the community plan. All development plans and subdivisions shall conform to the adopted precise plan. The regulations contained herein shall apply to any development, building or construction; but shall not apply to subdivision or parcel maps which provide

solely for financing and, in themselves, authorize no development, construction or building.

§158.0101 Purpose and Intent

The purpose of the Golden Hill Planned District is to ensure that the development and redevelopment of multi-family and commercial neighborhoods in Golden Hill will be accomplished in a manner that will preserve and enhance the community's diverse architectural, historical and cultural characteristics, as well as the overall quality of life in the community. It is also intended to preserve and complement the historically and architecturally significant structures located throughout the district. In addition, the purpose of the Golden Hill Planned District is to implement the goals and objectives of the adopted Golden Hill Community Plan (1988) and the ~~Progress Guide~~ and General Plan of the City of San Diego.

§159.0101 Purpose and Intent

(a) It is the purpose of the La Jolla Planned District to require that development and redevelopment of land in the central core area, outlying neighborhood commercial centers, and the cultural and multi-family areas west and north of the village commercial core of La Jolla will be accomplished in a manner that retains and enhances the economic, historical, architectural, educational, civic, social, cultural, and aesthetic values, and the overall quality of life within the community. The intent is to implement the goals and objectives of the adopted La Jolla Community Plan (1976), the La Jolla - La Jolla Shores Local Coastal Program

Addendum (1983), and the ~~Progress Guide and~~ General Plan of the City of San Diego.

(b) through (c) [No change in text.]

§1510.0101 Purpose and Intent

(a) [No change in text.]

(b) The development of land in La Jolla Shores should be controlled so as to protect and enhance the area's unique ocean-oriented setting, architectural character and natural terrain and enable the area to maintain its distinctive identity as part of one of the outstanding residential areas of the Pacific Coast. The proper development of La Jolla Shores is in keeping with the objectives and proposals of the ~~Progress Guide and~~ General Plan for the City of San Diego, of the La Jolla Community Plan, and of the La Jolla Shores Precise Plan.

§1510.0303 Single-Family Zone - Permitted Uses

In the Single-Family (SF) Zone, designated on that certain map referenced in Section 1510.0102, no building or improvement or portion thereof shall be erected, constructed, converted, established, altered, or enlarged, nor shall any premises be used except for one or more of the following uses:

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

(e) Churches, temples or buildings of a permanent nature, used primarily for religious purposes as a ~~conditional use subject to a Process Three Conditional Use Permit in accordance with Land Development Code Section 141.0404 (Separately Regulated Use Regulations).~~

(f) through (g) [No change in text.]

§1512.0101 Purpose and Intent

The purpose of the Mid-City Communities Planned District is to assist in implementing the goals and objectives of the adopted community plans for older, developed communities generally located east of Interstate 5 and south of Interstate 8 and to assist in implementation of the ~~Progress Guide and General Plan~~ of The City of San Diego. These adopted community plans include the Greater North Park Community Plan and the Uptown Community Plan.

Additionally, the purpose of the Mid-City Communities Planned District is to accommodate commercial establishments that provide a full range of consumer goods and services and which are of a scale and design that is compatible with surrounding and planned development.

The intent of the alternating scheme of commercial zones is to provide for distinctive nodes of high intensity, pedestrian-oriented development (CN "Commercial Node" zones), interspersed with linear areas of multiple (commercial and residential) uses with either an automobile orientation (CL "Commercial Linear" zones) or pedestrian-orientation (CV "Commercial Village" zones). In addition, businesses and professional offices and allied services are provided for in areas adjacent to commercial or institutional areas (NP "Neighborhood Professional Commercial Office" zones). In order to facilitate the economic development of commercial establishments, a provision is made for commercial expansion off of main corridors (CN-T, CL-T, CV-T and NP-T zones).

It is also the purpose of the Mid-City Communities Planned District to encourage the development of quality multiple residential structures within the Greater North Park and Uptown communities, which relate in scale and design to the surrounding neighborhood, and provide an attractive street environment (MR zones). For the facility-deficient neighborhoods shown on Map Number B-4104, it is also the purpose of this Division to limit residential development until adequate public facilities are available.

§1515.0101 Purpose and Intent

The purpose of the Mount Hope Planned District Ordinance is to aid in the principles of neighborhood revitalization by: 1) Allowing for the integration of residences, commerce, industry and recreation, 2) Preserving and upgrading residential neighborhoods, and 3) Encouraging the development of new retail and commercial uses. The intent of the Mount Hope Planned District Ordinance is to implement the Mount Hope Redevelopment Project. The proper development and redevelopment of Mount Hope is in keeping with the objectives and proposals of the ~~Progress Guide and~~ General Plan for the City of San Diego and of the Southeast San Diego Community Plan.

§1516.0101 Purpose and Intent

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

(c) The Old Town San Diego Planned District Ordinance is in keeping with the objectives and proposals of the Old Town San Diego Community Plan and the City of San Diego ~~Progress Guide and~~ General Plan.

§1519.0302 Single-Family (SF) Residential Zoning Regulations SF-40,000, SF-20,000, SF-15,000, SF-10,000 SF-8,000, SF-6,000, SF-5,000

(a) Purpose and Intent

The single-family (SF) zones are designed to provide for areas of one-family residential *development* at varying levels of low density, consistent with the ~~Progress Guide and~~ General Plan or adopted community plans within the Southeastern San Diego Planned District. Further, the provisions of these standards are intended to promote and protect those special amenities associated with a district of single-family homes.

(b) through (g) [No change in text.]

§1519.0303 Multiple-Family Residential Zone Regulations - MF-3000, MF-2500, MF-2000, MF-1750, MF-1500

(a) Purpose and Intent

The multiple-family (MF) zones are primarily intended to provide for multiple-family residential development at varying densities ranging up to 45 dwelling units per net residential acre. The multiple-family zones are applied consistent with the ~~Progress Guide and~~ General Plan and adopted Southeastern San Diego Community Plan.

(b) through (i)]No change in text.]

Article 19: Southeastern San Diego Planned District

Appendix A: Uses

Legend [No change in text.]

Permitted Uses	Residential Zones		Commercial Zones			Industrial Zones	
	SF	MF	1	2	3	I-1	I-2
Residential through Residential , Churches, Temples or Buildings of a Permanent Nature Used for Religious Purposes [No change in text.]							
Companion Units	<u>SP</u> <u>L⁽⁸⁾</u>	<u>P L⁽⁸⁾</u>	-	-	-	-	-
Residential , Elderly or Handicapped Housing through Residential , Fraternities, Sororities	[No change in text.]						
Guest Quarters	<u>SP</u> <u>L⁽⁹⁾</u>	<u>P L⁽⁹⁾</u>	-	-	-	-	-
Residential , Institution / Home-Full Time Child Care (Maximum 15 Children under 16 Years) through The following business and professional establishments ; Addressing and Secretarial Services [No change in text.]	[No change in text.]						

Footnotes for Appendix A: Uses

¹ through ⁷ [No change in text.]

⁸ Companion units shall be permitted in accordance with Section 141.0302.

⁹ Guest quarters shall be permitted in accordance with Section 141.0306.

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05/14/13 Rev.Corr.

Or.Dept: DSD

Document No. 497531_5

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 7, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 127.0102, AND AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 131.0443 RELATED TO DEVELOPMENT IN PREVIOUSLY CONFORMING SETBACKS

§127.0102 General Rules for Previously Conforming Premises and Uses

The following general rules apply to all *previously conforming premises* and uses:

(a) through (j) [No change in text.]

(k) ~~Where *previously conforming development* provides a *setback* less than the current requirement, new *development* on the *premises* may be located in compliance with the *previously conforming setback* for up to 50 percent of the length of the *building envelope* on a *floor-by-floor* basis.~~

§131.0443 Setback Requirements in Residential Zones

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

(d) *Setbacks* in RM-1-1, RM-1-2, RM-1-3 Zones

(1) [No change in text.]

(2) *Side Setbacks* in RM-1-1, RM-1-2, RM-1-3 Zones

(A) through (B) [No change in text.]

(C) Where there is an existing *development on the premises* with the side *setback* less than the current requirement and the building is to be maintained, new *development* may observe the existing side *setback* for 50 percent of the length of the *building envelope* on a *floor-by-floor* basis.

(e) through (h) [No change in text.]

(i) ~~New *development on a premises* with a *previously conforming setback* may be located in compliance with the existing *previously conforming setback* if consistent with Section 127.0102(k).~~

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