

DATE ISSUED: January 4, 2008

REPORT NO. PC-08-001

ATTENTION: Planning Commission
Agenda of Jan 10, 2008

SUBJECT: GENERAL PLAN UPDATE LAND DEVELOPMENT CODE (LDC)
AMENDMENTS

REFERENCE: Planning Commission Report No. PC- 07-158

SUMMARY

Issue - Should the Planning Commission recommend to the City Council approval of amendments to the Land Development Code and the City's Local Coastal Program, Chapter 12, Articles 2, 3, 5 and 6; Chapter 13, Article 1; and Chapter 14, Articles 1 - 4 and the Local Coastal Program to implement the comprehensive update of the General Plan. The amended ordinances would apply throughout the city. The proposed Land Development Code amendments will address the proposed deletion from the General Plan of the Tier system (Urbanized, Planned Urbanizing, and Future Urbanizing) and land use plan amendment initiation process. If adopted, the amendments will address the proposed deletion from the General Plan of the Tier system (Urbanized, Planned Urbanizing, and Future Urbanizing) and land use plan amendment initiation process.

Staff Recommendations -

Recommend to the City Council approval of amendments to the Land Development Code and the City's Local Coastal Program, Chapter 12, Articles 2, 3, 5 and 6; Chapter 13, Article 1; and Chapter 14, Articles 1 - 4 and the Local Coastal Program, to implement the comprehensive update of the General Plan.

Other Recommendations -

Although the Community Planners Committee (CPC) did not review the specific amendments, they did review and provide a formal recommendation on the General Plan

update, the policy basis for the proposed amendments to the Land Development Code. The proposed changes involve only word replacement or deletion of code sections to implement new General Plan language related to the Tier system and relocation of the plan amendment initiation process from the Land Development Code to Land Use and Community Planning Element.

Code Monitoring Team (CMT) - On May 9, and July 11, 2007, the City's CMT discussed the potential LDC amendments necessary to implement the General Plan, and more specifically the issue of the expiration of the Tier system. No formal recommendation resulted, but CMT did provide general direction regarding the proposed new terminology to replace the Tier language. They did not comment on the proposed removal of the plan amendment initiation process and its relocation to the draft General Plan.

Environmental Review – These amendments do not consist of major changes to the Land Development Code (LDC) which was adequately addressed by two previous environmental documents which include: Revisions to LDC Project No. 96-7897 Addendum to EIR No. 96-0333 and LDC EIR No. 96-0333. There is no change in circumstance, additional information, or project changes to warrant additional environmental review. Therefore, the activity is not a separate project for the purposes of CEQA review pursuant to State CEQA Guidelines Section 15060 (c) (3).

Fiscal Impact - None with this action.

Housing Impact – None with this action.

BACKGROUND

After two consecutive public hearings, on November 8, 2007, Planning Commission recommended City Council adoption of the Draft General Plan. Commissioners discussed each element in detail with respect to major plan goals and policy objectives, and most importantly, future implementation. As was emphasized at the Planning Commission hearings, the Draft General Plan does not change land use designations or zoning on individual properties. Key LDC amendments, however, must proceed concurrently with plan adoption, or shortly thereafter. This is a result of several major policy shifts in the update. This first package of proposed amendments is necessary for implementation of the policy changes that become effective upon the date of General Plan adoption.

DISCUSSION

As was discussed at the General Plan update Planning Commission hearings (hearings), the majority of LDC amendments to implement new land use designations and new land use policy direction will occur as part of the first cluster of community plan updates, beginning in Spring 2008 and continuing through FY 2009. Two major changes, the expiration of the Tier system and the relocation of the plan amendment initiation process from Chapter 12 in the Land Development Code to the Land Use and Community Planning Element, require immediate attention. These policy changes affect multiple sections of the code, albeit in a fairly minor way.

Most of the code revisions involve only changes in terminology to correctly maintain consistent wording between the LDC and the General Plan.

Tier System Code Changes

The General Plan, in recognition of the developed condition of the city's land supply, no longer includes the Tier (Phased Development Areas) system of "Urbanized", Planned Urbanizing", and "Future Urbanizing". As explained in the document, the phased development areas system has become an outdated system to address future growth and development. In 2008, the City is more accurately described as a jurisdiction with primarily two tiers:

Proposition A Lands – lands subject to the 1985 Managed Growth Initiative characterized by very low-density, residential, open space, natural resource-based park, and agricultural uses; and

Urbanized Lands – characterized by older, recently developed, and developing communities at urban and suburban levels of density and intensity.

Although no longer useful as a tool to address future growth and development, the tier system has also served, in the Land Development Code, as a vehicle to apply different sets of development regulations to different geographic areas of the city. The Land Development Code has included multiple sets of regulations in recognition of the different development patterns and character present in neighborhoods throughout the city depending upon age and location. It is necessary, therefore, to amend the code to provide another system to maintain the application of the regulations to the same communities. The proposed amendments include a new section of the code, Section 131.0105 Development Character Areas, which follows the former tier system terminology and boundaries; it divides the city into three "character areas": Proposition A Lands, Planned Urbanized, and Urbanized. Additionally, many of the amendments simply address the terminology change from Future Urbanizing to Proposition A Lands throughout the code.

Two sections, § 123.0104 Applications for Zoning or Rezoning in the Planned Urbanizing Area and §125.0442 Exception Findings for Tentative Maps in the Planned Urbanizing Area are also proposed for deletion. These code sections were first adopted in the early 1980's to address rezonings and tentative maps prior to the preparation of community plans. All of the city's land area is now covered by land use plans, such as a community, subarea, specific or framework plan. As a result, these code sections are obsolete.

Deletion of § 122.0103 - § 122.0104

With the adoption of the General Plan update, the plan amendment initiation process will be returned to a policy setting, the Land Use and Community Plan Element. As has been discussed with the Planning Commission during several workshops, the plan amendment initiation process is unique to the city of San Diego. The process was first housed in a Council Policy, adopted in 1986, to address an ever growing number of proposed amendments to the city's Progress Guide and General Plan and community plans. The City Council was concerned about multiple amendments changing or thwarting the achievement of the vision and goals contained in the

city's land use documents, especially the community plans. The council policy was slightly revised and added to the Land Development Code as part of the Zoning Code Update. The substantive content remained the same, the requirement for a proposed amendment to meet one of either two sets of criteria.

The initiation process has never been an easy fit as a regulation within the Land Development Code. It is a non-noticed public hearing, and although Planning Commission is the decision maker it is not considered a Process 4 (or any Process). If denied, the applicant may request that the City Council consider the item but this is not technically an appeal because the decision is based upon compliance with criteria. No findings are made. The questions posed through the criteria are more a discussion of policy rather than adherence to code.

As staff began working on the Land Use and Community Planning Element, it was decided that the relocation of the plan amendment initiation process to the General Plan where community plan development policies are housed made sense. The new section in the Draft General Plan includes the same basic initiation process but the two sets of criteria have been reduced to one, and it has been revised. The proposed LDC amendment to address this specific change deletes the sections specific to the initiation process; the sections governing the actual plan amendment hearing process (Process 5) remain.

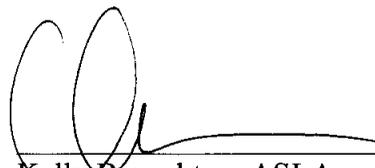
CONCLUSION

If recommended for adoption by the Planning Commission, this first set of amendments will proceed to City Council concurrent with the Draft General Plan update. The majority of the additional code amendments necessary to better implement new land use designations and new policy direction will occur as part of the first cluster of community plan updates. Such timing ensures that new regulations will be more carefully drafted and available at the time of need – community plan adoption. Additionally, the General Plan Action Plan will also provide more information about the schedule for code amendments to fully implement all of the new policies, especially as they relate to the Mobility and Conservation Elements.

Respectfully submitted,



Anna McPherson, AICP
Senior Planner
Development Services Department



Kelly Broughton, ASLA
Director
Development Services Department

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Attachment: Draft General Plan Update Land Development Code Regulations

§122.0103 ~~Initiation of Adoption or Amendment of Land Use Plans~~

~~Preparation of a new *land use plan* or amendment of an existing *land use plan* requires initiation by one of the following methods.~~

- ~~(a) The City Council may, by resolution, direct the preparation of a new *land use plan* or an amendment to an applicable *land use plan*.~~
- ~~(b) The City Manager or an *applicant* may request that the Planning Commission initiate an amendment to a *land use plan* by filing an application in accordance with Section 112.0102.~~
 - ~~(1) The City Manager may recommend that a larger area than that proposed by the *applicant* be included in the proposed amendment.~~
 - ~~(2) The Planning Commission may approve the request to initiate the amendment only if the Planning Commission determines that the application meets the criteria listed in Section 122.0104.~~
 - ~~(3) The Planning Commission shall deny the request to initiate the amendment if they determine that the criteria listed in Section 122.0104 have not been met. If the request is denied, the Planning Commission shall mail a notice to the *applicant* stating that the amendment has not been initiated. The notice shall be mailed to the *applicant* within 2 business days of the date of the Planning Commission's decision.~~
 - ~~(4) An *applicant* whose request to initiate an amendment has been denied may submit a written request to the City Clerk that the application to initiate be considered by the City Council. The *applicant* must submit the request no later than 10 business days after the Planning Commission's decision.~~
 - ~~(5) The City Council may initiate the amendment if it determines that the application meets the applicable criteria in Section 122.0104.~~
 - ~~(6) The City Council shall not initiate the amendment if it determines that the criteria in Section 122.0104 have not been met.~~

~~(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)~~

§122.0104 ~~Criteria for Initiation of Amendments to Land Use Plans~~

- ~~(a) Primary Criteria. An amendment to a *land use plan* may be initiated if any of the following criteria are met:~~

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- (1) ~~The amendment is appropriate due to a map or text error or to an omission made when the *land use plan* was adopted or during subsequent amendments;~~
 - (2) ~~Denial of initiation would jeopardize the public health, safety, or welfare; or~~
 - (3) ~~The amendment is appropriate due to a material change in circumstances since the adoption of the *land use plan*, whereby denial of initiation would result in a hardship to the *applicant* by denying any reasonable use of the property.~~
- (b) ~~Supplemental Criteria. If none of the primary criteria listed in this section are met, an amendment to a *land use plan* may be initiated if all of the following supplemental criteria are met:~~
- (1) ~~The proposed *land use plan* amendment is consistent with the goals and objectives of the Progress Guide and General Plan;~~(2) ~~The proposed *land use plan* amendment appears to offer a public benefit to the community or City;~~
 - (3) ~~Public services are available or are planned to be available to serve the proposed change in *density* or intensity of use; and~~
 - (4) ~~City staff is available to process the proposed *land use plan* amendment without any work being deferred on General Fund-supported programs or on-going *land use plan* updates.~~
- (Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

§123.0104 Applications for Zoning or Rezoning in the Planned Urbanizing Areas

~~An application to zone or rezone a property located in the planned urbanizing area, as defined in the Progress Guide and General Plan, will be accepted for processing only when the property is located within the boundaries of an applicable *land use plan* or when the zoning or rezoning application is processed concurrently with a *land use plan* proposal.~~

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.0442 Exception Findings for Tentative Maps in the Planned Urbanizing Area

~~The decision maker may approve a *tentative map* for property in the planned urbanizing area, as defined in the Progress Guide and General Plan, if the property is not within the boundaries of a community plan, specific plan, or precise plan adopted by the Planning Commission and City Council or otherwise does not meet the requirements of Section 123.0104, only if the decision maker makes the following *findings*, in addition to those required in Section 125.0440:~~

(a) ~~The granting of tentative map approval on the subject property or the proposed timing and phasing of the development of the property will not jeopardize the achievement of the Progress Guide and General Plan objectives of assuring adequate public facilities at the time of development; and~~

(b) ~~The requirements of Section 144.0206 have been fulfilled.~~
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§126.0602 When a Planned Development Permit May Be Requested

(a) (No change)

(b) The following types of *development* may be requested with a Planned Development Permit to be decided in accordance with Process Four.

(1) (No change)

(2) (No change)

(3) *Developments* involving a Planned Development Permit within RS zones in urbanized communities as ~~designated in the Progress Guide and General Plan~~ identified on Figure 131-01A, as described in accordance with Section 143.0402/131.0105.

(c) (No change)

§126.0603 (No change)

§126.0604 Findings for Planned Development Approval

A Planned Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0604(a) and the supplemental *findings* in Section 126.0604(b) that are applicable to the proposed *development* as specified in this section.

(a) (No change)

(b) ~~Supplemental Findings--Future Urbanizing Area~~ Proposition A Lands
A project involving rural cluster in the AR-1-1 zone or the OR-1-12 zone within the ~~future urbanizing area~~ Proposition A Lands, as designated identified on in the Progress Guide and General Plan Figure 131-01A in accordance with Section 131.0105, where increased *density* is proposed may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0604(a):

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- (1) The proposed *development* will assist in accomplishing the goal of permanently preserving lands designated in the ~~Progress Guide and General Plan~~ as part of the environmental tier Multiple Habitat Plan Area through the provision of public and private open space easements or *dedications*;
- (2) (No change)
- (3) (No change)
- (4) (No change)
- (5) (No change)
- (6) (No change)
- (7) Within the ~~North City future urbanizing area~~ Proposition A Lands, as ~~designated identified in the Progress Guide and General Plan on Figure 131-01A~~, in accordance with Section 131.0105, the proposed *development* will be consistent with the approved subarea plan; and
- (8) (No change)

§131.0105 **Development Character Areas**

- (a) Development Character Areas are established to ensure that appropriate development regulations are applied to community plan areas based upon their age and geographic location. Development Character Areas are represented on Figure 131-01A.
- (b) Development Character Area boundaries generally follow community plan area boundaries except in the case of University City, which falls into two Development Character Areas.
- (c) The Development Character Areas are as follows:
 - (1) Proposition A Lands - very low density, residential , open space, natural resource based park and agricultural uses.
 - (2) Planned Urbanized – recently developed and developing communities at urban suburban levels of density and intensity.
 - (3) Urbanized – the central portion of the city including the established, built-out neighborhoods and downtown core.

§131.0240 **Maximum Permitted Residential Density in Open Space Zones**

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- (a) (No change)
- (b) Within the OR-1-2 zone, an exception to the permitted residential *density* of one *single dwelling unit per lot* may be requested as a rural cluster development through a Planned Development Permit in accordance with Process Four subject to the following:
 - (1) (No change)
 - (2) (No change)
 - (3) (No change)
 - (4) Within the ~~future urbanizing area~~ Proposition A Lands as identified on Figure 131-01A in accordance with Section 131.0105, an increase in *density* of up to one dwelling unit per 4 acres of lot area may be requested through a Planned Development Permit in accordance with Process Five subject to the regulations in Section 143.0402. The remainder of the *premises* shall be left undeveloped in perpetuity.

§131.0340 Maximum Permitted Residential Density in Agricultural Zones

- (a) Within the AR-1-1 zone, an exception to the permitted residential *density* of one *single dwelling unit per lot* may be requested as a rural cluster development through a Planned Development Permit in accordance with Process Four subject to the following:
 - (1) (No change)
 - (2) (No change)
 - (3) (No change)
 - (4) Within the ~~future urbanizing area~~ Proposition A Lands as identified on Figure 131-01A in accordance with Section 131.0105, except within the Del Mar Mesa Specific Plan area, an increase in *density* of up to one dwelling unit per 4 acres of lot area may be requested through a Planned Development Permit in accordance with Process Five subject to the regulations in Section 143.0402. The remainder of the *premises* shall be left undeveloped in perpetuity. For development within the Del Mar Mesa Specific Plan area, the rural cluster option is not available, and the maximum permitted *density* is that identified in the Del Mar Mesa Specific Plan adopted on May 27, 1997 by Ordinance O-18377.
- (b) (No change)

§131.0403 Purpose of the RS (Residential--Single Unit) Zones

- (a) (No change)
- (b) The RS zones are differentiated based on the minimum *lot* size and whether the *premises* is located in an urbanized community or a planned urbanized community or ~~future urbanizing community~~ within Proposition A Lands, as identified on Figure 131-01A, in accordance with Section 131.0105, as follows:
 - (1) **Urbanized Communities**
 - RS-1-1 requires minimum 40,000-square-foot *lots*
 - RS-1-2 requires minimum 20,000-square-foot *lots*
 - RS-1-3 requires minimum 15,000-square-foot *lots*
 - RS-1-4 requires minimum 10,000-square-foot *lots*
 - RS-1-5 requires minimum 8,000-square-foot *lots*
 - RS-1-6 requires minimum 6,000-square-foot *lots*
 - RS-1-7 requires minimum 5,000-square-foot *lots*
 - (2) **Planned Urbanized or ~~Future Urbanizing~~ Proposition A Lands Communities**
 - RS-1-8 requires minimum 40,000-square-foot *lots*
 - RS-1-9 requires minimum 20,000-square-foot *lots*
 - RS-1-10 requires minimum 15,000-square-foot *lots*
 - RS-1-11 requires minimum 10,000-square-foot *lots*
 - RS-1-12 requires minimum 8,000-square-foot *lots*
 - RS-1-13 requires minimum 6,000-square-foot *lots*
 - RS-1-14 requires minimum 5,000-square-foot *lots*

§141.0312 Residential Care Facilities

Residential care facilities provide in-house treatment or rehabilitation programs for residents on a 24-hour basis. Residential care facilities include drug and alcohol rehabilitation and recovery facilities and residential and community care facilities as defined by the state or county. Housing for senior citizens, nursing homes, convalescent homes, work furlough and probationary residential facilities, and emergency shelters are not residential care facilities.

Residential care facilities for 7 to 12 persons may be permitted with a Conditional Use Permit decided in accordance with Process Three, and residential care facilities for 13 or more persons may be permitted with a Conditional Use Permit decided in accordance with Process Four, in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Residential care facilities are not permitted in agricultural zones in ~~the future urbanizing area~~ Proposition A Lands as identified on Figure 131-01A in accordance with Section 131.0105.
- (b) (No change)
- (c) (No change)
- (d) (No change)
- (e) (No change)
- (f) (No change)
- (g) (No change)
- (h) (No change)
- (i) (No change)
- (j) (No change)

§141.0313 Transitional Housing Facilities

Transitional housing facilities offer residential accommodations for a specified period of time, counseling services, and other support services to prepare *families* and individuals for independent living.

Transitional housing may be permitted with a Conditional Use Permit decided in accordance with Process Five, in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations. Section 112.0509(b) requiring a Planning Commission recommendation, shall not be applicable to transitional housing facilities.

- (a) Transitional housing is not permitted in agricultural zones in ~~the future urbanizing area~~ Proposition A Lands as identified on Figure 131-01A in accordance with Section 131.0105.
- (b) (No change)
- (c) (No change)
- (d) (No change)
- (e) (No change)
- (f) (No change)

- (g) (No change)
- (h) (No change)
- (i) (No change)

§141.0504 Swap Meets and Other Large Outdoor Retail Facilities

Swap meets and other large outdoor retail facilities 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) Swap meets and other large outdoor retail facilities are not permitted in agricultural zones in ~~the future urbanizing area~~ Proposition A Lands, as identified on Figure 131-01A, in accordance with Section 131.0105 or within *floodplains* located in agriculturally zoned areas of the Coastal Overlay Zone.
- (b) (No change)
- (c) (No change)
- (d) (No change)
- (e) (No change)
- (f) (No change)

§141.0605 Camping Parks

Camping parks may be permitted with a Conditional Use Permit decided in accordance with Process Four in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) *Fill* or permanent buildings associated with the *development* of camping parks are not permitted in *floodplains* or in agricultural zones in ~~the future urbanizing area~~ Proposition A Lands, as identified on Figure 131-01A, in accordance with Section 131.0105 or in agriculturally zoned areas of the Coastal Overlay Zone.
- (b) (No change)
- (c) (No change)
- (d) (No change)

- (e) (No change)
- (f) (No change)
- (g) (No change)
- (h) (No change)

§141.0608 Fairgrounds

Fairgrounds may be permitted with a Conditional Use Permit decided in accordance with Process Five 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) Fairgrounds are not permitted in agricultural zones in ~~the future urbanizing area~~ Proposition A Lands, as identified on Figure 131-01A, in accordance with Section 131.0105. *Fill* or permanent buildings are not permitted in *floodplains* located in agriculturally zoned areas of the Coastal Overlay Zone.
- (b) (No change)
- (c) (No change)
- (d) (No change)
- (e) (No change)
- (f) (No change)

§141.0618 Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size

Privately operated, outdoor recreational facilities over 40,000 square feet in size may be permitted with a Conditional Use Permit decided in accordance with Process Four in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Privately operated, outdoor recreational facilities are not permitted in agricultural zones in ~~the future urbanizing area~~ Proposition A Lands, as identified on Figure 131-01A in accordance with Section 131.0105, or within *floodplains* located in agriculturally zoned areas of the Coastal Overlay Zone.
- (b) (No change)
- (c) (No change)

- (d) (No change)
- (e) (No change)
- (f) (No change)
- (g) (No change)

§141.062 Veterinary Clinics and Animal Hospitals

Veterinary clinics and hospitals 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) Veterinary clinics and hospitals are not permitted in agricultural zones in ~~the future urbanizing area~~ Proposition A Lands, as identified on Figure 131-01A, in accordance with Section 131.0105, except as an accessory use within a zoological park, or within floodplains located in the Coastal Overlay Zone.
- (b) (No change)
- (c) (No change)

§141.0902 Junk Yards

Junk yards may be permitted with a Conditional Use Permit decided in accordance with Process Four in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Junk yards are not permitted in agricultural zones in ~~the future urbanizing area~~ Proposition A Lands, as identified on Figure 131-01A, in accordance with Section 131.0105 or within *floodplains* located in the Coastal Overlay Zone.
- (b) (No change)
- (c) (No change)
- (d) (No change)
- (e) (No change)

§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 permit or other approval is required. Table 142-05A identifies the applicable

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regulations and the type of permit required by this division, if any, for the type of development shown.

**Table 142-05A
Parking Regulations Applicability**

Type of Development Proposal	Applicable Regulations	Required Permit Type/ Decision Process
Any single dwelling unit residential development	Sections 142.0510 , 142.0520 and 142.0560	No permit required by this division
Any multiple dwelling unit residential development	Sections 142.0510, 142.0525 and 142.0560	No permit required by this division
Any nonresidential development	Sections 142.0510, 142.0530, and 142.0560	No permit required by this division
Multiple dwelling unit projects in planned urbanizing ed. communities, as identified on Figure 131-01A, in accordance with Section 131-0105, that are processing a Planned Development Permit.	Section 142.0525(c)	No permit required by this division
Condominium conversion	Section 142.0525(a)	No permit required by this division
Off-premises parking for development in urbanized communities, as identified on Figure 131-01A, in accordance with Section 131-0105.	Section 142.0535	No permit required by this division
Commercial uses on small lots	Section 142.0540(a)	No permit required by this division
Nonresidential developments that exceed maximum permitted parking	Section 142.0540(b)	Neighborhood Development Permit /Process Two
Nonresidential developments that vary from minimum parking requirements with a TDM Plan	Section 142.0540(c)	Site Development Permit/Process Three
Shared parking for specified uses	Section 142.0545	No permit required by this division
Shared parking for nonspecified uses	Section 142.0545(b)(7)	Neighborhood Development Permit/ Process Two
Tandem Parking for commercial uses	Section 142.0555(b)	Neighborhood Development Permit/ Process Two

§142.0525 Multiple Dwelling Unit Residential Uses — Required Parking Ratios

- (a) (No change)
- (b) (No change)
- (c) Common Area Parking Requirement. The common area parking requirement applies to multiple dwelling unit developments that are located in planned urbanizing ed communities, as identified in the Progress Guide and General Plan on Figure 131-01A in accordance with Section 131.0105 and that are processed in conjunction with a Planned Development Permit. The following standards will be applied by the decision maker when common area parking is required.
 - (1) (No change)
 - (2) (No change)
 - (3) (No change)
 - (4) (No change)
- (d) (No change)

§142.0535 Off-Premises Parking Regulations in Urbanized Communities

Required *off-street parking spaces* for uses in urbanized communities as identified ~~in the Progress Guide and General Plan on Figure 131-01A, in accordance with Section 131-01A,~~ may be located off-premises, subject to the following regulations.

- (a) (No change)
- (b) (No change)
- (c) (No change)
- (d) (No change)

§142.0670 Standards for Public Improvements

- (a) Streetscape and *street* improvements shall be constructed in accordance with the applicable adopted Council Policies, the standards established in the Land Development Manual, and the following regulations:
 - (1) For urbanized communities as ~~designated in the Progress Guide and General Plan identified on Figure 131-01A, in accordance with Section 131.0105,~~ the design of sidewalks shall be in *substantial conformance* with the historic design of sidewalks on adjacent properties including location, width, elevation, scoring pattern, texture, color, and material to the extent that the design is approved by the City Engineer, unless an alternative design is approved as part of a use permit or *development permit*. An alternative design also requires an *Encroachment Maintenance and Removal Agreement* in accordance with Section 129.0715.
 - (2) (No change)
 - (3) (No change)
 - (4) (No change)
 - (5) (No change)
 - (6) (No change)
- (b) (No change)
- (c) (No change)

(d) (No change)

(e) (No change)

(f) (No change)

§143.0402 When Planned Development Permit Regulations Apply

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

**Table 143-04A
Supplemental Planned Development Permit Regulations Applicability**

Type of <i>Development Proposal</i>	Applicable Sections	Required <i>Development Permit/Decision Process</i> ⁽¹⁾
Residential <i>development</i> requesting deviations from applicable zone regulations ⁽²⁾	143.0403, 143.0410, 143.0420	PDP/Process 4
Commercial and Industrial <i>development</i> requesting deviations from applicable zone regulations	143.0403, 143.0410, 143.0460	PDP/Process 4
<i>Developments</i> within <i>land use plans</i> where a Planned Development Permit is recommended when other discretionary actions are requested	143.0403, 143.0465	PDP/Process 3
Rural cluster <i>development</i> in the AR and OR zones	143.0403, 143.0410, 143.0420, 143.0440	PDP/Process 4
Rural cluster <i>development</i> with increased density in the AR-1-1 and OR-1-2 zones within the future urbanizing area, as identified on Figure 131-01A, in accordance with Section 131.0105 ⁽³⁾	143.0403, 143.0410, 143.0420, 143.0450	PDP/Process 5

Type of <i>Development Proposal</i>	Applicable Sections	Required <i>Development Permit/Decision Process</i> ⁽¹⁾
Residential <i>development</i> in RS zones of urbanized communities, as identified on Figure 131.0105 in accordance with Section 131.0105, where a Planned Development Permit is requested	143.0403, 143.0410, 143.0420, 143.0430	PDP/Process 4

Footnotes to Table 143-04A

- 1 (No change)
- 2 (No change)
- 3 (No change)

§143.0420 Supplemental Planned Development Permit Regulations for Residential Development

In addition to the general regulations for all Planned Development Permits, the following supplemental regulations apply to all Planned Development Permits that include residential *development*, when identified in Table 143-04A:

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(a) Open Space

- (1) For proposed *development* within the zones shown in the first column in Table 143-04B, the open space requirements shown in the second and third columns apply.

**Table 143-04B
Open Space Requirements for Planned Development Permits**

Zone	Minimum Usable Open Space Required per Dwelling Unit ⁽²⁾	Minimum Total Open Space Required per Dwelling Unit ⁽¹⁾
OR-1-1	--	4 ac
OR-1-2 ⁽³⁾	--	4 ac
AR-1-1 ⁽³⁾	--	2 ac
AR-1-2	--	17,400 sq. ft.
RE-1-1	--	4 ac
RE-1-2	--	2 ac
RE-1-3	--	17,400 sq. ft.
RS-1-1, RS-1-8	7,000 sq. ft.	14,000 sq. ft.
RS-1-2, RS-1-9	3,500 sq. ft.	7,000 sq. ft.
RS-1-3, RS-1-10	2,625 sq. ft.	5,250 sq. ft.
RS-1-4, RS-1-11	1,750 sq. ft.	3,500 sq. ft.
RS-1-5, RS-1-12	1,200 sq. ft.	2,400 sq. ft.
RS-1-6, RS-1-13	900 sq. ft.	1,800 sq. ft.
RS-1-7, RS-1-14	750 sq. ft.	1,500 sq. ft.
RX-1-1	625 sq. ft.	1,250 sq. ft.
RX-1-2	500 sq. ft.	1,000 sq. ft.
RM-1-1	500 sq. ft.	500 sq. ft.
RM-1-2	375 sq. ft.	375 sq. ft.
RM-1-3	300 sq. ft.	300 sq. ft.
RM-2-4	220 sq. ft.	220 sq. ft.
RM-2-5	190 sq. ft.	190 sq. ft.
RM-2-6	155 sq. ft.	155 sq. ft.
RM-3-7	125 sq. ft.	125 sq. ft.
RM-3-8	100 sq. ft.	100 sq. ft.
RM-3-9	90 sq. ft.	90 sq. ft.
RM-4-10	75 sq. ft.	75 sq. ft.
RM-4-11	75 sq. ft.	75 sq. ft.
RM-5-12	125 sq. ft.	125 sq. ft.

Footnotes for Table 143-04B

- 1 Total open space includes usable open space plus any other areas to be left as open space.
- 2 Usable open space includes private exterior open space and common open space that is functional to residents.
- 3 For open space requirements for residential rural cluster *development* with increased *density* in the AR-1-1 and OR-1-2 zones within ~~the future urbanizing area~~ Proposition A Lands, as identified on Figure 131-01A, in accordance with Section 131.0105, see Section 143.0450(c).

(2) (No change)

(3) (No change)

(4) (No change)

(5) (No change)

(6) (No change)

(b) (No change)

(c) (No change)

(d) (No change)

§143.0430 Supplemental Planned Development Permit Regulations for Residential Development in RS Zones in Urbanized Communities

In addition to the general regulations for all Planned Development Permits and supplemental regulations for residential *developments*, *developments* requesting a Planned Development Permit in the urbanized communities, as identified on Figure 131-01A, in accordance with Section 131.0105 in the RS Zones or in areas combining RS and any other zone permitting residential use are subject to the following regulations:

(a) (No change)

(b) (No change)

(c) (No change)

(d) (No change)

§143.0440 Supplemental Planned Development Permit Regulations for Residential Rural Cluster Development in the AR and OR Zones

In addition to the general regulations for all Planned Development Permits and supplemental regulations for residential *developments*, the following regulations apply to all residential Planned Development Permits for rural cluster *developments* in the AR and OR zones:

(a) *Density*

- (1) Within the AR zones, the maximum residential *density* permitted shall be as specified in the applicable zone, with the units clustered to preserve the remainder of the *premises* in its natural state until and if complete *development* at urban densities is ever deemed appropriate. Within ~~the future urbanizing area~~ Proposition A Lands, the reservation of future *development* potential will require the use of covenants, conditions, restrictions, or other mechanisms as determined by the City Manager to insure that the undeveloped portion of the property remains undeveloped until the ~~future urbanizing area~~ Proposition A Lands is are shifted to the planned urbanizing area, as identified on Figure 131-01A, in accordance with Section 131.0105.

- (2) (No change)
 - (3) (No change)
 - (4) Within ~~the future urbanizing area~~ Proposition A Lands, as identified on Figure 131-01A, in accordance with Section 131.0105, and outside the Coastal Overlay Zone, the area of a golf course meeting the criteria of Section 143.0440(c)(4) may be used in the calculation of total permitted residential *density*.
- (b) (No change)
- (c) Open Space Requirement
- (1) (No change)
 - (2) (No change)
 - (3) (No change)
 - (4) Recreational facilities shall be designed to serve only the occupants and guests of the *development*. However, within ~~the future urbanizing area~~ Proposition A Lands, as identified on Figure 131-01A, in accordance with Section 131.0105, and outside the Coastal Overlay Zone, golf courses open to the public and their customary incidental, supportive facilities (excluding lodging facilities) need not be restricted provided that a permanent and irrevocable open space easement is established that covers the area of the golf course. A golf course open to the public means a public golf course or a private golf course on public or private land that is open to the public on a daily fee basis or that offers memberships to the public.
 - (5) Within ~~the future urbanizing area~~ Proposition A Lands, as identified on Figure 131-01A, in accordance with Section 131.0105, and outside the Coastal Overlay Zone, the area of a golf course meeting the criteria of Section 143.0440(c)(4) may be used in the calculation of total required open space.

§143.0450

Supplemental Planned Development Permit Regulations for Residential Rural Cluster Development with Increased Density

In addition to the general regulations for all Planned Development Permits and supplemental regulations for residential *developments*, the following regulations apply to all residential rural cluster *developments* requesting increased *density* that are located in the AR-1-1 and OR-1-2 zones within ~~the future urbanizing area~~ Proposition A Lands as identified on Figure 131-01A, in accordance with Section 131.0105.

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Approval of a proposed *development* in accordance with this section shall require the *findings* in Section 126.0604(b) to be made.

(a) *Density*

(1) Within the AR-1-1 and OR-1-2 zones within ~~the future urbanizing area~~ Proposition A Lands, except within the Del Mar Mesa Specific Plan adopted on May 27, 1997 by Ordinance No. O-18337, the maximum permitted *density* with the increased *density* rural cluster alternative is one dwelling unit per 4 acres with the dwelling units clustered. The remainder of the *premises* where no *development* is proposed shall be maintained in its natural state with no future *development* potential. The utilization of this increased *density* alternative shall require the provision of housing within the *premises*, affordable to low or *very low income families*, in accordance with Section 143.0450(d). For development within the Del Mar Mesa Specific Plan area the development regulations identified in the Del Mar Mesa Specific Plan adopted on May 27, 1997 by Ordinance 18337 apply.

(2) (No change)

(3) (No change)

(b) (No change)

(c) Open Space Requirements

(1) (No change)

(2) (No change)

(3) (No change)

(4) (No change)

(5) (No change)

(6) Recreational facilities shall be designed to serve only the occupants and guests of the planned *development*. However, within ~~the future urbanizing area~~ Proposition A Lands and outside the Coastal Overlay Zone, golf courses open to the public and their customary incidental, supportive facilities (excluding lodging facilities) need not be restricted provided that a permanent and irrevocable open space easement is established that covers the area of the golf course. A golf course open to the public shall mean a public golf course or a private golf course on public or private land that is open to the public on a daily fee basis or that offers memberships to the public.

(7) Except within the Coastal Overlay Zone, the area of a golf course meeting the criteria of Section 143.0450(c)(6) may be used in the calculation of total required open space.

(d) Affordable Housing Requirement for Increased *Density* Rural Cluster *Development*:

In the AR-1-1 and OR-1-2 zones within the ~~future urbanizing area~~ Proposition A Lands, Planned Developments using the increased *density* rural cluster alternative are required to provide housing units within the *development*, that are affordable to *low income families*, as certified by the San Diego Housing Commission.

(1) (No change)

(2) (No change)

(3) (No change)

(4) (No change)

(e) (No change)

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

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

(a) (No change)

(b) (No change)

(c) (No change)

(d) Residential *development* of 10 or more *dwelling units* within the urbanized areas of the City as ~~shown~~ identified on Figure 131-01A, in accordance with Section 131.0105, in the Progress Guide and General Plan provided that all of the *dwelling units* are affordable to households earning no more than 150% average median income and where applicable, the *development* does not reduce the number of affordable units previously existing.

(e) (No change)

(f) (No change)

(g) (No change)

§144.0206 **Requirements for Tentative Maps in Planned Urbanizing Area**

Tentative maps of property in the planned urbanizing area, as ~~designated in the Progress Guide and General~~ identified on Figure 131.0105, in accordance with Section 131.0105, may be approved if they comply with one of the following conditions.

- (a) *Tentative maps* of property in the planned urbanizing area, may be approved if the following conditions are required to be met before final map or *parcel map* approval:
 - (1) (No change)
 - (2) (No change)
 - (3) (No change)

- (b) *Tentative maps* of property in planned urbanizing areas may be approved before *development* of an implementation program for financing *public improvements* in accordance with Section 125.0442 if the subdivider enters into a binding *Development Agreement* with the City by which the subdivider consents to future establishment of any necessary assessment districts covering the subject community financing plan area and by which the subdivider consents to payment of an estimated facilities benefit assessment fee at the time of building permit issuance. The *Development Agreement* shall provide for the possibility of an under payment or over payment of the estimated fee and for reimbursement of a portion of, or supplementation of, the fees as may be required. The resolution approving the *tentative map* shall specify all such conditions.

