

MEASUREMENT ISSUES

Issue #1 Measurement of Visibility Area

§113.0273 Measuring Visibility Area

The *visibility area* is a triangular portion of a premises formed by drawing one line perpendicular to and one line parallel to the *property line* or *public right-of-way* for a specified length and one line diagonally joining the other two lines, as shown in Diagram 113-02QQ. No *structures* may be located within a *visibility area* unless otherwise provided by the applicable zone or the regulations in Chapter 14, Article 2 (General Development Regulations).

- (a) For *visibility areas* at the intersection of *streets*, two sides of the triangle extend along the intersecting *property lines* for 25 feet and the third side is a diagonal line that connects the two.
- (b) For *visibility areas* at the intersection of a *street* and *alley*, two sides of the triangle extend along the intersecting *property lines* for 10 feet and the third side is a diagonal line that connects the two.
- (c) For *visibility areas* at the intersection of a *street* and driveway, one side of the triangle extends from the intersection of the *street* and the driveway for 10 feet along the *property line*. The second side extends from the intersection of the *street* and driveway for 10 feet inward **from the property line** along the driveway edge and the third side of the triangle connects the two.
- (d) Where the required front and street side yards measure less than 25 feet when combined, that measurement or 15 feet, whichever is greater, establishes the *visibility area* at the street intersection.

Issue #2 Open Fence in Coastal Zone

§142.0310 General Fence Regulations for All Zones

(c)(2) Open Fences

- (A) Standard, all metal chain link *fences* located on the front or *street* side *property line* shall not exceed 3 feet in height. Other *open fences* are permitted up to 6 feet in height.
- (B) The height of an *open fence* located in a required *yard* may increase as the *fence* is placed farther from the front or *street* side *property line*. No portion of the *fence* shall exceed the height established by a line drawn beginning at a point 6 feet above *grade* at the *property line* and ending at a point 9 feet above *grade* at the *setback line*, as shown in Diagram 142-03C.

(C) An open fence shall have at least 35 percent of the vertical surface area of each 6 foot section open to light except within the Coastal Overlay Zone, where an open fence shall have at least 75 percent of its vertical surface area open to light.

Issue #3 Outdoor Lighting Regulations

§142.0740 Outdoor Lighting Regulations

- (a) Outdoor lighting shall be regulated by the State of California Title 24 Energy Efficiency Standards outdoor lighting requirements. If a conflict between the requirements of this Division and the State of California Title 24 Energy Efficiency Standards arises, that which produces the least luminary shall apply.
- (b) ~~(a)~~ Outdoor lighting fixtures that are used to illuminate a *premises* or an architectural feature on private property shall be directed or shaded so that light does not fall onto surrounding properties or create glare hazards within *public rights-of-way*.
- (c) ~~(b)~~ Outdoor lighting on commercial and industrial properties shall be equipped with automatic timing devices.
- (d) ~~(c)~~ Outdoor lighting fixtures that are existing and were legally installed before October 28, 1985, shall be exempt from Sections 141.0740(a) and (b), unless work is proposed over any period of time to replace 50 percent or more of the existing outdoor light fixtures or to increase the number of outdoor light fixtures by 50 percent or more on the *premises*.
- (e) ~~(d)~~ All outdoor lighting, including search lights, shall be turned off between 11:00 p.m. and 6:00 a.m. except:
- (1) Outdoor lighting in conjunction with industrial uses that continue to be fully operational after 11:00 p.m. such as sales, assembly, and repair may remain lighted after 11:00 p.m., provided that all lights are shaded, equipped with automatic timing devices, and utilize only the minimum amount of light necessary to conduct such uses;
 - (2) Outdoor lighting used for security purposes or to illuminate walkways, roadways, equipment yards, and parking lots may remain lighted after 11:00 p.m. only when low-pressure sodium outdoor lighting fixtures are used;
 - (3) Outdoor lighting used to illuminate recreational activities that are not in a residential zone may continue after 11:00 p.m. only when equipped with automatic timing devices and shaded to minimize light pollution; and
 - (4) Illuminated on-premises *signs* for businesses that are open to the public after 11:00 p.m. may remain lighted during business operating hours only. Illuminated off-premises *advertising display signs* shall not be lighted after 11:00 p.m. *Signs* located both on- and off-premises shall be equipped with automatic timing devices.

(f) (e) On properties which are adjacent to or contain *sensitive biological resources*, any exterior lighting shall be limited to low-level lights and shields to minimize the amount of light entering any identified *sensitive biological resource* areas.

(g) **Alternative Outdoor Lighting Design**

Where the applicant can demonstrate a need for alternative outdoor lighting design based on public health and safety, the installation of full-cutoff fixtures (fixtures with flat lenses that limit illumination to below the horizontal plane of the fixture) containing high-pressure sodium lamps may be considered for approval. The applicant shall submit photometric data along with a site plan showing the location of all proposed fixtures and lot lines to demonstrate the need for alternative outdoor lighting design.

Comment: City attorney to determine the appropriate process (ministerial or discretionary).

(h) **Exemptions:**

(1) Outdoor lighting for automated teller machine and associated parking lot facility are subject to the California Financial Code Section 13040-13041.

(2) Outdoor lighting producing light directly by combustion of fossil fuels, such as kerosene lanterns or gas lamps, are exempt from the requirements of this Division.

(3) Outdoor lighting of the luminous tube type are exempt from the requirements of this Division.

(4) Outdoor lighting with initial total lamp source lumens of 4,050 or less shall be exempt from the requirements of this Division.

(5) Outdoor lighting on facilities or lands owned, operated, controlled or protected by the United States Government, State of California, County of San Diego, City of San Diego, or other public entity or public agency not subject to City of San Diego ordinances is exempt from the requirements of this Division.

Comment: Specify what this is exempt from.

Comment: Need to be more specific as to what type of luminous tube. Does this exempt fluorescent lighting?

Issue #4 Accessory Structures

§131.0448 Accessory Structures in Residential Zones

- (a) Multiple *accessory buildings* are permitted on a *premises*. However the square footage of all *accessory buildings* cannot exceed 25 percent of the allowable *gross floor area* of the *premises*.
- (b) An *accessory building* in the RE, RS, and RX zones may have electrical, gas, and water/sewer connections to provide the following activities:
 - (1) Lighting, washing machines, dryers, laundry tubs, and hot water heater;

- (2) A one-half bathroom, limited to a water closet and a lavatory sink; and
 - (3) A shower, provided the property owner signs an agreement recorded with the County Recorder and processed through the City Manager stating that the building will not be used for living or sleeping purposes.
- (c) *Accessory buildings* in RE, RS, and RX zones may encroach into required *yards* subject to the following conditions:
- (1) Encroachment into required *yards* can only occur on *premises* with less than 10,000 square feet of area.
 - (2) *Accessory buildings*, not including attached or detached patio, shall be limited to one *story*.
 - (3) The maximum permitted *structure height* of an *accessory building* is 10 feet for a flat roof and 15 feet for a pitched roof. If the *structure* contains a shed roof, the maximum *structure height* is 12 feet measured at the ridge. A building with a flat roof may have a *roof deck*, provided that all handrails and other appurtenances are limited to 42 inches in height and comply with all *setback* requirements.
 - (4) All required *visibility areas*, as set forth in Section 113.0273, shall be observed.
 - (5) No *accessory building* shall be used for living or sleeping purposes.
 - (6) In the RE and RS zones, the cumulative area of all **encroaching** *accessory buildings* shall not exceed 525 square feet in *gross floor area*.
 - (7) In the RX zones, the cumulative area of all *accessory buildings* shall not exceed 400 square feet in *gross floor area*.
 - (8) The length of any *accessory building* dimension within the required *yards* shall not exceed 30 feet in any given *setback*.
 - (9) The *accessory building* must be placed entirely within the rear 30 percent of the *lot premises* or behind the front 70 feet of the *lot premises*, whichever results in the *accessory building* being located farther from the *street*.
 - (10) If the *accessory building* is used for parking and access to the *structure* is taken from the *alley*, a minimum distance of 21 feet shall be provided between the edge of the *alley* opposite the *premises* and the exterior wall of the *accessory building*.
 - (11) Within the Coastal Overlay Zone, *accessory structures* are subject to the supplemental regulations in Section 132.0403.

Issue #5 Building Façade

§113.0103 *Abutting Property to Building Envelope* no change

Building facade means all walls, or portions thereof, of a building that are visible when projected perpendicularly to a single plane that is most parallel to the closest *public right-of-way* **excepting alleys**. See Section 113.0216 for additional information on determining *building facade*.

Business Day to Yard no change

Issue #6 Ground Floor Residential Development in Commercial Zones

Footnotes to Table 131-05B

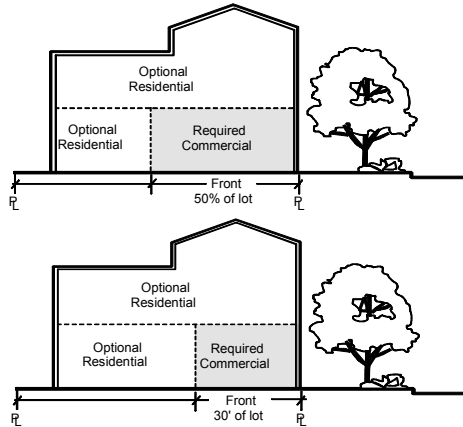
- 1 Uses shall not begin operating before 6:00 a.m. or continue operating later than 12:00 midnight in CN zones.
- 2 **See Section 131.0540. Residential use and residential parking are permitted only as part of a mixed-use (commercial/residential) project. Non-owner occupants must reside on the premises for a minimum of 7 consecutive calendar days. Within the Coastal Overlay Zone, residential uses and instructional studios are not permitted on the ground floor.**

§131.0540 Maximum Permitted Residential Density and Other Residential Regulations

The following regulations apply to all residential *development* within commercial zones:

- (a) Residential *Development* as a Permitted Use. Residential *development* is permitted in commercial zones only where it is identified in Table 131-05B.
- (b) 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*.
- (c) Ground *Floor* Restriction. Residential use and residential parking are prohibited on the ground *floor* in the front half of the *lot*, except in the CC-3-4, CC-3-5, CC-4-4, CC-4-5, CC-5-4, CC-5-5, and CV-1-2 zones, where these uses are prohibited on the ground *floor* in the front 30 feet of the *lot* as shown in Diagram 131-05A. Within the Coastal Overlay Zone, required parking cannot occupy more than 50% of the ground floor in the CV-1-1 or CV-1-2 zones.

**Diagram 131-05A
Ground Floor Restriction**



- (d) Residential *Development*. Where residential *development* is permitted, the development regulations of the RM-1-1, RM-2-5, and RM-3-7 zones as appropriate according to the maximum permitted residential *density* apply, except that the lot area, lot dimensions, *setback*, *floor area ratio*, and *structure height* requirements of the applicable commercial zone apply.
- (e) Non owner occupants must reside on the premises for a minimum of 7 consecutive calendar days.
- (f) Within the Coastal Overlay Zone, residential uses and instructional studios are not permitted on the ground floor.

§141.0612 Instructional Studios

Instructional studios are establishments in which skills including dance, art, and martial arts are taught to individuals or groups. Instructional studios do not include educational facilities.

Instructional studios 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) The number of students using the studio at any one time may be limited based on the following:
 - (1) The intensity of existing surrounding uses that are allowed in the zone; and
 - (2) The amount of parking available on the *premises*.

(b) The hours of operation of the studio may be limited.

(c) Within the Coastal Overlay Zone, instructional studios are not permitted on the ground floor.

Issue #7 Underground Parking FAR

§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). The additional elements included for development in residential zones and for residential development in other zones are listed in Section 113.0234(b). The additional elements included for commercial and industrial zones for other than residential development are listed in Section 113.0234(c). Gross floor area does not include the elements listed in Section 113.0234(d).

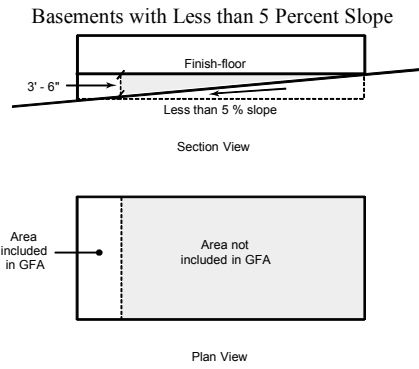
(a) Elements Included in *Gross Floor Area* For Development in All Zones

(1) *Gross floor area* includes all existing and proposed *floors* within the horizontal area delineated by the exterior surface of the surrounding exterior walls of the building.

(2) *Gross floor area* includes *basements* as follows:

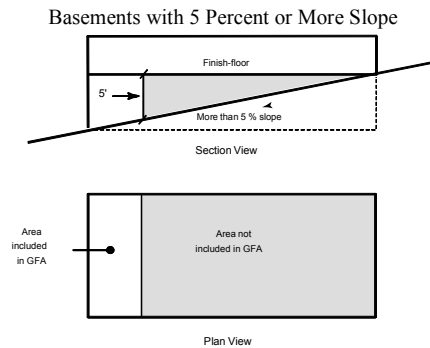
(A) For *lots* that slope less than 5 percent along each edge of the building footprint, *gross floor area* includes the area of all portions of a *basement* where the vertical distance between *existing grade* or *proposed grade*, whichever is lower, and the *finish-floor* elevation above exceeds 3 feet, 6 inches as shown in Diagram 113-02I.

Diagram 113-02I

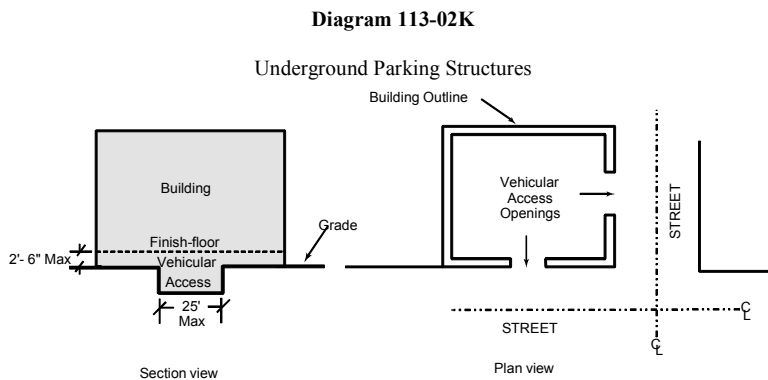


- (B) For lots that slope 5 percent or more along any edge of the building footprint, *gross floor area* includes the area of all portions of a *basement* where the vertical distance between *existing grade* or *proposed grade*, whichever is lower, and the *finish-floor* elevation above exceeds 5 feet, as shown in Diagram 113-02J.

Diagram 113-02J



- (3) *Gross floor area* includes those portions of *underground parking structures* where, at any point, the vertical distance from *existing grade* or *proposed grade*, whichever is lower, to the *finish-floor* elevation immediately above, is more than **3 2** feet, 6 inches as shown in Diagram 113-02K. For the purpose of determining *gross floor area* of *underground parking structures*, *proposed grade* does not include openings to *underground parking* if there are no more than two on-grade openings for vehicular access per premises, and no more than one opening for every 50 feet of street frontage provided that the openings do not exceed a width of 16 feet for single unit residential zones, 18 feet for multiple unit residential zones, 20 feet for commercial zones, and 25 feet for industrial zones.



Modify 2'-6" to be 3'-6" in the diagram

Issue #8 Vacancy Rate Determination

§144.0504 Vacancy Rate Determination and Suspension of Relocation Payment

- (a) On or before April 1, 2005, and each year thereafter, the Planning Commission shall determine that if the average vacancy rate for residential rental units exceeded seven percent on a City-wide basis for the previous calendar year, then the payment of relocation benefits pursuant to section 144.0504(a) shall not apply to condominium conversions in the calendar year starting April 1 of that year.
- (b) Planning Department staff shall submit to the Planning Commission in March of each year a report identifying the vacancy rates for residential rental units in the City as of January 1 of that year, and July 1 of the preceding year. The report shall also include an annual average. The report is to be based on the results of a survey of rental apartments to be taken during the **spring and fall** ~~months of January and July~~ of each year, plus any other information regarding vacancy rates submitted to the Planning Commission by other governmental agencies and other interested parties.

PROCESS/PERMITS

Issue #9 Clarification of Los Penasquitos Watershed Condition

§126.0721 — Los Penasquitos Watershed Maintenance and Conservation Fund

An applicant for a Coastal Development Permit for a coastal development located in the watershed of Los Penasquitos Lagoon shall, as a condition of the permit, agree to participate in any benefit assessment district or other financing mechanism created to fund the permanent maintenance and conservation of the stream channels and related habitats located in the watershed and within the boundaries of the City of San Diego.

Issue #10 Permit Application and Expiration Requirements

§129.0211 Closing of Building Permit Application

- (a) If 360 calendar days **one year** have **has** elapsed since the date of submittal of a Building Permit application and the applicant has not requested that a Building Permit be issued, the application file shall be closed. Plans and other data submitted for review may be returned to the applicant or destroyed by the Building Official. To reapply, the applicant shall submit a new Building Permit application with required submittal materials and shall be subject to all applicable fees and regulations in effect on the date the new application is filed.
- (b) The application file for City owned projects shall be closed after two years have elapsed since the date of submittal of a Building Permit application for new buildings or alterations to existing buildings.
- (c) Except for relocation of structures, a permittee may submit to the Building Official an application for an extension of time before the close of a Building Permit application if the design or work that has been reviewed in conjunction with the Building Permit application has received final approval for compliance with all the requirements of the Building, Electrical, Plumbing, Mechanical, Fire Regulations, and the California Energy Code. The application shall be filed no later than one month in advance of the close date.
- The Building Official may extend the Building Permit one time, for a period not exceeding 180 calendar days, if the Building official determines that circumstances beyond the control of the permittee prevented issuance of the Building Permit.
- (d) If an application for an extension of time has been filed in accordance with this section, the existing Building Permit application shall be automatically extended until the Building Official has made a decision on the application for an extension.
- (e) The Building Official may on a case by case basis, and in cases of demonstrated extreme hardship, restore a building permit application that has been closed.

Comment: Look at consistency issues for days, months, years throughout these sections.

Comment: Powers and Duties of Building Official are outlined in Section 129.0104 This proposed language (c) – (e) needs to be reworked to address the concurrent processing situation .

§129.0218 Expiration of a Building Permit

Comment: Need to look at entire section to better explain the utilization process and expiration process.

- (a) A Building Permit **for single dwelling unit or two dwelling unit projects, and for the relocation of structures** shall expire by limitation and become void **two years** 24 months after the date of permit issuance, unless an exception is granted in accordance with Section 129.0218(b). **A Building Permit for all other projects shall expire by limitation and become void four years after the date of permit issuance.**
- (b) ~~When the permit is issued, the~~ Building Official may approve an expiration date exceeding **those specified in Section 129.0218 (a)** 24 months if the permittee can demonstrate that the complexity or size of the project makes completion of the project within **the specified period infeasible** 24 months unreasonable. ~~The expiration date for the Building Permit shall be specified on the permit.~~
- (c) If the building or work authorized by a Building Permit has not received final inspection approval by the permit expiration date, all work shall stop until a new permit is issued.
- (d) **The Building Official may on a case by case basis, and in cases of demonstrated extreme hardship, restore a building permit that has expired by limitation.**

Comment: Isn't this already a Power of the Building Official?

§129.0219 Extension of Time for a Building Permit

- (a) Except for relocation of *structures*, a permittee may submit **to the Building Official** an application for an extension of time before the expiration date of the Building Permit **due to exceeding the initial utilization period in Section 129.0216, or due to a failure to maintain utilization of a Building Permit per Section 129.0217. The application shall be filed no later than one month in advance of the expiration date.** The Building Official may extend the Building Permit one time, for a period not exceeding 180 calendar days, if the Building Official determines that circumstances beyond the control of the permittee prevented completion of the work.
- (b) If an application for an extension of time has been filed in accordance with this section, the existing Building Permit shall automatically be extended until the Building Official has made a decision on the application for an extension.
- (c) ~~If the Building Permit has expired before an application is submitted for an extension of time, no extension shall be granted. If the previous permittee or any other applicant wants to proceed with the same development, a new application is required and the application is treated in all respects as a new application.~~
If the Building Permit has expired before an application is submitted for an extension of time, no extension shall be granted except as provided in Section 129.0218(d).
- (d) If an extension of time has been previously approved in accordance with Section 129.0219(a), the Building Official may extend the expiration of the Building Permit one additional time if the Building Official finds the following:

- (1) There has not been a significant change in the regulations applicable to the site since the date the permit was issued;
- (2) The additional extension is in the public interest; and
- (3) Circumstances beyond the control of the *applicant* prevented

§129.0312 Expiration of an Electrical Permit

An Electrical Permit shall expire by limitation and become void ~~24 months~~ 730 days (2 years) after the date of permit issuance, unless an exception is granted in accordance with Section 129.0218(a). If the work authorized by the Electrical Permit has not received final inspection approval by the permit expiration date, all work shall stop until a new permit is issued.

§129.0413 Expiration of a Plumbing/Mechanical Permit

A Plumbing/Mechanical Permit shall expire ~~24 months~~ 730 days (2 years) from the date of permit issuance, unless an exception is granted in accordance with Section 129.0218. If the work authorized by the Plumbing/Mechanical Permit has not received final inspection approval by the permit expiration date, all work shall stop until a new permit is issued.

When associated with a Building Permit, the Plumbing/Mechanical Permit shall be extended to expire by limitation with the Building Permit in accordance with Section 129.0218.

Issue #11 Deviations from FAR for total premises with PDP

§143.0410 General Development Regulations for Planned Development Permits

The following regulations are applicable to *developments* for which a Planned Development Permit is requested when identified in Table 143-04A.

- (a) Deviations
 - (1) The base zone development regulations apply to all *developments* except to the extent that deviations are included as part of the approved Planned Development Permit.
 - (2) In accordance with the purpose of this division, deviations from the applicable base zone development regulations may be requested in order to provide flexibility in achieving a zone-equivalent project design that will be consistent with the intent of the base zone. Significant deviations from the base zone regulations that are not consistent with the purpose of this division require a variance in conjunction with the approval of the Planned Development Permit.

- (3) A Planned Development Permit may not be used to request deviations from any of the following regulations:
- (A) Maximum building height of 30 feet for the area in the Coastal Height Limit Overlay Zone as identified in Section 132.0502;
 - (B) *Floor area ratio* for the entire premises **except as permitted in the Kearny Mesa Community Plan**;

Issue #12 Alternative Compliance for Steep Hillides

Table 143-01A
Applicability of Environmentally Sensitive Lands Regulations

Environmentally Sensitive Lands Potentially Impacted by Project						
Type of Development Proposal		Wetlands, listed non-covered species habitat ⁽¹⁾	Other Sensitive Biological Resources other than Wetlands and listed noncovered species habitat	Steep Hillides	Sensitive Coastal Bluffs and Coastal Beaches	Floodplains
1. Single dwelling units on individual lots equal to or less than 15,000 square feet ⁽²⁾	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. Single dwelling units on lots or multiple lots totaling more than 15,000 square feet	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. Multiple dwelling unit and non-residential development and public works projects	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. Any subdivision of a premises	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)
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	R	143.0141(a),(b), 143.0150	143.0141, 143.0150	143.0142,	143.0143, 143.0144, 143.0150	143.0145, 143.0146

Environmentally Sensitive Lands Potentially Impacted by Project						
Type of Development Proposal	Wetlands, listed non-covered species habitat ⁽¹⁾	Other Sensitive Biological Resources other than Wetlands and listed noncovered species habitat	Steep Hillides	Sensitive Coastal Bluffs and Coastal Beaches	Floodplains	
from any portion of the <i>Environmentally Sensitive Lands Regulations</i>			143.0150 ⁽⁴⁾		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. <i>Development other than single dwelling units on individual lots, that proposes alternative compliance for development area in steep hillsides.</i>	R	--	--	143.0142 except (a), 143.0151	--	--
	P	--	--	SDP/ Process Four Three	--	--
	U	--	--	--	--	--

Issue #13 Rescinding Development Permits

§126.0110 Cancellation of a Development Permit

(a) An owner or permittee may request cancellation of a *development permit* at any time before initial utilization of the permit. The owner or permittee shall submit the request for cancellation in writing to the City Manager. The development permit shall not be cancelled less than 120 calendar days after the request is received by the City Manager. The City shall forward a written declaration of the cancellation to the County Recorder for recordation in accordance with Section 126.0106. The *development permit* shall be void on the date that the declaration of cancellation is recorded with the County Recorder. The City shall mail a copy of the declaration of cancellation to the owner permittee.

(b) Once a development permit has been utilized, an owner or permittee may request cancellation of the development permit in accordance with Section 126.0113 Amendments to a Development Permit.

Comment: Do we want to add any clarification for situations where applicant is requesting to rescind a development permit where the development (without the development permit) would be in full compliance with all use and development regulations?

USES

Issue #14 Child Care Facilities

§141.0606 Child Care Facilities

- (a) This section regulates the following *child care facilities*:
 - (1) Large family day care homes: Any *child care facility* licensed by the State of California to provide child care for 7 to 12 children in the

child care providers home. (Small family day care homes, which provide care for six or fewer children, are not subject to this section.)

- (2) Child care centers: Any *child care facility*, other than a small or large family day care home, that is licensed by the State of California to provide child care: child care centers may be infant centers, preschools, or school-age, extended day care facilities.

(b) Large Family Day Care Homes

Large family day care homes are a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (1) A large family day care home may provide care for 7-12 children (including children under the age of 10 who reside at the home) for periods of less than 24 hours per day.
- (2) The day care provider shall comply with all state licensing requirements for large family day care homes.
- (3) The day care provider shall comply with standards adopted by the State Fire Marshal pursuant to the California Health and Safety Code relating to large family day care homes.

(c) Child Care Centers

Child care centers are permitted as a limited use in the zones indicated with an “L” and may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (1) Child care centers are not permitted within 1,000 feet of any known business that:
 - (A) Has or is required to have a health permit from the County of San Diego Hazardous Materials Management Division, excluding underground fuel storage tanks, and handles regulated substances ~~acutely hazardous material~~ above the ~~Threshold Planning Quantities~~ Threshold Quantity as defined by the California Health and Safety Code, Division 20, Chapter 6.95, Section 25500 et seq. listed in the California Code of Regulations, Title 19 Section 2770.5.
 - (B) Handles compressed flammable gases in excess of 1,500 pounds; or
 - (C) Handles flammable liquids in excess of 10,000 gallons.

- (2) The 1,000-foot separation distance shall be measured from the *property line* of the proposed *child care facility* to the use, storage, or handling areas for the **regulated substances** ~~hazardous material~~. Businesses may satisfy the separation requirements on-site. The child care center operator has the burden of proof of demonstrating compliance with the separation requirement.
- (3) Before beginning operation, the child care center operator shall obtain and shall maintain on file on the *premises* a **Hazardous Materials Substance Approval Form** executed by the County of San Diego **Hazardous Materials Management Division**.
- (4) Deviations from the hazardous materials separation requirements may be permitted with a Conditional Use Permit decided in accordance with Process Three. Issuance of the permit will be based in part on a "Health Risk Assessment Study" to be submitted by the *applicant*.
- (5) Drop-off and pick-up of children from vehicles shall be permitted only on the driveways, in approved parking areas, or in the *street* directly in front of the facility.
- (6) All outdoor play and activity areas shall be enclosed with a *fence* that is at least 4 feet and no more than 6 feet in height. If an outdoor play or activity area is located adjacent to a public *street* with a right-of-way width of 64 feet or more, the *fence* shall be solid.
- (7) All outdoor play and activity areas shall be separated from vehicular circulation, parking areas, equipment enclosures, storage areas, and refuse and recycling storage areas.
- (8) Child care centers shall be designed to attenuate significant outside noise sources. Surrounding uses shall also be protected from noise emanating from child care centers. The following measures are required to accomplish noise attenuation.
 - (A) A *solid fence* that is at least 4 feet and no more than 6 feet in height shall be constructed between the child care center and abutting residential uses, or all windows facing abutting residential uses shall be double-glazed with 1/4-inch thick glass.
 - (B) A *solid fence* that is at least 4 feet and no more than 6 feet in height shall be constructed between the child care center and a *public right-of-way* of 64 feet or more wide, or all windows facing a *public right-of-way* of 64 feet or more wide shall be double-glazed with 1/4-inch thick glass.
- (9) The child care center operator shall comply with all state licensing requirements for child care centers.

Comment: Need to modify this form to reflect the new language and modify language accordingly.

- (d) Child care centers proposed to be located on public or private *school* sites are permitted as follows:
- (1) Child care centers proposed as an *accessory use* on the *premises* of a *school* are exempt from the provisions of this section. The child care center may be either school-operated or privately operated.
 - (2) Child care centers proposed for location on private *school premises* in a zone where *schools* are a permitted use, are permitted as a limited use subject to the regulations of Section 141.0606(c).
 - (3) Child care centers proposed for location on private *school premises* in a zone where *schools* are required to obtain a Conditional Use Permit shall also be required to obtain a Conditional Use Permit subject to the regulations in Section 141.0606(c).

Issue #15 Outpatient Medical Clinics

~~§141.0615~~ | ~~Outpatient Medical Clinics~~ **Urgent Care Facility**

Comment: Section number to be determined by City Attorney. If 141.0624 selected then we'll need to modify the veterinary clinics and zoological parks sections as well.

~~Outpatient medical clinics~~ **Urgent care facilities** are facilities that are designed or used as medical offices that operate outside of standard business hours. **Urgent care facilities** are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to Section 141.0615(a). ~~Outpatient medical clinics~~ **Urgent care facilities** may be permitted with a Neighborhood Use Permit in the zones indicated with an "N" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to Section 141.0615(b).

- (a) Limited Use Regulations
 - (1) ~~Outpatient medical clinics shall be located on the ground floor only.~~
 - (2) Ambulance services are not permitted.
 - (3) ~~Physicians shall not maintain offices serving patients other than on an emergency basis.~~
 - (4)(2) Overnight patients are not permitted.
- (b) Neighborhood Use Permit Regulations
 - (1) Overnight patients are not permitted.
 - (2) ~~Clinics~~ **Urgent care facilities** located adjacent to residentially zoned property shall remain closed between the hours of 12:00 midnight and 6:00 a.m.
 - (3) Access to the facility shall be as direct as possible from *freeways* and primary arterials and shall avoid residential *streets*.

- (4) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property. Within the beach impact area of the Parking Impact Overlay Zone, off-street parking shall be provided at a ratio not less than one parking space for every 250 sq ft of gross floor area.

Issue #16 Modify Use Regulations in the Agricultural-General Zone

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

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Open Space					
Active Recreation		-		P	
Passive Recreation		P		P	
Natural Resources Preservation		P		P	
Park Maintenance Facilities		-		-	
Agriculture					
Agricultural Processing		p ⁽⁴⁾		p ⁽⁴⁾	
Aquaculture Facilities		P		P	
Dairies		P		p ⁽⁸⁾	
Horticulture Nurseries & Greenhouses		p ⁽⁶⁾		p ⁽⁶⁾	
Raising & Harvesting of Crops		P		P	
Raising, Maintaining & Keeping of Animals		p ⁽²⁾		p ^{(2),(3)}	
Separately Regulated Agriculture Uses					
Agricultural Equipment Repair Shops		C		-	
Commercial Stables		C		L	
Community Gardens		L		L	
Equestrian Show & Exhibition Facilities		C		C	
Open Air Markets for the Sale of Agriculture-Related Products & Flowers		L		L	
Residential					
Group Living Accommodations		-		-	
Mobilehome Parks		-		-	
Multiple Dwelling Units		-		-	
Single Dwelling Units		p ⁽¹⁾		P	
Separately Regulated Residential Uses					
Boarder & Lodger Accommodations		L		L	

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
Companion Units	-			C	
Employee Housing:					
6 or fewer employees	L ⁽⁷⁾			L ⁽⁷⁾	
12 or Fewer employees	L ⁽⁷⁾			L ⁽⁷⁾	
Greater than 12 employees	N			C	
Fraternities, Sororities and Student Dormitories	-			-	
Garage, Yard, & Estate Sales	-			L	
Guest Quarters	-			N	
Home Occupations	-			L	
Housing for Senior Citizens	-			-	
Live/Work Quarters	-			-	
Residential Care Facilities:					
6 or fewer persons	-			P	
7 or more persons	-			C(10)	
Transitional Housing:					
6 or fewer persons	-			P	
7 or more persons	-			C(10)	
Watchkeeper Quarters	-			-	
Institutional					
Separately Regulated Institutional Uses					
Airports	-C			C	
Botanical Gardens & Arboretums	C			C	
Cemeteries, Mausoleums, Crematories	-C			C	
Churches & Places of Religious Assembly	-			C	
Communication Antennas:					
Minor Telecommunication Facility	L			L	
Major Telecommunication Facility	C			C	
Satellite Antennas	L			L	
Correctional Placement Centers	-			-	
Educational Facilities					
Kindergarten through Grade 12	-			C	
Colleges / Universities	-			C	
Vocational / Trade School	-			-	

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
Energy Generation & Distribution Facilities		-C		C	
Exhibit Halls & Convention Facilities		-		-	
Flood Control Facilities		L		L	
Historical Buildings Used for Purposes Not Otherwise Allowed		-C		C	
Homeless Facilities:					
Congregate Meal Facilities		-		-	
Emergency Shelters		-		-	
Homeless Day Centers		-		-	
Hospitals, Intermediate Care Facilities & Nursing Facilities		-		C	
Interpretive Centers		C-P		P	
Museums		-		-	
Major Transmission, Relay, or Communications Switching Stations		-C		C	
Social Service Institutions		-		-	
Retail Sales					
Building Supplies & Equipment		-		-	
Food, Beverages and Groceries		-		-	
Consumer Goods, Furniture, Appliances, Equipment		-		-	
Pets & Pet Supplies		-		-	
Sundries, Pharmaceuticals, & Convenience Sales		-		-	
Wearing Apparel & Accessories		-		-	
Separately Regulated Retail Sales Uses					
Agriculture Related Supplies & Equipment		C		C	
Alcoholic Beverage Outlets		-		-	
Plant Nurseries		C		C	
Swap Meets & Other Large Outdoor Retail Facilities		-		C	
Commercial Services					
Building Services		-		-	
Business Support		-		-	
Eating & Drinking Establishments		-		-	
Financial Institutions		-		-	

Comment: May need to amend 141.0414 to permit in San Pasqual since interpretive centers in the FUA AG zones are otherwise prohibited. Consider Prop A implications.

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
Funeral & Mortuary Services		-		-	
Maintenance & Repair		-		-	
Off-Site Services		-		-	
Personal Services		-		-	
Assembly & Entertainment		-		-	
Radio & Television Studios		-		-	
Visitor Accommodations		-		-	
Separately Regulated Commercial Services Uses					
Adult Entertainment Establishments:		-		-	
Adult Book Store		-		-	
Adult Cabaret		-		-	
Adult Drive-In Theater		-		-	
Adult Mini-Motion Picture Theater		-		-	
Adult Model Studio		-		-	
Adult Motel		-		-	
Adult Motion Picture Theater		-		-	
Adult Peep Show Theater		-		-	
Adult Theater		-		-	
Body Painting Studio		-		-	
Massage Establishment		-		-	
Sexual Encounter Establishment		-		-	
Bed & Breakfast Establishments:					
1-2 Guest Rooms		-		L(10)	
3-5 Guest Rooms		-		N(10)	
6+ Guest Rooms		-		C(10)	
Boarding Kennels		-L		L	
Camping Parks		-C		C	
Child Care Facilities:					
Child Care Centers		-		C ⁽⁹⁾	
Large Family Day Care Homes		-		L ⁽⁹⁾	
Small Family Day Care Homes		-		P	

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
Eating and Drinking Establishments Abutting Residentially Zoned Property	-	-	-	-	-
Fairgrounds	-	-	-	-	C
Golf Courses, Driving Ranges, and Pitch & Putt Courses	-	C	-	-	C
Helicopter Landing Facilities	-	C	-	-	C
Instructional Studios	-	-	-	-	-
Massage Establishments, Specialized Practice	-	-	-	-	-
Nightclubs & Bars over 5,000 square feet in size	-	-	-	-	-
Outpatient Medical Clinics	-	-	-	-	-
Parking Facilities as a <i>Primary Use</i> :					
Permanent Parking Facilities	-	-	-	-	-
Temporary Parking Facilities	-	-	-	-	-
Private Clubs, Lodges and Fraternal Organizations	-	-	-	-	-
Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size ⁽⁵⁾	-	-	-	-	C
Pushcarts					
Pushcarts on Private Property	-	-	-	-	-
Pushcarts in <i>public right-of-way</i>	-	-	-	-	-
Recycling Facilities:					
Large Collection Facility	-	N	-	-	N ⁽⁹⁾
Small Collection Facility	-	L	-	-	L
Large Construction & Demolition Debris <i>Recycling Facility</i>	-	-	-	-	-
Small Construction & Demolition Debris <i>Recycling Facility</i>	-	-	-	-	-
Drop-off Facility	-	-	-	-	-
Green Materials Composting Facility	-	L	-	-	N
Mixed Organic Composting Facility	-	C	-	-	C
Large Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial & Industrial Traffic	-	-	-	-	-
Large Processing Facility Accepting All Types of Traffic	-	-	-	-	-
Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables From Commercial & Industrial Traffic	-	-	-	-	-
Small Processing Facility Accepting All Types of Traffic	-	-	-	-	-
Reverse Vending Machines	-	-	-	-	-
Tire Processing Facility	-	-	-	-	-

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
Sidewalk Cafés		-		-	
Sports Arenas & Stadiums		-		-	
Theaters that are outdoor or over 5,000 square feet in size		-		-	
Veterinary Clinics & Animal Hospitals		-	C		C
Zoological Parks		C			C
Offices					
Business & Professional		-		-	
Government		-		-	
Medical, Dental, & Health Practitioner		-		-	
Regional & Corporate Headquarters		-		-	
Separately Regulated Office Uses					
Real Estate Sales Offices & Model Homes		-			L
<i>Sex Offender</i> Treatment & Counseling		-		-	
Vehicle & Vehicular Equipment Sales & Service					
Commercial Vehicle Repair & Maintenance		-		-	
Commercial Vehicle Sales & Rentals		-		-	
Personal Vehicle Repair & Maintenance		-		-	
Personal Vehicle Sales & Rentals		-		-	
Vehicle Equipment & Supplies Sales & Rentals		-		-	
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses					
Automobile Service Stations		-		-	
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i>		-		-	
Wholesale, Distribution, Storage					
Equipment & Materials Storage Yards		-		-	
Moving & Storage Facilities		-		-	
Warehouses		-		-	
Wholesale Distribution		-		-	
Separately Regulated Wholesale, Distribution, and Storage Uses					
Impound Storage Yards		-		-	
Junk Yards		-		-	
Temporary Construction Storage Yards Located Off-Site		-	N		N

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
Industrial					
Heavy Manufacturing	-	-	-	-	-
Light Manufacturing	-	-	-	-	-
Marine Industry	-	-	-	-	-
Research & Development	-	-	-	-	-
Trucking & Transportation Terminals	-	-	-	-	-
Separately Regulated Industrial Uses					
Hazardous Waste Research Facility	-	-	-	C ⁽⁹⁾	-
Hazardous Waste Treatment Facility	-	-	-	C ⁽⁹⁾	-
Marine Related Uses Within the Coastal Overlay Zone	-	-	-	-	-
Mining and Extractive Industries	-	C	-	-	C
Newspaper Publishing Plants	-	-	-	-	-
Processing & Packaging of Plant Products & Animal By-products Grown Off-premises	-	C	-	-	-
Very Heavy Industrial Uses	-	-	-	-	-
Wrecking & Dismantling of Motor Vehicles	-	-	-	-	-
Signs					
Allowable Signs	-	L	-	L	-
Separately Regulated Signs Uses					
Community Identification Signs	-	N	-	N	-
Reallocation of Sign Area Allowance	-	-	-	-	-
Revolving Projecting Signs	-	-	-	-	-
Signs with Automatic Changing Copy	-	-	-	-	-
Theater Marquees	-	-	-	-	-

Footnotes for Table 131-03B

- 1 This use is permitted only as an *accessory use* to a permitted agricultural use.
- 2 Maintaining, raising, feeding, or keeping of 10 or more domestic animals requires a *premises* of at least 5 acres.
- 3 Excludes maintaining, raising, feeding, or keeping of swine.
- 4 See Section 131.0323(a).
- 5 The 40,000 square feet includes all indoor and outdoor areas that are devoted to the recreational use; it does not include customer parking areas.
- 6 See Section 131.0323(b).

- 7 For housing 6 or fewer employees, see Section 141.0303 to determine which use regulations apply.
- 8 Dairies require a *premises* of at least 5 acres.
- 9 This use is not allowed within the Coastal Overlay Zone
- 10 Not permitted within the following Special Flood Hazard Areas in the Coastal Overlay Zone: San Dieguito River, Carmel Creek, Los Penasquitos Lagoon, Los Penasquitos Creek, the Otay River and the Tijuana Tia Juana River.

§141.0414 Interpretive Centers

Interpretive centers are structures or facilities designed to inform and educate the public about the surrounding environment.

Interpretive centers 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) ~~Interpretive centers are not permitted in agricultural zones in the future urbanizing area or within floodplains located in agriculturally zoned areas of the Coastal Overlay Zone.~~
- (b) The design of the structures shall incorporate a variety of architectural elements that help diminish building bulk.
- (c) Off-street parking shall be provided in accordance with Table 142-05F.

Comment: Interpretive centers are currently permitted in the AG-1-1 and AR-1-1 zones by right. Consider relationship to Prop A before changing to require a CUP.

Issue #17 Traffic Study for Recycling Facilities

§141.0620 Recycling Facilities

- (i) Small and large construction and demolition (C&D) debris *recycling facilities* may be permitted with a Neighborhood Use Permit in the zones indicated with an “N” or a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.
 - (1) *Lot Size*
 - (A) A small C&D debris *recycling facility* may not exceed 4 acres.
 - (B) A large C&D debris *recycling facility* may exceed 4 acres.
 - (2) *Separation Distances*
 - (A) Small C&D debris *recycling facilities* shall be located at least 300 feet from residentially zoned property. Processing, grinding, crushing, and screening operations shall be set back at least 100 feet from the adjacent *property line*.

- (B) Large C&D debris *recycling facilities* shall be located at least 500 feet from residentially zoned property. Processing, grinding, crushing, and screening operations shall be set back at least 200 feet from the adjacent *property line*.
- (3) Processing Capacity Limit
 - (A) Small C&D debris *recycling facilities* shall not accept more than 400 tons of *recyclable construction and demolition debris* per day.
 - (B) Large C&D debris *recycling facilities* shall not accept more than 2,500 tons of *recyclable construction and demolition debris* per day.
- (4) Power driven processing may be permitted if in compliance with the noise regulations in Section 142.0720.
- (5) Facilities shall not operate between the hours of 7:00 p.m. and 7:00 a.m.
- (6) Facilities shall be enclosed on all sides by a *solid fence* that is at least 6 feet in height.
- (7) Material shall not be stockpiled higher than 15 feet. Stockpiled material shall be located at least 30 feet from the adjacent *public right-of-way*.
- (8) Space shall be provided on the site for the anticipated peak customer load to circulate and deposit or load material or finished product. ~~A traffic study demonstrating the impact of the anticipated truck traffic on adjacent streets shall be submitted to the decision maker.~~
- (9) The facility shall be clearly marked with the name and telephone number of the facility operator and the hours of operation.
- (10) The site shall be kept free of litter.
- (11) The site shall be secured from unauthorized entry and removal of material when attendants are not present.

- (12) Any permit issued by the City of San Diego shall be void if the facility does not obtain other required local and state permits or does not comply with regulations enforced by the local enforcement agency, the Air Pollution Control District, or other applicable regulatory agencies.

CEQA

Issue #18 Repeal CEQA Chapter 6 Article 9 Division 2

Article 9: Environmental Quality Ordinance

Division 2: Procedures for Implementation of CEQA and the State CEQA Guidelines

§69.0201 — Purpose

~~The purpose of the procedures set forth in Article 9, Divisions 1 through 3 is to implement CEQA and the State CEQA Guidelines, and to provide the City of San Diego with objectives, criteria, and specific procedures consistent with CEQA and the State CEQA Guidelines for administering its responsibilities under CEQA, including the timely and orderly evaluation of projects and preparation of environmental documents. The procedures and provisions of this article are intended to supplement the State CEQA Guidelines and to provide additional guidelines for implementing CEQA and evaluating projects in the City.~~

§69.0202 — Authority

~~The procedures set forth in Article 9 are adopted by the City Council pursuant to Section 21082 of CEQA and Section 15022 of the State CEQA Guidelines.~~

§69.0203 — Implementation Procedures

~~All City agencies, in cooperation with DEP, shall systematically review and evaluate the ordinances, plans, policies, standards, criteria, procedures and practices under which they conduct their activities that may affect the quality of the environment and shall make or propose such changes in their activities that will further the purpose, intent and policies of this Article. City agencies shall carry out their responsibilities for preparing and reviewing environmental documents within a reasonable period of time. The Deputy Director is authorized to issue administrative guidelines consistent with CEQA, CEQA Guidelines, current case law and City Council Policy to assist City staff, project applicants and the public in meeting and understanding the requirements of CEQA and this Article. Subject to City Council approval, the Deputy Director shall adopt procedures for resolving disputes on environmental document processing issues.~~

§69.0204 — Powers and Duties of the Development and Environmental Planning Division

~~The Director shall be responsible for conducting environmental reviews and making determinations in accordance with CEQA regarding the environmental significance of projects and the type of environmental documents required for all projects or activities that are subject to discretionary approval by the City proposed by private applicants, the City, or other public agencies. DEP shall also conduct those activities, prepare appropriate reports and perform such services as set forth in this Article, CEQA, and the State CEQA Guidelines. The requirements for the preparation of environmental documents should not cause undue delays in the processing of applications for permits or other entitlements for use.~~

~~DEP shall establish and maintain that degree of independence in the performance of its functions and duties as will assure the City Council, the City Manager, the Planning Commission and the people of the City of San Diego that the review and analysis of the environmental consequences of projects under its purview, whether beneficial or detrimental, are in accordance with CEQA, are independent and wholly objective and are not prepared for the purpose of either supporting or detracting from any project, plan or position, whether advanced by the City, the Planning Department, Development Services Department, any other governmental agency, a developer, a citizen or a group of citizens. DEP shall, in addition, work with and encourage project applicants to incorporate and effect all feasible environmental mitigation measures or project alternatives to minimize, if not preclude, adverse impacts to the environment from the project, consistent with CEQA.~~

§69.0205 — ~~Development and Environmental Planning Division Preparation of Reports and Declarations~~

~~After an application for a discretionary permit or action is determined to be complete, DEP shall conduct an initial study of the project to determine whether an environmental document will need to be prepared. DEP shall notify the applicant in accordance with Section 15060 of the CEQA Guidelines of the scope of the environmental document and the additional information required. The time limits set forth in Section 21151.5 of CEQA for preparation of environmental impact reports and negative declarations are hereby adopted and established. The time limits for document preparation and review shall be coordinated with the provisions of the Permit Streamlining Act, Government Code section 65920, et. seq., except that time limits may be suspended as provided in Section 15109 of the Guidelines.~~

~~Any environmental impact report or negative declaration prepared pursuant to the requirements of this Article shall be prepared directly by, under contract to, or under the supervision of DEP. The City Manager or Development Services Director is authorized to retain consultants, when appropriate, to implement the provisions of this section and expend funds collected pursuant to Section 69.0206 of this Code for such purposes. DEP may choose one of the following arrangements, or a combination thereof, for preparing a draft environmental report:~~

- ~~(a) — Preparing the draft environmental report with its own staff.~~

- (b) ~~Contracting with another entity, public or private, to prepare the draft environmental report.~~
- (c) ~~Executing a three party agreement or memorandum of understanding, as appropriate, with the applicant and an independent environmental consultant to govern the preparation of a draft environmental report through the means of an independent contractor.~~
- (d) ~~Causing a draft environmental report to be prepared by an environmental consultant retained by the applicant, based on a scope of issues letter prepared by DEP. Reports prepared in this manner shall be subject to the independent review and analysis set forth in Section 69.0204 and shall not be released for public review until DEP staff determines they are adequate.~~

~~DEP is responsible for implementation of the three party agreement or memorandum of understanding for preparation of environmental reports, and ensuring that only qualified environmental consultants prepare such reports.~~

~~This section is not intended to prohibit, and shall not be construed as prohibiting, any person from submitting information to DEP. Such information may be submitted in any format and may be included in whole or in part in any such report or declaration.~~

~~An environmental report prepared pursuant to Section 69.0205 shall reflect the independent judgment and evaluation of DEP as to its adequacy and objectivity. Prior to the distribution of the draft environmental report for public review, the Deputy Director shall ensure that the draft report, to the maximum extent possible, incorporates the latest pertinent technical or scientific information and is factually accurate and consistent.~~

§69.0206 — Fees From Party Proposing Project

~~DEP shall charge a reasonable fee and collect a deposit from any party proposing a project subject to the provisions of this Article in order to fully recover all reasonable costs incurred by the City in preparing and supervising an environmental impact report, negative declaration or mitigation monitoring program for each project. The Development Services Director shall prepare and submit to the Council an appropriate fee schedule. The schedule shall become effective on its approval by Council resolution, and be published in the composite rate book by the City Clerk.~~

§69.0207 — Noticing Requirements

~~Notice of availability of environmental reports for public review and comment shall be given by DEP using the following procedures:~~

- (a) ~~The notice of availability shall be published one time in the officially designated City newspaper, and shall be sent by DEP to all organizations and individuals who have previously requested such notice and to the public library serving the area involved. A copy of the notice of availability shall~~

~~also be sent to the officially recognized community planning group representing the planning area involved.~~

- ~~(b) — A copy of the notice of availability may also be sent by DEP to a community newspaper within the recognized community planning area.~~

§69.0208 — Public Review and Comment

~~Other public agencies and members of the public shall have the following time periods to review and comment on draft environmental impact reports and supplements, negative declarations and addenda:~~

~~(a) — Negative Declarations~~

~~(1) — When a negative declaration is not required to be submitted to the State Clearinghouse for review by state agencies, then the public review period shall be a minimum of 21 calendar days.~~

~~(2) — When a negative declaration is required to be submitted to the State Clearinghouse for review by state agencies, the public review period shall be a minimum of 30 calendar days unless a shorter period is approved by the State Clearinghouse.~~

~~(b) — Draft Environmental Impact Reports and Supplements~~

~~(1) — When a draft environmental impact report or a supplement is not required to be submitted to the State Clearinghouse for review by state agencies, then the public review period shall be a minimum of 30 calendar days.~~

~~(2) — When a draft environmental impact report or a supplement is required to be submitted to the State Clearinghouse for review by state agencies, then the public review period shall be a minimum of 45 calendar days, unless a shorter period is approved by the State Clearinghouse.~~

~~(c) — Addenda~~

~~All addenda for environmental documents certified more than three years previously shall be distributed for public review for fourteen (14) calendar days along with the previously certified environmental impact report or negative declaration pursuant to section 69.0211; provided, however, that this review period for the addenda shall not extend the time for action beyond that required under law, and provided further that the failure to allow review of addenda or allow sufficient time to review addenda shall not invalidate any discretionary agency approval based upon an addendum under review.~~

~~(d) — Additional Review Time~~

An additional review period not to exceed 14 calendar days may be allowed by the Deputy Director for good cause shown upon request of the affected officially recognized community planning group; provided, however, that the additional time for review shall not extend the time for action beyond that required under law, nor shall the failure to allow additional time for review invalidate any discretionary agency approval based upon the document for which the additional review time was requested. The Deputy Director shall adopt guidelines subject to City Council approval under which "good cause" may be shown.

(e) ~~Recertification and Reissuance of Previous Environmental Report.~~

~~When a previously certified environmental impact report or negative declaration, including any supplement or addendum, adequately covers additional discretionary actions on the same project and accurately analyzes the environmental impacts, and the circumstances surrounding the project are essentially the same, then that document may be reissued for use by the decisionmaking body under an explanatory cover letter certifying that none of the conditions specified in Section 21166 of the Act apply. The decisionmaker shall certify or recertify as necessary that the appropriate environmental documents have been considered prior to discretionary actions on the project. Public review may be required pursuant to Section 15153 of the CEQA Guidelines when the document is to be used in connection with the discretionary approval of another project.~~

§69.0209 — Responses to Comments

~~Written responses shall be prepared by DEP or under the supervision of DEP to letters of comment received during the public review period for all environmental impact reports, negative declarations, supplements, and addenda and be attached to the environmental document.~~

§69.0210 — Findings and Statement of Overriding Considerations

~~The following procedures are established for the preparation of Findings and the Statement of Overriding Considerations pursuant to Sections 15091 and 15093, respectively, of the State CEQA Guidelines, when significant impacts are identified in a Draft Environmental Impact Report (DEIR):~~

- (a) ~~Draft candidate findings shall be submitted to DEP prior to the distribution of the DEIR for public review. Draft candidate findings are not subject to public review at this time.~~

~~If the draft candidate findings state that mitigation measures and project alternatives are not feasible for physical, social or other grounds, then the record must demonstrate justification for such conclusions.~~

~~If the draft candidate findings state specifically that mitigation measures and project alternatives identified in the draft environmental impact report are not economically feasible, then the record shall demonstrate the economic infeasibility of the mitigation measures to support the findings. In making the findings, DEP shall not require disclosure of material that meets the definition of and would be classified by the applicant as a "trade secret" within the meaning of Public Resources Code Section 21160. If, however, the applicant elects to furnish a "trade secret," then the applicant may furnish the "trade secret" to DEP, and DEP shall accord the protection to the "trade secret" required by law.~~

~~(b) — The City department or division which is responsible for making a recommendation on the project to the decisionmaker shall, in conjunction with DEP, review the supporting documentation and information to determine whether or not substantial evidence exists to support the draft candidate findings.~~

~~(1) — If, in the opinion of the recommending department or division and DEP, the documentation is insufficient to support the draft candidate findings, and the applicant does not provide additional requested necessary information, the Deputy Director shall advise the decisionmaker that the record is considered inadequate and that it would not be possible to recommend approval of the project as proposed.~~

~~The applicant is thereafter responsible for providing to the decisionmaker any additional oral information or written documentation for the record at the time of the public hearing or other discretionary action to support making the findings and statement of overriding considerations necessary for approval of the proposed project.~~

~~(2) — If the recommending department or division and DEP determine the information and documentation is sufficient to support the draft candidate findings and any associated proposed statement of overriding considerations, then the recommending department or division in conjunction with DEP shall prepare the findings and~~

~~statement of overriding considerations for the decisionmaker. Any additional information and documentation provided by the applicant at the public hearing shall be included as an attachment to the record prepared for the decision.~~

- ~~(e) The draft candidate findings and proposed statement of overriding considerations shall be completed and be available with copies of the final environmental impact report 14 calendar days prior to the first public hearing or discretionary action on the project.~~
- ~~(d) If, prior to making a decision, the decisionmaker determines that substantive additional information has been presented at the public hearing requiring further review, then the decisionmaker may refer such information to DEP for analysis, provided such referral does not adversely affect any time limitations imposed by law.~~
- ~~(e) The adopted findings and the statement of overriding considerations shall be based on the entire record of proceedings and be finalized by DEP in consultation with the applicant and the City Clerk and the recommending department or division when appropriate.~~

§69.0211 — Addenda to Environmental Reports

~~DEP shall be responsible for determining whether to prepare an addendum to an environmental impact report or negative declaration pursuant to Section 15164 of the State CEQA Guidelines. These may be prepared provided no substantial changes have occurred pursuant to CEQA Guidelines section 15162 which require an environmental document, addenda for environmental documents certified more than three (3) years previously shall be distributed by DEP for public review for a fourteen (14) calendar day period, along with the previously certified Environmental Impact Report or negative declaration. DEP shall evaluate written comments on draft addenda in accordance with Section 15088 of the State CEQA Guidelines and incorporate the comments and responses into the final addenda and record. Failure by DEP to provide all or a portion of the review period shall not preclude discretionary action on the project when necessary to avoid conflict with time limits imposed by law.~~

§69.0212 — Final Report Distribution and Review

~~DEP shall make all final environmental reports available to the public and decision makers at least fourteen (14) calendar days prior to the first public hearing or discretionary action on the project. DEP shall also mail copies of final environmental reports to the public, including but not limited to community planning groups or others, as appropriate, no later than fourteen (14) calendar days prior to the first public hearing or discretionary action. Pursuant to Public Resources Code section 21092.5, DEP shall provide a final environmental impact report to a public agency that commented on the draft document ten (10) days prior to certification of the Document. No comments shall be solicited and no written responses to comments on final environmental reports shall be prepared. The intent of this review period is to provide other public agencies, the public, and the decisionmakers the opportunity to review the final report prior to the first public hearing or discretionary action on the project. Notwithstanding, failure to provide this fourteen (14) calendar day review period shall not be treated as a procedural defect and shall not preclude discretionary action on the project when necessary to avoid conflict with time limits imposed by law.~~

§69.0213 — Discretionary Extensions of Time

~~All discretionary extensions of time (DEOTs) to previously approved discretionary actions shall be subject to environmental review, and shall not be considered as on-going projects. The DEOT shall be evaluated pursuant to Sections 15162 through 15164 of the State CEQA Guidelines to determine the appropriate environmental report, if any, necessary to address the DEOT. All administrative extensions of time for final subdivision maps authorized pursuant to Government Code Section 66452.6(a) (Subdivision Map Act) are ministerial actions and are not subject to additional environmental review.~~

§69.0214 — Demolition Permits

~~(a) — Except as otherwise provided in Section 69.0214.B or the Act, an application for a demolition permit shall be subject to environmental review where the demolition is an integral part of a pending application for a development project requiring discretionary approval, or where such demolition itself is regulated under a discretionary approval process such as the Hillside Review Overlay Zone (Sec. 101.0454) or Historical Site review (Sec. 26.0205). No demolition permit subject to environmental review shall be issued until the~~

~~environmental review process is complete and the potential impacts associated with the demolition permit have been considered.~~

- ~~(b) Section 69.0214.A shall not apply to: (1) demolitions conducted pursuant to judicial or administrative abatements; (2) emergency demolitions necessary to protect public health and safety; or (3) demolitions conducted pursuant to ministerial demolition permits.~~

§69.0215 — Reporting and Monitoring Programs

~~When the conditions of project approval require mitigation and monitoring, the City Manager and the Development Services Director are responsible for promulgating mitigation and monitoring standards and guidelines for public and private projects consistent with the requirements of Section 21081.6 of the Act. Appropriate surety instruments or bonds may be required of private project applicants to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its costs to offset the salary, overhead and expenses for City personnel and programs to monitor qualifying projects.~~

§69.0216 — Habitat Acquisition

~~When a condition of project approval requires habitat acquisition or preservation of a habitat as a feasible mitigation measure for offsetting or avoiding significant effects on the environment caused by the project, the City Development Services Director in conjunction with the City Manager is hereby authorized to enter into agreements with other public agencies or private non-profit conservancies or foundations for the acquisition and maintenance of such habitat, when and if appropriate. When the affected habitat area is small and isolated, and it has been determined that the applicant cannot feasibly provide like-kind replacement, the applicant may instead pay monetary compensation into a fund administered by the City or other agency to be used for habitat acquisition or preservation of another habitat.~~

§69.0217 — Erroneous Information in Environmental Impact Reports

~~If, following the certification of an Environmental Impact Report (EIR) in connection with a project approval, it appears that the EIR contains erroneous information, and that this information was both material to and had a substantial effect on the findings and conclusions of the EIR and any related statement of overriding considerations, DEP shall determine the effect and any need for corrective action. If DEP finds correction is necessary and cannot be made pursuant to the provisions of the Act and Guidelines, then DEP shall make recommendations for corrective action to the permit issuing authority. The issuing authority may then schedule a hearing in accordance with the procedures used for the original issuance of the permit to first determine whether or not the permit issued under that certification may legally be revoked or modified, and second, whether it should then be revoked or modified to take into account the effect and materiality of the correct information. Section 69.0217 shall~~

~~not apply if the information originally submitted was considered valid at the time of certification of the EIR but later methodology established that the information was no longer valid.~~

§69.0218 — Enforcement

~~Except as otherwise provided in the Municipal Code or by other law, it is unlawful for any project applicant or permittee to do any of the following:~~

- ~~(a) — to fail to perform a material condition related to the development of a project which was made a condition of such approval or permit issued;~~
- ~~(b) — to do any act without the required permit; or,~~
- ~~(c) — to fail to timely comply with, or to acquiesce in such failure to timely perform, any condition or preliminary act required by the Development Services Director, as it materially and substantially relates to the development of a project.~~

~~Violations may be enforced by criminal or civil judicial action, or both, or in combination with any of the administrative remedies enumerated in Chapter 1 of this Code.~~

Issue #19 Date of Final Action for Notice of Determination

§128.0313 Notice of Determination

The ~~Planning and Development Review~~ **Development Services** Director, **or City Clerk as appropriate for Process Five decisions,** shall file a Notice of Determination within 5 working days of following **the date of final action for** each project approval for which an environmental document was considered. The contents of the Notice of Determination and procedures for its filing shall be consistent with the State CEQA Guidelines, Section 15075 and 15094.

PARKING

Issue #20 Frontage Calculation for Driveways on Corner Lots

§142.0560(j)(8)(B)

- (8) Maximum Number of Driveways Permitted on a *Premises*
 - (A) For properties with no access to an *alley*, there shall be at least one driveway opening permitted per *street frontage* with a maximum of one driveway opening for each 100 feet of *street frontage*.

- (B) For properties with access to an *alley* and at least 150 feet of **total street frontage**, a maximum of one driveway opening for each 150 feet of frontage is permitted.
- (C) For properties with access to an *alley* and less than 150 feet of **total street frontage**, a driveway is not permitted, except that in the RM-1-1, RM-1-2, and RM-1-3 zones, one driveway may be permitted if the prohibition of a driveway opening would preclude achieving the maximum *density* permitted by the underlying zone.

Issue #21 Driveway Size and Design

(j) Driveway and Access Regulations

- (1) For the uses described in Table 142-05L, the driveway width shall comply with the minimum and maximum widths shown. **Driveway width shall be determined based on the size of the lot, type of use proposed, and location inside or outside of the Beach Impact Area of the Parking Impact Overlay Zone. Refer to Tables 142-05L and 142-05M for the applicable minimum and maximum driveway widths.**

**Table 142-05L
Driveway Width (Lots greater than 50 feet in width)**

Use	Minimum Width		Maximum Width (Outside of Beach Impact Area of the Parking Impact Overlay Zone)		Maximum Width Beach Impact Area
	One-Way	Two-Way	One-Way	Two-Way	
Detached Single Dwelling Unit	12 feet		25 feet		12 feet
Dwelling Unit in the RX Zone	12 feet		20 feet		12 feet
Multiple Dwelling Unit	14 feet	20 feet	20 feet	25 feet	20 feet
Nonresidential	14 feet	24 feet	20 feet	30 feet	25 feet

**Table 142-05M
Driveway Width (Lots 50 feet or less in width)**

Use	Minimum Width	Maximum Width (Outside of Beach Impact Area of the Parking Impact Overlay Zone)	Maximum Width Beach Impact Area

					Area
	One-Way	Two-Way	One-Way	Two-Way	
Detached Single Dwelling Unit	12 feet		20 feet		12 feet
Dwelling Unit in the RX Zone	12 feet		20 feet		12 feet
Multiple Dwelling Unit					
2 units	12 feet		20 feet		12 feet
3-5 units	14 feet		20 feet		14 feet
6 or more units	14 feet	20 feet	20 feet	25 feet	20 feet
Nonresidential	14 feet	24 feet	20 feet	30 feet	25 feet

Issue #22 Modify Tandem Parking Space Length

§142.0560(b)

Table 142-05J
Minimum Off-Street Parking Space Dimensions

Type of Space	Required Single Space Dimensions	Required Tandem Space Dimensions
Parking space unobstructed: Retail sales uses and eating and drinking establishments All other uses	8'-3" wide x 18' long 8' wide x 18' long	All uses 8' wide x 35' 36' long
Parking space abuts a wall, column, or other immovable obstacle	One side abutting obstacle: 9' wide x 18' long Two sides abutting obstacle: 9½' wide x 18' long	One side abutting obstacle: 9' wide x 35' 36' long Two sides abutting obstacle: 9½' wide x 35' 36' long
Garage door behind space	Add 1 foot to the required parking space length	Add 1 foot to the required parking space length
Garage door between front and rear space	N/A	Add 5 feet to the required parking space length

Type of Space	Required Single Space Dimensions	Required Tandem Space Dimensions
Parking Space parallel to aisle (interior space)	8' wide x 21' long	N/A

Issue #23 Modify the Self Storage Parking Requirement

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

Use	Parking Spaces Required per 1,000 Square Feet of Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus below Grade Floor Area, and Excludes Floor Area Devoted to Parking)				
	Required Automobile Parking Spaces				Required Bicycle Parking Spaces ⁽³⁾
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area ⁽¹⁾	Maximum Permitted	Carpool Minimum ⁽²⁾	Minimum
Wholesale, Distribution, and Storage⁽⁶⁾					
All wholesale, distribution and storage uses	1.0 ⁽⁴⁾	1.0 ⁽⁴⁾	4.0	N/A	0.1
Self Storage Facilities	1.0 space/10,000 sq ft plus 3.3 space per 1,000 square foot of accessory office space	N/A	N/A	N/A	N/A
Industrial					
Heavy Manufacturing (except in IS Zone)	1.5	1.5	4.0	0.2	0.03 + .03 bike lockers with shower
Light manufacturing (except in IS Zone)	2.5	2.1	4.0	0.3	0.03 + .03 bike lockers with shower
Research & development (except in IS Zone)	2.5	2.1	4.0	0.3	0.03 + .03 bike lockers with shower
All industrial uses in the IS Zone	1.0 ⁽⁴⁾	1.0 ⁽⁴⁾	4.0	N/A	0.1

Issue #24 Shared Parking: Cinemas in Transit Areas

**Table 142-05H
Parking Ratios for Shared Parking**

Use	Peak Parking Demand (Ratio of spaces per 1,000 square feet of floor area unless otherwise noted. Floor area includes gross floor area plus below grade floor area and excludes floor area devoted to parking)	Transit Area ⁽¹⁾

Office (except medical office)		
Weekday	3.3	2.8
Saturday	0.5	0.5
Medical office		
Weekday	4.0	3.4
Saturday	0.5	0.5
Retail sales		
	5.0	4.3
Eating & drinking establishment		
	15.0	12.8
Cinema	1-3 screens	1 space per 3 seats
	4 or more screens	1 space per 3.3 seats
		<u>.85+ spaces per 3 seats</u> 1 space per 3.3 seats <u>.85 spaces per 3.3 seats</u>

Issue #25 Parking Aisles on lots 50 feet or less in width

- (c) Minimum Dimensions for Automobile Parking Aisles. The minimum dimensions for automobile parking aisles at permitted angles for one-way and two-way circulation are shown in Table 142-05K and illustrated in Diagram 142-05B, except as provided in Section 142.0560(e) for certain pre-existing parking facilities.

**Table 142-05K
Aisle Dimensions**

Angle Between Parking Space and Aisle	Minimum Required Aisle Width (feet)	
	One Way	Two Way
90° (perpendicular)	24*	24*
75°	23	24
60°	18	22
45°	12	20
0° (parallel)	12	20

Comment: Need to convert this to footnote format.

* For narrow lots 50 feet or less in width, the minimum drive aisle may be reduced to 22 feet.

RECYCLED WATER

Issue #26 Recycled Water

113.0103 Definitions

Reclaimed Water is another term for “recycled water”.

Recycled Water shall have the definition set forth in Title 22, Division 4 of the California Code of Regulations and shall mean water which, as a result of treatment of wastewater, is suitable for a direct beneficial use or controlled use that otherwise would not occur. Specifically excluded from this definition is gray water.

§129.0402 When a Plumbing/Mechanical Permit Is Required

- (a) No plumbing system, or portion of a plumbing system, shall be installed within or on any *structure* or *premises*, nor shall any alteration, addition, or replacement be made in any existing plumbing system unless a Plumbing/Mechanical Permit has been obtained for the work except as exempted in Section 129.0403.
- (b) No heating, ventilating, air conditioning, or refrigeration system or part thereof shall be installed, altered, replaced, or repaired unless a Plumbing/Mechanical Permit has been obtained for the work except as exempted in Section 129.0404.
- (c) No recycled water system or portion of a recycled water system shall be installed within any property, premises, or structure, nor shall any alteration, addition, or replacement be made in any existing recycled water system unless a Plumbing/Mechanical Permit has been obtained for the work except as exempted in Section 129.0403.
- (d) No recycled cooling tower feed water system or part thereof shall be installed, altered, replaced, or repaired unless a Plumbing/Mechanical Permit has been obtained except as exempted in Section 129.0403

§129.0403 Exemptions from a Plumbing/Mechanical Permit for Plumbing Work

A Plumbing/Mechanical Permit is not required for the following plumbing repair work:

- (a) Stopping of leaks in drains, soil, waste, ~~or~~ vent pipe, or recycled water pipe. However, this exemption does not apply for the replacement of any drain pipe, soil, waste, ~~or~~ vent pipe, or recycled water pipe with new material in any part as part of the repair.
- (b) Clearing of stoppages, or the repair of leaks in soil, waste, or vent pipes, valves, fixtures, or replacement of exposed traps, recycled water valves, or sprinkler devices in existing plumbing systems serving lavatories, sinks, laundry trays, or similar fixtures.

§129.0405 General Rules for Plumbing/Mechanical Permits

- (a) A Plumbing/Mechanical Permit shall be obtained before work is started except in cases where emergency or urgent necessity can be shown to exist, in which case a permit shall be obtained within 2 *business days* of beginning work..
- (b) A separate Plumbing/Mechanical Permit is required for each building in which rough work for a plumbing fixture, or heating, ventilating, air conditioning, or refrigeration is installed, except in the case of an unoccupied accessory building or a garage that is part of the plumbing system of a *single dwelling unit*.
- (c) No privately owned lines, equipment, duct work, or other facilities shall be installed over, under, or across any public property without first complying with the requirements in Municipal Code Chapter 6, Article 2.
- (d) The Building Official may withhold permission to install or operate any gas or electrical meter for a *structure* until the *structure* is approved for occupancy.
- (e) The Building Official shall inspect, and reinspect as the Official determines to be necessary, all plumbing, heating, ventilating, air conditioning, ~~or~~ refrigeration system, or recycled water system installations and shall keep complete records of all permits, inspections, and reinspections.
- (f) Recycled water system installations shall be approved by the San Diego County Department of Environmental Health Services.

§129.0406 Qualifications for Obtaining a Plumbing/Mechanical Permit

A Plumbing/Mechanical Permit for plumbing work may be issued only to the following:

- (a) Contractors licensed by the State of California who are entitled to engage in the business of, or act in the capacity of, a contractor relating to plumbing or installation of recycled water systems.
- (b) Property owners or lessees; or
- (c) Businesses or organizations properly licensed by the City of San Diego to engage in the installation of special equipment or systems that require connection of the equipment or systems into the water, recycled water, or gas supply system where such work is not covered by State of California Contractor licensing laws. Heating, ventilating, air conditioning, or other contractors may obtain permits for the extension of gas piping only to

equipment they are installing within their classifications of work as determined by the California Contractor's State License Board. They may not obtain permits for the repiping of a gas system, or work at the installation of gas piping to heating or air conditioning equipment, installed by others. Work authorized by any permit issued under Section 129.0406(a) shall not entitle the holder to perform work other than the connection of equipment or systems into an existing water or gas piping system.

§129.0407 How to Apply for a Plumbing/Mechanical Permit

- (a) An application for a Plumbing/Mechanical Permit shall be submitted in accordance with Sections 112.0102 and 129.0105.
- (b) Every application shall include the following information:
 - (1) Location of the work proposed to be installed; and
 - (2) The amount and kind of work proposed.
- (c) Submittal documents including plans, specifications, and schedules may be necessary to determine whether the installation as described will be in compliance with the requirements of the Plumbing and Mechanical Regulations and recycled water policies, standards, and regulations.
- (d) One or more sets of plumbing/mechanical plans shall be submitted as required by the Building Official.
- (e) The Building Official may require plans to be signed by a mechanical engineer or shall require signature as otherwise specified by state law.
- (f) All pertinent changes in mechanical plans and recycled water plans submitted for plan check that are made before a Building Permit is issued, must be indicated by appropriate revision marks and the date of revision.
- (g) An owner, or the owner's authorized representative, may request in writing, and be granted, a temporary waiver of mechanical plan check clearance before completion of regular mechanical plan check for the purpose of obtaining a building foundation permit under the following circumstances:

- (1) Estimated data for sizing and locating the sewer connection and water meter are indicated on the plans;
- (2) The fees are paid for the required water meter and sewer connections;
- (3) Complete mechanical plans are submitted and plan check approval is obtained before a Building Permit is issued; and
- (4) The owner or the owner's authorized representative agrees in writing to make any necessary changes in the plumbing system, size of water meter, or sewer connection necessary to make the installed plumbing system comply with the Plumbing and Mechanical Regulations, and recycled water policies, standards, and regulations., and to pay any required additional water meter or sewer connection fees before the Building Permit for the remainder of the *structure* is issued.

§129.0409 Decision Process for a Plumbing/Mechanical Permit

A decision on an application for a Plumbing/Mechanical Permit shall be made by the Building Official in accordance with Process One. The Plumbing/Mechanical Permit shall be approved if the Building Official determines that the work described in the permit application and the accompanying plans comply with the Plumbing and Mechanical Regulations, recycled water policies, standards, and regulations, other applicable laws and ordinances, other applicable *construction permits, design guides and guidelines,* or any applicable *development permits.*

§129.0415 Required Inspections for a Plumbing/Mechanical Permit

- (a) All construction work and equipment authorized by a Plumbing/Mechanical Permit shall be inspected by the Building Official in accordance with Section 129.0111, ~~and~~ the inspection requirements of the Land Development Manual, and recycled water policies, standards, and regulations.
- (b) No equipment regulated by the Plumbing and Mechanical Regulations shall be connected to the fuel or power supply until it complies with all applicable Plumbing and Mechanical Regulations and a final inspection approval has been issued, except when approved otherwise by the Building Official for construction or test purposes.
- (c) All construction work and equipment authorized by a Plumbing/Mechanical Permit for recycled water installations shall also be inspected by the City Water Department, the San Diego County Department of Environmental Health Services, and/or the California State Health Department.

- (d) The Building Official may revoke final inspection approval, upon notice, if the Official finds that the plumbing, heating, ventilating, comfort cooling, or refrigeration systems, or recycled water installations fail in any respect to comply with the Plumbing and Mechanical Regulations, or that the installation is unsafe, dangerous, or a hazard to life or property.

132.1501 Purpose of the Recycled Water Overlay Zone

The purpose of the Recycled Water Overlay Zone is to provide supplemental water regulations for an area where recycled water is available (the Northern Metro Water Reuse Service Area and the Southern Metro Water Reuse Service Area). The intent of these regulations is to ensure that recycled water shall be used for any purpose approved for recycled water use, in accordance with the Rules and Regulations for Recycled Water Use and Distribution within the City of San Diego.

132.1502 Where the Recycled Water Overlay Zone Applies

- (a) This overlay zone applies to properties within the Northern Metro Water Reuse Area, and the Southern Metro Water Reuse Area as shown in the City of San Diego Water Reclamation Master Plan Update. These areas are generally shown on Diagram 132-15A.
- (b) Table 132-15A shows the sections that contain supplemental regulations and the type of permit required by this division, if any, for specific types of development proposals in this overlay zone.

**Table 132-15A
Recycled Water Overlay Zone Applicability**

<u>Type of Development Proposal</u>	<u>Supplemental Development Regulations</u>	<u>Required Permit Type/ Decision Process</u>
(1) Any development on property wholly or partially within this overlay zone that is not approved for recycled water use	None	No permit required by this division.
(2) Any new development on property wholly or partially within this overlay zone that is required to use recycled water by Table 132-15B	See Chapter 12, Article 9, Division 4	Plumbing/Mechanical permit/Process 1

DIAGRAM 132-15A Recycled Water Overlay Zone

This is a reproduction of the Recycled Water Overlay Zone Boundary, as shown on the official Optimized Recycled Water Distribution System maps, for illustration purposes only.

132.1503 New Development

New development projects are required to install recycled water pipeline in accordance with Subdivision Map Act and the City of San Diego Land Development Code. As identified in Table 132-15B, the new development types noted are required to install recycled water systems for the Title 22 uses shown.

**Table 132-15B
Recycled Water Mandatory Use in San Diego—New Development**

Title Uses of 2.2 Disinfected Tertiary Recycled Water	New Development ³				
	Residential		Schools, Commercial, Industrial and Governmental	Parks and Cemeteries	Golf Courses
	Single Dwelling Unit	Multi Dwelling Unit/HOA			
Irrigation	Not Required	Required	Required	Required	Required
Dual Plumbing – Sanitary Uses	Not allowed per Title 22	Not allowed per Title 22	Required, if recyclable water is available or will be available based on City of San Diego’s current Master Plan and building is 55 feet in height, projected to have at least 800 occupants or encompasses 80,000 square feet.	Not Required	Not Required
HVAC – Cooling Tower	Not Applicable	Not Required	Required if > or = 300 tons of capacity or 5 AFY recycled water usage.	Not Applicable	Not Applicable
Manufacturing Processes ¹	Not Applicable	Not Applicable	Recycled Water Use Study submitted as a condition of development	Not Applicable	Not Applicable
Other Uses ²	May be required on a case-by-case basis				

Footnotes for Table 132-15B

¹ For manufacturing that proposes to use potable water as part of the manufacturing process.

² Refer to Title 22 Water Recycling Criteria in California.

³ New development projects are required to install recycled water facilities for approved uses within an existing or proposed reclaimed water service area in accordance with the Subdivision Map Act and the City of San Diego Municipal Code.