



Downtown Community Planning Council San Diego

CHAIRPERSON'S REPORT

LAND DEVELOPMENT CODE 12TH UPDATE
AD HOC COMMITTEE MEETING
OF THE
DOWNTOWN COMMUNITY PLANNING COUNCIL

WEDNESDAY SEPTEMBER 19, 2018
4:00 PM

CIVIC SAN DIEGO
401 B STREET, SUITE 400
SAN DIEGO, CA

1. Roll Call at 4:00pm. DCPC Members in Attendance: Nancy Wilson Ramon, Cindy Blair, Pat Stark, Paul Pensabene Kay di Francesca, Caroline Perry & Claudia Escala. Also joined the meeting Gary Smith (Downtown Residents Group) and Civic San Diego Staff Brad Richter, James Alexander, Nicole Pare and William Chopyk.
2. **Item for discussion:**
 - Land Development Code 12th Update – Brad Richter, Civic San Diego

The Land Development Code 12th Update Ad Hoc committee reviewed the DRAFT Issue Matrix – 2018 Comprehensive Code Update to the LDC (12th Update) dated September 5, 2018. The group reviewed item by item with the assistance of Brad Richter to determine which items were relevant or not to downtown. The attached document with corresponding legend highlights how each item in the matrix was categorized during the meeting. The group decided that the next meeting should be a focused discussion on the items of most priority and importance to the DCPC Board.

Meeting adjourned at 5:25 PM

Attachment: DRAFT Issue Matrix – 2018 Comprehensive Code Update to the LDC (12th Update) highlighted and annotated

DRAFT Issue Matrix – 2018 COMPREHENSIVE CODE UPDATE TO THE LDC (12th Update)

Following is a summary of the 102 amendments organized into Permit Process Types, Zoning, Parking, Landscaping and Minor Corrections categories. Within each category the amendments are listed in order of the associated code sections to be amended.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
Permit Process Amendments: The following amendments 58 are proposed to improve the permit process, clarify the requirements for various public notice types, address inconsistencies in the regulations, and clarify the regulations applicable to various use types.			
1	Regulatory Reform	126.0501	Exemption from Site Development Permit- Anne Jarque/Christine Rothman Exclude Concrete-lined channels as development, and therefore exempt from an SDP. <i>Request from C. Rothman to remove item.</i>
2	Regulatory Reform	126.0111(i) 125.0124(f)	Appeal Fees – Brad Richer Increase appeal fees from \$100 to \$1,000 for Extensions of Time & Map Waiver appeals consistent with approved City Council appeal fees. <i>Support the increase in fees for all appeals. Information presented to council supports the increase for other appeals.</i>
3	Regulatory Reform	112.0504(a)(3)	Appeals – Brad Richer The four grounds of appeal need to be further tightened. The intent is not to allow an appeal just because a party disagrees with a decision. <i>Support/discuss with City Attorney</i>
4	Regulatory Reform	112.0603(b)	Process CIP- Two Appeal Hearing- PJ FitzGerald Change the requirement to file an appeal from 12 business days to 10 business days, consistent with the other appeals recently reduced. <i>Support</i>
5	Regulatory Reform	113.0234(b)(4)(B)	Calculating Gross Floor Area- Mark Bucon Propose that Gross Floor Area includes attic space where more than 6'-8" of vertical distance is between attic floor and ceiling in single family homes that are 2,500 square feet or less. <i>Discussion item</i>
6	Regulatory Reform	123.0203	Appeal From Historical Resources Board Decision- Michelle Sokolowski/Sonnier Francisco/Sarah Jarman CD7 Include the following language: The appellant(s) may withdraw an appeal at any time prior to the commencement of the appeal hearing before the City Council and appeal must be filled within 10 days; consistent with Process Two appeals recently modified. <i>Support</i>

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No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
7	Regulatory Reform	44.0408	Apiaries – Gregory Godwin Clarify where apiaries can be located including distance from property line, setbacks, height and openings. Follow it to see how it gets written as it may allow apiaries in downtown. Discussion Item/look at other similar uses
8	Regulatory Reform	113.0273 129.0104 (b)(5)	Measuring Visibility Areas – Matthew Boomhower Modify visibility areas at the intersection of a street and driveway to a standard measurement of 10'X10' measured from back side of the curb. Construction Permits – Dan Wery Providing more space and visibility, and shorter crossing distances for pedestrians is much preferred and more effective than unnecessarily and arbitrarily clearing buildings, landscaping, street trees, etc. from a triangle that has nothing to do with actual sight lines. Discussion Item/requirement should not be in LDC, should be in Street Design Manual. Consolidated with item 11 May not always result in good design. Could there be a modified version for downtown?
9	Regulatory Reform	112.0503	Process Two – David Moty Due to streamlining of permits to now require Process 2 decisions, require that Notice of Future Decision must be received no later than 30 calendar days (currently 10 business days) and Decision cannot be made less than 31 calendar days (currently 11 business days) to give community planning groups more time to review and allow sufficient time to get on their agenda. Cannot support/defeats streamlining. CPGs have appeal rights if the application does not get a recommendation & can call for special meetings.
10	Regulatory Reform	113.0264 113.0267	Determining Street Wall & Determining Street Wall Line - John Ziebarth Street wall includes lengths of wall perpendicular to the street rather than parallel to the street which discourages articulation of buildings and affects landscape calculations. Discussion item
11	Regulatory Reform	113.0273	Measuring Visibility Areas – Matthew Boomhower Modify visibility areas at the intersection of a street and driveway to a standard measurement of 10'X10' measured from back side of the curb. Issue consolidated with item 8
12	Regulatory Reform	141.1105	Signs with automatic changing copy for EV Stations - Courtney Rahn-Warner Allow EV stations on private property to be exempt from advertising as it helps with the City's CAP goal. The service would be free to the city and the user. Discussion item/Comprehensive Sign Update not currently in work program. Premise advertising not allowed. Should further discuss.

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No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
13	Regulatory Reform	141.0302	<p>Companion Units – Sheri Carr/C. Neuffer</p> <ul style="list-style-type: none"> Add requirement that record owner must reside on the property when the site is within the Parking Impact Overlay Zone. Confirm compliance with State Regulations Allow two story structures to encroach in setbacks Clarify if CUs can encroach into street side yard setbacks Exemption for ADUs in Coastal <p>Discussion item</p>
14	Regulatory Reform	126.0503 126.0505 143.0402 Table 143-04A 143.0915 143.0920	<p>When Supplemental Neighborhood Development Permit Regulations Apply for Affordable Housing, In-Fill Projects, and Sustainable Buildings – Joseph Stanco /Raynard Abalos</p> <ul style="list-style-type: none"> Reference NDP findings and SDP findings only for supplemental. <p>(a) <i>Development</i> that proposes deviations from applicable Land Development Code regulations, provided that the <i>findings</i> in Section 126.0505(a) 126.0404(a), the supplemental findings in Section 126.0404(f) and all applicable the supplemental <i>findings</i> in Section 126.0505(b) through (n) are made.</p> <ul style="list-style-type: none"> Clarify language in several sections <p>Support</p>
15	Regulatory Reform	125.0710	<p>When a Parcel Shall Be Merged- Jon Linny (Peninsula Community Planning Board Chair)</p> <p>Allow lot consolidation for lots/parcels that do not conform to the development standards if they have common ownership.</p> <p>Already allowed/training Issue</p>
16	Regulatory Reform	131.0522 131.0622 141.0620	<p>Recycling Centers (Commercial Use Category) in Industrial Zones- Linda Greenberg</p> <p>Remove the use permit requirement in industrial zones to facilitate implementation of the City's zero waste (waste management) strategy in accordance with the Climate Action Plan. The Climate Action Plan has a goal of zero waste. However, the City of San Diego Industrial Base Zones do not permit recycling by right in any industrial zone in the City, including areas identified as "Recycling Market Development Zones". If a recycling business wishes to establish in the City, they need a Conditional Use Permit or Neighborhood Use Permit, which is a substantial disincentive to anyone seeking to establish a business to help City meet its recycling goals.</p> <p>Discussion item Industrial zone downtown is located across from Harbor Dr.</p>

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No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
17	Regulatory Reform	131.0643	<p>Facilitate Manufacturing Development in Industrial Zones- Russ Gibbon Amend the setback requirement in industrial zones to clarify that concrete pads, removable equipment, and certain containers (i.e. silos, tanks, generators, chillers, cooling towers, air conditioners, and boilers) may be located within side and rear yard setbacks. <i>Cannot support/no changes to original 11th update proposal</i></p>
18	Regulatory Reform	144.0240	<p>Street Light Improvements- Luis Schultz Amend the code to clarify that residential subdivision of three dwelling units or less are exempt from the subdivision requirement to install a new street light. In the past staff has left it up to the decision maker as to whether to keep the condition in for a street light or to remove it based on the applicants pleading. It is an issue of proportionality and seems unreasonable to require an applicant for a two or three unit condo map to pay 100-200k to put in a new street light. <i>Per the City Attorney's office, leave as discussion item</i></p>

Different standards for downtown

DRAFT Issue Matrix – 2018 COMPREHENSIVE CODE UPDATE TO THE LDC (12th Update)

September 5, 2018

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
19	Regulatory Reform	113.0225(c) Article 2: Division 13: Marijuana Regulations Article 2: Health Regulated Businesses and Activities Division 15: Marijuana Outlets, Marijuana Production Facilities, and Transportation of Marijuana 141.0504 141.1004	<p>Marijuana Outlets and Production Facilities- Councilmember Cate Change Marijuana to Cannabis throughout the municipal code. Add regulations for billboard advertising that apply to both licensed and unlicensed businesses, including enforcement regulations that include infractions and misdemeanors. Discussion item/ Comprehensive Sign Update not currently in work program. Compliance with state regulations.</p> <p>Modify language- Gary Geiler Change Marijuana outlets and Production Facilities “shall maintain” a 1,000-foot distance to sensitive receptors to “shall be prohibited,” consistent with Alcohol Outlets. Also clarify that distance applied to only City of San Diego Boundaries.</p> <p>Clarify - Marijuana production facilities shall maintain the following minimum separation between uses, as measured between property lines: 100 feet from a residential zoned <u>property</u>. Support</p> <p>Measuring Distance Between Uses - Gina Austin Change distance requirement to direct physical access between uses. Remove barrier language as staff, hearing officer and commissioners are interpreting differently. Discussion item</p> <p>Marijuana Production Facilities- Marcela Eck-Escobar Remove distance requirements as these facilities are in industrial zones and no other use has the same requirement. Cannot support</p>
20	Regulatory Reform	131.0606	<p>Auto Auction (Use Category for Outdoor Storage & Display-Separately Regulated Vehicle) in the International Business and Trade Zones- Rob Hixson (Otay Mesa Community Planning Group) Allow (as a permitted use) auto auctions in the IBT-1-1 zone under the use category for Outdoor Storage & Display. Discussion item. Can support if consistent with the Community & General Plan</p>
21	Regulatory Reform	132.1402(b) Table 132-14B	<p>Where the Community Plan Implementation Overlay Zone Applies- Laura Black In CPIOZ “Type B” reduce process from SDP Process 3 to a NDP Process 2, not just for Affordable/In-fill/Sustainable. Support</p>

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No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
22	Regulatory Reform	159.0211 Table 159.02A	Uses Permitted with a Special Permit (Hotel/Motel/Timeshares) – Gary Geiler Remove Finding (d)(3) to allow hotels/motels within Zones 1-4. Support
23	Regulatory Reform	143.0126 Table 143-01A	Procedures for Emergency Authorization to Environmentally Sensitive Lands – Helene Deisher/ Carrie Purcell Emergency City capital improvement programs projects that result in permanent impacts to environmentally sensitive lands require a Site Development Permit to be submitted to Development Services Department within 180 days. Modify to apply to all City Projects including maintenance projects. Reduce process for the following for City Projects: <ul style="list-style-type: none"> • Projects that meet ESL regulations- Change from Process 2 to 1 (still require CEQA analysis) • ESL deviations- Change from Process 5 to 2 • Eliminate Process 5 for CIP projects Discussion Item/additional Information needed
24	Regulatory Reform	131.0446 Table 131-04J	Maximum Floor Area Ratio in Residential Zone – Bill Metz Modify Floor Area Ratio requirement to 100 SF increments of lot area as opposed to 1,000SF. Discussion item. When rounding a unit may be lost Brad will further review code section
25	Regulatory Reform	113.0234(b)(5)	Calculating Gross Floor Area – Bill Metz Guardrails on roof decks allow 36" and an additional 6" (to account for deck slopes) up to 42" before the FAR is calculated. The CBC now requires a 42" guard. Change requirement to 48" when enclosing a deck. Discussion item
26	Regulatory Reform	131.0461	Architectural Projections and Encroachments in Residential Zones – Bill Metz Modify language to allow building appurtenances, building mass or enclosed spaces within the angled building envelope subject to max width, number of encroachments & space between encroachments. Discussion item

City of San Diego Engineering Dept interpreting that habitable space not allowed to project over ROW
Clvic SD added clarification to avoid bathrooms and kitchens over the ROW but interpreted that livable space was allowed.

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No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
27	Regulatory Reform	131.0112(a)(8) 131.0622	<p>Descriptions of Use Categories and Subcategories -Russ Gibbon Modify the Vehicle and Vehicular Equipment Sales and Services Use Category</p> <p>Use Regulations Table for Industrial Zones Add Trucking and Transportation Terminals as a Permitted Use in the IL-2-1 zone and amend the Vehicular Use Category</p> <p>Discussion item. Consolidated with item 38. Look at CPIOZ, consolidating uses, visual impacts, separately regulated uses, is it appropriate in IL-2-1 citywide (Lead Raynard/Russ/Landscape staff)</p>
28	Regulatory Reform	131.0531 Table 131-05D Table 131-05E 131.05439(a)(2) 131.0631 Table 131-06C	<p>Purpose of CC Zones - John Ziebarth Inconsistency in residential use in CC zones and tables.</p> <p>Development Regulations Tables for Commercial Zones Correct table to be consistent with use. Lot coverage should be eliminated. Currently 35% required in CV & CC 2-5. Parking controls lot coverage also discourages patios & gathering space. Setback applies to 70% of street frontage. Not enough room to provide required parking.</p> <p>Discussion item. Consolidate with item 38.</p>
29	Regulatory Reform	131.0550(a) & (b)	<p>Pedestrian Paths- John Ziebarth The current requirement provides more pedestrian access than required for ADA. Propose that this requirement apply to larger lots.</p> <p>Discussion item</p>
30	Regulatory Reform	113.0270(a)(2)(A) Table 1130-02kk	<p>Measuring Structure Height (Plumb Line) -CA Marengo Clarify that when a basement has soil on 3 sides that an imaginary plane can be used to not count towards plumb line measurement. Add an alternate section and plan diagram for that scenario including light wells and other similar scenarios.</p> <p>Discussion item/support adding diagram. (Lead CA/Raynard)</p>
31	Regulatory Reform	129.0218	<p>Expiration of a Building Permit - CA Marengo Building permits for 1 & 2 residential structures expires in two years. Add language that allows permit extensions for difficult builds.</p> <p>Discussion item/get update from Afsaneh. Suggest adding to Newsletter.</p>
32	Regulatory Reform	142.0101 142.0130	<p>Archeological Resources Monitoring Requirements - TAC Process Subcommittee Create Arche significance thresholds and mitigation like the Paleo included in the 11th Update.</p> <p>This item will be included in the CEQA thresholds update</p>

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No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
33	Regulatory Reform	142.0540(a)	Exception to Parking Regulations for Nonresidential Uses – Gilman Bishop Increase the small lot commercial parking exemption from 10,000 to 11,000. There are many commercial lots just over 10,000 that cannot utilize the exception that would be good redevelopment projects. <i>Discussion item/need examples. 11K arbitrary, 10.5 makes more sense based on lots sizes. Consolidated with item 62.</i>
34	Regulatory Reform	144.0211(a)	Lot Design Requirements for Tentative Maps – Edd Alberto Lots usable by vehicular traffic require a 15' wide access street. Change to 20' to service two-way traffic. <i>Discussion item/need more information. Concern-change in community character.</i>
35	Regulatory Reform	131.0622 All URT's 141.0803	Large Commercial Vehicle Storage - Russ Gibbon Draft regulations to permit the use as a Limited Use, subject to certain regulations, in the Light Industrial, Heavy Industrial, and International Business & Trade industrial base zones. The proposed regulations would mirror those historically included in discretionary permits. These uses are most common in Otay Mesa. <i>Consolidated with item 27</i>
36	Regulatory Reform	123.0606 141.0612	Expiration of a Mobile Food Truck Permit – Russ Gibbon Propose minor changes (allowing signs/tables/chairs) including extending permit to 5 years and distance requirements. This change will help support the industry and reduce permit processing that burdens small businesses. <i>Discussion item/support extending permit. Need to vet impacts to businesses/conduct outreach (Lead Russ/Curtis)</i>
37	Regulatory Reform	126.0112	Minor Modifications to a Development Permit – Russ Gibbon Sorrento Mesa development permits require minimum parking ratios in conflict with airport safety requirements, limiting development intensity. Propose changing the code to enforce only the current (typically lower) minimum parking requirements within industrial zones, without requiring any amendment to the development permit or requirement to obtain a determination of substantial conformance. <i>Discussion item (Lead Raynard/Russ/CA/John Z/Neil)</i>
38	Regulatory Reform	131.05439(a)(2)	Setback Requirements for Commercial Zones – John Ziebarth Setback applies to 70% of street frontage. Not enough room to provide required parking. <i>Consolidated with item 28</i>
39	Regulatory Reform	141.0502(a)(2)	Alcoholic Beverage Outlets – John Ziebarth Change the 15K SF limit as more stores are moving into smaller locations. <i>Cannot support</i>

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No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
40	Regulatory Reform	142.0611(c)	Exemptions from Requirement to Provide Public Improvements Incidental to a Building Permit- John Ziebarth The 100K requirement is in violation of the Nolan & Dolan Supreme Court case. <i>Discussion item/tie to Title 24 index</i>
41	Regulatory Reform	156.0304	City Facilities/Substantial Conformance- Brad Richter, Civic SD Exempt City facilities from meeting development standards such as minimum FAR's, street walls, etc. and eliminate need for development permit except for coastal development permits and site development permits for historical resources. <i>Support</i> Allow for a small increase in FAR and residential density through a Substantial Conformance review (Bulletin 500 precludes this) for Downtown as density is regulated only by FAR and bonuses are available. <i>Policy issue/Revise bulletin</i>
42	Regulatory Reform	156.0307(a) and (b) Table 156-0308-B	Requirements for Active Commercial Uses – Brad Richter, Civic SD Reduce land use districts with active commercial use requirements; allow commercial uses on commercial streets (eliminate <i>active</i> commercial use requirement) <i>Support</i>
43	Regulatory Reform	156.0307(a) Figure B	Centre City Base Zones – Brad Richter, Civic SD Eliminate Waterfront Marine, Convention Center/Visitor, Public Facilities zones as first two are not within City's jurisdiction and third is not necessary <i>Support</i>
44	Regulatory Reform	156.0308(b)	Requirements for Previously Conforming Uses – Brad Richter, Civic SD In Residential Emphasis zone, allow conversion and expansion of existing commercial use to any commercial use permitted in the zone <i>Support</i>
45	Regulatory Reform	156.0309(a)	Minimum FAR – Brad Richter, Civic SD Note minimum FARs don't apply in Lindbergh Field Safety Zones <i>Support</i>
46	Regulatory Reform	156.0309(e)(1); Table 156.0309-B	Affordable Housing FAR Bonus – Brad Richter, Civic SD Eliminate separate Centre City bonus calculations, clarify density bonus = FAR bonus Downtown <i>Support</i>
47	Regulatory Reform	156.0309(e)(2)	Public Open Space FAR Bonus – Brad Richter, Civic SD Revise hours open space must be open to public from 6-10 to 7-8 <i>Support</i>
48	Regulatory Reform	156.0309(e)(3); Table 156.0309-B	Three-Bedroom FAR Bonus – Brad Richter, Civic SD Enlarge maximum size from 1,300 to 1,500 SF; increase bonus from max 1.0 to 2.0 FAR <i>Support</i>
49	Regulatory Reform	156.0309(e)(6)	Public Parking FAR Bonus - Brad Richter, Civic SD Revise to only allow bonus for below-grade parking (above grade already exempted from FAR calculations) <i>Support</i>

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No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
50	Regulatory Reform	156.0314(4)	Ballpark District Signs - Brad Richter, Civic SD Reduce process level from 5 to 3 for comprehensive sign plans directly north of Petco Park and from 3 to 2 for all others within the district Support
51	Regulatory Reform	156.0315(f)	Living Unit Standards - Brad Richter, Civic SD Clarify that certain standards such as guest parking, personal storage, don't apply to living unit development. Eliminate requirement for living unit projects to be restricted to 80% AMI Support
52	Regulatory Reform	156.0310(1)(F); Table 156.0310-B	View Corridors - Brad Richter, Civic SD Reduce the extent of view corridor setbacks on certain streets that were extended in 2006 as they do not result in enhanced views due to existing developments Support
53	Regulatory Reform	143.0717	Required Replacement of Affordable Units - Justine Nielsen Allow applicants to convert restricted for-rent units to restricted for-sale units when providing on-site affordable units during the 55-year affordability restriction term period. Provides additional flexibility for developers and will incentivize the provision of on-site affordable units. Discussion item/need flexibility with Housing Commission (Lead Renee/Matt A)
54	Regulatory Reform	Article 2, Division 14 Table 132-14B	Community Plan Implementation Overlay Zone - Sarah Jarman, CD7 This item was included in the 11 th Update. <ul style="list-style-type: none"> Development projects that include onsite affordable housing are exempt from the CPIOZ regulations. It was not a problem for Uptown/North Park but a problem in other communities if exempt from CPIOZ. Determine what areas should be exempt. Discussion item/have Sarah provide examples
55	Regulatory Reform	129.0710 131.0622	How to apply for a Public Right-of-Way Permit – Sarah Jarman, CD7 Allow Placemaking in the Light Industrial zone
56	Regulatory Reform	123.0203	Appeal from Historic Resources Board Decision - Sarah Jarman, CD7 Allow appeals of involuntary designations to be appealed de novo, allowing a new trial on the designation to the City Council Planning/Historic processing separately
57	Regulatory Reform	113.0246(a)	Determining Property Lines - Mark Bucon The front property line separates a lot from the public right-of-way or private street. On corner lots, the front property line lies along the narrowest street frontage, as shown in Diagram 113-02Z. Should not apply to CUs. This is a CU setback issue. Consolidate with item 13.

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58	Regulatory Reform	113.0103 127.0302	When Previously Conforming Advertising Display Sign Procedures Apply Civic SD Add Community Event Advertising definition and allow in the CC, Marina & Gaslamp PDOs with a permit. Support Need to develop parameters
Parking: The following 6 items propose changes to parking requirements.			
59	Regulatory Reform	142.0545 142.0545(b)	Shared Parking Requirements – Lara Gates/John Ziebarth Existing regulations are too restrictive. Amend regulations to provide more flexibility. Parking standard for commercial uses with dining should be simplified: Less than 10% = 4 spaces per 1,000 SF Less than 20% = 4.3 spaces per 1,000 SF Discussion item
60	Regulatory Reform	131.0556	Parking Lot Orientation - John Ziebarth In all zones where the parking lot orientation regulation applies, as indicated in Table 131-05D or 131-05E, proposed development with greater than 50,000 <u>100,000</u> square feet of gross floor area and more than one street frontage shall locate no more than 50 percent of the vehicular use area between the longest street frontage providing public access to the premises and a building or buildings. (Changed as part of North Park CPU) Discussion item
61	Clarification	142.0530	Nonresidential Uses – Parking – Russ Gibbon The parking regulations do not specify whether an accessory use requires the same parking ratio as its related primary use. The intent of the code change is to clarify that accessory uses require the same parking requirements as the functionally-related primary use, rather than treating the accessory use as a separate Permitted Use. Discussion item
62	Regulatory Reform	156.0313(d)	Parking Standards - Brad Richter, Civic SD/Justine Nielsen Increase small lot size for 50% reduction from 5 to 10,000SF Consolidated with item 33.
63	Regulatory Reform	142.0545	Student Housing Parking – Sarah Jarman, CD7 Adopt a new student housing parking rate as proposed by Marcela in the 11 th update. Currently, the standard multiple dwelling unit ratio based on the number of bedrooms is applied. Cannot support

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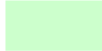
No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
64	Clarification	142.0560(h)(1)	<p>Development and Design Regulations for Parking Facilities- ASLA SD</p> <p>(h)(1) All parking spaces, parking areas, loading areas, and driveways shall be surfaced with asphaltic concrete at least 2 inches in depth or its equivalent as determined by the City Manager according to accepted engineering practices, except that vehicles and equipment permitted to be stored in accordance with Chapter 14, Article 2, Division 11 (Outdoor Storage, Display, and Activity Regulations), may be placed on a permeable surface. Surfacing shall be placed on a suitable compacted and prepared base.</p> <ul style="list-style-type: none"> • Alternate surfaces should be considered.
<p>Landscaping: The following 13 items clarify how various things are defined or measured in the Land Development Code.</p>			
65	Regulatory Reform	142.0409	<p>Street Trees- David Moty</p> <p>Street tree regulations should include the requirement to have trees near bus stops.</p>
66	Clarification	142.0412	<p>Brush Management Zone 2- Doug Logan</p> <p>Underground cistern considered a structure and not allowed in Zone Two (considered ESL). Clarify in code or allow.</p>
67	Regulatory Reform	142.0402, table 142-04A; 142.0404, Table 142-04C; 142.0405(b)	<p>When Landscape Regulations Apply- DSD Landscape Staff</p> <p>Establish landscape area and point requirements for high-density residential development and residential components of mixed-use developments.</p>
68	Clarification	142.0407(d)	<p>Additional Vehicular Use Area Requirements- DSD Landscape Staff</p> <p>cross-reference to section 142.0560(h)(5) for planting areas adjacent to parking spaces overhanging a raised curb or wheel stop.</p>
69	Clarification	143.0111(b)	<p>Limited Exceptions from Environmentally Sensitive Lands Regulations -DSD Landscape Staff</p> <p>Clarify that Zone Two Brush management is exempt from all steep hillside development regulations; reword text to be consistent with other subsections</p>
70	Clarification	143.0121(a)(3)	<p>Development Regulations for Sensitive Biological Resources -DSD Landscape Staff</p> <p>Clarify that areas designated for habitat mitigation cannot be used for Zone Two Brush Management, consistent with section IIIB(1)(c), Mitigation Methods, of the Biology Guidelines (pg 40).</p>

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71	Regulatory Reform	142.0410	Previously Conforming Properties Landscape Requirements – Russ Gibbon Add a hardship exemption for small improvement projects that are \$100K or less, consistent with Public Improvements Incidental to a bld Permit approved in the 11 th Update. The intent is to encourage small businesses to invest in older areas of the City by providing a reasonable exemption for costly landscape requirements such as the installation of street trees.
72	Clarification	142.0403(c)(3)(D) Table 142-04A	General Planting & Irrigating Requirements - ASLA SD (c)(3)(D) An approved rain sensor shutoff device is required for all systems. and a moisture-sensing device that regulates the irrigation system for all lawn areas is required. <ul style="list-style-type: none"> Model Water Efficient Landscape Ordinance (MWELO) requires weather based “smart” controller. See §142.0413(h)(5)(A)
73	Regulatory Reform	142.0405(b)(1)(A) 142.0405(b)(1)(B) 142.0405(c)(d)	Additional Yard Planning Area and Point Requirements -ASLA SD (b)(1)(A) Additional residential yard requirements: (1) Street Yard (A) A minimum separation of 5 feet shall be maintained between driveway edges located in the street yard. <ul style="list-style-type: none"> Perhaps better suited for the Streetscape Design Manual. (b)(1)(B) Up to 10 percent of the required street yard planting area located outside the vehicular use area for multiple dwelling unit residential development may consist of <u>enhanced</u> hardscape or unattached unit pavers. <ul style="list-style-type: none"> Hardscape or attached unit pavers is redundant. (c) & (d) Extraordinarily convoluted, should be simplified.
74	Clarification	142.0407(e)	Additional Vehicular Use Area Requirement -ASLA SD (e) Solar mounted shade structures located above parking spaces within vehicular use areas shall cover a minimum of 50 percent of the exposed parking space. In-lieu of required shade trees? And does this only apply to “solar” mounted shade structures? Table 142-04F Less than 4:1 (4 horizontal feet to 1 vertical foot) Automatic, above grade, temporary irrigation system Native or naturalized hydroseed mix 4:1 or greater with a slope height of 15 feet or less Automatic, above grade, temporary irrigation system Native or naturalized ground cover consisting of rooted cuttings or hydroseed mix - The first two items suggest the same thing, perhaps simplify.

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No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
75	Clarification	142.0412(g)(1) 142.0412(h) (2) 14.0412(h)(3) 142.0412(h)(5)(C)	<p>Brush Management -ASLA SD</p> <p>(g)(1) The required Zone One width shall be provided between native or naturalized vegetation and any structure and shall be measured from the exterior of the structure to the vegetation.</p> <ul style="list-style-type: none"> Overhangs? "to the vegetation" is vague. Consider "to the outer edge of Zone 1". <p>(h)(2) No structures shall be constructed in Zone Two.</p> <ul style="list-style-type: none"> There may be some situations where structures are required or necessary, this is too restrictive. <p>(h)(3) Within Zone Two, 50 percent of the plants over 24 inches in height shall be cut and cleared to a height of 6 inches.</p> <ul style="list-style-type: none"> More clarity on how things are cleared is advisable. <p>(h)(5)(C) All new Zone Two plantings shall <u>be</u> irrigated temporarily until established to the satisfaction of the City Manager. Only low flow, low-gallonage spray heads may be used in Zone Two. Overspray and runoff from the irrigation shall not drift or flow into adjacent areas of native or naturalized vegetation. Temporary irrigation systems shall be removed upon approved establishment of the plantings. Permanent irrigation is not allowed in Zone Two.</p> <ul style="list-style-type: none"> Is drip acceptable?
76	Clarification	142.0412(g)(2)	<p>Brush Management – Jeannette Deangelis</p> <p>Zone One shall contain no habitable <i>structures</i>, <i>structures</i> that are directly attached to habitable <i>structures</i>, or other combustible construction that provides a means for transmitting fire to the habitable <i>structures</i>. <i>Structures</i> such as <i>fences</i>, walls, palapas, play structures, and non-habitable gazebos that are located within brush management Zone One shall be of noncombustible, one hour fire-rated or Type IV or heavy timber construction as defined in the California Building Code.</p>



77	Clarification	<p>142.0413(b)(1) 142.0413(b)(2) 142.0413(c) & (c)(1) 142.0413(e)(1) 142.0413(h)(4)(A) &F</p>	<p><u>Water Conservation</u> - ASLA SD</p> <p>(b)(1) Lawn areas shall not exceed 10 percent of the landscape area on a premises, excluding required common areas, active recreation areas, and areas located within the public right-of-way between the curb and public sidewalk. This restriction does not apply to single dwelling units.</p> <ul style="list-style-type: none"> • Not a part of the State Water Conservation Ordinance but grass should not be used in the public ROW. • Remove the “s” in premises. <p>(b)(2) Lawn areas bounded by impervious surfaces on two or more sides must have minimum dimensions of 8 feet in all directions unless subsurface or low volume irrigation is used.</p> <ul style="list-style-type: none"> • 10 feet per version 2015 MWEL0. <p>143.0413(c) Suggest adding per MWEL0: Flow sensors that detect and report high flow conditions due to broken pipes and/or popped sprinkler heads are required for landscape areas greater than 5000 sq. ft.</p> <p>(c) Mulch Requirements. All required planting areas and all exposed soil areas without vegetation shall be covered with mulch to a minimum depth of 3 inches, excluding slopes.</p> <ul style="list-style-type: none"> • City staff is requiring organic mulch, not in favor of this but should be addressed specifically. <p>(c)(1) All new development with a landscape area of 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).</p> <ul style="list-style-type: none"> • The size threshold for existing landscapes that are being rehabilitated has not changed, remaining at 2500 sq. ft. Only rehabilitated landscapes that are associated with a building or landscape permit, plan check, or design review are subject to the Ordinance. <p>(e)(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.</p> <ul style="list-style-type: none"> • MWEL0 requires meter/submeter for residential landscapes over 5000 SF.
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No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
			<p>(h)(4)(A) Turf is not permitted for non-residential development or in parkways less than 10 feet wide, unless the parkway is adjacent to a parking strip and used to enter and exit vehicles and is irrigated by subsurface irrigation (or equivalent system that creates no overspray or runoff).</p> <ul style="list-style-type: none"> Not a part of the Model Water Efficient Landscape Ordinance (MWELo) but grass should not be used in the public ROW. <p>(h)(4)(F) Includes a private submeter for any non-residential development landscape areas that are 1,000 square feet or more in size.</p> <ul style="list-style-type: none"> Redundant information - consider removal.
Minor Corrections: The following 25 items would fix typos, punctuation and formatting errors, incorrect terms, and incorrect section references.			
78	Clarification	1513.0307	Eaves in Mission Beach – Debbie Watkins (Mission Beach Community Planning Group) Clarify that an eave is part of the roof that projects over the building façade.
79	Clarification	113.0103	Definitions – Alyssa Muto <i>Excavation</i> means the act, process, or result of earthen material or substance being removed, cut into, dug, <u>trenched</u> , quarried, uncovered, displaced, or relocated. No change proposed <i>Grading</i> means any earthwork that involves <i>grubbing</i> , excavating <i>excavation</i> , embanking, or filling.
80	Clarification	141.0305	Fraternity Houses, Sorority Houses, and Student Dormitories - Chris Elsey Clarify that the facility does not need to be recognized by the educational institution when located on private property. Cannot support
81	Clarification	129.0710(a)	How to Apply for a Public Right-of-Way Permit - Chris Larson Clarify that Community Entry Signs are a Process One approval consistent with the separately regulated sign regulations (SDMC 141.1101) Support
82	Clarification	141.0307(i)(2)	Guest Quarters or Habitable Accessory Buildings – Gary Geiler Existing language restricts conversion of Companion Units. Before a Building Permit is issued for a guest quarters or habitable accessory building, the record owner shall submit a signed agreement with the City that specifies that the guest quarters or habitable accessory building shall not be used as, or converted to, a companion unit or any other dwelling unit. The agreement shall include stipulation stipulates that neither the primary dwelling unit nor the guest quarters or habitable accessory building shall be sold or conveyed separately. The City will provide the agreement to the County Recorder for recordation. Support

Reversed

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No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
83	Clarification	131.0507(b)(2)	Purpose of the CC (Commercial--Community) Zones - Gilman Bishop Clarify the Mixed-Use or Multi-Use Requirement. Residential development is permitted only when a commercial structure exists on the premises or is a part of the proposed development. Requested language already exists in section 131.0540(b).
84	Incorrect Section	126.0704(i)	Exemption from a Coastal Development Permit – Kelly Eisenstein (i) Any improvement to a <i>single dwelling unit</i> that constitutes part of a “single-family residential building” as defined in California Administrative Code, Title 14, section 13250(a) and that does not require a coastal development permit pursuant to California Administrative Code of Regulations, Title 2414, section 13250(b). Support
85	Clarification	142.0910	Mechanical and Utility Equipment Screening Regulations – John Ziebarth (a) Except when located in the RE, RS, RX, and RT zones, the following equipment and appurtenances shall be contained within a completely enclosed structure that is screened to be architecturally integrated with the primary building on the premises: (8) Other similar appurtenances The top and sides of the enclosing structure may include grillwork, louvers, and lattice work. Support
86	Clarification	129.0504(b)	How to apply for a demolition/Removal Permit – Deanna Walker (b) The Building Official may waive the Demolition/Removal Permit fees, and bond, public liability, and damage insurance fees for demolition of a structure..... Support
87	Incorrect Reference	143.0302 Table 143-03A	When Supplemental Neighborhood Development Permit and Site Development Permit Regulations Apply - Kristal Feilen Remove reference to consolidated lots in Table 126.05A Support
88	Clarification	131.0112(a)(3)(E)	Description of Use Categories and Subcategories – David Saborio Shopkeeper Unit should be added to residential use. <i>Shopkeeper Unit</i> - <i>Shopkeeper Unit</i> has the same meaning as in San Diego Municipal Code Section 113.0103. Support
89	Clarification	142.1235(a)	Roof Signs in Commercial and Industrial Zones - John Ziebarth One roof sign shall be permitted per premises. A Roof signs are is permitted only in lieu of permissible ground or projecting signs. Roof signs may be located only on premises with accessible street frontage. Roof signs are not permitted on buildings with high-rise building identification wall signs as described in Section 142.1250. Support

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No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
90	Clarification	143.0740	Incentives in Exchange for Affordable Housing Dwelling Units - DSD Planning Staff Clarify that a deviation includes the specific development regulation, such as height. Height can have more than one height requirement, however would only be one deviation.
91	Consistent with State Law	143.0720(j)	Density Bonus in Exchange for Affordable Housing Units - CUT State mandate, applicant not required to use the density bonus. <u>(j) For purposes of this Division <i>density</i> bonus means an increase in density in accordance with Tables 143-07A, 143-07B, and 143-07C beyond the otherwise maximum allowable <i>density</i>; or, if elected by the applicant, a lesser percentage of <i>density</i> or no increase in <i>density</i>.</u>
92	Clarification	131.0622 Table 131-06B	Trucking & Transportation Terminals – Russ Gibbon This use was determined to be a permitted use in light industrial and heavy industrial zones. The Zoning Code Update (effective 1/1/2000) erroneously did not show the use as permitted use in the then new IL-2-1 zone which replaced the old M-1B zone. These effectively made several existing Trucking & Transportation Terminals previously conforming in the IL-2-1 zone. This use is currently permitted in all industrial base zones except the Industrial Park zones and the IL-2-1 zone.
93	Clarification	143.0110(c)(2)(E)(ii)	When Environmentally Sensitive Lands Regulations Apply. – Russ Gibbon Current language ambiguous on exemption from NDP or SDP for Developed Premises Containing ESL. Clarify that a fence or barrier separating the graded or developed portion of a premises from the ESL only needs to be “existing” prior to the issuance of a Building Permit or Grading Permit, rather than “existing” prior to an application being deemed complete.
94	Clarification	142.0802	Outdoor Storage and Display of New, Unregistered Motor Vehicles as a Primary Use – Russ Gibbon Remove new & unregistered to operable. Inclusion of the words “new, unregistered” in this land use subcategory could have the effect of excluding the outdoor storage and display of used and registered motor vehicles which are also operable, resulting in a gap in the code to provide a means of regulating the storage of these vehicles. This code section also lacks clarifying language for those zones where the use is a Permitted Use.
95	Clarification	156.0302	Definition of Active Commercial Uses – Brad Richter, Civic SD Clarify definition of Active Commercial uses and reference Table 156.0308-A Support
96	Clarification	156.0305	Definition of Lot Sizes – Brad Richter, Civic SD Clarify that references to square footages (5,000 etc.) mean typical lots of record in Downtown Support/Look at citywide

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No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
97	Clarification	156.0309(c)	Development Permit FAR – Brad Richter, Civic SD Clarify when a development permit controls FAR on adjoining properties Support
98	Clarification	Table 156-0308-A	Non-Bonafide Eating Establishments w/ Alcohol – Brad Richter, Civic SD Table shows Non-bonafide Eating Establishment w/ Alcohol as requiring Conditional Use Permit (C) should be Neighborhood Use Permit (N) per Section 156.0315(a)(2) Support
99	Clarification	Table 156-0308-A	Off-site Alcohol Beverage Sales – Brad Richter, Civic SD Add row for Off-site Alcohol Beverage Sales after Non-Bonafide Eating Establishments w/ Alcohol. Per Section §156.0315(b) Support
100	Clarification	122.0107	Specific Plans - Sarah Jarman, CD7 This item was included in the 11 th Update. <ul style="list-style-type: none"> Clarify that in case of conflict between the base zone development and use regulations and those specified within the specific plan that the specific plan requirements shall apply. It was determined that the proposed language was not appropriate in this section. What section should include this language?
101	Clarification	113.0234	Penthouses and Calculation of Gross Floor Area —Sarah Jarman, CD7 This item was in proposed in the 11 th Update. Penthouses are structures on a roof of a multiple story building that enclose mechanical equipment, stairs or an elevator. If they meet certain design parameters they are exempt from gross floor area. <ul style="list-style-type: none"> Clarify how far a penthouse must be setback from the exterior wall in order to qualify for the floor area exemption.
102	Consistent with State & Federal Law	141.0420	Wireless Communication Facilities – Travis Cleveland Amend regulations in compliance with State and Federal Regulations.