

CALIFORNIA COASTAL COMMISSION

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



Th9b

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original staff report

Addendum

September 1, 2016

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item Th9b**, Coastal Commission Local Coastal Program
Amendment Application No. **LCP-6-SAN-16-0027-4 (10th Update)**, for
the Commission Meeting of Thursday, September 8, 2016

The purpose of this addendum is to attach a public letter of support as an exhibit. Staff recommends the following changes be made to the above-referenced staff report. Deletions shall be marked by a ~~strike through~~ and additions shall be underlined:

1. Add Exhibit 2 – Letter of Support

■ Anthony A. Ciani, Architect 220 Walnut Street, Pacific Grove, California 93950

ITEM: th9b
DATE: 9/8/2016

September 1, 2016

California Coastal Commission
SAN DIEGO AREA
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4421

Attention: Alexander Llerandi, Coastal Planner, via: alexander.llerandi@coastal.ca.gov

RE: CITY OF SAN DIEGO LCP AMENDMENT NO. LCP-6-SAN-16-0027-4 (10th LDC
Update

Dear Commissioners:

The modifications recommended by your staff to the City of San Diego's 10th Land Development Code are important to ensure capital improvements are not constructed years after new knowledge and information, or laws could determine the development would result in significant adverse impacts, including cumulative impacts to coastal resources and public access. The City and Coastal Commission must remain agile in response to (potential) changes to the conditions and circumstances that influence development including the infrastructure. Increasing the permit extension period for CDPs could fix solutions to out of date technology, especially regarding protecting the ocean, bays and wetlands from debris and pollution in storm water outfalls, or sewer systems, etc.

In San Diego's coastal communities, many informal public access ways and vistas in to the sea have been lost when the City allowed property owners to invade public right of ways leading directly to the shoreline and ocean, to construct private patios, landscaping or building additions. Despite the policies in the La Jolla LUP to protect them, the privatization of "paper streets" such as Moss Lane, Coral Lane and Bandera Place in Bird Rock; or Mira Monte Place and Costa Place are still an issue. The same is true for Mission Beach, such as along the board walk and in Ocean Beach. The Coastal Act and LCP's are essential to protect the public's rights, views and access at these public right of ways. Therefore, please adopt the staff recommendations to modify the City's proposed update.

Respectfully,

Tony Ciani



CALIFORNIA COASTAL COMMISSION

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



August 25, 2016

Th9b

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. LCP-6-SAN-16-0027-4 (10th Update to the Land
Development Code) for Commission Meeting of September 7-9, 2016**

SYNOPSIS

On May 25, 2016, the City of San Diego submitted its first major LCP amendment package for the 2016 calendar year to the San Diego District office. The submittal includes five unrelated items: LCP-6-CCP-16-0025-2 (Downtown Employment Overlay Zone Amendments); LCP-6-SAN-16-0026-3 (Rooming House Ordinance); LCP-6-SAN-16-0027-4 (10th Update to the Land Development Code); LCP-6-NOC-16-0028 (Tierra Alta); and LCP-6-MBE-16-0029-6 (Mission Beach Residences). On June 9, 2016, Commission staff deemed the entire submittal non-filed due to outstanding information regarding three of the items: the Downtown Employment Overlay Zone Amendments, Tierra Alta, and Mission Beach Residences. Since that time, the City of San Diego formally withdrew the Tierra Alta item on June 29, 2016, and submitted the outstanding information regarding the Employment Overlay Zone Amendments on July 25, 2016, leaving the Mission Beach Residences as the only item with necessary information still outstanding. As such, that submittal remains unfiled and the last date for Commission action on this item is still undetermined. Regardless, the Coastal Commission approved the Rooming House Ordinance at the August 11, 2016 Commission hearing. The 10th Update item has been deemed complete and is the only segment currently before the Commission.

SUMMARY OF AMENDMENT REQUEST

The subject amendment request consists of approximately 40 separate items, and represents the 10th Update of the certified Land Development Code, the Implementation Plan (IP), 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 processing, calculating measurements, parking, and minor corrections.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending the Commission first reject the proposed amendment as submitted and then approve the proposed amendment with suggested modifications. The two issues to be resolved in the 10th Update relate to the duration of approved development permits for the City's Capital Improvement Program Projects (CIPP) and exempting certain encroachments into the public right-of-way from discretionary permit review.

As submitted, the amendment would significantly increase the period of time during which the City could initiate a CIPP pursuant to an approved discretionary permit from three years to ten years. The certified LCP currently allows development permits to obtain a three-year extension should the required findings regarding no changed physical and legal circumstances be made (thus increasing the permit length to a total six years maximum), whereas the proposed amendment would remove the need for the changed circumstances review and instead grant a blanket ten-year permit period for CIPPs. Due to the ever-changing nature of the state's coastal zone, both legal and physical circumstances can change fairly rapidly in a relatively short period of time, especially in comparison to inland areas of the City. Furthermore, CIPPs can cover a variety of projects that range from sewer pump stations to City-owned golf courses to life guard stations. Thus, the size and location of CIPPs within an ever changing physical environment makes a review for potential changed circumstances after an extended period of time a prudent course of action in order to better avoid coastal hazards in development and adverse impacts to coastal resources. To ensure that such a review happens in the event that a CIPP is delayed for an extended period of time, the suggested modification will make CIPP development permits effective for six years, with any extension beyond that time dependent on required findings being made regarding changed circumstances.

The second issue related to exempting certain below and above-grade encroachments by private development into the public right-of-way from discretionary review. The proposal creates a broad exemption for a type of encroachment that could adversely impact public views or visual integrity, such as blocking public view corridors. Because the City has communicated that the proposed amendment was motivated by development within the downtown area, the majority of which is located outside of the coastal zone, the suggested modification to make the proposed exemption only effective outside the City's Coastal Overlay Zone will allow the City to achieve its goal of streamlining such development within the quickly developing downtown area while still preserving the integrity of discretionary review within the City's coastal areas.

Staff is recommending rejection of the proposed amendment, as submitted, and then approval of the amendment with suggested modifications. The amendment request, as modified, and the LDC would remain consistent with the City's many certified Land Use Plans (LUPs). The appropriate resolutions and motions begin on Page 4. The findings for approval begin on Page 5. The findings for rejecting the amendment as submitted begin on Page 12. The findings for approval of the amendment, as modified, begin on Page 12.

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 15 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 LCP-6-SAN-16-0027-4 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 resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

- I. MOTION I:** *I move that the Commission reject the Implementation Program Amendment No. LCP-6-SAN-16-0027-4 for the City of San Diego certified LCP, as submitted.*

STAFF RECOMMENDATION OF REJECTION AS SUBMITTED:

Staff recommends a **YES** vote. Passage of this motion will result in rejection 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 DENY IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby denies certification of the Implementation Program Amendment submitted for the City of San Diego and adopts the findings set forth below on grounds that the Implementation Program amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan(s). Certification of the Implementation Program amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program amendment as submitted.

- II. MOTION II:** *I move that the Commission certify the Implementation Program Amendment No. LCP-6-SAN-16-0027-4 for the City of San Diego if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION OF CERTIFICATION AS MODIFIED:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Program Amendment with suggested modifications 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 THE IMPLEMENTATION PROGRAM AMENDMENT WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Implementation Program Amendment for the City of San Diego if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program Amendment, with the suggested modifications, conforms with and is adequate to carry out the certified Land Use Plan(s). Certification of

the Implementation Program Amendment if modified as suggested complies with 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 and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

PART III. SUGGESTED MODIFICATIONS

Staff recommends the following suggested modifications to the proposed Implementation Plan be adopted. The underlined sections represent language that the Commission suggests be added, and the sections shown in ~~strikeout~~ represent language which the Commission suggests be deleted from the language as originally submitted.

1. Please revise Chapter 12, Sub-section 126.0108(d), Utilization of a Development Permit, to read as follows:

§126.0108 Utilization of a Development Permit

(a) A development permit grants the permit holder 36 months to initiate utilization of the development permit. If utilization does not occur in accordance with this Section within 36 months after the date on which all rights of appeal have expired, and an application for an extension of time was not timely filed, the development permit shall be void.

(b) To demonstrate utilization, the permit holder shall establish, with evidence identified in Section 126.0108(c), that at least one of the following circumstances occurred before expiration of the development permit:

- (1) Significant investment was incurred to meet permit conditions;
- (2) Substantial work was performed in reliance on the development permit granted; or
- (3) Use of the property has occurred in the manner granted by the development permit.

(c) Upon request, the permit holder shall provide evidence of the following, to the satisfaction of the City Manager:

- (1) Issuance of a construction permit for the entire project or for a substantial portion of the activity regulated by the development permit, according to standards developed by the City Manager;
- (2) Compliance with the terms contained in the individual permit, such as a phasing program, or the terms contained in an approved Development Agreement;

- (3) Evidence of substantial use as granted by the development permit, according to standards developed by the City Manager;
- (4) Approval of a final map or a parcel map, or acceptance of an easement, if the map or easement was a condition of, or was processed concurrently with, the development permit; or
- (5) Other facts demonstrating the occurrence of any of the circumstances described in Section 126.0108(b).

(d) Development permits for capital improvement program projects are exempt from the permit utilization requirement of Section 126.0108(a), except that:

- (1) Outside of the Coastal Overlay Zone, if 10 years has passed from the date on which all rights of appeal have expired and the City is unable to establish, with evidence in accordance with Section 126.0108(c), that at least one of the circumstances identified in Section 126.0108(b) occurred, then the development permit shall be void.
- (2) In the Coastal Overlay Zone, if 6 years has passed from the date on which all rights of appeal have expired and the City is unable to establish, with evidence in accordance with Section 126.0108(c), that at least one of the circumstances identified in Section 126.0108(b) occurred, then an extension not to exceed 36 months shall be obtained by the City pursuant to Section 126.0111, or the development permit shall be void. If upon expiration of the extension the City is unable to establish, with evidence in accordance with Section 126.0108(c), that at least one of the circumstances identified in Section 126.0108(b) occurred, then the development permit shall be void.

- 2. Please revise Chapter 12, Sub-section 129.0710(a)(9), How to Apply for a Public Right-of-Way Permit, to read as follows:

§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 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, which are subject to approval by the City Engineer in accordance with Process One:

- (1) Private hardscape improvements in the public right-of-way including ramps required to accommodate required access for disabled persons;
- (2) Fences or walls that meet the following criteria:
 - (A) There is no present use for the subject public right-of-way;
 - (B) The proposed encroachment is consistent with the underlying zone, city standards, and policies;
 - (C) The proposed encroachment shall be 3 feet or less in height.
- (3) The encroachment is permitted under Chapter 6, Article 2, Division 11 (Utilities) or as a private underground utility service to the applicant's property.
- (4) The encroachment is permitted under Section 141.0619(b) (Pushcarts).
- (5) The encroachment is permitted under Chapter 6, Article 2, Division 10 (News racks).
- (6) The encroachment is permitted under Section 141.0621 (Sidewalk Cafes).
- (7) Temporary monitoring wells in the public right-of-way.
- (8) Encroachments for temporary shoring and tie-backs.
- (9) Outside of the Coastal Overlay Zone, encroachment of below-grade structures into the public right-of-way up to 3 feet behind the existing curb line and at least 3 feet below the existing curb line, or encroachment of above-grade structures into the public right-of-way up to 4 feet and at least 8 feet above the finished grade of the curb line.

PART IV. FINDINGS FOR REJECTION OF THE CITY OF SAN DIEGO IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED

A. AMENDMENT DESCRIPTION

The subject amendment request consists of approximately 40 separate items, and represents the 10th 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 processing, calculating measurements, parking, and minor corrections.

This update is similar to past updates in that it addresses a number of different categories of the LDC, including the aforementioned development permit duration, how to calculate certain measurements, determining the applicable permit process, permitted industrial uses such as dog boarding and kennel facilities, residential uses such as educational facilities and cottage industries, parking changes such as permitting shared parking lots to be located within 1,200 feet of the use as opposed to the current 600 feet, compliance with State law, and minor corrections. Many of the requested updates are simple changes in nomenclature or correcting references to other regulations in the code.

While some of the update addresses how measurements and calculations are to be obtained, the standards themselves are not changed. Instead, the explanation of how to measure and calculate has been simplified to be more understandable for any developer, homeowner, or concerned citizen. Included among those regulations are landscape area requirements and water budgeting standards for those areas subject to statewide regulations addressing the ongoing drought conditions. Finally, it should be noted that as originally submitted, the City proposed a categorical exclusion for single family residences from obtaining a coastal development permit, subject to certain criteria being present. However, after discussion with Commission staff, both parties agreed that it would be more proper to apply for such a categorical exclusion as a standalone submission subject to the Commission's categorical exclusion regulations.

In the case of the City of San Diego, it has developed community planning areas based on its established neighborhoods and future urbanizing area. Predicated on those community planning areas, the City utilized the geographic segmentation provisions of the LCP regulations and developed its land use plan component covering twelve different communities (i.e., North City, La Jolla, Pacific Beach, Mission Beach, Ocean Beach, Peninsula, Otay-Mesa Nestor). These community plans or LCP Land Use Plans contain policies that seek to reduce risk from coastal hazards and protect, or where possible enhance, public access and public views. The Commission's review of the proposed changes to the Land Development Code must assure that development is approved only when consistent with the certified LCP.

While the majority of the proposed amendment is acceptable, there are two provisions that raise Coastal Act concerns and cannot be found consistent with the certified LUPs, and require that the 10th Update be rejected as submitted.

B. FINDINGS FOR REJECTION

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.

1. Duration of Development Permits for Capital Improvement Projects:

The subject amendment to the LCP contains proposed provisions within Section 126.0108 that greatly expand the allowable period during which a City Capital Improvement Program Project can be initiated. The proposal would allow a development permit for a CIPP to be effective for ten years, with no extension or any review for

changed legal or physical circumstances required during that period. Section 126.0108(d) as proposed to be amended states:

§126.0108(d) Utilization of a Development Permit

(a) Through (c) [No change in text]

(d) Development permits for capital improvement program projects are exempt from the permit utilization requirements of Section 126.0108(a), except that if 10 years has passed from the date on which all rights of appeal have expired and the City is unable to establish, with evidence in accordance with Section 126.0108(c), that at least one of the circumstances identified in Section 126.0108(b) occurred, then the development permit shall be void.

The proposed amendment creates potential conflict with coastal resource protection policies of the certified LUPs, specifically with regard to protection of bluffs and other sensitive geological features, as those are under constant wear from coastal processes and subject to both gradual erosion and episodic periods of collapse. Listed below are shoreline development and adaptation standards, hazard reduction, and resource protection policies contained in the certified Land Use Plan segments in the Coastal Overlay Zone for the City of San Diego.

Ocean Beach Land Use Plan

- 7.3.5 Develop and implement shoreline management strategies to ensure all shoreline development will provide long term protection of the coastal bluffs, beaches, and public coastal access in the community.
 - a. Require assumption of risk and a waiver of rights to future shoreline protection for any new bluff top development or redevelopment.
 - b. Tie a shoreline protective device to the life of the structure it has been permitted to protect and address the feasibility of removing such devices when the structure it is authorized to protect is demolished, redeveloped, or no longer requires a protective device, whichever occurs first...
- 7.3.8 Preserve and protect coastal bluffs, beaches, and shoreline areas. Encourage the retreat of existing development from the coastal bluff edge, and the removal of shoreline protective devices with proposals for development. Use the coastal development permit approval process to require additions and accessory structures to be landward of the bluff edge setback line...

La Jolla 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.

- Development on coastal bluffs should be set back sufficiently from the bluff edge to avoid the need for shoreline or bluff erosion devices so as not to impact the geology and visual quality of the bluff and/or public access along the shoreline.
- The City should establish incentives to encourage the location of new or redevelopment landward of the bluff edge setback line.

Because many capital improvement projects within the City's coastal zone are located adjacent to or in close proximity to the coastline, the same shoreline hazard and protection policies that apply to private development also apply to the City's improvements. As such, the same concerns about protecting coastal resources and view sheds such as bluffs, sandy beaches, and public views apply. In order to ensure that the best practices and design are being implemented, and to recognize and reassess conditions and the environmental change over time, it is necessary to understand the conditions in which the project will be constructed. To that end, the certified Land Development Code currently requires certain findings be made before an extension of a development permit can be approved:

§126.0111 Extension of Time of a Development Permit

[...]

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

- (1) The project as originally approved would not place the occupants of the proposed development or the immediate community in a condition dangerous to their health and safety;
- (2) There are no changed circumstances which would affect the project's consistency with the Local Coastal Program; and
- (3) No new condition is required to comply with state or federal law.

(h) Denial of the Extension of Time. The decision maker shall deny the extension of time if the project, even as conditioned, would place the residents of the proposed development or the immediate community in a condition dangerous to their health or safety, or would not comply with state or federal law.

The City's proposal would allow CIPPs to be exempted from the above review for changed conditions for ten years, potentially allowing a substantial project to proceed almost a decade after approval whilst some unidentified changed circumstance in fact or law no longer made the approved project appropriate or the least impactful alternative. This would be inconsistent with the certified LUP policies protecting coastal resources such as coastal bluffs and sandy beaches.

2. Exemption of Encroachments Into Public Right-of-Way From Discretionary Review:

The subject amendment to the LCP contains proposed provisions within Section 129.0710(a) that expand the allowable private development in the public right-of-way that can be exempt from discretionary review to include below-grade and above-grade (if located more than 8 feet from grade) structures up to a certain distance. Section 129.0710(a) as proposed to be amended states:

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

- (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, which are subject to approval by the City Engineer in accordance with Process One:

(1) Through (8) [No change in text.]

- (9) Encroachment of below-grade structure into the public right-of-way up to 3 feet behind the existing curb line and at least 3 feet below the existing curb line, or encroachment of above-grade structures into the public right-of-way up to 4 feet and at least 8 feet above the finished grade of the curb line.

The proposed amendment creates potential conflict with the certified LUP policies that protect public views of the coast, as many of the public view corridors are down public right-of-ways between existing private developments. The encroachment of private development into these public right-of-ways could block views in areas where much of the coastal view is already impacted by private development, making a limited public right-of-way view even smaller. Listed below are public view protection policies contained in the certified Land Use Plan segments in the Coastal Overlay Zone for the City of San Diego.

Ocean Beach Land Use Plan

- 4.6.1 Design multi-story buildings to avoid “walling off” public views and incorporate building articulation techniques including front, side and rear and upper story step backs, and aligning gable end with view corridor to maximize public coastal views.

La Jolla Land Use Plan

- Maintain the identified public views to and from these amenities [open space and park areas] in order to achieve a beneficial relationship between the natural or unimproved and developed areas of the community.
- Public views from identified vantage points, to and from La Jolla's community landmarks and scenic vistas of the ocean, beach and bluff areas, hillsides and canyons shall be retained and enhanced for public use.
- Public views to the ocean from the first public roadway adjacent to the ocean shall be preserved and enhanced, including visual access across private coastal properties at yards and setbacks.

Mission Beach Land Use Plan

- Views to and along the shoreline from public areas shall be protected from blockage by development and or vegetation. This proposal is consistent with the Plan's intent to preserve and improve the physical appearance and character of the Mission Beach community.

Due to the hilly topography of many of San Diego's coastal communities, such as La Jolla and Ocean Beach, the provision in the City's proposal that only structural encroachments more than 8 feet above grade would be exempt still leaves the likelihood that such encroachments from private structures would adversely impact public views of the coast from further up the view corridor, be it a street or open space area. Within densely developed communities such as Mission Beach, the narrow pedestrian walks and places, as well as the alleys, provide the only view corridors in much of the area, and keeping areas free of encroachments is especially important.

Thus, with respect to the 10th Update's proposed amendments to the regulations governing development permit duration and structural encroachments, the language as proposed does not meet the intent of many of the applicable LUPs' coastal resource policies calling for abatement of coastal hazards and protection of public access and public views, and should be rejected as submitted.

PART V. FINDINGS FOR APPROVAL OF THE CITY OF SAN DIEGO IMPLEMENTATION PLAN AMENDMENT, IF MODIFIED

Duration of Development Permits for Capital Improvement Program Projects:

The suggested modification to the 10th Update's amendment to the regulations governing the duration of development permits for CIPPs will implement the policies of the certified LUPs. Because CIPPs in the Coastal Overlay Zone have risk from coastal hazards, as well as the potential to adversely impact public access and public views, special attention should be paid to ensure that CIPPs undergo a reassessment for changed circumstances. The City's proposal is motivated by past project experience that has demonstrated that due their size, sizeable budgeting needs, and requirement to obtain permit approvals from multiple government agencies (many of which require public

hearings), the City's capital improvement projects can take many years from permit approval to project initiation, and that the current permit duration for CIPPS can be insufficient and put the projects at risk of permit expiration. It is not the Coastal Commission's intent to burden the City's duty to provide sufficient capital improvements to serve the public interest in the coastal zone, but some reassessment and public process is appropriate. The suggested modifications allow the duration of the CIPP development permits to increase from three years to six, with an additional extension of up to three years permissible upon the making of required findings already called for in the certified LCP. This approach accommodates the City's desire to provide longer permit duration but maintains an opportunity for a reassessment of the project's merits and changed circumstances.

Exemption of Encroachments Into Public Right-of-Way From Discretionary Review:

The suggested modification to the 10th Update's amendment to the regulations governing the exemption of private encroachments into the public right-of-way will implement the policies of the certified LUPs. Because encroachments into the public right-of-way in the Coastal Overlay Zone risk blocking public views or adversely affecting viewsheds and visual quality, special attention should be paid to ensure that such encroachments are not allowed or, if permissible, are properly considered to ensure that no adverse impacts to public views will occur. Because the City's proposal was in response to issues arising within the downtown area outside of the coastal zone, and there are numerous provisions in the certified LUPs requiring the protection of view corridors, the encroachment exemption should not be applicable within the City's Coastal Overlay Zone. The suggested modification removes this exemption from the Coastal Zone, thus meeting the LUP's intent to protect public views and encourage architectural articulation.

Permit Process Amendments

A quarter of the 10th Update - ten amendments – is dedicated to various permit processing amendments intended to clarify and streamline application and review of various project types. These amendments clarify expiration dates, consolidation of review processes, fees, time periods for filing appeals, cancellation of a permit, consistency between City and State CEQA processes, and various requirements for certain reviews. These amendments do not lessen public participation or notice in matters affecting coastal resources, and thus do not conflict with the intent of the certified LUPs.

Changes in Permitted Uses

The 10th Update contains provisions to allow educational facilities from kindergarten through 12th Grade as a limited use in multi-family residential, regional commercial, and community commercial zone where the facility does not exceed 300 students or it is replacing a school with greater enrollment but not increasing the enrollment, as well as allowing one-on-one teaching facilities with a maximum capacity of 50 students. While educational facilities can be sizeable and cause secondary impacts to surrounding traffic and parking, several certified LUPs recognize the importance educational facilities play in establishing a community's character and ensuring its longevity and resident's ties to

the community. Because the proposed amendment places a limit on student enrollment, the need for educational facilities and their impacts can be balanced.

The amendment is also allowing dog boarding facilities as a limited use in certain prime industrial lands. Industrial lands provide an economic support base for a community and can serve many coastal dependent industries. However, dog boarding facilities are not considered a “sensitive use,” and thus their presence in certain industrial lands should not adversely impact the ability of existing or proposed industrial uses from continuing to operate.

Definition and Measurement Amendments

These changes are relatively minor and clarify how to measure visibility triangles for structures, the separation distance between uses (such as alcoholic beverage establishments and schools), floor area calculations for mixed uses, and drive-through queuing space for vehicles. These amendments do not change any substantive limits on when or where these features can be used, just how they are measured. Thus, the modified regulations remain consistent with the certified LUPs.

Parking Amendments

The 10th Update’s four parking amendments are relatively minor, reducing parking standard for affordable housing developments and increasing the distance a shared parking lot can be located from a use from 600 feet to 1,200 feet. The former helps the City pursue its goal of incentivizing the construction of affordable residences while the latter encourages a greater pedestrian oriented character in communities. These changes are relatively minor and have limited effect in the coastal zone, and thus neither of these amendments conflict with the standards of the certified LUPs.

Minor Corrections

These seven amendments merely update terminology, delete incorrect or obsolete cross-references, or correct spelling or grammatical errors, and do not affect consistency with the certified LUPs.

In addition, while not needing any modification, there are certain proposed provisions that warrant additional comment. The 10th Update, as submitted, does contain provisions amending Planned Development Permit (PDP) regulations to provide a process to approve increased density for multiple dwelling unit residential development, where increased density is provided for in the adopted LUP. It is important to note that this amendment proposes no specific rezone, as such rezones must be associated with a specific LUP and rezone amendment. Thus, such increased density in a PDP review will be judged on a case-by-case basis.

The 10th Update also contains an amendment to Section 143.0146, Supplemental Regulations for Special Flood Hazard Areas. The City incorporated this proposed amendment at the behest of the Federal Emergency Management Agency (FEMA), which oversees national flood rate maps and flood insurance. The proposed amendment

language is based on model ordinance language that FEMA distributes to local governments. The amendment language sets standards for development that might occur in flood zones and coastal high hazard areas. However, multiple provisions of the certified LCP prohibit or strictly regulate any coastal development in flood areas. Thus, it is important to be clear that the proposed supplemental language from FEMA, while describing development standards, does not create any new development rights above and beyond what is already allowed by the certified LCP. To ensure that an erroneous interpretation does not arise, the proposed language is contained in Section 143.0146, which, as titled, is supplemental to Section 143.0145, Development Regulations for Special Flood Areas, which is itself contained within the City's certified Environmentally Sensitive Land regulations. Thus, before the proposed amendment language is even applied to a proposed project that may be in a flood plain, it must first have all the preceding aforementioned regulations applied to it to ensure that no currently prohibited development can occur. Furthermore, with regards to Open Space zones, the LCP also strictly regulates what, if any development can occur within such areas (such as requiring minimum lot sizes to be 10 acres so as to limit density and preserve open space characteristics). As with the flood zone regulations, these strict limits are still applicable and are not being substantively altered in this update, nor are any new development rights being created. Thus, while the 10th Update introduces language governing development within flood ways, it does not create any new development rights within such areas. Thus, the amendment has limited application that is consistent with the certified land use plans.

In summary, the remainder of the 10th Update amendments addresses the details of project development, without changing the basic concept of what is allowed in different areas. They do not modify or conflict with the policies or standards of individual certified LUP segments because they pertain to the "how" of things rather than the "where" or "when." For the most part, the proposed revisions do not significantly modify any development standards that would affect implementation of the City's LCP.

Therefore, the 10th Update to the City of San Diego LCP, as modified, is consistent with, and adequate to carry out, the certified LUPs.

PART VI. 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 10th Update were reviewed by the City's Environmental Analysis Section. City staff determined, in accordance with CEQA Guidelines Section 15162(a), that no subsequent EIR or other environmental document is

needed for the adoption of the 10th 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

OLD LANGUAGE: ~~Struck-Out~~
NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 2, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 112.0301 AND 112.0302; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 5 BY AMENDING SECTIONS 112.0505 AND 112.0507; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 113.0103; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 2 BY AMENDING SECTIONS 113.0225, 113.0234, AND 113.0273; AMENDING CHAPTER 12, ARTICLE 1, DIVISION 3 BY AMENDING SECTIONS 121.0314 AND 121.0315; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 1 BY AMENDING SECTION 126.0108; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 126.0303; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 4 BY AMENDING SECTION 126.0402; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 7 BY AMENDING SECTION 126.0707; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 2 BY AMENDING SECTION 129.0203; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 3 BY AMENDING SECTION 129.0308; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 7 BY AMENDING SECTION 129.0710; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTIONS 131.0222 AND 131.0231; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTIONS 131.0322 AND 131.0331; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTIONS 131.0422 AND 131.0431; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTIONS 131.0522 AND 131.0531; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTIONS 131.0601, 131.0622, AND 131.0631; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 141.0308 AND REPEALING SECTION 141.0310; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 141.0407 AND BY ADDING NEW

EXHIBIT NO. 1
APPLICATION NO.
LCP-6-SAN-16-027-4
Strikeout/Underline
Ordinance
 California Coastal Commission

SECTION 141.0419; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6 BY AMENDING SECTIONS 141.0604 AND 141.0607; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 4 BY AMENDING SECTIONS 142.0402, 142.0404, AND 142.0413; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTIONS 142.0505, 142.0520, 142.0525, 142.0527, 142.0530, 142.0545, AND 142.0560; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 13 BY AMENDING SECTION 142.1305; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 1 BY AMENDING SECTIONS 143.0112 AND 143.0146; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 2 BY AMENDING SECTION 143.0212; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 3 BY AMENDING SECTIONS 143.0302 AND 143.0365; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 4 BY AMENDING SECTIONS 143.0402 AND 143.0410 AND BY ADDING NEW SECTION 143.0455; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 9 BY AMENDING SECTION 143.0915; AMENDING CHAPTER 14, ARTICLE 4, DIVISION 1 BY AMENDING SECTION 144.0130; AMENDING CHAPTER 15, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 151.0103; AMENDING CHAPTER 15, ARTICLE 2, DIVISION 1 BY AMENDING SECTION 152.0104; AMENDING CHAPTER 15, ARTICLE 2, DIVISION 3 BY AMENDING SECTIONS 152.0303 AND 152.0309; AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY AMENDING SECTIONS 155.0238 AND 155.0253; AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 156.0308; AMENDING CHAPTER 15, ARTICLE 8, DIVISION 3 BY AMENDING SECTION 158.0301; AMENDING CHAPTER 15, ARTICLE 12, DIVISION 3 BY AMENDING SECTION 1512.0302; AMENDING CHAPTER 15, ARTICLE 14, DIVISION 3 BY AMENDING SECTIONS 1514.0304 AND 1514.0305; AMENDING CHAPTER 15, ARTICLE 18
APPENDIX A, ALL RELATING TO THE 10TH UPDATE TO THE LAND DEVELOPMENT CODE AND RELATED PROVISIONS.

§112.0301 Types of Notice

- (a) Notice of Application. A Notice of Application is required for an application for a permit, map, or other matter acted upon in accordance with Process Three, Process Four, Process Five, or Process CIP-Five.

- (1) [No change in text.]
- (2) Distribution. The City Manager shall mail the Notice of Application to the persons described in Section 112.0302(b), no later than ~~10 business days~~ 30 calendar days after the date on which the application is *deemed complete* and at least 60 calendar days prior to the first public hearing. The *applicant* shall post the Notice of Application on the property that is the subject of the application in accordance with Section 112.0304.
- (b) Notice of Future Decision. A Notice of Future Decision shall be provided for an application for a permit or other matter acted upon in accordance with Process Two or Process CIP-Two.
 - (1) Content. The Notice of Future Decision shall include the following information:
 - (A) through (F) [No change in text.]
 - (G) An explanation that the decision to approve, conditionally approve, or deny the proposed *development* will be made by City staff, without a public hearing, and that the *decision date* will not be less than ~~11 business days~~ 30 calendar days after the date of mailing the Notice of Future Decision to allow for sufficient time for public comment;
 - (H) through (I) [No change in text.]
 - (2) Distribution. The City staff person approving, conditionally approving, or denying an application for a permit or other matter

shall mail a Notice of Future Decision to the persons described in Section 112.0302(b) no later than ~~10 business days~~ 30 calendar days after the date on which the application is *deemed complete* in accordance with 112.0102(b) and at least 30 calendar days prior to the decision date. The *applicant* shall post the Notice of Future Decision on the property that is the subject of the application in accordance with Section 112.0304.

- (c) [No change in text.]
- (d) ~~Reserved~~ Notice of Availability of Local Coastal Program Amendment. A Notice of Availability is a written notice to advise of the availability of supporting materials for an action that will be taken by the City Council at a future date. A Notice of Availability is required as part of the certification process for Local Coastal Program Amendments in accordance with Section 122.0106(b).
 - (1) Content. The Notice of Availability of Local Coastal Program Amendment shall include the following:
 - (A) A general description of the project;
 - (B) The location of the property that is the subject of the application;
 - (C) The applicable community planning area(s);
 - (D) The name, telephone number, and city address of the City staff person to contact for additional information;

- (E) The name of the *applicant* and, with the consent of the *applicant*, the *applicant's* address and telephone number; and
- (F) An explanation that the final decision by the City Council will occur no sooner than 6 weeks after the date of mailing the Notice of Availability.

(2) Distribution.

- (A) The City Manager shall distribute the Notice of Availability at least 6 weeks prior to the City Council hearing to approve or deny an amendment to the *Local Coastal Program*.
- (B) The City Manager shall distribute the Notice of Availability to the persons described in Section 112.0302(b) and to the public agencies required in accordance with the applicable provisions of the California Coastal Act and Guidelines for *Local Coastal Program* certification.
- (C) The Notice of Availability may be combined into a single notice document with the Notice of Planning Commission Hearing.

- (3) A subsequent Notice of Public Hearing shall be provided in accordance with Section 112.0301(c) prior to final decision by the City Council.

- (e) [No change in text.]

§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, and Notice of Availability shall be mailed to the following:
 - (1) through (6) [No change in text.]
- (c) through (d) [No change in text.]

§112.0505 Process Three

An application for a permit, map, or other matter acted upon in accordance with Process Three may be approved, conditionally approved, or denied by a Hearing Officer in the following manner.

- (a) through (b) [No change in text.]
- (e) ~~Waiver of Appeal Period. Before the close of the public hearing, an applicant may request that the appeal period be waived. The Hearing Officer shall grant the request only after determining for the record that there are no interested persons and that the applicant has waived all rights to appeal.~~

§112.0507 Process Four

An application for a permit, map, or other matter acted upon in accordance with Process Four may be approved, conditionally approved, or denied by the Planning Commission in the following manner.

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

- (e) ~~Waiver of Appeal Period. Before the close of the public hearing, an applicant may request that the appeal period be waived. The Planning Commission shall grant the request only after determining for the record that there are no interested persons and that the applicant has waived all rights to appeal.~~

§113.0103 Definitions

Abutting property through Very low income [No change in text.]

Visibility area means the area necessary to allow adequate sight distance for safe vehicle and pedestrian movement at intersections involving a *public right-of-way*. See Section 113.0273 and the Street Design Manual for additional information on adequate sight distance and measuring *visibility areas*.

Wall, retaining through Yard [No change in text.]

§113.0225 Measuring Distance Between Uses

When there is a separation requirement between uses, the distance of the separation shall be measured as follows, except as specified by state law. ~~(this is illustrated in See Diagram 113-02E).~~

Diagram 113-02E

Distance Between Uses

[No change in text.]

- (a) [No change in text.]
- (b) Except as provided in Section 113.0225(c), The distance between uses shall be measured horizontally in a straight line between the two closest points of the *property lines*, buildings, or use locations. ~~(e)The distance~~

shall be measured horizontally without regard to topography or *structures* that would interfere with a straight-line measurement.

- (c) When measuring distance for separation requirements for *medical marijuana consumer cooperatives*, the measurement of distance between uses will take into account natural topographical barriers and constructed barriers such as *freeways* or *flood control channels* that would impede direct physical access between the uses. In such cases, the separation distance shall be measured as the most direct route around the barrier in a manner that establishes direct access.

§113.0234 Calculating Gross Floor Area

Gross floor area is calculated in relationship to the *structure* and *grade* adjacent to the exterior walls of a building. The elements included in the *gross floor area* calculation differ according to the type of *development* proposed and are listed in Section 113.0234(a)-(c). *Gross floor area* does not include the elements listed in Section 113.0234(d). The total *gross floor area* for a *premises* is regulated by the *floor area ratio* development standard.

- (a) [No change in text.]
- (b) Additional Elements Included in *Gross Floor Area* in Residential Zones and for Residential Development in Other Zones. (Section 113.0234(b) does not apply to commercial *development*.)

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

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

§113.0273 Measuring Visibility Area

The *visibility area* is a triangular portion of a *premises* formed by drawing one line perpendicular to and one line parallel to the *property line* or *public right-of-way* for a specified length and one line diagonally joining the other two lines, as shown in Diagram 113-02SS.

(a) The City Engineer shall determine whether proposed *development* provides adequate sight distance based on the context of the *development* and the typical distance guidelines set forth in Section 113.0273(b) and shall require *visibility areas* accordingly. No *structures* may be located within a *visibility area* unless otherwise provided by the applicable zone or the regulations in Chapter 14, Article 2 (General Development Regulations).

(a)(b) Typical Distances Used to Measure Visibility Areas

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

(b)(2) For *visibility areas* at the intersection of a *street* and *alley*, two sides of the triangle extend along the intersecting *property lines* for 10 feet and the third side is a diagonal line that connects the two.

(e)(3) For *visibility areas* at the intersection of a *street* and driveway, one side of the triangle extends from the intersection of the *street* and the driveway for 10 feet along the *property line*. The second side extends from the intersection of the *street* and driveway for 10 feet

inward from the property line along the driveway edge and the third side of the triangle connects the two.

- ~~(d)~~(4) Where the required front and street side yards measure less than 25 feet when combined, that measurement or 15 feet, whichever is greater, establishes the *visibility area* at the street intersection.

Diagram 113-02SS

Visibility Area

[No change in text.]

- (c) The City Engineer may modify the typical distance used to measure *visibility areas* in Section 113.0273(a) and (b) through a Process One permit review.
- (1) The distance specified in Section 113.0273(b) may be increased if the City Engineer determines that a greater distance is required to maintain public health and safety.
- (2) The distance specified in Section 113.0273(b) may be reduced if the City Engineer determines that the reduced distance would not create a public health and safety hazard.

§121.0314 Permit Revocation Hearing Procedures

The hearing provisions of Process Three, in addition to the requirements of this section, apply when determining whether to revoke or modify a *development permit*, a *construction permit*, or any other approval.

- (a) Notice. The City Manager shall mail a notice of the revocation hearing to the *permit holder*, the officially recognized community planning group, if

any, that represents the area in which the *development* is located, and to
any persons who request the notice at least 10 *business days* before the
date of the revocation hearing. A Notice of Application is not required.

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

§121.0315 Revocation Appeal

The Hearing Officer's decision to revoke or to not revoke a permit may be
appealed to the Planning Commission in the following manner:

(a) Persons Who Can Appeal. A revocation decision may be appealed by the
following persons:

(1) ~~— The *applicant*;~~

~~(2)~~(1) The *permit holder*; or

~~(3)~~(2) Any *interested person* ~~person who participated in the revocation~~
~~proceedings before the Hearing Officer either by being present at~~
~~the hearing and submitting a speaker slip or by having expressed~~
~~an interest in the revocation proceedings in writing to the Hearing~~
~~Officer before the decision on the revocation.~~

(b) [No change in text.]

(c) Scheduling Appeal Hearings. Within 30 calendar days after the date on
which an appeal application is filed, the City Manager shall set a hearing
before the Planning Commission. ~~The appeal hearing shall be noticed in~~
~~accordance with Municipal Code Section 112.0308~~ and shall mail a notice
of the hearing to the appellant, *permit holder*, the officially recognized

community planning group, if any, that represents the area in which the development is located, and any interested persons.

(d) [No change in text.]

§126.0108 Utilization of a Development Permit

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

(d) Development permits for capital improvement program projects are exempt from the permit utilization requirement of Section 126.0108(a), except that if 10 years has passed from the date on which all rights of appeal have expired and the City is unable to establish, with evidence in accordance with Section 126.0108(c), that at least one of the circumstances identified in Section 126.0108(b) occurred, then the development permit shall be void.

§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 Alcoholic beverage outlets
(under circumstances described in Section 141.0502) [No change in text.]
Assembly and entertainment uses, including places of religious assembly
(under circumstances described in Section 141.0602)

Automobile service stations through *Historical buildings* used for purposes not otherwise allowed in the zone [No change in text.]

Housing for senior citizens

Impound storage yards 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 (i) [No change in text.]

(j) A Neighborhood Development Permit is required for construction of a privately owned *structure* proposed in the *public right-of-way* dedicated for a *street* or an *alley*, where the *applicant* is the *record owner* of the underlying fee title as described in Sections 129.0710(a) and 129.0710(b)(2).

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

§126.0707 Decision Process for a Coastal Development Permit

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

(f) Any *coastal development* involving a *subdivision* pursuant to the Subdivision Map Act and any other division of land requires a Coastal Development Permit. The land division shall be processed as part of the Coastal Development Permit in accordance with the Subdivision Regulations (Chapter 14, Article 4) and Subdivision Procedures (Chapter 12, Article 5). Any tentative map, lot line adjustment, merger, ~~public right-of-way~~ public right-of-way vacation abandonment or public easement

abandonment may be approved or conditionally approved only if the decision maker makes the *findings* pursuant to Section 126.0708.

§129.0203 Exemptions from a Building Permit

- (a) A Building Permit is not required for the following *structures* and activities, except when the *development* would involve alterations, repairs, or improvements to a *historical resource* as described in Section 143.0220, or when *development on a premises containing environmentally sensitive lands* requires a *development permit* in accordance with Section 143.0110:
 - (1) One-story detached accessory buildings used as tool and storage sheds, playhouses, or similar uses provided the projected roof area is 120 square feet or less and the *structure* will not be utilized for any separately regulated use subject to Land Development Code Chapter 14, Article 1.
 - (2) through (25) [No change in text.]
- (b) [No change in text.]
- (c) ~~The exemptions in Section 129.0203(a) do not apply to alterations, repairs, or improvements of *historical resources* as described in Section 143.0220.~~
- (d) ~~The exemptions in Section 129.0203(a) do not apply to proposed *development on a premises containing environmentally sensitive lands* that requires a *development permit* in accordance with Section 143.0110.~~

- (e)(c) Exemption from the permit requirements of the Building Regulations does not authorize any work to be done in any manner in violation of the provisions of the Building Regulations or any other applicable local or state regulations.

§129.0308 Decision Process for an Electrical Permit

- (a) [No change in text.]
- (b) An *applicant* may appeal a Building Official's denial of an application for an Electrical Permit for the following by filing an application for a Process Two appeal hearing:
- (1) a small rooftop solar energy system ~~by filing an application for a Process Two appeal hearing~~ as set forth in Section 141.0418(c); or
- (2) an electric vehicle charging station as set forth in Section 141.0419.

§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, which are subject to approval by the City Engineer in accordance with Process One:

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

(9) Encroachment of below-grade structures into the public right-of-way up to 3 feet behind the existing curb line and at least 3 feet below the existing curb line, or encroachment of above-grade structures into the public right-of-way up to 4 feet and at least 8 feet above the finished grade of the curb line.

(b) If the proposed *encroachment* is erected, placed, constructed, established or maintained in the *public right-of-way* when the ~~applicant~~*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~~ Section 126.0502(d)(7), except for the following:

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

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

§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 for Open Space Zones

Use Regulations Table for 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	1
Open Space through Residential, Separately Regulated Residential Uses, Home Occupations [No change in text.]		[No change in text.]					
Housing for Senior Citizens		-	-	-	-	-	-
Residential, Separately Regulated Residential Uses Live/work Quarters through Institutional, Separately Regulated Institutional Uses, Educational Facilities: Vocational / Trade Schools [No change in text.]		[No change in text.]					
Electric Vehicle Charging Stations		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
Institutional, Separately Regulated Institutional Uses, Energy Generation & Distribution Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]					

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

§131.0231 Development Regulations Table for Open Space Zones

The following development regulations apply in the open space zones as shown in Table 131-02C.

Table 131-02C
Development Regulations of for Open Space Zones

Development Regulations [See Section 131.0230 for Development Regulations of Open Space Zones]	Zone Designator	Zones					
	1 st & 2nd >> 3rd >> 4th >>	OP-		OC-	OR-		OF ⁽¹⁾ -
		1-	2-	1-	1-	1-	1-
		1	1	1	2	1	
Max Permitted Residential <i>Density</i> (DU Per <i>Lot</i>) through Refuse and Recyclable Material Storage [See Section 142.0805] [No change in text.]		[No change in text.]					
Visibility Area [See Section 113.0273]		applies	applies	applies	applies	applies	

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

§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 for 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 Residential, Separately Regulated Residential Uses, Home Occupations [No change in text.]		[No change in text.]			
Housing for Senior Citizens		-		-	
Residential, Separately Regulated Residential Uses, Live/Work Quarters through Institutional, Separately Regulated Institutional Uses, Educational Facilities: Vocational / Trade School [No change in text.]		[No change in text.]			
<u>Electric Vehicle Charging Stations</u>		<u>L</u>		<u>L</u>	
Institutional, Separately Regulated Institutional Uses, Energy Generation & Distribution Facilities through <i>Signs</i>, Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]			

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

§131.0331 Development Regulations Table for Agricultural Zones

The following development regulations apply in the agricultural zones as shown in Table 131-03C.

Table 131-03C
Development Regulations of for Agricultural Zones

Development Regulations [See Section 131.0330 for Development Regulations of Agricultural Zones]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-	1-	1-	1-
	4th >>	1	2	1	2
Max Permitted Residential <i>Density</i> (DU Per <i>Lot</i>) through Min <i>Floor Area</i> ⁽⁶⁾ [No change in text.]		[No change in text.]			
Refuse and Recyclable Material Storage [See Section 142.0805]		applies	applies	applies	A applies
<u>Visibility Area</u> [See Section 113.0273]		<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>

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

§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 for Residential Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																							
	1st & 2nd >>	RE-		RS-												RX-		RT-							
	3rd >>	1-		1-												1-		1-							
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	5
Open Space through Residential, Shopkeeper Units [No change in text.]		[No change in text.]																							
Single Dwelling Units		P ⁽¹²⁾		P ⁽⁹⁾⁽¹²⁾												P ⁽⁹⁾⁽¹²⁾		P ⁽⁹⁾							
Residential, Separately Regulated Residential Uses through Home Occupations [No change in text.]		[No change in text.]																							
Housing for Senior Citizens		E		E												E		E							
Residential, Separately Regulated Residential Uses, Live/Work Quarters through Institutional, Separately Regulated Institutional Uses, Educational Facilities: Vocational / Trade School [No change in text.]		[No change in text.]																							
Electric Vehicle Charging Stations		L		L												L		L							
Institutional, Separately Regulated Institutional Uses, Energy Generation & Distribution Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[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 >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Open Space through Residential, Separately Regulated Residential Uses, Home Occupations [No change in text.]		[No change in text.]											
Housing for Senior Citizens		E			E			E			E		
Residential, Separately Regulated Residential Uses, Live/Work Quarters through Institutional, Separately Regulated Institutional Uses, Correctional Placement Centers [No change in text.]		[No change in text.]											
Educational Facilities:													
Kindergarten through Grade 12		PL			PL			PL			PL		-
Colleges / Universities through Vocational / Trade School [No change in text.]		[No change in text.]											
Electric Vehicle Charging Stations		L			L			L			L		L
Institutional, Separately Regulated Institutional Uses, Energy Generation & Distribution Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]											

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

§131.0431 Development Regulations Table for Residential Zones

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

(a) RE Zones

Table 131-04C
Development Regulations for 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 <i>density</i> (DU per <i>lot</i>) through <i>Accessory uses and structures</i> [See Sections 131.0448 and 141.0306] [No change in text.]		[No change in text.]		
Garage regulations [See Section 131.0449(a)]		applies	applies	A applies
Building spacing [See Section 131.0450] through Supplemental requirements [See Section 131.0464(a)] [No change in text.]		[No change in text.]		
Refuse and Recyclable Material Storage [See Section 142.0805]		applies	applies	A applies
Visibility Area [See Section 113.0273]		<u>applies</u>	<u>applies</u>	<u>applies</u>

(b) RS Zones

Table 131-04D
Development Regulations for 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 <i>density</i> (DU per <i>lot</i>) through Bedroom regulation [No change in text.]		[No change in text.]						
Refuse and Recyclable Material Storage [See Section 142.0805]		applies	applies	applies	applies	applies	applies	A applies
Visibility Area [See Section 113.0273]		<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	8	9	10	11	12	13	14
Max permitted <i>density</i> (DU per <i>lot</i>) through <i>Setback</i> requirements, Min Rear <i>setback</i> (ft) [No change in text.]		[No change in text.]						
<i>Setback</i> requirements for resubdivided corner <i>lots</i> [See Section 113.0246(f)]		applies	applies	applies	applies	applies	applies	Applies
Max <i>structure height</i> (ft) through Refuse and Recyclable Material Storage [See Section 142.0805] [No change in text.]		[No change in text.]						
<u>Visibility Area</u> [See Section 113.0273]		<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>

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

(c) RX Zones

Table 131-04E
Development Regulations for RX Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones	
	1st & 2nd >>	RX-	
	3rd >>	1-	1-
	4th >>	1	2
Maximum Permitted <i>Density</i> (DU per <i>lot</i>) through Roof design variation [See Section 131.0463] [No change in text.]		[No change in text.]	
Supplemental regulations [See Section 131.0464(b)]		applies	Applies
Refuse and Recyclable Material Storage [See Section 142.0805] [No change in text.]		[No change in text.]	
<u>Visibility Area</u> [See Section 113.0273]		<u>applies</u>	<u>applies</u>

Footnote for Table 131-04E [No change in text.]

(d) RT Zones

Table 131-04F
Development Regulations for RT Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones				
	1st & 2nd >>	RT-				
	3rd >>	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5
Maximum Permitted <i>Density</i> (DU per lot) through Refuse and Recyclable Material Storage [See Section 142.0805] [No change in text.]		[No change in text.]				
Visibility Area [See Section 113.0273]		<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>

(e) RM Zones

Table 131-04G
Development Regulations for RM Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones					
	1st & 2nd >>	RM-					
	3rd >>	1-	1-	1-	2-	2-	2-
	4th >>	1	2	3	4	5	6
Maximum permitted <i>density</i> ^{(1),(2)} (sf per DU) through Refuse and Recyclable Material Storage [See Section 142.0805] [No change in text.]		[No change in text.]					
Visibility Area [See Section 113.0273]		<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones					
	1st & 2nd >>	RM					
	3rd >>	3-	3-	3-	4-	4-	5
	4th >>	7	8	9	10	11	12
Maximum permitted density^{(1),(2)} (sf per DU) through Storage requirements [See Section 131.0454] [No change in text.]	[No change in text.]						
Private exterior open space	A pplies ⁽²⁴⁾	applies ⁽²⁴⁾	applies ⁽²⁴⁾	applies ⁽²⁵⁾	applies ⁽²⁵⁾	applies ⁽²⁵⁾	applies ⁽²⁵⁾
Common open space [See Section 131.0456] through Architectural Projections and encroachments [No change in text.]	[No change in text.]						
Supplemental requirements	A pplies ⁽²⁸⁾	applies ⁽²⁸⁾	applies ⁽²⁸⁾	-	-	-	-
Refuse and Recyclable Material Storage [See Section 142.0805]	applies	applies	A pplies	applies	applies	applies	A pplies
Visibility Area [See Section 113.0273]	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>

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

§131.0522 Use Regulations Table for 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-	2-	3-	1-	2-	1-	2-		
	4th >>	1	2	3	4	5	1	1	1	2	1	2	1	2	1	2	1
Open Space through Residential, Separately Regulated Residential Uses, Home Occupations [No change in text.]		[No change in text.]															
Housing for Senior Citizens		E⁽²⁾					E		E		E		E⁽²⁾				
Residential, Separately Regulated Residential Uses, Live/Work Quarters through Institutional, Separately Regulated Institutional Uses, Correctional Placement Centers [No change in text.]		[No change in text.]															
Educational Facilities:																	
Kindergarten through Grade 12		C ⁽¹⁰⁾					EL		EL		C	C	C	C ⁽¹⁰⁾	-		
Colleges / Universities through Vocational / Trade School [No change in text.]		[No change in text.]															
<u>Electric Vehicle Charging Stations</u>		<u>L</u>					<u>L</u>		<u>L</u>		<u>L</u>		<u>L</u>		<u>L</u>		
Institutional, Separately Regulated Institutional Uses, Energy Generation & Distribution Facilities through <i>Signs</i>, Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[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	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5
Open Space through Residential, Separately Regulated Residential Uses, Home Occupations [No change in text.]		[No change in text.]																														
Housing for Senior Citizens		E						E						E						E												
Residential, Separately Regulated Residential Uses, Live/Work Quarters through Institutional, Separately Regulated Institutional Uses, Correctional Placement Centers [No change in text.]		[No change in text.]																														
Educational Facilities:																																
Kindergarten through Grade 12		EL			EL			EL						EL						EL												
Colleges / Universities through Vocational / Trade School [No change in text.]		[No change in text.]																														
Electric Vehicle Charging Stations		L			L			L						L						L												
Institutional, Separately Regulated Institutional Uses, Energy Generation & Distribution Facilities through Retail Sales, Wearing Apparel & Accessories [No change in text.]		[No change in text.]																														
Separately Regulated Retail Sales Uses																																
Agriculture Related Supplies & Equipment through Retail Farms [No change in text.]		[No change in text.]																														
Retail Tasting RoomsStores		L			L			L						L						L												
Swap Meets & Other Large Outdoor Retail Facilities [No change in text.]		[No change in text.]																														
Commercial Services through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]																														

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

§131.0531 Development Regulations Tables for Commercial Zones

The following development regulations apply in each of the commercial zones as shown in Tables 131-05C, 131-05D, and 131-05E.

(a) CN Zones

Table 131-05C
Development Regulations for CN Zones

Development Regulations [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones				
	1st & 2nd >>	CN-				
	3rd >>	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5
Max Permitted Residential Density⁽¹⁾ through Loading Dock and Overhead Door Screening Regulations [See Section 142.1030] [No change in text.]		[No change in text.]				
Visibility Area [See Section 113.0273]		<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>

Footnotes for Table 131-05C [No change in text.]

(b) CR, CO, CV, and CP Zones

Table 131-05D
Development Regulations for CR, CO, CV, CP Zones

Development Regulations [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones									
	1st & 2nd >>	CR-		CO-				CV-		CP-	
	3rd >>	1-	2-	1-		2-		3-		1-	
	4th >>	1	1	2	1-	2-	1	2	1	2	1
Max Permitted Residential Density⁽¹⁾ through Loading Dock and Overhead Door Screening Regulations [See Section 142.1030] [No change in text.]		[No change in text.]									
Visibility Area [See Section 113.0273]		<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>

Footnotes for Table 131-05D [No change in text.]

(c) CC Zones

Table 131-05E
Development Regulations for CC Zones

Development Regulation [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones															
	1st & 2nd >>	CC-															
	3rd >>	1-	2-	4-	5-	1-	2-	4-	5-	1-	2-	4-	5-	2-	3-	4-	5-
	4th >>	1				2				3				4			
Max Permitted Residential <i>Density</i> ⁽¹⁾ through Loading Dock and Overhead Door Screening Regulations [See Section 142.1030] [No change in text.]		[No change in text.]															
Visibility Area [See Section 113.0273]		applies				applies				applies				applies			

Development Regulation [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones									
	1st & 2nd >>	CC									
	3rd >>	2-	3-	4-	5-	3-	4-	5-	3-	3-	3-
	4th >>	5			6			7	8	9	
Max permitted Residential <i>Density</i> ⁽¹⁾ through Loading Dock and Overhead Door Screening Regulations [See Section 142.1030] [No change in text.]		[No change in text.]									
Visibility Area [See Section 113.0273]		applies	applies	applies	applies	applies	applies	applies	applies	applies	

Footnotes for Table 131-05E [No change in text.]

§131.0601 Purpose of Industrial Zones

The purpose of the industrial zones is to accommodate a range of industrial and manufacturing activities in designated areas to promote a balanced land use and ~~ide~~provide flexibility in the design of new and redeveloped industrial projects, while assuring high quality *development* and ~~to protecting~~protecting land for industrial uses and ~~limiting~~limiting nonindustrial uses.

§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 [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd>>	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
Open Space through Residential, Separately Regulated Residential Uses, Home Occupations [No change in text.]	[No change in text.]										
<u>Housing for Senior Citizens</u>	-	-	L	-	-	-	-	-	-	-	-
Residential, Separately Regulated Residential Uses, Live/Work Quarters through Institutional, Separately Regulated Institutional Uses, Educational Facilities: Vocational / Trade School [No change in text.]	[No change in text.]										
<u>Electric Vehicle Charging Stations</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
Institutional, Separately Regulated Institutional Uses, Energy Generation & Distribution Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]										

Footnotes for Table 131-06B

¹ through ¹⁵ [No change in text.]

¹⁶ Instructional Studios, ~~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*.

¹⁷ through ²⁰ [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-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1			1			1		1	1
Max permitted residential <i>density</i> ⁽¹⁰⁾ through Loading Dock and Overhead Door Screening Regulations [See Section 142.1030] [No change in text.]		[No change in text.]									
Visibility Area [See Section 113.0273]		applies			applies			applies		applies	applies

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

§141.0308 Home Occupations

Home occupations are businesses conducted by residents on the *premises* of their homes. Home occupations, including cottage food operations authorized pursuant to California Government Code section 51035, are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations. Home occupations ~~that do not comply with~~ An applicant may deviate from the requirements in Section 141.0308(j)(k) through (l)(n) ~~may be permitted with~~ by obtaining a Neighborhood Use Permit ~~subject to Section 141.0308(m)~~ in accordance with Section 126.0203.

- (a) [No change in text.]
- (b) Any products produced for sale must be manufactured by hand, ~~or~~ grown on the *premises*, or prepared within a kitchen that meets the standards for cottage food operations in a dwelling unit in accordance with California Health and Safety Code section 114365.
- (c) through (i) [No change in text.]

- (j) Only a resident of the *premises* may engage in a home occupation on the *premises*. ~~Nonresident partners, employees, or customers are not permitted on the premises.~~
- (k) ~~All sales of products and the performance of all service or work that requires the presence of a partner, employee, or customer shall take place off the premises.~~
- (l) ~~Only one vehicle for business-related purposes is permitted on the premises or on any adjacent residentially zoned area. This vehicle may not exceed a one-ton carrying capacity and may not be a tow truck.~~
- (m) ~~The following exceptions to the regulations in Section 141.0308(j), (k), and (l) may be permitted with a Neighborhood Use Permit:~~
- (l)(k) Home offices occupations may have a maximum of one employee or partner on the *premises* during the hours between 8:00 7:00 a.m. and 5:00 7:00 p.m., Monday through Friday, ~~Saturday~~. For the purpose of Section 141.0308(k) an employee does not include a resident of the home.
- (2)(l) Home offices occupations may have a maximum of one customer on the *premises* at a time, by appointment only, between the hours of 8:00 7:00 a.m. and 5:00 7:00 p.m., Monday through Friday ~~Saturday~~; and, Home occupations shall not host customers on the premises more frequently than one customer within a 2-hour time period.
- (m) Home occupations may have a maximum of one vendor on the premises at a time between 7:00 a.m. and 7:00 p.m., Monday through Saturday. Home

occupations shall not host vendors on the premises more frequently than one vendor within a 2-hour time period.

~~(3) — Home occupations may have more than one vehicle for business-related purposes.~~

(n) A maximum of one vehicle for business-related purposes is permitted on-street in the residentially zoned area and shall be parked in compliance with the regulations in Section 86.0139 if applicable.

(1) Business-related vehicles may not exceed a one-ton carrying capacity.

(2) Tow-trucks are not a permitted home occupation vehicle.

§141.0310 Housing for Senior Citizens

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

~~(a) Housing for senior citizens shall meet the requirements of one of the following:~~

~~(1) "Housing for older persons" as defined in 42 United States Code, Section 3607(b) of the Fair Housing Act Amendments of 1988 and 24 Code of Federal Regulations, section 100.304; or~~

~~(2) "Senior citizen housing development" as defined in Section 51.3 of the California Civil Code.~~

- (b) ~~Housing for senior citizens may be permitted a *density* bonus as provided in Chapter 14, Article 3, Division 7 (Affordable Housing Density Bonus Regulations).~~
- (c) ~~Housing for senior citizens may be permitted only in locations that meet the following requirements:~~
 - (1) ~~Facilities shall be located in a topographically flat area with minimal *grade* separation between the facility and public transportation or other public services;~~
 - (2) ~~Facilities shall be located near a wide range of commercial, retail, professional, and social services patronized by senior citizens;~~
 - (3) ~~Facilities shall be located within two to three blocks, or approximately 750 feet, of a major supermarket; and~~
 - (4) ~~Facilities shall be located within two blocks, or approximately 600 feet, of a bus or transit stop.~~
- (d) Off Street Parking Requirements
 - (1) ~~Parking ratios shall be determined in accordance with the following:~~
 - (A) ~~The base parking requirement is 1 parking space per *dwelling unit*;~~
 - (B) ~~For facilities that provide daily meals in a common cooking and dining facility and that provide and maintain a common transportation service for residents, the base parking requirement is 0.7 parking spaces per *dwelling*~~

~~unit plus 1 parking space for each staff person, calculated based on staffing for the peak-hour shift; and~~

(C) ~~Housing for senior citizens that meets the criteria of Reduced Parking Demand Housing, as stated in Section 142.0527(a), shall provide parking in accordance with Section 142.0527.~~

(2) ~~Parking areas shall be lighted for the safety of tenants. Lighting shall be of a design that deters vandalism. The location, type, and size of the proposed lighting fixtures shall be specified on the permit application.~~

(e) ~~Facilities Requirements~~

(1) ~~All facilities shall provide laundry facilities that are adequately sized and located to serve the needs of residents.~~

(2) ~~Facilities of 14 dwelling units or more shall provide a recreation/social room. This room shall be at least 400 square feet in area unless it is located adjacent to a useable outdoor open space area. The room shall have toilet facilities available on the ground floor.~~

(3) ~~Facilities that have 2 or more stories and 20 or more dwelling units shall provide elevator service.~~

(4) ~~A plan indicating how the proposed facility could be converted to a nonsenior housing project and comply with the applicable parking requirements is required before approval of the permit.~~

- (5) ~~Trash bins shall be conveniently located and shall be covered and screened.~~
- (6) ~~All facilities that do not have an on-site manager shall provide a posted phone number of the project owner or off-site manager for emergencies or maintenance problems.~~

**§141.0407 Educational Facilities--Schools for Kindergarten to Grade 12,
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) [No change in text.]
- (b) Schools for Kindergarten to Grade 12
 - (1) through (2) [No change in text.]
 - (3) Limited use regulations. Schools for kindergarten to grade 12 are permitted as limited uses in zones indicated by a "L" subject to the following:
 - (A) The facility design shall not accommodate more than 300 students, except that a new school may replace an existing

school with current enrollment over 300 students if the result is no increase in the number of students.

(B) Parking shall be provided in accordance with Table 142-05G.

(C) Deviations from Section 141.0407(b)(3)(A) or (B) may be permitted with a Conditional Use Permit decided in accordance with Process Three and subject to the conditional use regulations in Section 141.0407(b)(5).

(4) One-on-one teaching facilities with a maximum capacity of 50 students that provide education for children enrolled in grades 6 through 12 in a traditional office building are permitted by right in locations where business and professional offices are a permitted use in zones indicated with a "P", except that such facilities are not permitted where in conflict with Section 141.0407(e)(1).

~~(3)~~(5) 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) through (D) [No change in text.]

(c) Colleges/Universities

(1) [No change in text.]

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

- (A) [No change in text.]
- (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)(5).
- (C) through (D) [No change in text.]

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

§141.0419 Electric Vehicle Charging Stations

Electric vehicle charging stations are facilities that supply electric energy for the recharging of electric vehicles as defined in Section 86.0151(a). Nothing in Section 141.0419 grants any deviation from the Environmentally Sensitive Lands Regulations (Chapter 14, Article 3, Division 1) or Historic Resource Regulations (Chapter 14, Article 3, Division 2).

Electric vehicle charging stations 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. The regulations are intended to facilitate the use of electric vehicle charging stations and to comply with state law requirements for timely administrative approvals and allow an *applicant* to appeal a denial of an application of a *construction permit* for an electric vehicle charging station.

(a) A *construction permit* decided in accordance with Process One shall be required for the installation of an electric vehicle charging station.

(1) An Electrical Permit shall be required for the installation of an electric vehicle charging station.

- (2) A Building Permit may be required if alterations will be made to an existing *structure* or to modify or relocate an existing disabled accessible parking space serving the *premises*.
- (3) The *construction permit* application shall be submitted in accordance with Sections 112.0102 and 129.0105.
- (4) Within a planned district (subject to Land Development Code Charter 15), a separate Planned District Ordinance Permit shall not be required in addition to the *construction permit* required pursuant to Section 141.0419.
- (b) In reviewing the *construction permit*, the Building Official shall evaluate only whether the electric vehicle charging station meets all applicable health and safety requirements of local, state, and federal law and shall apply the following general regulations:

 - (1) Electric vehicle supply equipment shall be listed and labeled by an approved nationally recognized testing laboratory.
 - (2) Electric vehicle charging stations may encroach into setbacks where *off-street parking spaces* are permitted.
 - (3) Existing landscaping shall not be removed if it is required pursuant to the Landscape Regulations (Chapter 14, Article 2 Division 4), unless it is replaced with equivalent or greater landscape elsewhere on the *premises*.
 - (4) The *applicant* shall demonstrate that an electric vehicle charging station on private property will accommodate a vehicle to be

charged while parked without protruding into the public right-of-way.

(5) Electric vehicle charging stations located within the public right-of-way shall comply with Section 86.0151.

(c) The Building Official shall approve, in accordance with Process One, the electric vehicle charging station unless the Building Official determines there is substantial evidence of a specific adverse impact upon the public health or safety, which for the purpose of Section 141.0419(c) means a significant quantifiable, direct, and unavoidable impact based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete, and there is no feasible method or alternative to satisfactorily mitigate or avoid the specific, adverse impact.

(d) If the Building Official determines that the proposed electric vehicle charging station could have a specific, adverse impact upon public health or safety, then the Building Official shall make written findings notifying the applicant that the construction permit for the electric vehicle charging station is denied, the basis for that denial, and the appeal rights set forth in Section 141.0419(e). The applicant shall be responsible for all administrative costs associated with processing the appeal.

(e) Notwithstanding Section 112.0504, an applicant may appeal the denial of an application for a construction permit for an electric vehicle charging station to the Planning Commission by filing an application for a Process

Two appeal hearing with the City Manager no later than 12 *business days* after the *decision date*. The application shall include the contents for appeal identified in Section 112.0510(a).

- (1) Grounds for Appeal. A denial may only be appealed on the grounds that the stated *findings* to deny the *construction permit* are not supported by substantial evidence.
- (2) Scheduling an Appeal Hearing. The City Manager shall assign a date for an appeal hearing before the Planning Commission no later than 30 calendar days after the date on which an application for the appeal hearing is filed with the City Manager.
- (3) Power to Act on the Decision at Appeal Hearing. The Planning Commission may affirm, reverse, or modify the decision to deny an electric vehicle charging station in accordance with the following:

 - (A) A decision to affirm the Building Official decision requires a *finding* based on substantial evidence in the record that the proposed electric vehicle charging station would have a specific, adverse impact upon the public health or safety and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. In addition, the *finding* shall include the basis for rejection of potential feasible alternatives to prevent the adverse impact.

- (B) If the Planning Commission determines that there is not substantial evidence in the record that the proposed electric vehicle charging station could have a specific, adverse impact upon the public health or safety, then the decision shall be reversed and the *construction permit* shall be approved.
- (C) If the Planning Commission determines that conditions of approval would mitigate the specific, adverse impact upon the public health or safety, then the decision shall be reversed and the *construction permit* shall be conditionally approved. Any conditions imposed shall mitigate at the lowest cost possible.

§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) General Rules

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

- (3) Off-street parking spaces shall be provided at a rate of 2.5 spaces for every 1,000 square feet of floor area.

(b) Limited Use Regulations

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

- (3) ~~Off-street parking shall be provided at a rate of 2.5 spaces for every 1,000 square feet of floor area.~~

- (4) ~~Boarding kennels and pet day care facilities shall not be located on a premises that is identified as Prime Industrial Land in a land use plan.~~

- ~~(5)~~(3) Deviations from Section 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) Neighborhood Use Permit Regulations

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

- (3) ~~Off-street parking shall be provided in accordance with Table 142-05E.~~

§141.0607 Eating and Drinking Establishments with Drive-in or Drive-through Service

Eating and drinking establishments that offer drive-in or drive-through service are permitted in zones indicated with a "P" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones). Eating and drinking establishments that offer drive-in or drive-through service may be permitted with a Conditional Use Permit decided in accordance with Process Three in zones indicated with a "C" in the Use

Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the regulations in this Section. The Conditional Use Permit decision maker shall consider whether the proposed use minimizes adverse impacts on adjacent properties and surrounding neighborhoods. The decision maker may impose conditions in the Conditional Use Permit in addition to requiring compliance with the following:

- (a) [No change in text.]
- (b) Space for vehicle queuing for the drive-in or drive-through service shall be provided as follows:
 - (1) [No change in text.]
 - (2) In addition to the queuing space required under Section 141.0607(b)(1), a minimum of 40 feet in additional space shall be provided on the premises from the order station to provide additional queuing space for two cars prior to the order station.
 - (2)(3) Required queue spaces shall not obstruct access to parking aisles or parking spaces.
- (c) through (g) [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. New <i>structures</i> that equal or exceed the <i>gross floor area</i> shown (Column B), and are proposing the type of <i>development</i> shown (Column C) through 14. Commercial <i>development</i> with at least 1,000 square feet of landscape area [No change in text.]		[No change in text.]		
<u>15. Small Lot Subdivision</u>			<u>142.0403</u> <u>142.0404</u> <u>142.0413</u>	<u>No permit required by this division</u>

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

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

When new *structures* or additions to *structures* are subject to this section in accordance with Table 142-04A, the planting area required and the plants necessary to achieve the number of plant points required in Table 142-04C shall be provided. The required planting area is determined by multiplying the total square footage of the *street yard* or *remaining yard* area on the *premises*, by the percentage shown in Table 142-04C, unless stated otherwise in the table. The required planting points are determined by multiplying the total square footage of the *street yard* or *remaining yard* area on the *premises*, by the points shown in the

table. The required planting area and plant points for the *street yard* shall be located within the *street yard*. The required planting area and plant points for the *remaining yard* shall be located within the *remaining yard*.

Table 142-04C
Street Yard and Remaining Yard Planting Requirements

Type of Development Proposal ⁽⁶⁾	Type of Yard	Planting Area Required (Percentage of total yard area unless otherwise noted below) ⁽¹⁾	Plant Points Required ⁽¹⁾
Multiple Dwelling Unit Residential Development through Condominium Conversion [No change in text.]	[No change in text.]		
Small Lot Subdivision	[No change in text.]	[No change in text.]	0.5 0.05 points per square foot of total <i>street yard</i> area
Commercial Development, or Industrial Development in Commercial Zones through Large retail establishments in any Industrial Zone. [No change in text.]	[No change in text.]		

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

§142.0413 Water Conservation

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

(c) Mulch Requirements. All required planting areas and all exposed soil areas without vegetation shall be covered with mulch to a minimum depth of 2-3 inches, excluding slopes.

(d) Water Budget.

- (1) Developments listed in Table 142-04I All new development with a landscape area of 500 square feet or greater shall be subject to a water budget Maximum Applied Water Allowance (MAWA) Water Budget, except as provided in Section 142.0413(h).

Table 142-04I
Water Budget Applicability

Type of Development	Landscape Area Threshold
New non residential development	1,000 square feet and greater
New multiple dwelling unit development	1,000 square feet ¹ and greater
New single dwelling unit development subdivisions	All subdivider installed landscape

Footnote to Table 142-04I

¹-Total area of landscape in the development's common areas.

- (2) The water budget Maximum Applied Water Allowance Water Budget is calculated using the following formula (see Section 2.6 and Appendix E of the Landscape Standards of the Land Development Manual for additional information):

$$\text{MAWA Water Budget} = (\text{ETo})(0.62) [(0.7 \text{ ETAF})(\text{LA}) + (0.3 \text{ 1-ETAF})(\text{SLA})]$$

$$\text{For residential landscape areas} = (\text{ETo})(0.62) [(0.55)(\text{LA}) + (0.45)(\text{SLA})]$$

$$\text{For non-residential landscape areas} = (\text{ETo})(0.62) [(0.45)(\text{LA}) + (0.55)(\text{SLA})]$$

Where:

ETo = Evapotranspiration (inches per year)

0.62 = Conversion Factor (to gallons)

0.7 = Evapotranspiration Adjustment Factor

LA = Landscaped Area (square feet)

~~0.3 — Evapotranspiration Adjustment Factor for Special Landscape Area and
Reclaimed Water~~

~~SLA — Special Landscape Area~~

Legend for MAWA Water Budget Calculation Formula

<u>Symbol</u>	<u>Meaning of Symbol</u>
<u>ETo</u>	<u>Evapotranspiration measured in inches per year; see Table 6 ETo Table</u>
<u>0.62</u>	<u>Conversion factor to gallons</u>
<u>ETAF</u> <u>.055 for Residential areas;</u> <u>.045 for Non-residential areas</u>	<u>Evapotranspiration Adjustment Factor</u>
<u>LA</u>	<u>Landscape Area measured in square feet</u>
<u>1- ETAF</u> <u>0.45 for Residential areas;</u> <u>0.55 for Non-residential areas</u>	<u>Additional Evapotranspiration Adjustment Factor for Special Landscape Areas and Reclaimed Water</u>
<u>SLA</u>	<u>Special Landscape Area measured in square feet</u>

- (3) The irrigation system is required to be operated within the approved water budget MAWA Water Budget.
- (4) The ~~estimated total water use~~ Estimated Total Water Use (ETWU), as calculated in Section 2.6 of the Landscape Standards of the Land Development Manual shall not exceed the ~~water budget~~ MAWA Water Budget as calculated in Section 142.0413(d)(2).

- (e) Water Meters.
- (1) Dedicated landscape irrigation meters shall be required in all new *development* with a landscape area greater than or equal to 5,000 1,000 square feet; except that this requirement shall not apply to ~~new single dwelling unit development~~ or to the commercial production of agricultural crops or livestock.
- (2) [No change in text.]
- (f) Irrigation Audit. An *applicant* subject to the requirement for a ~~water budget~~ MAWA Water Budget in Table 142-04I is required to conduct and submit to the City an irrigation audit consistent with Section 2.7 of the Landscape Standards of the Land Development Manual.
- (1) All irrigation audits shall be conducted by a ~~California-registered landscape architect, a licensed landscape contractor, or other professional licensed~~ authorized by the State to perform this work.
- (2) [No change in text.]
- (g) [No change in text.]
- (h) Pursuant to state law (California Code of Regulations section 490.1), an applicant with a project with an aggregate landscape area of 2,500 square feet or less may alternatively comply, if the applicant demonstrates, to the satisfaction of the Development Services Director, that the landscape area for the development will comply with all of the following instead of Section 142.0413(a) through (g):

- (1) Incorporates compost at a rate of at least 4 cubic yards per 1,000 square feet to a total depth of 6 inches (unless contraindicated by a soil test).
- (2) Includes climate adapted plants that meet the following:

 - (A) All plant species are identified on the Water Use Classification of Landscape Species (WUCOLS) list as requiring little or no summer water and have an average plant factor of 0.3; and
 - (B) The minimum plant area for the climate adapted plants is at least 75 percent of the total plant area for residential development or 100 percent for non-residential development. Plant areas used for edibles or areas where recycled water is used for irrigation may be excluded from the calculation of total plant area.
- (3) Incorporates a minimum 3-inch layer of mulch on all exposed soil surfaces of planting areas, except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.
- (4) Minimizes the use of turf as follows:

 - (A) Turf is not permitted for non-residential development or in parkways less than 10 feet wide, unless the parkway is adjacent to a parking strip and used to enter and exit

vehicles and is irrigated by subsurface irrigation (or equivalent system that creates no overspray or runoff).

- (B) Turf for residential *development* landscape areas shall not exceed 25 percent of the landscape area and shall not be planted on sloped areas that exceed a slope of 1-foot vertical elevation change for every 4 feet horizontal length.

- (5) Provides an irrigation system that meets all of the following requirements:

- (A) Includes an automatic irrigation controller that utilizes a rain sensor and evapotranspiration or soil moisture sensor data, and that does not lose programming data if in the event a primary power source is interrupted;
- (B) Includes a pressure regulator to ensure the dynamic pressure of the system is within the manufacturer's recommended pressure range;
- (C) Includes manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) installed as close as possible to the point of connection to the water supply;
- (D) Includes irrigation sprinkler and emission devices that meet the State of California Landscape Irrigation Sprinkler and Emitter Standards;

- (E) Includes subsurface irrigation (or equivalent system that produces no overspray or runoff) in any landscape areas less than 10 feet in width in any direction; and
- (F) Includes a private submeter for any non-residential development landscape areas that are 1,000 square feet or more in size.
- (6) Incorporates the following statement on the approved landscape plan set:

The applicant agrees to comply with the requirements of the prescriptive compliance option to the Model Water Efficient Landscape Ordinance (MWELO) in accordance with state law and Land Development Code Section 142.0413(h), and will provide the record owner at the time of final inspection with a certificate of completion, certificate of installation, irrigation schedule, and schedule of landscape and irrigation maintenance.

§142.0505 When Parking Regulations Apply

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

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

Table 142-05A
Parking Regulations Applicability

Type of Development Proposal	Applicable Regulations	Required Permit Type/ Decision Process
Any <i>single dwelling unit</i> residential development through Any <i>multiple dwelling unit</i> residential development [No change in text.]	[No change in text.]	
Any <i>multiple dwelling unit</i> residential development that includes housing that meets the criteria stated in Section 142.0527 for <u>Reduced Parking Demand Housing (Affordable Housing Parking Regulations)</u>	Sections 142.0510, 142.0525, 142.0527, and 142.0560	No permit required by this division
Any nonresidential development [No change in text.]	[No change in text.]	
<i>Multiple dwelling unit</i> residential development in Planned Urbanized Communities that are processing <u>processed with a Planned Development Permit that meets the location criteria in Section 142.0525(c).</u>	Section 142.0525(c)	No permit required by this division
<i>Condominium conversion</i> through Tandem Parking for commercial uses [No change in text.]	[No change in text.]	

§142.0520 Single Dwelling Unit Residential Uses — Required Parking Ratios

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

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

Type of Unit and Related Uses	Number of Required Parking Spaces
All <i>single dwelling units</i> , except those with five or more <i>bedrooms</i> in campus impact areas (See Chapter 13, Article 2, Division 8) through High occupancy <i>single dwelling units</i> subject to Section 123.0502	[No change in text.]
Housing for senior citizens (maximum 1 bedroom)	1 space per dwelling unit

Footnote for Table 142-05B **Footnotes for Table 142-05B** [No change in text.]

§142.0525 Multiple Dwelling Unit Residential Uses — Required Parking Ratios

(a) [No change in text.]

Table 142-05C
Minimum Required Parking Spaces for
Multiple Dwelling Units and Related Accessory Uses

<i>Multiple Dwelling Unit Type and Related and Accessory Uses <u>Accessory Uses</u></i>	Automobile Spaces Required Per Dwelling Unit (Unless Otherwise Indicated)			Motorcycle Spaces Required Per Dwelling Unit	Bicycle⁽⁵⁾ Spaces Required Per Dwelling Unit
	Basic ⁽¹⁾	Transit Area⁽²⁾	Parking Impact⁽⁴⁾		
Studio up to 400 square feet through 5+ <i>bedrooms</i> [No change in text.]	[No change in text.]				
<u><i>Affordable Housing dwelling units regulated by Reduced Parking Demand Housing</i></u> (see Section 142.0527)	N/A	N/A	0.25 beyond that required in Section 142.0527	(See footnote 3)	(See footnote 3)
<i>Condominium conversion</i> through <i>Accessory uses</i> (Spaces per square feet ⁽⁷⁾) [No change in text.]	[No change in text.]				

Footnotes for Table 142-05C [No change in text.]

(b) [No change in text.]

(c) Common Area Parking Requirement. The common area parking requirement applies to *multiple dwelling unit developments* ~~that are located in Planned Urbanized Communities, and development that are is being processed in conjunction with a Planned Development Permit and that is located in one of the following communities: Black Mountain Ranch, Carmel Mountain Ranch, Carmel Valley, East Elliott, Fairbanks Ranch Country Club, Miramar Ranch North, Mira Mesa, Otay Mesa, Rancho Bernardo, Rancho Penasquitos, Sabre Springs, Scripps Miramar~~

Ranch, Tierrasanta, and Torrey Highlands, and University. The following standards will be applied by the decision maker ~~when to determine the~~ number of common area parking spaces to require as a condition of approval is required.

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

(d) [No change in text.]

§142.0527 Affordable Housing Parking Regulations for Reduced Parking Demand Housing

The Affordable Housing Parking Regulations establish the minimum number of on site parking spaces required for multiple dwelling unit ~~residential~~ development that includes ~~Reduced Parking Demand Housing shall be determined as set forth~~ below affordable housing dwelling units that meet the criteria in Section 142.0527(a)(3).

(a) Definitions. For the purposes of Section 142.0527, the following definitions apply:

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

(3) ~~Reduced Parking Demand Housing means development where:~~

Affordable housing dwelling units are dwelling units within a multiple dwelling unit development that meet the following criteria:

(A) ~~All or a portion of the dwelling~~ Dwelling units are rental units reserved for a period of at least 30 years for *low income* or *very low income* households in which the tenants do not pay more than 35 percent of gross household income

toward gross rent (including utilities). These provisions shall be included in a written agreement with the San Diego Housing Commission; and

(B) The *development* falls into at least one of the following categories:

- (i) Family Housing;
- (ii) Housing for Senior Citizens, meeting the criteria of ~~Section 141.0310(a)~~ “Housing for older persons” as defined in 42 United States Code, Section 3607(b) of the Fair Housing Act Amendments of 1988 and 24 Code of Federal Regulations, section 100.304; or “Senior citizen housing development” as defined in Section 51.3 of the California Civil Code;

(iii) through (v) [No change in text.]

(b) Parking Demand. The minimum required automobile parking spaces for ~~Reduced Parking Demand Housing~~ affordable housing dwelling units shall be determined using the following indexes (See the Land Development Manual: Calculating ~~Reduced Parking Demand Housing~~ Affordable Housing Parking Requirements for guidance on calculating the Walkability and Transit Indexes.):

(1) Walkability Index

The Walkability Index shall be determined by assigning one point for each of the following criteria, for a maximum Walkability Index of 4 points.

- (A) Retail, theater, or assembly and entertainment uses present within one-half mile of the ~~Reduced Parking Demand~~ Housing affordable housing dwelling units.
- (B) More than 120 *lots* developed with retail, theater, or assembly and entertainment uses within one-half mile of the ~~Reduced Parking Demand~~ Housing affordable housing dwelling units.
- (C) Office, nonresidential day care, nursery school, kindergarten through grade 12, hospitals, healthcare uses, or Civic Uses within one-half mile of the ~~Reduced Parking Demand~~ Housing affordable housing dwelling units.
- (D) More than 50 *lots* developed with office, nonresidential day care, nursery school, kindergarten through grade 12, hospitals, or healthcare uses, or Civic Uses within one-half mile of the ~~Reduced Parking Demand~~ Housing affordable housing dwelling units.

(2) Transit Index

The Transit Index shall be determined by assigning points for the number of peak hour trips within a defined distance from the ~~Reduced Parking Demand~~ Housing affordable housing dwelling units. For bus transit, the distance is one-quarter mile from the ~~Reduced Parking Demand~~ Housing affordable housing dwelling units for each bus transit stop. For fixed rail and bus rapid transit,

the distance is one-half mile from the ~~Reduced Parking Demand~~
~~Housing~~ affordable housing dwelling units for each fixed stop.

Inbound/outbound stops for the same route are calculated as one
stop.

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

(3) [No change in text.]

(c) Alternative compliance may be used to determine the Walkability Index in
accordance with the following:

(1) A project shall be deemed to have alternatively complied with
Section 142.0527(b)(1)(B) when it is demonstrated to the
satisfaction of the City Manager that there are more than 120 retail,
theater, or assembly and entertainment uses within one-half mile of
the ~~Reduced Parking Demand Housing~~ affordable housing
dwelling units.

(2) A project shall be deemed to have alternatively complied with
Section 142.0527(b)(1)(D) when it is demonstrated to the
satisfaction of the City Manager that there are more than 50 office,
nonresidential day care, nursery school, kindergarten through
grade 12, hospitals, or healthcare uses, or Civic Uses within one-
half mile of the ~~Reduced Parking Demand Housing~~ affordable
housing dwelling units.

(d) ~~Reduced Parking Demand Housing~~ Affordable housing dwelling units
Parking Ratios. Table 142-05D provides the parking ratios required for

Reduced Parking Demand Housing affordable housing dwelling units as defined in Section 142.0527(a)(3).

Legend for Table 142-05D

[No change in text.]

Table 142-05D
<u>Reduced Parking Demand Housing Affordable Housing Dwelling Units</u> Parking Ratios
[No change in text in table.]

Footnotes for Table 142-05D Footnotes for Table 142-05D

- (1) [No change in text.]
- (2) Visitor and staff parking spaces are calculated by multiplying the ratio by the total number of Reduced Parking Demand Housing affordable housing dwelling units.
- (3) For assigned parking, the number of additional parking spaces is calculated by multiplying the total parking spaces required for the Reduced Parking Demand Housing affordable housing dwelling units, visitor, and staff parking by 0.1. For unassigned parking, no additional parking spaces are required.

(e) Supplemental Regulations.

(1) [No change in text.]

(2) Reduced Parking Demand Housing Affordable housing dwelling units shall not be subject to the parking regulations of the Transit Overlay Zone and shall not be entitled to parking reductions provided for in Section 142.0550 (Parking Assessment District Calculation Exception).

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

§142.0530 Nonresidential Uses — Parking Ratios

(a) through (b) [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 <i>Floor Area</i> Unless Otherwise Noted (<i>Floor Area</i> Includes <i>Gross Floor Area</i> plus below <i>Grade Floor Area</i> , and Excludes <i>Floor Area</i> Devoted to Parking)		
	Required Automobile Parking Spaces ⁽¹⁾		
	Minimum Required Outside a <i>Transit Area</i>	Minimum Required Within a <i>Transit Area</i> ⁽²⁾	Maximum Permitted
Institutional			
Separately Regulated Uses through Private clubs, lodges, fraternal organizations (except fraternities and sororities) [No change in text.]	[No change in text.]		
Single room occupancy hotels (For <i>SRO Hotels</i> that meet the criteria for Reduced Parking Demand Housing <u>affordable housing dwelling units</u> stated in Section 142.0527, see Section 142.0527 for parking requirements.)	1 per room	0.5 per room	N/A
Separately Regulated Uses, Veterinary clinics & hospitals through All industrial uses in the IS Zone [No change in text.]	[No change in text.]		

Footnotes For Table 142-05G [No change in text.]

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

§142.0545 Shared Parking Requirements

- (a) Approval Criteria. In all zones except single unit residential zones, *shared parking* may be approved through a Building Permit subject to the following requirements.

- (1) [No change in text.]
- (2) All *shared parking* facilities shall be located within a ~~600-foot~~
1200-foot horizontal distance of the uses served.
- (3) through (5) [No change in text.]

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

§142.0560 Development and Design Regulations for Parking Facilities

- (a) through (h) [No change in text.]
- (i) Queue Requirements for Drive-Up Service. Queue space for a minimum of five cars shall be provided for each drive-up service window or position. The queue space for each car shall be 10 feet wide and 20 feet long. Required queue spaces shall not obstruct access to parking aisles or parking spaces. See Section 141.0607(b) for additional queue requirements that apply to eating and drinking establishments with drive-up or drive-through service.
- (j) Driveway and Access Regulations
 - (1) through (2) [No change in text.]
 - (3) Driveway openings shall comply with San Diego Regional Standard Drawing ~~G-16~~ SDG-164 and either Number ~~G-14A~~ SDG-159 and ~~G-14B~~ SDG-160, Concrete Driveways, or ~~SDG-114~~ SDG-163, Concrete Driveway Commercial Alternate, except that driveway openings abutting a through travel lane less than 17 feet wide with an existing or anticipated speed limit of 30 miles per

hour or greater shall conform to Drawing Number SDG-114 SDG-163, Concrete Driveway Commercial Alternate.

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

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

- (A) For properties with no access to an *alley*, there shall be at least one driveway opening permitted per ~~lot~~ *street frontage* with a ~~maximum of one~~ An additional driveway opening may be permitted subject to approval by the City Engineer for each a lot with at least 100 feet of *street frontage* total *street frontage*. For corner lots, the length of the *street frontage* may be combined for the purpose of this calculation.
- (B) For properties with access to an *alley* and at least 150 feet of total *street frontage*, a maximum of one driveway opening for each 150 feet of ~~frontage is~~ *street frontage* may be permitted subject to approval by the City Engineer. For corner lots, the length of the *street frontage* may be combined for the purpose of this calculation.
- (C) For properties with access to an *alley* and less than 150 feet of total ~~frontage~~ *street frontage*, a driveway is not permitted, except that in the RM-1-1, RM-1-2, and RM-1-3 zones, one driveway may be permitted if the prohibition of a driveway opening would preclude achieving the maximum *density* permitted by the underlying zone.

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

(k) [No change in text.]

**§142.1305 Election to Provide For-Sale Affordable Housing Units in a For-Sale
Development**

(a) [No change in text.]

(b) The *development* of for-sale affordable housing units is subject to the following requirements and the provisions of the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual.

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

(3) The equity in a for-sale affordable housing unit shall be shared between the owner and the San Diego Housing Commission in an amount based upon length of ownership at the time of the first resale, in accordance with Table 142-13A.

(A) Through (C) [No change in text.]

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

Table 142-13A

Length of Ownership at the Time of Resale	Share of Equity to Household
Months 0-12	15%
Year 2	21
Year 3	27
Year 4	33
Year 5	39
Year 6	45
Year 7	51
Year 8	57
Year 9	63
Year 10	69
Year 11	75
Year 12	81
Year 13	87
Year 14	93
Year 15 or after	100%

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

It is unlawful to begin *development* on a *premises* that contains *environmentally sensitive lands* without submitting required documentation and obtaining the applicable *development permit*, or an exemption as required pursuant to this division. If unlawful *development* occurs on property containing *environmentally sensitive lands* and an enforcement action has been commenced by the City pursuant to Section 143.0160, ~~no~~ a development permit application may ~~may~~ shall not be processed for the premises until the enforcement action has been concluded, or the City Manager determines a development permit is necessary to resolve the enforcement action.

§143.0146 Supplemental Regulations for Special Flood Hazard Areas

All proposed *development* within a *Special Flood Hazard Area* is subject to the following requirements and all other applicable requirements and regulations of FEMA.

(a) *Development* and Permit Review

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

(7) In ~~in~~ all *floodways*, any *encroachment*, including *fill*, new construction, significant modifications, and other *development* is prohibited unless *certification* by a registered professional engineer is provided demonstrating that *encroachments* will not result in any increase in *flood* levels during the occurrence of the *base flood* discharge except as allowed under Code of Federal Regulations Title 44, Chapter 1, Part 60.3(c)(13).

(b) [No change in text.]

(c) Standards of Construction

In all *Special Flood Hazard Areas*, the following standards apply for all *development*.

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

(10) Within *FIRM* Zones AH or AO, new construction and substantial improvements of any structure shall be constructed so that there are adequate drainage paths

around structures on slopes to guide flood waters around
and away from proposed structures.

(d) Standards for *Manufactured Homes*

All new and replacement *manufactured homes* and additions to *manufactured homes* are subject to the following regulations.

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

(4) Within *FIRM* Zones V1-30, VE, and V, the placement or
installation of manufactured homes shall comply with the
standards for coastal high hazard areas in Section
143.0146(g).

(e) [No change in text.]

(f) Standards for Recreational Vehicles

(1) A recreational vehicle, as defined by FEMA and used in
this Section, is a vehicle built on a single chassis, 400
square feet or less when measured at the largest horizontal
projection, designed to be self-propelled or permanently
towable by a light-duty truck and designed primarily not
for use as a permanent dwelling but as temporary living
quarters for recreational, camping, travel, or seasonal use.

(2) All recreational vehicles placed in *FIRM* Zones A1-30, AE
and AH shall comply with one of the following:

(A) Be on the site for fewer than 180 consecutive days;

or

- (B) Be fully licensed with the state and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- (C) Meet the standards for *manufactured homes* in Section 143.0146(d).

(g) Standards for Coastal High Hazard Area

- (1) A coastal high hazard area is an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. It is an area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a *FIRM* Zone V1-30, VE, or V.
- (2) Within coastal high hazard areas, *FIRM* Zones V1-30, VE, and V, the following standards shall apply:

 - (A) All new *development*, including *substantial improvement* to an existing *structure*, shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the bottom of the lowest horizontal structural

member of the *lowest floor* (excluding the pilings or columns) is elevated to or about the *base flood* level. The pile or column foundation and *structure* attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the *base flood*. Wind loading values used shall be those required by applicable state or local building standards.

- (B) All new *development* shall be located on the landward side of the reach of mean high tide.
- (C) All new *development* and any *substantial improvement* to an existing *structure* shall have the space below the *lowest floor* free of obstructions or constructed with breakaway walls. Such enclosed space shall be used solely for parking of vehicles, building access or storage.
- (D) *Fill* shall not be used for structural support of buildings.
- (E) Man-made alteration of sand dunes which would increase potential *flood* damage is prohibited.

(F) The applicant for any new development shall provide the following records to the satisfaction of the City Engineer:

(i) Certification by a registered engineer or architect that a proposed structure complies with Section 143.0146(g); and

(ii) Plans that identify the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) of all new structures and any substantial improvements to existing structures, and whether such structures contain a basement.

(F)(h) The City Engineer shall notify the San Diego District Offices of the Coastal Commission of any pending changes to the adopted Flood Insurance Rate Maps affecting property within the Coastal Overlay Zone when the City Engineer receives notification of such potential changes. The City Engineer shall notify the Commission staff when ~~coastal~~ coastal development within the City of San Diego's Coastal Development Permit jurisdiction would require processing a change to the FIRM maps. The City Engineer shall ensure that the Commission's District Office has the most current effective Flood Insurance Rate Maps approved by FEMA by

forwarding any revised maps affecting the Coastal Overlay Zone within thirty working days of the City Engineer's receipt.

- (i) If a development changes the base flood elevations due to physical alterations, the permit applicant shall be required to submit technical or scientific data to FEMA for a Letter of Map Revision (LOMR) within 6 months of information becoming available or project completion, whichever comes first. All LOMR's for flood control projects are approved prior to the issuance of Building Permits. Building Permits shall not be issued based on Conditional Letters of Map Revision.

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

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

- (c) The City Manager shall evaluate proposed development to determine the need for a site-specific survey. The determination shall be made within 10 *business days* of an application for a *construction permit* or within 30 calendar days of an application for a *development permit*, as applicable. A site-specific survey shall be required when the City Manager determines that a *historical resource* may exist on the parcel, ~~or~~ and if the *development* proposes a substantial alteration according to Section 143.0250(a)(3). If the City Manager determines that a site-specific survey is not required for a proposed development within the specified time period specified above, then a permit in accordance with Section 143.0210

shall not be required. If a site-specific survey is prepared to the satisfaction of the City Manager for a proposed *development*, additional site-specific surveys shall not be required pursuant to Section 143.0212.

(d) [No change in text.]

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

This division applies to any development proposal for which a Neighborhood Development Permit or Site Development Permit is required as described in Sections 126.0402 and 126.0502, in accordance with Table 143-03A.

Legend for Table 143-03A

[No change in text.]

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

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process
Affordable/In-Fill Housing and Sustainable Building Projects with Deviations through Relocated Building Onto a Site With an Existing Building [No change in text.]	[No change in text.]	
Site with <i>Previously Conforming</i> Conditions	127.0102-127.0106 127.0106 , 143.0303, 143.0305, 143.0375	NDP/Process Two
Nonresidential <i>Development</i> Exceeding the Maximum Permitted Parking through Clairemont Mesa Height Limit Overlay Zone [No change in text.]	[No change in text.]	

**§143.0365 Supplemental Site Development Permit Regulations for Small Lot
Subdivisions**

The purpose of these regulations is to provide supplemental regulations for
development of single dwelling units in a small *lot subdivision*.

A small *lot subdivision* is the subdivision of multi-family zoned land, consistent
with the *density* of the zone, for the construction of *single dwelling units*.

The intent is to encourage *development of single dwelling units* on small *lots* in
order to provide a space-efficient and economical alternative to traditional *single
dwelling unit development*. It is also the intent of these regulations to provide
pedestrian-friendly *developments* that are consistent with the neighborhood
character.

The following supplemental regulations apply to a Site Development Permit for a
small *lot subdivision*.

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

Table 143-03C

Development Regulations for Small Lot Subdivisions

Max permitted <i>density</i> pre-subdivided <i>lot</i> dwelling units (DU) per <i>lot</i>	
Pre-subdivided <i>lot</i> through Subdivided <i>lot</i> [No change in text.]	
Min <i>lot</i> area square feet (sf)	maximum permitted <i>density</i> of the base zone ---
Min <i>lot</i> dimensions	
Pre-subdivided <i>lot</i>	
<i>Lot</i> width (ft) through Refuse and Recyclable Material Storage [See Section 142.0805] [No change in text.]	[No change in text.]

Footnotes for Table 143-03C [No change in text.]

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

Table 143-03D
Driveway Width for Small Lot Subdivisions

[No change in text.]

(i) The ~~planting~~ landscape requirements shall be in accordance with the requirements for small *lot subdivisions* shown in Section 142.0402, Table ~~142-04C~~ 142-04A.

(j) [No change in text.]

§143.0402 When Planned Development Permit Regulations Apply

This Division applies to all *development* proposals for which a Planned Development Permit is requested, in accordance with Table 143-04A.

Table 143-04A
Supplemental Planned Development Permit Regulations Applicability

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process ⁽¹⁾
Residential <i>development</i> requesting deviations from applicable zone regulations ⁽²⁾ through <i>Development</i> that complies with the applicable <i>land use plan</i> designation, but contains uses that are not permitted in the underlying base zone [No change in text.]	[No change in text.]	
<u>Multiple dwelling unit residential development with increased density per the adopted <i>land use plan</i></u>	<u>143.0403, 143.0410, 143.0455</u>	<u>PDP/Process 4</u>
Rural cluster <i>development</i> in the AR and OR zones through Residential <i>development</i> in RS zones of <i>urbanized Communities</i> where a Planned Development Permit is requested [No change in text.]	[No change in text.]	

Footnotes to Table 143-04A Footnotes to Table 143-04A [No change in text.]

§143.0410 General Development Regulations for Planned Development Permits

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

(j) Criteria For *Development* Design

The following design criteria will be used to evaluate proposed *developments* in conjunction with the required *findings*.

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

(3) Buildings should avoid an overwhelming or dominating appearance as compared to adjacent *structures* and *development* patterns. Abrupt differences in scale between large commercial buildings and adjacent residential areas should be avoided. Instead, gradual transitions in building scale should be incorporated.

(4) Larger *structures* should be designed to reduce actual or apparent bulk. This can be achieved by using pitched roof designs, separating large surface masses through changes in exterior treatment, or other architectural techniques.

(3)(5) Buildings, *structures*, and facilities on the *premises* should be well integrated into, oriented towards, and related to, the topographic and natural features of the site.

(4)(6) Proposed *developments* should avoid repetitious *development* patterns that are inconsistent with the goals of the applicable *land use plan*.

(5) Buildings should avoid an overwhelming or dominating appearance as compared to adjacent *structures* and *development*

~~patterns. Abrupt differences in scale between large commercial buildings and adjacent residential areas should be avoided. Instead, gradual transitions in building scale should be incorporated.~~

- (6) ~~Larger structures should be designed to reduce actual or apparent bulk. This can be achieved by using pitched roof designs, separating large surface masses through changes in exterior treatment, or other architectural techniques.~~
- (7) [No change in text.]
- (8) Elements such as street trees, curbside landscaping, varied *setbacks*, and enhanced paving should be used to enhance the visual appearance of the *development*.
- (9) Roof forms should be consistent in material, design, and appearance with existing *structures* in the surrounding neighborhood. ~~Plant materials and other design features should be used to define and enhance the appearance of roof spaces, especially flat roofs that are visible from higher elevations.~~
- (10) Plant materials and other design features should be used to define and enhance the appearance of roof spaces, especially flat roofs that are visible from higher elevations.
- (1011) Building material and color palettes should be consistent with applicable guidelines in the applicable *land use plan*, if provided.

§143.0455 **Supplemental Planned Development Permit Regulations for Multiple Dwelling Unit Residential Development with Increased Density per the Adopted Land Use Plan**

In addition to the general regulations for all Planned Development Permits in Section 143.0410(j)(5) through (11), the following regulations apply to *multiple dwelling unit development* that requests approval of increased *density* through a Planned Development Permit and where increased *density* is expressly provided for in the adopted *land use plan*. It is the intent of these regulations to provide increased density in pedestrian-friendly *development* that is consistent with the planned character of the neighborhood per the adopted *land use plan*.

(a) *Density*

- (1) The minimum and maximum *density* for utilization of the increased *density* provision in Section 143.0455 shall be as specified in the adopted *land use plan* and shall not require processing of a deviation.
- (2) Utilization of this increased *density* alternative per the adopted *land use plan* shall not preclude the use of the state density bonus program, where applicable.

(b) The relationship of the proposed *development* to the *public right-of-way* and neighboring property shall be addressed as follows:

- (1) The *development* shall provide visually interesting building articulation that maintains a sense of scale and transition to

buildings lower in height and to the adjacent *public right-of-way*
by incorporating the following:

- (A) *Offsetting wall planes, openings, projections, recesses and other building details.*
 - (B) *Varied building rooflines.*
 - (C) *One and two story building components with upper-story step backs at the third *floor* and above.*
 - (D) *Building facades that include a main entry and other pedestrian-oriented architectural features such as windows, balconies, trellises, wing walls (attached to the building), garden walls (free standing), porches, fencing, and arbors.*
- (2) *Off-street parking spaces shall be located behind the building facade where possible, and shall be provided with access to an alley where available.*
- (3) *The adjacent sidewalk, curb, and gutter shall be provided to City standards, and shall include all improvements necessary to bring existing *public right-of-way* conditions to current standards. Existing curb cuts that exceed current standards shall be removed or reduced to not exceed the maximum dimension identified in Section 142.0560.*

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

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

- (a) Residential *development* (including both for-sale and for-rent affordable housing dwelling units) in accordance with Section ~~142.1306(a)~~ 142.1305.

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

§144.0130 Survey Monuments

- (a) Survey monuments shall be set in accordance with the *Subdivision Map Act*, Chapter 4, Article 9, to the satisfaction of the City Engineer. When the setting of monuments is deferred, a cash security deposit, in the amount of the estimated cost as provided by the engineer or land surveyor, shall be deposited with the City to guarantee setting such monuments and payment of the surveyor of record for setting them. When the final monuments are set as certified on the final map or *parcel map* and are accepted by the City Engineer and the surveyor of record is paid for setting them, the monument security shall be released in accordance with ~~the *Subdivision Map Act*, Chapter 4, Article 9~~ Section 144.0130(b).
- (b) The City Land Surveyor may approve the release of any security posted for the setting of monuments upon the satisfaction of the requirements in Section 144.0130(a), the *Subdivision Map Act* Chapter 4, Article 9, and California Government Code section 66497(d).

§151.0103 Applicable Regulations

- (a) [No change in text.]
- (b) The following regulations apply in all planned districts:
- (1) through (3) [No change in text.]

- (4) Solar energy systems regulations and electric vehicle charging station regulations contained in Land Development Code Section 141.0418 and Section 141.0419.
- (5) through (7) [No change in text.]
- (8) Parking Regulations for ~~Reduced Parking Demand Housing~~ affordable housing dwelling units in Land Development Code Section 142.0527, except where the Planned District Ordinance provides a lower parking ratio than allowed in Section 142.0527.
- (9) [No change in text.]

§152.0104 Definitions

Artists' Studios through Schools, Public or Private [No change in text.]

~~**Senior Citizens Housing**—At least one person residing in each unit shall be at least 55 years of age or physically handicapped. Senior housing may also include facilities meeting state and federal program standards for such housing, and are subject to the standards contained in Land Development Code Section 141.0310.~~

Single Family Residential through Wholesale and Warehouse [No change in text.]

§152.0303 Subdistrict A Permitted Uses

- (a) No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the following purposes:
 - (1) through (4) [No change in text.]

(5) Schools, limited to primary, elementary, junior high and senior high in accordance with Section 141.0407 and child care centers in accordance with Section 141.0606.

(6) [No change in text.]

(7) Churches, temples or buildings of permanent nature used primarily for religious purposes in accordance with Section 141.0602.

(8) through (12) [No change in text.]

§152.0309 Subdistrict C Permitted Uses

It shall be unlawful to erect, construct, convert, establish, alter, move-on or enlarge any building or improvement or portion thereof, nor shall any lot or premises be used except for one or more of the following purposes as provided herein:

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

(g) The following ~~conditional~~ separately regulated uses may be permitted according to the regulations set forth in Municipal Code Section 151.0401 and Land Development Code Chapter 14, Article 1 (Separately Regulated Use Regulations).

(1) Churches, temples or buildings used primarily for religious purposes in accordance with Section 141.0602.

(2) [No change in text.]

(3) ~~Nursery and elementary~~ Elementary schools (grades K-6) in accordance with Section 141.0407, and day child care facilities centers in accordance with Section 141.0606.

(4) [No change in text.]

§155.0238 Use Regulations Table of CU Zones

The uses allowed in the CU zones are shown in Table 155-02C:

Legend for Table 155-02C

[No change in text.]

**Table 155-02C
Use Regulations Table for CU Zones**

Use Categories/Subcategories [See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones							
	1st & 2nd >> □	CU-							
	3rd >> □	1-(1)		2-			3-		
	4th >> □	1	2	3	4	5	3 ⁽²⁾⁽¹²⁾	6	7 8
Open Space through Agriculture, Separately Regulated Agriculture Uses, Open Air Markets for the Sale of Agriculture- Related Products & Flowers [No change in text.]		[No change in text.]							
Residential									
Group Living Accommodations		-		-				-	
Mobilehome Parks through Multiple Dwelling Units [No change in text.]		[No change in text.]							
Rooming House [See Sections 131.0112(a)(3)(A) and 131.0540]		=		P			=		
Shopkeeper Units Shopkeeper Units [See Section 113.0103]		P		P ⁽⁴⁾			P ⁽⁴⁾		
Residential, Single Dwelling Units through Separately Regulated Residential Uses, Home Occupations [No change in text.]		[No change in text.]							
Housing for Senior Citizens		€		€			€		
Live/Work Quarters through Watchkeeper Quarters [No change in text]		[No change in text.]							
Institutional, Separately Regulated Institutional Uses through Communication Antennas: Major Telecommunication Facility [No change in text.]		[No change in text.]							

Use Categories/Subcategories [See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone	Zones									
	Designator										
	1st & 2nd >> <input type="checkbox"/>	CU-									
	3rd >> <input type="checkbox"/> 4th >> <input type="checkbox"/>	1-(1)		2-			3-				
		1	2	3	4	5	3 ⁽²⁾⁽¹²⁾	6	7	8	
Satellite Antennas		<u>L</u>		<u>L</u>				<u>L</u>			
Correctional Placement Centers [No change in text.]		[No change in text.]									
Educational Facilities:											
Kindergarten through Grade 12		-		<u>EL</u>				C			
Colleges / Universities through Vocational / Trade School [No change in text.]		[No change in text.]									
<u>Electric Vehicle Charging Stations</u>		<u>L</u>		<u>L</u>				<u>L</u>			
Energy Generation & Distribution Facilities through Major Transmission, Relay, or Communications Switching Stations [No change in text.]		[No change in text.]									
Satellite Antennas		<u>L</u>		<u>L</u>				<u>L</u>			
Social Service Institutions through Solar Energy Systems [No change in text.]		[No change in text.]									
Retail Sales											
Building Supplies & Equipment through Wearing Apparel & Accessories [No change in text.]		[No change in text.]									
Separately Regulated Retail Sales Uses											
Agriculture Related Supplies & Equipment through Alcoholic Beverage Outlets [No change in text.]		[No change in text.]									
<u>Farmers' Markets</u>											
<u>Weekly Farmers' Market</u>		=		<u>L</u>				<u>L</u>			
<u>Daily Farmers' Market Stands</u>		=		<u>L</u>				<u>L</u>			
Plant Nurseries [No change in text.]		[No change in text.]									
<u>Retail Farms</u>		=		<u>L</u>				<u>L</u>			
<u>Retail Tasting Stores</u>		=		<u>L</u>				<u>L</u>			
Swap Meets & Other Large Outdoor Retail Facilities [No change in text.]		[No change in text.]									
Commercial Services											
Building Services through Radio & Television Studios [No change in text.]		[No change in text.]									
<u>Tasting Rooms</u>		=		=				=			
Visitor Accommodations [No change in		[No change in text.]									

Use Categories/Subcategories [See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone	Zones									
	Designator	CU-									
	1st & 2nd >> ☐	1 ⁻⁽¹⁾		2-			3-				
	3rd >> ☐ 4th >>>☐	1	2	3	4	5	3 ⁽²⁾⁽¹²⁾	6	7	8	
text.]											
Separately Regulated Commercial Services Uses											
Adult Entertainment Establishments: through Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]									
<u>Medical Marijuana Consumer Cooperatives</u>		=		=			=				
<u>Mobile Food Trucks</u>		=		<u>L</u>			<u>L</u>				
Nightclubs & Bars over 5,000 square feet in size through Recycling Facilities: Tire Processing Facility [No change in text.]		[No change in text.]									
Sidewalk Cafes		N		<u>NL</u>			<u>NL</u>				
Sports Arenas & Stadiums through Zoological Parks [No change in text.]		[No change in text.]									
Offices through Vehicle & Vehicular Equipment Sales & Service, Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses, Outdoor Storage & Display of New, unregistered Motor Vehicles as a <i>primary use</i> [No change in text.]		[No change in text.]									
<u>Wholesale, Distribution, and Storage</u>		-									
Equipment & Materials Storage Yards through Moving & Storage Facilities [No change in text.]		[No change in text.]									
Warehouses		-		P ⁽⁸⁾			P ⁽⁸⁾				
<u>Wholesale Distribution Facilities</u>		-		P ⁽⁸⁾			P ⁽⁸⁾				
Separately Regulated Wholesale, Distribution and Storage Uses											
Impound Storage Yards through Temporary Construction Storage Yards Located off-site [No change in text.]		[No change in text.]									
Industrial											
Heavy Manufacturing through Trucking & Transportation Terminals [No change		[No change in text.]									

Use Categories/Subcategories — [See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone	Zones									
	Designator										
	1st & 2nd >> ☐	CU-									
	3rd >> ☐ 4th >>☐	1-(1)		2-			3-				
		1	2	3	4	5	3(2)(12)	6	7	8	
in text.]											
Separately Regulated Industrial Uses											
<u>Mining and Extractive Industries</u>		[No change in text.]									
<i>Hazardous Waste</i> Research Facility through Wrecking & Dismantling of Motor Vehicles		[No change in text.]									
Signs											
Allowable <i>Signs</i> [No change in text.]		[No change in text.]									
Separately Regulated <i>Signs</i> Uses											
<u>Community Entry <i>Signs</i></u>		<u>L</u>				<u>L</u>				<u>L</u>	
<u>CommunityNeighborhood Identification <i>Signs</i></u>		N				N				N	
<u>Reallocation of <i>Sign</i> Area</u>		N				N				N	
<u>AllowanceComprehensive <i>Sign</i> Program</u>											
Revolving <i>Projecting Signs</i> through Theater <i>Marquees</i> [No change in text.]		[No change in text.]									

Footnotes to Table 155-02C [No change in text.]

§155.0253 Supplemental Development Regulations

The following additional supplemental *development* regulations apply in the Central Urbanized Planned District. These regulations shall supersede any regulations contained in Land Development Code Chapter 14, Article 3 that are inconsistent or not expressly incorporated into the Central Urbanized Planned District regulations.

Table 155-02F
Supplemental Development Regulations Applicability

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process⁽¹⁾
Residential and mixed commercial/residential development in facility deficient neighborhoods shown on Map B-4104 under circumstances outlined in Section 151.0253(a) 155.0253(a)	155.0243(a)	Site Development Permit/Process 3
Residential development in a commercial zone on El Cajon Boulevard or University Avenue that is not part of a mixed-use (commercial-residential) project under circumstances outlined in Section 155.0253(b) through Warehouses, Wholesale Distribution, and Light Manufacturing uses exceeding 10,000 square feet up to a maximum of 30,000 square feet, subject to the criteria contained in Section 155.0253(f) [No change in text.]	[No change in text.]	

§156.0308 Base District Use Regulations

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

	Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS															
	LEGEND: [No change in text.]															
Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays	
Public Park/ Plaza/Open Space through Separately Regulated Residential Uses, Home Occupations [No change in text.]	[No change in text.]															
Senior Housings	C	C	C	C	--	C	C	--	--	C	C	--	--	§141.0310 §156.0309(e)(1)		
Separately Regulated Residential Uses, Living Units through Institutional, Public Safety Facilities [No	[No change in text.]															

	Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS															
	LEGEND: [No change in text.]															
Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays	
change in text.]																
Separately Regulated Institutional Uses																
Churches & Assembly Uses, including Places of Religious Assembly	P	P	P	P	<u>P</u>	P	C	--	--	P	L	--	<u>P</u>			CS
Separately Regulated Institutional Uses, Communication Antennas through Other Use Requirements, Temporary Uses and Structures [No change in text.]	[No change in text.]															

Footnotes to Table 156-0308-A [No change in text.]

§158.0301 Residential Zones

The intent of the residential zone regulations is to provide for the development and redevelopment of multi-family residential structures within the Golden Hill community which relate in scale and design to the preferred neighborhood character. Standards are designed to promote development that will complement and preserve the diverse and distinctive architectural character of the community.

(a) Permitted Uses

No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the following purposes as provided herein:

(1) [No change in text.]

(2) Schools, limited to primary, elementary, junior high, and senior high in accordance with Section 141.0407, and child care centers in accordance with Section 141.0606.

(3) [No change in text.]

(4) Churches, temples, or buildings of a permanent nature used primarily for religious purposes in accordance with Section 141.0602.

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

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

§1512.0302 Permitted Uses - Residential (MR) Zones

No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except as set forth in Section 1512.0302.

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

(c) Schools, limited to primary, elementary, junior high, and senior high in accordance with Section 141.0407, and child care centers in accordance with Section 141.0606.

(d) [No change in text.]

(e) Churches, temples, or buildings of a permanent nature used primarily for religious purposes in accordance with Section 141.0602.

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

§1514.0304 Residential Zones (MVR-1, MVR-2, MVR-3, MVR-4, MVR-5)

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

Legend for Table 1514-03E

[No change in text.]

**Table 1514-03E
Residential Zones Use Table**

PERMITTED USES	ALL RESIDENTIAL ZONES
Residential/Compatible Residential through Residential Care Homes for 6 or fewer clients [No change in text.]	[No change in text.]
Schools, limited to primary, elementary, junior high and senior high <u>in accordance with Section 141.0407, and child care centers in accordance with Section 141.0606</u>	PL
Public Parks and Playgrounds [No change in text.]	[No change in text.]
Churches, Temples or buildings of a permanent nature used for religious purposes <u>in accordance with Section 141.0602</u>	CUP <u>I</u> ²
Branch Public Libraries through Neighborhood Commercial uses per Section 101.0426 [No change in text.]	[No change in text.]
Any other use which the Planning Commission may find, in accordance with Process Four, to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this planned district. The adopted resolution embodying such finding shall be filed in the office of the City Clerk. [No change in text.]	

~~Footnotes for Table 1514-03E~~ **Footnotes for Table 1514-03E** [No change in text.]

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

§1514.0305 Commercial Zones (MV-CO, MV-CV, MV-CR)

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

Legend for Table 1514-03J

[No change in text.]

Table 1514-03J
Commercial Zones Use Table

COMMERCIAL	MV- CO	MV- CV	MV- CR
Accessory Uses through Childcare Facilities [No change in text.]	[No change in text.]		
Churches, Temples or buildings of a permanent nature used for religious purposes <u>in accordance with Section 141.0602</u>	CUP <u>L</u>	CUP <u>L</u>	CUP <u>L</u>
Cleaning & dyeing works (including rugs, carpets, and upholstery) 5,000 sq. ft. or less enclosed through Restaurants [No change in text.]	[No change in text.]		
Schools, public, private and nursery <u>in accordance with Section 141.0407 and child care centers in accordance with Section 141.0606</u>	<u>PL</u>	-	<u>PL</u>
Shoe stores through Wholesaling or warehousing of goods and merchandise, provided that the floor area occupied for such use per establishment does not exceed 5,000 sq. ft. For automobile dealership, the area shall not exceed 15,000 sq. ft. [No change in text.]	[No change in text.]		
Any other use which the Planning Commission may find, in accordance with Process Four, to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this planned district. The adopted resolution embodying such finding shall be filed in the office of the City Clerk. [No change in text.]			

Footnotes for Table 1514-03J [No change in text.]

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

Article 18: San Ysidro Planned District

Appendix A: Permitted Uses

Legend: P = Permitted
- = Not Permitted
L = Subject to Limitations
SP= Special Permit

	COMMERCIAL CATEGORIES			INDUSTRIAL ZONES	EXPLANATION OF "L" LIMITATIONS
	1	2	3	I-1	
<u>Permitted Uses</u>					
Residential , Single Family Dwellings through Child Day Care Center [No change in text.] Churches, Temples or Buildings of a Permanent Nature Used for Religious Purposes <u>in accordance with Section 141.0602</u>					[No change in text.]
Companion Units through Residential Care Facilities Schools, Limited to Primary, Elementary, Junior High and Senior High <u>in accordance</u> <u>with Section 141.0407 and child care centers in</u> <u>accordance with Section 141.0606</u>	<u>SP L</u>	<u>SP L</u>	<u>SP L</u>		[No change in text.]
	<u>-L</u>	<u>-L</u>	<u>-L</u>		
Commercial , Advertising, Secretarial & Telephone Answering Services through The following business and professional establishments: Addressing and Secretarial Services [No change in text.]					[No change in text.]

Footnotes for Appendix A [No change in text.]

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