

CALIFORNIA COASTAL COMMISSION

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Th14c

LCP-6-SAN-20-0026-1 (12th Update to Land Development Code)

November 2020

EXHIBITS

Table of Contents

EXHIBIT 1: Strikeout/Underline Ordinances

EXHIBIT 2: Updated Special Flood Hazard Area Maps

§121.0302 Required Compliance with the Land Development Code

- (a) It is unlawful for any person to maintain or use any *premises* in violation of any of the provisions of the Land Development Code, without a required permit, contrary to permit conditions except as provided in Sections 126.0112 or 126.0113, or without a required variance.
- (b) through (i) [No change in text.]

§125.0150 Tolling of Tentative Maps and Associated Development Permits

- (a) Pursuant to *Subdivision Map Act* Section 66452.6(c), an *applicant* may request a tolling of the expiration of an approved or conditionally approved *tentative map* for up to 5 years while a lawsuit involving the approval or conditional approval of the *tentative map* is or was pending in a court of competent jurisdiction. Associated *development permits* may also be tolled in accordance with Sections 125.0150 and 126.01156.
- (b) through (e) [No change in text.]

§126.0112 ~~Minor~~ Modifications to a Development Permit

- (a) A proposed ~~minor~~ modification to an approved *development permit* may be submitted to the City Manager to determine if the revision is in *substantial conformance* with the approved permit.
- (b) [No change in text.]
- (c) Where a *development permit* requires compliance with a regulation in effect on the date of approval, but that regulation is subsequently amended, the *permit holder* may utilize the amended regulation without obtaining an amendment to its *development permit* if ~~it obtains a Process~~ Two Neighborhood Development Permit, or the permit holder can

demonstrate to the satisfaction of the City Manager that the resulting *development* is in *substantial conformance* with the approved *development permit*.

(d) If a determination of *substantial conformance* cannot be made for a *development* seeking to utilize an amended regulation in accordance with Section 126.0112(c), the *permit holder* may utilize the amended regulation if the *permit holder* obtains a Process Two Neighborhood Development Permit.

(d)(e) Within the Coastal Overlay Zone, any *substantial conformance* determination shall be decided in accordance with Process Two, except that a *substantial conformance* determination for a *capital improvement program project* shall be reached through a Process CIP-Two review.

§126.0113 Development on a Premises with a Utilized Development Permit

The purpose of this Section is to allow a change in *development* to occur on a *premises* that has a utilized *development permit* in accordance with Section 126.0108, when the proposed *development* is not included within the scope of the utilized *development permit* but complies with the use and *development* regulations of the applicable base zone or overlay zone.

(a) *Development* that is not included within the scope of a utilized *development permit* may be approved without an amendment to the *development permit* in accordance with Process One, subject to all of the following:

- (1) The proposed use is listed as a permitted use in the applicable base zone and overlay zones, or listed as a limited use and the proposed development complies with all limited use regulations;
 - (2) The proposed development complies with all development regulations of the applicable base zone and overlay zones, except through the use of incentives or waivers as provided in Chapter 14, Article 3, Division 7;
 - (3) The proposed development does not require additional development permits; and
 - (4) Except as permitted by Section 126.0112, all development within the scope of the utilized development permit that has received a construction permit complies with the applicable conditions of the development permit.
- (b) If the utilized development permit was approved concurrently with an individual, project-specific rezone action, a permit holder cannot rely on the provisions of Section 126.0113(a) for a proposed development unless:
- (1) A comprehensive community land use plan was adopted or updated after the utilized development permit was approved; or
 - (2) The utilized development permit allowed the maximum development allowed under the base zone and applicable overlay zones, accounting for any building restricted easements required as part of the development.

§126.01134 Amendments to a Development Permit

- (a) [No change in text.]
- (b) A proposed change in use from one use category to another or the change, addition, or deletion of a use within the same use category may require an amendment to a Neighborhood Use Permit or a Conditional Use Permit, depending on the uses allowed by the permit, except as provided in Sections 126.0112 or 126.0113.
- (c) through (d) [No change in text.]
- (e) Within the Coastal Overlay Zone, a proposed change in use which will result in ~~a change in intensity~~ an intensification of use requires an amendment or a new Coastal Development Permit.
- (f) [No change in text.]

§126.01145 Closing of Development Permit Application

[No change in text.]

§126.01156 Tolling of a Development Permit

[No change in text.]

§126.0206 Violations of a Neighborhood Use Permit

It is unlawful for any person to maintain, use, or develop any *premises* without a Neighborhood Use Permit if such a permit is required for that use or *development* or to maintain, use, or develop any *premises* contrary to the requirements or conditions of the Neighborhood Use Permit, except as provided in Sections 126.0112 or 126.0113. Violation of any provision of this ~~d~~Division shall

be subject to the enforcement provisions contained in Chapter 12, Article 1.

Violations of this ~~d~~Division shall be treated as strict liability offenses regardless of intent.

§126.0306 Violations of a Conditional Use Permit

It is unlawful for any person to maintain, use, or develop any *premises* without a Conditional Use Permit if such a permit is required for that use or *development* or to maintain, use, or develop any *premises* contrary to the requirements or conditions of an existing Conditional Use Permit, except as provided in

Sections 126.0112 or 126.0113. Violation of any provision of this ~~d~~Division shall be subject to the enforcement provisions contained in Chapter 12, Article 1.

Violations of this ~~d~~Division shall be treated as strict liability offenses regardless of intent.

§126.0405 Violations of a Neighborhood Development Permit

It is unlawful for any person to maintain, use, or develop any *premises* without a Neighborhood Development Permit if such a permit is required for that use or *development* or to maintain, use or develop any *premises* contrary to the requirements or conditions of an existing Neighborhood Development Permit,

except as provided in Sections 126.0112 or 126.0113. Violation of any provision of this ~~d~~Division shall be subject to the enforcement provisions contained in Chapter 12, Article 1. Violations of this ~~d~~Division shall be treated as strict liability offenses regardless of intent.

§126.0506 Violations of a Site Development Permit

It is unlawful for any person to maintain, use, or develop any *premises* without a Site Development Permit if such a permit is required for the use or *development*,

or to maintain, use, or develop any *premises* contrary to the requirements or conditions of an existing Site Development Permit, except as provided in Sections 126.0112 or 126.0113. Violation of any provision of this ~~d~~Division shall be subject to the enforcement provisions contained in Chapter 12, Article 1. Violations of this ~~d~~Division shall be treated as strict liability offenses regardless of intent.

§126.0606 Violations of a Planned Development Permit

It is unlawful for any person to maintain, use, or develop any *premises* without a Planned Development Permit if such a permit is required for the use or *development*, or to maintain, use, or develop any *premises* contrary to the requirements or conditions of an existing Planned Development Permit, except as provided in Sections 126.0112 or 126.0113. Violations of any provision of this ~~d~~Division shall be subject to the enforcement provisions contained in Chapter 12, Article 1. Violation of this ~~d~~Division shall be treated as strict liability offenses regardless of intent.

§126.0716 Modifications and Amendments to a Coastal Development Permit

~~Minor m~~Modifications and amendments to a previously approved Coastal Development Permit issued by the City shall be decided in accordance with Sections 126.0112 and 126.01134.

§126.0723 Violations of a Coastal Development Permit

It is unlawful for any person to maintain, use, or undertake *coastal development* on any lot or *premises* without a Coastal Development Permit if such a permit is required for the use or *development* or to maintain, use, or develop any *premises* contrary to the requirements or conditions of an existing Coastal Development

Permit, except as provided in Sections 126.0112 or 126.0113. Violation of any provision of this ~~d~~Division shall be subject to the enforcement provisions contained in Chapter 12, Article 1. Violations of this ~~d~~Division shall be treated as strict liability offenses regardless of intent.

§132.1515 Safety Compatibility

Safety compatibility between airport operations and proposed *development* within Review Area 1 of this overlay zone shall be evaluated in accordance with this Section.

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

(d) An *applicant* may request approval of a Neighborhood Development Permit for a non-residential *development* where an alternative method of calculation is requested to demonstrate compliance with the maximum intensity (people per acre).

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

(3) The *development permit* shall specify the maximum intensity for the site, and shall require amendment of the *development permit* in accordance with Section 126.0113~~4~~ for any future *development* that would exceed the maximum intensity specified in the permit.

(4) [No change in text.]

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

§141.0602 Assembly and Entertainment Uses, Including Places of Religious Assembly

This use category applies to facilities designed to accommodate at least 25 people at a time for recreation, physical fitness, entertainment, or other assembly, including places of religious assembly. Assembly and entertainment uses are

permitted as a limited use in accordance with Process One in zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) and are subject to the regulations in Sections 141.0602(a) and (b). Assembly and entertainment uses 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) and are subject to the regulations in Sections 141.0602(a) and (c).

(a) General Regulations

(1) [No change in text.]

(2) Assembly and entertainment uses shall provide off-street parking according to the following: Table 142-05G. Within transit priority areas, parking may be reduced below the minimum required for residential development. The reduction in parking allowed shall be limited to the footprint of the residential structure and any required landscape or open space for the residential development.

(A) ~~If the specific type of assembly and entertainment use is specified in Table 142-05G, the applicable off street parking standard in Table 142-05G shall apply.~~

(B) ~~If the specific type of assembly and entertainment use is not specified in Table 142-05G, off street parking spaces shall be provided as follows:~~

(i) ~~If seating is fixed, one parking space shall be provided per three seats in the assembly~~

~~area or one parking space per 60 inches of bench or pew seating space, whichever is greater.~~

- (ii) ~~If seating is not fixed, 30 parking spaces shall be provided per 1,000 square feet of assembly area.~~

(3) [No change in text.]

(b) through (c) [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</i> Area Unless Otherwise Noted (<i>Floor</i> Area Includes <i>Gross Floor</i> Area plus below <i>Grade Floor</i> Area, and Excludes <i>Floor</i> Area Devoted to Parking)		
	Required Automobile Parking Spaces ⁽¹⁾		
	Minimum Required Outside a <i>Transit</i> Area or <i>Transit</i> Priority Area	Minimum Required Within a <i>Transit</i> Area or <i>Transit</i> Priority Area ⁽²⁾	Maximum Permitted
Institutional through Commercial Services, Swimming pools [No change in text.]	[No change in text.]		
All other assembly and entertainment	1 per 3 seats or 1 per 60 inches of bench or pew seating, whichever is greater; or 30 10 per 1,000	85% of Minimum ⁽²⁾	N/A

	square feet of assembly area-if seating is not fixed		
Visitor accommodations through Industrial, All industrial uses in the IS Zone [No change in text.]	[No change in text.]		

Footnotes For Table 142-05G¹ through ⁶ [No change in text.]² Except as provided in Section 141.0602(a)(2)

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

§143.0303 Permitted Uses with Neighborhood Development Permits and Site Development Permits

The following regulations apply to all Neighborhood Development Permits or Site Development Permits.

(a) [No change in text.]

(b) Changes of use on a *premises* do not require an amendment of the approved Neighborhood Development Permit or Site Development Permit if the proposed use is permitted in the applicable zone and ~~no exterior modifications to the existing structures or associated exterior facilities are being made to accommodate the proposed use change~~ complies with Sections 126.0112 or 126.0113. Proposed changes of use that require exterior modifications to the existing structures require an amendment to the approved Neighborhood Development Permit or Site Development Permit when the modifications are not in substantial conformance with the approved permit.

(c) [No change in text.]

§143.0375 Maintenance Requirements for Neighborhood Development Permits and Site Development Permits

All *development* approved with a Neighborhood Development Permit or Site Development Permit is subject to the following regulations.

- (a) All *developments* shall be constructed and maintained in accordance with the approved plans and conditions contained in the Neighborhood Development Permit or Site Development Permit, except as provided in Sections 126.0112 or 126.0113.
- (b) [No change in text.]

§143.0403 Permitted Uses with a Planned Development Permit

The following regulations apply to all Planned Development Permits.

- (a) [No change in text.]
- (b) Changes of use on a *premises* ~~will~~ do not require an amendment of the approved Planned Development Permit, if the proposed use is permitted in the applicable zone and ~~no exterior modifications to the existing structures or associated exterior facilities will be required to accommodate the proposed use change~~ complies with Sections 126.0112 or 126.0113. ~~Proposed changes of use that will result in exterior modifications to the existing structures require an amendment to the approved Planned Development Permit when the modifications are not in substantial conformance with the approved Planned Development Permit.~~
- (c) [No change in text.]

§143.0473 Maintenance Requirements for Planned Development Permits

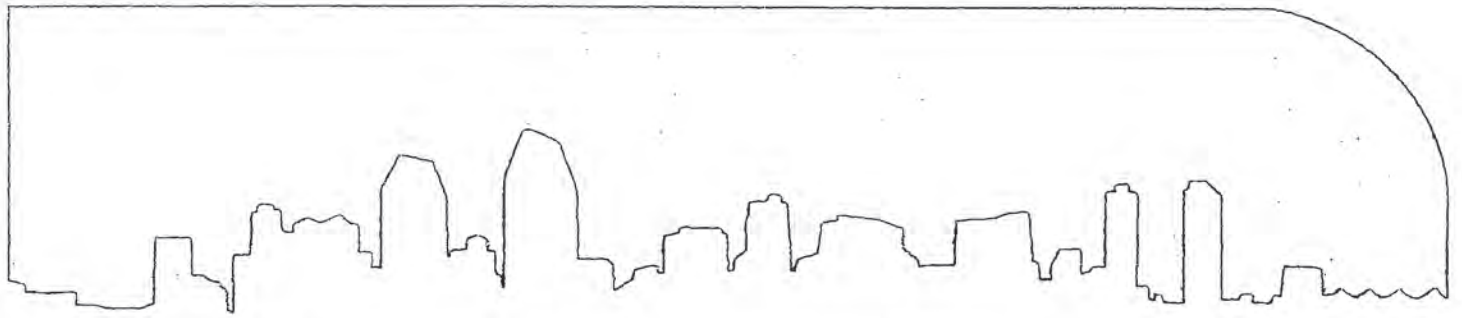
All approved Planned Development Permits must be maintained in compliance with the following regulations:

- (a) All *developments* shall be constructed and maintained in accordance with the approved plans and conditions contained within the approved Planned Development Permit, except as provided in Sections 126.0112 or 126.0113.
- (b) [No change in text.]

§156.0315 Separately Regulated Uses

- (a) through (d) [No change in text.]
- (e) *Alternative Interim Uses* within Neighborhood Mixed Use Centers and along *Main Streets* and *Commercial Streets* are permitted upon approval of a Conditional Use Permit in accordance with Process Three, when the following *findings* are made:
 - (1) through (2) [No change in text.]The initial term for a Conditional Use Permit permitting *Alternative Interim Uses* shall not exceed a ten-year period. Extensions may be approved in accordance with Section 126.0113~~4~~, but shall not exceed an additional ten-year period.
- (f) through (j) [No change in text.]

HMF:soc
11/26/19
Or.Dept:Planning
Doc. No.: 2197675



THE CITY OF SAN DIEGO Floodplain Management

FEMA Definitions Appendix S

July 2019 Edition

APPENDIX S – FEMA DEFINITIONS

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Contents

Introduction

This Floodplain Management Appendix (Appendix) serves as a supplement to the City of San Diego's (City) Floodplain Management standards and procedures. This Appendix is pertinent to the City's Development Regulations for Special Flood Hazard Areas (SFHA), Municipal Code Sections §143.0145 and §143.0146. FEMA-related terminology is defined per the Code of Federal Regulations, as required under the National Floodplain Insurance Program (NFIP). These definitions provide clarification to design engineers, developers, contractors, and others in regard to development in SFHAs.

1.1. Definitions

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 15, 1983.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historical structure a functional construction that possesses historical, scientific, architectural, aesthetic, or cultural significance, usually made for purposes other than sheltering human activity (such as large-scale engineering projects, water control systems, transportation systems, mine shafts, kilns, ovens, lighthouses, and radio telescopes). Means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior or

APPENDIX S – FEMA DEFINITIONS

2. Directly by the Secretary of the Interior in states without approved programs.

Lowest floor means the lowest floor of the lowest enclosed area (including the basement). An unfinished or flood-resistant enclosure that is usable solely for parking vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of any applicable non-elevation design requirements of the Code of Federal Regulations Title 44, Chapter 1, Part 60.3, as amended, or other City requirements.

New construction means structures for which the start of construction commenced on or after August 15, 1983 and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Start of construction includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, or other improvement of a structure, the cost of which, equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

APPENDIX S – FEMA DEFINITIONS

Special Flood Hazard Area or SFHA, means any area inundated during a base flood as shown on the Federal Insurance Rate Map as Zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE, V, M, or E (also referred to as the 100-year floodplain).

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 3
DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 113.0103; AND BY AMENDING
CHAPTER 14, ARTICLE 3, DIVISION 1 BY AMENDING
SECTIONS 143.0145 AND 143.0146, RELATING TO
DEVELOPMENT REGULATIONS FOR SPECIAL FLOOD
HAZARD AREAS.

§113.0103 Definitions

Abutting property through Solid fence [No change in text.]

Special Flood Hazard Area or SFHA, means any area inundated during a *base flood* as shown on the Federal Insurance Rate Map as Zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE, V, M, or E (also referred to as the 100-year *floodplain*).

Specified anatomical areas through Yard [No change in text.]

§143.0145 Development Regulations for Special Flood Hazard Areas

(a) Purpose and Intent.

- (1) The Legislature of the State of California has conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry, including regulations governing development within *Special Flood Hazard Areas*.

- (2) It is the intent of the City that these regulations shall not create liability on the part of the City, any officer or employee of the City, or the Federal Emergency Management Agency (FEMA), for any flood damages that result from reliance on this chapter or any associated administrative decision lawfully made.
- (3) These regulations are not intended to repeal, abrogate, or impair any existing ordinances, easements, covenants, or deed restrictions. However, where these regulations conflict or overlap with another ordinance, easement, covenant, or deed restriction, the more stringent shall prevail.
- (ab) *Special Flood Hazard Areas* within the City of San Diego are established in accordance with the report ~~entitled~~ titled "*Flood Insurance Study, San Diego County, California*," dated June 16, 1999 and the accompanying *Flood Insurance Rate Maps (FIRM)*, published by ~~the Federal Emergency Management Agency (FEMA)~~ FEMA, on file in the office of the City Clerk as Document Nos. 18910-1 and 18910-2, including any supplements, amendments, and revisions which are properly promulgated by FEMA or the Federal Insurance Administrator.
- (bc) For the purpose of ~~S~~sections 143.0145 and 143.0146, the City Engineer is the designated Floodplain Administrator and shall administer, implement, and enforce these regulations.
- (ed) The degree of *flood* protection required by this section 143.0145 and section 143.0146 ~~is considered reasonable for regulatory purposes and is~~

based on scientific and engineering considerations, and is considered reasonable for regulatory purposes. Larger *floods* can and will occur on rare occasions. It is possible that increased *flood* heights may result from man-made or natural causes. This section 143.0145 and section 143.0146 ~~do~~ does not imply that land outside a *Special Flood Hazard Area* or uses permitted within such areas will be free from *flooding* or *flood* damages. ~~This section shall not create liability on the part of the City, any officer or employee thereof, or the FEMA, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made there under.~~

- (e) The Floodplain Management FEMA Definitions in the Land Development Manual Appendix S apply to the provisions of this section 143.0145 and section 143.0146. For purposes of this section 143.0145 and section 143.0146, if there is a conflict between the definitions in Appendix S and any other definitions in the San Diego Municipal Code, the definitions in Appendix S shall apply.
- (df) The following development regulations and all other applicable requirements and regulations of FEMA apply to all *development* proposing to encroach into a *Special Flood Hazard Area*, including both the *floodway* and *flood fringe* areas, or that does not qualify for an exemption pursuant to ~~S~~section 143.0110(c);
- (eg) *Floodways*
 - (1) through (6) [No change in text.]

- (7) Within the Coastal Overlay Zone, no *structure* or portion thereof shall be erected, constructed, converted, established, altered, or enlarged, or no landform alteration *grading*, placement, or removal of vegetation, except that related to a pre-FIRM historic and ongoing agricultural operation, or land division shall be permitted, provided:

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

- (fh) *Flood Fringe*. The applicable *development* regulations are those in the underlying zone, subject to the following supplemental regulations:

- (1) Within the *flood fringe* of a *Special Flood Hazard Area*, permanent *structures* and *fill* for permanent *structures*, roads, and other *development* are allowed only if the following conditions are met:

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

- (E) There will be no significant adverse water quality impacts to downstream wetlands, lagoons or other *sensitive biological resources*, and the *development* is in compliance with the requirements and regulations of the National Pollution Discharge Elimination System Permit, as implemented by the City of San Diego.

(F) [No change in text.]

(2) [No change in text.]

§143.0146 Supplemental Regulations for Special Flood Hazard Areas

All proposed *development* ~~within~~ a *Special Flood Hazard Area*, including substantial improvements, is subject to the following requirements and all other applicable requirements and regulations of FEMA. The applicant for each development project, including applicants for substantial improvement projects, shall obtain the federal and state permits required by 44 C. F. R. § 60.3(a)(1), as may be amended.

(a) *Development and Permit Review*

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

(8) The applicant shall obtain, keep, and make available for inspection by the City Engineer the following certifications:

(A) certification required for lowest floor elevations; and

(B) certification required for elevation or floodproofing of nonresidential structures.

(b) *Standards for Subdivisions*

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

(c) *Standards of Construction*

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

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

(11) All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor, excluding basements, that are usable solely for parking of vehicles, building access, or storage, and which are subject to flooding, shall be

designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater as required by 44 C. F. R. § 60.3(c)(5), as may be amended. Designs for meeting this requirement must be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

- (i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
- (ii) The bottom of all openings shall be no higher than one foot above grade; and
- (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

(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*~~ *Special Flood Hazard Areas*, the placement or installation of *manufactured homes* shall comply with the standards for coastal high hazard areas in ~~§~~section 143.0146(g).

(e) Standards for Utilities

[No change in text.]

(f) Standards for Recreational Vehicles

(1) [No change in text.]

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

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

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

(h) [No change in text.]

(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.~~

DAW:nja
11/22/19
Or. Dept: Transportation & Storm Water Dept.
Doc. No.: 1950388_9

REGULATIONS AS PART OF THE 12th UPDATE (PHASE TWO) OF THE LAND DEVELOPMENT CODE.

§22.4033 Sales or Distribution of Goods in Special Event Venue

- (a) [No change in text.]
- (b) It is unlawful to sell, resell, offer to sell, or distribute ~~marijuana~~ cannabis or ~~marijuana~~ cannabis products within a Special Event Venue.

§34.0103 Definitions

Except where the context otherwise requires, the definitions given in this section shall govern the application and interpretation of this Article. Each word or phrase defined in this Division appears in the text of this Division in italicized letters.

- (a) “*Cannabis*” [No change in text.]
- (b) “*Cannabis Business*” means any activity which entails the distribution, delivery, dispensing, exchanging, bartering or sale of non-medical *Cannabis*, including but not limited to, transporting, manufacturing, cultivating, compounding, converting, processing, preparing, storing, packaging, wholesale, or retail sales of *Cannabis* and any ancillary products in the City, whether or not carried on for gain or profit. Medical marijuana activities authorized under Health and Safety Code section 11362.765, as it may be amended from time to time, are not *Cannabis Businesses* under this Article. ~~Medical marijuana consumer cooperatives permitted pursuant to this Code are not *Cannabis Businesses* under this Article.~~
- (c) “*Cannabis Business Tax*” through (d) “*Tax Administrator*” or “*administrator*” [No change in text.]

Chapter 4: Health and Sanitation

Article 2: Health Regulated Businesses and Activities

Division 13: ~~Marijuana~~ Cannabis Regulations

§42.1301 Purpose and Intent

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

(d) This Division shall be interpreted in a manner consistent with state law.

Nothing in this Division is intended to authorize the sale, distribution, possession, planting, cultivation, harvesting, drying, processing, manufacturing, compounding, converting, producing, deriving, or preparing of ~~marijuana~~ cannabis, or any other transaction, in violation of state law.

§42.1302 Definitions

For the purpose of this Division the following definitions shall apply and appear in italicized letters:

~~Marijuana~~ Cannabis has the same meaning as in California Health and Safety Code section 11018.

~~Marijuana~~ Cannabis processing means the creation or manufacturing of ~~marijuana~~ cannabis concentrate, ~~including concentrated cannabis~~ or an edible or topical product containing ~~marijuana~~ or concentrated ~~cannabis~~ cannabis and other ingredients.

~~Marijuana~~ Cannabis products has the same meaning as in California Health and Safety Code section 11018.1.

Primary caregiver means the individual designated by the *qualified patient* who has consistently assumed responsibility for the housing, health, or safety of the

qualified patient, in accordance with state law, including California Health and Safety Code section 11362.5. As explained in *People v. Mentch*, 45 Cal. 4th 274 (2008), a *primary caregiver* is a person who consistently provides caregiving to a *qualified patient*, independent of any assistance in taking medical ~~marijuana~~ cannabis, at or before the time he or she assumed responsibility for assisting with medical ~~marijuana~~ cannabis.

Private residence [No change in text.]

Qualified patient means a California resident having the right to obtain and use ~~marijuana~~ cannabis for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of ~~marijuana~~ cannabis in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or any other illness for which ~~marijuana~~ cannabis provides relief in accordance with state law, including California Health and Safety Code section 11362.5.

Vaping through Volatile solvents [No change in text.]

§42.1303 Smoking and Vaping Marijuana Cannabis or Marijuana Cannabis Products

Smoking, *vaping*, and ingesting of ~~marijuana~~ cannabis or ~~marijuana~~ cannabis *products* is prohibited in any public place or in any place open to the public. Any person who violates this section is guilty of an infraction.

§42.1304 Marijuana Cannabis Cultivation

- (a) Personal indoor marijuana cannabis cultivation is subject to the following regulations:
- (1) Indoor marijuana cannabis cultivation for personal use, in a manner and amount consistent with state law, may occur in an area of no more than 64 square feet.
- (2) For purposes of this section, indoor marijuana cannabis cultivation includes cultivation in a fully enclosed and secure accessory structure to a *private residence* located upon the grounds of a *private residence*, consistent with state law.
- (3) The use of gas products or *volatile solvents*, including carbon dioxide (CO₂), methane, or any other flammable or non-flammable gas, for marijuana cannabis cultivation or marijuana cannabis processing is prohibited.
- (b) No person shall plant, cultivate, harvest, dry, or process marijuana cannabis plants outdoors in anything other than a secured structure upon the grounds of a *private residence*.

Article 2: Health Regulated Businesses and Activities

**Division 15: Marijuana Cannabis Outlets, Marijuana Cannabis Production Facilities,
and Transportation of Marijuana Cannabis**

§42.1501 Purpose and Intent

It is the intent of this Division to promote and protect the public health, safety, and welfare of the citizens of San Diego by allowing but strictly regulating the retail sale of marijuana cannabis at marijuana cannabis outlets, and the raising,

harvesting, processing, wholesaling, distributing, storing, and producing of *~~marijuana~~ cannabis* and *~~marijuana~~ cannabis* products at *~~marijuana~~ cannabis* *production facilities* in accordance with state law. It is further the intent of this Division to ensure that *~~marijuana~~ cannabis* is not diverted for illegal purposes, and to limit its use to those persons authorized under state law. Nothing in this Division is intended to authorize the cultivation, sale, distribution, possession of *~~marijuana~~ cannabis*, or other transaction, in violation of state law.

It is not the intent of this Division to supersede or conflict with state law, but to implement the Compassionate Use Act (California Health and Safety Code section 11362.5), the Medical Marijuana Program Act (California Health and Safety Code sections 11362.7-11362.83), the Medicinal and Adult-Use Cannabis Regulation and Safety Act, and the Adult Use of Marijuana Act.

§42.1502 Definitions

For the purpose of this Division, the following definitions shall apply and appear in italicized letters:

~~Marijuana~~ Cannabis has the same meaning as in California Business and Professions Code section 26001.

~~Marijuana~~ Cannabis outlet means a retail establishment operating with a Conditional Use Permit in accordance with section 141.0504, where *~~marijuana~~ cannabis*, *~~marijuana~~ cannabis* products, and *~~marijuana~~ cannabis* accessories, as defined in California Health and Safety Code sections 11018, 11018.1, and 11018.2, respectively, are sold to the public in accordance with dispensary or retailer licensing requirements contained in the California Business and Professions Code sections governing *~~marijuana~~ cannabis* and ~~medical~~ medical

~~*marijuana cannabis*~~. A ~~*marijuana cannabis outlet*~~ shall not include clinics licensed by the State of California pursuant to Chapters 1, 2, 3.01, 3.2, or 8 of Division 2 of the California Health and Safety Code.

Marijuana Cannabis production facility means individual or combined uses, operating with a Conditional Use Permit in accordance with section 141.1004, engaged in the agricultural raising, harvesting, and processing of ~~*marijuana cannabis*~~; wholesale distribution and storage of ~~*marijuana cannabis*~~ and ~~*marijuana cannabis*~~ products; and production of goods from ~~*marijuana cannabis*~~ and ~~*marijuana cannabis*~~ products consistent with the requirements of State of California Statutes and the California Departments of Food and Agriculture, Consumer Affairs, and Public Health regulations.

~~*Primary caregiver*~~ means ~~the individual designated by the qualified patient who has consistently assumed responsibility for the housing, health, or safety of the qualified patient, in accordance with state law, including California Health and Safety Code section 11362.5. As explained in *People v. Mentch*, 45 Cal. 4th 274 (2008), a primary caregiver is a person who consistently provides caregiving to a qualified patient, independent of any assistance in taking medical marijuana, at or before the time he or she assumed responsibility for assisting with medical~~ *marijuana* has the same meaning as in San Diego Municipal Code section 42.1302.

~~*Qualified patient*~~ means a California resident having the right to obtain and use ~~*marijuana*~~ for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of ~~*marijuana*~~ in the treatment of cancer,

~~anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or any other illness for which marijuana provides relief, in accordance with state law, including California Health and Safety Code section 11362.5~~ has the same meaning as in San Diego Municipal Code section 42.1302.

Responsible person has the same meaning as in San Diego Municipal Code section 11.0210, and includes ~~an employee and each person upon whom a duty, requirement or obligation is imposed by this Division, or who is otherwise a corporate director or officer, manager or member-manager, partner, trustee, or sole proprietor of an entity or trust operating or owning a cannabis outlet or a cannabis production facility, and persons~~ responsible for the operation, management, direction, or policy of a *cannabis outlet* or a *cannabis production facility*. ~~It also includes an employee who is in apparent charge of a marijuana outlet or a marijuana production facility.~~

State identification card through Violent felony [No change in text.]

§42.1504 ~~Marijuana~~ Cannabis Outlets and ~~Marijuana~~ Cannabis Production Facilities—Permit Required

- (a) It is unlawful for any person to operate any ~~marijuana~~ cannabis outlet without a ~~Marijuana~~ Cannabis Outlet Permit or a ~~marijuana~~ cannabis production facility without a ~~Marijuana~~ Cannabis Production Facility Permit issued pursuant to this Division.
- (b) ~~Marijuana~~ Cannabis outlets and ~~marijuana~~ cannabis production facilities shall designate one officer or manager to act as a responsible managing officer. The responsible managing officer may complete and sign the permit application on behalf of the ~~marijuana~~ cannabis outlet or a ~~marijuana~~ cannabis production facility.

- (c) The issuance of a *Marijuana Cannabis Outlet* Permit or *Marijuana Cannabis Production Facility* Permit pursuant to this Division does not relieve any person from ~~obtaining~~ the obligation to obtain any other permit, license, certificate, or other similar approval that may be required by the City, the County of San Diego, or state or federal law.
- (d) [No change in text.]
- (e) Applications for *Marijuana Cannabis Outlet* Permits and *Marijuana Cannabis Production Facility* Permits shall be filed with the City Manager.
- (f) [No change in text.]
- (g) *Marijuana Cannabis Outlet* Permits and *Marijuana Cannabis Production Facility* Permits issued pursuant to this Division shall be valid for one year from the date of issuance.
- (h) An application for a *Marijuana Cannabis Outlet* Permit or a *Marijuana Cannabis Production Facility* Permit shall be denied if the applicant has had any permit issued pursuant to this Division revoked by the City Manager within the ~~past~~ twelve months preceding ~~of~~ the date of application.

§42.1505 Exemptions

- (a) This Division does not apply to the cultivation of *marijuana cannabis* by a *qualified patient* at that patient's home, so long as the ~~patient~~ qualified patient is only growing the cannabis for his or her own personal medical needs in a manner consistent with state law.

- (b) This Division does not apply to the cultivation of six or fewer ~~marijuana~~ cannabis plants within a private residence or an accessory structure to that residence that is fully enclosed and secure. For the purposes of this section, a private residence means a house, apartment unit, mobile home, or other similar dwelling.

§42.1506 ~~Marijuana~~ Cannabis Outlets and ~~Marijuana~~ Cannabis Production Facilities—Cost Recovery Fees

Notwithstanding any other provision of this Code, the City may recover its costs in the form of a permit fee for the costs of permitting and regulating ~~marijuana~~ cannabis outlets and ~~marijuana~~ cannabis production facilities.

§42.1507 ~~Marijuana~~ Cannabis Outlets and ~~Marijuana~~ Cannabis Production Facilities—Background Checks and Reporting Convictions

- (a) Prior to acting as a *responsible person* in a ~~marijuana~~ cannabis outlet or a ~~marijuana~~ cannabis production facility, all persons shall undergo fingerprinting. The fingerprints shall be provided to and kept on file with the City.
- (b) The City shall conduct a background check of all *responsible persons*. Any person who has been convicted of a *violent felony* or a crime of moral turpitude within the past seven years; cannot act as a *responsible person* for a ~~marijuana~~ cannabis outlet or a ~~marijuana~~ cannabis production facility.

A conviction is complete upon entry of judgment upon a finding of guilty, or upon entry of a plea of guilty, or upon entry of a plea of *nolo contendere* or “no contest,” regardless of the pendency of any appeal, or

expungement pursuant to California Penal Code sections 1203.4, 1203.4a, or 1203.41.

- (c) It is unlawful for any *responsible person* to act as a *responsible person* for a *marijuana cannabis outlet* or a *marijuana cannabis production facility* if he or she:

- (1) fails to provide their fingerprints to the City; ~~or,~~
- (2) ~~has been convicted of a violent felony or crime of moral turpitude within the past seven years.~~

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

§42.1508 Marijuana Cannabis Outlets and Marijuana Cannabis Production Facilities—Operational Requirements

- (a) ~~Verification and Documentation~~

The responsible person for ~~A~~ a marijuana cannabis outlet and a marijuana cannabis production facility shall maintain and provide, upon request by the City, a current list of all *responsible persons*.

- (b) Age Limitations

- (1) No person under the age of ~~twenty-one~~ 21 is allowed at or in any *marijuana cannabis outlet* or *marijuana cannabis production facility* unless the person is a *qualified patient* or *state identification card holder*, and if under the age of ~~eighteen~~ 18, is accompanied by a parent, legal guardian, or a *primary caregiver* who is over the age of ~~eighteen~~ 18.
- (2) No person under the age of ~~twenty-one~~ 21 may be employed by or act as a *responsible person* on behalf of a *marijuana cannabis outlet* or a *marijuana cannabis production facility*.

**§42.1509 ~~Marijuana Cannabis~~ Outlets and ~~Marijuana Cannabis~~ Production
Facilities—Regulatory Actions on Permit**

- (a) In addition to any penalties and remedies provided by law, and any other bases for regulatory action provided by law, a ~~Marijuana Cannabis~~ Outlet Permit and a ~~Marijuana Cannabis~~ Production Facility Permit are subject to regulatory actions for the following reasons:
 - (1) through (5) [No change in text.]
- (b) Regulatory action includes the following:
 - (1) through (4) [No change in text.]
 - (5) Suspension of the ~~Marijuana Cannabis~~ Outlet Permit or the ~~Marijuana Cannabis~~ Production Facility Permit; or
 - (6) Revocation of the ~~Marijuana Cannabis~~ Outlet Permit or the ~~Marijuana Cannabis~~ Production Facility Permit.
- (c) through (i) [No change in text.]
- (j) The regulatory action shall be suspended while an appeal is pending, or until the time for filing such an appeal has expired, except for regulatory action taken when the City Manager determines there is a need to take immediate action to protect the public from injury or harm or when the ~~Marijuana Cannabis~~ Outlet Permit or the ~~Marijuana Cannabis~~ Production Facility Permit was based on material misrepresentations in the application and the permit would not have been issued but for the material misrepresentations.

§42.1510 Transportation

The transportation of ~~marijuana~~ cannabis and ~~marijuana~~ cannabis products between facilities licensed by the State of California pursuant to Business and Professions Code, Division 10, is permitted.

§43.1002 Prohibitions

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

(h) It is unlawful to smoke, *vape*, and ingest ~~marijuana~~ cannabis or ~~marijuana~~ cannabis products at Special Events.

(i) It is unlawful to *vape* ~~marijuana~~ cannabis or ~~marijuana~~ cannabis products in a *vaping lounge*.

§52.3305 Evidentiary Factors

The following factors, in addition to the specific circumstances of each situation, may be considered to determine if a violation of this Division has occurred:

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

(5) Similarity to Illicit Street Drugs: The product resembles the form or consistency of an illicit street drug (such as cocaine, or methamphetamine, ~~or marijuana~~);

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

Disclaiming a *Federal Schedule I Drug*, a *Novel Synthetic Drug*, or a *Novel Psychoactive Drug* as “not safe for human consumption” will not avoid the application of this Division.

§113.0103 Definitions

Abutting property through Business day [No change in text.]

Cannabis outlet has the same meaning as in San Diego Municipal Code section 42.1502.

Cannabis production facility has the same meaning as in San Diego Municipal Code section 42.1502.

Capital improvement program project through Map, tentative (See tentative map)
[No change in text.]

~~*Marijuana outlet* means a retail establishment operating with a Conditional Use Permit in accordance with section 141.0504, where *marijuana*, *marijuana* products, and *marijuana* accessories, as defined in California Health and Safety Code sections 11018, 11018.1, and 11018.2, respectively, are sold to the public in accordance with dispensary or retailer licensing requirements contained in the California Business and Professions Code sections governing *marijuana* and *medical marijuana*. A *marijuana outlet* shall not include clinics licensed by the State of California pursuant to California Health and Safety Code Division 2, Chapters 1, 2, 3.01, 3.2, or 8.~~

Market value 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. See Diagram 113-02E.

Diagram 113-02E

Distance Between Uses

[No change in text.]

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

- (c) When measuring distance for separation requirements for ~~marijuana~~ cannabis outlets or ~~marijuana production facilities~~ cannabis production facilities, the measurement of distance between the uses shall 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.

§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 Regulations 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
Agriculture-related supplies and equipment sales
Alcoholic beverage outlets (under circumstances described in Section 141.0502)
Assembly and entertainment uses, including places of religious assembly (under circumstances described in Section 141.0602)
Automobile service stations
Bed and breakfast establishments (under circumstances described in Section 141.0603)
Cannabis outlets
Cannabis production facilities
Child Care Centers
Commercial stables
Continuing care retirement communities
Educational facilities
Employee housing
Energy generation and distribution stations
Equestrian show and exhibition facilities

Fraternalities, sororities, and student dormitories
Historical buildings used for purposes not otherwise allowed in the zone
Impound storage yards
Major transmission, relay, or communication switching station
~~Marijuana outlets~~
~~Marijuana production facilities~~
Museums
Newspaper publishing plants
Outdoor storage and display of new, unregistered motor vehicles as a
primary use
Parking facilities as a *primary use*
Plant nurseries
Private clubs, lodges, and fraternal organizations
Processing and packaging of plant products and animal by-products grown
off-premises
Recycling facilities (under circumstances described in Section 141.0620)
Residential care facilities for 7 to 12 persons
Swap meets and other large outdoor retail facilities
Wireless communication facilities (under circumstances described in
Section 141.0420)

(b) through (c) [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 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 Retail Sales, Separately Regulated Retail Sales Uses, Alcoholic Beverage Outlets [No change in text.]		[No change in text.]				
<u>Cannabis Outlets</u>		=	=	=	=	=
Farmers' Markets through Daily Farmers' Market Stands [No change in text.]		[No change in text.]				
<u>Marijuana Outlets</u>		-	-	-	-	-
Plant Nurseries through Industrial, Separately Regulated Industrial Uses, Artisan Food and Beverage Producer [No change in text.]		[No change in text.]				
<u>Cannabis Production Facilities</u>		=	=	=	=	=
<u>Hazardous Waste Research Facility through Hazardous Waste Treatment Facility</u> [No change in text.]		[No change in text.]				
<u>Marijuana Production Facilities</u>		-	-	-	-	-
Marine Related Uses Within the Coastal Overlay Zone 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.]

§131.0322 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 Retail Sales, Separately Regulated Retail Sales Uses, Alcoholic Beverage Outlets [No change in text.]		[No change in text.]			
<u>Cannabis Outlets</u>		=		=	
Farmers' Markets through Daily Farmers' Market Stands [No change in text.]		[No change in text.]			
<u>Marijuana Outlets</u>		-		-	
Plant Nurseries through Industrial, Separately Regulated Industrial Uses, Artisan Food and Beverage Producer [No change in text.]		[No change in text.]			
<u>Cannabis Production Facilities</u>		=		=	
Hazardous Waste Research Facility through Hazardous Waste Treatment Facility [No change in text.]		[No change in text.]			
Marijuana Production Facilities		-		-	
Marine Related Uses Within the Coastal Overlay Zone through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]			

Footnotes for Table 131-03B [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 Retail Sales, Separately Regulated Retail Sales Uses, Alcoholic Beverage Outlets [No change in text.]		[No change in text.]																								
<u>Cannabis Outlets</u>	=	=														=		=								
Farmers' Markets through Daily Farmers' Market Stands [No change in text.]		[No change in text.]																								
<u>Marijuana Outlets</u>	-	-														-		-								
Plant Nurseries through Industrial, Separately Regulated Industrial Uses, Artisan Food and Beverage Producer [No change in text.]		[No change in text.]																								
<u>Cannabis Production Facilities</u>	=	=														=		=								
<u>Hazardous Waste</u> Research Facility through <u>Hazardous Waste</u> Treatment Facility [No change in text.]		[No change in text.]																								
<u>Marijuana Production Facilities</u>	-	-														-		-								
Marine Related Uses Within the Coastal Overlay Zone through Signs, Separately Regulated Signs 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 >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Alcoholic Beverage Outlets [No change in text.]		[No change in text.]											
<u>Cannabis Outlets</u>		=			=			=			=		=
Farmers' Markets through Daily Farmers' Market Stands [No change in text.]		[No change in text.]											
<u>Marijuana Outlets</u>		-			-			-			-		-
Plant Nurseries through Industrial, Separately Regulated Industrial Uses, Artisan Food and Beverage Producer [No change in text.]		[No change in text.]											
<u>Cannabis Production Facilities</u>		=			=			=			=		=
Hazardous Waste Research Facility through Hazardous Waste Treatment Facility [No change in text.]		[No change in text.]											
<u>Marijuana Production Facilities</u>		-			-			-			-		-
Marine Related Uses Within the Coastal Overlay Zone through Signs, Separately Regulated Signs Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]											

Footnotes for Table 131-04B [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-		1-	
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2	1
Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Alcoholic Beverage Outlets [No change in text.]		[No change in text.]																	
<u>Cannabis Outlets</u>		=						=	C	=		C		=		=	=	=	
Farmers' Markets through Daily Farmers' Market Stands [No change in text.]		[No change in text.]																	
<u>Marijuana Outlets</u>		-						-	E	-		E		-		-	-	-	
Plant Nurseries through Industrial, Separately Regulated Industrial Uses, Artisan Food and Beverage Producer [No change in text.]		[No change in text.]																	
<u>Cannabis Production Facilities</u>		=						=	=	=		=		=		=	=	=	
Hazardous Waste Research Facility through Hazardous Waste Treatment Facility [No change in text.]		[No change in text.]																	
Marijuana Production Facilities		-						-	-	-		-		-		-	-	-	
Marine Related Uses Within the Coastal Overlay Zone 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 >>	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	6	
Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Alcoholic Beverage Outlets [No change in text.]		[No change in text.]																																
<u>Cannabis Outlets</u>		=			C			=			=			=																				

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	6				
Farmers' Markets through Daily Farmers' Market Stands [No change in text.]		[No change in text.]																																			
Marijuana Outlets		-			€				-						-						-																
Plant Nurseries through Industrial, Separately Regulated Industrial Uses , Artisan Food and Beverage Producer [No change in text.]		[No change in text.]																																			
<u>Cannabis Production Facilities</u>		=			=				=						=						=																
Hazardous Waste Research Facility through Hazardous Waste Treatment Facility [No change in text.]		[No change in text.]																																			
Marijuana Production Facilities		-			-				-						-						-																
Marine Related Uses Within the Coastal Overlay Zone through Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]		[No change in text.]																																			

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

§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 Retail Sales, Separately Regulated Retail Sales Uses , Alcoholic Beverage Outlets [No change in text.]		[No change in text.]									
<u>Cannabis Outlets</u>		=	=	=	=	=	<u>C</u>	=	=	<u>C</u>	<u>C</u>

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
Farmers' Markets through Daily Farmers' Market Stands [No change in text.]	[No change in text.]										
<i>Marijuana Outlets</i>	-	-	-	-	-	-	€	-	-	€	€
Plant Nurseries through Industrial, Separately Regulated Industrial Uses , Artisan Food and Beverage Producer [No change in text.]	[No change in text.]										
<i>Cannabis Production Facilities</i>	=	=	=	€	€	€	€	€	=	=	=
<i>Hazardous Waste</i> Research Facility through <i>Hazardous Waste</i> Treatment Facility [No change in text.]	[No change in text.]										
<i>Marijuana Production Facilities</i>	-	-	-	€	€	€	€	€	-	-	-
Marine Related Uses Within the Coastal Overlay Zone through Signs, Separately Regulated Signs Uses , Theater Marquees [No change in text.]	[No change in text.]										

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

§132.1510 Noise CompatibilityNoise compatibility between airport operations and proposed *development* within

Review Area 1 of this overlay zone shall be evaluated as follows:

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

Legend for Table 132-15D

[No change in text.]

Table 132-15D
Noise Compatibility Criteria

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Aircraft Noise Exposure (dB CNEL)			
	60-65	65-70	70-75	75-80
Open Space through Industrial, Separately Regulated Industrial Uses [No change in text.]	[No change in text.]			
<u><i>Cannabis Production Facilities</i></u>	<u>P</u>	<u>P</u>	<u>P¹</u>	=
<i>Hazardous Waste</i> Research Facility through <i>Hazardous Waste</i> Treatment Facility [No change in text.]	[No change in text.]			
Marijuana Production Facilities	P	P	P¹	-
Marine Related Uses Within the Coastal Overlay Zone through Wrecking & Dismantling of Motor Vehicles [No change in text.]	[No change in text.]			

Footnotes to Table 132-15D [No change in text.]

§132.1515 Safety Compatibility

Safety compatibility between airport operations and proposed *development* within
Review Area 1 of this overlay zone shall be evaluated in accordance with this
Section.

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

Legend for Table 132-15F

[No change in text.]

Table 132-15F

Safety Compatibility Criteria for MCAS Miramar

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	APZ I	APZ II	TZ
Maximum People Per Acre	25	50	300
Open Space through Industrial, Separately Regulated Industrial Uses [No change in text.]	[No change in text.]		
<u><i>Cannabis Production Facilities</i></u> [490 sq ft per person]	<u>L/.28⁸</u>	<u>L/.56⁸</u>	<u>P</u>
<i>Hazardous Waste</i> Research Facility through <i>Hazardous Waste</i> Treatment Facility [No change in text.]	[No change in text.]		
Marijuana Production Facilities [490 sq ft per person]	L/.28⁸	L/.56⁸	P
Marine Related Uses Within the Coastal Overlay Zone [300 sq ft per person] through Wrecking & Dismantling of Motor Vehicles [No change in text.]	[No change in text.]		

Footnotes to Table 132-15F [No change in text.]

(g) [No change in text.]

Legend for Table 132-15G

[No change in text.]

Table 132-15G

Safety Compatibility Criteria for Brown Field and Montgomery Field

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
Maximum People Per Acre	N/A	70	130	130	200	No limit
Maximum <i>Lot Coverage</i> ¹¹	N/A	50%	60%	70%	70%	N/A
Open Space through Industrial, Separately Regulated Industrial Uses [No change in text.]	[No change in text.]					
<u>Cannabis Production Facilities</u> [300 sq ft per person]	=	<u>L/.48⁸</u>	<u>L/.90⁸</u>	<u>L.90⁸</u>	<u>L/1.38⁸</u>	<u>P</u>
<i>Hazardous Waste</i> Research Facility through <i>Hazardous Waste</i> Treatment Facility [No change in text.]	[No change in text.]					
Marijuana Production Facilities [300 sq ft per person]	-	L/.48⁸	L/.90⁸	L.90⁸	L/1.38⁸	P
Marine Related Uses Within the Coastal Overlay Zone [300 sq ft per person] through Wrecking & Dismantling of Motor Vehicles [No change in text.]	[No change in text.]					

Footnotes to Table 132-15G [No change in text.]

§141.0504 Marijuana Cannabis Outlets

Marijuana Cannabis outlets that are consistent with the requirements for retailer or dispensary license requirements in the California Business and Professions Code 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), provided that no more than four *marijuana*

cannabis outlets are permitted in each City Council District. ~~Marijuana~~ Cannabis outlets are subject to the following regulations.

- (a) ~~Marijuana~~ Cannabis outlets shall maintain the following minimum separation between uses, as measured between *property lines*, in accordance with Section 113.0225:
 - (1) 1,000 feet from resource and population-based city parks, other ~~marijuana~~ cannabis outlets, churches, child care centers, playgrounds, libraries owned and operated by the City of San Diego, *minor-oriented facilities*, residential care facilities, and schools. For purposes of this section, school means any public or private institution of learning providing instruction in kindergarten or grades one to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.
 - (2) [No change in text.]
- (b) Lighting shall be provided to illuminate the interior, facade, and the immediate surrounding area of the ~~marijuana~~ cannabis outlet, including any *accessory uses*, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented to deflect light away from adjacent properties.
- (c) Security shall be provided at the ~~marijuana~~ cannabis outlet which shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the *premises* during business hours. The security guard shall only be engaged in activities related to providing security for the facility, except on an incidental basis.

- (d) Primary *signs* shall be posted on the outside of the *marijuana cannabis* outlet and shall only contain the name of the business, which shall contain only alphabetic characters, and shall be limited to two colors. Secondary signs advertising cannabis, window signs and any display visible from the public right-of-way are not permitted.
- (e) The name and emergency contact phone number of ~~an operator or manager~~ the designated responsible managing operator shall be posted in a location visible from outside the *marijuana cannabis* outlet in character size at least two inches in height.
- (f) The *marijuana cannabis* outlet shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
- (g) The use of vending machines which allow access to *marijuana cannabis* and *marijuana cannabis* products except by a responsible person, as defined in San Diego Municipal Code Section 42.1502, is prohibited. For purposes of this Section, a vending machine is any device which allows access to *marijuana cannabis* and *marijuana cannabis* products without a human intermediary.
- (h) [No change in text.]
- (i) A Conditional Use Permit for a *marijuana cannabis* outlet shall expire no later than five years from the date of issuance.
- (j) Deliveries shall be permitted as an *accessory use* only from *marijuana cannabis* outlets with a valid Conditional Use Permit unless otherwise allowed pursuant to ~~the Compassionate Use Act of 1996~~ state law.

- (k) The *marijuana cannabis outlet*, adjacent public sidewalks, and areas under the control of the *marijuana cannabis outlet*, shall be maintained free of litter and graffiti at all times.
- (l) The *marijuana cannabis outlet* shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.
- (m) Consultations by medical professionals shall not be a permitted *accessory use* at a *marijuana cannabis outlet*.
- (n) An extension of time for a Conditional Use Permit granted to a *marijuana cannabis outlet* shall comply with the requirements of Section 126.0111, with the following exceptions:
 - (1) through (4) [No change in text.]

§141.1004 Marijuana Cannabis Production Facilities

~~Marijuana production facilities are individual or combined uses engaged in the agricultural raising, harvesting, and processing of marijuana; wholesale distribution and storage of marijuana and marijuana products; and production of goods from marijuana and marijuana products consistent with the requirements of State of California Statutes and the California Departments of Food and Agriculture, Consumer Affairs, and Public Health regulations.~~

A ~~marijuana production facility~~ *cannabis production facility* 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), provided that no more than 40 ~~marijuana production facilities~~ *cannabis production facilities* are permitted in the City of San Diego. ~~Marijuana~~

~~production facilities~~ Cannabis production facilities are subject to the following regulations.

- (a) ~~Marijuana production facilities~~ Cannabis production facilities shall maintain the following minimum separation between uses, as measured between *property lines*, in accordance with Section 113.0225:
 - (1) through (2) [No change in text.]
- (b) through (d) [No change in text.]
- (e) The name and emergency contact phone number of ~~an operator or manager~~ the designated responsible managing operator shall be posted outside the ~~marijuana production facility~~ cannabis production facility in a location visible to the public from the *public right-of-way* in character size at least two inches in height. The permittee shall provide this contact information to the San Diego Police Department. The ~~operator or manager~~ designated responsible managing operator shall also be available 24 hours a day to address public nuisance complaints and interact with local, state, and federal law enforcement authorities. Other than the contact information, a ~~marijuana production facility~~ cannabis production facility shall limit signage on the exterior of the property visible from the *public right-of-way* to the address.
- (f) [No change in text.]
- (g) A Conditional Use Permit for a ~~marijuana production facility~~ cannabis production facility shall expire no later than five ~~(5)~~ years from the date of issuance.

- (h) An extension of time for a Conditional Use Permit granted to a ~~marijuana production facility~~ cannabis production facility shall comply with the requirements of section 126.0111 with the following exceptions:
 - (1) The extension shall be for a maximum of five ~~(5)~~ years.
 - (2) through (4) [No change in text.]
- (i) The sale of ~~marijuana~~ cannabis and ~~marijuana~~ cannabis products shall only be conducted by a ~~marijuana~~ cannabis outlet in accordance with Section 141.0504. A ~~marijuana production facility~~ cannabis production facility is prohibited from providing ~~marijuana~~ cannabis and ~~marijuana~~ cannabis products to any person other than another ~~marijuana production facility~~ cannabis production facility, a testing lab, or a ~~marijuana~~ cannabis outlet.
- (j) The ~~marijuana production facility~~ cannabis production facility, adjacent public sidewalks, and areas under the control of the ~~marijuana production facility~~ cannabis production facility shall be maintained free of litter and graffiti at all times.
- (k) The ~~marijuana production facility~~ cannabis production facility shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.

§151.0103 Applicable Regulations

- (a) [No change in text.]
- (b) The following regulations apply in all planned districts:
 - (1) through (8) [No change in text.]

(9) ~~Marijuana~~ Cannabis outlet regulations contained in Section 141.0504 when the use is specifically allowed by the Planned District Ordinance.

(10) ~~Marijuana production facilities~~ Cannabis production facilities regulations contained in Section 141.1004, when the use is specifically allowed by the Planned District Ordinance.

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

§152.0312 Subdistrict D Permitted Uses

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

(c) ~~Marijuana outlets~~ Cannabis outlets are permitted in accordance with Section 141.0504.

(d) [No change in text.]

(e) ~~Marijuana production facilities~~ Cannabis production facilities are permitted in accordance with Section 141.1004.

§153.0309 Employment Center (EC)

(a) Permitted Uses

No building, 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 (10) [No change in text.]

(11) ~~Marijuana outlets~~ Cannabis outlets are permitted in accordance with Section 141.0504.

(12) through (14) [No change in text.]

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

§153.0310 Special Use Area (SP)

(a) [No change in text.]

(b) Permitted Uses

The following uses are permitted in the Special Use Area:

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

(12) ~~Marijuana outlets~~ Cannabis outlets are permitted in accordance
with Section 141.0504.

(13) [No change in text.]

(c) through (d) [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 Retail Sales, Separately Regulated Retail Sales Uses, Alcoholic Beverage Outlets [No change in text.]		[No change in text.]									
<u>Cannabis Outlets</u>		=		=			=				
Farmers' Markets through Daily Farmers' Market Stands [No change in text.]		[No change in text.]									
Marijuana Outlets		-		-			-				
Plant Nurseries through Industrial, Separately Regulated Industrial Uses		[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 Designator	Zones									
	1st & 2nd >>	CU-									
	3rd >>	1-(1)		2-			3-				
	4th >>	1	2	3	4	5	3(2)(12)	6	7	8	
[No change in text.]											
Mining and Extractive Industries		-		-			-				
<u>Cannabis Production Facilities</u>		=		=			=				
Hazardous Waste Research Facility through Hazardous Waste Treatment Facility [No change in text.]		[No change in text.]									
Marijuana Production Facilities		-		-			-				
Marine Related Uses Within the Coastal Overlay Zone [No change in text.]		[No change in text.]									
Mining and Extractive Industries		-		-			-				
Newspaper Publishing Plants through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]									

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

§1516.0112 Use Regulations for Old Town San Diego Residential ZonesThe uses allowed in the Old Town San Diego Residential zones are shown inTable 1516-01B:**Legend for Table 1516-01B**

[No change in text.]

Table 1516-01B
Use Regulations for Old Town 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 >>	OTRS-	OTRM-		
	3rd >>	1-	1-	2-	
	4th >>	1	1	1	2
Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Alcoholic Beverage Outlets [No change in text.]		[No change in text.]			
<u>Cannabis Outlets</u>		=	=	=	
Farmers' Markets through Daily Farmers' Market Stands [No change in text.]		[No change in text.]			
Marijuana Outlets		-	-	-	
Plant Nurseries through Commercial, Separately Regulated Commercial Services Uses , Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]			
Medical Marijuana Consumer Cooperatives		-	-	-	
Mobile Food Trucks through Industrial, Separately Regulated Industrial Uses [No change in text.]		[No change in text.]			
<u>Cannabis Production Facilities</u>		=	=	=	
Hazardous Waste Research Facility through Hazardous Waste Treatment Facility [No change in text.]		[No change in text.]			
Marijuana Production Facilities		-	-	-	
Marine Related Uses Within the Coastal Overlay Zone through Signs, Separately Regulated Signs Uses , Theater Marquees [No change in text.]		[No change in text.]			

Footnotes for Table 1516-01B [No change in text.]

§1516.0117 Use Regulations Table for Old Town San Diego Commercial Zones

The uses allowed in the Old Town San Diego Commercial zones are shown in

Table 1516-01D:

Legend for Table 1516-01D

[No change in text.]

Table 1516-01D
Use Regulations for Old Town San Diego 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 >> 3rd >> 4th >>	OTCC-						OTMCR-		
		1-	2-			3-		1		
		1	1	2	3	1	2	1	2	3
Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Alcoholic Beverage Outlets [No change in text.]		[No change in text.]								
<u>Cannabis Outlets</u>		=	=			=		=		
Farmers' Markets through Daily Farmers' Market Stands [No change in text.]		[No change in text.]								
Marijuana Outlets		-	-			-		-		
Plant Nurseries through Commercial, Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]								
Medical Marijuana Consumer Cooperatives		-	-			-				
Mobile Food Trucks through Industrial, Separately Regulated Industrial Uses [No change in text.]		[No change in text.]								
<u>Cannabis Production Facilities</u>		=	=			=		=		
Hazardous Waste Research Facility through Hazardous Waste Treatment Facility [No change in text.]		[No change in text.]								
Marijuana Production Facilities		-	-			-		-		
Marine Related Uses Within the Coastal Overlay Zone through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]								

Footnotes for Table 1516-01D [No change in text.]

§1516.0122 Use Regulations Table for Old Town San Diego Open Space-Park Zones

The uses allowed in the Old Town San Diego Open Space-Park zones are shown in Table 1516-01F:

Legend for Table 1516-01F

[No change in text.]

Table 1516-01F
Use Regulations for Old Town San Diego Open Space-Park Zones

Use Categories/ Subcategories [See Section 131.0112 for Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones	
	1st & 2nd >>	OTOP-	
	3rd >>	1-	2-
	4th >>	1	1
Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Alcoholic Beverage Outlets [No change in text.]		[No change in text.]	
<u>Cannabis Outlets</u>		=	=
Farmers' Markets through Daily Farmers' Market Stands [No change in text.]		[No change in text.]	
Marijuana Outlets		-	-
Plant Nurseries through Commercial, Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]	
Medical Marijuana Consumer Cooperatives		-	-
Mobile Food Trucks through Industrial, Separately Regulated Industrial Uses [No change in text.]		[No change in text.]	
<u>Cannabis Production Facilities</u>		=	=

Use Categories/ Subcategories [See Section 131.0112 for Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones	
	1st & 2nd>>	OTOP-	
	3rd>>	1-	2-
	4th>>	1	1
Hazardous Waste Research Facility through Hazardous Waste Treatment Facility [No change in text.]		[No change in text.]	
Marijuana Production Facilities		-	-
Marine Related Uses Within the Coastal Overlay Zone through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]	

Footnotes for Table 1516-01F [No change in text.]

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ARTICLE 1, DIVISION 3 BY AMENDING SECTION 141.0303; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 141.0407; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 141.0505; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6 BY AMENDING SECTIONS 141.0602 AND 141.0612; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 8 BY ADDING NEW SECTION 141.0803; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 9 BY REPEALING SECTION 141.0901; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 1 BY AMENDING SECTION 142.0103; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 4 BY AMENDING SECTIONS 142.0402, 142.0403, 142.0404, 142.0405, 142.0408, AND 142.0413; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTIONS 142.0505, 142.0520, 142.0525, 142.0527, 142.0528, 142.0540, AND 142.0555; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 6 BY AMENDING SECTION 142.0640; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 12 BY AMENDING SECTION 142.1210; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 1 BY AMENDING SECTIONS 143.0110 AND 143.0141; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 2 BY AMENDING SECTIONS 143.0210, 143.0240, AND 143.0260; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 3 BY AMENDING SECTION 143.0302; AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY AMENDING SECTION 155.0253; AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 BY AMENDING SECTIONS 156.0307 AND 156.0309; AMENDING CHAPTER 15, ARTICLE 7, DIVISION 2 BY AMENDING SECTION 157.0202; AMENDING CHAPTER 15, ARTICLE 10, DIVISION 1 BY AMENDING SECTION 1510.0102, RELATING TO THE 12th UPDATE (PHASE TWO) OF THE LAND DEVELOPMENT CODE.

§11.0301 Service of Notices

- (a) Whenever a notice is required to be given under the Municipal Code for enforcement purposes, the notice shall be served by any of the following methods unless different provisions are otherwise specifically stated to apply:

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

(4) Electronic service by electronic notification or transmission with consent of the parties or in conjunction with another method of notice listed in this section.

(b) Service by certified or regular mail in the manner described above shall be effective on the date of mailing. Electronic service shall be effective on the date of the electronic notification or transmission if the parties have consented to electronic service.

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

§22.4035 Unlawful to Display Signs in Special Event Venue

~~It is unlawful for any Person to place, post, paint, erect, display, secure, or maintain any Sign or advertising in violation of those provisions of Chapter 9 and 10 of this Code, regulating Signs and advertising displays.~~

§98.0202 Mobilehomes, Recreational Vehicles and Commercial Coaches Located Outside Licensed Mobilehome and Special Occupancy Parks— Special Permit— Fee

(a) No person shall use or occupy any mobilehome, commercial coach or recreational vehicle on private property not licensed as a mobilehome park or special occupancy park except as follows:

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

~~(5) For residential uses authorized by Conditional Use Permit pursuant to the provisions of Chapter X, Article 1, Division 5 of this Code.~~

~~(6)~~(5) For strictly temporary and transient, nonresidential use limited to not more than 16 hours at any one location and not in violation of any other regulation provided by law regarding recreational vehicles, mobilehomes and commercial coaches.

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

§112.0601 Overview of Decision Process

Applications for *capital improvement program projects* or public projects requiring a Site Development Permit in accordance with the Environmentally Sensitive Lands Regulations and Historical Resources Regulations or a City-issued Coastal Development Permit shall be acted upon in accordance with one of the two decision processes established in this division and depicted on Diagram 112-06A. The subject matter of the *development* application determines the process that shall be followed for each application. The provisions of Chapter 12 that pertain to each permit, map, or other matter describe the decision process in more detail. Diagram 112-06A is provided for convenience of reference only and does not define, describe, or limit the scope, meaning, or intent of any provision of the Land Development Code. This diagram does not describe the decision processes that may be required by other agencies, such as the State Coastal Commission.

Diagram 112-06A

Decision Processes for Capital Improvement Program Projects and Public Projects

PROCESS CIP/Public Project -Two



PROCESS CIP/Public Project -Five



Key



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



Public Notice to Applicant, Community Planning Groups within 300 feet, and Anyone Requesting Notice

§112.0602 Process CIP/Public Project-Two

An application for a Site Development Permit for a *capital improvement program project or a public project* determined to be in compliance with the

Environmentally Sensitive Lands Regulations and Historic Resources Regulations without deviation, or a City-issued Coastal Development Permit in the non-*appealable area* of the Coastal Overlay Zone ~~for a capital improvement program project~~, shall be acted upon in accordance with Process CIP/Public Project-Two.

An application for a Process CIP/Public Project-Two decision may be initially approved, conditionally approved, or denied by a staff person designated by the City Manager pursuant to Section 111.0205. A public hearing will not be held. An appeal hearing is available upon written request, in accordance with Section 112.0603. A Process CIP/Public Project-Two decision shall be made in the following manner.

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

§112.0603 Process CIP/Public Project-Two Appeal Hearing

The City Council shall hear appeals of Process CIP/Public Project-Two decisions subject to the following requirements.

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

(1) [No change in text.]

(2) Any other person who files an application for a Process CIP/Public Project-Two appeal hearing in accordance with Section 112.0603(b).

(b) Request for a Process CIP/Public Project-Two Appeal Hearing. A Process CIP/Public Project-Two decision may be appealed by filing an application for a Process CIP/Public Project-Two appeal hearing with the City Clerk no later than 10 *business days* after the *decision date*.

(c) Grounds for Appeal. A Process CIP/Public Project-Two decision may be appealed on any of the following grounds:

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

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

§112.0604 Process CIP/Public Project-Five

An application for a Site Development Permit for a *capital improvement program project* or a *public project* that deviates from the Environmentally Sensitive Land Regulations or Historic Resources Regulations, or a City-issued Coastal Development Permit in the *appealable area* of the Coastal Overlay Zone, shall be acted upon in accordance with Process CIP/Public Project-Five. An application for a Process CIP/Public Project-Five decision may be approved, conditionally approved, or denied by the City Council. A Process CIP/Public Project-Five decision shall be made in the following manner.

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

§113.0103 Definitions

Abutting property through *Atrium* [No change in text.]

Attic means a portion of the space immediately below a pitched sloped roof that has a pitch of at least 3:12 (3 vertical feet to 12 horizontal feet) and is above the highest finished floor. ~~See Section 113.0210 for additional information on determining attic.~~

Awning through Public park [No change in text.]

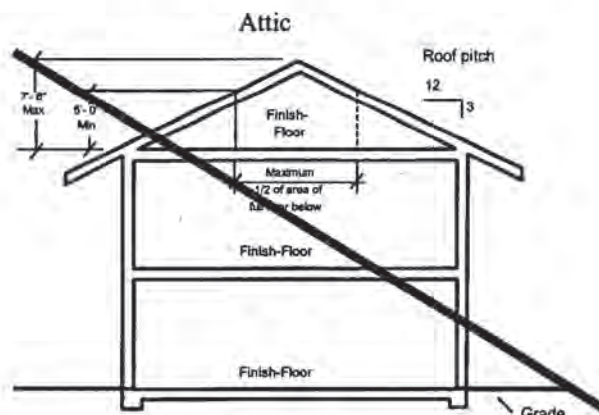
Public project means any development located on a premises owned, leased or maintained by the City.

Public right-of-way through Yard [No change in text.]

§113.0210 Determining Attie

~~An *attie* is the area under a sloped roof that has a pitch of at least 3:12 (3 vertical feet to 12 horizontal feet) with a height of at least 5 feet and no more than 7 feet, 6 inches, measured from the highest finish *floor* elevation to the finish roof above. The *floor* area of an *attie* shall not exceed one-half of the *floor* area of the nearest full *story* below. This is illustrated in Diagram 113-02A.~~

Diagram 113-02A



§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 (3) [No change in text.]
 - (4) *Gross floor area* includes any projected *floor area* and other phantom *floors* within the building's exterior walls where specified dimensions are met. Phantom *floors* are located within the space above or below actual *floors* within a building, and are measured separately above each actual *floor* or below the lowest actual *floor* for under *floor area*, described as follows:
 - (A) Phantom *Floors*. When the vertical distance between the finish-*floor* elevation and the finish-*floor* or flat roof immediately above does not exceed 15 feet, the area of one *floor* (the actual *floor*) is included in *gross floor area*, as shown in Diagram 113-02Q.

Diagram 113-02Q

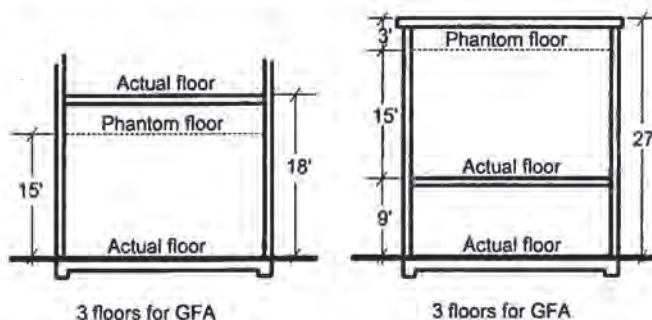
One Floor Below Actual Floor and Flat Roof

[No change in text.]

When the vertical distance between the finish-*floor* elevation and the finish-*floor* or roof elevation immediately above exceeds 15 feet, *gross floor area* includes the area of the actual *floor* plus the area of a phantom *floor* at 15 feet of height increments, or portion thereof, of height above the 15-foot height, as shown in Diagram 113-02R.

Diagram 113-02R

Multiple Floors below Actual Floor and Flat Roof



Gross floor area excludes those portions of actual *floors* and phantom *floors* where there is less than 5 feet of vertical distance between the actual or phantom *floor* and the elevation ceiling of the roof immediately above.

Diagram 113-02S

Multiple Floors Below Sloped Roof

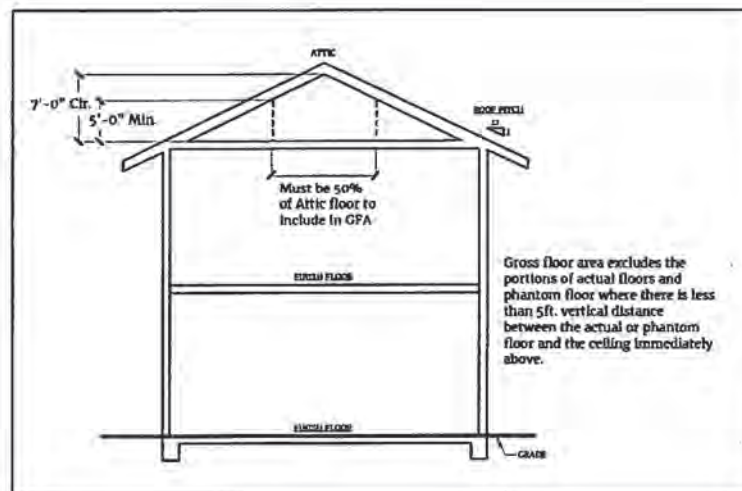
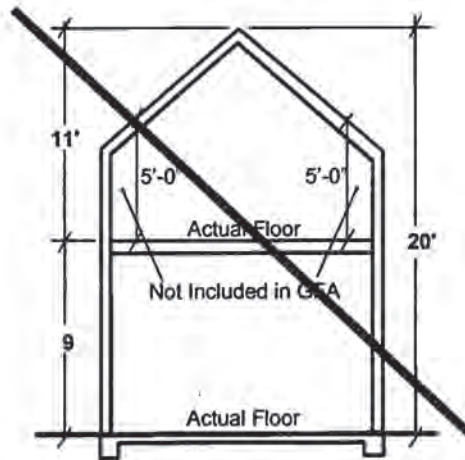
[No change in text.]

- (B) *Attic Space*. *Gross floor area* includes the *attic* space as shown in Diagram 113-02T, where there are at least 5 feet of vertical distance between the *attic floor* and the roof

elevation immediately above. The location of any ceilings immediately below the roof does not affect the measurement of phantom floors above the highest finish-floor elevation.

Diagram 113-02T

Attic Space



(C) through (E) [No change in text.]

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

Chapter 12: Land Development Reviews

Article 3: Zoning

Division 5: Residential High Occupancy Permit

§123.0501 Purpose of Residential High Occupancy Permit

The purpose of these procedures is to provide for annual review of high occupancy *single dwelling units* for conformance with the applicable zoning regulations by ensuring that high occupancy units provide adequate parking and minimize impacts to adjacent properties.

§123.0502 When a Residential High Occupancy Permit Is Required

- (a) A Residential High Occupancy Permit is required for a *single dwelling unit* when the occupancy of the *dwelling unit* would consist of six or more persons eighteen years of age and older residing in the *dwelling unit* for a period of 30 or more consecutive days.
 - (1) Prior to the rental or sale of a *single dwelling unit*, the property owner shall disclose the requirement for a Residential High Occupancy Permit to prospective tenants or buyers.
 - (2) The Residential High Occupancy Permit requirement shall apply to a *single dwelling unit* described in Section 123.0502(a) regardless of whether six or more persons eighteen years of age and older resided in the *dwelling unit* prior to the effective date of this ordinance.
- (b) Housing for senior citizens, residential care facilities, and transitional housing facilities are exempt from the requirement for a Residential High

Occupancy Permit, but are otherwise subject to the use regulations in
Chapter 14, Article 1.

§123.0503 ~~How to Apply for a Residential High Occupancy Permit~~

- (a) ~~Within 30 days of an increase in *single dwelling unit* occupancy that results in six or more persons eighteen years of age and older residing in a *single dwelling unit* for a period of 30 or more consecutive days, a property owner shall apply for a Residential High Occupancy Permit in accordance with Section 112.0102.~~
- (b) ~~The Residential High Occupancy Permit application and applicable fees shall be resubmitted annually by the property owner to ensure compliance with the provisions of this division.~~
- (c) ~~A fee waiver for economic hardship may be requested with the permit application and shall be granted in accordance with Process One where a property owner demonstrates to the satisfaction of the City Manager that their annual income is less than the Area Median Income.~~
- (d) ~~It is unlawful for any Responsible Person to violate any requirement of this Division.~~

§123.0504 ~~Decision on a Residential High Occupancy Permit~~

- (a) ~~A decision on an application for a Residential High Occupancy Permit shall be approved in accordance with Process One.~~
- (b) ~~The applicant shall demonstrate on submitted plans that one off-street parking space per occupant eighteen years of age and older, less one will be accommodated on the *premises*. In cases where an occupant eighteen years of age and older does not have a vehicle or a valid driver's license,~~

~~the applicant shall provide evidence to the satisfaction of the City Manager to demonstrate the need for a lower parking requirement, which shall be documented in the permit record.~~

- ~~(c) In case of conflict between the requirements of this section and the Parking Impact Overlay Zone, the higher of the applicable parking requirements shall apply.~~
- ~~(d) Parking spaces shall conform to regulations in Chapter 14, Article 2.~~

§123.0505 Issuance of a Residential High Occupancy Permit

- ~~(a) The City Manager shall issue the Residential High Occupancy Permit when the required fees have been paid (or a fee waiver is granted), a copy of the lease agreement(s) has been provided where applicable, and the permit has been approved.~~
- ~~(b) A Residential High Occupancy Permit shall not be issued to a property with a pending code violation case.~~
- ~~(c) The permit shall be valid for a 12 month period, except that an increase in occupancy or the number of vehicles in excess of that authorized under the permit shall require a new permit application and fees.~~

§123.0506 Enforcement and Administrative Remedies

- ~~(a) Violations of this Division are subject to the judicial and administrative enforcement remedies identified in Section 121.0311 of this Code.~~
- ~~(b) Violations of this Division may also result in the revocation of a previously approved Residential High Occupancy Permit, in the event of two or more code violations, within the last twelve months, have been determined to exist either prior to or pursuant to the final adjudication of~~

~~any of the enforcement remedies available under Section 123.0311 of this Code.~~

§126.0108 Utilization of a Development Permit

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

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

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

§126.0402 When a Neighborhood Development Permit Is Required

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

~~(n) A Neighborhood Development Permit is required for development proposing to count tandem parking spaces as two parking spaces towards the off-street parking requirement as described in Section 132.0905(a)(5).~~

~~(e)~~(n) A Neighborhood Development Permit is required for *development* of a college, university, vocational, or trade school on a *premises* identified as Prime Industrial Land in a *land use plan* as described in Section 141.0407(e)(2).

~~(p)~~(o) A Neighborhood Development Permit is required for *development* on a site that contains a *designated historical resource, traditional cultural property, important archaeological site*, or a designated contributing resource to a *historical district* and includes a specific historic preservation *development* incentive as described in Section 143.0240.

~~(q)~~(p) A Neighborhood Development Permit is required for *development* that proposes deviations to the development regulations within the mixed-use

zones. A Neighborhood Development Permit may not be used to request deviations listed in Section 131.0710(c).

§126.0502 When a Site Development Permit is Required

- (a) A Site Development Permit decided in accordance with Process Three is required where *environmentally sensitive lands* are present for the following types of *development*, except that if the *development* is affordable housing, an in-fill project, and/or a sustainable building, as described in Section 143.0915, it shall be processed in accordance with Section 126.0503:

- (1) ~~City public works projects, except for capital improvement program projects, on a premises containing environmentally sensitive lands, as described in Section 143.0110.~~
- (2)(1) *Single dwelling unit development* that involves any of the following:
- (A) *Development on a premises containing sensitive coastal bluffs or coastal beaches*, as described in Section 143.0110;
 - (B) *Development on lots greater than 15,000 square feet containing sensitive biological resources or steep hillsides*- as described in Section 143.0110; or
 - (C) *Development on lots less than or equal to 15,000 square feet that are joined in ownership to a contiguous lot so that the total area of contiguous ownership exceeds 15,000 square feet where sensitive biological resources or steep hillsides are present*, as described in Section 143.0110.

- (3)(2) Multiple unit residential *development* on a *premises* containing *environmentally sensitive lands*, as described in Section 143.0110.
- (4)(3) Commercial *development* on a *premises* containing *environmentally sensitive lands*, as described in Section 143.0110.
- (5)(4) Industrial *development* on a *premises* containing *environmentally sensitive lands*, as described in Section 143.0110.
- (b) [No change in text.]
- (c) A Site Development Permit decided in accordance with Process Three is required for the following types of *development*.
- (1) through (5) [No change in text.]
- (6) *Development* of manufactured slopes at a gradient steeper than 25 percent (4 horizontal feet to 1 vertical foot) and a height of 25 feet or more as described in Section 142.0103, except that if the grading is for underground parking, then a Site Development Permit is not required.
- (7) through (8) [No change in text.]
- (d) through (e) [No change in text.]
- (f) A Site *Development* permit in accordance with Process CIP/Public Project-Two is required for the following types of *development*.
- (1) *Capital improvement program projects* or public projects on a *premises* containing *environmentally sensitive lands* or that deviate from the Environmentally Sensitive Lands Regulations pursuant to Section 143.0110, Table 142-01A, where the development is

~~determined to be in compliance with the Environmentally Sensitive Lands Regulations without a deviation.~~

- (2) *Capital improvement program projects or public projects on a premises containing historical resources where the development is ~~determined to be in compliance~~ complies with the Historical Resources Regulations without deviation, unless exempt under Section 143.0220.*

- (g) A Site Development Permit in accordance with Process CIP/Public Project-Five is required for ~~the following types of development.~~

- (1) ~~*Capital improvement program projects on a premises containing environmentally sensitive lands that deviate from the Environmentally Sensitive Lands Regulations.*~~
- (2) ~~*Capital improvement program projects or public projects on a premises containing historical resources that deviate from the Historical Resources Regulations, unless exempt under Section 143.0220.*~~

§126.0504 Decision Processes for Site Development Permits

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

- (d) Process CIP/Public Project-Two

A decision on an application for a Site Development Permit for the types of *development* listed in Section 126.0502(f) shall be made in accordance with Process CIP/Public Project-Two.

- (e) Process CIP/Public Project-Five

A decision on an application for a Site Development Permit for the types of *development* listed in Section 126.0502(g) shall be made in accordance with Process CIP/Public Project-Five.

§126.0707 Decision Process for a Coastal Development Permit

- (a) A decision on an application for a City-issued Coastal Development Permit in the ~~non~~ non-appealable area of the Coastal Overlay Zone shall be made in accordance with Process Two, except that a decision on an ~~an~~ application for a *capital improvement program project* or public project in the ~~non~~ non-appealable or the appealable area of the Coastal Overlay Zone shall be made in accordance with Section 126.0707(c). The decision may be appealed to the Planning Commission in accordance with Section 112.0504.
- (b) A decision on an application for a City-issued Coastal Development Permit in the *appealable area* of the Coastal Overlay Zone shall be made in accordance with Process Three, except that a decision on a *capital improvement program project* or public project in the ~~appealable area~~ appealable area of the Coastal Overlay Zone shall be made in accordance with Section 126.0707(c) and a decision on a *companion unit* shall be made in accordance with Section 126.0707(a). The decision may be appealed to the Planning Commission in accordance with Section 112.0506.
- (c) A decision on an application for a City-issued Coastal Development Permit for a *capital improvement program project* or public project shall be made as follows:

- (1) ~~In the non~~ non-*appealable area* of the Coastal Overlay Zone, the decision shall be made in accordance with Process CIP/Public Project-Two. The decision may be appealed to the City Council in accordance with Section 112.0603.
- (2) In the *appealable area* of the Coastal Overlay Zone, the decision shall be made in accordance with Process CIP/Public Project-Five.

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

§128.0311 ~~Certification of~~ Decision on an Environmental Document

- (a) Consistent with CEQA and the State CEQA Guidelines, ~~Except as~~ provided in Section 128.0311(b) ~~and (e) through (d)~~, before approving a *development permit* or other discretionary action, the decision maker shall certify that:
 - (1) through (2) [No change in text.]
- (b) ~~If the environmental document has been previously certified because the decision is being heard on appeal, because the City is acting as a Responsible Agency, or because of reuse of a previously certified document, subsequent discretionary approvals on the same project shall not require recertification of any previously certified environmental document prepared in connection with the project. In this case, the decision maker need not certify as required by Section 128.0311(a)(1) but shall state the information contained in Section 128.0311(a)(2) for the record. Nothing in this section shall be deemed to preclude the Planning Director from reviewing the previously certified document to determine whether any supplemental information or document may be necessary.~~

When an EIR has been certified or a Negative Declaration has been adopted for a project, no subsequent EIR shall be prepared for that project unless required under CEQA and the State CEQA Guidelines.

(c) If the decision maker is acting as a Responsible Agency, the decision maker shall act on the environmental document in accordance with CEQA and the State CEQA Guidelines.

(e)(d) If the decision maker denies the project, the environmental document need not be certified.

§131.0112 Description of Use Categories and Subcategories

(a) The following are descriptions of each use category and subcategory found in the Use Regulations Tables of each base zone. These descriptions shall be used to classify specific uses into use subcategories for the purpose of determining applicable use regulations, in accordance with Section 131.0110. A description of separately regulated uses is located in Section 131.0112(b).

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

(10) Industrial use Category

This category includes uses that produce goods from extracted and raw materials or from recycle or previously prepared materials, including the design, storage, and handling of these products and the materials from which they are produced. The subcategories are:

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

(D) Research and Development – Uses engaged in scientific research including computational modeling, bio-

informatics, and testing leading to the development of new products and processes.

(E) [No change in text.]

(F) Trucking and Transportation Terminals – Uses engaged in the dispatching and ~~long term or short term storage~~ of large vehicles to collect or deliver goods or materials, or to transport people. Minor repair, ~~and maintenance, and~~ storage of fleet vehicles stored used on the *premises* is also included.

(11) [No change in text.]

(b) [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 Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
		OP-		OC-		OR ⁽¹⁾ -	
	1st & 2nd >>						
	3rd >>	1-	2-	1-		1-	1-
Open Space 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.]	4th >>	1	1	1	1	2	1
[No change in text.]							
<u>Vehicle Storage Facilities as a <i>Primary Use</i></u>		=	=	=	=	=	=

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⁾ -	
	3rd >>	1-	2-	1-		1-	
	4th >>	1	1	1	1	2	1
Distribution and Storage through Separately Regulated Distribution and Storage Uses: [No change in text.]		[No change in text.]					
Impound Storage Yards		-	-	-	-	-	-
Junk Yards 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 131-02B [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 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.]		[No change in text.]			
<u>Vehicle Storage Facilities as a <i>Primary Use</i></u>		=		=	

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
Distribution and Storage through Separately Regulated Distribution and Storage Uses [No change in text.]		[No change in text.]			
Impound Storage Yards		-		-	
Junk Yards through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]			

Footnotes for Table 131-03B [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 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>Vehicle Storage Facilities as a <i>Primary Use</i></u>		=	=												=		=								
Distribution and Storage through Separately Regulated Distribution and Storage Uses [No change in text.]		[No change in text.]																							
Impound Storage Yards		-	-												-		-								

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	
Junk Yards 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, Shopkeeper Units [No change in text.]		[No change in text.]											
Single Dwelling Units		p(+2)(11)			p(+2)(11)			p(+2)(11)			p(+2)(11)		p(+2)(11)
Separately Regulated Residential Uses through Companion Units [No change in text.]		[No change in text.]											
Continuing Care Retirement Communities		€ L			€ L			L			L		L
Employee Housing: through Garage, Yard, & Estate Sales [No change in text.]		[No change in text.]											
Guest Quarters		L (+9)(9)			-			-			-		-
Home Occupations through Commercial Services, Separately Regulated Commercial Services Uses, Camping Parks [No change in text.]		[No change in text.]											
Child Care Facilities:													
Child Care Centers		€ L			€ L			€ L			€ L		- L
Large Family Child Care Homes		L			L			L			L		-
Small Family Child Care Homes		L			L			L			L		-
Eating and Drinking Establishments with a Drive-in or Drive-through Component through Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]											
Mobile Food Trucks		-			L (+1)(10)			L (+1)(10)			L (+1)(10)		L (+1)(10)

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
Nightclubs & Bars over 5,000 square feet in size 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>Vehicle Storage Facilities as a <i>Primary Use</i></u>		=			=			=			=		=
Distribution and Storage through Separately Regulated Distribution and Storage Uses [No change in text.]		[No change in text.]											
Impound Storage Yards		-			-			-			-		-
Junk Yards through Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]		[No change in text.]											

Footnotes for Table 131-04B

¹ through ⁸ [No change in text.]

⁹ ~~A Residential High Occupancy Permit is required in accordance with Section 123.0502 for a single dwelling unit when the occupancy of the dwelling unit would consist of six or more persons eighteen years of age and older residing in the dwelling unit for a period of 30 or more consecutive days.~~

~~¹⁰⁻⁹~~ A guest quarters or habitable accessory building is permitted in accordance with Section 141.0307 only as an accessory use to a single dwelling unit.

~~¹¹⁻¹⁰~~ Mobile food trucks are permitted by right on the property of a school, university, hospital, religious facility, previously conforming commercial premises in a residential zone, or construction site. Mobile food trucks on any other premises are subject to the limited use regulations set forth in Section 141.0612.

~~¹²⁻¹¹~~ Development of a small lot subdivision is permitted in accordance with Section 143.0365.

§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) [No change in text.]

(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						
		RS-						
		1-	1-	1-	1-	1-	1-	1-
		1	2	3	4	5	6	7
Max permitted density (DU per lot)	1st & 2nd >> 3rd >> 4th >>	1	1	1	1	1	1	1
Min lot area (sf)		40,000	20,000 (7)	15,000	10,000	8,000	6,000	5,000
Min lot dimensions through Supplemental requirements [See Section 131.0464(a)] [No change in text.]		[No change in text.]						
Bedroom regulation ⁽⁸⁾ [See Section 131.0457]		applies =	applies =	applies =	applies =	applies =	applies =	applies =
Refuse and Recyclable Material Storage [See Section 142.0805] through Visibility Area [See Section 113.0273] [No change in text.]		[No change in text.]						

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	8	9	10	11	12	13	14
Max permitted density (DU per lot) through Supplemental requirements [See Section 131.0464(a)] [No change in text.]		[No change in text.]						
Bedroom Regulation ⁽⁸⁾ [See Section 131.0457]		applies =	applies =	applies =	applies =	applies =	applies =	applies =
Refuse and Recyclable Material Storage [See Section 142.0805] through Visibility Area [See Section 113.0273] [No change in text.]		[No change in text.]						

Footnotes for Table 131-04D

¹ through ⁶ [No change in text.]

² In the Encanto and Southeastern San Diego Community Planning areas the lot size shall be a minimum of 5,000 square feet.

⁸ On lots less than 10,000 square feet, a single-dwelling unit shall be limited to a maximum of six bedrooms.

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

§131.0447 Maximum Paving and Hardscape in RS Zones

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

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

(c) In order to maintain the character of the RS zone, paving and *hardscape* for vehicular use on lots less than 10,000 square feet, shall be further limited as follows: to off-street parking spaces for a maximum of 4 vehicles. Additional paving and hardscape shall be permitted for non-vehicular use or where necessary to provide vehicular access to garage parking.

- (1) ~~A maximum of four off-street parking spaces not located within a garage shall be permitted on lots less than 10,000 square feet;~~
- (2) ~~A maximum of six off-street parking spaces not located within a garage shall be permitted on lots 10,000 square feet and greater;~~
- (3) ~~Additional paving and hardscape shall be permitted for non-vehicular use or where necessary to provide vehicular access to garage parking;~~
- (4) ~~For purposes of this subsection, notwithstanding Section 113.0237, unless development only occurs on the RS-1-1 zoned portion of a lot, the lot size shall not include the RS-1-1 zoned portion of a lot with more than one zoning designation.~~

§131.0449 Garage Regulations in Residential Zones

- (a) [No change in text.]
- (b) Garages in RT Zones
 - (1) [No change in text.]
 - (2) ~~Notwithstanding Chapter 13, Article 2, Division 9 (Residential Tandem Parking Overlay Zone), a A two-car garage may provide parking in tandem spaces.~~
 - (3) through (10) [No change in text.]

§131.0457 Bedroom Regulation in RS Zones

~~To maintain the character of the RS zone, single dwelling units in the RS zones shall be subject to the following regulations:~~

- (a) ~~On lots less than 10,000 square feet, a single dwelling unit shall be limited to a maximum of six bedrooms.~~

- (b) ~~Within the College Area Community Plan area, except in the RS-1-1 zone, the following additional regulations shall apply:~~
- (1) ~~On lots less than 10,000 square feet, a single dwelling unit shall be limited to a maximum of five bedrooms.~~
 - (2) ~~On lots 10,000 square feet or greater, a single dwelling unit shall be limited to a maximum of six bedrooms.~~
 - (3) ~~The combined gross floor area of all bedrooms shall not exceed 60 percent of the gross floor area, excluding any garage.~~
- (c) ~~For purposes of this Section, notwithstanding Section 113.0237, unless development only occurs on the RS-1-1 zoned portion of a lot, the lot size shall not include the RS-1-1 zoned portion of a lot with more than one zoning designation.~~

§131.0507 Purpose of the CC (Commercial--Community) Zones

- (a) [No change in text.]
- (b) The CC zones are differentiated based on the uses allowed and regulations as follows:
- (1) [No change in text.]
 - (2) The following zones allow community-serving uses with no limited residential uses:
 - CC-2-1 is intended to accommodate *development* with strip commercial characteristics
 - CC-2-2 is intended to accommodate *development* with high intensity, strip commercial characteristics

- CC-2-3 is intended to accommodate *development* with an auto orientation
- CC-2-4 is intended to accommodate *development* with a pedestrian orientation
- CC-2-5 is intended to accommodate *development* with a high intensity, pedestrian orientation

(3) through (5) [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-	3-				
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2	1
Open Space through Residential, Separately Regulated Residential Uses, Companion Units [No change in text.]		[No change in text.]																	
Continuing Care Retirement Communities		C ⁽²⁾ L						CL		-	CL		-	CL		C ⁽²⁾ L		-	
Employee Housing: through Institutional, Separately Regulated Institutional Uses, Historical Buildings Used for Purposes Not Otherwise Allowed [No change in text.]		[No change in text.]																	
Homeless Facilities:																			
Congregate Meal Facilities		C ⁽¹⁰⁾						C	-	C	C	C	C	C ⁽¹⁰⁾	-				
Emergency Shelters		C ⁽¹⁰⁾						C	-	C	C	C	C	C ⁽¹⁰⁾	-				
Homeless Day Centers		C ⁽¹⁰⁾						C	-	C	C	C	C	C ⁽¹⁰⁾	-				
Hospitals, Intermediate Care Facilities & Nursing Facilities through Commercial Services, Tasting Rooms [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 >> 3rd >> 4th >>	CN ⁽¹⁾ -						CR-		CO-						CV-		CP-	
		1-						1-	2-	1-		2-		3-		1-	1-		
		1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2	1
Visitor Accommodations		P						P	P	-		-P		P		P	-		
Separately Regulated Commercial Services Uses through Vehicle & Vehicular Equipment Sales & Service, Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses, Outdoor Storage & Display of New, Unregistered Motor Vehicles as a Primary Use <u>Primary Use</u> [No change in text.]		[No change in text.]																	
<u>Vehicle Storage Facilities as a Primary Use</u>		=						=	=	=		=		=		=	=	=	
Distribution and Storage through Separately Regulated Distribution and Storage Uses [No change in text.]		[No change in text.]																	
Impound Storage Yards		-						-	E	-		-		-		-	-	-	
Junk Yards through Signs , Separately Regulated Signs 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, Companion Units [No change in text.]		[No change in text.]																														
Continuing Care Retirement Communities		€ L			-			€ L			€ L			€ ⁽⁺⁵⁾ L																		
Employee Housing: through Vehicle & Vehicular Equipment Sales & Service, Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses, Outdoor Storage & Display of New, Unregistered Motor Vehicles as a Primary Use [No change in text.]		[No change in text.]																														
Vehicle Storage Facilities as a Primary Use		=			=			=			=			=																		
Distribution and Storage through Separately Regulated Distribution and Storage Uses [No change in text.]		[No change in text.]																														
Impound Storage Yards		-			-			-			€			€																		
Junk Yards through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]																														

Footnotes for Table 131-05B

¹ through ³ [No change in text.]

⁴ ~~Live entertainment or the sale of intoxicating beverages other than beer and wine after 12:00 midnight~~ is not permitted in the Commercial-Neighborhood (CN) zones, unless approval of a deviation is granted ~~via~~ with a Planned Development Permit in accordance with Section 126.0602(b)(1). ~~Within the North Park Community Plan area, the sale of intoxicating beverages are permitted in the CN zones.~~ All uses or activities shall be conducted entirely within an enclosed building and front onto the primary street with no uses or commercial activities conducted outdoors in the rear *yard* adjacent to residentially-zoned properties.

⁵ through ¹⁹ [No change in text.]

§131.0602 Purpose of the IP (Industrial--Park) Zones

- (a) The purpose of the IP zones is to provide for high quality science and business park *development*. The property *development* standards of this zone are intended to create a campus-like environment characterized by comprehensive site design, ~~and substantial landscaping, and amenities that~~

serve the surrounding development in a manner that preserves the industrial nature of the zones. Restrictions on permitted uses and signs are provided to minimize commercial influence.

(b) [No change in text.]

§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 Agriculture, Agricultural Processing [No change in text.]			[No change in text.]									
Aquaculture Facilities			<u>p(19)</u>	<u>p(19)</u>	<u>p(19)</u>	P	P	P	P	P	P	-
Dairies [No change in text.]			[No change in text.]									
Horticulture Nurseries & Greenhouses			<u>p(19)</u>	<u>p(19)</u>	<u>p(19)</u>	P	<u>P</u>	P	P	P	-	-
Raising & Harvesting of Crops through Retail Sales, Building Supplies & Equipment [No change in text.]			[No change in text.]									
Food, Beverages and Groceries			<u>p(13, 20)</u>	<u>p(13, 20)</u>	<u>p(13, 20)</u>	<u>p(13, 20)</u>	<u>p(13, 20)</u>	p(13)	-	-	-	-
Consumer Goods, Furniture, Appliances, Equipment through Pets & Pet Supplies [No change in text.]			[No change in text.]									
Sundries, Pharmaceuticals, & Convenience Sales			- <u>p(5, 13)</u>	p(5,13)	p(5,13)	p(5,13)	p(5,13)	p(13)	p(5,13)	p(5,13)	p(4,13)	-

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
Wearing Apparel & Accessories through Separately Regulated Retail Sales Uses, Agriculture Related Supplies & Equipment [No change in text.]		[No change in text.]									
Alcoholic Beverage Outlets		-	-	-	-	-L	L	-	-	-	-
Farmers' Markets											
Weekly Farmers' Market		-L	-L	-L	-L	-L	L	-	-	-	-
Daily Farmers' Market Stands		-	-	-	-L	-L	L	-	-	-	-
<i>Marijuana Outlets through Commercial Services, Building Services</i> [No change in text.]											
Business Support		- p ⁽⁸⁾	p ⁽⁸⁾	p ⁽⁸⁾	p ⁽⁸⁾	P	P	-	p ⁽⁸⁾	P	p ⁽⁸⁾
Eating & Drinking Establishments		- p ^(7,16)	p ^(7,16)	p ^(7,16)	p ^(7,16)	p ^(7,16)	p ⁽¹⁶⁾	-	p ⁽⁷⁾	p ^(4,16)	p ^(7,16)
Financial Institutions		-	P	-	-P	P	P	-	-	P	P
Funeral & Mortuary Services [No change in text.]		[No change in text.]									
Instructional Studios		p ⁽¹⁴⁾	p ⁽¹⁴⁾	p ⁽¹⁴⁾	p ⁽¹⁴⁾	p ⁽¹⁴⁾	p ⁽¹⁴⁾	-	-	P	-
Maintenance & Repair through Off-site Services [No change in text.]		[No change in text.]									
Personal Services		p ⁽⁹⁾	p ⁽⁹⁾	p ⁽⁹⁾	p ⁽⁹⁾	p ⁽⁹⁾	p ⁽⁹⁾	-	-	-	-
Radio & Television Studios [No change in text.]		[No change in text.]									
Tasting Rooms		p ⁽¹⁸⁾	p ⁽¹⁸⁾	p ⁽¹⁸⁾	p ⁽¹⁸⁾	p ⁽¹⁸⁾	p ⁽¹⁸⁾	p ⁽¹⁸⁾	p ⁽¹⁸⁾	p ⁽¹⁸⁾	p ⁽¹⁸⁾
Visitor Accommodations through Separately Regulated Commercial Services Uses, Sexual Encounter Establishment [No change in text.]		[No change in text.]									
Assembly and Entertainment Uses, Including Places of Religious Assembly		-L	-L	-L	-L	L	L	-	-	L	-
Bed & Breakfast Establishments:											
1-2 Guest Rooms through 6+ Guest Rooms [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 >	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
Boarding Kennels/Pet Day Care Facilities	- <u>N</u>	N	- <u>N</u>	N	L	L	N	N	N	N	N
Camping Parks 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>Vehicle Storage Facilities as a Primary Use</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>
Distribution and Storage through Separately Regulated Distribution and Storage Uses [No change in text.]	[No change in text.]										
Impound Storage Yards	-	-	-	P	P	P	P	P	P	P	-
Junk Yards through Industrial , Testing Labs [No change in text.]	[No change in text.]										
Trucking & Transportation Terminals	- <u>P</u>	- <u>P</u>	- <u>P</u>	P	- <u>P</u>	P	P	P	P	P	P
Separately Regulated Industrial Uses through Signs , Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]										

Footnotes for Table 131-06B

¹ through ¹³ [No change in text.]¹⁴ Instructional Studios are not permitted on a premises that is identified as Prime Industrial Land in a *land use plan*. See Section 131.0623(n).¹⁵ through ¹⁸ [No change in text.]¹⁹ Funeral & Mortuary Services are not permitted within *floodplains* located in the Coastal Overlay Zone. See Section 131.0623(l).²⁰ See Section 131.0623(m).**§131.0623 Additional Use Regulations of Industrial Zones**

The additional use regulations identified in this Section are applicable to uses where indicated in Table 131-06B. In addition to the use-specific regulations below, the combined gross floor area for the uses identified in Sections 131.0623(a), (b), (d), (h), (k), (m), and (n) shall not exceed 35 percent of the allowable gross floor area of the premises.

- (a) [No change in text.]
- (b) Eating and drinking establishments are permitted subject to the following:
 - (1) The dining and serving area of ~~individual~~ establishments are limited to 3,000 square feet of *gross floor area*, except where provided in accordance with Section 131.0623(i);
 - (2) through (4) [No change in text.]
- (c) through (d) [No change in text.]
- (e) Light manufacturing and assembly uses in the IP-1-1 and the IP-3-1 zones are limited to the following:
 - (1) through (6) [No change in text.]
 - (7) Manufacturing of scientific, engineering, and medical instruments; and
 - (8) [No change in text.]
- (f) through (i) [No change in text.]
- (j) Residential uses in the IP-3-1 zone are permitted subject to the following:
 - ~~(A)~~(1) Residential *development* is permitted in accordance with the Business Park - Residential Permitted CPIOZ of the applicable community plan;
 - ~~(B)~~(2) Residential *development* comprises no more than 49 percent of the total *lot* area within the Business Park - Residential Permitted CPIOZ; and
 - ~~(C)~~(3) Residential *development* complies with the *development* regulations of the residential zone identified in the Business Park - Residential Permitted CPIOZ of the applicable community plan,

except that the *lot area*, *lot dimensions*, *floor area ratio*, and
setback requirements of the IP-3-1 zone shall apply.

- (k) Physical fitness facilities are permitted subject to the following:
- ~~(A)~~(1) The physical fitness facility is located within a *development* that is greater than 20,000 square feet of *gross floor area* in an industrial zone;
 - ~~(B)~~(2) The physical fitness facility is ~~exclusively~~ primarily used by employees of the *premises* as an *accessory use*; and
 - ~~(C)~~(3) The physical fitness facility does not exceed 25 percent of the *gross floor area* of the *structures* on the *premises*.
- (l) Aquaculture Facilities and Horticulture, Nurseries & Greenhouses are permitted in IP zones subject to the following:
- (1) The aquaculture facility, horticulture facility, nursery or greenhouse shall directly support the research and *development* uses on the *premises*; and
 - (2) The aquaculture facility, horticulture facility, nursery or greenhouse shall be excluded from the *gross floor area* calculation of the *structures* on the *premises*.
- (m) Food, Beverages and Groceries are permitted if individual establishments are limited to 20,000 square feet of *gross floor area*.
- (n) Instructional Studios are permitted subject to the following:
- (1) Individual establishments are limited to 5,000 square feet of *gross floor area*;

- (2) The total area occupied by these uses shall not exceed 25 percent of the gross floor area of the building in which they are located;
and
- (3) The instructional studio shall be primarily used by employees of the premises as an accessory use and shall not be a minor-oriented facility.

§132.0402 Where the Coastal Overlay Zone Applies

- (a) [No change in text.]
- (b) Table 132-04A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone. Coastal Development Permit procedures are provided in Chapter 12, Article 6, Division 7.

**Table 132-04A
Coastal Overlay Zone Applicability**

Type of <i>Development</i> Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) <i>Coastal development</i> that is categorically excluded pursuant to order of the Coastal commission or that is exempted by Section 126.0704	See use and development regulations of the base zone and Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations	No permit required by this division
(2) Any <i>coastal development</i> within this overlay zone that is partially or completely within the Coastal Commission Permit Jurisdiction or the Deferred Certification Area	See use and development regulations of the base zone and Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands	Coastal Development Permit(s) are issued by the Coastal Commission and the City for their respective jurisdictions

	Regulations	
(3) <i>Coastal development, except a capital improvement program project or public project, in this overlay zone that is not exempt under (1) of this table or that is not in the area described in (2) of this table</i>	See use and development regulations of the base zone and Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations	Coastal Development Permit/Process Two or Three
(4) <i>Coastal development for a capital improvement program project or public project, in this overlay zone that is not exempt under (1) of this table or that is not in the area described in (2) of this table and is in the non non-appealable area of this overlay zone</i>	See use and development regulations of the base zone and Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations	Coastal Development Permit/Process CIP/ <u>Public Project</u> -Two
(5) <i>Coastal development for a capital improvement program project in this overlay zone that is not exempt under (1) of this table or that is not in the area described in (2) of this table and is in the appealable area of this overlay zone</i>	See use and development regulations of the base zone and Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations	Coastal Development Permit/Process CIP-Five

DIAGRAM 132-04A

[No change in text.]

Chapter 13: Zones

Article 2: Overlay Zones

Division 9: Residential Tandem Parking Overlay Zone

~~§132.0901~~ Purpose of the Residential Tandem Parking Overlay Zone

~~The purpose of the Residential Tandem Parking Overlay Zone is to identify the conditions under which tandem parking may be counted as two parking spaces in the calculation of required parking.~~

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

- (a) This overlay zone applies to property shown on Map No. C-994, filed in the office of the City Clerk under Document No. OO-21014. These areas are shown generally on Diagram 132-09A.
- (b) Table 132-09A shows the sections that contain the supplemental regulations for specific types of *development* proposals in this overlay zone.

~~Table 132-09A~~
~~Residential Tandem Parking Overlay Zone Applicability~~

Type of Development Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
Any development proposing tandem parking in a single dwelling unit or multiple dwelling unit zone located within this overlay zone	See Section 132.0905	No permit required by this division

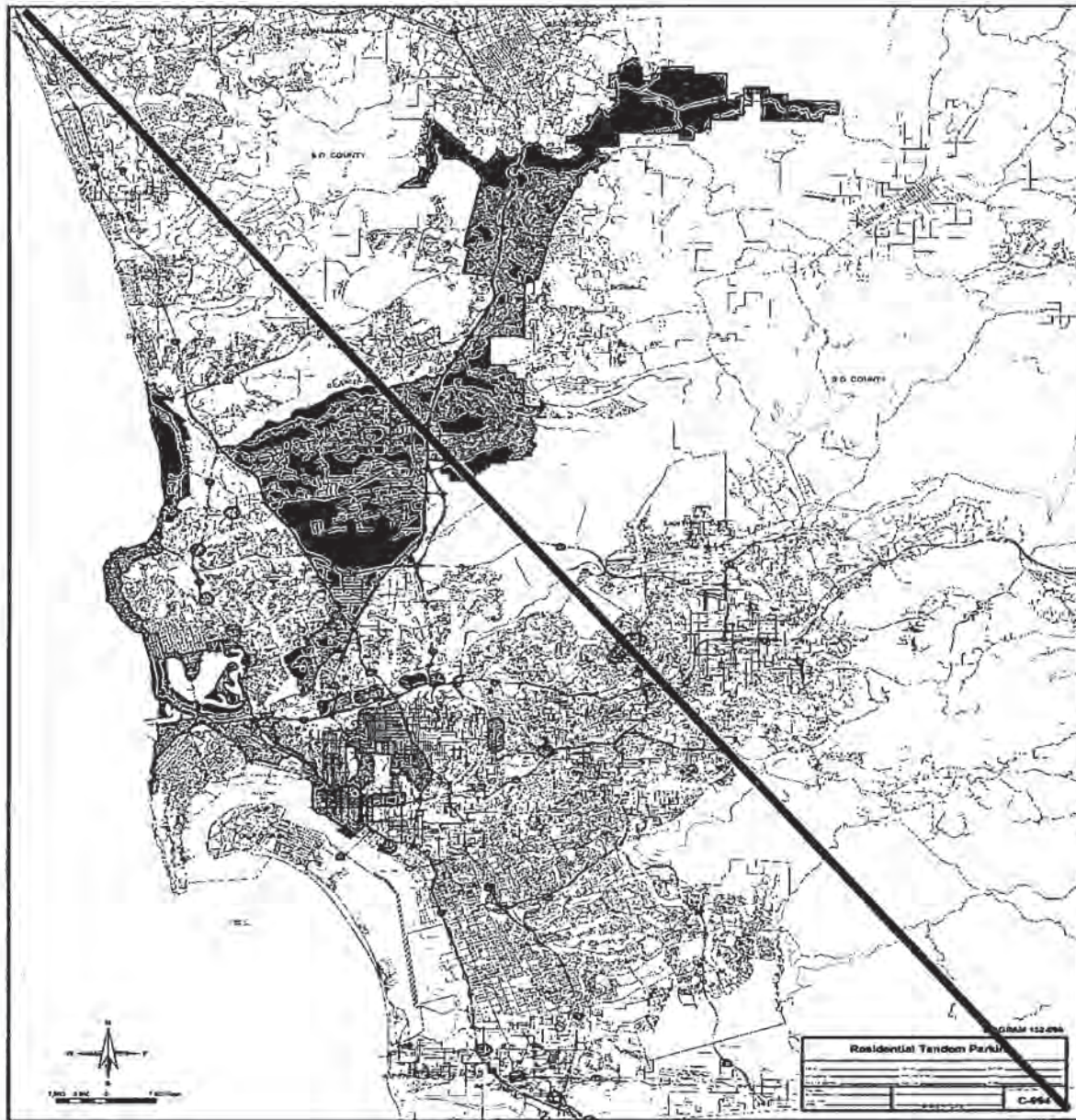


DIAGRAM 132-09A

Residential Tandem Parking

This is a reproduction of Map No. C-994 for illustration purposes only.

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

- (a) Tandem parking may be counted as two parking spaces toward the off-street parking required by Chapter 14, Article 2, Division 5 (Parking Regulations) only in the following locations and circumstances:
- (1) In the Golden Hill Community Plan area, the La Jolla Community Plan area, the Mission Beach Precise Plan area, the Mission Valley Community Plan area, the North Park Community Plan area, the Uptown Community Plan area, the Mira Mesa Community Plan area, the Scripps Miramar Ranch Community Plan area, the Miramar Ranch North Community Plan area, the Sabre Springs Community Plan area, the Carmel Mountain Ranch Community Plan area, the Rancho Bernardo Community Plan area, the San Pasqual Community Plan area, the Midway Pacific Highway Community Plan area, and the Old Town San Diego Community Plan area.
 - (2) In the City Heights neighborhood of the Mid-City Community Plan Area only for structures with one or two dwelling units.
 - (3) If at least 25 percent of the project area is located within the Transit Area Overlay Zone as shown in Diagram 132-10A and the project area is not located in the Pacific Beach Community Plan area, the Southeast San Diego Community Plan area, the Skyline/Paradise Hills Community Plan Area, or the Mid-City Communities Plan area other than the City Heights

~~neighborhood.~~

(4) ~~Within the beach impact area of the Parking Impact Area Overlay Zone where access is provided to the tandem space from an abutting alley.~~

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

(b) ~~At least one of the two parking spaces shall be within a completely enclosed structure.~~

(c) ~~Both of the tandem spaces shall be assigned to the same dwelling unit.~~

(d) ~~The tandem parking spaces shall be assigned, and the use restrictions shall be enforced, by the owner of the premises or the owner's assigned representative.~~

§141.0303 Continuing Care Retirement Communities

Continuing ~~e~~Care ~~r~~Retirement ~~e~~Communities (CCRCs) are licensed by the state as both a ~~r~~Residential ~~e~~Care ~~f~~Facility for the ~~e~~Elderly and a ~~s~~Skilled ~~n~~Nursing ~~f~~Facility, regulated under the California Health and Safety Code, and overseen by the California Department of Social Services. They provide residents with multiple living environments based on the changing level of care required by the resident. The communities typically provide independent living dwelling units, assisted living dwelling units, and convalescent and memory care rooms. A CCRC is a distinct residential use and should not be considered a sum of separate, multiple uses when determining compliance with permitted land uses.

~~Continuing care retirement communities~~ CCRCs 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), or as a limited use in zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the following regulations.

- (a) ~~Continuing care retirement communities~~ CCRCs are not permitted in agricultural zones in *Proposition A Lands*.
- (b) through (c) [No change in text.]
- (d) ~~The number of vehicle trips shall be determined as follows:~~
 - (1) ~~Four trips per dwelling unit; and~~
 - (2) ~~Three trips per room for convalescent and memory care rooms.~~
- (e)(d) ~~Continuing care retirement communities~~ CCRCs shall be subject to the landscape regulations for commercial *development* in Table 142-04A.
- (f)(e) ~~Permitted Density~~ As a distinct, separately regulated residential use,
CCRCs are not subject to the density limitations of the applicable
community plan and underlying base zone.
 - (1) ~~The density shall comply with the base zone.~~
 - (2) ~~Only independent and assisted living dwelling units shall be used to calculate density.~~
 - (3) ~~The density shall be calculated using the area of the entire development.~~

**§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) Outside of a Transit Priority Area, 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) Within a Transit Priority Area, the facility design shall not accommodate more than 600 students, except that a new school may replace an existing school with current

enrollment over 600 students if the result is no increase in
the number of students.

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

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

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

§141.0505 Plant Nurseries

For the purpose of Section 141.0504, plant nurseries are commercial
establishments where plants are cultivated and grown for transplant, distribution,
and sale that have a sales transaction area greater than 300 square feet. Plant
nurseries are permitted in the zones indicated with a "P" in the Use Regulations
Tables in Chapter 13, Article 1 (Base Zones). Plant nurseries 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) through (c) [No change in text.]

(d) Section 141.0504~~5~~ shall not apply to the sale of plants from a garden
center or other retail store, which is permitted in zones that allow the sale
of consumer goods.

§141.0602 Assembly and Entertainment Uses, Including Places of Religious Assembly

This use category applies to facilities designed to accommodate at least 25 people at a time for recreation, physical fitness, entertainment, or other assembly, including places of religious assembly. Assembly and entertainment uses are permitted as a limited use in accordance with Process One in zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) and are subject to the regulations in Sections 141.0602(a) and (b). Assembly and entertainment uses 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) and are subject to the regulations in Sections 141.0602(a) and (c).

(a) General Regulations

(1) Assembly and entertainment uses are not permitted:

- (A) Within the *MHPA*; and
- (B) Within *floodplains* located in the Coastal Overlay Zone; ~~or,~~
- (C) ~~On a premises that is identified as Prime Industrial Land in a land use plan.~~

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

(b) Limited Use Regulations

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

(3) ~~Parking shall be accommodated on-site.~~

(4)(3) Deviations from Section 141.0602(b) may be permitted with a Conditional Use Permit decided in accordance with Process Three.

(4) On a premises that is identified as Prime Industrial Land in a land use plan, the following regulations apply:

(A) Auditoriums that are an accessory use to a professional office of an industrial development are permitted.

(B) Other assembly and entertainment uses are permitted as accessory uses provided that:

(i) The use occurs outside of normal business or operating hours and a majority of the uses shall not include minor-oriented uses or activities;

(ii) The use consists of temporary, non-permanent special events or activities; and

(iii) The space utilized shall not exceed 25 percent of the gross floor area of the structure or structures in which the ancillary use is located.

(c) [No change in text.]

§141.0612 Mobile Food Trucks

Mobile food trucks are temporarily parked, operable motorized vehicles that function as transportable retail food and beverage facilities that move daily. This use category includes mobile food trucks that provide sales to the general public of food and beverage (pre-packaged or prepared and served from the vehicle or an attached trailer) for consumption on or off of the *premises*. They are health regulated businesses subject to Chapter 4, Article 2, Division 1. This use category does not include pushcarts as described in Section 141.0619, farmers' markets as described in Section 141.0503, or off-site food and beverage delivery services.

(a) [No change in text.]

(b) General Regulations.

Mobile food truck operators shall comply with all of the following:

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

(8) no *signs* other than those exhibited on or in the mobile food truck;
except for one temporary ground sign, located entirely on private property, with a maximum display area of six square feet, in compliance with Section 141.0612(b)(15) and (16);

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

(13) no furniture, ~~umbrellas~~, except for a maximum of two standing tables and a shade canopy with maximum dimensions of 10 feet by 10 feet, located entirely on private property, generators, objects or *structures* outside of the vehicle except for signs as allowed in Section 141.0612(b)(8);

(14) through (16) [No change in text.]

(c) [No change in text.]

(d) Mobile Food Trucks on Private Property.

Property owners and *permit holders* shall comply with all of the following:

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

(5) mobile food trucks shall operate as follows:

(A) [No change in text.]

(B) ~~one a mobile food truck may operate on the site for every 525 square foot paved area of at least~~ requires a minimum

paved area of 35 feet by 15 feet in dimension. Mobile food trucks greater than 27 feet in length require a space and at least 70 feet by 15 feet for mobile food trucks greater than 27 feet in length; and

(C) [No change in text.]

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

§141.0803 Vehicle Storage Facilities as a Primary Use

This use includes short or long-term storage of all types of operable motor vehicles as a *primary use*. This use may be permitted as a Limited Use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) This use shall only occur upon a *premises where every street frontage is improved to the current standards of the City of San Diego as determined by the City Engineer.*
- (b) The facility shall be *screened from the public right-of-way by a solid fence with a minimum height of 6 feet. The fencing shall be screened with plant material that includes 24-inch box evergreen canopy form trees separated by a maximum distance of 30 feet along the street frontage.*
- (c) The facility shall be *screened from adjacent properties by 10-foot wide landscape strips that include 24-inch box evergreen species separated by a maximum distance of 30 feet along the side and rear yards. Landscape strips shall not be required along the side or rear yards abutting parcels zoned as Open Space or Agricultural. This screening requirement does not*

apply to abutting lots, if both lots are occupied by a use in this same land use sub-category.

- (d) The entire surface of the facility, excluding required landscape areas, shall be paved with asphalt, concrete, compacted gravel, compacted decomposed granite, or similar surface paving material of at least four inches in depth.

If compacted gravel, compacted decomposed granite, or similar materials are used to pave any surface of the facility upon which vehicles are stored or driven, then a 6-inch thick reinforced concrete or asphalt driveway of not less than 25 feet in length for automobile storage or 50 feet in length for truck storage from the public right-of-way shall be required.

- (e) One or more commercial coaches, or other accessory use structures, shall be located on the premises for facility staff to provide for security, inventory control, or other directly related administrative functions and shall be placed or built upon a concrete slab or other permanent foundation in compliance with the Construction permit.

- (f) No vehicles shall be stored until a Certificate of Occupancy has been issued for the accessory use structure.

- (g) Vehicles shall be stored in an orderly manner in accordance with the site plan approved by the Construction permit.

- (h) The following activities may be permitted as accessory uses on the premises:

- (1) Auctioning of vehicles from inventory provided there is no dismantling of vehicles for the purposes of selling parts.

- (2) Performing minor repairs to vehicles held in inventory if there is no discharge of fluids.
- (i) Vehicle components that may contain oil, grease, or similar ground water contaminants shall not be washed except if the facility is equipped, as authorized by the *Construction permit*, to prevent the contaminants from leaching into the water table.
- (i) The parking stalls for visitor and employee parking shall be subject to the landscape regulations in Section 142.0402.

§141.0901 Impound Storage Yards

~~Impound storage yards 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) ~~Storage of the following vehicles may be permitted: motor vehicles that are being held in legal custody and incidental storage of other vehicles and tow equipment.~~
- (b) ~~Automobile access to the facility shall be at points of low pedestrian activity and shall be located away from any adjacent residentially zoned property.~~
- (c) ~~The facility shall be screened from adjacent development and from the public right-of-way by fences or walls and landscaping.~~
- (d) ~~Limitations on the operation of the facility will be imposed by the decision maker to minimize impacts on surrounding development from noise and lights.~~

- (e) ~~Measures shall be taken to ensure that the ground water table is not adversely affected by the increase of impermeable surfaces due to the development of the facility.~~
- (f) ~~Measures shall be taken to ensure that water quality is not adversely affected by runoff containing fuel and lubricants or other pollutants.~~

§142.0103 When a Permit Is Required for Grading

- (a) [No change in text.]
- (b) A Site Development Permit is required for any *grading* that results in the creation of a slope with a gradient steeper than 25 percent (4 horizontal feet to 1 vertical foot) and a height of 25 feet or more in accordance with Chapter 12, Article 6, Division 5 (Site Development Permits), except that a Site Development Permit is not required for grading for underground parking.

§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 Development 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)	1,000 square feet	<i>Multiple Dwelling Unit Residential Development, Mixed-Use Development, or Commercial Development</i>	142.0403-142.0407, 142.0409, and 142.0413	Building Permit/ Process One
	5,000 square feet	<i>Industrial Development</i>		
2. Additions to <i>structures</i> or additional <i>structures</i> on developed properties that exceed the <i>gross floor area</i> shown or that increase the <i>gross floor area</i> by the percent shown (Column B), and are proposing the type of <i>development</i> shown (Column C)	1,000 square feet or a 20 percent increase in <i>gross floor area</i>	<i>Multiple Dwelling Unit Residential Development, or Residential Components of Mixed-Use Development</i>	142.0403-142.0407, 142.0409, 142.0410(a), and 142.0413	Building Permit/ Process One
	1,000 square feet or a 10 percent increase in <i>gross floor area</i>	<i>Commercial Development, or Commercial Components of Mixed-Use Development</i>		
	5,000 square feet or a 20 percent increase in <i>gross floor area</i>	<i>Industrial Development</i>		
3. New permanent parking and <i>vehicular use area</i> for four or more vehicles including access to the spaces, excluding parking for <i>single dwelling unit</i> uses on a single lot in <i>single dwelling unit</i> zones and small lot subdivisions in accordance with Section 143.0365			142.0403, 142.0406-142.0409, and 142.0413	Construction Permit/ Process One
4. New temporary parking and <i>vehicular use area</i> for four or more vehicles including access to the spaces, excluding parking for <i>single dwelling unit</i> uses on a single lot in <i>single dwelling unit</i> zones			142.0403, 142.0408, 142.0409, and 142.0413	Construction Permit/ Process One

Type of Development Proposal	Applicable Regulations	Required Permit Type/ Decision Process
5. Additions or modifications to existing permanent or temporary parking and <i>vehicular use area</i> that increase the number of parking spaces by four or more	142.0403, 142.0408, 142.0409, 142.0410 (b), and 142.0413	Construction Permit/ Process One
6. <i>Single dwelling unit</i> residential use projects proposing new private or <i>public rights-of-way</i>	142.0403, 142.0409, and 142.0413	Construction Permit/ Process One
7. Projects proposing slopes with gradients steeper than 4:1 (4 horizontal feet to 1 vertical foot) that are 5 feet or greater in height	142.0403, 142.0411, and 142.0413	Construction Permit/ Process One
8. Projects creating disturbed areas of bare soils, or projects with existing disturbed areas	142.0403, 142.0411, and 142.0413	No permit required by this division
9. All City owned property, dedicated in perpetuity for park or recreation purposes, within 100 feet of a structure.	142.0403, 142.0412, 142.0413	No permit required by this division if work is performed in accordance with applicable regulations
10. Publicly or privately owned <i>premises</i> , that are within 100 feet of a <i>structure</i> , and contain native or naturalized vegetation.	142.0403, 142.0412, and 142.0413	No permit required by this division if work is performed in accordance with applicable regulations
11. New <i>structures</i> , additions to <i>structures</i> , or subdivisions that create <i>lots</i> where new <i>structures</i> could be located on <i>premises</i> adjacent to native or naturalized vegetation	142.0403, 142.0412, and 142.0413	Building Permit/ Process One

12. New Trees or shrubs planted in the <i>public right-of-way</i>	62.0603, 129.0702, 142.0403 142.0409 and 142.0610	Public Right-of-Way Permit or Street Tree Permit/ Process One
13. <i>Condominium Conversions</i>	142.0403, 142.0404, 142.0405 (b)(1) 142.0409 (a), 142.0412, and 142.0413	No permit required by this division
14. Commercial <i>development</i> with at least 1,000 square feet of landscape area	142.0403 142.0413	No permit required by this division
15. Small <i>Lot Subdivision</i>	142.0403 142.0404 142.0413	No permit required by this division

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

§142.0403 General Planting and Irrigation Requirements

All planting, irrigation, brush management, and landscape-related improvements required by this Division must comply with the regulations in Section 142.0403 and with the Landscape Standards in the Land Development Manual.

(a) Plant Point Schedule

Table 142-04B assigns plant points based on plant type and size and applies where plant points are required by this division.

Table 142-04B
Plant Point Schedule

Proposed Plant Material		Plant Points Achieved per Plant
Plant Type	Plant Size	
Proposed Shrub	1-gallon	1.0
	5-gallon	2.0
	15-gallon or larger	10.0
Proposed Dwarf Palm	Per foot of brown trunk height	5.0
Proposed Tree	5-gallon	5.0
	15-gallon	10.0
	24-inch box	20.0
	36-inch box	50.0
	48-inch box and larger	100.0
Proposed Broad Headed Feather Palm Tree	Per foot of brown trunk height	5.0
Proposed Feather Palm Tree	Per foot of brown trunk height up to 20 feet in height	3.0 <u>1.5</u>
	each feather palm tree over 20 feet in height	60.0 <u>30.0</u>
Proposed Fan Palm Tree	Per foot of brown trunk height up to 20 feet in height	1.5
	each fan palm tree over 20 feet in height	30.0

Existing Plant Material		Plant Points Achieved per Plant
Plant Type	Plant Size	
Existing Shrub	12-inch to 24-inch spread and height	4.0
	24-inch and larger spread and height	15.0
Existing Native Tree	2-inch caliper measured at 4 feet above <i>grade</i>	100.0
	each additional inch beyond 2 inches	50.0
Existing Non-Native Tree	2-inch caliper measured at 4 feet above <i>grade</i>	50.0
	each additional inch beyond 2 inches	25.0
Existing Broad Headed Feather Palm Tree	Per foot of brown trunk height	5.0
Existing Feather Palm Tree	Per foot of brown trunk height up to 20 feet in height	3.0 <u>1.5</u>
	each feather palm tree over 20 feet in height	60.0 <u>30.0</u>
Existing Fan Palm Tree	Per foot of brown trunk height up to 20 feet in height	1.5
	each fan palm tree over 20 feet in height	30.0

(b) Plant Material Requirements

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

(5) A minimum distance of 4 feet shall be provided between any canopy tree and building.

(5)(6) A minimum root zone of 40 square feet in area shall be provided for all trees. The minimum dimension for this area shall be 5 feet. This minimum dimension and root zone area may be reduced with the use of structural soil or where the combination of soil conditions, root zone area, adjacent improvements, and selected

tree species can be demonstrated to provide conditions for healthy tree growth that will not damage adjacent improvements.

~~(6)~~(7) Plant material shall be maintained in a healthy, disease-free, growing condition at all times.

~~(7)~~(8) All pruning shall comply with the standards of the National Arborist Association.

~~(8)~~(9) Any plant material required by this division that dies within 3 years of installation shall be replaced within 30 calendar days of plant death with the same size and species of plant material shown on the approved plan. Required shrubs that die 3 years or more after installation shall be replaced with 15-gallon size, and required trees that die 3 years or more after installation shall be replaced with 60-inch box size material. The City Manager may authorize adjustment of the size and quantity of replacement material where material replacement would occur in inaccessible areas or where the existing plant being replaced is larger than a 15 gallon shrub or 60-inch box tree.

~~(9)~~(10) Trees required by this division shall be self-supporting, woody plants with at least one well defined trunk and shall normally attain a mature height and spread of at least 15 feet.

~~(10)~~(11) Trees required by this division shall be maintained so that all branches over pedestrian walkways are 6 feet above the walkway *grade* and so that all branches over vehicular travel ways are 16 feet above the *grade* of the travel way.

~~(11)~~(12) Shrubs required by this division shall be woody or perennial plants that are low branching or have multiple stems.

~~(12)~~(13) Tree root barriers or structural soil shall be installed where trees are placed within 5 feet of *public improvements* including walks, curbs, or *street* pavement or where new public improvements are placed adjacent to existing trees. The City Manager may waive this requirement where the combination of soil conditions, root zone area, adjacent improvements, and selected tree species can be demonstrated to provide conditions for healthy tree growth that will not damage public improvements.

~~(13)~~(14) Native plants shall be locally indigenous.

~~(14)~~(15) Naturalized plant material shall be plantings that can survive without irrigation after initial plant establishment.

~~(15)~~(16) Plant materials shall be grouped into hydrozones that consist of plant species having similar water demand and by their soil, sun, and shade requirements.

~~(16)~~(17) Plant material shall be selected to meet a ~~m~~Maximum ~~a~~Appplied ~~w~~Water ~~a~~Allowance as determined by the water budget formula and specifications in Section 142.0413(d).

(c) [No change in text.]

(d) Planting Area Requirements

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

(3) Built-in or permanently affixed planters and pots on structural podiums may be counted toward the planting area and points

required by this division. Planters and pots for trees shall have a minimum inside dimension of 48 inches. Planters and pots for all other plant material shall have a minimum inside dimension of 24 inches.

- ~~(3)~~(4) All required planting areas shall be maintained free of weeds, debris, and litter.

§142.0404 Street Yard and Remaining Yard/Common Open Space 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/common open space* 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/common open space* 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/common open space* shall be located within the *remaining yard/common open space*.

Table 142-04C
Street Yard and Remaining Yard/Common Open Space 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⁾
<i>Multiple Dwelling Unit Residential Development, or Residential Components of Mixed-Use Development</i>	<i>Street Yard</i>	50% ⁽²⁾	0.05 points per square foot of total <u>street yard area</u>
	<i>Remaining Yard/<u>Common Open Space</u></i>	A minimum of 40 square feet shall be provided per required tree See Section 142.0405(b)(2)	60 points shall be provided for each residential building ⁽²⁾ See Section 142.0405(b)(2)
<i>Condominium Conversion</i>	<i>Street Yard</i>	50% ⁽⁵⁾	0.05 points per square foot of total <u>street yard area</u>
	<i>Remaining Yard/<u>Common Open Space</u></i>	N/A	N/A
<i>Small Lot Subdivision</i>	<i>Street Yard</i>	50% ⁽⁵⁾	0.05 points per square foot of total <u>street yard area</u>
	<i>Remaining Yard/<u>Common Open Space</u></i>	N/A	
<i>Commercial Development, or Industrial Development in Commercial Zones, or Commercial Component of Mixed-Use Development</i>	<i>Street Yard</i>	25% ⁽³⁾	0.05 points per square foot of total <u>street yard area</u> to be achieved with trees only ⁽³⁾
	<i>Remaining Yard</i>	30% ⁽³⁾	0.05 points per square foot of total <u>remaining yard area</u>
<i>Industrial Development in any zone other than Commercial Zones</i>	<i>Street Yard</i>	25% ⁽⁴⁾	0.05 points per square foot of total <u>street yard area</u>
	<i>Remaining Yard</i>	See Section 142.0405 (d)	0.05 points per square foot of total <u>remaining yard area</u>

<i>Large retail establishments in any Commercial Zone.</i>	<i>Street Yard</i>	100% ⁽³⁾ of minimum building front and street side setbacks (except access points and with encroachments allowed into the landscaped area for building articulation elements as defined in section 143.0355(a)(b)) 25% of the balance of <i>street yard</i>	0.05 points; <u>per square foot of total <i>street yard area</i></u> , exclusive of palms
	<i>Remaining Yard</i>	30% ⁽³⁾	0.05 points <u>per square foot of total <i>remaining yard area</i></u>
<i>Large retail establishments in any Industrial Zone.</i>	<i>Street Yard</i>	25% ⁽⁴⁾	0.05 points <u>per square foot of total <i>street yard area</i></u> exclusive of palms
	<i>Remaining Yard</i>	30%	0.05 points <u>per square foot of total <i>remaining yard area</i></u>

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

§142.0405 Additional Yard Planting Area and Point Requirements

(a) [No change in text.]

(b) Additional residential *yard* requirements:

(1) [No change in text.]

(2) *Remaining Yard/Common Open Space*

(A) ~~Residential development with only two dwelling units on a lot shall be subject to a minimum of 60 points in the remaining yard regardless of the number of buildings on the lot.~~ Residential development with four dwelling units or less shall be subject to a minimum of 60 points per residential structure. Planting shall be distributed within a 10-foot offset from the structural envelope or within the remaining yard.

(B) ~~Planting for residential *developments* with a single building shall be provided within the *remaining yard* on the side of building access, or where no side access is provided, shall be distributed equally between each side of the building.~~
Residential *development* with five *dwelling units* or more shall be subject to one or more of the following:

- (i) A minimum of 30 percent of the total area within a 10-foot offset from the *structural envelope* of each residential *structure* shall be planting area and shall be planted at a rate of 0.05 points per square foot of total area within the offset.
- (ii) Where common open space areas are provided in the form of plazas, paseos, or courtyard, 20 percent of the total common open space area shall be planting area and shall be planted at a rate of 0.05 points per square foot of the total area.

(C) [No change in text.]

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

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

- (3) Where setbacks are required for commercial *development* ~~abuts a residential zone~~ abutting residentially zoned properties, a 5-foot wide area along the entire abutting *property line* shall be planted with trees ~~to achieve~~ for a minimum of 0.05 points per square foot of area in addition to the points required in the *remaining yard*.

(4) [No change in text.]

(d) [No change in text.]

§142.0408 Temporary Vehicular Use Area Requirements

When new temporary *vehicular use areas* are subject to this sSection in accordance with Table 142-04A, the planting requirements of this sSection shall apply.

(a) *Vehicular use areas* that have a specified time limit for discontinuance that is less than 5 years after the date of ~~Building Permit~~ Construction permit issuance are considered temporary ~~vehicle use areas~~ vehicular use area.

(b) [No change in text.]

(c) *Vehicular use areas* that do not have a specified time limit for discontinuance or that are proposed to exist more than 5 years after the date of ~~Building Permit~~ Construction permit issuance, are subject to the requirements for a permanent *vehicular use area* contained in Sections 142.0406 and 142.0407.

§142.0413 Water Conservation

(a) Landscape Area. For the purposes of Section 142.0413, landscape area means the entire *premises*, less the area of building footprints, non-irrigated portions of parking lots, driveways, *hardscapes*, designated storage areas, and areas designated for habitat preservation or brush management Zone Two.

(b) Lawn Requirements.

(1) [No change in text.]

- (2) Lawn areas bounded by impervious surfaces on two or more sides must have minimum dimensions of 810 feet in all directions unless subsurface or low volume irrigation is used.
- (3) [No change in text.]
- (c) [No change in text.]
- (d) Water Budget.
 - (1) All new *development* with a landscape area of 500 square feet or greater and landscape rehabilitation projects with a landscape area of 2,500 square feet or greater shall be subject to a Maximum Applied Water Allowance (MAWA) Water Budget, except as provided in Section 142.0413(h).
 - (2) through (4) [No change in text.]
- (e) Water Meters.
 - (1) ~~Dedicated landscape irrigation meters shall be required in all new development with a landscape area greater than or equal to 1,000 square feet; except that this requirement shall not apply to single dwelling unit development or to the commercial production of agricultural crops or livestock.~~
 - (2) Landscape irrigation submeters shall be required in the following *developments*:
 - (A) ~~New single dwelling unit development;~~
 - (B) ~~Improvements to existing industrial, commercial and multiple dwelling unit development when:~~

- (i) The improvement requires a building permit as identified in Table 142-04A; and
- (ii) The landscape area is 1,000 square feet and greater.

All new development with a landscape area equal to 500 square feet or greater and landscape rehabilitation projects with a landscape area of 2,500 square feet or greater shall be subject to irrigation meter requirements as follows:

(1) Residential.

- (a) Dedicated water meters or private submeters shall not be required for residential landscapes less than 5,000 square feet.
- (b) Dedicated water meters or private submeters shall be required for irrigated landscapes of 5,000 square feet or greater.

(2) Non-Residential.

- (a) Dedicated water meters or private submeters shall be required for irrigated landscapes between 1,000 and 5,000 square feet.
- (b) Dedicated water meters shall be required for irrigated landscapes greater than 5,000 square feet.

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

§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 <i>Development Proposal</i>	Applicable Regulations	Required Permit Type/ Decision Process
Any <i>single dwelling unit</i> residential development through <i>Shared parking</i> for non-specified uses [No change in text.]	[No change in text.]	[No change in text.]
Tandem Parking for commercial uses	Section 142.0555(b)	Neighborhood Development Permit/ Process Two

§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)	2 spaces per <i>dwelling unit</i> ⁽¹⁾
<i>Single dwelling units</i> with five or more <i>bedrooms</i> in campus impact areas (See Chapter 13, Article 2, Division 8)	1 space per <i>bedroom</i> (<i>previously conforming</i> parking regulations in Section 142.0510(d) do not apply) ⁽²⁾

Type of Unit and Related Uses	Number of Required Parking Spaces
<i>Single dwelling units</i> that have an occupancy that would consist of 6 or more persons eighteen years of age and older residing in the <i>dwelling unit</i> for a period of 30 or more consecutive days, subject to Section 123.0502 ⁽³⁾	1 space per occupant eighteen years of age and older, less 1 space <i>(previously conforming parking regulations in Section 142.0510(d) do not apply</i> ^{(4), (5)}

Footnotes for Table 142-05B

¹ through ² [No change in text.]

³ ~~Housing for senior citizens, residential care facilities, and transitional housing facilities in a *single dwelling unit* are not subject to this parking regulation, but are otherwise subject to all other parking regulations.~~

⁴ ~~This requirement may be reduced if evidence is provided to the satisfaction of the City Manager that an occupant eighteen years of age and older does not have a vehicle or does not have a valid driver's license; in which case, the required number of *off-street parking spaces* shall be one space per occupant eighteen years of age and older with a valid driver's license and a vehicle, less one space.~~

⁵ ~~In the case of a conflict between this requirement and the requirements set forth in the Parking Impact Overlay Zone, the higher of the applicable *off-street parking space* requirements shall apply.~~

§142.0525 Multiple Dwelling Unit Residential Uses — Required Parking Ratios

- (a) Minimum Required Parking Spaces. The required automobile parking spaces, motorcycle parking spaces, and bicycle parking spaces for *development of multiple dwelling units*, whether attached or detached, and related and *accessory uses* are shown in Table 142-05C. Other allowances and requirements, including the requirement for additional common area parking for some projects, are provided in Section 142.0525(b) through (d).

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

Multiple Dwelling Unit Type and Related and Accessory Uses	Automobile Spaces Required Per Dwelling Unit (Unless Otherwise Indicated)				Motorcycle Spaces Required Per Dwelling Unit ⁽²⁾	Bicycle ⁽⁵⁾ Spaces Required Per Dwelling Unit ⁽⁵⁾
	Basic ⁽¹⁾	Transit Area ⁽²⁾	Parking Standards Transit Priority Area ⁽⁹⁾	Parking Impact ⁽⁴⁾		
Studio up to 400 square feet through Accessory uses (spaces per square feet ⁽⁷⁾) [No change in text.]	[No change in text.]					

Footnotes for Table 142-05C

¹ through ⁹ [No change in text.]

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

§142.0527 Affordable Housing Parking Regulations

The Affordable Housing Parking Regulations establish the minimum number of on site parking spaces required for affordable housing *dwelling units* that meet the criteria in Section 142.0527(a)(3).

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

(e) Supplemental Regulations.

(1) ~~All required parking shall be provided in non-tandem parking spaces.~~

(2)(1) 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)~~(2) The number of accessible parking spaces provided in accordance with Title 24 of the California Code of Regulations (California Building Standards Code) for Housing for Senior Citizens and housing for *disabled persons* shall be the number of spaces required in accordance with the basic parking ratio for multiple *dwelling units* in Table 142-05C.
- ~~(4)~~(3) An *applicant* that demonstrates compliance with Section 142.0527 shall receive a determination of *substantial conformance* with respect to the parking requirements specified in Section 142.0527 when such a determination is requested in accordance with Section 126.0112, provided that the *applicant* enters into a *shared parking* agreement with respect to the spaces determined to be surplus as a result of the *substantial conformance* review, pursuant to Section 142.0545.

§142.0528 Parking Standards Transit Priority Area Regulations

The Parking Standards Transit Priority Area Regulations establish the parking requirements for *multiple dwelling unit residential development* where all or a portion of the *premises* is located within a Parking Standards Transit Priority Area. For purposes of this section, Parking Standards Transit Priority Area means the area defined in California Public Resources Code Section 21099, as may be amended, or an area within one-half mile of a *major transit stop* that is existing or planned, if the planned *major transit stop* is scheduled to be completed within the ~~planning horizon included in a~~ San Diego Association of Governments (SANDAG) Regional Transportation Improvement Program (RTIP). The RTIP

covers five fiscal years and incrementally implements the long range Regional Transportation Plan for the San Diego region. Multiple dwelling unit residential development that involves four or fewer *dwelling units*, or that includes at least 20 percent on-site housing that is affordable to persons with a household income equal to or less than 50 percent of the area median income as determined in accordance with California Health and Safety Code section 50093 and is subject to an affordability restriction for a minimum of 55 years, is exempt from the *unbundled parking* requirement in subsection 142.0528(b)(1). Reasonable accommodations to parking requirements shall be granted if necessary to afford disabled persons equal housing opportunities under state or federal law, in accordance with Section 131.0466. Multiple dwelling unit residential development in the Centre City, Gaslamp, and Marina Planned Districts is exempt from the transportation amenity requirement in subsection 142.0528(c).

(a) Parking Requirement.

(1) *Off-street parking spaces* are not required.

(2) Bicycle spaces shall comply with Table 142-05C.

(b) Provided Parking. If one or more *off-street parking spaces* are provided in a *development*, then the following requirements apply:

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

~~(6) Reasonable accommodations to these parking requirements shall be granted if necessary to afford disabled persons equal housing opportunities under state or federal law, in accordance with Section 131.0466.~~

(c) [No change in text.]

§142.0540 Exceptions to Parking Regulations for Nonresidential Uses

- (a) Commercial Uses on Small Lots. Outside the beach impact area of the Parking Impact Overlay Zone, for *lots* that are ~~40~~ 15,000 square feet or less, that existed before January 1, 2000, the parking requirements set forth in Table 142-05H may be applied to all commercial uses identified in Tables 142-05E, 142-05F, and 142-05G at the option of the *applicant* as an alternative to the requirements set forth in Section 142.0530. The type of access listed in Table 142-05H determines the minimum number of required *off-street parking spaces*.

**Table 142-05H
Alternative Parking Requirement for
Commercial Uses on Small Lots**

[No change in text.]

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

§142.0555 Tandem Parking Regulations

- (a) Tandem Parking for Residential Uses. Tandem parking ~~regulations for residential uses are described in Chapter 13, Article 2, Division 9 (Residential Tandem Parking Overlay Zone).~~ shall be counted as two parking spaces toward the off-street parking required by this Division subject to the following requirements:
- (1) Within the beach impact area of the Parking Impact Area Overlay Zone, access to the tandem parking space shall be provided from an abutting alley.

- (2) The tandem parking spaces shall be assigned to the same dwelling unit. The owner of the premises or the owner's assigned representative shall enforce the use restrictions.
- (b) Tandem Parking for Commercial Uses. ~~Tandem parking for commercial uses may be approved through a Neighborhood Development Permit provided the tandem parking is limited to the following purposes:~~ Tandem parking shall be counted as two parking spaces toward the off-street parking required by this Division and only allowed for the following purposes:
- (1) Assigned employee parking spaces;
 - (2) Valet parking ~~associated with restaurant use;~~ and
 - (3) Bed and breakfast establishments.

§142.0640 Impact Fees for Financing Public Facilities

(a) Purpose

The purpose of this Section is to implement the City's General Plan which contains policies related to the maintenance of an effective facilities financing program to ensure the impact of new *development* is mitigated through appropriate fees. This Section applies to communities identified as "Facilities Benefit Assessment" communities and "Development Impact Fee" communities in the City's General Plan. Facilities Benefit Assessments (FBAs) and Development Impact Fees (DIFs) are collectively identified as ~~Development Impact Fees~~ DIFs. Nothing in this Section shall be construed to prohibit the City from imposing additional ~~Development Impact Fees~~ DIFs on a particular project.

(b) Payment of Fees

The payment of ~~Development Impact Fees~~ DIFs (as defined in California Government Code Section 66000) shall be required prior to issuance of any Building Permit in areas where ~~Development Impact Fees~~ DIFs have been established by City Council resolution or ordinance. Notwithstanding the above, the City Manager may also require the payment of ~~Development Impact Fees~~ DIFs prior to issuance of any eConstruction permit issued or required for *development* that would increase demand for public facilities and/or result in the need for new public facilities. ~~Development Impact Fees shall not be required for permanent supportive housing, transitional housing facilities, companion unit or junior unit development.~~ The ~~Development Impact Fee~~ DIFs due shall be determined in accordance with the fee schedule approved by the applicable City Council resolution in effect upon the issuance of a Building Permit, or eConstruction permit, as applicable, and may include an automatic increase consistent with Section 142.0640(c).

Exemptions:

- (1) Accessory dwelling units, including dwelling units defined as companion units, junior units, or guest quarters are exempt from DIFs.
- (2) Permanent Supportive Housing and transitional housing facilities are exempt from DIFs.

(c) Automatic Annual Increases

For communities identified as Development Impact Fee communities in the General Plan, unless otherwise specified in the applicable City Council resolution(s) establishing the ~~Development Impact Fees~~ DIFs, the amount of the ~~Development Impact Fee~~ DIFs shall be increased, starting on July 1, 2010, and on each July 1st thereafter, based on the one-year change (from March to March) in the Construction Cost Index (CCI) for Los Angeles as published monthly in the Engineering News-Record. ~~Such~~ The increases to ~~Development Impact Fees~~ DIFs consistent with the Construction Cost Index in Los Angeles shall be automatic and shall not require further action of the City Council. If the one-year change in the CCI for any given year is less than 0.2 percent, the City Manager or designee may elect to keep the DIFs for Development Impact Fee communities unchanged. For communities identified as Facilities Benefit Assessment communities in the General Plan, the ~~Development Impact Fee~~ DIFs shall be the amount identified in the applicable fee schedule adopted by City Council resolution.

(d) Fee Deferral

Notwithstanding Section 142.0640(b), Building Permits or ~~e~~Construction permits, as applicable, may be issued if the City Manager defers payment of the ~~Development Impact Fees~~ DIFs in accordance with this Subsection. ~~Development Impact Fees~~ DIFs due pursuant to the City's Regional Transportation Congestion Improvement Program shall not be deferred under any circumstance.

- (1) Payment of ~~Development Impact Fees~~ DIFs may be deferred for a maximum period of two years from the effective date of a Fee Deferral Agreement, or until a final inspection is requested, whichever occurs earlier. A final inspection shall not occur until the applicable ~~Development Impact Fees~~ DIFs are paid.
- (2) Payment of ~~Development Impact Fees~~ DIFs shall not be deferred unless and until a Fee Deferral Agreement is entered into to the satisfaction of the City Manager. The Fee Deferral Agreement shall be recorded against the applicable property in the Office of the San Diego County Recorder and shall constitute a lien for the payment of the ~~Development Impact Fee~~ DIFs. The Fee Deferral Agreement shall be binding upon, and the benefits of the agreement shall inure to, the parties and all successors in interest to the parties to the Fee Deferral Agreement.
- (3) Payment of ~~Development Impact Fees~~ DIFs shall only be deferred if the applicable administrative processing fee, as adopted by City Council resolution, is paid by the *applicant*.
- (4) If payment of the ~~Development Impact Fee~~ DIFs is are deferred, the deferred ~~Development Impact Fee~~ DIFs due shall be determined in accordance with Section 142.0640(b)-(c), except that, if the ~~Development Impact Fee~~ DIFs is are paid prior to the end of the deferral period as set forth in Section 142.0640(d)(1), the amount of the ~~Development Impact Fee~~ DIFs shall be determined by the ~~Development Impact Fee~~ DIFs rate for the year

in which the ~~Development Impact Fee~~ DIFs ~~is~~ are actually paid as set forth in the ~~Development Impact Fee~~ DIFs schedule in effect when the Fee Deferral Agreement was executed by the City, or a subsequently-approved ~~Development Impact Fee~~ DIFs schedule, whichever schedule is lower, plus an automatic increase consistent with Section 142.0640(c) if applicable. If the ~~Development Impact Fee~~ DIFs ~~is~~ are not ~~timely paid~~ paid timely as provided for in the Fee Deferral Agreement, the amount of the ~~Development Impact Fee~~ DIFs shall be determined in accordance with the ~~Development Impact Fee~~ DIFs schedule in effect when the ~~Development Impact Fee~~ DIFs ~~is~~ are actually paid, or the schedule in effect at the end of the DIFs deferral period as set forth in Section 142.0640(d)(1), plus automatic increases consistent with Section 142.0640(c), whichever amount is greater.

(e) ~~Waiver, Adjustment, or Reduction of Fees~~

Any party on whom ~~Development Impact Fees~~ DIFs are imposed, may file an application for a waiver, ~~adjustment~~, or reduction of the ~~Development Impact Fees~~ DIFs with the City Manager in accordance with this Subsection. Nothing in this Subsection shall affect the requirements set forth in Section 142.0640(b). The procedures provided in this Subsection are additional to any other procedure authorized by law for protesting or challenging ~~Development Impact Fees~~ DIFs.

- (1) An application for a waiver, ~~adjustment~~, or reduction of ~~Development Impact Fees~~ DIFs shall set forth the factual and legal

basis to support the application for a waiver,~~adjustment~~, or reduction of ~~Development Impact Fees~~ DIFs.

- (2) An application for a waiver,~~adjustment~~, or reduction of ~~Development Impact Fees~~ DIFs shall only be processed after the applicable fee or amount of deposit, as adopted by City Council resolution, has been paid in full. If a deposit is required, and the deposit as adopted by City Council resolution is insufficient to cover the actual cost to the City to process the application, an additional deposit, in an amount determined by the City Manager, shall be required. Any unused portion of a deposit shall be returned to the applicant. If the City Council grants the application for a waiver,~~adjustment~~, or reduction of the ~~Development Impact Fees~~ DIFs, then the fee or the amount of the deposit expended shall be returned to the applicant in full, minus a five-hundred-dollar processing fee.
- (3) An application for a waiver,~~adjustment~~, or reduction of ~~Development Impact Fees~~ DIFs shall be filed no later than ~~ten (10)~~ calendar days after either the Development Impact Fees are imposed or ten (10) calendar days after the Development Impact Fees DIFs are paid or the associated Fee Deferral Agreement has been fully executed by the City, whichever occurs earlier.
- (4) The decision on an application for a waiver,~~adjustment~~, or reduction of ~~Development Impact Fees~~ DIFs shall be decided by the City Council within ~~sixty (60)~~ calendar days of the date that the

application is received by the City Manager, but failure of the City Council to hold a hearing within this time frame does not limit the authority of the City Council to consider the application. The *applicant* shall bear the burden of presenting evidence to support the application for a waiver, ~~adjustment~~, or reduction of ~~Development Impact Fees~~ DIFs.

- (5) Notice of the time and place of the City Council hearing, including a general explanation of the matter to be considered shall be mailed at least 14 calendar days prior to the hearing to the *applicant*, and any interested party who files a written request with the City Manager requesting mailed notice of all applications for a ~~Development Impact Fee~~ DIFs waiver, ~~adjustment~~, or reduction. Written requests for such this notice shall be valid for one year from the date on which it is filed unless a renewal request is filed prior to the end of the one-year term. ~~If established by resolution of the City Council, an annual charge for sending notices based on the estimated cost of providing the service, shall be required prior to the requestor's name being placed on a notice list.~~

- (6) An application for a waiver, ~~adjustment~~, or reduction of ~~Development Impact Fees~~ DIFs may only be granted if:

- (A) ~~The~~ City Council makes the following *finding*: there is no reasonable relationship between the amount of the ~~Development Impact Fee~~ DIFs and the cost of the public

facilities attributable to the *development* on which the fee is
DIFs are imposed.

- (B) ~~The landowner enters into an agreement with the City~~
~~providing that an intensification of use of the *development*~~
~~shall subject the *applicant* or landowner to full payment of~~
~~the Development Impact Fee to the satisfaction of the City~~
~~Manager. The agreement shall be recorded with the Office~~
~~of the San Diego County Recorder and shall constitute a~~
~~lien against the applicable property for the payment of the~~
~~Development Impact Fee. The agreement shall be binding~~
~~upon, and the benefits of the agreement shall inure, to the~~
~~parties and all successors in interest to the parties to the~~
~~agreement.~~
- (7) If an application for a waiver, ~~adjustment~~, or reduction of
Development Impact Fees DIFs is granted, any Development
~~Impact Fees~~ DIFs previously paid with respect to the application at
issue shall be refunded in accordance with the resolution adopted
by the City Council granting the application, ~~plus any interest~~
~~earned by the City on the fee, as applicable.~~
- (f) Adjustments to DIFs for Residential Development
The City Manager or designee is authorized to adjust DIF for residential
development to reflect residential uses not identified in the fee schedule
approved by the City Council.
- (f)(g) Developer Reimbursement Agreements (DRA)

For purposes of this Division, a ~~developer reimbursement agreement~~ DRA means an agreement to reimburse another entity for all or a portion of the cost of the entity's contracts with consultants and/or contractors for the design and construction of a public works project. The City Manager may enter into a ~~written developer reimbursement agreement~~ DRA for a public works project that contains supplemental size, capacity, number, or length, or will serve communitywide needs, the need for which is not directly attributable to the *development*, provided that the following minimum requirements are satisfied:

- (1) The source of reimbursement shall be limited to ~~Development~~ Impact Fee DIF (as defined in Government Code section 66000) funds.
- (2) [No change in text.]
- (3) Any contract for expenses subject to reimbursement pursuant to a ~~developer reimbursement agreement~~ DRA shall be awarded in accordance with the City Charter and San Diego Municipal Code Chapter 2, Article 2, Divisions 27, 30, 31, and 33 through 36. San Diego Municipal Code Chapter 2, Article 2, Division 32 shall not apply to consultant contracts that are entered into pursuant to a ~~developer reimbursement agreement~~ DRA.
- (4) The amount of the ~~developer reimbursement agreement~~ DRA shall not exceed \$30,000,000.

§142.1210 General Sign Regulations

This section is divided into subsections for copy regulations, locational regulations, structural regulations, and *sign* maintenance regulations.

(a) [No change in text.]

(b) Locational Regulations

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

(5) *Signs* on Public Property and in *Public Rights-of-Way*

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

(E) ~~*Signs* for street fairs and special events shall be approved by the Police Department or other appropriate permitting agency that is responsible for issuing the permits.~~

(F)(E) Community entry *signs* within the *public right-of-way* shall conform to Section 141.1101.

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

§143.0110 When Environmentally Sensitive Lands Regulations Apply

This Division applies to all proposed *development* ~~when~~ on a premises where environmentally sensitive lands are present on the premises. Development on a premises that does not contain environmentally sensitive lands but is located adjacent to a premises that contains environmentally sensitive lands is not subject to this Division, except that the development shall comply with Section 143.0110(d).

(a) [No change in text.]

(b) Table 143-01A identifies the appropriate development regulations, the required decision process, and the permitted uses applicable to various

types of *development* proposals that propose to encroach into
environmentally sensitive lands or that do not qualify for an exemption
pursuant to Section 143.0110(c).

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

Table 143-01A

Applicability of Environmentally Sensitive Lands Regulations

<i>Environmentally Sensitive Lands Potentially Impacted by Project</i>						
Type of Development Proposal		<i>Wetlands, listed species habitat⁽¹⁾</i>	<i>Other Sensitive Biological Resources other than Wetlands and listed species habitat⁽⁶⁾</i>	<i>Steep Hillides⁽⁶⁾</i>	<i>Sensitive Coastal Bluffs and Coastal Beaches</i>	Floodplains
1. <i>Single dwelling units on individual lots equal to or less than 15,000 square feet⁽²⁾</i>	R	143.0141(a),(b)	143.0141	143.0142 except (a) ⁽⁵⁾	143.0143, 143.0144	143.0145 143.0146
	P	NDP/ Process Two	NDP/ Process Two	NDP/ Process Two	SDP/ Process Three	NDP/ Process Two
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
2. <i>Single dwelling units on lots or multiple lots totaling more than 15,000 square feet</i>	R	143.0141(a),(b)	143.0141	143.0142	143.0143, 143.0144	143.0145
	P	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
3. <i>Multiple dwelling unit and non-residential development and public works projects</i>	R	143.0141(a),(b)	143.0141	143.0142	143.0143, 143.0144	143.0145 143.0146
	P	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
4. <i>Any subdivision of a premises</i>	R	143.0141(a),(b)	143.0141	143.0142 ⁽³⁾	143.0143, 143.0144	143.0145 143.0146
	P	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four
	U	143.0130(d),(e)	--	--	143.0130 (a), (b)	143.0130 (c)

Environmentally Sensitive Lands Potentially Impacted by Project						
Type of Development Proposal		Wetlands, listed species habitat⁽¹⁾	Other Sensitive Biological Resources other than Wetlands and listed species habitat⁽⁶⁾	Steep Hill-sides⁽⁶⁾	Sensitive Coastal Bluffs and Coastal Beaches	Floodplains
5. Project-specific land use plans	R	143.0141(a),(b), 143.0115	143.0141, 143.0115	143.0142, 143.0115	143.0143, 143.0144, 143.0115	143.0115, 143.0145, 143.0146
	P	SDP/Process Four/Five	SDP/Process Four/Five	SDP/Process Four/Five	SDP/Process Four/Five	SDP/Process Four/Five
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
6. Any development that proposes deviations from any portion of the Environmentally Sensitive Lands Regulations, except capital improvement program projects	R	143.0141(a),(b), 143.0150	143.0141, 143.0150	143.0142, 143.0150 ⁽⁴⁾	143.0143, 143.0144, 143.0150	143.0145, 143.0146, 143.0150
	P	SDP/Process Four	SDP/Process Four	SDP/Process Four	SDP/Process Four	SDP/Process Four
	U	143.0130(d),(e)-	--	--	143.0130(a), (b)	143.0130(c)
7. Development other than single dwelling units on individual lots, that proposes alternative compliance for development area in steep hillsides.	R	--	--	143.0142 except (a), 143.0151	--	--
	P	--	--	SDP/Process Four	--	--
	U	--	--	--	--	--
8. Any capital improvement program project or public project determined to be in compliance with the Environmentally Sensitive Lands Regulations without deviation	R	143.0141(a), (b)	143.0141	143.0142	143.0143, 143.0144	143.0145, 143.0146
	P	SDP/Process CIP/Public Project-Two	SDP/Process CIP/Public Project-Two	SDP/Process CIP/Public Project-Two	SDP/Process CIP/Public Project-Two	SDP/Process CIP/Public Project-Two
	U	143.0130(d), (e)	--	--	143.0130(a), (b)	143.0130(c)

<i>Environmentally Sensitive Lands Potentially Impacted by Project</i>						
Type of Development Proposal		<i>Wetlands, listed species habitat⁽¹⁾</i>	<i>Other Sensitive Biological Resources other than Wetlands and listed species habitat⁽⁶⁾</i>	<i>Steep Hill-sides⁽⁶⁾</i>	<i>Sensitive Coastal Bluffs and Coastal Beaches</i>	<i>Floodplains</i>
9 Any capital improvement program project or public project that deviates from the Environmentally Sensitive Lands Regulations	R	143.0141(a), (b), 143.0150	143.0141, 143.0150	143.0142, 143.0150 ⁽⁴⁾	143.0143, 143.0144, 143.0150	143.0145, 143.0146, 143.0150
	P	SDP/ Process CIP/ <u>Public Project-Five Two</u>	SDP/ Process CIP/ <u>Public Project-Five Two</u>	SDP/ Process CIP/ <u>Public Project-Five Two</u>	SDP/ Process CIP/ <u>Public Project-Five Two</u>	SDP/ Process CIP/ <u>Public Project-Five Two</u>
	U	143.0130(d), (e)	--	--	143.0130(a), (b)	143.0130(c)

Legend to Table 143-01A

[No change in text.]

Footnotes for Table 143-01A [No change in text.]

- (c) A Neighborhood Development Permit or Site Development Permit is not required for the following *development* activity:

- (1) [No change in text.]
- (2) Outside of the Coastal Overlay Zone, *development* on a *premises* containing *environmentally sensitive lands* where the *development*:
 - (A) through (D) [No change in text.]
 - (E) Would either:
 - (i) Maintain at least a 100 feet separation distance from *sensitive biological resources* and at least a 40 20 feet separation distance from the top of slope of *steep hillsides*; or
 - (ii) [No change in text.]

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

(10) Outside the Coastal Overlay Zone, a capital improvement project or public project where the City is an applicant and the development has gone through the applicable California Environmental Quality Act review in accordance with Chapter 12, Article 8 and does not impact wetlands, requires a MHPA boundary line adjustment or otherwise necessitates a development permit to ensure project conditions, if the Development Services Director determines one or more of the following applies:

(A) The development will not impact environmentally sensitive lands;

(B) The development will impact environmentally sensitive lands and will implement restoration required in accordance with the Land Development Manual Biology Guidelines;

(C) The development has an environmental document that includes a mitigation, monitoring, and reporting program, which will be implemented for impacts to biological resources; or

(D) Public trail development that will result in no net loss of biological resources.

(d) Outside the Coastal Overlay Zone, development on a premises that does not contain environmentally sensitive lands but is located adjacent to a premises that contains environmentally sensitive lands shall comply with

the Land Use Adjacency Guidelines in *MSCP Subarea Plan* Section 1.4.3 and the Avoidance and Minimization Measures in the *VPHCP* Section 5.2.1. The Land Use Adjacency Guidelines in *MSCP Subarea Plan* Section 1.4.3 and the Avoidance and Minimization Measures in the *VPHCP* Section 5.2.1 shall be listed on the construction documents. Compliance notes or conditions, or both, shall be included on the construction plans, as appropriate.

- (e) Outside the Coastal Overlay Zone, a third party local, state, or federal agency that is not subject to the City's discretionary land use authority may elect to utilize the City's land use permitting process for *development* that is within the City's jurisdictional boundary to gain incidental Take Authorization under the *VPHCP*. The Certificate of Inclusion, in accordance with Appendix F of the *VPHCP*, may be issued by the City for *development* that demonstrates compliance with the terms and conditions of the *VPHCP* and 10A Permit to extend the City's Take coverage to those agencies for Covered Activities carried out in accordance with the Take Authorization under the 10A Permit.

§143.0141 Development Regulations for Sensitive Biological Resources

Development that proposes *encroachment* into *sensitive biological resources* requires a *development permit* in accordance with Section 143.0110, unless exempted pursuant to Section 143.0110(c) and is subject to the following regulations and the Biology Guidelines in the Land Development Manual.

- (a) General Regulations for *Sensitive Biological Resources*

- (1) All *development* occurring in *sensitive biological resources* is subject to a site-specific impact analysis conducted by a qualified Biologist, in accordance with the Biology Guidelines in the Land Development Manual. The impact analysis shall evaluate impacts to *sensitive biological resources* and CEQA sensitive species. The analysis shall determine the corresponding mitigation, where appropriate, and the requirements for protection and management. Mitigation may include any of the following, as appropriate to the nature and extent of the impact:

(A) [No change in text.]

(B) Dedication of a covenant of easement in favor of the City of San Diego, the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service for either:

- (i) An off-site location with long-term viability and biological values equal to or greater than the impacted site, and with limited right of entry for habitat management, as necessary; or
- (ii) On-site creation of new habitat, preservation of existing habitat outside the Coastal Overlay Zone, or enhancement of existing degraded habitat, with limited right of entry for habitat management, as necessary. The location of the easement must have long-term viability and biological values equal to or greater than the impacted site.

- (iii) In off-site locations or on-site, Zone Two brush management shall be placed within a covenant of easement, but may not qualify for mitigation purposes.

(C) [No change in text.]

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

(b) [No change in text.]

§143.0210 When Historical Resources Regulations Apply

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

(e) A Neighborhood Development Permit or Site Development Permit is required for the following types of *development* proposals that do not qualify for an exemption in accordance with Section 143.0220:

(1) [No change in text.]

(2) Site Development Permit in Accordance With Process Four.

(A) [No change in text.]

(B) *Multiple dwelling unit* residential, commercial, or industrial *development* on any size *lot*, or any *subdivision* on any size *lot*, or any City public works construction project, other than any *capital improvement program project*, public project, or any project specific *land use plan* when a *historical resource* is present.

(C) *Development* that proposes to deviate from the development regulations for *historical resources* as

described in this division, except for any *capital*

improvement program ~~project~~ project or public project.

(3) Site Development Permit in Accordance With Process CIP/Public Project-Two. *Capital improvement program projects* or public projects that comply with the regulations of this division without deviation.

(4) Site Development Permit in Accordance With Process CIP/Public Project-Five. *Capital improvement program projects* or public projects that deviate from any of the regulations of this division.

(f) [No change in text.]

Table 143-02A
Applicability of Historical Resources Regulations

Type of Development Proposal		Historical Resources Potentially Impacted by Project		
		<i>Designated Historical Resources or Historical Districts</i>	<i>Traditional Cultural Properties</i>	<i>Important Archaeological Sites</i>
1. Any project exempt from obtaining a development permit in accordance with Section 143.0220	R	143.0251	143.0251	143.0252
	P	Construction Permit/Process One	Construction Permit/Process One	Construction Permit/Process One
2. <i>Development on single dwelling units</i> on any size <i>lot</i> that is exempt from obtaining a <i>development permit</i> in accordance with Section 143.0220, but includes a historic preservation <i>development</i> incentive in accordance with Section 143.0240	R	143.0240; 143.0251	143.0240; 143.0251	143.0240; 143.0251
	P	Construction Permit/Process One or NDP/Process Two ¹	Construction Permit/Process One or NDP/Process Two ¹	Construction Permit/Process One or NDP/Process Two ¹
3. <i>Development on multiple dwelling units</i> , non-residential <i>development</i> , <i>subdivisions</i> and public works construction projects on any size <i>lot</i> , other than <i>capital improvement program</i>	R	143.0240; 143.0251	143.0240; 143.0251	143.0240; 143.0251

<i>projects or public projects</i> , that is <u>are</u> exempt from obtaining a <i>development permit</i> in accordance with Section 143.0220, but includes a historic preservation <i>development</i> incentive in accordance with Section 143.0240	P	Construction Permit/Process One or NDP/Process Two ¹	Construction Permit/Process One or NDP/Process Two ¹	Construction Permit/Process One or NDP/Process Two ¹
4. <i>Single dwelling units</i> on any size <i>lot</i>	R	143.0251	143.0252	143.0253
	P	SDP/Process Four	NDP/Process Two	NDP/Process Two
5. <i>Multiple dwelling unit</i> , non-residential <i>development</i> , subdivisions and public works construction projects on any size <i>Lot</i> , other than <i>capital improvement program projects</i> <u>or</u> <i>public projects</i>	R	143.0251	143.0252	143.0253
	P	SDP/Process Four	SDP/Process Four	SDP/Process Four
6. <i>Project-Specific Land Use Plans</i>	R	143.0251	143.0252	143.0253
	P	SDP/Process Four	SDP/Process Four	SDP/Process Four
7. <i>Development</i> , other than <i>capital improvement program projects</i> <u>or</u> <i>public projects</i> , that deviates from any of the regulations in this division.	R	143.0251	143.0252	143.0253
	P	SDP/Process Four	SDP/Process Four	SDP/Process Four
8. <i>Capital improvement program projects</i> <u>or</u> <i>public projects</i> that comply with the regulations of this division without deviation	R	143.0251	143.0252	143.0253
	P	SDP/ Process CIP/ <u>Public Project</u> -Two	SDP/ Process CIP/ <u>Public Project</u> -Two	SDP/ Process CIP/ <u>Public Project</u> -Two
9. <i>Capital improvement program projects</i> <u>or</u> <i>public projects</i> that deviate from any of the regulations in this division	R	143.0251	143.0252	143.0253
	P	SDP/ Process CIP/ <u>Public Project</u> -Five	SDP/ Process CIP/ <u>Public Project</u> -Five	SDP/ Process CIP/ <u>Public Project</u> -Five

Footnotes for Table 143-02A [No change in text.]

Legend to Table 143-02A

[No change in text.]

§143.0240 Development Incentives for Preservation of Designated Historical Resources, Historical Districts, Traditional Cultural Properties and Important Archaeological Sites

To facilitate on-site preservation of *designated historical resources, historical districts, traditional cultural properties, and important archaeological sites*, and the continued use or adaptive reuse of *designated historical resources* in a manner consistent with the U.S. Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties, the following historic preservation *development* incentives may be granted, provided that the *development* qualifies for an exemption under Section 143.0220:

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

(c) For *multiple dwelling unit* sites, non-residential *development, subdivisions, and public works construction projects on any size lot, other than capital improvement program projects or public projects*, that contain *designated historical resources, traditional cultural properties, important archaeological sites*, or a designated contributing resource to a *historical district*, the following *development* incentives are provided in accordance with the approval processes indicated:

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

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

§143.0260 Deviations from the Historical Resources Regulations

(a) If a proposed *development* cannot to the maximum extent feasible comply with this division, a deviation may be considered in accordance with decision Process Four, or Process CIP-Five for *capital improvement program projects or public projects*.

(b) through (c) [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 housing, in-fill projects, and sustainable buildings projects with deviations through Shared Parking for Uses Not Listed in Section 142.0545(c) [No change in text.]	[No change in text.]	[No change in text.]
Commercial Development With Tandem Parking	142.0555(b), 143.0303, 143.0305, 143.0375	NDP/Process Two
<i>Previously Conforming Parking</i> for a discontinued use through Clairemont Mesa Height Limit Overlay Zone [No change in text.]	[No change in text.]	[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 with or not expressly incorporated into the Central Urbanized Planned District regulations.

Table 155-02F
Supplemental Development Regulations Applicability

[No change in text.]

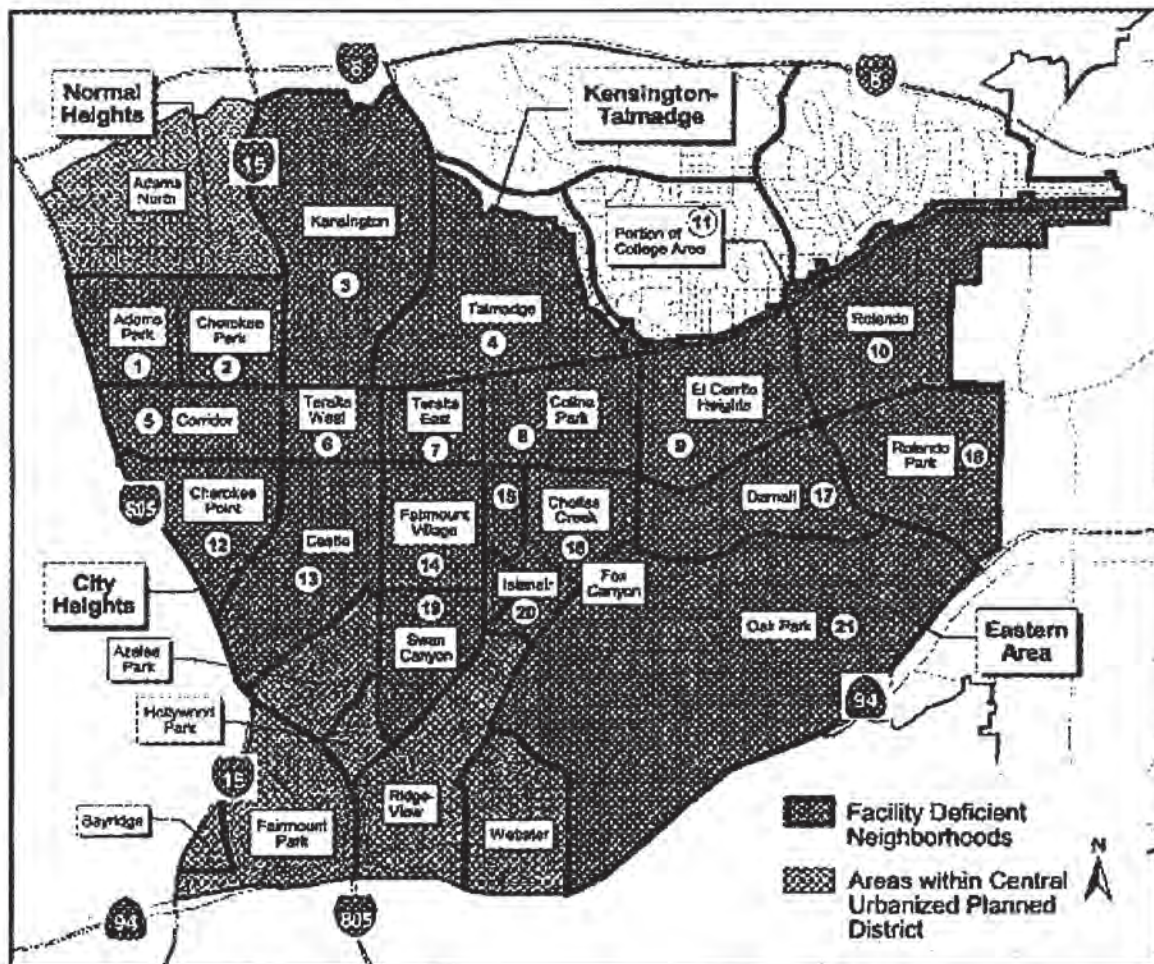
- (a) Residential and Mixed Commercial-Residential Development in Facility-Deficient Neighborhoods. A Site Development Permit decided in accordance with Process 3 is required for residential and mixed residential-commercial projects within the facility deficient neighborhoods as shown on Map Number C-896 and Diagram 155-2AB, that propose the addition of three or more dwelling units per lot, unless:
 - (1) At least three acres of the following improved park acreage in the Mid-City Communities Plan have been added since August 4, 1998:
 - (A) City owned improved parkland, except the initial 4 acres of 39th Street Park, the initial 6.9 acres of Park De La Cruz, and the initial 4 acres of Teralta Park; or
 - (B) Improved recreational area owned by a governmental entity for which there is a joint use agreement with the City of San Diego for public recreational use; or
 - (C) Other improved park or recreational use area that is open to the public at no cost.

~~(2)~~(1) The proposed development is within 600 feet of a public park, a public school with a joint use agreement with the City of San Diego for public recreational use, or a school that is open during non-school hours for public recreational use.

~~(3)~~(2) When residential and mixed residential-commercial projects are required to obtain a Site Development Permit the proposed development shall:

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

Diagram 155-02B



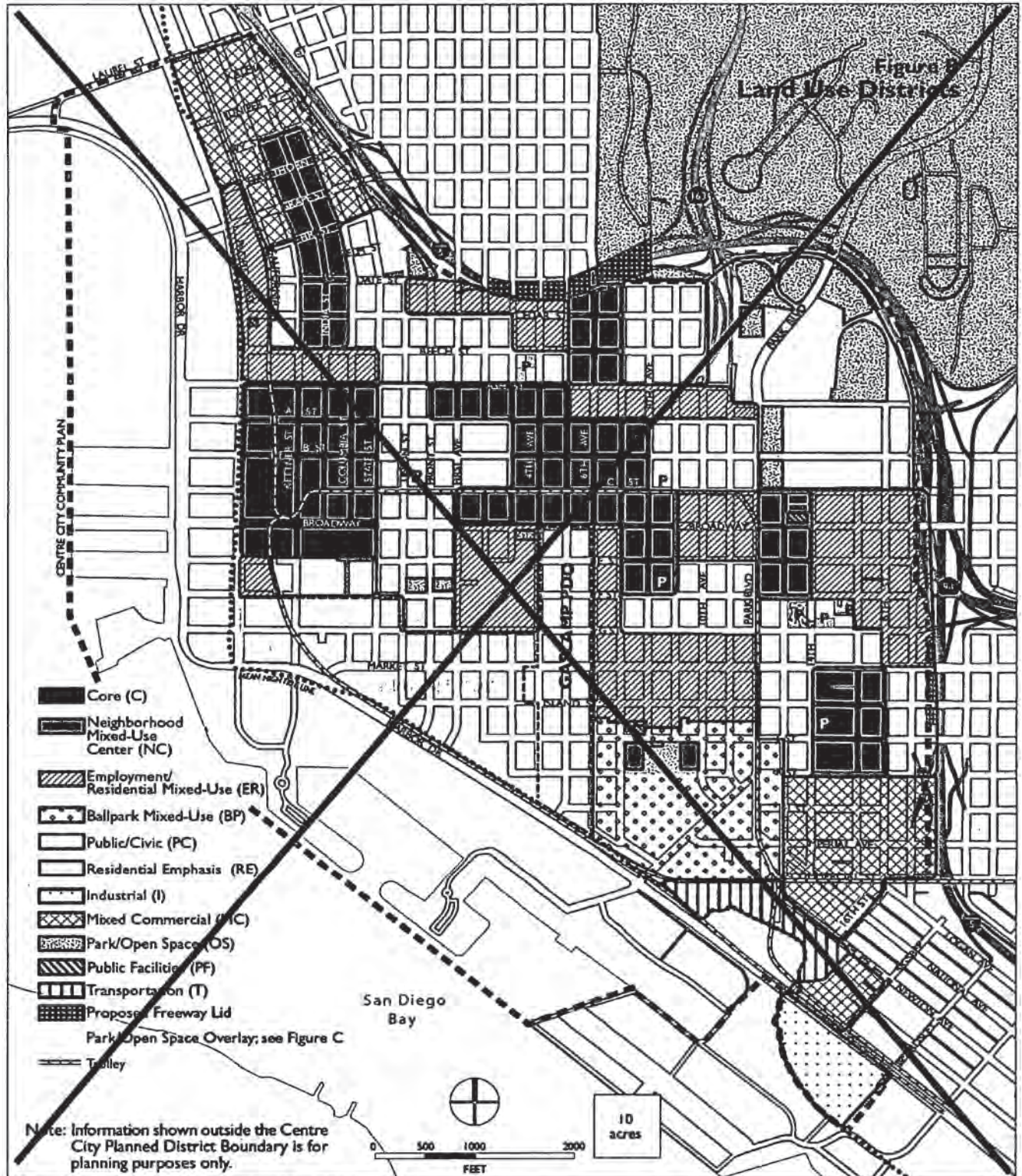
Facility Deficient Neighborhoods

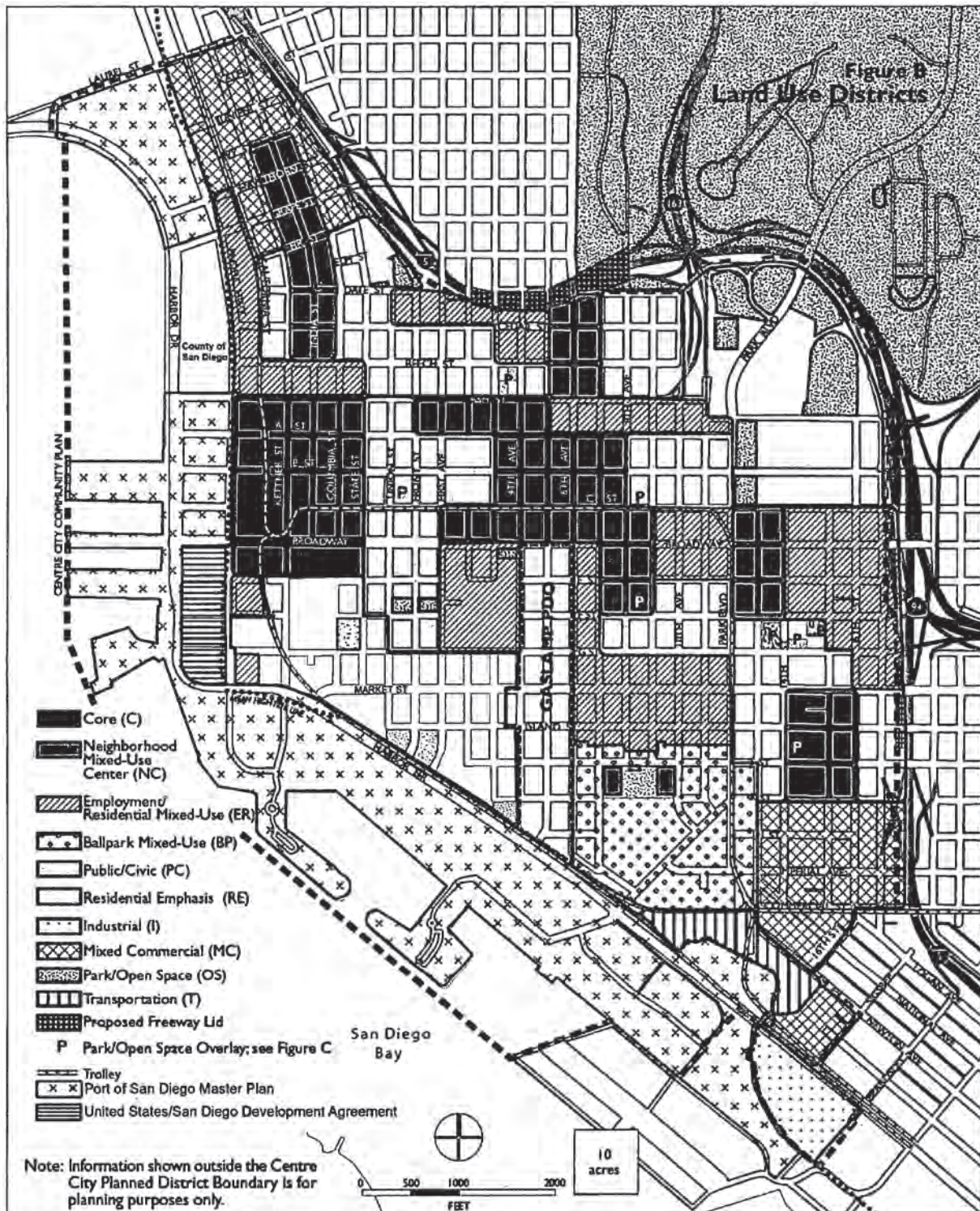
(b) through (f) [No change in text.]

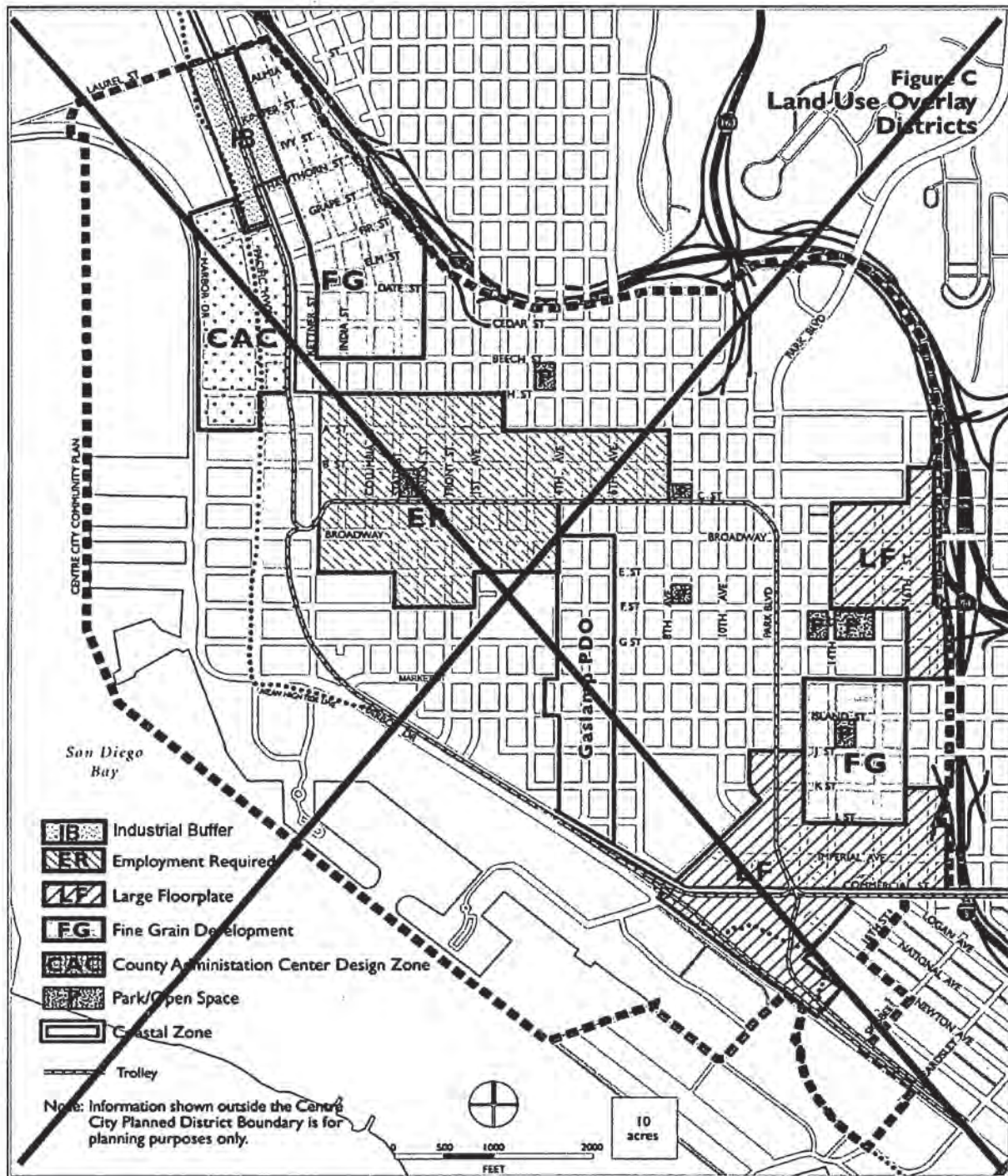
§156.0307 Land Use Districts

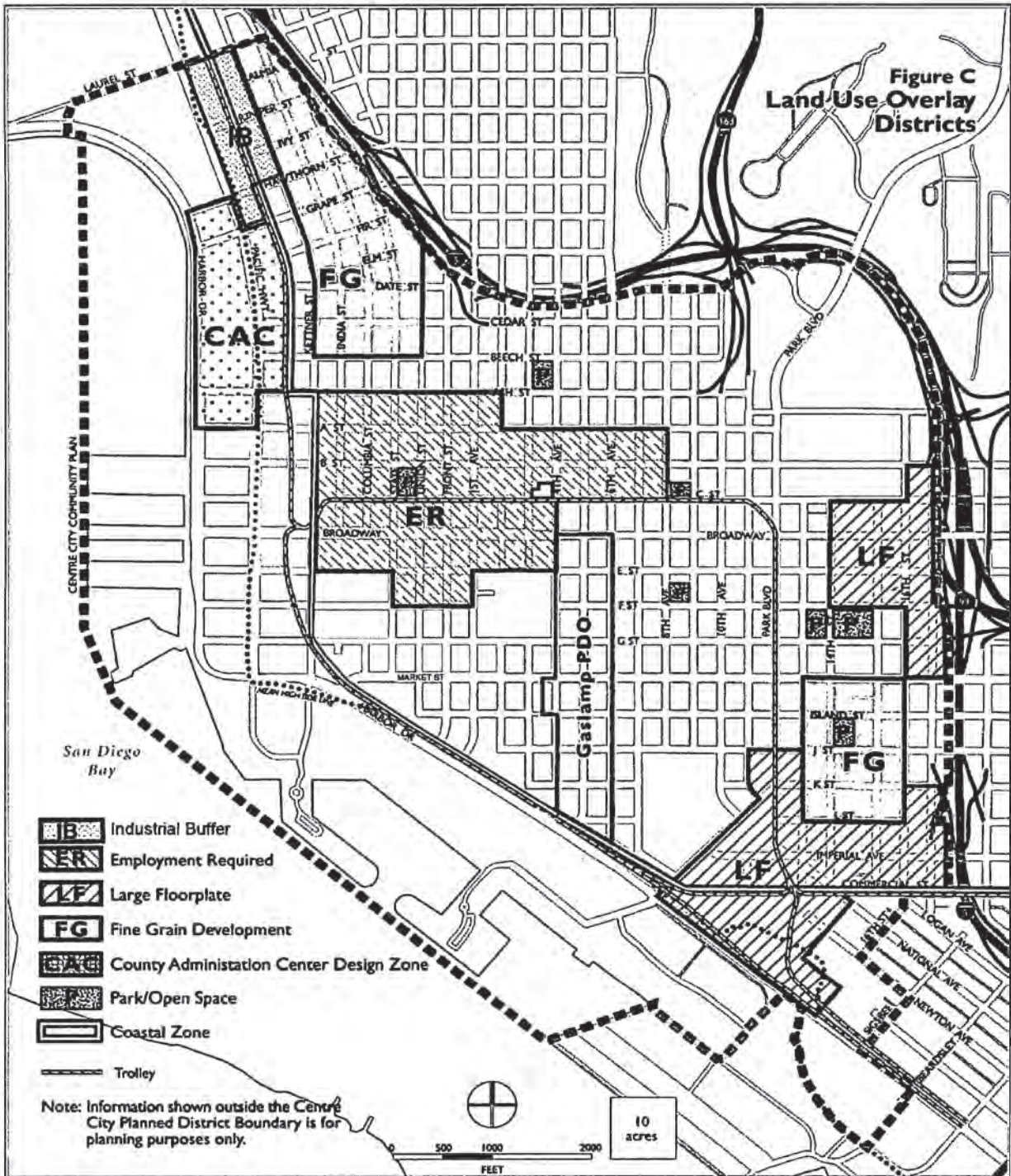
Twelve land use districts, shown in Figure B, define geographic areas that are subject to specific land use classifications. In addition, twelve overlay districts, shown in Figures C, D, and F, establish areas where additional requirements apply. Permitted land use classifications within each land use district are shown on Table 156-0308-A. Specific requirements for minimum percentages of *active commercial uses* and commercial uses on the ground-floor along *street frontages* are provided.

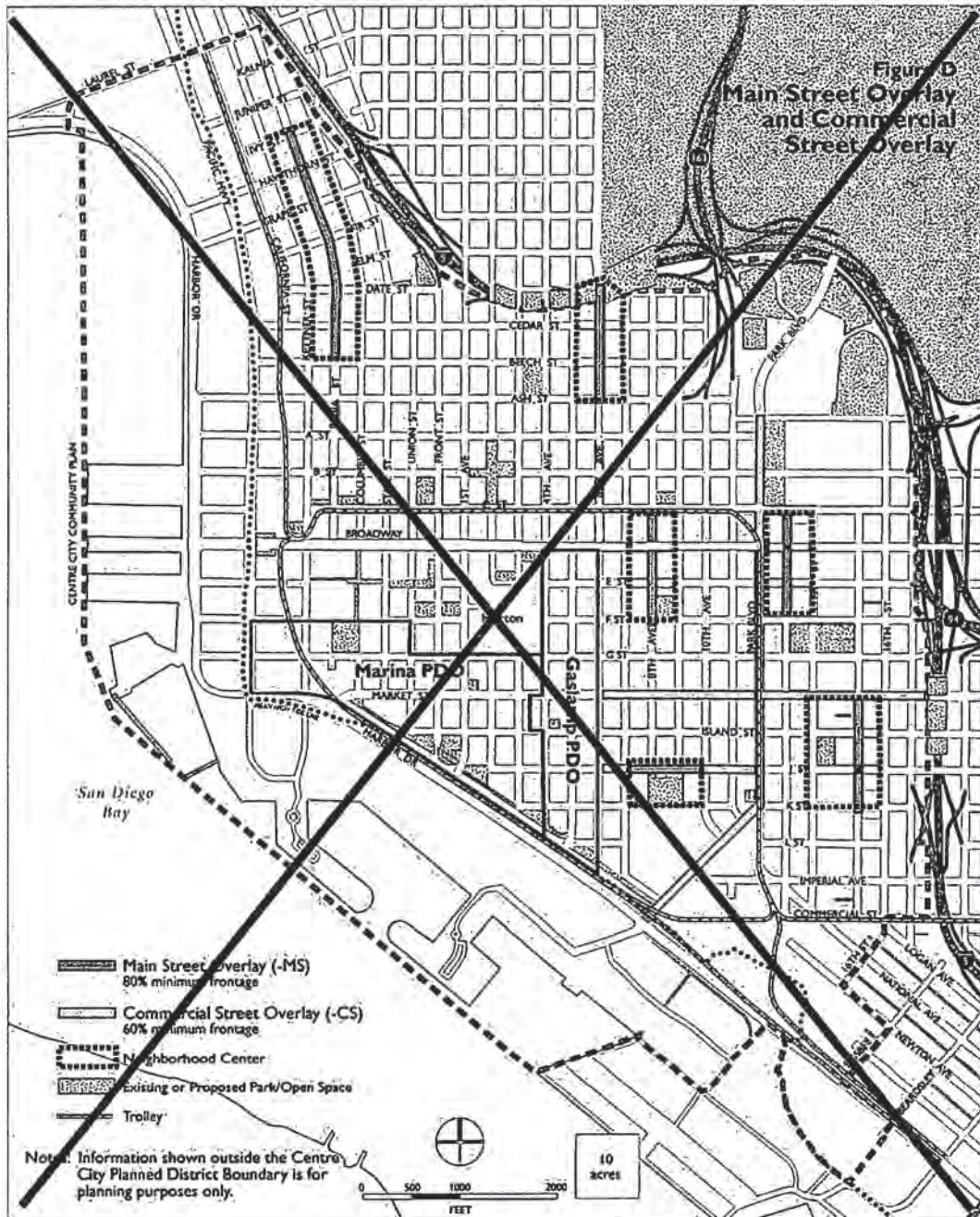
(a) through (b) [No change in text.]

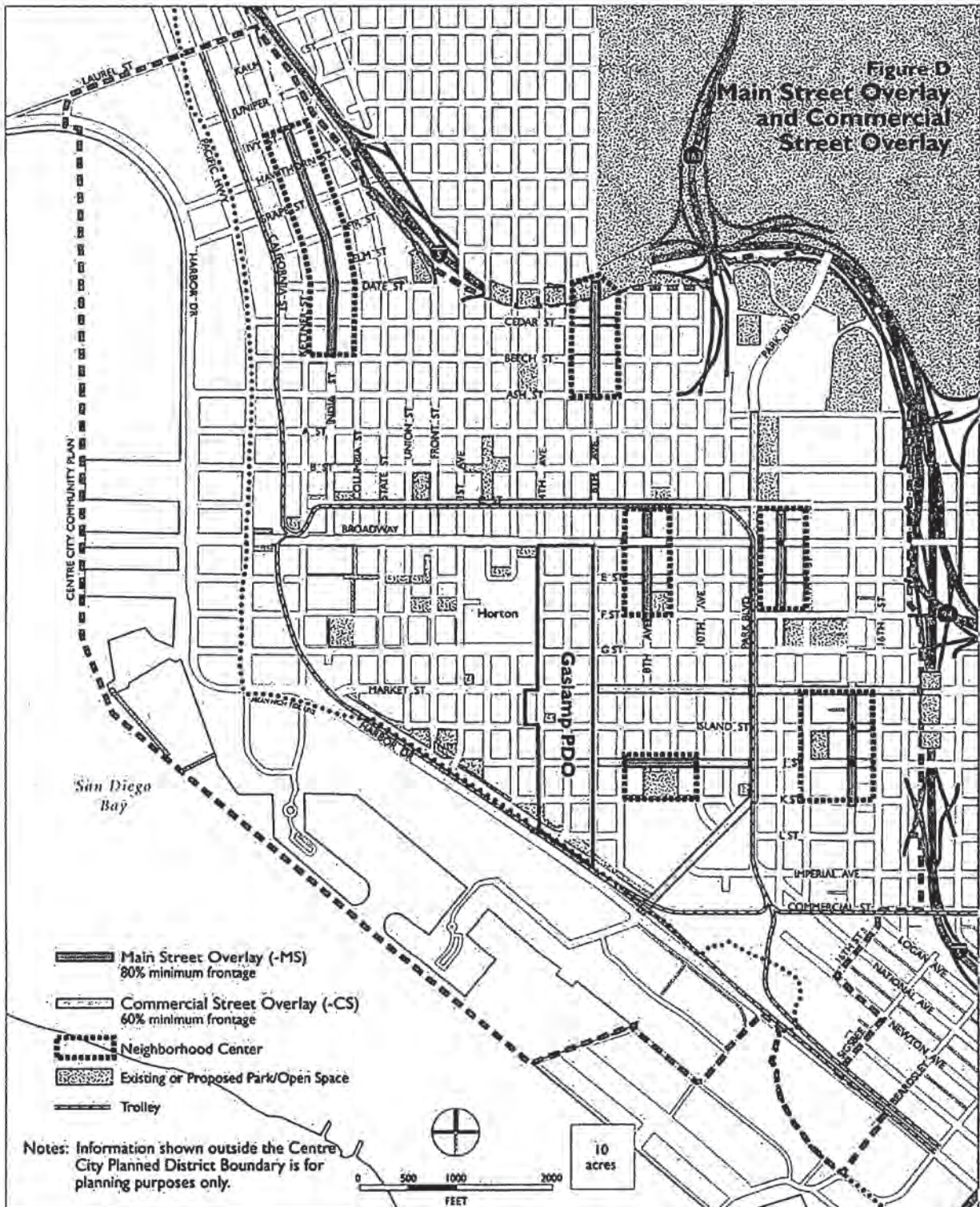












§156.0309 FAR Regulations and TDRs

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

(e) *FAR Bonuses*

Development may exceed the maximum *base FAR* for the site established by Figure H if the *applicant* provides certain public benefits or *development* amenities. Table 156-0309-A shows the maximum amount of *FAR bonus* that may be earned by providing benefits or amenities, and Figure J shows the maximum *FAR bonus* that may be purchased for a site through the *FAR* Payment Bonus Program (exclusive of bonuses for affordable housing as described in Section 156.0309(e)(1)). *Applicants* utilizing the *FAR bonus* program shall have *CC&Rs* recorded on the property, ensuring that the benefits or amenities provided to earn the bonus are maintained in perpetuity, or in the case of affordable housing, for the duration specified in Section 156.0309(e)(1)(B)(iv).

The public benefits and *development* amenities that may earn a *FAR bonus* are the following:

TABLE 156-0309-A: FAR BONUS

[No change in text.]

- (1) Affordable Housing. An *applicant* proposing a residential *development* that is entitled to a *density* bonus pursuant to Chapter 14, Article 3, Division 7 of the Land Development Code may increase the permitted *FAR* as specified below, except as set forth in Section 143.0720(i)(7).

In compliance with the State Density Bonus Law (California Government Code Section 65915), *applicants* may earn *FAR bonus* subject to the following:

- (A) [No change in text.]
- (B) *Development* may provide either rental or for-sale affordable units, regardless of whether the market rate units within the *development* are for rent or sale. *Development* under these provisions shall be subject to the following requirements in addition to those in Chapter 14, Article 3, Division 7:

- (i) [No change in text.]
- (ii) The *FAR bonus* for *development* containing affordable housing shall be calculated as follows:
$$\text{Permitted FAR} = \text{Base GSF} - \text{NR GSF} \times \text{Affordable Bonus \%} + \text{Base GSF} / \text{Site Area}, \text{ where:}$$
$$\text{Permitted FAR} = \text{Base Gross Square Feet (GSF)}$$

permitted on the site (maximum *base FAR* from Figure H times the site area) minus the GSF of non-residential (NR) area, multiplied by affordable bonus percentage (%) ~~as specified in Table 156-0309-B~~, plus Base GSF permitted on the site, divided by site area. NR GSF shall not include non-residential area that is earned through one of the other *FAR Bonus* programs such as *urban open*

space, eco-roofs, public parking, or FAR Payment Program.

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

(2) *Urban Open Space. Applicants that reserve a portion of their site for the development of public urban open space may qualify for a FAR bonus of 1.0 or 2.0, as specified in Table 156-0309-A, subject to the following criteria:*

(A) [No change in text.]

(B) *The urban open space shall be open to the general public at least between the hours of 6 7:00 a.m. and ~~10~~ 9:00 p.m. every day. The urban open space area shall have signs indicating that the public is welcome and the hours of closure, if applicable.*

(C) [No change in text.]

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

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

§157.0202 Overview of Decision Process

Applications for permits and approvals pursuant to subsections (a) and (b) of Section 157.0201 shall be processed in accordance with one of the Process levels established as follows:

(a) [No change in text.]

(b) **Process Two**

An application for a permit or approval processed in accordance with Process Two may be approved, conditionally approved, or denied by the

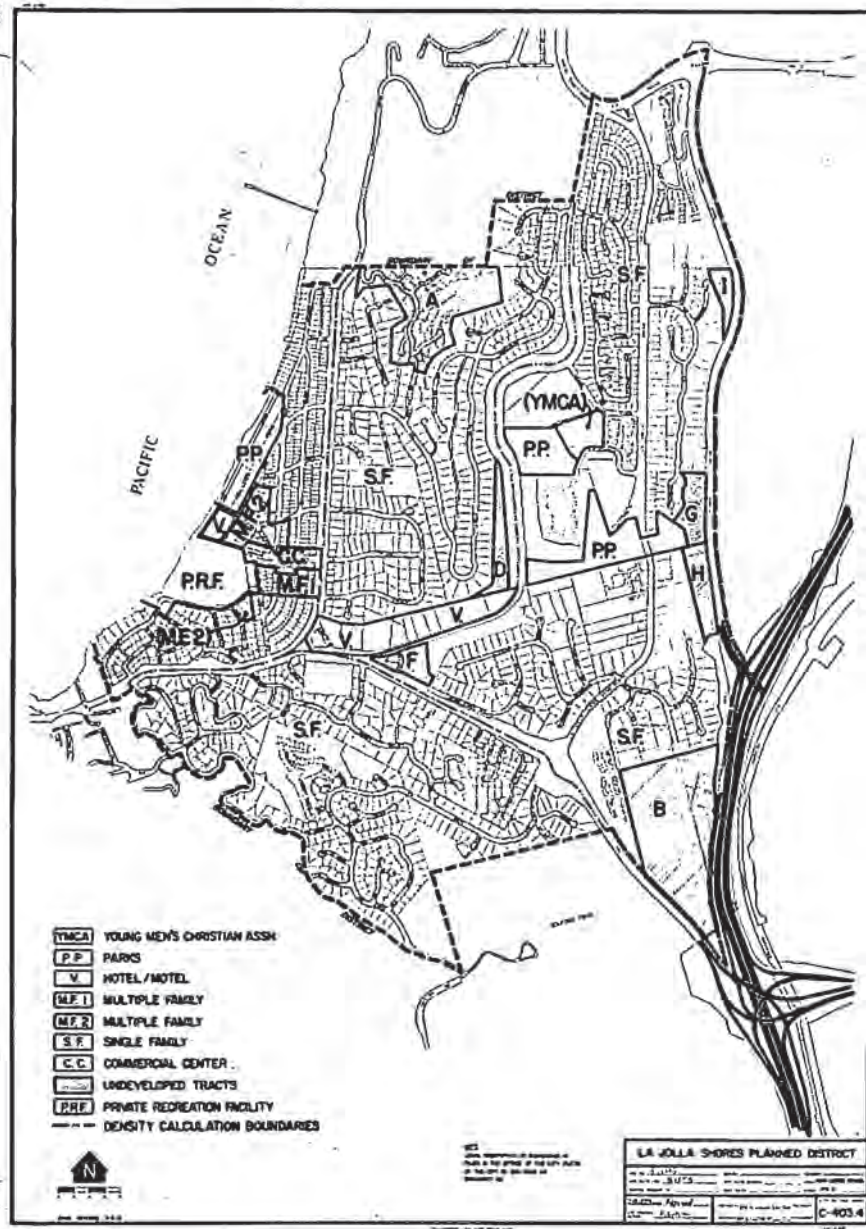
City Manager, or his or her designee, consistent with Section 112.0503 of the Land Development Code. Applicants may appeal Process Two decisions in accordance with Section 112.0504 of the Land Development Code, ~~but Process Two appeals shall be considered by the City Manager in lieu of the Planning Commission.~~

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

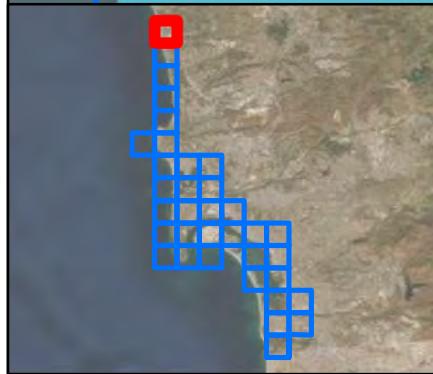
§1510.0102 Boundaries

The regulations as defined herein shall apply in the La Jolla Shores Planned District which is within the boundaries of the La Jolla Shores Area in the City of San Diego, California, designated on that certain Map Drawing No. C-403.4 and described in the appended boundary description, filed in the office of the City Clerk under Document No. OO-16006.




Map Drawing No. C-403.4



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12/19/2019 Rev. Copy
Or.Dept: Planning Dept.
Doc. No.: 2192207_3



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 City of San Diego Boundary
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INTERNATIONAL

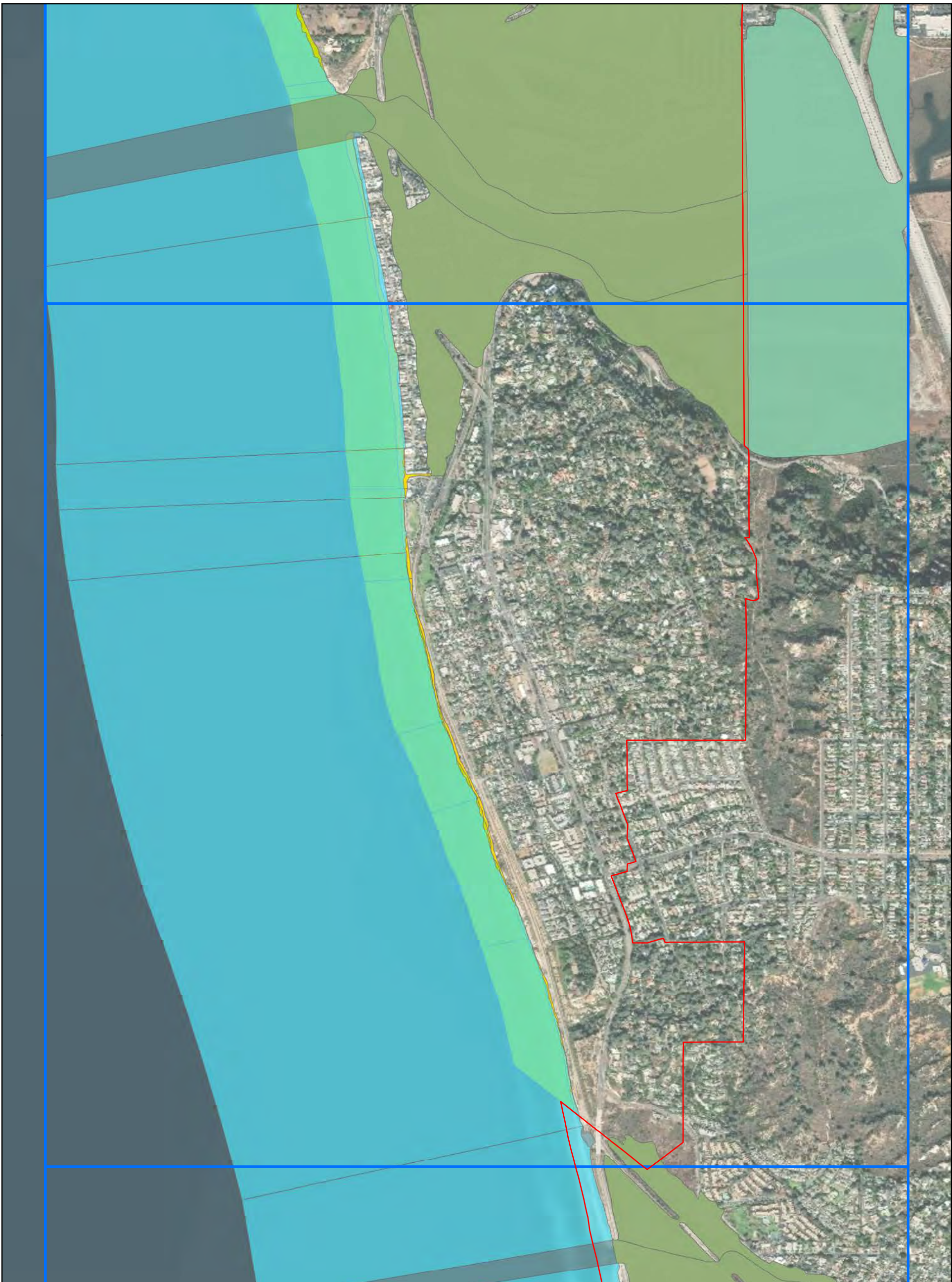


FIRM PANEL: 06
FEMA Re-Mapping

Effective Date, Decerr

EXHIBIT NO. 2
APPLICATION NO.
CP-6-SAN-20-026-1
Updated Special
Flood Hazard Area
 Maps California Coastal Commission

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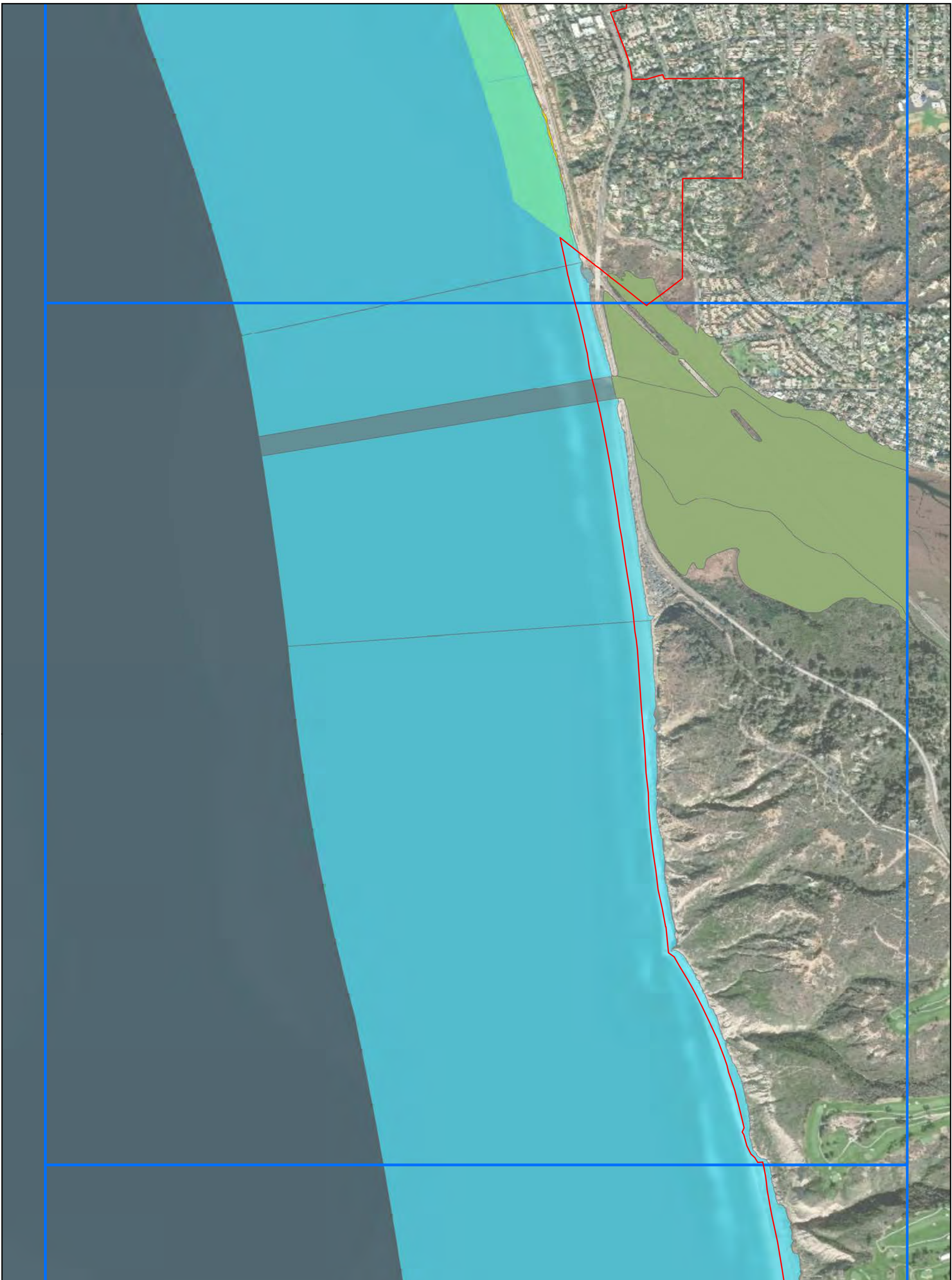
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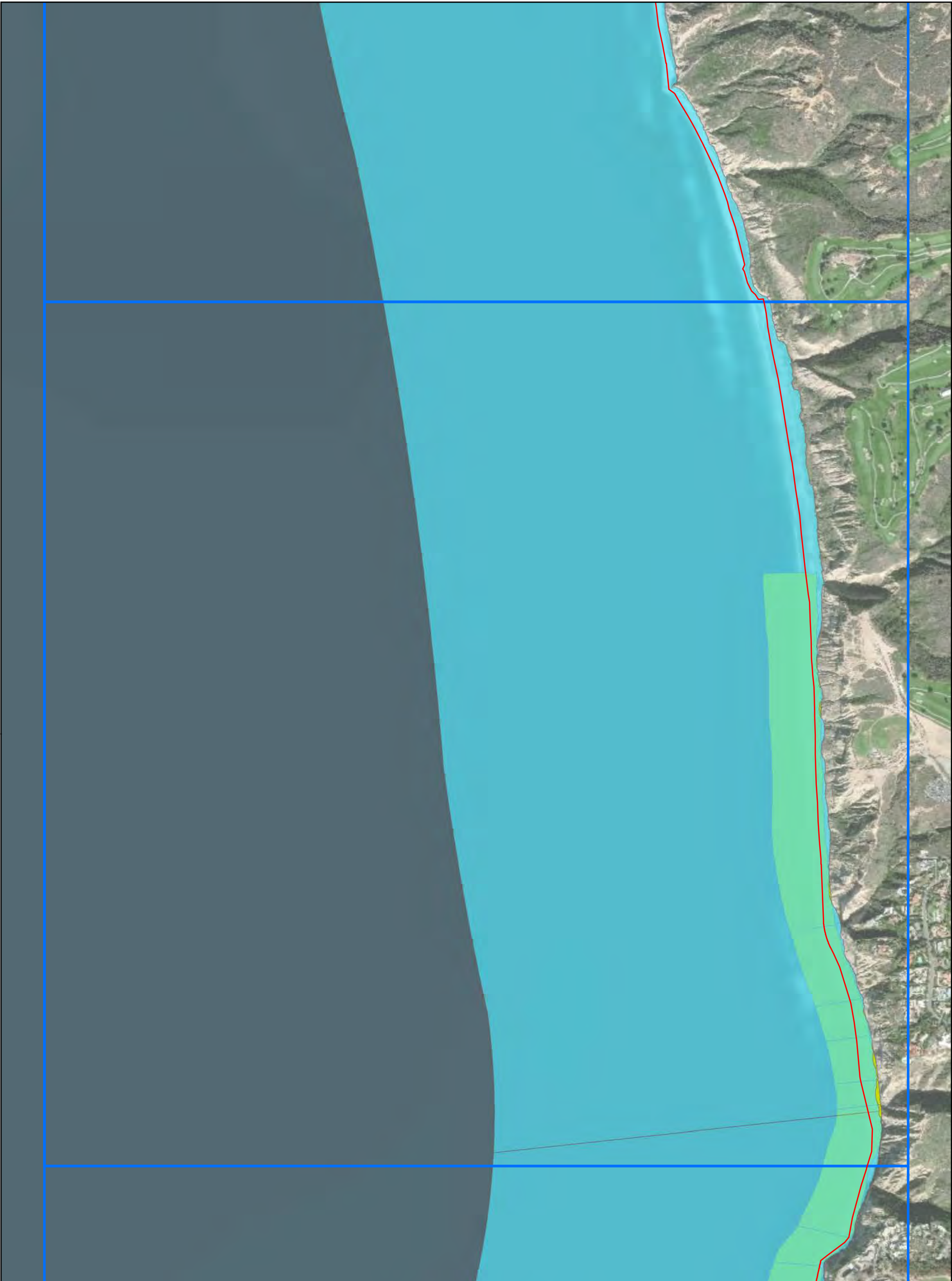
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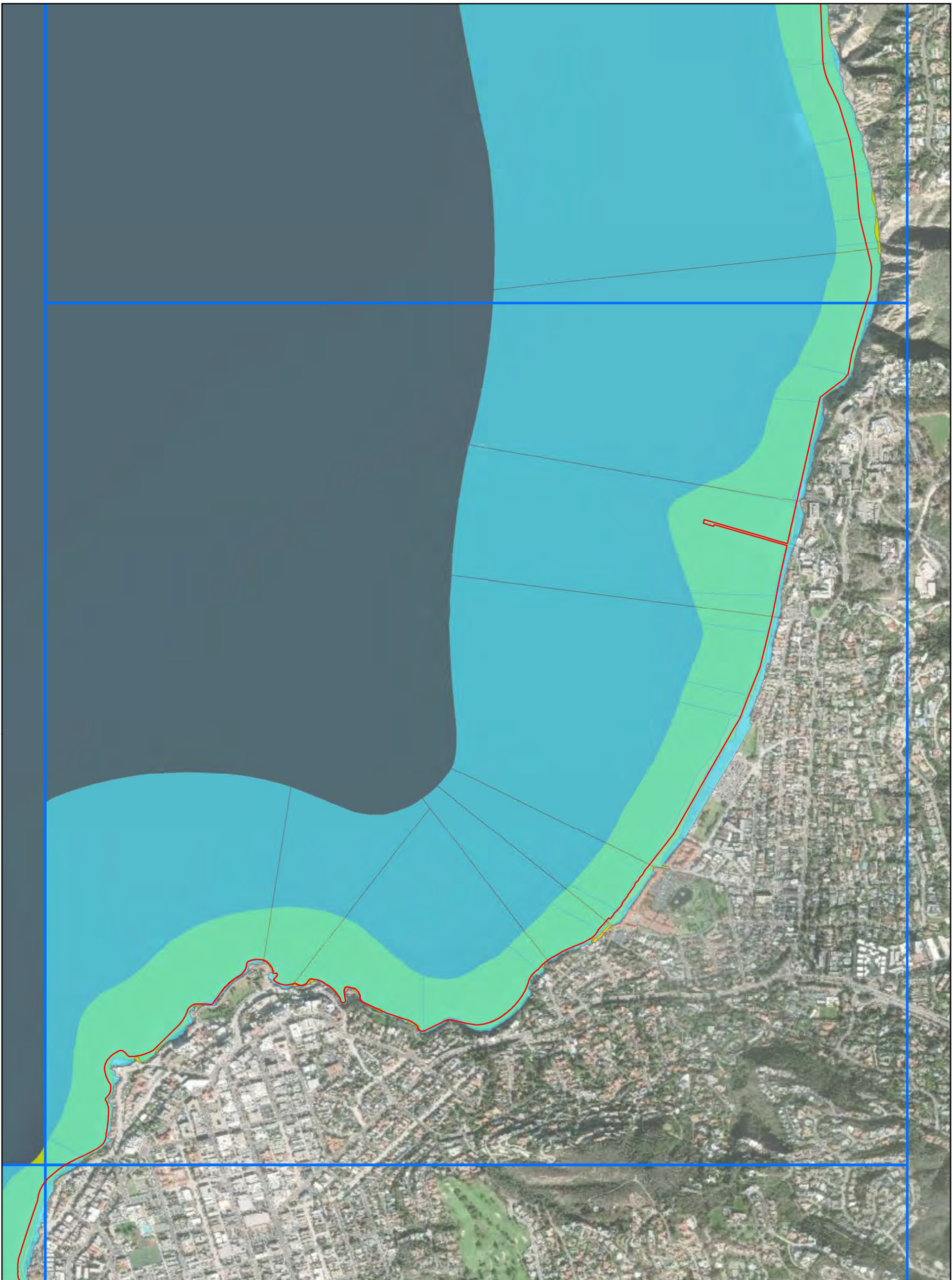
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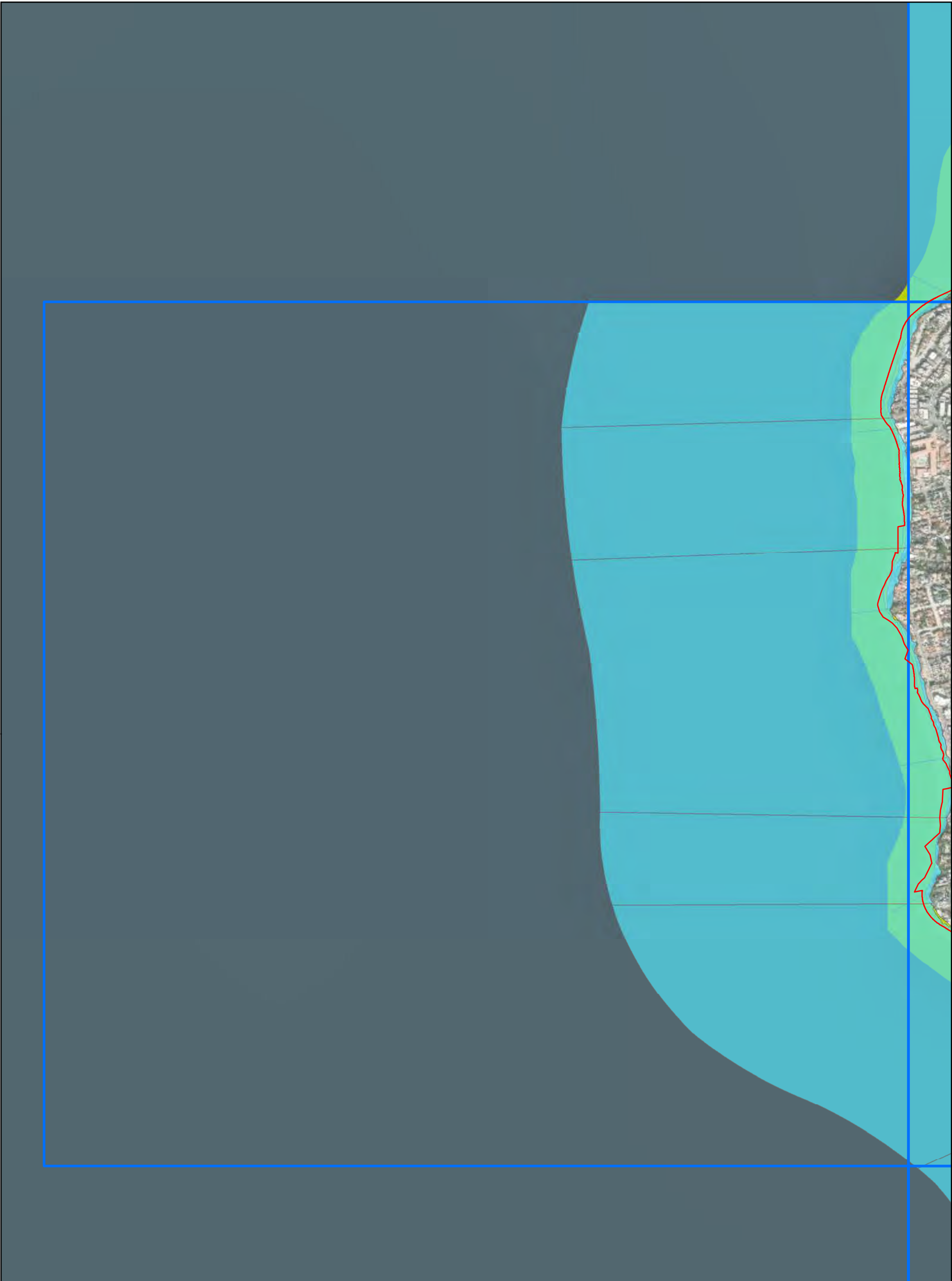
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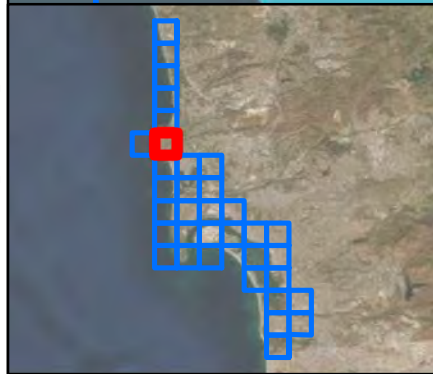
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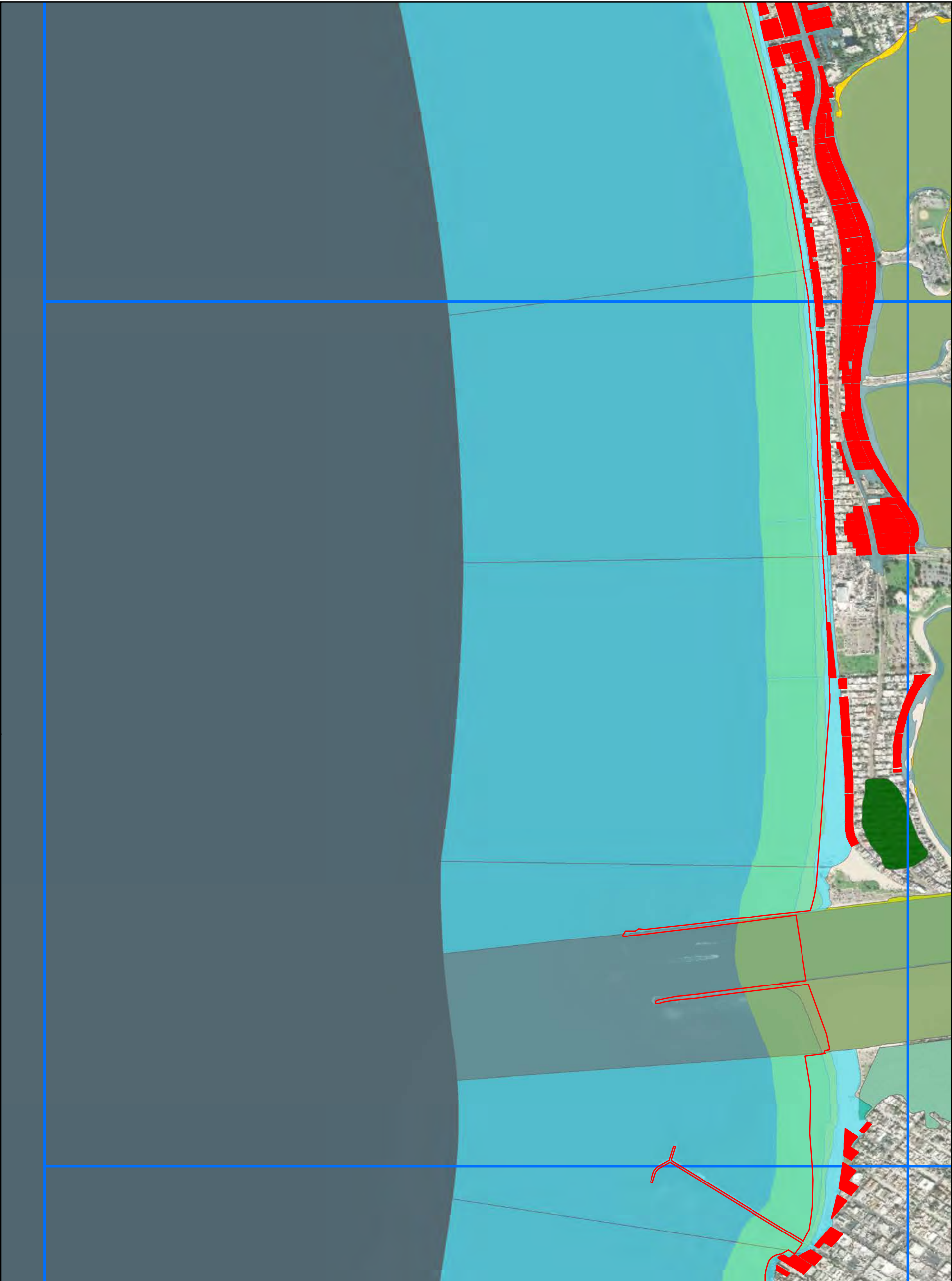
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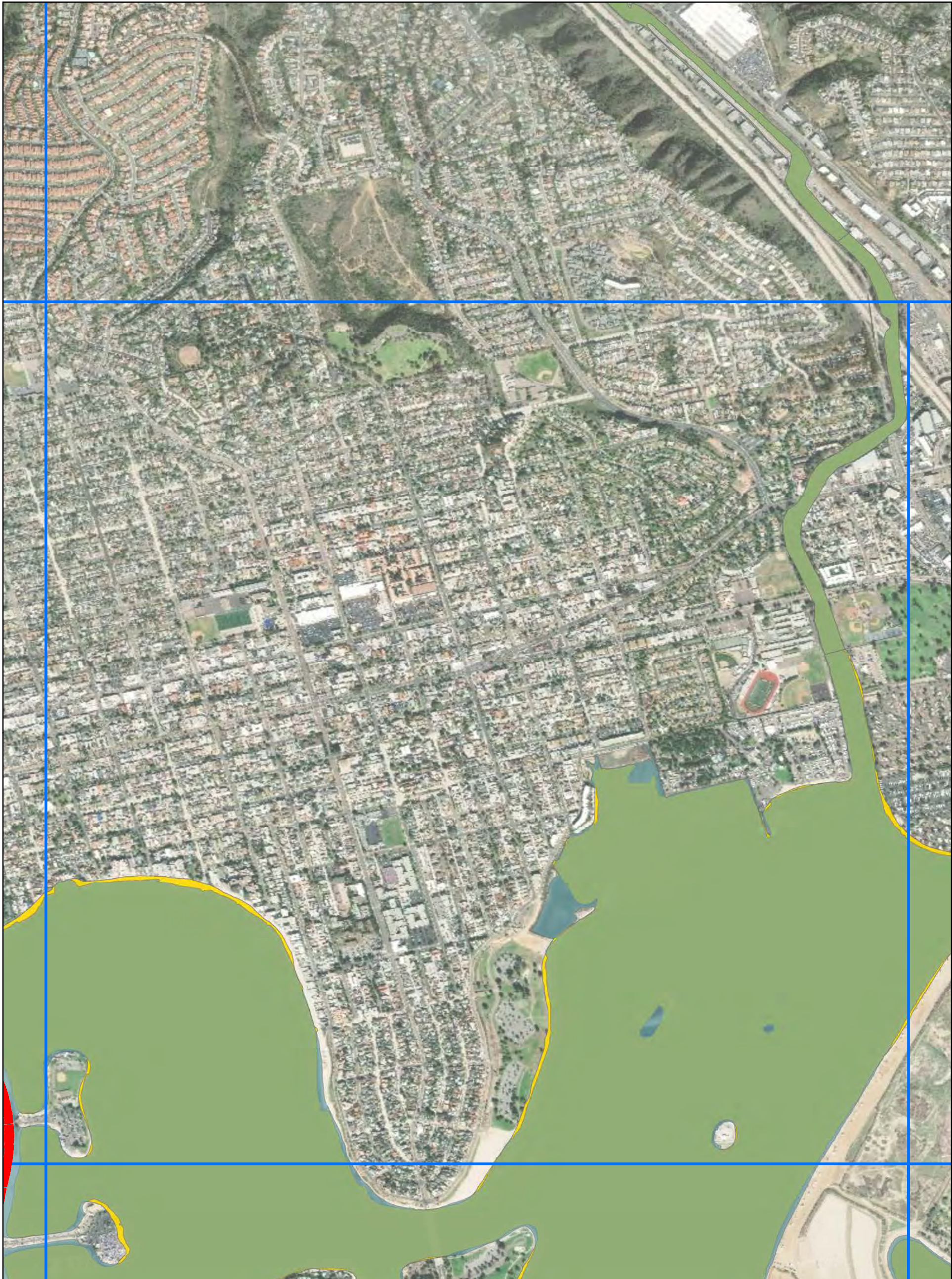
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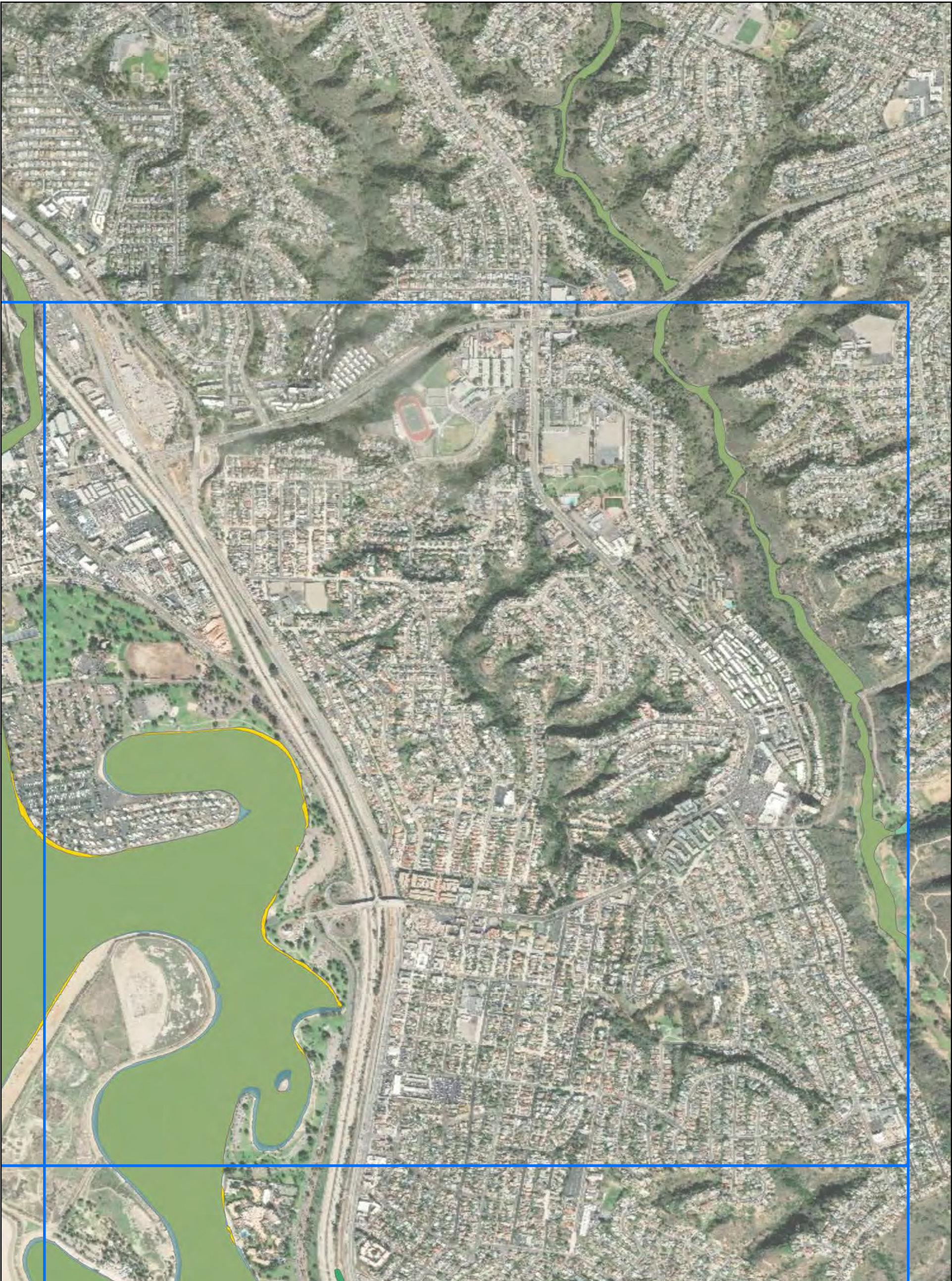
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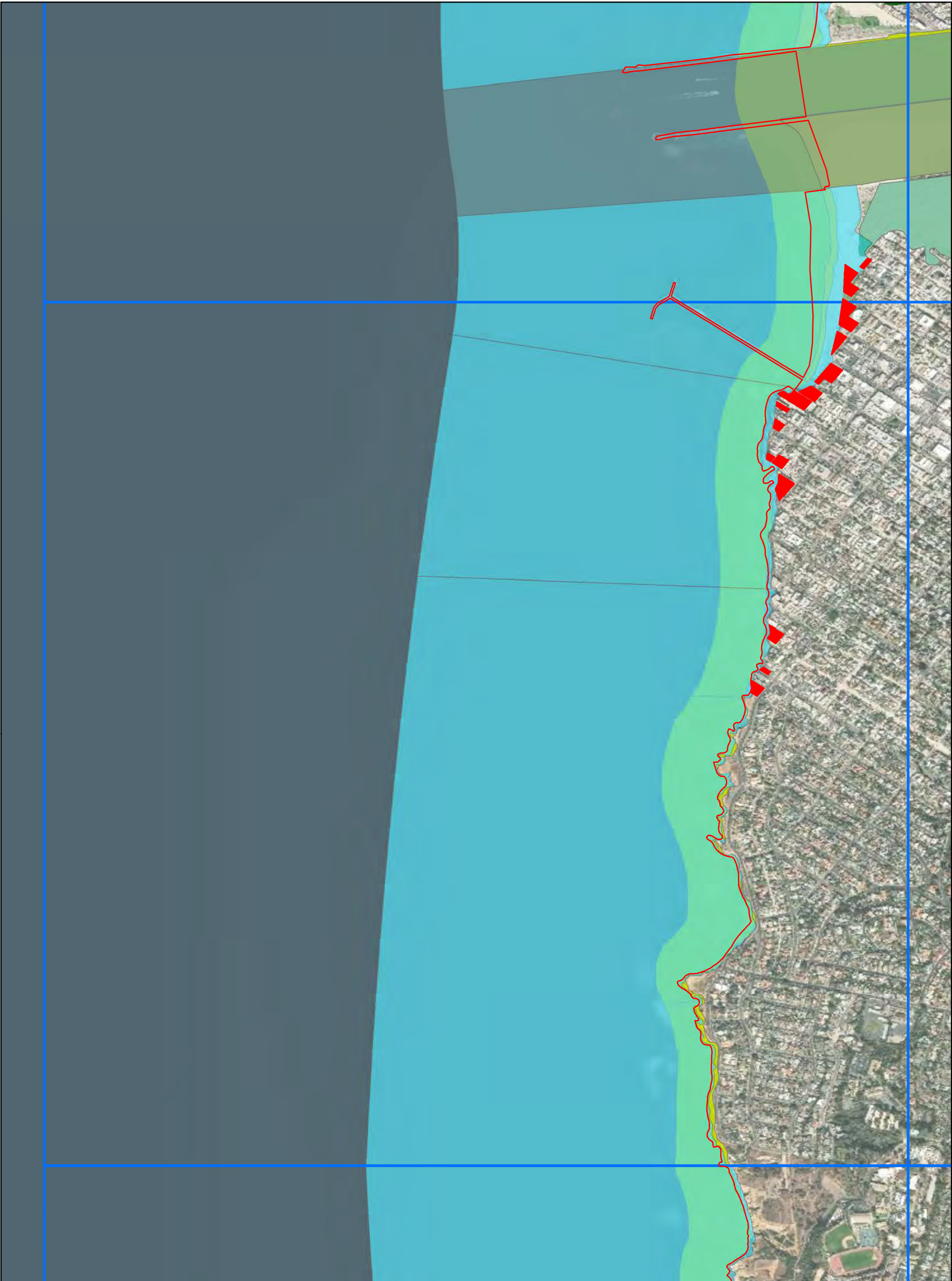
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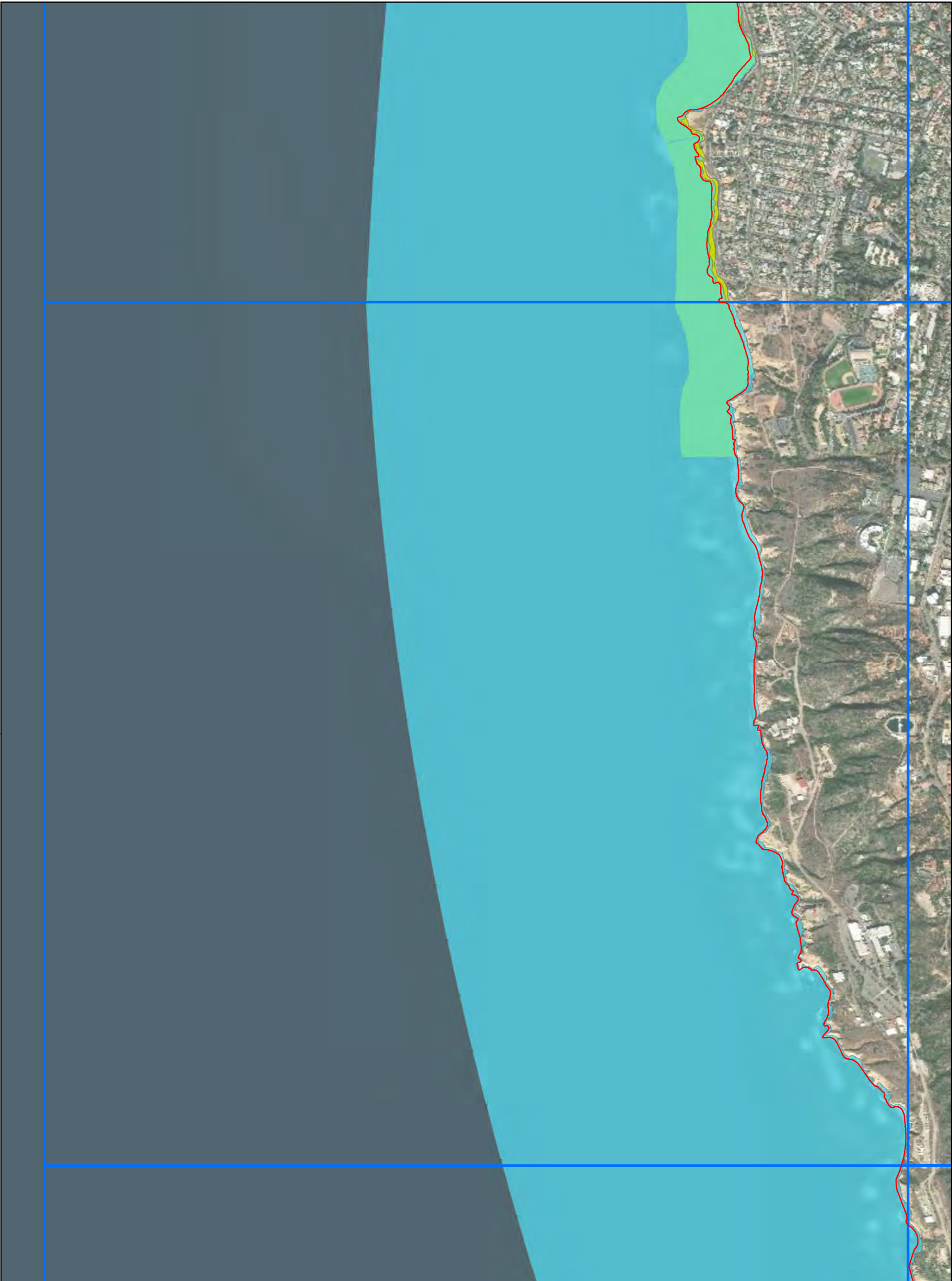
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- City of San Diego Boundary
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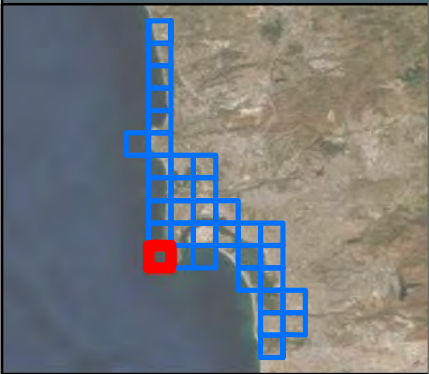
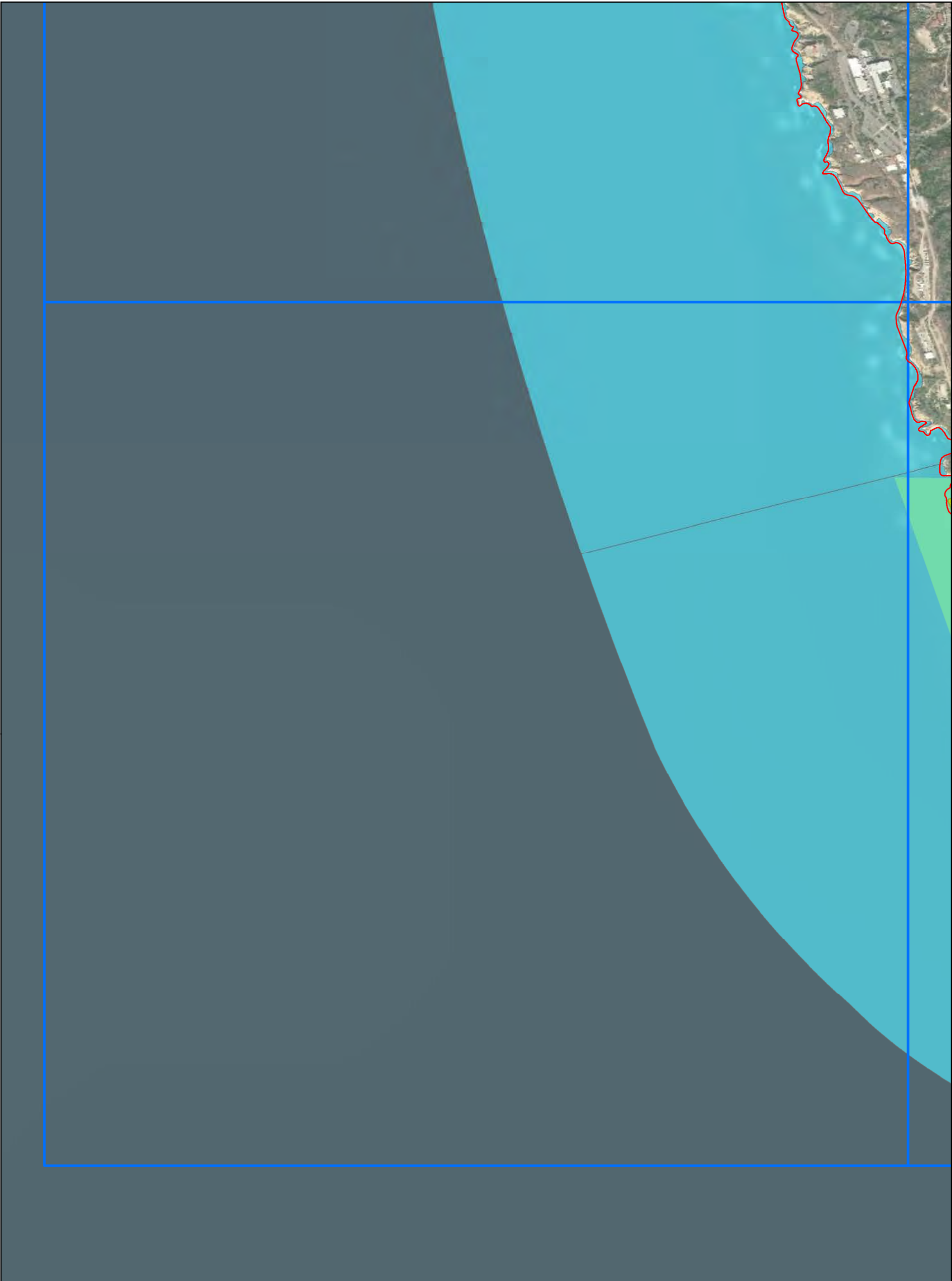
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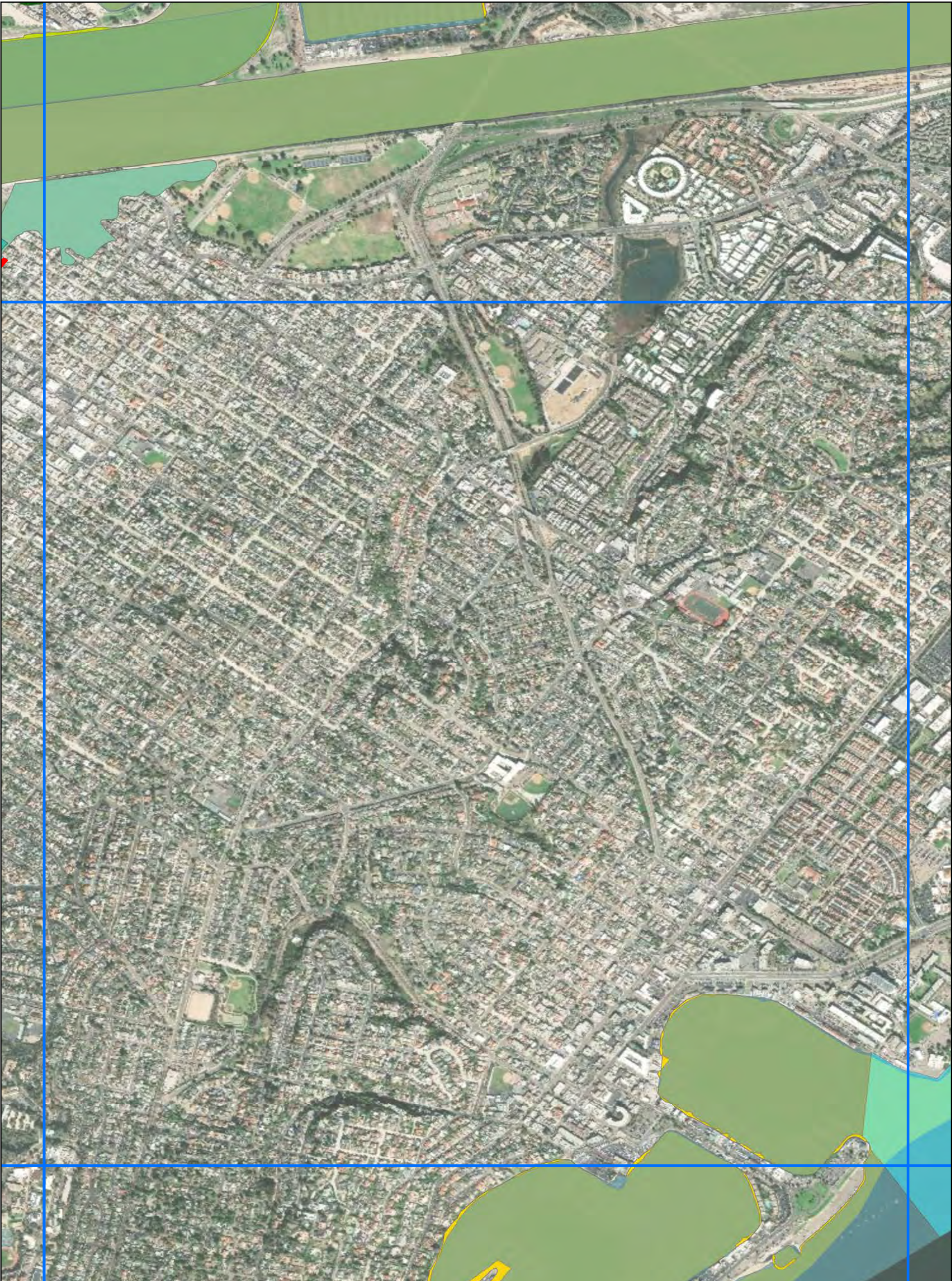
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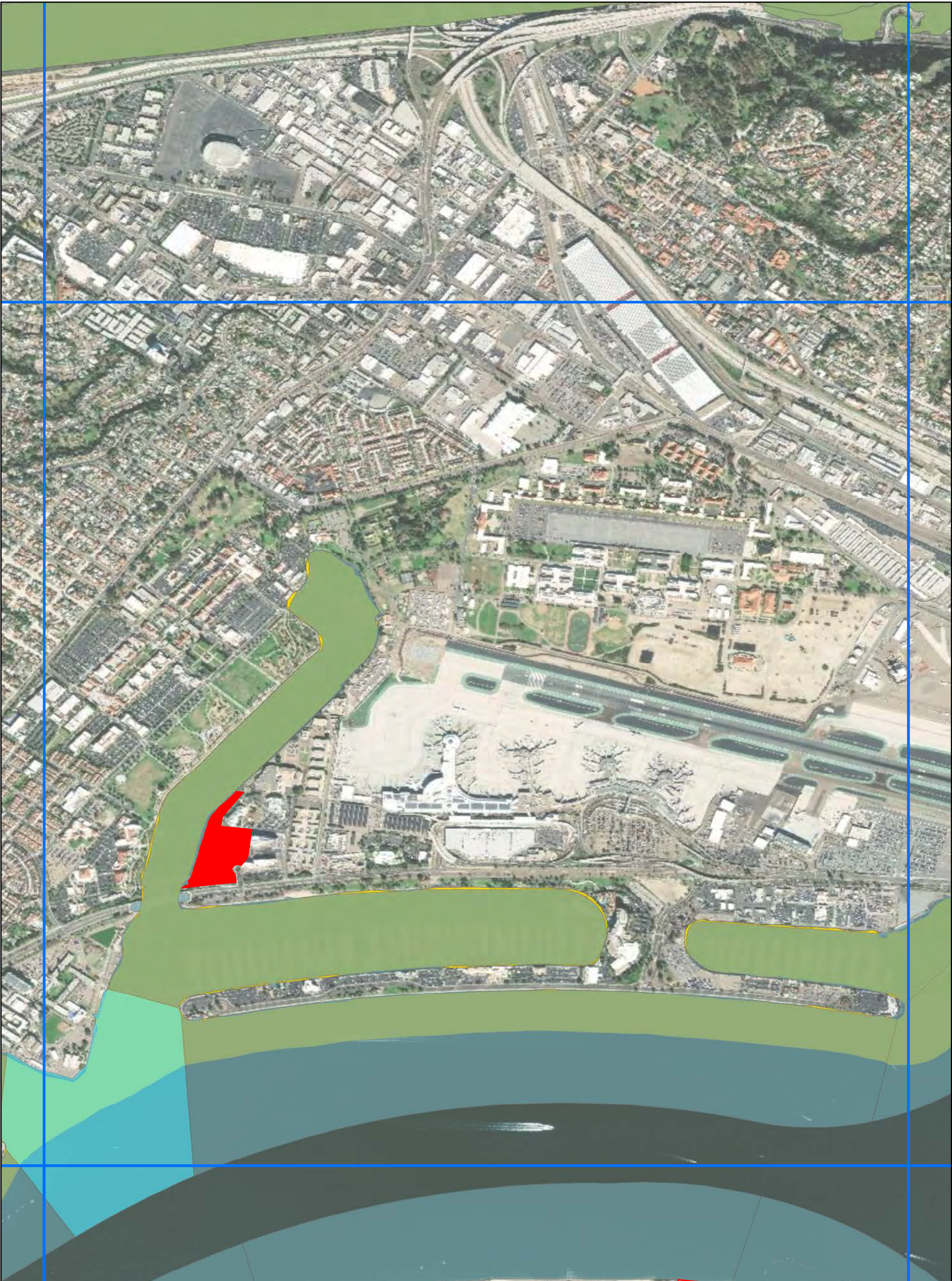
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Flood Zones 2018

- A
- AE
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- AO
- VE



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Legend

- Newly Affected Parcels
- City of San Diego Boundary
- Re-Mapped FIRM Panels

Flood Zones 2019

- A
- AE
- AH
- AO
- VE

Flood Zones 2018

- A
- AE
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- AO
- VE

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Legend

- Newly Affected Parcels
- City of San Diego Boundary
- Re-Mapped FIRM Panels

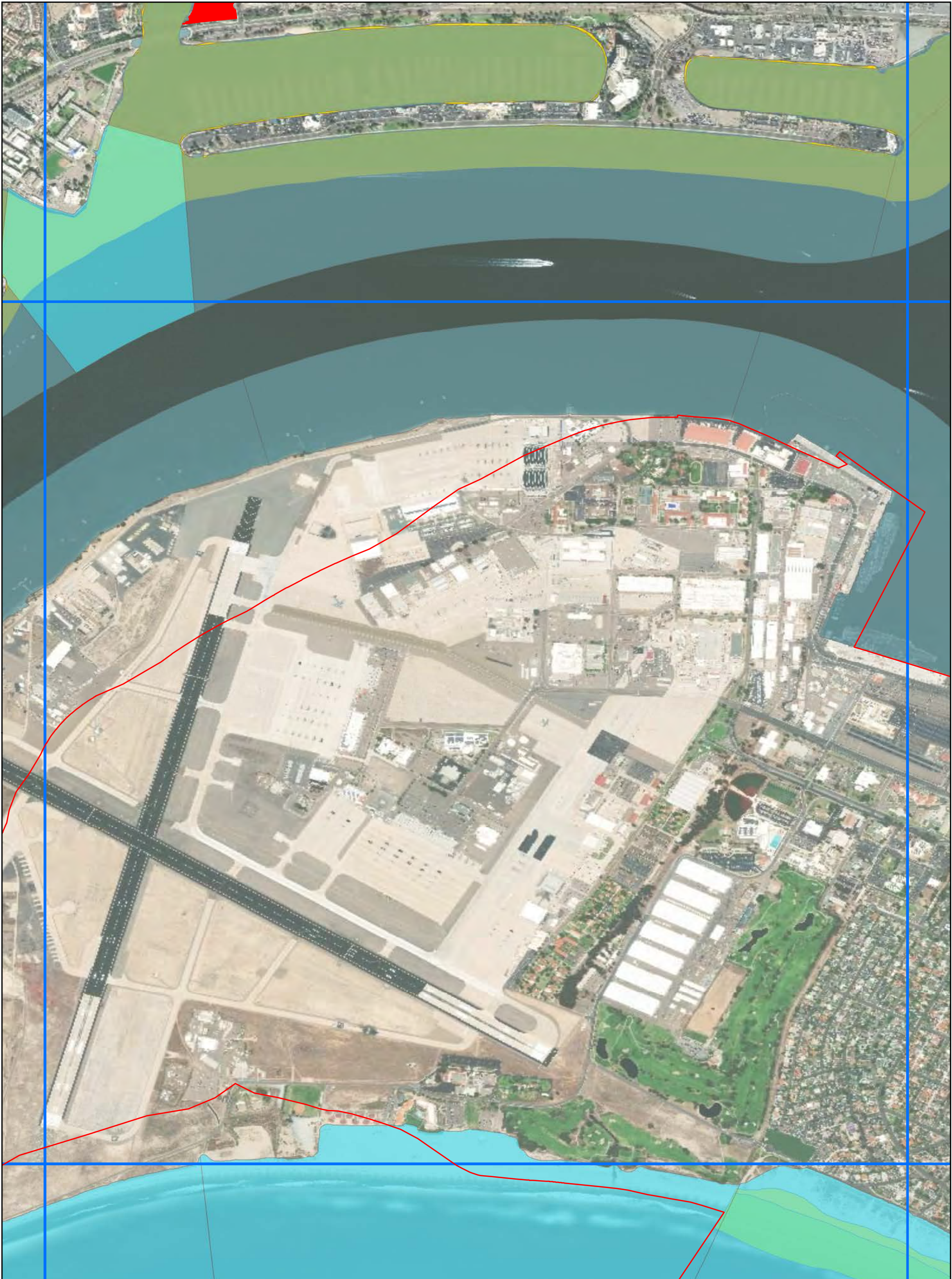
Flood Zones 2019

- A
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Flood Zones 2018

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Legend

- Newly Affected Parcels
- City of San Diego Boundary
- Re-Mapped FIRM Panels

Flood Zones 2019

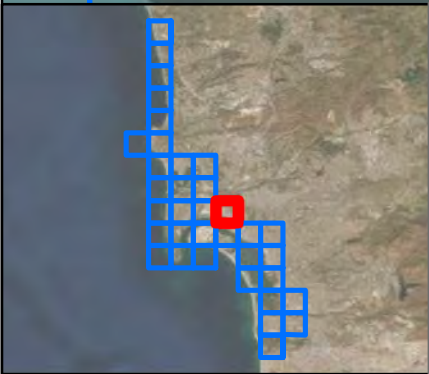
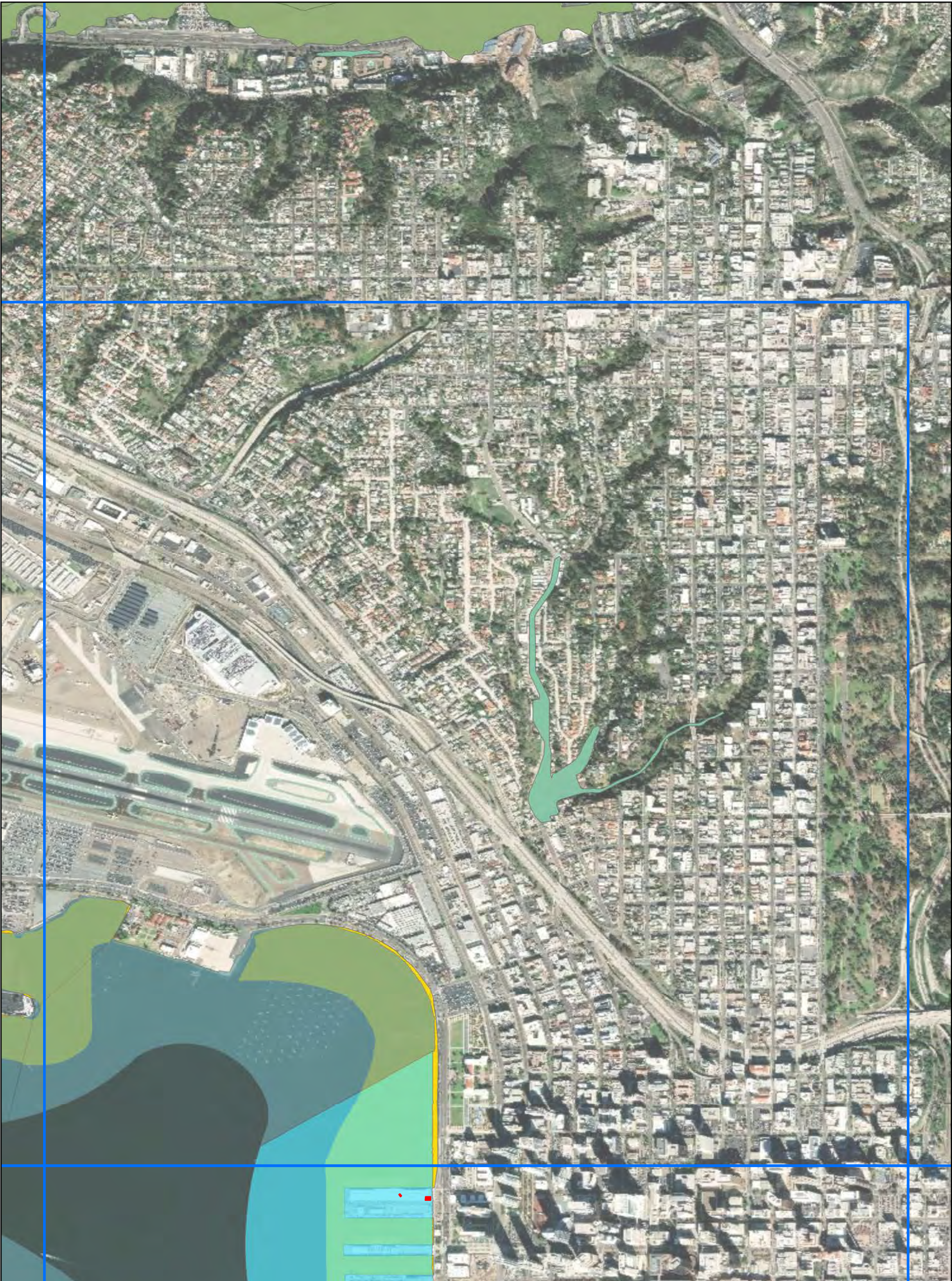
- A
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Flood Zones 2018

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Legend

- Newly Affected Parcels
- City of San Diego Boundary
- Re-Mapped FIRM Panels

Flood Zones 2019

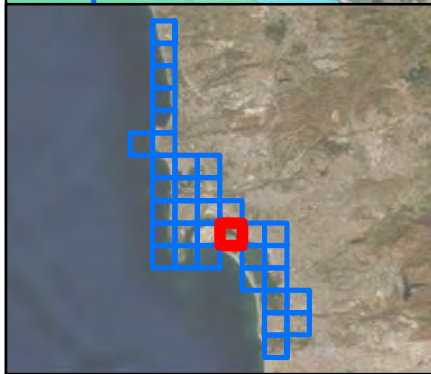
- A
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Flood Zones 2018

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Legend

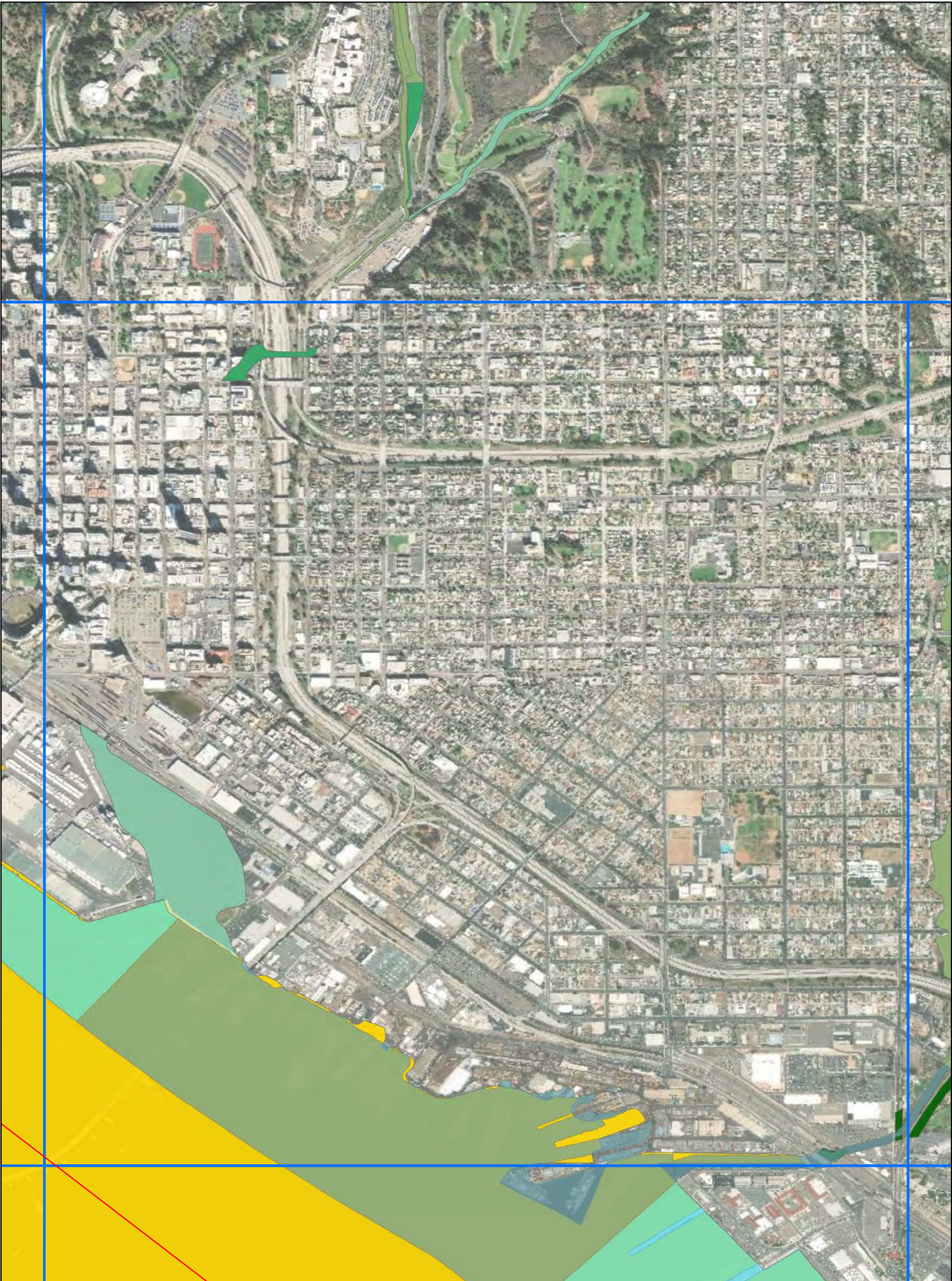
- Newly Affected Parcels
- City of San Diego Boundary
- Re-Mapped FIRM Panels

Flood Zones 2019

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Flood Zones 2018

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Legend

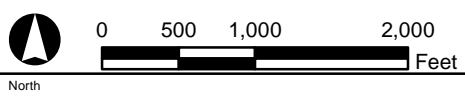
- Newly Affected Parcels
- City of San Diego Boundary
- Re-Mapped FIRM Panels

Flood Zones 2019

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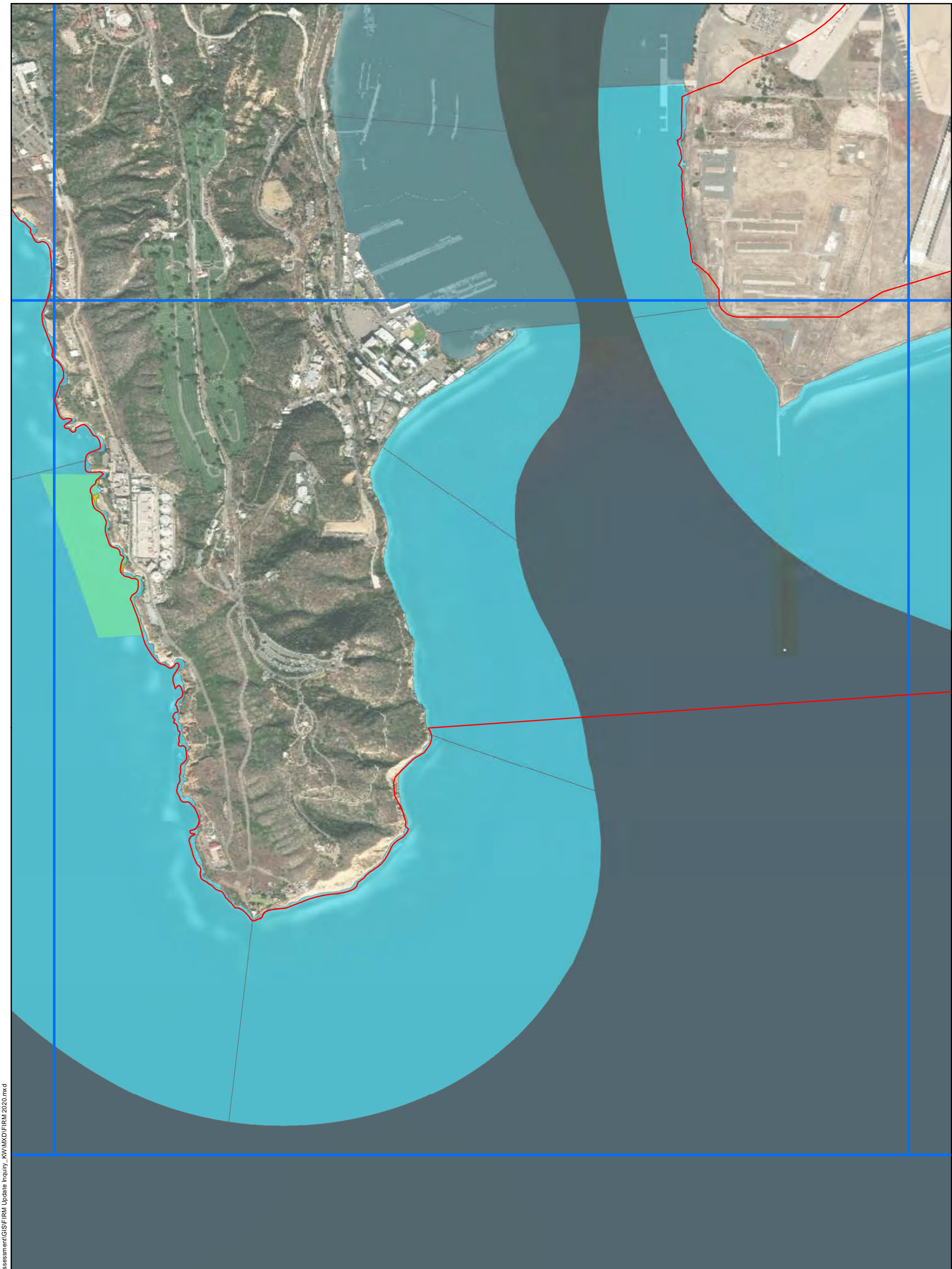
Flood Zones 2018

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FIRM PANEL: 06073C1884H
FEMA Re-Mapped Areas

Effective Date, December 20, 2019



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Legend

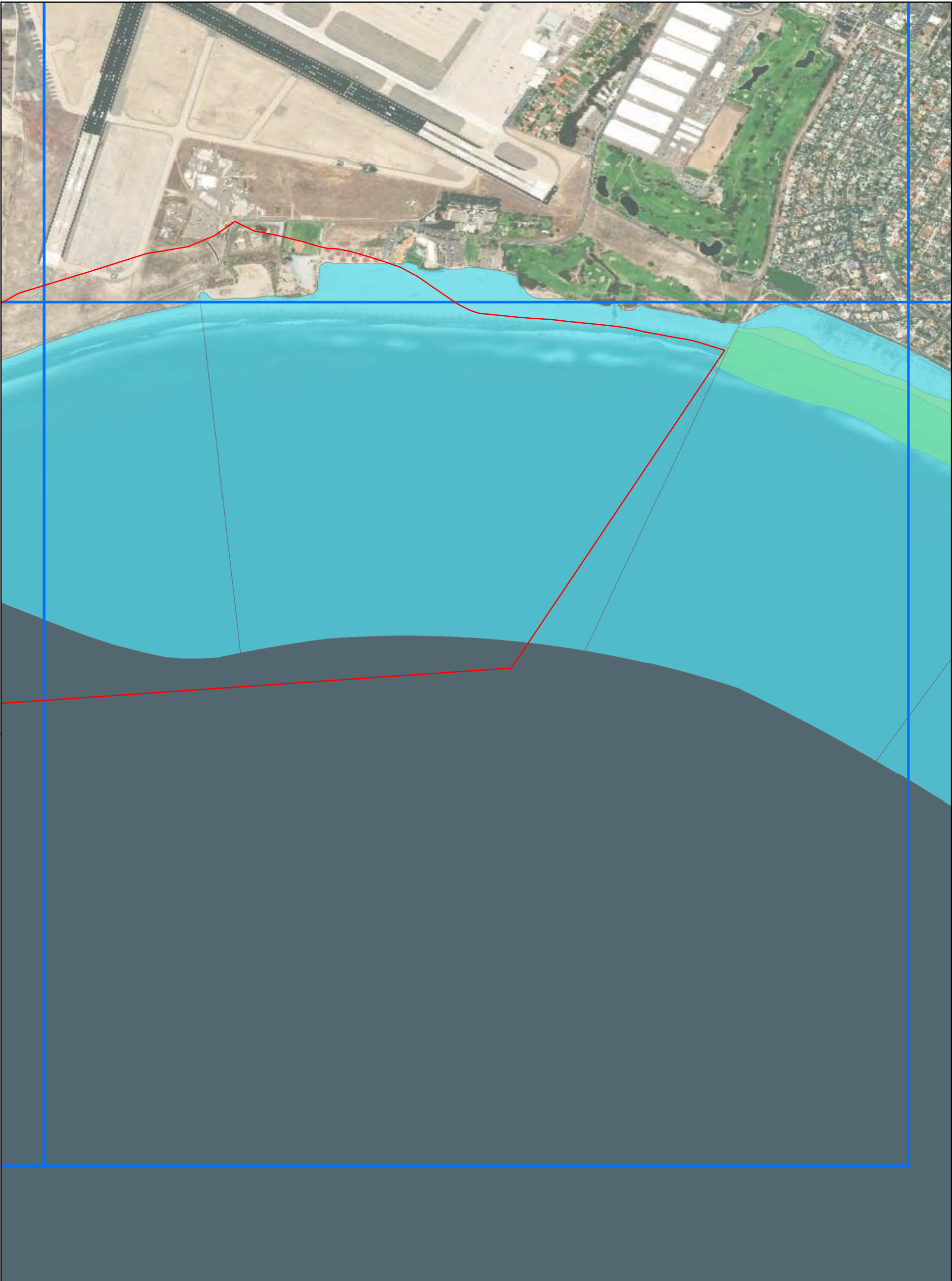
- Newly Affected Parcels
- City of San Diego Boundary
- Re-Mapped FIRM Panels

Flood Zones 2019

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Flood Zones 2018

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Legend

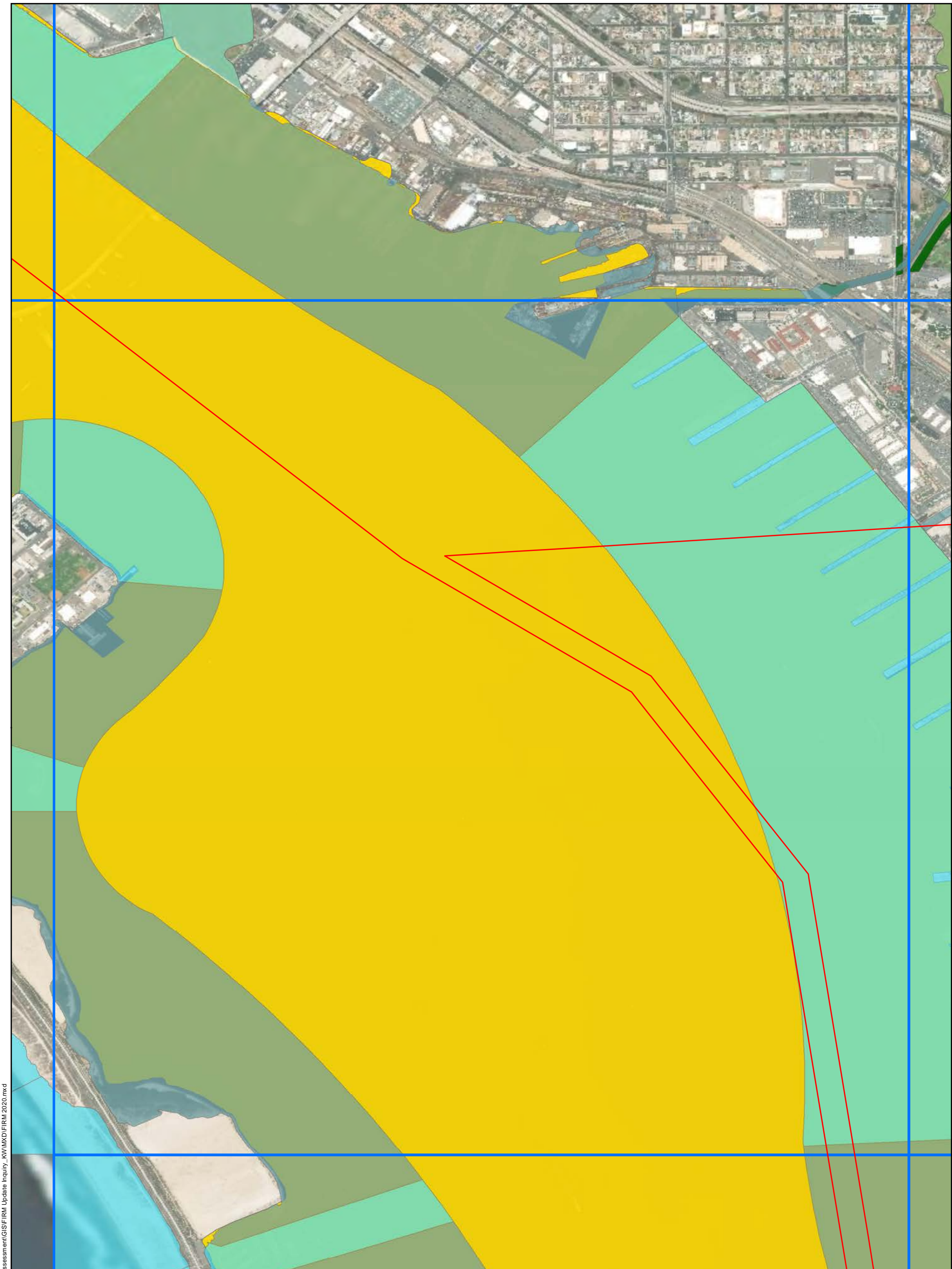
- Newly Affected Parcels
- City of San Diego Boundary
- Re-Mapped FIRM Panels

Flood Zones 2019

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Flood Zones 2018

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Legend

- Newly Affected Parcels
- City of San Diego Boundary
- Re-Mapped FIRM Panels

Flood Zones 2019

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Flood Zones 2018

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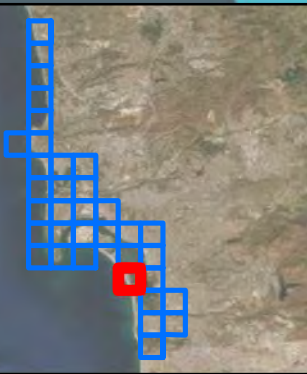


0 500 1,000 2,000 Feet

FIRM PANEL: 06073C1892H
FEMA Re-Mapped Areas

Effective Date, December 20, 2019

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Legend

- Newly Affected Parcels
- City of San Diego Boundary
- Re-Mapped FIRM Panels

Flood Zones 2019

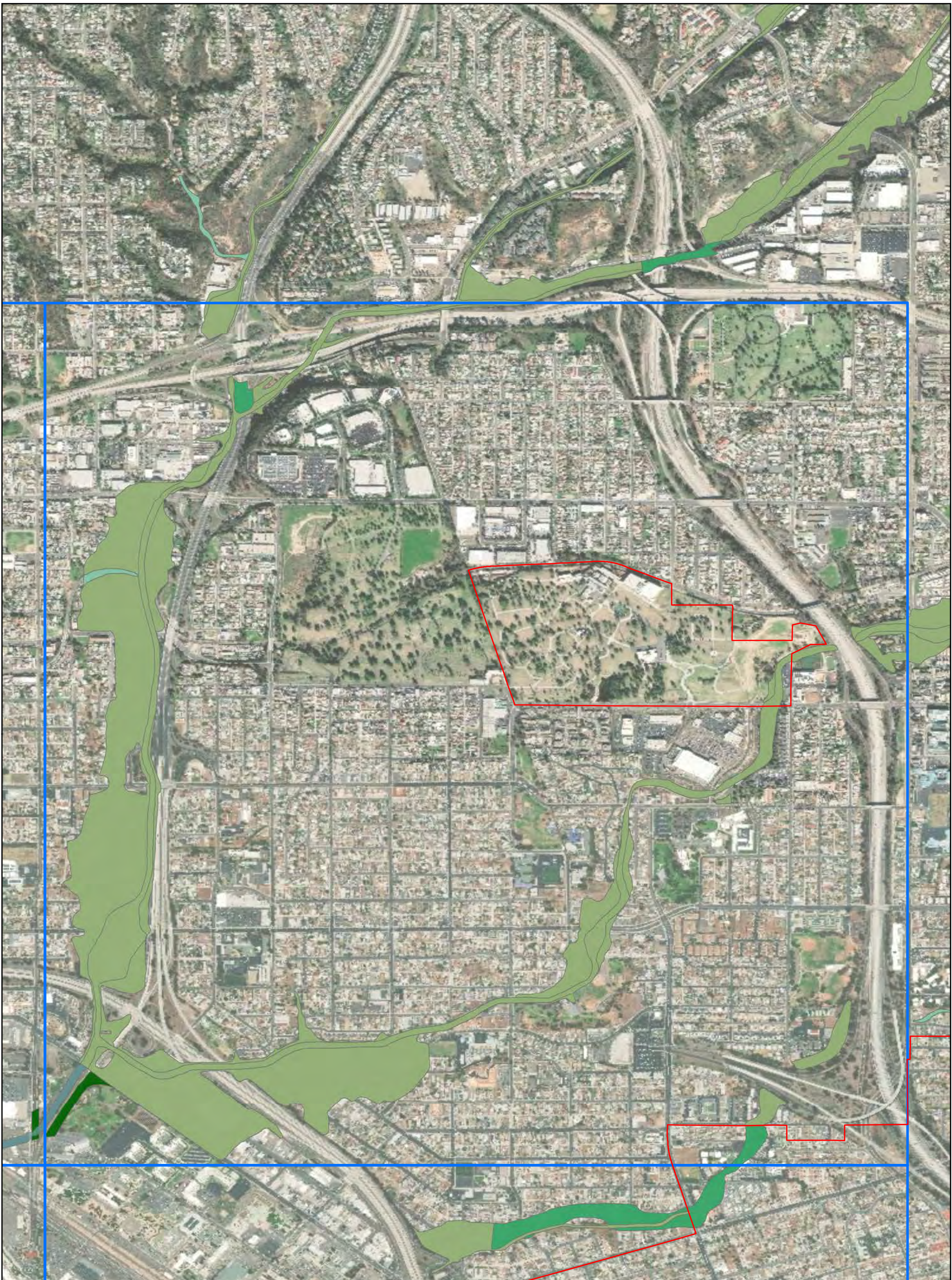
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Flood Zones 2018

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- Re-Mapped FIRM Panels

Flood Zones 2019

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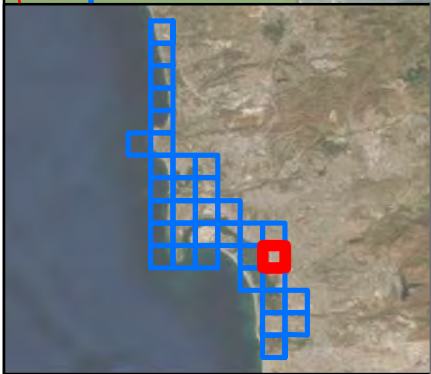
Flood Zones 2018

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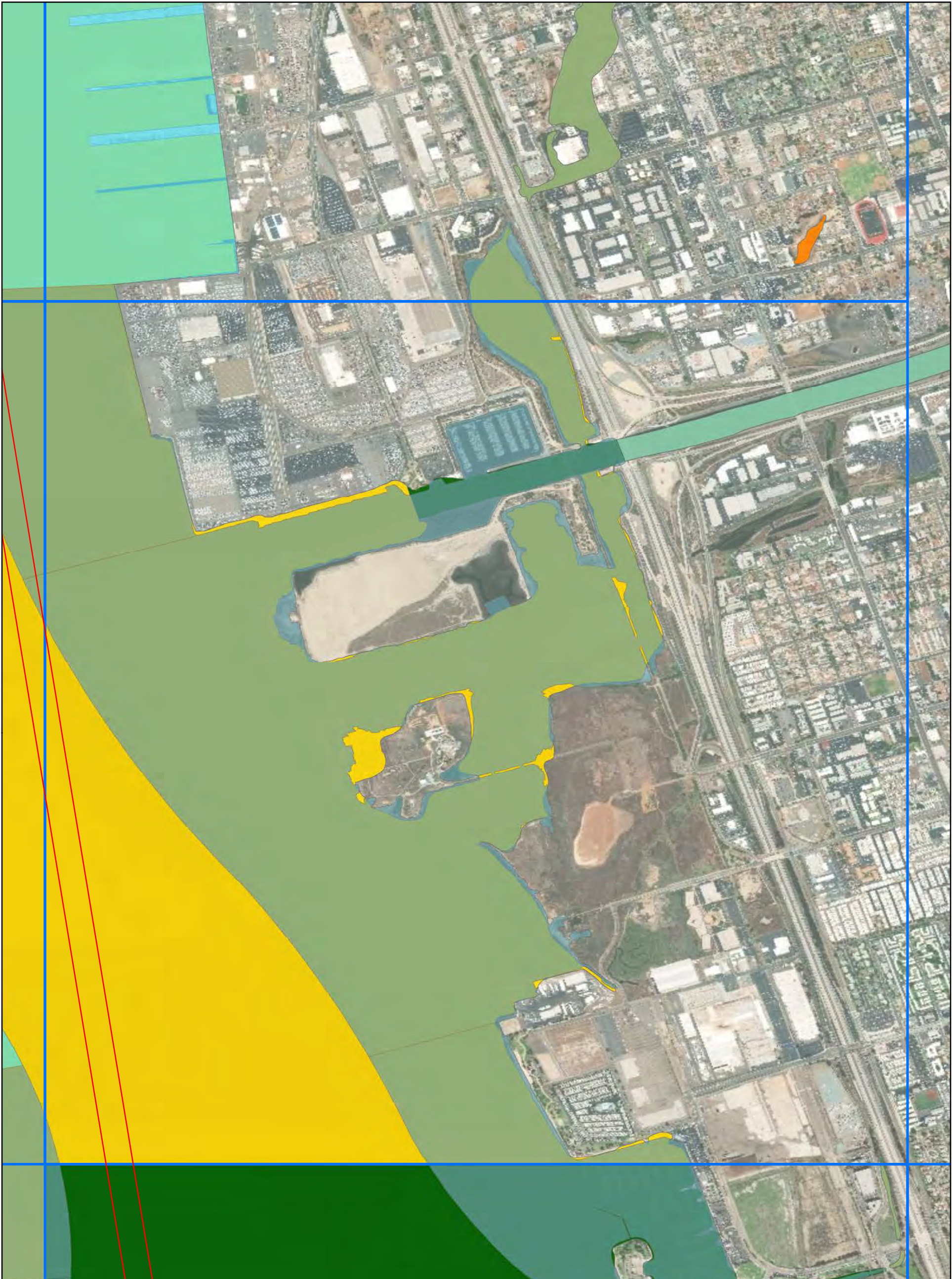
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Flood Zones 2019

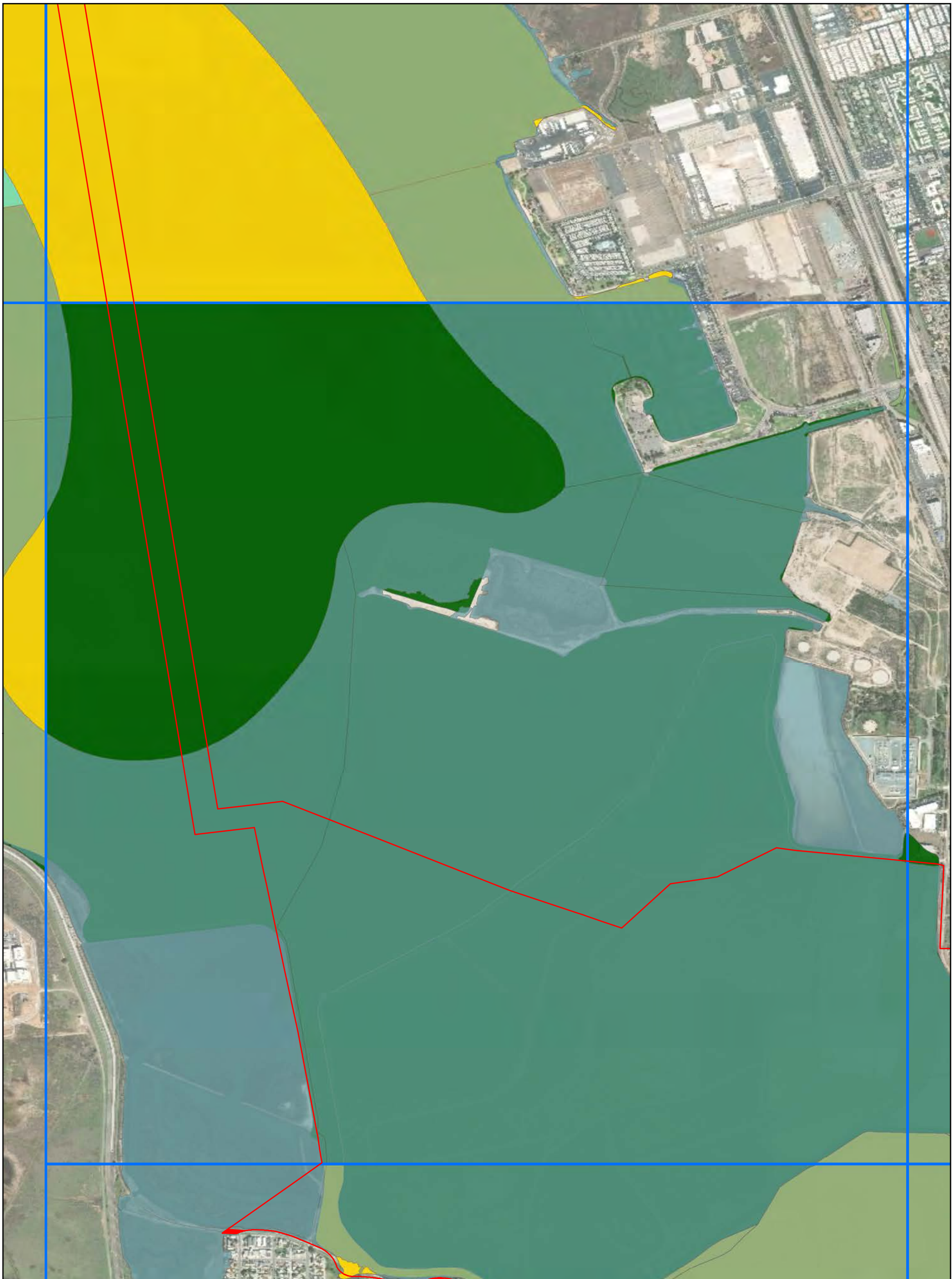
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Flood Zones 2019

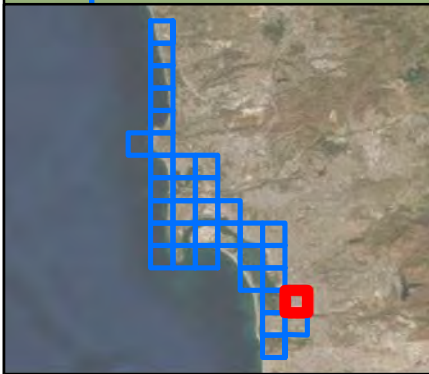
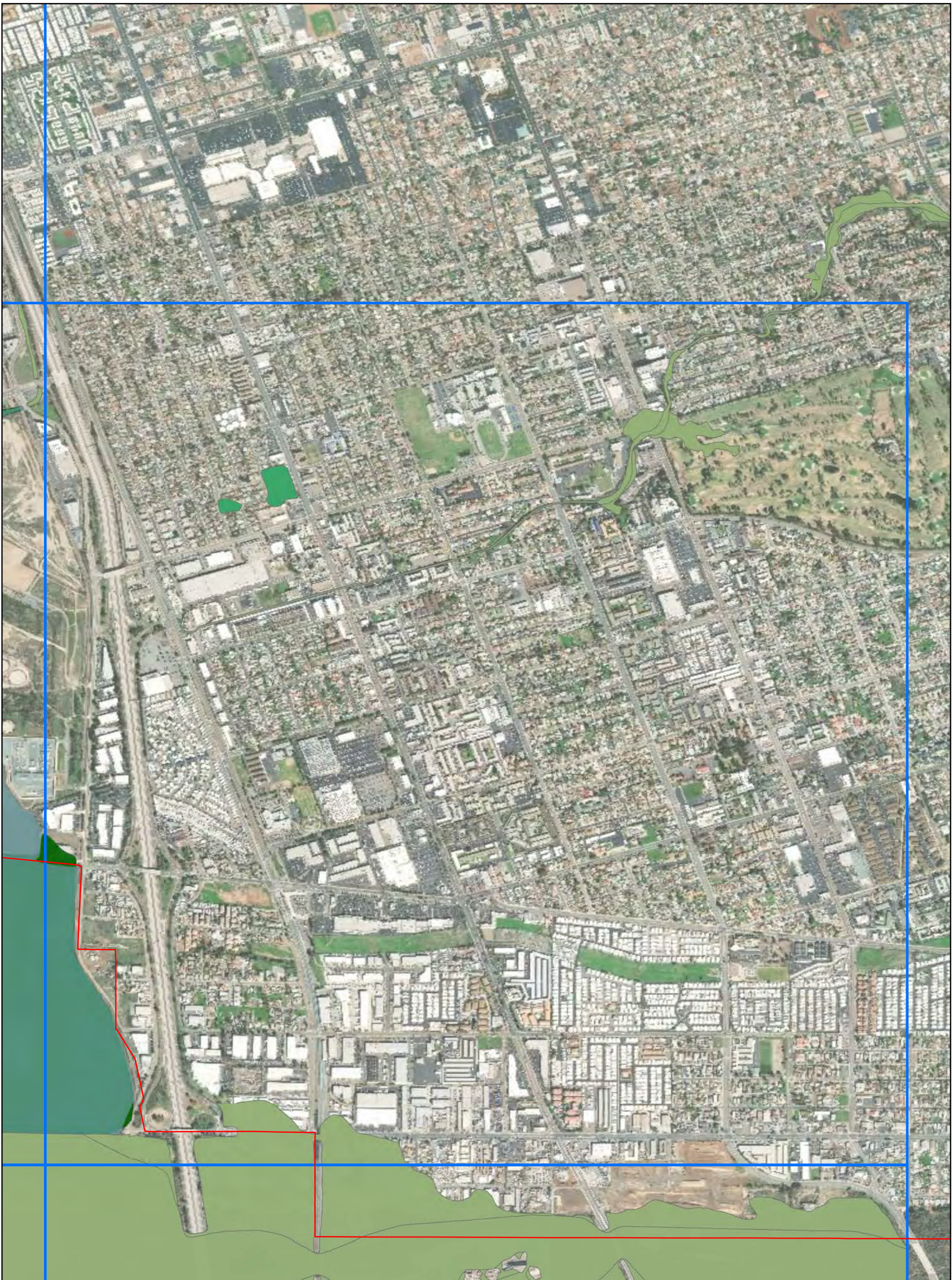
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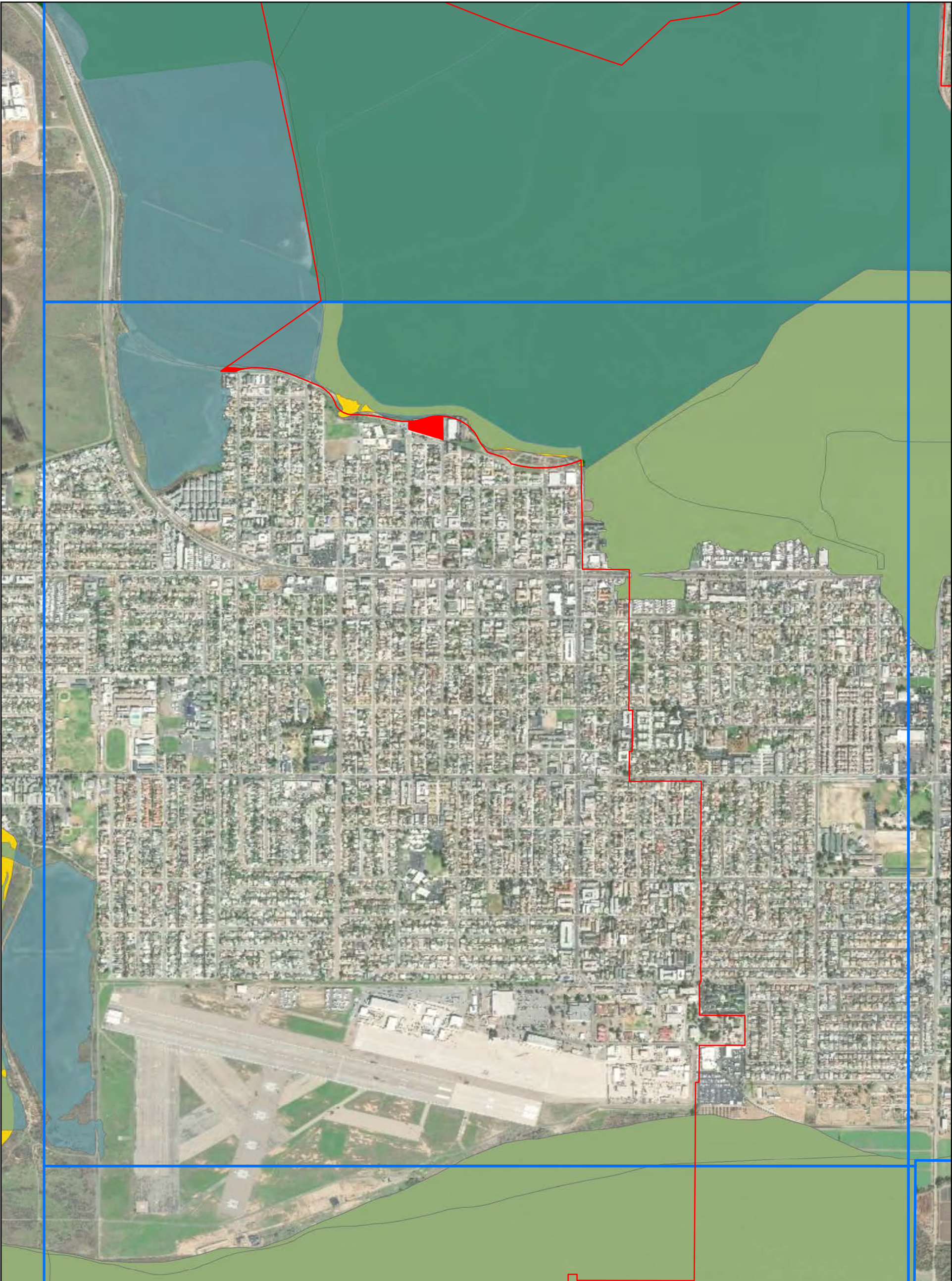
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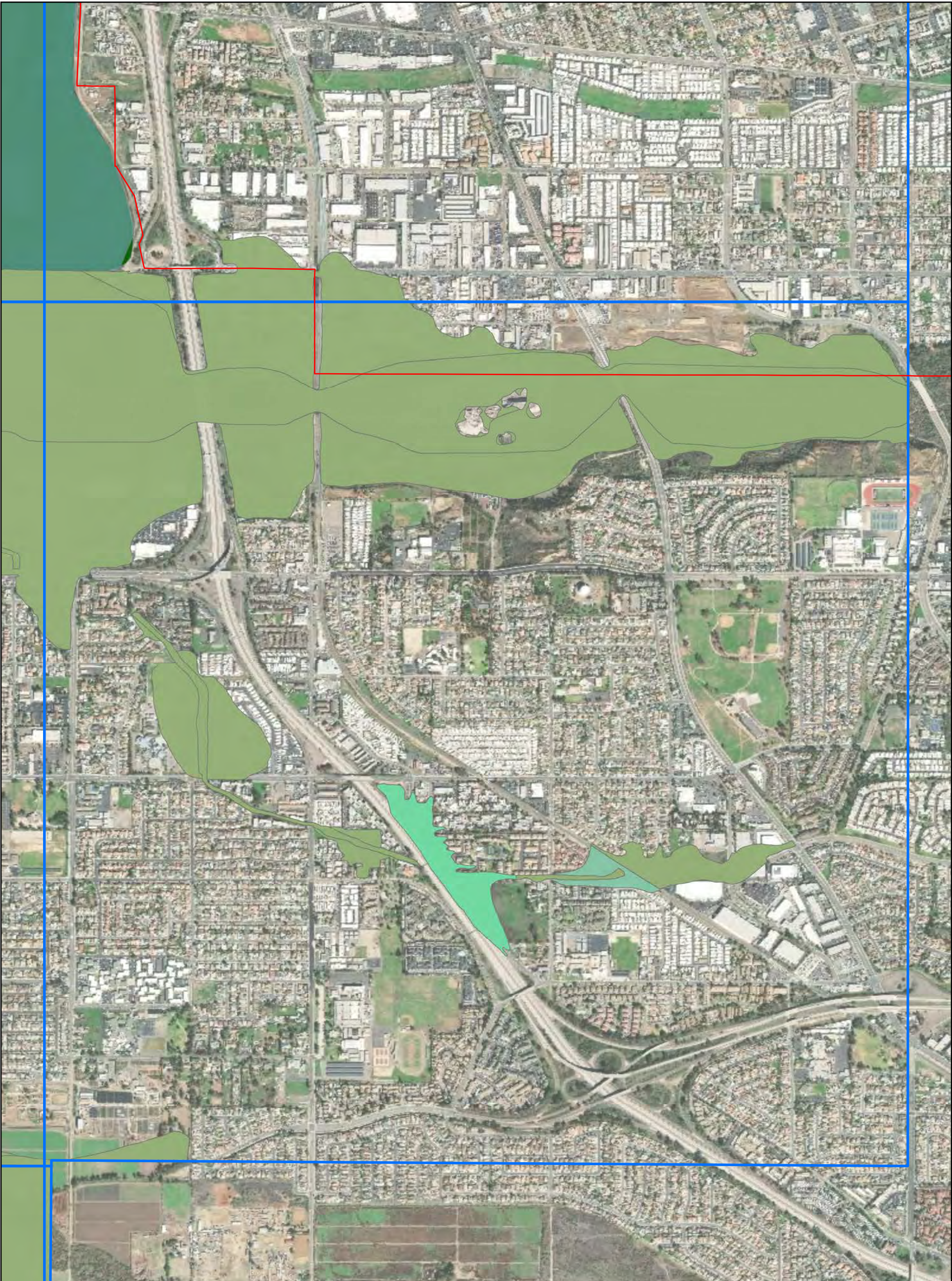
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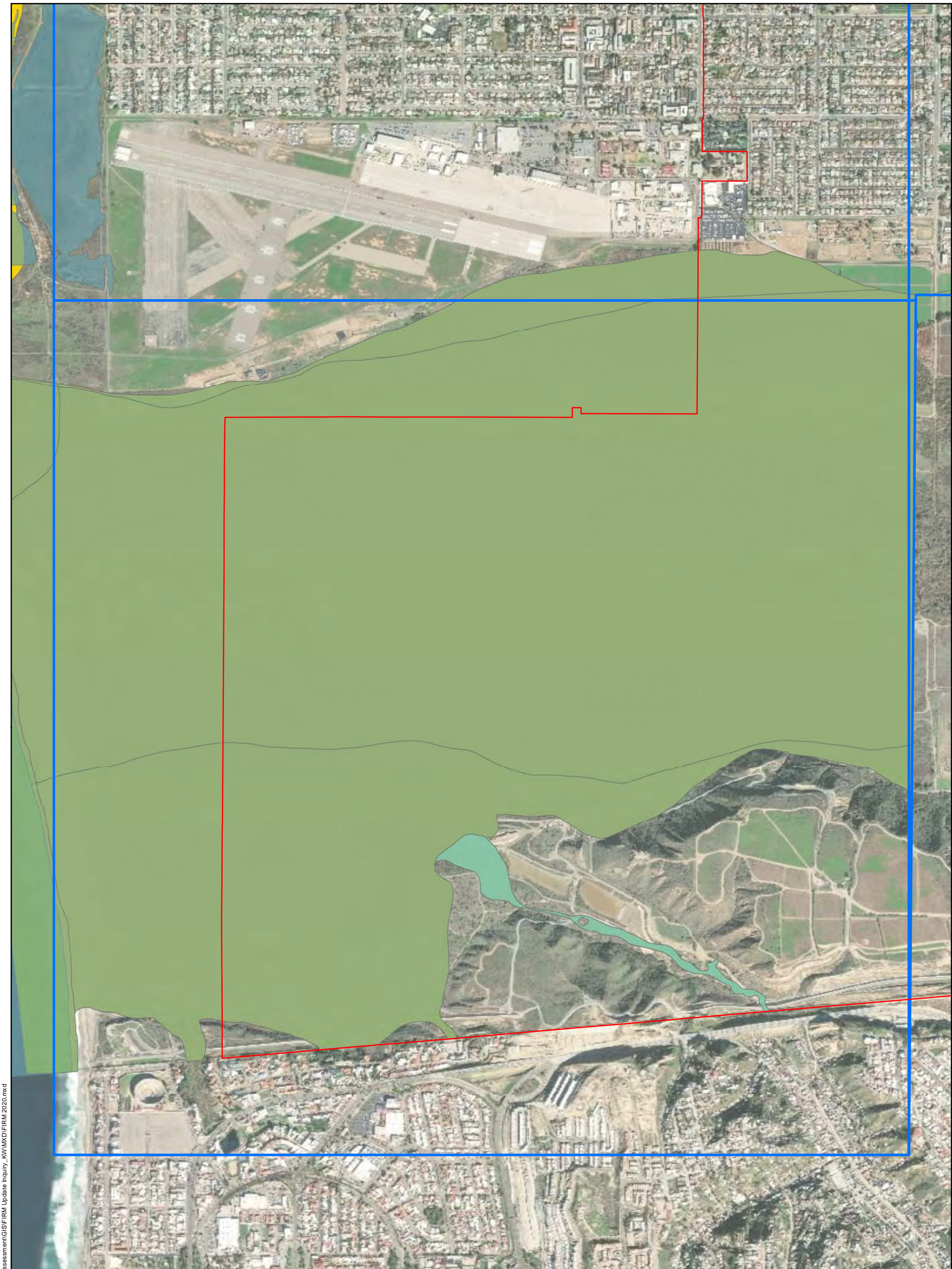
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