

Hidden Meadows Community Sponsor Group

Covering the area bordered by Escondido, I-15, Valley Center, & Circle R

Meeting location: The Hidden Meadows Community Center 28208 Meadow Glen Way West

Thursday, September 24, 2026 at 7:00 p.m.

FINAL AGENDA

Assistance for those with disabilities: If you need accommodation to participate in this meeting, please call Bret Sealey at 619-808-3020 so necessary arrangements can be made.

(Please note that persons desiring to speak on any action or information item are requested to fill out a speaker slip, available from the Secretary.)

- 1) CALL TO ORDER: Bret Sealey, Chair
- 2) ROLL CALL: Quorum establishment
- 3) PLEDGE OF ALLEGIANCE
- 4) MINUTES
 - a) *Approval of minutes from August 27, 2026
- 5) OPEN FORUM: attendees may speak on any subject not covered by this Agenda
(Time limit – 3 minutes per speaker)
- 6) ACTION ITEMS
 - a) *Draft 2026 Code Cleanup Amendments. PDS keeps land use rules for the unincorporated areas of the County up to date. These rules are written in the County's Zoning, Regulatory, and Administrative Ordinances. PDS reviews and conducts cleanups to update these codes regularly to improve clarity, make permitting easier to understand, and ensure local regulations stay consistent with State law. This cleanup includes:
 - 16 proposed amendments to the Zoning Ordinance
 - 1 proposed amendment to the Regulatory Code
 - 2 proposed amendments to the Administrative CodeComment period ends September 25, 2026. A summary of the code cleanup changes can be found at: <https://engage.sandiegocounty.gov/2026-code-cleanup/widgets/120630/faqs#question19949>
- 7) ADMINISTRATIVE ITEMS/CORRESPONDENCE
 - a) Tiered Winery Rural Residential Expansion. Feedback from public review period has been incorporated into the final draft ordinance which will be provided to the Planning

Commission in October. Additional information can be viewed at:

<https://engage.sandiegocounty.gov/tiered-winery-rural-expansion>

- b) Streamlining Pathways for Housing and Agriculture. The County is making it easier to build housing in unincorporated communities — especially near jobs and services. Updates will also simplify rules for local agriculture. This effort updates key ordinances while continuing to protect environmental resources. Additional information can be viewed at:

<https://engage.sandiegocounty.gov/streamlining-pathways>

- c) Accessory Dwelling Unit (ADU) Ordinance Update. On August 19, 2026, the County Board of Supervisors voted unanimously to adopt the amendment. The Board adopted the following three new requirements for properties with ADU condominiums:
- Right of First Refusal (ROFR): Each condominium unit owner on a lot must establish a ROFR contract with an existing tenant or another condo owner on the same lot. The holder of the ROFR contract will have the right to purchase if they are able to match a future purchase offer.
 - Owner Occupancy Affidavit: New buyers of ADU condominium units must sign an affidavit stating that they, or a family member, intend to occupy the unit as a primary residence for a defined period.
 - Required Public Posting Period: Each new time an ADU condominium unit is listed for sale, the owner must publish the listing for a defined period of time with a disclosure stating that the ADU is being offered to buyers intending to use the ADU as a primary residence for themselves or a family member.

Additional information can be viewed at:

<https://www.sandiegocounty.gov/content/sdc/pds/longrangeplanning/ADU-ZO.html>

- d) Outcomes from Quarterly Community Planning and Sponsor Group Chair Meeting held on September 12.
- e) Status of reappointment nominations for terms expiring January 4, 2027
- i) Seat #2 – James Chagala; accepted renomination, application in progress
 - ii) Seat #4 – Craig Cook
 - iii) Seat #6 – Robert Riha; accepted renomination, application in progress
- f) Status of vacancies and appointment recommendations
- i) Seat #1 – Vacant
 - ii) Seat #8 – Vacant

- iii) I-15 Corridor Design Review Board Seat #3 – Vacant
- g) Compliance requirements update
 - i) Annual training
 - ii) Form 700
 - iii) Bi-annual ethics training
- 8) SUB-COMMITTEE REPORTS
 - a) Trails & Parks
- 9) MEMBERS' COMMENTS
- 10) AJOURNMENT

* Denotes Attachment

Next regular meeting will be on October 22, 2026, at the Hidden Meadows Community Center, 28208 Meadow Glen West. If this agenda is further revised, it will be posted 3 days prior to the meeting on the community web site: <https://www.sandiegocounty.gov/content/sdc/pds/gpupdate/comm/hidmdws.html>. A final agenda may include additional items if added more than 72 hours prior to the meeting. For further information, contact the Chair.

Public Disclosure

We strive to protect personally identifiable information by collecting only information necessary to deliver our services. All information that may be collected becomes public record that may be subject to inspection and copying by the public, unless an exemption in law exists. In the event of a conflict between this Privacy Notice and any County ordinance or other law governing the County's disclosure of records, the County ordinance or other applicable law will control.

At the discretion of the Sponsor Group, all items appearing on this agenda, whether or not expressly listed for action, may be deliberated and may be subject to action by the Sponsor Group. All public records relating to an agenda item are available for public inspection at the time they are available to Sponsor Group members. Please contact Bret Sealey at 619-808-3020 or bret@bretsealey.com for a copy of those items (identified on the agenda with an asterisk).

Hidden Meadows Community Sponsor Group

Covering the area bordered by Escondido, I-15, Valley Center, & Circle R

August 27, 2026 at 7:00 p.m.

DRAFT MINUTES

- 1) CALL TO ORDER: Bret Sealey, Chairman, 7:01 PM
- 2) ROLL CALL: Michalowski, Sealey, , Riha, Van Liew, Delin present, Chagala, Cook, excused absent. Quorum established.
- 3) PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA
- 4) MINUTES:
Motion to approve July 23, 2026 minutes by Michalowski, Second by Delin, passes 5 yea, 0 nay.
- 5) OPEN FORUM: attendees may speak on any subject not covered by this Agenda.
None
- 6) ACTION ITEMS:
 - a) Draft Battery Energy Storage Systems (BESS) Zoning Ordinance. After discussion, Motion for group to submit letter recommending a 200 foot setback from a given lot line made by Riha, second by Van Liew, passes 5 yea, 0 nay.
 - b) County of San Diego Office of Economic Development and Government Affairs (EDGA) 2027 Legislative Program. Without objection the Group determines no feedback is necessary.
- 7) ADMINISTRATIVE ITEMS:
 - a) County of San Diego's Annual Road Resurfacing Program Update (FY 2026/2027). No further discussion.
 - b) Development potential of large artificial intelligence (AI) data centers in the unincorporated areas of San Diego County. No further discussion.
 - c) County of San Diego Climate Action Plan (CAP): Annual Report & Extended Program Deadlines. No further discussion.
 - d) Socially Equitable Cannabis Program (SECP) Board of Supervisors Hearings. No further discussion.
 - e) Sustainable Agricultural Lands Conservation (SALC) 2.0 Final Report. No further discussion.

- f) Inclusionary Housing Ordinance and Program Development (Housing Study). No further discussion.
 - g) Reappointment nominations for terms expiring January 4, 2027. Member Riha accepts nomination for re-appointment. Chairman Sealy motions that if he receives confirmation from two absent members, the group will recommend re-appointment to their respective seats. Second by Van Liew, passes 5 yea, 0 nay.
 - h) Status of vacancies and appointment recommendations. Chair Sealey will pursue additional advertising venues to attempt to recruit members.
 - i) Compliance requirements update. No update available.
- 8) SUB COMMITTEES:
- a) Trails & Parks: No update
- 9) MEMBER COMMENTS:
- a) Chair Sealey: Joel Anderson's office requested support for his initiatives regarding the El Capitan boat launch and ballot measure research, however the request was not received in time to make the agenda so no action can be taken.
 - b) Chair Sealey: Submitted letter of resignation effective January 4, 2027, from seat 9 after 21 years of service, as a result of his primary employer's change in it's conflict of interest policy.
- 10) ADJOURNMENT: Meeting ends at 7:43 pm



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2026 Code Cleanup Resources

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Type	Category	Item #	What does this amendment do?	Why is this amendment needed?	Code Section
Clarifications	General Provisions	1	Adds section 1011 explaining that a license or approval from the State or another outside agency does not count as County zoning approval. It also clarifies that receiving a zoning permit or variance does not remove the need to follow other zoning rules or obtain other required permits.	This amendment is needed because applicants must understand that one approval does not replace other required approvals. For example, an outside license does not replace zoning approval, and zoning approval does not replace a building permit.	Zoning Ordinance – Section 1011, 1012, and 1013

Type	Category	Item #	What does this amendment do?	Why is this amendment needed?	Code Section
Clarifications	Principal Use Definition	2	Updates the definition of "principal use" to clarify that the primary use of a property must be legally established.	This amendment is needed because the current definition does not clearly state that a property's primary use must have been established in accordance with applicable requirements.	Zoning Ordinance - Section 1110 Definitions

Type	Category	Item #	What does this amendment do?	Why is this amendment needed?	Code Section
Clarifications	Wedding and Similar Events	3	Clarifies that weddings and similar events are classified as “participant sports and recreation.”	This amendment is needed because the existing ordinance does not clearly identify how weddings and similar events are classified. The change reflects current County practice and makes the applicable requirements easier to identify.	Zoning Ordinance – Section 1505
Clarifications	Sports Courts	4a	Replaces the term “tennis court” with the broader term “sports court.”	This amendment is needed because the current language refers only to tennis courts and does not clearly cover other types of courts, such as pickleball courts.	Zoning Ordinance – Section 4835
		4b	Replaces the term “tennis court” with the broader term “sports court” in Section 6708.		Zoning Ordinance – Section 6708

Type	Category	Item #	What does this amendment do?	Why is this amendment needed?	Code Section
Clarifications	Accessory Structures - Height, Story, and Area Updates	5a	Allows non-habitable uses, such as storage, on a second story.	This amendment is needed because the current rules can be difficult to interpret and unnecessarily limit non-habitable space.	Zoning Ordinance – Section 6456(a)
		5b	Clarifies the height and number of stories for accessory structures. It also allows non-habitable uses, such as storage, on a second story.		Zoning Ordinance – Section 6456(g)
Clarifications	Greenhouses	6	Clarifies that greenhouses must follow the setback requirements that apply to main buildings.	This amendment is needed because the current language may create confusion about whether greenhouses are exempt from setback requirements.	Zoning Ordinance – Section 6156(e)

Type	Category	Item #	What does this amendment do?	Why is this amendment needed?	Code Section
Clarifications	Regulatory Code - Centerline Ordinance	7	Updates references and clarifies requirements in Title 5, Chapter 3 of the County Regulatory Code related to the Centerline Ordinance.	This amendment will inform applicants about what actions require Centerline applications and help the County apply the Ordinance consistently to future private development projects.	Title 5, Chapter 3 of the County Regulatory Code related to the Centerline Ordinance.

Type	Category	Item #	What does this amendment do?	Why is this amendment needed?	Code Section
Clarifications	Housing - ADU's & JADU's	8a	Updates the Accessory Dwelling Unit regulations to clarify the definition of multifamily dwellings for the purpose of creating an ADU. It also identifies and references specific State code sections that the County's ordinance is in alignment with regarding types of ADUs that are allowed.	This amendment is needed to clarify definitions and specify alignment with State code regarding types of ADUs that are allowed. Updating the ordinance will keep the County's regulations consistent with State law and make the requirements clearer for applicants	Zoning Ordinance – Section 6156(x)

Type	Category	Item #	What does this amendment do?	Why is this amendment needed?	Code Section
Compliance with State Law		8b	Updates the Junior Accessory Dwelling Unit regulations to remove certain owner-occupancy requirements, clarify the maximum size is 500-square-foot maximum, and explain which ADU requirements also apply to JADUs. It also updates requirements for application review, sprinklers, parking, and ministerial approval.	This amendment is needed because AB 1154 and SB 543 changed State requirements for JADUs. Updating the ordinance will keep the County's regulations consistent with State law and make the requirements clearer for applicants.	

Type	Category	Item #	What does this amendment do?	Why is this amendment needed?	Code Section
Compliance with State Law	Housing - Special Needs	9	Updates the emergency shelter regulations to require certain services to be provided on site, as required by SB 340.	This amendment is needed because State law changed the requirements for emergency shelters, and the County's regulations must be updated to match those requirements.	Zoning Ordinance – Section 1334

Type	Category	Item #	What does this amendment do?	Why is this amendment needed?	Code Section
Compliance with State Law	Housing - Density Bonus	10	Updates the County's Density Bonus Program to reflect recent State laws. The changes address eligibility, student housing, additional density and incentives, parking, commercial floor-area increases, and the documents applicants may be required to provide. The amendment also makes minor wording and formatting corrections.	This amendment is needed because several State laws changed how density bonuses must be calculated and administered. Updating the ordinance will keep the County's program consistent with State law and clarify the benefits, requirements, and documentation that apply to qualifying projects.	Zoning Ordinance – Section 6350-7430

Type	Category	Item #	What does this amendment do?	Why is this amendment needed?	Code Section
Compliance with State Law	Housing - Miscellaneous	11a	Updates the parking regulations so additional parking cannot be required when an existing single-family home is remodeled, provided the project remains within applicable size limits. Parking requirements that apply to an ADU on the same property may still be enforced.	This amendment is needed because AB 1308 limits when local agencies may require additional parking for remodeling an existing single-family home. The update will bring the County's regulations into compliance with State law.	Zoning Ordinance – Section 6753(c)

Type	Category	Item #	What does this amendment do?	Why is this amendment needed?	Code Section
		11b	Updates the parking regulations to recognize shared parking agreements between nearby properties with unused parking spaces. These agreements may be used for qualifying mixed-use, multi-use, commercial, or industrial developments through an Administrative Permit approved by the Director.	This amendment is needed because AB 894 allows property owners to share underused parking spaces. The update will align the County's regulations with State law and provide a clear process for reviewing shared parking agreements.	Zoning Ordinance – Section 6784b, 6784(c).3, 6784(c).4, 6788(d)

Type	Category	Item #	What does this amendment do?	Why is this amendment needed?	Code Section
Compliance with State Law	Solar Energy Systems	12	Updates the solar-energy regulations to use current State definitions and requirements. It addresses four State-protected categories: on-site solar systems, small residential solar systems, residential solar and energy-storage systems, and off-site solar systems.	This amendment is needed because the County's existing solar regulations do not reflect current State law. The update will make the requirements clearer and ensure protected solar projects are reviewed correctly.	Zoning Ordinance – Section 6854

Type	Category	Item #	What does this amendment do?	Why is this amendment needed?	Code Section
Regulatory Reform	Nonconforming Zoning Verification Letter	13a	Updates Section 6852 to reference the new section establishing the Zoning Verification Letter process.	These amendments are needed to formalize the process	Zoning Ordinance – Section 6852
		13b	Adds a new section describing how to request a Zoning Verification Letter and how a decision may be appealed.	for confirming the legal status of a nonconforming use or structure.	Zoning Ordinance – New Section 7030
Regulatory Reform	Administrative Code - Fee Schedule	14a	Adds fees for processing Zoning Verification Letter requests and appeals to the County's fee schedule.	This amendment is needed because the new Zoning Verification Letter process requires corresponding fees for the staff time needed to review requests and appeals.	Administrative Code - 362.1(a)

Type	Category	Item #	What does this amendment do?	Why is this amendment needed?	Code Section
Correction	Administrative Code - Fee Schedule	14b	Removes fee waivers previously offered under the Homeowner's Relief Act, which ended following Board action on May 21, 2025.	This amendment is needed because these fee waivers are no longer available, and removing them will keep the County's fee schedule accurate and up to date.	Administrative Code - 362.1(d)

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🔍 2026 Cleanup Draft Ordinance Revisions

2026 Code Cleanup (DRAFT Language)

(Underline indicates addition)

(~~Strikeout~~ indicates deletion)

(All changes highlighted)

Category 1 – General Provisions

1011 EFFECT OF OTHER GOVERNMENTAL APPROVALS.

No license, permit, entitlement, approval, or other authorization issued by the County of San Diego, the State of California, the Federal Government, or any other public agency shall be construed to waive, supersede, replace, diminish, or otherwise relieve any person from the obligation to comply with all applicable provisions of this Zoning Ordinance. All uses of land, buildings, structures, and premises, and all construction, alteration, expansion, or relocation of any building or structure, shall conform to the requirements of this Ordinance regardless of any such other authorization.

1012 NO RELIEF FROM OTHER PROVISIONS – DISCRETIONARY APPROVALS.

Except as otherwise specifically provided, no provision of this Zoning Ordinance shall be construed as relieving any party to whom a site plan, permit or variance is issued from any other provision of state or federal law or from any provision, ordinance, rule, or regulation of the County of San Diego requiring a license, franchise, or permit to accomplish, engage in, carry on or maintain a particular business, enterprise, occupation, transaction or use.

1013 NO RELIEF FROM OTHER PROVISIONS – GENERAL.

Except as otherwise specifically provided, no provision of this Zoning Ordinance shall be construed as relieving any party from any other provision of state or federal law or from any provision, ordinance, rule, or regulation of the County of San Diego requiring a license, franchise, or permit for any reason.

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Category 2 – Principal Use Definition

DEFINITIONS (P)

Principal Use(s): The primary ~~use(s)~~purpose for which land or a building is ~~or may be~~ intended, occupied, maintained, arranged or designed, including agricultural uses, provided such use has been lawfully established.

Category 3 – Weddings and Similar Events

1505 PARTICIPANT SPORTS AND RECREATION.

Participant Sports and Recreation refers to establishments or places primarily engaged in the provision of sports or recreation by and for participants. Any spectators would be incidental and on a nonrecurring basis. The following are participant sports and recreation use types:

- a. Participant Sports and Recreation: Indoor. Those uses conducted within an enclosed building. Typical uses include but are not limited to bowling alleys, ~~or~~ billiard parlors, athletic facilities, and multi-purpose event spaces, including wedding or banquet halls and other similar commercial gatherings.

b. Participant Sports and Recreation: Outdoor. Those uses conducted in open facilities. Typical uses include but are not limited to driving ranges or miniature golf courses, athletic facilities, carnival facilities, sports fields, health clubs and spas, swimming beaches, swimming pools, ~~and~~ nudist facilities and multi-purpose event spaces, including wedding or banquet halls and other similar commercial gatherings. Accessory buildings associated with the Participant Sports and Recreation: Outdoor use may be permitted under this definition.

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Category 4 – Sports Courts

Item 4a – SDCZO 4835

PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS

(Part of Section 4835)

<i>Building, Structure or Projection</i>	<i>Front Yard</i>	<i>Interior Side Yard</i>	<i>Exterior Side Yard</i>	<i>Rear Yard of Interior Lot</i>	<i>Rear Yard of Corner Lot</i>
a. Detached accessory storage buildings, work and hobby shops except: outdoor swimming pools, private garages, carports, stands, living units and other habitable space; must meet setback per Section 4842. The combined area of all structures projecting (partially or wholly) into the setback shall not exceed 1,000 sq. ft.	Not permitted.	Permitted in agricultural, residential, and S92 use regulations.	Not permitted.	Permitted in agricultural, residential and S92 use regulations but may not cover more than 50 percent of the required yard in combination with all detached accessory structures.	Permitted in agricultural, residential, and S92 use regulations, but may not cover more than 50 percent of the required yard in combination with all detached accessory structures.

b. Outdoor swimming pools; If indoor or the only structure on a lot or building site, it must meet main building setbacks.	Not permitted.	Permitted in agricultural, residential, and S92 use.	Not permitted.	Permitted in agricultural, residential, and S92 use regulations but may not cover more than 50 percent of the required yard in combination with all detached accessory structures.	Permitted in agricultural, residential, and S92 use regulations, but may not cover more than 50 percent of the required yard in combination with all detached accessory structures.
c. Private detached garages and carports; must meet setback per Section 4842. The combined area of all structures projecting (partially or wholly) into the setback shall not exceed 1,000 sq. ft.	Permitted in agricultural and residential zones only if in conformance with regulations at Section 4837 .	Permitted in agricultural, residential, and S92 use regulations.	Not permitted.	Permitted in agricultural, residential, and S92 use regulations, if detached, but may not cover more than 50 percent of the required yard in combination with all detached accessory structures.	Permitted in agricultural, residential, and S92 use regulations, if detached, but may not cover more than 50 percent of the required yard in combination with all detached accessory structures.

Building, Structure or Projection

Front Yard

Interior Side Yard

Exterior Side Yard

Rear Yard of Interior Lot

Rear Yard of Corner Lot

d. Living units including guest living quarters, enclosed pool houses, art or music studios and recreation rooms.	-----Not permitted.----- -----				
e. Stands	Permitted where stands are allowed by Section 6156 .	-----Not permitted.-- -----			
f. A Photovoltaic Solar Energy System	Permitted in all zones but not more than 30 inches above grade.	Permitted in all zones but may not exceed 12 feet in height.	Permitted in all zones but not more than 30 inches above grade.	Permitted in all zones but may not exceed 12 feet in height nor cover more than 50 percent of the required yard in combination with all detached accessory structures.	Permitted in all zones but may not exceed 12 feet in height nor cover more than 50 percent of the required yard in combination with all detached accessory structures.
g. Fences	Permitted in all zones if in conformance with Fencing and Landscaping Regulations commencing at Section 6700 .				
h. Outdoor area lighting on poles.	Permitted in commercial and manufacturing/industrial zones only if in conformance with regulations at Section 6324 . Tennis Sport court lighting permitted pursuant to regulations in Sections 6324 and 6708 .				
i. Roofed, open sided patios which are attached and part of main building or roofed, open sided patios which are detached, less than 12 feet in height and less than 1,000 square feet in area.	-----Not permitted.----- -----			Permitted in all zones but may not cover more than 50 percent of the required yard in combination with all detached accessory structures and must be set back from the rear lot line a distance equal to the required interior side yard.	

<i>Building, Structure or Projection</i>	<i>Front Yard</i>	<i>Interior Side Yard</i>	<i>Exterior Side Yard</i>	<i>Rear Yard of Interior Lot</i>	<i>Rear Yard of Corner Lot</i>
j. Sidewalk arcades and similar architectural features of buildings containing principal commercial use types.	Permitted by Minor Use Permit.	-----Not permitted.-----			
k. Uncovered, unenclosed balconies, extending above the level of first floor with exterior access of building.		-----Not permitted.-----			
l. Uncovered, unenclosed porches, platforms or landing places not extending above level of first floor with exterior access of building and not more than 30 inches above grade.	-----Permitted in all zones-----			Permitted in all zones but may not cover more than 50 percent of the required yard in combination with all detached accessory structures and must be set back from the rear lot line a distance equal to the required interior side yard.	
m. Cornices, eaves, belt courses, water tables, sills, buttresses, capital, bases, fireplaces and garden windows.		-----Permitted in all zones but may not extend more than 2 feet into yard.-----			
n. Open unenclosed stairways, and fire escapes, not covered by a roof or canopy and open beneath.	Not permitted.	Permitted in all zones but may not extend or project more than 3 feet into the required yard.			

o. Bay and architectural windows provided floor area is not increased, not exceeding 24 square feet each in wall opening area, and with a sill height not less than 18 inches above finished floor.	Permitted in all zones but may not extend more than 2 feet into required yard.	Permitted if the required side yard is not less than 10 feet and may not extend more than 2 feet into required yard.	Permitted in all zones but may not extend more than 2 feet into required yard.
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<i>Building, Structure or Projection</i>	<i>Front Yard</i>	<i>Interior Side Yard</i>	<i>Exterior Side Yard</i>	<i>Rear Yard of Interior Lot</i>	<i>Rear Yard of Corner Lot</i>
p. Uncovered, unenclosed pedestrian access deck, bridge, ramp or walkway to the level of the floor closest to the street level.	Permitted on single-family lots on downhill side of street but may not project more than 3 feet into any required yard. Must be open beneath.				
q. Guard railings for safety protection around depressed ramps, open-work fences, hedges, or landscape architectural features.	----- Permitted in all zones but may not be more than 42 inches in height. -----				
r. Animal containments including pens, coops, aviaries, hutch, stables barns and corrals.	-----See Animal Regulations commencing at Section 3100 -----				
s. Trees, shrubs, and flowers.	Permitted in all Zones				
t. Electric Vehicle Charging Station pedestals not more than 54 inches above grade	Permitted in commercial and industrial use regulations but must be a minimum of 3 feet from property line.				

Item 4b – SDCZO 6708

6708 PERMITTED FENCES, WALLS, GATES AND ENTRY STRUCTURES.

- c. ~~Tennis~~Sport Court Fencing and Lighting. ~~Tennis~~Sport court fencing exceeding the height otherwise allowed by this Section, but not greater than twenty (20) feet in height, and lighting standards not greater than twenty (20) feet in height may be permitted on lots of one (1) gross acre or larger in size upon granting an exception in accordance with Section [6708h](#).

Category 5 – Accessory Structure Height, Story, and Area Updates

Item 5a - SDCZO 6156a.

6156 RESIDENTIAL AND AGRICULTURAL USE TYPES.

a. Attached Private Garages and Carports, Storage Buildings, Workshops, Hobby Shops, and other similar non-habitable uses.

1. The total area allowed on a lot shall be limited to 25% of the living area of principal residence, or as follows, whichever is greater:

<i>Lot Size (gross)</i>	<i>Att. Accessory Structure area</i>
< 1 ac	1,000 sf
1 ac - <2 ac	1,500 sf
2 ac - <4 ac	2,000 sf
4 ac or larger	3,000 sf

~~2. If the portion of the structure in which the attached garage or carport is located is more than one story in height, that portion not used for the shelter or storage of vehicles shall be designed and used as an integral part of the principal residence or approved habitable use such as guest living quarters.~~

~~3~~2. Additional area may be permitted by issuance of an Administrative Permit with notice provided pursuant to Section [7060c](#). and findings pursuant to Section [7358](#), subsections a. 1, 3, 5, and 6.

~~4~~3. For properties on which more than one detached residence is allowed per legal lot pursuant to Section [4310](#) (not including a Second Dwelling Unit pursuant to subsection x.), the total attached garage area, based upon lot size, per a.1 above, shall be allowed for each residence.

Item 5b - SDCZO 6156g.

6156 RESIDENTIAL AND AGRICULTURAL USE TYPES.

g. Detached Private Garages and Carports, Storage Buildings, Workshops, Hobby Shops, Barns, Agricultural Buildings and other similar non-habitable uses (non business purposes). Only one electric service drop and one electric meter to serve both the main dwelling and structure allowed by this subsection will be permitted. The combined area of all such structures, together with the structures authorized by subsection b above, shall be limited as follows:

1. The total area of all detached accessory structures shall be limited to 25% of the living area of the principal residence, or as follows, whichever is greater:

Lot Size (gross)	Det. Accessory Structures in all Res, Ag & S92 Zones (formerly 6156.g and 6156.h)
< 1/2 ac	1,450 sf <i>(only in zones subject to a Residential Use Regulation and in the S88 Use Regulations where residential uses occur)</i>
< 1 ac	2,000 sf
1 ac - <2 ac	3,000 sf
2 ac - <4 ac	4,000 sf
4 ac - <8 ac	5,600 sf
8 ac - <12 ac	6,400 sf
12 ac - <16 ac	7,200 sf
16 ac or more	8,000 sf

(Note that detached accessory structures are subject to setbacks specified in Section [4842](#). Buildings not meeting the setback requirement of Section [4842](#) are limited to a combined area of 1000 square feet). Buildings proposed in the S88 Use Regulations shall conform to the requirements of any applicable Specific Plan.

2. Buildings not meeting the required main building setbacks are limited to one story and 12 feet maximum height and must comply with Sections 4842 and 4835. ~~Limited to one story not to exceed 12 feet maximum height. Buildings meeting the required main building setbacks~~ May have up to 2 stories and a height not exceeding 24 feet if the accessory structure meets the main building setbacks. ~~If the structure is more than one story in height, that portion not used for the shelter or storage of vehicles shall be designed and used as habitable space defined by Section 6156.b or other approved use such as a guest living quarters. However, a one story accessory structure designed to store a recreational vehicle (RV) may exceed 12 feet in height, not exceeding 16 feet, if the accessory structure meets the main building setbacks.~~

3. Additional height, but not additional stories, may be permitted, whether the building does or does not meet main building setbacks, by issuance of an administrative permit if in compliance with height/story limit specified by the applicable height/story designator, and

4. Additional area may be permitted by issuance of an administrative permit.

~~5-4.~~ For properties on which more than one detached residence is allowed per legal lot pursuant to Section 4310 (not including an Accessory Dwelling pursuant to subsection x.), the total attached garage area, based upon lot size, per a.1 above, shall be allowed for each residence.

Category 6 – Greenhouses

6156 RESIDENTIAL AND AGRICULTURAL USE TYPES.

e. Greenhouse. In the RR, A70 and A72, and S92 Use Regulations a greenhouse is allowed. In all other Residential Use Regulations, and the S88 Use Regulations where residential uses occur, a greenhouse is limited to 500 square feet unless an Administrative Permit is approved to increase the size. A greenhouse proposed in the S88 Use Regulations shall conform to the requirements of any applicable Specific Plan. A greenhouse in any of the Use Regulations listed above shall comply with the applicable main building setbacks and Building Code requirements. The building official shall determine if a building permit is required for a greenhouse.

Category 7 – Regulatory Code Centerline Ordinance

TITLE 5

REGULATION OF BUILDINGS, MOBILEHOME AND SPECIAL OCCUPANCY PARKS AND TRAILER COACHES

CHAPTER 3. ROAD RIGHT OF WAY REQUIREMENTS, STREET IMPROVEMENT STANDARDS AND SETBACK REQUIREMENTS

SEC. 51.301. PURPOSE.

The purpose of this chapter is to ~~insure~~ensure that adequate road rights of way are preserved for future public roads before a person grades, constructs, erects or alters a structure on property zoned for commercial, manufacturing or multi-family use. This chapter also requires compliance with improvement standards and provides improvement security requirements for construction of public improvements in these zones. This chapter also establishes street setbacks on property in all zones to bar the grading for preparation, construction, erection or alteration of a structure that will interfere with current or future use of a road right of way. Any development subject to improvements as identified in this chapter is to be evaluated for improvement requirements during the discretionary or ministerial permitting phase, whichever comes first.

SEC. 51.302. DEFINITIONS.

The following definitions shall apply to this chapter:

- (a) "Agricultural building" means a building located on property that allows an agricultural use and the building is used to store items used in a farming operation, including farm products, livestock, machinery or equipment, but is not used for residential purposes or open to the public.
- (b) "Centerline" means an imaginary line on a street designated on an official survey, filed map or other document the County has approved that shows the center of a future or existing street.
- (c) "Commercial zone" means property on which the Zoning Ordinance allows a commercial use.
- (d) "Corner cut-off setback area" means any of the four triangular corner areas that begin 20 feet back from the setback lines of two intersecting streets that are established pursuant to section 51.307 of this chapter.

(e) "County of San Diego Public Road Standards" (CPRS) means those standards for public roads approved by the Board of Supervisors and on file with the Clerk of the Board of Supervisors.

(f) "Director PDS" means the Director of the County Department of Planning and Development Services or anyone to whom the Director has delegated the authority to perform the Director's duties in this chapter.

(g) "Director DPW" means the Director of the Department of Public Works or anyone to whom the Director has delegated the authority to perform the Director's duties in this chapter.

(h) "Dwelling" means a building or portion of a building used exclusively as a residence. A "dwelling" includes a single-family, two-family, multi-family unit or any other family residential use recognized by the Zoning Ordinance, but does not include a hotel, boarding house or other group residential use identified in the Zoning Ordinance.

(i) "General Plan highway" means a street identified on the ~~Circulation~~Mobility Element of the County General Plan with an established centerline.

(j) "Improvement" means work a person installs or agrees to install as a condition of a permit issued pursuant to this chapter.

(k) "Manufacturing zone" means property on which the Zoning Ordinance allows a manufacturing or industrial use.

(l) "Multiple residential zone" means property on which the Zoning Ordinance allows one of the following building types: "Attached, Three-to-Eight Dwelling Units" or "Multi-Dwelling."

(m) "Road right of way" means the area designated for use as a street, including the travel portion of the street, the shoulders, curbs, gutters, sidewalks, utilities, drainage facilities, traffic signs and any other improvements required by the CPRS.

(n) "Setback line" means an imaginary line on property that is parallel to the centerline of an abutting street that indicates the area on property beyond which grading for preparation, erection, construction or placement of a structure is prohibited.

(o) "Street" means a County highway, State highway, other public road or alley, or a private thoroughfare at least ten feet wide that connects with a County highway, State highway, other public road or an alley which affords primary access to an abutting lot.

(p) "Street setback line" is a setback determined by measuring the distance from the centerline.

(q) "Structure" has the same meaning as the term "structure" in the County Building Code and includes a building.

(r) "Zoning setback line" is a setback established by the County Zoning Ordinance.

SEC. 51.303. NO CONSTRUCTION WITHOUT ADEQUATE ROAD RIGHT-OF-WAY.

(a) Unless an exception under section 51.305 applies, no person shall grade, construct, erect or alter a structure for which a building permit is required, on any property zoned for commercial, manufacturing or multi-family use, unless adequate road rights of way abutting the property that comply with the CPRS and the CirculationMobility Element, have been dedicated or offered to the County through an irrevocable offer of dedication.

(b) In addition to meeting the requirements in subsection (a) above, the dedicated or offered road rights of way shall connect to: (1) a street in the County maintained road system, (2) a dedicated and improved State highway, (3) a dedicated and improved city street or (4) when approved by the Director, a proposed street or highway in subsections (1)-(3) above for which road rights of way have been dedicated or offered to the applicable jurisdiction through an irrevocable offer of dedication.

SEC. 51.304. MODIFICATIONS.

The Director, DPW may modify a requirement of this chapter if the application of the requirement would be disproportionate to the scope or impact proposed by the project, or may result in the property owner being deprived of all reasonable economic use of thetake of property in violation of Federal or State Constitutional prohibitions against taking property without just compensation.

SEC. 51.308. ADEQUATE ROAD RIGHT OF WAY.

(a) For purposes of this chapter, adequate road right of way means the owner or the owner's predecessor in title has dedicated or made an irrevocable offer to dedicate the amount of land for road right of way purposes that the CPRS requires, based on the classification of the future road in the CirculationMobility Element, or if the road is not a Circulation Element Road, on the Director DPW's determination of the classification for the road.

(b) If the road right of way is on the Bicycle Element of the County General Plan, an additional five feet of road of right of way shall be dedicated for the construction of a bicycle lane. No additional dedication will be required, however, if the Director DPW determines that a "no-parking" restriction is more appropriate and the owner executes a covenant not to oppose a "no parking" restriction.

(c) If the Director DPW determines that the anticipated volume of traffic warrants a separate turn lane, acceleration or deceleration lane or any other additional area for right of way, an additional dedication of road right of way shall be required.

(d) If a property owner is required to dedicate one or more road rights of way pursuant to this chapter, the property owner shall furnish all information the Director DPW requires concerning the title to the property, property liens and encumbrances.

SEC. 51.309. IMPROVEMENT STANDARDS.

(a) A street improvement shall satisfy the County improvement standards if ~~it to comply~~ it complies with CPRS.

(b) When the Director DPW determines that the construction, erection or alteration of a structure that is subject to section 51.303 requires completion of road right of way improvements, the improvements shall be completed before the County issues a building permit, subject to section 51.315.

Category 8 – Housing-ADU's and JADU's

Items 8a and 8b – SDCZO 6156x

6156 RESIDENTIAL AND AGRICULTURAL USE TYPES.

x. Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU).

An ADU means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the

same parcel as the single-family or multifamily dwelling is or will be situated. For the purposes of creating an ADU, a structure with two or more attached dwellings on a single lot is considered a multifamily dwelling structure. Multiple detached single-family dwelling units on the same lot are not considered multifamily dwellings for the purposes of State ADU Law. ~~Any structure designed for human habitation that is divided into two or more independent and attached living units on a single lot is considered a multifamily complex (such as duplex, triplex, stacked dwellings, etc.), for the purposes of this section.~~ For the purpose of calculating allowable density under the General Plan, an ADU is not counted toward the density of a lot. ADUs are classified as accessory use.

A JADU means a unit that is no more than 500 square feet of interior livable space in size and contained entirely within a single-family residence. Any ADU or a JADU that contains less than 500 square feet of interior livable space does not increase accessible space. Additions and enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence, for purposes of this section. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure. For purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit from the primary unit. No separate electric meter will be permitted for JADUs.

A. ADU Permit Approval. Approval of ADUs shall be subject to the following criteria, in accordance with California Law Government Code Section 66314 as detailed in this subsection:

1. ~~For an ADU proposed in conjunction with a proposed or existing primary residence, the ADU is either attached to an existing primary residence or detached and on the same legal lot. The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages.~~
2. ADU may be rented but is not intended for sale separate from the primary residence, unless the lot is subdivided in conformance with qualifications for the ministerial approval of a two-lot subdivision creating a separate lot for each dwelling, or condominiums are created in conformance with requirements outlined under Section 6156.x.D. of the County's Zoning Ordinance pertaining to the

sale of ADUs, or the conditions pertaining to Nonprofits and tenancy in common agreements established under Section 66341 of the California Government Code are met.

3. The ADU shall not be rented for a term of less than 31 days.
4. The total floor area of an attached ADU shall not exceed 50% of the floor area of the primary residence, up to a maximum floor area of 1,200 square feet of interior livable space. The 50% square foot limitation is not applicable for attached ADUs up to 850 square feet of interior livable space or up to 1,000 square feet of interior livable space if it has more than one bedroom.
5. The total floor area of a detached ADU shall not exceed 1,200 square feet of interior livable space, independent of the square footage of the existing primary residence.
6. Applicants must provide mathematical computations of the "floor area" for both units on the plot plans, and these calculations must be taken from the exterior dimensions of the outside walls.
7. Total floor area of a proposed accessory structure attached to a detached ADU shall not exceed the allowable combined square footages per Section 6156.g of the Zoning Ordinance, or unless authorized by an approved Administrative Permit.
8. Any proposed accessory structure, attached to an ADU, exceeding 1,000 sq. ft. (combined with all other accessory structure per Section 6156.g) and/or more than 12' in height, are subject to the main building setbacks and height regulations of the Zoning Ordinance.
9. An attached or detached patio, deck, and/or balcony is subject to Section 4835 of the Zoning Ordinance.
10. A detached ADU is limited to 25' in height.
11. An existing and permitted accessory structure may be converted into an ADU. Such a conversion is not subject to any size requirements if it does not expand beyond the existing envelope of the permitted accessory structure.
12. An ADU may be attached to an existing and permitted, or proposed recreation room, if there is a defined fire and sound separation wall or floor between the ADU and recreation room. Any openings

(doors, windows, or penetrations) are required to be fire rated.

13. No setbacks are required if an existing and permitted accessory structure, or a portion thereof is being converted into an ADU, except for fire safety, private wells, and installed septic systems.
14. A minimum setback of at least 4' from the side and rear lot lines is required for an ADU that is being constructed above a permitted detached accessory structure. If corner lot, the exterior side yard setback must be at least 4' from the edge of easement/street/and/or property line. The setbacks only apply to the added space above the accessory structure and the ADU can be constructed wholly or partly above the accessory structure, including extending beyond the accessory structure walls.
15. All newly constructed detached and/or attached ADU's must comply with the required front yard setbacks and a minimum side and rear setback of at least 4'.
16. If corner lot, the exterior side yard setback must be at least 4' from the edge of easement, street, and property line.
17. A detached and/or attached ADU may encroach into the required front yard setbacks if it would otherwise prevent the construction of an ADU that is 800 sq. ft. or smaller.
18. If the ADU is in the front yard setbacks, it cannot block the driveway, or access of the two required off-street parking spaces for the existing primary residence, unless two replacement off-street parking spaces have been provided.
19. An accessory structure, or patio attached to an ADU must comply with the required exterior side yard setbacks.
20. An ADU shall provide one parking space. The parking space may be located within the setbacks and in an existing driveway as tandem parking. Parking spaces don't need to be replaced when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted into an ADU.
21. A parking space is not required for the ADU in any of the following instances:
 - a. The ADU is located within one-half mile of public transit.

- b. The ADU is located within an architecturally and historically significant historic district.
- c. ADUs that are part of the proposed or existing primary residence or an accessory structure.
- d. When on-street parking permits are required but not offered to the occupant of the ADU.
- e. When there is a car share vehicle located within one block of the ADU.
- f. When a permit application for an ADU is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the ADU or the parcel satisfies any other criteria listed in this subdivision

- 22. Multiple detached single-family residences on the same lot are not considered a multifamily complex ~~but the lot may qualify for one detached ADU, one ADU within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure, and one JADU.~~
- 23. Properties that have an existing non-conforming primary residence and are in a zone that does not allow for a primary residence may qualify for one detached ADU, one ADU within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure, and one JADU.
- 24. A permit for an unpermitted ADU or unpermitted JADU constructed before January 1, 2020, shall not be denied due to violation of building standards or noncompliance with this section, unless correction of the violation is necessary to comply with Onsite Wastewater Treatment System (OWTS) standards specified in Section 68.301 et seq of the San Diego County Code of Regulatory Ordinances and/or Health and Safety Code standards specified in Health and Safety Code section 17920.3, or the building has been deemed substandard.
- 25. A homeowner applying for a permit for a previously unpermitted ADU or JADU constructed before January 1, 2020, shall not be required to pay impact fees or connection or capacity charges except when utility infrastructure is required to comply with all applicable Health and Safety Code

requirements. Necessary permits to correct noncompliance with health and safety standards shall be approved without penalty by the Planning and Development Services Department.

B. Ministerial ADU and JADU Permit Approval. Ministerial approval of qualifying ADUs and JADUs, within a residential or mixed-use zone, shall be subject to the following criteria, in accordance with California Law Government Code Section 66323 as detailed in this subsection:

1. Any of the following categories may be created, as allowed by the site and lot conditions, and may be combined. As such, a single-family lot may have at least one ADU constructed from existing space, one JADU, and one newly constructed detached ADU; or a multifamily lot may have at least one ADU constructed from existing non-livable space and up to 8 detached:
 - a. Single-Family Converted ADUs and JADUs: One ADU and/or one JADU per lot with a proposed or existing single-family dwelling if all of the following apply:
 - i. The ADU and/or JADU is within the proposed space of a single-family dwelling or existing space of a single -family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing dwelling or accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
 - ii. The space has exterior access from the proposed or existing single-family dwelling.
 - iii. The side and rear setbacks are sufficient for fire and safety.
 - iv. The JADU complies with the requirements set forth in this section.
 - b. Single-Family Detached ADUs: One detached, new construction, ADU, (which may be combined with a JADU), that does not encroach into the four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling with the following conditions:
 - i. The total floor area of a detached ADU approved under this subsection shall not exceed 800 square feet.
 - ii. The height of detached ADU approved under this subsection shall not exceed 18 feet.

- c. Multifamily Converted ADUs: At least one ADU and not more than 25 percent of the existing number of multifamily dwelling units within an existing multifamily dwelling with the following conditions:
 - i. The ADU(s) are within the portions of an existing multifamily dwelling structure that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.
 - d. Multifamily Detached ADUs with Existing Multifamily Dwelling: At least one and not more than eight detached ADU(s) on a lot with an existing multifamily dwelling if the total number of detached ADUs do not to exceed the total number of existing units with the following conditions:
 - i. The height of detached ADU(s) approved under this subsection shall not exceed 18 feet.
 - ii. Construction of the ADU(s) does not result in side or rear yard setbacks of less than 4 feet.
 - iii. If the existing multifamily dwelling has a rear or side setback of less than four feet, any modification of the existing multifamily dwelling will not be a required condition of approving the application to construct a qualifying ADU.
 - e. Multifamily Detached ADUs with Proposed Multifamily Dwelling: At least one and not more than two detached ADU(s) on a lot with a proposed multifamily dwelling with the following conditions:
 - i. The height of detached ADU(s) approved under this subsection shall not exceed 25 feet.
 - ii. Construction of the ADU(s) does not result in side or rear yard setbacks of less than 4 feet.
1. Ministerial approval of any ADU will be subject to the following conditions:
- a. No additional development standards such as maximum square footage, height, lot coverage, and setbacks are required if an existing and permitted detached or attached accessory structure is being converted into an ADU. Any new addition to the ADU must comply with the setbacks and height regulations outlined by this ordinance.

- b. ~~The installation of fire sprinklers shall not be required in an ADU if sprinklers are not required for the primary residence. An ADU or JADU may or may not require automatic sprinklers, this determination is made by the local fire district. The construction of an ADU shall not trigger a requirement for fire sprinklers to be installed in the existing multifamily dwelling.~~
 - c. Any ADU approved in accordance with this subsection shall not be rented for a term of less than 31 days.
 - d. ADUs on any parcel that utilizes an onsite wastewater treatment system (OWTS) and/or water well must comply with requirements established by the County of San Diego Department of Environmental Health and Quality (DEHQ). An ADU that needs to connect to an OWTS will not be approved under this subsection unless approval has been granted by the DEHQ indicating that the OWTS for both the existing residence and proposed ADU meet all current local and State requirements for an OWTS. If the existing OWTS is not adequate for the project, then the OWTS may be upgraded and/or the number of bedrooms may be reduced to meet the wastewater demands of the property.
 - e. The correction of existing nonconforming zoning conditions is not a condition for ministerial approval of a permit application for the creation of an ADU or JADU.
2. Ministerial approval of any JADU will be subject to the following conditions:
- a. A deed restriction shall be recorded with the County Recorder's office, which shall include the pertinent restrictions and limitations of a JADU unit identified in this Section.
 - i. The JADU shall not be sold separately from the primary residence;
 - ii. The JADU is restricted to the maximum size allowed per the development standards;
 - iii. ~~The JADU shall be considered legal only so long as either the primary residence, or the ADU, is occupied by the owner of record of the property, except when the home is owned by an agency such as a land trust or housing organization in an effort to create affordable housing;~~

- ~~iv.~~ The restrictions shall be binding upon any successor in ownership of the property and lack of compliance with this provision may result in legal action against the property owner, including revocation of any right to maintain a JADU on the property.
- a. The JADU must be completely contained within an existing or proposed primary residence and its enclosed spaces which may include an attached garage.
- b. An entrance to the JADU that is separate from the main entrance to the primary residence is required.
- c. The JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.
 - i. Owner occupancy of the primary dwelling or JADU will be required for JADUs that share sanitation facilities with the primary dwelling. If the JADU has its own independent sanitation facilities, owner occupancy is not required.
- d. In instances where the JADU shares a bathroom with the primary residence, interior entry to the primary residence is required.
- e. The JADU shall include an efficiency kitchen, which shall include all the following:
 - i. A cooking facility with appliances.
 - ii. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit
- f. If a JADU is to be attached to an ADU, ministerial review ~~shall be available~~ is unavailable.
- g. When an existing garage, carport, or covered parking space is being demolished in conjunction with the construction of a JADU or converted into a JADU, any required off-street parking spaces for the lot must be replaced. No additional parking space is required for a JADU.
- h. ~~No additional parking space is required for a JADU.~~ j. JADUs, and/or additions for JADUs must comply with main building setbacks, including JADU additions for non-conforming primary residences. Please see Section 6886 of the Zoning Ordinance for setback information on non-conforming single-family dwellings.

jk. The JADU shall not be rented for a term of less than 31 days, and is not intended for sale separate from the primary residence. Compliance with the owner-occupancy requirements of the deed restriction is required.

C. Sale of ADUs for or by a Nonprofit. Sale or conveyance of ADUs separate from the primary residence to a qualified buyer of low or moderate income, in accordance with California Law Government Code Sections 66340 and 66341, shall be allowed if all of the following apply:

1. The accessory dwelling unit or the primary dwelling was built or developed by a qualified nonprofit corporation.
2. There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.
3. The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:
 - a. The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling that each qualified buyer occupies.
 - b. A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the ADU or primary dwelling if the buyer desires to sell or convey the property.
 - c. A requirement that the qualified buyer occupy the ADU or primary dwelling as the buyer's principal residence.
 - d. Affordability restrictions on the sale and conveyance of the ADU or primary dwelling that ensure the ADU and primary dwelling will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.
 - e. The tenancy in common agreement shall also include all of the following:
 - i. Delineation of all areas of the property that are for the exclusive use of a cotenant. Each cotenant shall agree not to claim a right of occupancy to an area delineated for the

exclusive use of another cotenant, provided that the latter cotenant's obligations to each of the other cotenants have been satisfied.

ii. Delineation of each cotenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, improvements, and any other costs, obligations, or liabilities associated with the property. This delineation shall only be binding on the parties to the agreement and their successors, and shall not supersede or obviate the liability, whether joint and several or otherwise, of the parties for any cost, obligation, or liability associated with the property where such liability is otherwise established by law or by agreement with a third party.

iii. Procedures for dispute resolution among the parties before resorting to legal action.

4. A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the County. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.
5. If requested by a utility providing service to the primary residence, the ADU has a separate water, sewer, or electrical connection to that utility.

D. ADUs Sold as Condominiums. Separate sale or conveyance of ADU(s) and the primary residence as condominiums shall be allowed if all of the following apply:

1. The condominiums shall be created pursuant to the Davis-Stirling Common Interest Development Act (Part 5 [commencing with Section 4000] of Division 4 of the Civil Code).
2. The condominiums shall be created in conformance with all applicable objective requirements of the Subdivision Map Act (Division 2 [commencing with Section 66410]), the County Code of Regulatory Ordinances related to the subdivision of land, and the County zoning ordinance Section 6156.x.
3. Before recordation of the subdivision map or condominium plan, the property owner or applicant shall submit to Planning and Development Services proof that final inspection of the ADU was conducted as evidenced either through a certificate of occupancy from the County or a housing quality standards

report from a building inspector certified by the United States Department of Housing and Urban Development.

4. Lienholder Consent.

(1) Neither a subdivision map nor a condominium plan shall be recorded with the County Recorder without each lienholder's consent. The following shall apply to the consent of a lienholder:

- a. A lienholder may refuse to give consent.
- b. A lienholder may consent provided that any terms and conditions required by the lienholder are satisfied.

(2) Prior to recordation of the initial or any subsequent modifications to the condominium plan, written evidence of the lienholder's consent shall be provided to the County Recorder along with a signed statement from each lienholder that states as follows:

“(Name of lienholder) hereby consents to the recording of this condominium plan in their sole and absolute discretion and the borrower has or will satisfy any additional terms and conditions the lienholder may have.”

(3) The lienholder's consent shall be included on the condominium plan or a separate form attached to the condominium plan that includes the following information:

- i. The lienholder's signature.
- ii. The name of the record owner or ground lessee.
- iii. The legal description of the real property.
- iv. The identities of all parties with an interest in the real property as reflected in the real property records.

1. The lienholder's consent shall be recorded in the office of the County Recorder.

- 1. The County shall include the following notice to consumers on any ADU or JADU submittal checklist or public information issued describing requirements and permitting for ADUs, including as standard condition of any ADU building permit or condominium plan approval:

“NOTICE: If you are considering establishing your primary dwelling unit and accessory dwelling unit as a condominium, please ensure that your building permitting agency allows this practice. If you decide to establish your primary dwelling unit and accessory dwelling unit as a condominium, your condominium plan or any future modifications to the condominium

plan must be recorded with the County Recorder. Prior to recordation or modification of your subdivision map and condominium plan, any lienholder with a lien on your title must provide a form of written consent either on the condominium plan, or on the lienholder's consent form attached to the condominium plan, with text that clearly states that the lender approves recordation of the condominium plan and that you have satisfied their terms and conditions, if any.

In order to secure lender consent, you may be required to follow additional lender requirements, which may include, but are not limited to, one or more of the following:

i. Paying off your current lender.

You may pay off your mortgage and any liens through a refinance or a new loan. Be aware that refinancing or using a new loan may result in changes to your interest rate or tax basis. Also, be aware that any subsequent modification to your subdivision map or condominium plan must also be consented to by your lender, which consent may be denied.

1. Securing your lender's approval of a modification to their loan collateral due to the change of your current property legal description into one or more condominium parcels.
2. Securing your lender's consent to the details of any construction loan or ground lease.

This may include a copy of the improvement contract entered in good faith with a licensed contractor, evidence that the record owner or ground lessee has the funds to complete the work, and a signed statement made by the record owner or ground lessor that the information in the consent above is true and correct."

1. **Notification to Utility Providers.** Applicants seeking to file a parcel map or final map for the creation of a condominium must notify providers of utilities, including water, sewer, gas, and electricity, of the condominium creation and separate conveyance.
2. **Septic System and Water Well Requirements.** Prior to approval by Planning and Development Services for the creation of a condominium, for any parcel that utilizes a water well and/or an onsite wastewater treatment system (OWTS)—including those proposing to allow for the separate sale of an ADU—applicants must obtain approval from the County of San Diego Department of Environmental

Health and Quality (DEHQ) and meet the standards set forth by Health and Safety Code, County Code of Regulatory Ordinances, and the San Diego Regional Water Quality Control Board.

3. Fire Safety Requirements. (1) Before a condo map establishing an ADU as a condominium under this section may be recorded, the applicant must provide documentation of concurrence from the associated local fire district agency. The associated local fire district agency may require a secondary access if the ADU is located on a road that exceeds the maximum dead-end fire apparatus road length at the agency's discretion.

(2) Setbacks in High Fire Risk Areas may be expanded to between 30 and 100 feet from any wildland urban interface (WUI) boundary, at the discretion of the local fire district agency.

(3) Any easements that are in place must be designated as shared space identified on the condominium map and not assigned to any single unit. Access to any condo through any easement must remain unobstructed and maintained by the HOA.

1. Written Authorization for ADUs in Planned Developments.

(1) The owner of a property or a separate interest within an existing planned development that has an existing association, as defined in Section 4080 of the Civil Code, shall not record a condominium plan to create a common interest development under Section 4100 of the Civil Code without the express written authorization by the existing association.

(2) For purposes of this subdivision, written authorization by the existing association means approval by the board at a duly noticed board meeting, as defined in Section 4090 of the Civil Code, and if needed pursuant to the existing association's governing documents, membership approval of the existing association.

Category 9 – Housing-Special Needs

1334 EMERGENCY SHELTERS.

The Emergency Shelters Use Type refers to housing or shelter, including non-congregate shelter, for persons experiencing homelessness, together with supportive services and other interim interventions provided onsite, including the addition or expansion of onsite services consistent with applicable written, objective standards. The following are non-exhaustive Emergency Shelters use types:

- a. Emergency Shelter as defined by subdivision (e) of Section 50801 of the Health and Safety Code.
- b. Emergency Shelter: Day Shelter Facilities. Facilities where food and/or social services are made available to persons experiencing homelessness and overnight sleeping is prohibited.
- c. Emergency Shelter: Emergency Bridge Housing Community. Shall have the meaning prescribed in the Government Code Section 8698(e).
- d. Emergency Shelter: Homeless Shelters as defined by subdivision (a) of Section 8698.4 of the Government Code.
- e. Emergency Shelter: Safe Camping Facilities. Shall mean a tent, or a relocatable hard- sided shelter, that is receiving direct financial assistance from the County of San Diego, State of California or the Federal Government, designed to be used within a location on or to be located on properties owned, operated by the County directly or through a third party, financed, leased, or on property owned or leased by the County of San Diego, or on federally-owned or state-owned public lands, and are within the County of San Diego. A relocatable hard-sided shelter may contain plumbing, an electrical system and electrical space conditioning equipment complying with the electrical and mechanical regulations and supplied by the lot service equipment..
- f. Emergency Shelter: Safe Parking Facilities. Shall include a location within or to be located on properties owned, operated by the County directly or through a third party, financed, leased, or on property owned or leased by the County of San Diego, or on federally-owned or state-owned public lands within the County of San Diego and specifically be identified as allowed for over-night parking by persons experiencing homelessness. Safe Parking Facilities shall include small structures including but not limited to restrooms, security posts, or offices for social service providers. Safe Parking Facilities will not be located at an RV park or a mobilehome park.
- g. Emergency Shelter: Safe Storage Facilities. Shall include containers or buildings that are located on property owned, or leased by the County, State, or Federal Government, or incidental to any other Emergency Shelter.

6911 EMERGENCY SHELTERS.

Emergency Shelters (See Section 1334), including supportive services provided onsite and the addition or expansion of onsite supportive services, shall comply with the following written, objective standards~~provisions~~, in addition to all other applicable County codes, except when subsection (g) Section 1006 applies, and any requirements imposed by the State Department of Housing and Community Development:

- a. The maximum number of clients permitted to be served (eating, showering or sleeping) nightly shall not exceed 1 per 125 sq. ft. of floor area. There shall be one bed provided for each client.
- b. Off street parking shall be provided as follows: one parking space per employee on site at the same time..
- c. The client waiting and/or intake areas shall be as follows:
 1. The interior waiting/intake area for a facility with 14 or fewer beds shall be no less than 125 sq. ft. and for a facility with 15 or more beds shall be no less than 200 sq. ft. in area.
 2. The exterior waiting/intake area shall be no less than 450 sq. ft. for facilities with 14 beds or fewer. The exterior waiting/intake area shall be no less than 900 sq. ft. for facilities with 15 beds or more. Exterior waiting/intake areas shall be screened from view from surrounding properties by solid fencing of not less than 6 feet in height. Fencing shall conform to the requirements of Section 6700 et. seq.
- d. An individual or individuals who do not utilize the homeless beds and/or services and who maintain their own residence off site may be eligible as on site manager(s). Each facility shall have manager(s) present onsite 24 hours per day, 7 days per week. At a minimum, one on site manager and one supporting staff member of the same sex shall be provided in each segregated sleeping area being used.
- e. Segregated sleeping, lavatory and bathing areas shall be provided if the Emergency Shelter accommodates both men and women in the same building. Reasonable accommodation shall be made to provide segregated sleeping, lavatory and bathing areas for families.
- f. No Emergency Shelter shall be located within 300 feet of another Emergency Shelter.
- g. No client shall be allowed to stay more than 180 consecutive days or 300 overall days within any 12 month period of time.

- h. Lighting shall be provided in all parking areas, exterior intake and/or waiting areas and outside common areas. Outdoor lighting shall conform to all provisions of Section 6324 of this Zoning Ordinance and Section 51.201 and following of the San Diego County Code.
- i. Adequate security shall be provided on site during all hours of operation.
- j. For purposes of this section, “client” is defined as a person who utilizes the Emergency Shelter facilities to eat, shower or sleep but is not a staff member.

Category 10 – Housing-Density Bonus

DENSITY BONUS PROGRAM

6350 TITLE AND PURPOSE.

The provisions of Sections 6350 through 6399, inclusive, shall be known as the Density Bonus Program/Affordable Housing Program. The purpose of these provisions is to implement the ~~state requirements at State Density Bonus Law, as required by California~~ Government Code Section 65915 et seq. and the policies and programs in the Housing Element of the San Diego County General Plan. ~~As required by Government Code Section 65915 et seq., these provisions offer density bonuses and incentives or concessions for the development of housing that qualifies under Section 6355 by providing incentives and other benefits for the production of housing that is affordable to moderate, lower income, and other households in accordance with sections 65915 through 65918 of the California Government Code.~~ The Density Bonus/Affordable Housing Permit Procedures, commencing at Zoning Ordinance Section 7400, shall apply to all density bonus/affordable housing projects except for housing under the County Affordable Senior Housing Program, which shall comply with the procedures found at Zoning Ordinance Section 6360 a.2.

In order to be eligible for a density bonus and other incentives or concessions, a proposed project shall comply with the following provisions of the Density Bonus/Affordable Housing Program and all other applicable local, state, and federal requirements.

6352 APPLICABILITY

These sections shall apply to any housing development, as defined in the State Density Bonus Law (Gov. Code, § 65915 et seq), that applies for and is eligible to receive a density bonus, concessions and incentives, waivers of development standards, parking reductions or any other benefits granted by the State Density Bonus Law when the applicant agrees to provide lower or moderate income housing units, or units intended to serve seniors, transitional foster youth, disabled veterans, homeless persons, or lower income students, or the proposed housing development meets other eligibility criteria in the threshold amounts specified in the State Density Bonus Law.

6354 DEFINITIONS

Terms are defined in Government Code section 65915 as it may be amended from time to time.

6355 ELIGIBILITY FOR AFFORDABLE HOUSING/DENSITY BONUS/AFFORDABLE HOUSING PROGRAM AND PERMIT.

a. Income and Age Requirements. A housing development proposed to qualify for the Density Bonus/Affordable Housing Program shall be designed and constructed so that it includes at least one of the following:

1. At least five percent of the total number of base units are reserved as affordable for very low income households.
2. At least ten percent of the total number of base units are reserved as affordable for lower income households.
3. The project is a senior citizen housing development or is a ~~mobilehome~~ mobile home park that limits residency based on age requirements for housing for older persons pursuant to Civil Code Sections 798.76 or 799.5. No affordable units are required to receive a density bonus. Market rate age restricted units are not eligible for an incentive, waiver, or concession.
4. At least t~~Ten~~ percent of the total dwelling units ~~in a common interest development, as defined in Civil Code Section 1351, for~~ are sold to persons and families in a moderate income household provided that all units in the development are offered to the public for purchase.

5. At least ten percent of the total dwelling units in the development are reserved as affordable at a very low income level to transitional foster youth as defined in Section 66025 of the California Education Code, disabled veterans as defined in Section 18541 of the California Government Code, or homeless persons as described in the California McKinley Vento Homeless Assistance Act.

6. Under the County Affordable Senior Housing Program, one hundred percent of the units are reserved at an affordable rent, as defined in Health and Safety Code Section 50053, to very low, low, or moderate income senior citizens.

b. Land Donation. An applicant for a tentative subdivision map, parcel map, or other residential development, who donates at least one acre of land to the County for very low income housing and has the appropriate General Plan designation, zoning, permits and approvals, and access to public facilities, shall be eligible for a density bonus.

c. Condominium Conversion Projects. An applicant who proposes to convert apartments to a condominium project, provides at least 33 percent of the total base units for moderate income households or at least 15 percent for lower income households, and meets the requirements of Government Code Section 65915.5 shall be eligible for a density bonus.

d. Child Care Facilities. A housing development that meets one of the eligibility requirements of subsections a.1. through a.4. and includes a child care facility located on the site of, as part of, or adjacent to, the development shall be eligible for a density bonus as defined in Government Code Section 65915(h).

e. Senior Citizen Housing. To meet the eligibility requirements of subsection a.3., a Senior Citizen Housing Development must have at least 35 dwelling units, exclusive of the bonus units.

f. Student Housing. An applicant who proposes to construct a housing development in which all development units will be used for students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. The developer must also enter into an agreement with an institution of

higher education to the effect that where at least 20 percent of the units are used for lower income students, as defined, provided at a specified rent level, and provide priority for the applicable affordable units for lower income students experiencing homelessness, the units shall be subject to a recorded affordability restriction of 55 years.

g. Ineligible Projects -- Required Replacement of Affordable Units.

1. An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if: ~~a) the development is proposed on any property that includes any existing affordable a parcel or parcels on which rental dwelling units occupied by lower or very low income households are located;~~ or b) if such affordable the dwelling units have been vacated or demolished in the five-year period preceding the application; ~~and c) such affordable the dwelling units have:~~ a) been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; b) subject to any other form of rent or price control through a public entity's valid exercise of its police power; or c) occupied by lower or very low income households. However, an applicant may establish eligibility if the proposed housing development replaces those units, and either of the following applies:

i. The proposed housing development, inclusive of the units replaced pursuant to ~~this subsection (f)(2)~~ Section 6375, contains affordable units at the percentages set forth in subsection a.

ii. Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.

2. The number and type of required replacement units shall be determined as ~~follows~~ set forth in Government Code section 65915, subdivision (c)(3).

~~i. For a development containing any occupied dwelling units, the development must contain at least the same number of replacement dwelling units, of equivalent size and bedrooms, and must be made affordable to and occupied by persons and families in the same or a lower income category as~~

~~the occupied dwelling units. For unoccupied dwelling units in the development, the replacement dwelling units shall be made affordable to and occupied by persons and families in the same or lower income category as the last household in occupancy. If the income category of the last household is unknown, it is presumed, unless proven otherwise, that the dwelling units were occupied by lower income renter households in the same proportion of lower income renter households to all renter households within the County of San Diego, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database, and replacement dwelling units shall be provided in that same percentage.~~

~~ii. If all of the dwelling units are vacant or have been demolished within the five years preceding the application, the development must contain at least the same number of replacement dwelling units, of equivalent size and bedrooms, as existed at the highpoint of those units in the five year period preceding the application, and must be made affordable to and occupied by persons and families in the same or a lower income category as those in occupancy at that same time. If the income categories are unknown for the highpoint, it is presumed, unless proven otherwise, that the dwelling units were occupied by very low income and low income renter households in the same proportion of very low income and low income renter households to all renter households within the County of San Diego, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database, and replacement dwelling units shall be provided in that same percentage.~~

6360 DENSITY BONUS.

a. Density Bonus Allowance. A development that complies with the eligibility requirements of Section 6355 shall be entitled to a density bonus as follows:

Density Bonus Table. The total number of base units, exclusive of the additional bonus units, shall be the basis for determining the percentage of affordable units. The total number of base units shall be calculated in accordance with Section 6360 b and be consistent with the maximum allowable residential

density under the Zoning Ordinance and the Land Use Element of the General Plan. The density bonus shall be calculated based on the Density Bonus Tables. The Density Bonus Table is intended to be compliant with California Government Code Section 65915.

DENSITY BONUS TABLE

Income Category	Reserved Units	Bonus		
		Bonus Allowed		
Household Income Category of Affordable Units	Minimum % of Base Units that must be Reserved to qualify for Bonus	Minimum Bonus (% of Base Units)	Additional bonus for each 1% increase in reserved units	Maximum Bonus (% of Base Units)
Very Low Income	5%	20%	2.5 for 6 to 11%; 3.75% for 12 to 15%	50%
Low Income	10%	20%	1.5% for 11 to 20%; 3.75% for 21 to 24%	50%
Very Low or Low Income	100%	80%	--	80%
Moderate Income (Ownership Units Only)	10%	5%	1% for 11 to 40; 3.75% for 41-44%	50%
Age Restricted Senior Citizen Housing Development	100%	20%	--	20%

Transitional Foster Youth, Disabled Veterans, Homeless	10%	20%	--	20%
Land Donation for Very Low Income Housing	10% of Market-Rate Units	15%	1%	35%
Common Interest Development	10%	5%	1%	35%
Student Housing for Full-Time Enrolled Students	20%	35%	--	35
Condominium Conversion				
Lower Income	15%	25%	--	25%
Moderate Income	33%	25%	--	25%
Child Care Facility	Must qualify under Section 6355 a.1. a.4.	Additional residential space equal to or greater than the square footage of the child care facility or one additional incentive		
County Affordable Senior Housing Program (Rental Units Only)				
Very Low Income	100%	50% to a maximum of 45 units/acre*		
Low Income	100%	45% to a maximum of 45 units/acre*		
Moderate Income	100%	40% to a maximum of 45 units/acre*		
Commercial Development with Affordable Housing	Pursuant to Government Code 65915.7	Pursuant to Section 6365		
<u>Additional Density Bonus</u>	<u>Pursuant to Government Code section 65915, subdivision (v)</u>	<u>Pursuant to Government Code section 65915, subdivision (v)</u>		

* The density cap of 45 units per acre is calculated based on the net lot area.

2. County Affordable Senior Housing Program.

i. An Administrative Permit authorizing a density bonus for an affordable rental senior housing project may be approved in accordance with the Administrative Permit Procedure commencing at Section 7050 if the project meets the requirements of Section 6355 a.56. and this section and if it is found that the location, size, and design of the proposed use will not adversely affect or be materially detrimental to the San Diego County General Plan, adjacent uses, residents, buildings, structures, or natural resources, with consideration given to:

- a) The type and density of the housing development would not have a harmful adverse effect on surrounding neighborhood character.
- b) The site is physically suitable for the density of development proposed.
- c) There is demonstrated capacity and service of sewer, water, schools (as may be required), fire, police protection and utilities available to the housing development.
- d) The housing development and surrounding areas have adequate access to accommodate the generation of traffic.
- e) The site has reasonable proximity and access to special support services (e.g., retail and convenience uses, public transit, emergency medical facilities, etc.) as may be required by the type and density of development proposed.

ii. The County Affordable Senior Housing Program shall be available only to a housing development of five or more dwelling units, exclusive of the bonus units. The residents shall be persons 62 years of age or older or 55 years of age or older in a senior citizen housing development consisting of at least 35 dwelling units, exclusive of the bonus units.

iii. The housing development must be located in an area with a General Plan density of at least 10.9 units per acre.

iv. Density bonus calculations shall be made as specified in Section 6360 b.

- v. Bonus units must be reserved and rented to senior citizens at the same level of affordability as the proposed development.
 - vi. The maximum density, including the bonus units, cannot exceed 45 units per acre based on the net lot area.
 - vii. The applicant will be required to enter into a density bonus housing agreement with the County's Department of Housing and Community Development. The agreement shall be subject to and comply with the density bonus housing agreement provisions set forth in Section 7430.
 - viii. A housing development located in a specific plan area shall not be allowed a density bonus which causes the overall maximum density of the specific plan to be exceeded.
 - ix. Parking requirements shall be met as specified in Section 6370.
 - x. Requested incentives are subject to the provisions of Zoning Ordinance Section 6365, except that the applicant shall not be required to submit a financial documents under Section 7410 b.2. An applicant for a project under the County Affordable Senior Housing Program shall receive up to four incentives, unless disapproved with written findings in accordance with Section 7420 a.
3. Land Donation For Very Low Income Units. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the County for very low income housing and meets the requirements of Government Code Section 65915(g), the applicant shall be entitled to a 15 percent minimum increase above the otherwise maximum allowable residential density as shown in the table below.
- i. The donated land must have all permits and approvals necessary for the development of very low income housing units equal to at least 10 percent of the market rate units within the proposed development.
 - ii. If the proposed development also includes units reserved for affordable housing, the density bonus from the donated land shall be in addition to the density bonus permitted for the provision of housing reserved for very low, low, moderate, or senior households up to a maximum combined density increase of 35 percent.

<i>Percentage of Units Very Low Income</i>	<i>Percentage Density Bonus</i>
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

4. Condominium Conversion Projects. A condominium conversion project which meets the requirements of Government Code Section 65915.5 shall receive either a density bonus of 25 percent or incentives of equivalent financial value unless the development previously received density bonus or other incentives, in which case it is ineligible for the Density Bonus Program/Affordable Housing Program.

5. Child Care Facilities. A housing development with a child care facility that meets the eligibility requirements of Section 6355 d. shall be entitled to one of the following subject to the requirements of Government Code Section 65915(h):

iii.i. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility. Any additional amount of residential space that exceeds the amount of square feet in the child care facility must be approved by the approving authority. The additional square feet of residential space may be used for additional residential units that must meet the average square footage size of the other residential units in the development.

iv.ii. An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

6. 100% Affordable Developments in Transit Accessible Areas. No maximum density shall be required for a housing development project that meets the 100 percent affordability requirements of Section 65915(b)(1)(G) and that is built within one- mile of a major transit stop as defined by subdivision (b) of Section 21155 of the Public Resources Code or is located in a very low vehicle travel area as defined by subdivision (o) of Section 65915 of the California Government Code. The applicant shall also receive a height increase of up to three additional stories, or 33 feet.

b. Density Bonus Calculations.

1. Base Units. The number of base units shall not exceed the maximum allowable residential density as permitted by the County's Zoning Ordinance and General Plan.

i. The net lot area of the project site shall be the basis on which the number of base units is determined.

ii. The density bonus percentage shall be calculated using the total number of base housing units and shall not include the density bonus units.

iii. When calculating the maximum number of base dwelling units permitted on a project site any fraction of a base dwelling unit shall be rounded up to the nearest whole number of dwelling units.

iv. The maximum number of dwelling units permitted within the exterior boundary lines of any subdivision or a single lot, shall be reduced to an achievable number of dwelling units when such reduction is needed to comply with all applicable land use requirements. The resulting density shall be the Maximum Allowable Residential Density.

2. Density Bonus Units. When calculating the number of density bonus units to be granted to an applicant under Government Code section 65915, a fraction of a density bonus unit shall be rounded up to the nearest whole number.

3. Split Zones. If the housing development site is located in two or more zones, the number of dwelling units permitted in the development is the sum of the dwelling units permitted in each of the zones. Within the development, the permitted number of dwelling units may be distributed without regard to the zone boundaries.

~~4. Other regulatory incentives pursuant to Section 65915 of the Government Code.~~

6365 INCENTIVES.

a. Types of Incentives. An applicant eligible for an Affordable Housing Permit pursuant to Section 6355 may qualify for one or more of the following incentives whether or not a density bonus is requested:

1. A reduction or deviation in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code. These may include, but not are not limited to, a reduction in setback and square footage requirements, increased building heights, or a reduction in the ratio of vehicular parking spaces that would otherwise be required. These

reductions or deviations shall result in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

2. Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located._

3. Other regulatory incentives proposed by the applicant or the County that will result in identifiable, actual cost reductions to provide for affordable housing costs as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

b. Proof of Cost Reduction. ~~Proof of identifiable, actual cost reduction associated to reduce the cost of the housing development to provide for affordable housing costs may be required of the applicant~~ The applicant must provide reasonable documentation consisting of a brief written statement identifying actual, identifiable cost reductions that will result from the requested incentives or concessions to establish eligibility for the incentives or concessions pursuant to Section 7410.

c. Permitted Number. The applicant shall receive the following number of incentives, in accordance with Government Code Section 65915 and the Inclusionary Housing Ordinance as described in Section 6341.e., unless disapproved in accordance with written findings as described in Section 7420 a:

INCENTIVES SUMMARY

<i>Income Category of Reserved Units</i>	<i>% of Reserved Units</i>
--	----------------------------

Very Low Income	--	5%	10%	15%
Low Income	--	10%	17%	24%
Moderate Income (Ownership Units Only)	--	10%	20%	30%
County Affordable Senior Housing Program (Rental Units Only)	--	--	--	100%
Lower income students in a student housing development	20%	--	--	--
Maximum Number of Incentives	1	2	3	4

d. Incentives for Commercial Development. Pursuant to Government Code Section 65915.7, an applicant for a commercial development that has entered into an agreement with an applicant for a residential development that provides at least 15 percent of the dwelling units as affordable to very low income households or at least 30 percent of the dwelling units as affordable to low income households shall be entitled to an incentive in accordance with Government Code Section 65915.7(b) provided that the agreement is approved by the Planning & Development Services Director and the commercial development will contribute to affordable housing in one of the following ways:

1. Directly constructing the affordable dwelling units on the commercial site or a site that is within the jurisdiction of the County, in close proximity to public amenities including schools and employment centers, and located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code.
2. Donating a portion of the commercial site or another site that meets the criteria in Section 6365 c.1. for development of the affordable dwelling units; or

3. Financially contributing to the development of the affordable dwelling units.

e. 1. A concession or incentive shall not result in a proposed project with a commercial floor area ratio that is greater than two and a half times the premises' current allowed base zone commercial floor area ratio.

2. This paragraph shall not apply to proposed projects that have submitted a preliminary application or an entitlement application prior to January 1, 2026.

f. Government Code section 65915 subdivision (e) and subdivision (k) do not require a city, county, or city and county to approve, to grant a concession or incentive requiring approval of, or to waive or reduce development standards otherwise applicable to, a hotel, motel, bed and breakfast inn, or other transient lodging, other than a residential hotel, as defined in Section 50519 of the Health and Safety Code, as part of a housing development subject to this section. For purposes of this paragraph, "other transient lodging" does not include a resident's use or marketing of their unit as short-term lodging, as defined in Section 17568.8 of the Business and Professions Code, subsequent to the issuance of a certificate of occupancy in a manner otherwise consistent with local law.

eg. Nothing in this section requires the County to provide direct financial incentives for the housing development, including but not limited to, the provision of publicly owned land or the waiver of fees or dedication requirements.

h. This section does not supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

6367 WAIVER OF DEVELOPMENT STANDARDS

a. An applicant may submit a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a housing development at the densities or with the incentives permitted by the Density Bonus Program/Affordable Housing Program.

b. Development standards that may be waived or reduced under this section include site or construction conditions that apply to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation, including, but not limited

to the following:

- i. A height limitation.
 - ii. A setback requirement.
 - iii. A floor area ratio.
 - iv. An onsite open-space requirement.
 - v. A parking ratio that applies to a residential development.
- c. A proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development at the densities or with the incentives permitted by the Density Bonus/Affordable Housing Regulations shall be approved unless the approval authority makes a written finding to deny the proposal, based upon substantial evidence, as specified in Section 7420 b.

6370 PARKING REQUIREMENTS.

a. Applicability. The following parking requirements apply to eligible developments in accordance with Section 6355. Affordable housing projects that also meet the requirements of Government Code 65913.4 and are processed through ministerial review consistent with Section 7400 are subject to the parking requirements of Government Code 65913.4~~(d)~~(e) rather than those in this section. Any additional parking modifications will be considered an incentive pursuant to Section 6365.

b. Number Of Parking Spaces Required.

The following maximum vehicular parking ratios apply for a project that meets the eligibility requirements of Section 6355, inclusive of parking for the disabled and guest parking.

PARKING REQUIREMENTS

Number of Bedrooms

Number of on-site parking
spaces needed

0 – 1	1
2 – 3	1.5
4+	2.5
<u>One bedspace in a student housing development</u>	<u>0</u>

c. Lower parking ratios also apply to the following projects:

1. 0.5 space per bedroom for rental or for sale projects with at least 11% very low income or 20% ~~lower~~low-income units, and within one-half mile of unobstructed access to a major transit stop as defined in subdivision (b) of Section 21155 of the Public Resources Code. Unobstructed access means if a resident is able to access the major transit stop without encountering natural or constructed impediments.
2. No space required for rental projects that are 100% affordable to lower income households (exclusive of a manager's unit), and within one-half mile of unobstructed access to a major transit stop as defined in subdivision (b) of Section 21155 of the Public Resources Code.
3. No space required for age-restricted rental senior projects that are 100% affordable to lower income households, and have paratransit service or are within one-half mile of accessible fixed bus route service operating at least eight times per day.
4. No space required for special needs housing development as defined in Section 51312 of the Health and Safety Code, and have paratransit service or are within one-half mile of ~~accessible~~unobstructed access to fixed bus route service operating at least eight times per day.

d. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.

e. This Density Bonus Program/Affordable Housing Program does not preclude the County from reducing or eliminating a parking requirement for development projects of any type in any location.

f. Location of Parking. For purposes of this density bonus program, a development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking

g. Religious Institution Affiliated Housing Project. Parking requirements for religious institution affiliated housing development projects are as provided in California Government Code Section 65913.6

Religious institution/assembly parking may count towards religious institution/assembly affiliated housing parking requirements. Up to 50% of existing or proposed religious institution/assembly parking spaces may be eliminated as a part of a religious institution/assembly affiliated housing development project. The elimination of religious- use parking spaces pursuant to a religious institution affiliated housing development project that has been approved does not constitute a concession pursuant to California Government Code Section 65915. The reduction in parking spaces shall not reduce the minimum parking standards required of a religious institution affiliated housing development project below one space per unit. The request to share parking is exempt from a discretionary permit review or modification, and exempt from the non-conforming regulations.

This shall not apply to a religious institution affiliated housing development project if either of the following is true:

1. The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code or a major transit stop as defined in Section 21064.3 of the Public Resources Code.
2. There is a car share vehicle located within one block of the parcel.

6375 AFFORDABLE UNITS AND REPLACEMENT UNITS.

- a. Duration of Affordability.

1. An applicant for new affordable housing shall agree to, and the County shall ensure, the continued affordability of all very low and low-income rental units that qualified the applicant for the award of the density bonus or incentives or other concessions for 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

2. Replacement units shall be subject to a recorded affordability restriction for 55 years or longer.

b. Unit Affordability Requirements.

1. Rental Units. Rents for the lower income and moderate income reserved units shall be set at an affordable rent as defined in Health and Safety Code Section 50053.

2. Owner-occupied Units. Owner-occupied affordable units and replacement units shall be available at an affordable housing cost as defined in Health and Safety Code Section 50052.5.

c. Occupancy and Resale of Moderate Income ~~Common Interest Development Units~~.

1. An applicant shall agree to, and the County shall ensure, that the initial occupant of moderate income units that are directly related to the receipt of the density bonus ~~in a common interest development, as defined in Civil Code Section 1354~~, are persons and families of moderate income, as defined in Health and Safety Code Section 50093, and that the units are offered at an affordable housing cost, as defined in Health and Safety Code Section 50052.5.

2. The County shall enforce an equity sharing agreement as specified in California Government Code Section 65915(c)(2)

d. Location and Type of Reserved Units.

1. Location/Dispersal of Units. Affordable units shall be reasonably dispersed throughout the development where feasible and shall contain on average the same number of bedrooms as the market rate units. Affordable housing units within a mixed-income structure shall not be isolated to a specific floor or area on a specific floor.

2. Phasing. If a project is to be phased, the reserved units shall be phased in the same proportion as the market rate units or phased in another sequence acceptable to the County. The affordable units shall be constructed concurrently with or prior to construction of the market rate units.
 3. Exterior Appearance. The exterior appearance and quality of the reserved units shall generally be similar to the market rate units, with exterior materials and improvements similar to and architecturally compatible with the market rate units in the development.
 4. Entrance/Exits. The occupants of the affordable housing units in the mixed-income multifamily structure shall have the same access to the common entrances to that structure as the occupants of the market-rate housing units.
 5. Common Areas. The occupants of the affordable housing units in the mixed-income multifamily structure shall have the same access to the common areas and amenities of that structure as the occupants of the market-rate housing units.
- e. Replacement Units. All proposed projects that require residential unit demolition shall provide replacement units pursuant to any applicable requirements in sections 65915, ~~and section 66300~~, 66300.5, and 66300.6 of the Government Code.

6380 CONFLICTS WITH STATE LAW

If any portion of this chapter conflicts with the State Density Bonus Law or any other applicable state law, state law shall supersede the conflicting provision. Any ambiguities in this chapter shall be interpreted to be consistent with State Density Bonus Law. Statutory references in this ordinance include successor provisions.

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DENSITY BONUS/AFFORDABLE HOUSING PERMIT PROCEDURE

7402 APPLICABILITY.

The Density Bonus /Affordable Housing Permit procedures shall be applied as required by the Zoning Ordinance, the General Plan, a Specific Plan, Tentative Subdivision Map, Tentative Parcel Map, or other discretionary development approval.

7405 JURISDICTION.

- a. Applications for granting or modifying ~~an a~~ Density Bonus/Affordable Housing Permit, any associated incentive, or a waiver or modification of development standards that are filed concurrently with any other discretionary project application shall be under the same original jurisdiction as the other discretionary project application.
- b. If no other discretionary project application is required, a Density Bonus/Affordable Housing Permit application shall be under the original jurisdiction of the Director.

7410 APPLICATION FOR THE GRANTING OF A DENSITY BONUS/AFFORDABLE HOUSING PERMIT.

- a. Persons Eligible. The following persons shall be eligible to apply:
 1. A property owner, in which case the application shall be signed by all property owners or agents, as provided in Section 7017.
 2. A lessee upon written approval of the property owner, in which case the application shall be signed by all property owners or agents, as provided in Section 7017.
- b. Required Documents.

The applicant shall submit an application for a Density Bonus/Affordable Housing Permit in accordance with the following requirements:

1. Application. A Density Bonus/Affordable Housing Permit application shall include the following information:
 - i. A description of the requested density bonus, incentive, concession, waiver or modification.

ii. Identification of the base project without the density bonus, number and location of all affordable units qualifying the project for a density bonus, level of affordability of all reserved units, and identification of the bonus units.

iii. In phased housing projects, for each construction phase, the Density Bonus/Affordable Housing application shall specify, at the same level of detail as the application for the residential development: the number, unit type, tenure, number of bedrooms and baths, approximate location, size, and design, construction and completion schedule of all affordable units, phasing of all affordable units in relation to market rate units, marketing plan, and intended rent or sale price and basis for calculation.

iv. If a density bonus or incentive is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the requirements for eligibility can be met.

v. If a density bonus or incentive is requested for a child care facility, the application shall show the location and square footage of the child care facility and provide evidence that the requirements for eligibility and the necessary qualifications can be met.

vi. If a mixed-use building or development is proposed, the application shall provide evidence that the eligibility requirements can be met.

2. Financial Data Reasonable Documentation. If the applicant requests one or more incentives under the Density Bonus/Affordable Housing Program, ~~financial data shall be submitted that meets the requirements of this section.~~

~~—The financial document shall address:~~

~~i. The actual cost reductions achieved through each incentive.~~

~~ii. That the actual cost reduction achieved through each incentive is needed to provide for affordable housing costs.~~ the applicant must provide reasonable documentation consisting of a brief written statement identifying actual, identifiable cost reductions that will result from the requested incentives or concessions to establish eligibility for the incentives or concessions.—

3. An application for a Density Bonus/Affordable Housing Permit shall be submitted prior to or concurrently with the submittal of the application, if any, for a related discretionary permit (e.g., a tentative map, parcel map, or design review). The application shall be processed concurrently with all other applications required for the development.

4. No discretionary project application that includes an application for a Density Bonus/Affordable Housing Permit shall be deemed complete unless a Density Bonus/Affordable Housing application is submitted, including ~~financial data if required~~ reasonable documentation, that conforms to the requirements of this section.

5. Upon submittal, the Director shall determine if the Density Bonus/Affordable Housing Permit application is complete and conforms to the provisions of this section.

c. Application Form, Filing and Fee.

1. An application for the granting or modifying of a Density Bonus/Affordable Housing Permit shall be made on the prescribed form and shall be filed with the approving authority and shall be accompanied by the fee referenced in Section 7602.

~~2. The cost of reviewing any required financial data submitted in support of a request for an incentive including, but not limited to, the cost to the County of hiring a consultant to review the financial data, shall be borne by the applicant.~~

3.2 The granting of a Density Bonus/Affordable Housing Permit shall not be interpreted, in and of itself, to require a general plan amendment, coastal plan amendment, development permit, development permit, zoning amendment, or other discretionary approval.

Category 11 – Housing – Miscellaneous

Item 11a – 6753c

6753 GENERAL PARKING REQUIREMENTS.

- a. **New Uses and Structures.** A new use and/or structure shall provide the minimum number of parking and bicycle spaces specified in the Parking Schedules of the County Parking Regulations.
- b. **Existing Uses and Structures.** A previously permitted existing use and/or structure shall not reduce parking or bicycle spaces unless the reduced number of parking spaces still provided for the use and/or structure meets the minimum requirements of the County Parking Regulations for that use and/or structure.
- c. **Conversion, Alterations or Expansion of an Existing Use or Structure.** A previously permitted existing use and/or structure that is converted, altered or expanded shall provide additional parking spaces to accommodate the increase in capacity and/or intensity. This additional parking shall be provided unless the existing parking meets the parking requirements of the County Parking Regulations for the entire use and/or structure. Additional parking requirements shall not apply as a condition of approval for the remodel or renovation to a previously permitted single-family dwelling, provided that the project does not cause the single-family dwelling to exceed maximum size limits, including but not limited to height, lot coverage, and floor-to-area ratio.
- d. **Availability.** Parking and Loading spaces shall be marked, maintained, and permanently available for the use they are intended to serve. Owners, lessees, tenants, or persons having control of the parking or loading spaces shall not prevent, prohibit or restrict the use of parking and loading spaces.
- e. **Usage.** Required parking and loading areas shall be used exclusively for the parking and loading of vehicles and shall not be used for the sale, lease, display, repair, or storage of vehicles, trailers, boats, campers, mobile homes, merchandise or equipment without a required County permit or approval, except where allowed by County Parking Regulations.
- f. **Exceptions.** Notwithstanding the general parking requirements set forth in subsections a. and c. above, parking requirements for uses conducted pursuant to a use permit, Historic District Site Plan, or community design review Site Plan in a Special Parking District, shall be determined in accordance with Sections 6782 and/or 6783. In communities with Village Zoning, such as Fallbrook, parking requirements shall be determined in accordance with the Parking Regulations for each zone. (See Section 8000 et seq. of the Zoning Ordinance).
- g. **Community Plan Policies.** In the event that an applicable community plan contains policies relative to parking, those policies shall be considered when determining parking counts and design.
- h. **Underutilized Parking.** Means parking where 20 percent or more of a development's parking spaces are not occupied during the period that the parking is proposed to be shared by another user, group, development, or the public. New and existing developments may enter into shared parking agreements,

subject to the Director's approval, to count toward meeting a parking requirement pursuant to Government Code Section 65863.1.

Item 11b – 6784b, 6784c.3, 6784c.4, 6788d

6784 REDUCTION OF PARKING SPACES.

a. Parking Assessment District. The number of required parking spaces for uses and structures located within an assessment district formed to provide off-street parking shall be reduced by the number of parking spaces provided by the assessment district which are attributable to the subject property. For purposes of this Section, the parking spaces shall be attributed to each lot or parcel in the same ratio that the assessed value of the subject parcel bears to the total assessed value of the assessment district, unless the Board of Supervisors determines that the parking spaces should be attributed to individual parcels in another manner.

b. Underutilized Parking. Means parking where 20 percent or more of a development's parking spaces are not occupied during the period that the parking is proposed to be shared by another user, group, development, or the public. New and existing developments may enter into shared parking agreements, subject to the Director's approval, to count toward meeting a parking requirement pursuant to Government Code Section 65863.1.

~~b c.~~ Parking Reduction for Multi-Use and/or Mixed-Use Development. A parking reduction may be approved by the Director where it can be demonstrated that two or more adjacent multi- use and/or mixed-use developments on one or more lots or parcels have distinctly different parking demand patterns that allow for the shared use of parking spaces without conflict. Shared parking is most effective when land uses have distinctly different activity periods such as day and night or weekday and weekend. Shared parking reductions may apply to either new or existing development.

Requirements for approval of shared parking reductions are as follows:

1. Administrative Permit Is Required. An Administrative Permit, in accordance with Sections 7050 through 7074, shall be required for the sharing of parking spaces. The Administrative Permit shall apply to every property subject to the shared parking arrangement. In addition to the findings required by Section 7060, the following additional findings are required:

- i. The parking spaces to be provided for shared parking would be available as long as the uses requiring the spaces lawfully exist.

- ii. The quality and efficiency of the shared parking would be comparable to the level that is otherwise required.

2. Shared Parking Agreement Is Required. The Administrative Permit shall include a condition requiring the applicant to submit a signed agreement between the applicant and the other property owner(s) providing the off-street parking or underutilized parking spaces that are subject to the shared parking arrangement, with the County included as a third party beneficiary to the agreement. The agreement, titled "Shared Parking Agreement," shall be subject to the approval of the Director as to form and content and shall be recorded with the Office of the County Recorder. The Shared Parking Agreement shall meet recording requirements of state statutes and contain the Director's signature as to form and content, current contact information, the property's address, and the County Assessor's parcel number for the property.

3. Parking Study. The Director may require the applicant to submit a parking study, prepared by a qualified traffic or parking consultant; that meets the requirements of Government Code Section 65863.1, to assist the Director in determining the appropriate shared parking reduction. For existing development where new or different uses are proposed, the base parking demand may be based on either the County Parking Regulations parking ratio or on a detailed survey of actual parking demand for the active uses on the site. If a field survey approach is used, the study shall apply appropriate seasonal demand adjustments to determine the peak parking demand.

i. For applicants that do not submit a parking study for shared parking agreements for developments of 10 residential units or more, or 18,000 square feet or more, the Director shall decide whether to approve the agreement.

a) Before making the determination, the Director shall notify property owners within 300 feet of the shared parking spaces of the proposed agreement, including that the property owner has 14 days to request a public meeting pursuant to Government Code Section 65863.1

4. Allowable Walking Distances For Shared Parking. ~~The shared parking arrangement will be more effective the closer shared parking spaces are to the uses they serve.~~ The Director shall review and determine that the shared parking spaces ~~are generally within the following desired maximum walking distances for customers/visitors and employees meet any of the following conditions:~~

a) ~~Customers/Visitors—600 feet~~ The entities that will share the parking are located on the same, or contiguous, parcels.

b) ~~Employees—1,000 feet~~ The sites of the entities that will share parking are separated by no more than 2,000 feet of travel by the shortest walking route.

c) The sites of the entities that will share the parking are separated by more than 2,000 feet of travel by the shortest walking route, but there is a plan for shuttles or other accommodations to move between the parking and site, including a demonstrated commitment to sustain such transportation accommodations.

6788 COLLECTIVE PROVISION OF OFF-STREET PARKING AND ACCESS.

Collective off-street parking facilities that serve two or more uses or structures sharing a common lot line in locations subject to commercial, industrial, S86 Use Regulations, or Camp Lockett Zones, are allowed subject to the following requirements:

- a. The total parking spaces in such collective off-street parking facilities shall not be less than the sum of the requirements for the individual buildings or uses computed separately in accordance with the County Parking Regulations, unless a permit approved pursuant to this section specifies another amount.
- b. Collective Parking Agreement Is Required – The applicant must submit a signed agreement between the applicant and the property owner(s) providing the collective parking spaces, with the County included as a third party beneficiary to the agreement. The agreement shall grant an easement(s) for public utility purposes, ingress and egress to and from adjacent public right-of-way, access and parking necessary to provide the required collective parking spaces. The agreement shall also provide for the use and maintenance of the collective parking area. The agreement, titled “Collective Parking Agreement,” shall be subject to the approval of the Director as to form and content and shall be recorded with the Office of the County Recorder. The Collective Parking Agreement shall meet recording requirements of state statutes and contain the Director’s signature as to form and content, current contact information, the property’s address, and the County Assessor’s parcel number for the property.
- c. Parking Information. The Director may require the applicant to submit parking information on the uses and the associated number of parking spaces required, by the County Parking Regulations, a permit or another parking agreement, for each of the properties involved in the collective parking agreement.
- d. All collective parking agreements in this section are subject to Government Code Section 65863.1.

Category 12 – Solar Energy Systems

6954

SOLAR ENERGY SYSTEM

a. Definitions:

1. Solar Energy System: As used in this section, “solar energy system” shall have the same meaning as defined in California Civil Code section 801.5(a)(1), (2).
2. Onsite Use: As used in this section, “onsite use” means the system is designed to serve one utility retail customer on the same property, more than one utility retail customer on the same property, one utility retail customer on the same, adjacent, or contiguous properties, or more than one utility retail customer on the same, adjacent or contiguous properties, and is not designed for procurement of electricity by an electric utility defined under Public Utilities Code Sections 218 & 224.3.
3. Offsite Use: As used in this section, “offsite use” means the system is designed to export energy offsite, whether for public or private use, or for the purposes of procurement of electricity by an electric utility defined under Public Utilities Code Sections 218 & 224.3.
4. Small Residential Rooftop Solar: As used in this section, “small residential rooftop solar” shall have the same meaning as defined in Government Code section 65850.5(j)(3).
5. Residential Energy Storage System: As used in this section, “residential energy storage system” shall have the same meaning as defined in Government Code section 65850.52(a)(2).
6. Residential Solar Energy System: As used in this section, “residential solar energy system” shall have the same meaning as defined in Government Code section 65850.52(a)(3).

b. Solar Energy System, Onsite Use shall be permitted as follows:

1. ~~A photovoltaic solar energy system for onsite use shall be allowed as an accessory use to all Agricultural, Civic, Commercial, Industrial and Residential use types in all zones in accordance with the following requirements:~~
 - i. ~~Setback. A System shall meet all of the main building setback requirements of the zone or comply with Section 4835.f~~

- ii. ~~Height. A System shall meet the height limit of the height designator of the zone, except when allowed to extend not more than 5 feet above the highest point of the roof, in accordance with Section [4620.i](#).~~
- iii. ~~Solar Panel Description. The panel manufacturer and model shall be specified as part of the building permit.~~
- iv. ~~Special Area Regulations: Photovoltaic solar energy systems for onsite use subject to a Special Area Designator must comply with the applicable Special Area Regulations provisions of Sections [5000](#) through [5999](#).~~
- v. Applications for solar energy systems that meet the objective standards outlined in this ordinance, all other applicable County ordinances, State law, and Federal law shall be approved unless the Director determines the system would create a specific, adverse impact upon the public health or safety as contemplated by Gov. Code section 65850.5 and Health and Safety Code section 17959.1.
- vi. The project substantially conforms with the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research and complies with the County's published Solar Energy System Permitting Guidance Documents.
- vii. The project conforms with all applicable state and federal codes.
- viii. The project conforms with all applicable codes and ordinances adopted by the County of San Diego.
- ix. Solar energy systems for heating water in single family residences and solar collectors used for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined in the California Plumbing and Mechanical Codes.
- x. A solar energy system for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of

Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

xi. Solar energy system installer shall include a reference to the requirement to notify the appropriate regional notification center of an excavator's intent to excavate, pursuant to Article 2 (commencing with Section 4216) of Chapter 3.1 of Division 5 of Title 1, before conducting an excavation, including, but not limited to, installing a grounding rod.

c. Small residential rooftop solar energy systems uses shall be allowed in all zones in accordance with the following requirements:

1. The project substantially conforms with the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research and complies with the County's published Small Residential Rooftop Permitting Guidance Documents.
2. The project conforms with all applicable state and federal codes;
3. The project conforms with all applicable codes and ordinances adopted by the County of San Diego; and
4. Solar energy systems shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities.

d. Residential solar and energy storage system uses that qualify for web-based online permitting under Government Code section 65850.52 shall be allowed in all zones in accordance with the requirements of the County of San Diego's online, automated permitting platform, which allows applicants to submit complete design packages through a single automated online platform designed to ensure code compliance and permit issuance in real time.

e. Solar Energy System, Offsite Use shall be permitted as follows:

1. A ~~photovoltaic~~ solar energy system designed for offsite use with a project area of less than 10 acres shall be allowed with an Administrative Permit in all zones in accordance with the Administrative Permit Procedure commencing at Section 7050. The following findings must be made prior to approval of an Administrative Permit:

- i. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
 - 1. Harmony in scale, bulk, coverage and density;
 - 2. The availability of public facilities, services and utilities;
 - 3. The harmful effect, if any, upon desirable neighborhood character;
 - 4. The generation of traffic and the capacity and physical character of surrounding streets;
 - 5. The suitability of the site for the type and intensity of use or development which is proposed; and to
 - 6. Any other relevant impact of the proposed use; and
- ii. That the impacts, as described in paragraph "b.1.(a.)" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan; and
- iii. That the requirements of the California Environmental Quality Act have been complied with; and
- iv. That the applicant has provided the County with an owner consent letter demonstrating to the satisfaction of the Director that the operator of the sSolar eEnergy sSystem is authorized to use the property for a sSolar eEnergy sSystem, unless the operator owns the land upon which the sSolar eEnergy sSystem will be located.
 - 1. A ~~photovoltaic~~ solar energy system designed for offsite use with a project area of 10 acres or more, or a combination of parcels with a combined area of 10 acres or more is a Major Impact Service and Utility in all zones and shall require a Major Use Permit permitted in accordance with the use permit procedure commencing at section 7350. The use permit conditions shall include the requirements in subsection b.1(d) and subsection 3(a) through (d).

2. All other types of a solar energy systems or solar power plants including but not limited to concentrating solar power plants, parabolic troughs, concentrating linear fresnel reflectors, stirling solar dish, or a solar power tower are a Major Impact Service and Utility in all zones and shall require approval of a Major Use Permit in accordance with section 7350 and the following requirements on any parcel of land:
 1. Height. A system or plant of more than 200 feet in height is required to comply with Federal Aviation Administration safety height requirements.
 2. Visual. The following measures shall be followed in order to minimize the visual impact of the project:
 1. Removal of existing vegetation shall be minimized.
 2. Internal roads shall be graded for minimal size and disruption.
 3. Any accessory buildings shall be painted or otherwise visually treated to blend with the surroundings.
 4. A structure shall be non-reflective in all areas possible to blend with the surroundings.
1. Security. The operator shall provide a security in the form and amount determined by the Director to ensure removal of the ~~S~~solar ~~e~~Energy ~~s~~System. The security shall be provided to PDS prior to building permit issuance. Once the ~~s~~Solar ~~e~~Energy ~~s~~System has been removed from the property pursuant to a demolition permit to the satisfaction of the Director, the security may be released to the operator of the ~~s~~Solar ~~e~~Energy ~~S~~system.
 1. Special Area Regulations: Photovoltaic ~~s~~Solar energy systems for offsite use subject to a Special Area Designator must comply with the applicable Special Area Regulations provisions of Sections 5000 through 5999.

Category 13 – Nonconforming Zoning Verification

Item 13a – SDCZO 6852

6852 RIGHT TO CONTINUE A NONCONFORMITY.

A nonconformity which is in existence prior to the effective date of the Zoning Ordinance or of any subsequent rezoning or other amendment thereto which creates such use or structure nonconformity, may be continued and maintained, except as otherwise specified in these Nonconformity Regulations. No expansion, extension, substitution or other change in activities and no alteration or other change in facilities is permitted except as expressly required by law or as expressly provided herein.

The right to continue a nonconformity may be confirmed based on the Department's review of available records and evidence demonstrating the lawful establishment and continued operation of the nonconformity.

A Nonconforming Zoning Verification Letter, pursuant to Section 7030, may be requested at any time to confirm the right to continue a nonconformity; however, such a letter shall be required when an applicant seeks to continue a nonconforming use and the Department is unable to independently verify the existence of the right to continue the nonconformity.

Item 13b – SDCZO 7030

7030 PROCEDURE TO CONFIRM RIGHT TO CONTINUE A NONCONFORMITY

7032

The right to continue a nonconformity may be determined by Nonconforming Zoning Verification Letter written by department staff determining if a use or structure qualifies as nonconforming pursuant to this ordinance.

7034. Application.

- a. Persons eligible. Any property owner, authorized agent, business owner, lender, title company, governmental agency, or other person with a lawful interest in the property may apply for a Nonconforming Zoning Verification Letter upon submission of the required application and fee.

- b. Documentation. The applicant may submit any information, evidence, or documentation to support the requested determination. Such documentation may include, but is not limited to:
1. Building permits;
 2. Certificates of occupancy;
 3. Business licenses;
 4. Assessor or tax records;
 5. Recorded documents;
 6. Site plans or plot plans;
 7. Aerial photographs;
 8. Utility records;
 9. Photographs;
 10. Prior discretionary permits or approvals;
 11. Any documentation that supports that applicable structures have not been modified since they became nonconforming
 12. Any documentation that supports that a nonconforming use has been continued since becoming nonconforming and has not stopped for more than 12 months;
 13. Maps; or
 14. Any other documentation deemed relevant by the applicant.

7036 Burden of Proof.

The burden of proof shall be upon the applicant to establish the lawful existence, extent, and continuity of any claimed nonconforming right or status.

7038 Review and Determination.

The department shall review the application and all submitted materials and may rely upon County records, historical records, inspections, and any other information deemed relevant in making the determination.

7040 Contents of Letter.

The Nonconforming Zoning Verification Letter shall identify the property, summarize the evidence reviewed, and state the Department's determination regarding the zoning status of the property, use, or structure.

7042 Effect of Letter.

A Nonconforming Zoning Verification Letter constitutes the Department's official zoning determination based upon the information available at the time the letter is issued. The issuance of a Nonconforming Zoning Verification Letter shall not authorize the establishment, enlargement, expansion, intensification, relocation, or alteration of any use or structure except as otherwise permitted by this ordinance.

7044 Reliance Upon Incomplete or Incorrect Information.

Any determination made pursuant to this section may be modified, revoked, or reconsidered if the determination was based upon incomplete and/or inaccurate information.

7046 Appeal.

A determination made pursuant to this section may be appealed to the Director within 30 calendar days of issuance of the decision.

- a. Persons Eligible. The following persons shall be eligible to file an appeal:
 - 1. A person having an interest in the property that is the subject of the decision being appealed (hereinafter subject property).
- b. Required documents and Fee. An appeal shall be made on the prescribed form and shall be accompanied by a document setting forth the grounds upon which the appellant asserts there was an error or abuse of discretion. The form and document shall be accompanied by the fee referenced in Section 7602 and filed with Planning & Development Services.
- c. Decision and Notice. The Director may either sustain the decision being appealed or render such new decision as they consider appropriate. Written notice of the decision of the Director shall be mailed to the appellant.

Category 14 – Administrative Code Fee Schedule

Item 14a – Admin Code 362.1(a)

San Diego County Code of Administrative Ordinances

SEC. 362.1. DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES.

(a) SCHEDULE OF DISCRETIONARY FEES AND DEPOSITS

	PDS Planning, Land Development & Environmental Review			PDS Trails Review	
CASE TYPE	CROSS REFERENCE	INTAKE DEPOSIT/FEE	Deposit (D) or Fee (F)	CROSS REFERENCE	INTAKE DEPOSIT/FEE^{6, 7}
	PDS Planning, Land Development & Environmental Review			PDS Trails Review	
CASE TYPE	CROSS REFERENCE	INTAKE DEPOSIT/FEE	Deposit (D) or Fee (F)	CROSS REFERENCE	INTAKE DEPOSIT/FEE^{6, 7}
ADMINISTRATIVE PERMITS	7056 ZO				
Additional Story		\$2,623 (V)	F		
Appeal - Administrative Permits	6930, 7054, 7057, 7064, 7200 ZO	Refer to Appeals			
Agricultural Clearing	87.301 CC	\$2,589 (V)	D		
Borrow Pit		\$6,027 (V)	D		
Boutique Winery		\$4,407 (V)(L)	D		
Brushing/Clearing	87.301 CC	\$4,107 (V)	D		
Family Day Care		Waived			
Fence Height		\$2,393 (V)	F		
Homeowners Association		\$2,479 (V)	D		
Horse Stable		\$6,027	D		

Host Home		\$4,113 (V)	F		
Lot Size Averaging		\$6,027(V)	D		
Meteorological Testing Facilities		\$4,407 (V)	D		
Minor Deviation		\$1,390 (V)	F		
Mobile Financial Business Office		\$4,408 (V)	F		
Modification	7072 ZO	\$4,854 (V)(L)	D		
Off-Premise Sign		\$1,047 (V)	F		
On-Premise Sign		\$1,107	F		
Photovoltaic Solar Energy System		\$6,027	D		
Sign Modification	7072 ZO	\$419 (V)	F		
Open Space Encroachment	Board Policy I-100, 7056 ZO	\$5,529 (V)	D		
Oversized Structure		\$4,133 (V)(L)	F		
Recycling Collection Facility (small)		\$4,407 (V)(L)	D		
Standard Application		\$6,027 (V)(L)	D		
Time Extension	7070 ZO	\$1,405	F		
Wind Turbine Projects		\$6,027 (V)	D		
AGRICULTURAL PRESERVES	Board Policy I-38				
Contracts/ Amendments		\$6,084	D		
Establishment of a Preserve		\$7,808	D		

Disestablishment of a Preserve		\$7,808	D		
ALCOHOLIC BEVERAGE CONTROL (ABC) DETERMINATION	Board Policy I-121				
Appeal - ABC Determination		Refer to Appeals			
Application		\$1,857	F		
APPEALS	Refer to ZO and Subdivision Ordinance for each case type				
Administrative Decision	7201 d ZO	\$2,321	D/F 4		
<u>To Director</u>		T&M	<u>D</u>		
To Board of Supervisors		\$1,000	D/F4		
To Planning Commission		\$1,000	D/F4		
ASSESSMENT DISTRICT FORMATION					
Application	459.2.1 CAC	\$7,168	D		
AUDIO TAPES	Board Policy B-29				
Copies		\$8.50 per tape + T&M	F		
Transcription Certification		\$8.50 per tape + T&M	F		
Computer Disks		T&M	F		
BOUNDARY ADJUSTMENTS (V)					

Appeal - Boundary Adjustments	81.904 CC	Refer to Appeals			
Standard Application	81.901 CC	\$3,801 (V)	F		
CENTERLINE REVIEW	81.804 CC				
Review		\$2,133	D		
CERTIFICATES OF COMPLIANCE	81.201 CC				
Appeal of MSV	81.1102 (B)	Refer to Appeals			
Application Legal Lot (Including remainder parcel)		\$2,909 (V) plus \$250 for Each Additional Increment of 1 Lot or Part thereof	F		
Certificate of Compliance With Boundary Adjustment		\$2,896 plus \$95 for each additional lot (V)	D		
Certificate in Lieu of Tentative Map	81.207 CC	\$9,262	D		
Certificate in Lieu of Tentative Parcel Map	81.207 CC	\$9,262	D		
Non-Refundable Violation Fee (MSV)		\$600	F		
Violation of Subdivision Ordinance (MSV)		\$15,676	D		
CONDITION SATISFACTION COMPLIANCE REVIEW					

Condition Satisfaction Review – Mitigation Monitoring Compliance 5	65909.5 G C CEQA Guidelines 15045	Dependent on number of conditions: 1-5: \$599 F 6- 10: \$1,198 F 11- 15: \$1,734 D	F/D		
CONSTRUCTION PERMIT	71.407 CC				
Application		\$210 (S)	F		
Time Extension		\$83	F		
CONSULTANT LIST	County of San Diego CEQA Guidelines				
CEQA Consultant Application		\$587	F		
CEQA Consultant Renewal		\$288	F		
Appeal of Scoring for Placement on the CEQA Consultant List		\$431	F		
COPIES OF DOCUMENTS	Board Policy B-29, 6250 - 6276.48 GC				
All Paper Sizes		See on Auditor and Controller website for fee	F		
Zoning/Planning Overlays		\$2.10 per page	F		
Microfilm Copies		\$2.60 per page	F		

COVENANT RELEASE FEE	81.211 CC	\$404	F		
ENCROACHMENT PERMIT	71.408 CC & 71.609 CC				
Application		\$210	F		
Time Extension		\$83	F		
ENVIRONMENTAL ACTIONS (CEQA)	San Diego County CEQA Guidelines ¹				
Application for Environmental Initial Study (AEIS) – Average	87.301 CC	\$5,190	D		
AEIS – Large/Major	87.301 CC	\$7,631	D		
AEIS – Previous/Minor	87.301 CC	\$2,007	D		
Appeal of an Environmental Determination by a non-elected County Decision maker	86.404 CC	Refer to Appeals			
CEQA Exemption	81.205CC	\$904	F/D		
EXCAVATION PERMIT	71.314 CC				
Application		\$210	F		
Time Extension		\$83	F		
GENERAL PLAN AMENDMENT					
Initial Consultation	Board Policy I-63	\$6,216	F		
Standard Application	395.1 CAC	\$21,210	D	65358 (a) GC	\$714 Initial Review \$476 Subsequent Review
GRADING PERMIT (PLAN CHECK BY CU. YDS.)				California Constitution	

Minor DPW Grading Permit	87.301 CC	\$5,655 (S)(L)	D		
Major DPW Grading Permit		\$10,084 (S) (L)	D		\$476 Initial Review \$238 Subsequent Review
HABITAT LOSS PERMIT (With Appropriate Environmental Action)	86.102 CC, 86.104 CC				
Application		\$7,033	D		
IMPROVEMENT PLAN – Curb Grade	81.206 CC & 87.301 CC				
Curb Grade Review		\$8,007 (S)	D		

IMPROVEMENT PLAN – Parcel Map (TPM)	81.201 CC & 87.301 CC				
Parcel Map (TPM) Review		\$6,760 (S)(L)	D		
Self-Certification of Private Road (4 homes max)		\$2,592			
IMPROVEMENT PLAN – Subdivision Map Tentative Map I	81.201 CC & 87.301 CC				
Subdivision Map TM Review		\$14,405 (L)	D		
LANDSCAPE AND IRRIGATION PLANS (L)	7602 ZO & 6712 ZO; 86.703 CC			California Constitution	

Landscape		\$2,454 (V)(S)	F		\$238 Initial Review \$238 Subsequent Review
Landscape – Modification		\$1,227 (V)	F		
Revegetation Plan/ Monitoring		\$5,683 (V)	D		
MAJOR SUBDIVISIONS (TENTATIVE MAP)	81.201 CC			66451.2 GC	
Appeal – Major Subdivisions	81.306 CC 81.514 CC	Refer to Appeals			
Final Map Modification (Change of Circumstance)		\$8,120 (S)	D		
Revised Map		\$11,731 (S)(L)	D		\$238 Initial Review \$238 Subsequent Review
Standard Application		\$25,255 (L)	D		\$476 Initial Review \$238 Subsequent Review
Standard Application (51 lots and up)		\$25,255 (S)(L)	D		\$476 Initial Review \$238 Subsequent Review
Time Extension		\$7,593 (S)	D		
Condo Conversion		\$13,432 (L)	D		
MAJOR USE PERMIT	7605ZO			65909.5 GC	
Appeal – Major Use Permit	7352, 73665804(e) ZO	Refer to Appeals			
Borrow Pit	7354 ZO	\$13,392 (V)	D		

Compliance Inspection	7362 (a) ZO , 65909.5 GC, 66014 GC	\$1,029	F		
Minor Deviation	7609 ZO	\$1,093 (V)(S)	F		
Mobile home Park	6548, 7602(d) ZO	\$4,596 (V) (L) (S)	D		
Mobile home Park Conversion – Threshold Determination	Board Policy I-105	\$4,596	D		
Modification	7378 ZO	\$9,928 (V) (L) (S)	D		\$238 Initial Review \$238 Subsequent Review
Planned Development	5804(a), 7354 ZO	\$13,392 (V) (L) (S)	D		

Planned Development – Administrative Deviation from approved PRD Plot Plan	5804(a) ZO	\$379	F		
Planned Development – Waiver of Planned Development Regulations	5804I, 5804(d) ZO	\$1,274	D		
Standard Application	7354 ZO	\$13,392(V) (L) (S)	D		\$238 Initial Review \$238 Subsequent Review
Time Extension	7376 ZO	\$7,088 (S)	D		
Wireless Telecommunications (Tier 4)	6985 ZO	\$13,392 (V) (S)	D		\$238 Initial Review \$238 Subsequent Review

MILLS ACT APPLICATION	88.11 CAC	\$1,670	F		
MINOR SUBDIVISIONS (TENTATIVE PARCEL MAP)	81.201 CC			66451.2 GC	
Appeal – Minor Subdivisions	81.203, 81.615 CC	Refer to Appeals			
Condo Conversion		\$15,330 (L)	D		
Parcel Map Review		\$5,946	D		
Parcel Map Amendment Review (Map Modification)		\$7,542 (S)	D		
Modification (Final Notice of Approval Amendment)		\$1,211	F		
Revised Tentative Parcel Map		\$5,431 (L)(S)	D		\$238 Initial Review \$238 Subsequent Review
Standard Application		\$15,330 (L) (S)	D		\$238 Initial Review \$238 Subsequent Review
Standard Application – Two Lots		\$20,253 (L) (S)	F		\$238 Initial Review \$238 Subsequent Review
SB-9 – 2 Lot Tentative Parcel Map (Planning)		\$6,678	F		
SB-9 – 2 Lot Tentative Parcel Map (Land Development)		\$10,012	F		
Time Extension		\$4,772	F		

MINOR USE PERMIT	7354 ZO, 7378 ZO, 7609 ZO				
Appeal – Minor Use Permit	7352.b, 7366.a.2 ZO	Refer to Appeals			
Minor Deviation		\$2,365	F		
Modification		\$5,312 (S)	D		
Standard Application		\$7,063 (S)	D		
Time Extension		\$2,208 (S)	F		
Wireless Telecommunications within County ROW (Tier 3)		\$7,063 (S)	D		
MISCELLANEOUS					
Administrative Fence Height Exception	6708 (I) ZO, 7614 ZO	\$441	F		
Expedited Review	362(b)10 CAC; 7602 ZO	1.5x Staff Rate	D		
Rebuild Letter	Board Policy B-29	T&M	F		
Impact Fee Deferral	Board Policy B-29	\$248	F		
Zoning/History Letter	Board Policy B-29	T&M	F		
<u>Nonconforming Zoning Verification Letter</u>	<u>Board Policy B-29</u>	<u>T&M</u>	<u>D</u>		
Self-Certification Enrollment – Land Development		\$1,205	F		

Self-Certification Training – Land Development		\$592	F		
Purchase of Agricultural Conservation Easements (PACE) Mitigation Credit		\$3,827	F		
PRE-APPLICATION CONFERENCE	7602 ZO & County of San Diego CEQA Guidelines Section 5, 459.8 CAC				
Initial Consultation		\$3,236 + \$500 for each additional specialty requested	D		
Major Project Pre-Application Conference		\$14,256	D		\$476 Initial Review
Plan Pre-submittal – Building		\$89	F		
Plan Pre-submittal – Final Engineering/ Final Map		\$356 (L)	D		
RECLAMATION PLAN2	87.706 CC			California Constitution	
Application		\$11,328 (V)	D		\$476 Initial Review \$238 Subsequent Review
Modification		\$7,840 (V)	D		\$238 Initial Review \$238 Subsequent Review
RESOURCE MANAGEMENT PLAN	15097 CC				
Initial Review		\$3,478	D		
REZONE (ZONE CLASSIFICATION)	7505 ZO				
Application		\$14,065	D		

ROAD MATTERS	462 CAC				
General Plan Conformance Review		\$357	F		
Opening/Vacation	461 CAC	\$3,236	D		
Remandment Review		\$3,214	D		
Appeal of Decision to remand access rights	81.1106 (d) CC	Refer to Appeals			
MOVING PERMIT/ ROUTE EVALUATION					
Moving	71.204.1 CC	Single Trip \$16; Annual Permit \$90	F		
SITE PLANS	7158, 7168, 7609, 7169, & 7602 ZO			California Constitution	
Appeal - Site Plans	7166 ZO	Refer to Appeals			
B Designator 3		\$4,936 (V)(S)	D		\$476 Initial Review \$238 Subsequent Review
B Designator Modification		\$5,432 (V)(S)	D		\$238 Initial Review \$238 Subsequent Review
B Designator Design Review Checklist	5757(a)(4) ZO	\$1,214	F		
D Designator		\$4,936 (V)(S)	D		\$476 Initial Review \$238 Subsequent Review

D Designator Modification		\$5,432 (V)(S)	D		\$238 Initial Review \$238 Subsequent Review
J Designator		\$4,936 (V)(S)	D		\$476 Initial Review \$238 Subsequent Review
J Designator Modification		\$5,432 (V)(S)	D		\$238 Initial Review \$238 Subsequent Review
Minor Deviation	7609 ZO	\$1,714 (V)(S)	F		
Modification	7169 ZO	\$5,432 (V)(S)	D		\$238 Initial Review \$238 Subsequent Review
Standard Application	7158 ZO, 7602 ZO	\$8,374 (V)	D		\$476 Initial Review \$238 Subsequent Review
Time Extension	7168 ZO	\$1,547	F		
Wireless Telecommunication (Tier 1) Administrative Site Plan		\$8,374 (V)	D		\$476 Initial Review \$238 Subsequent Review
SPECIFIC PLANS (LARGE SCALE)	65450 GC 395 CAC 65456 (B) GC				
Application		\$24,270	D		\$476 Initial Review \$238 Subsequent Review

Amendment		\$21,210	D		\$238 Initial Review \$238 Subsequent Review
STORMWATER MANAGEMENT PLAN (SWMP) (S)	460.36; 67803 I(1)C C				
SWMP Intake Review/Minor SWMP		\$1,475	D		
Major SWMP		\$3,896	D		
VACATION					
Open Space Easement Vacation	Board Policy I-103	\$6,318 (V)	D		
Public Service Easement Vacation	461 CAC	\$6,318 (V)	D		
VARIANCE					
Administrative Variance	7106 ZO, 7602, ZO	\$4,922	F		
Appeal – Variance	7114 , 7114a.1 ZO; 36.428 CC	Refer to Appeals			
Minor Deviation	7609 ZO	\$1,596 (V)	F		
Modification	7126 ZO	\$4,802 (V)	F		
Noise Variance Permit	36.426 CC	\$1,840	F		
Standard Application	7104 ZO	\$5,057 (V)	D		
Time Extension	7124 ZO	\$1,157	F		
ZONING VERIFICATION PERMIT					

Standard Application	7300 ZO	\$1,655	F		
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Item 14b – Admin Code 362.1(d)

San Diego County Code of Administrative Ordinances

SEC. 362.1. DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES.

(d) OTHER FEES, DEPOSITS, AND PROVISIONS

10. HOMEOWNER AND BUSINESS OWNERS RELIEF - WAIVER OF PLAN REVIEW AND PERMIT FEES. Notwithstanding the fees otherwise specified in subsections (a) and (b) of this section, and San Diego County Code Section 91.1.109, the plan check review fee and the permit fee shall not be charged for the following improvements provided the improvement has not been previously identified as a violation by the County:

- ~~Cargo containers of 320 square feet or less, when used for storage.~~
- ~~— Exterior siding or plastering.~~
- ~~— Non-masonry fencing and free-standing walls.~~
- ~~— Replacement of roofing material (no alteration to the existing roof structure).~~
- ~~— Skylights that are IGBO approved.~~
- ~~— Window replacements with the same net openable area. (Per State of California Energy Efficiency Standards, replacement windows must still meet the requirements for the applicable climate zone).~~
- ~~— Door replacements that are not required to be fire-rated.~~
- ~~— Replacement or repair of interior drywall when on a wall or ceiling which is not required to be fire-rated.~~
- ~~— Electric heat pump and air conditioner replacements provided there is no alteration to the electrical system which supplies power to the heat pump or air conditioning unit.~~

Residential photovoltaic electrical systems.

Residential Solar Water Heaters

Residential Small Wind Turbine Systems.

—Replacement hot water heater installation when there is no modification or alteration of the electrical or gas system which supplies the water heater.

—Emergency repair of gas lines.

—Lawn sprinkler systems.

—Decommissioning of septic systems and connection to public sewer.

11. ~~HOMEOWNER RELIEF WAIVER OF PLAN REVIEW FEES.~~ Notwithstanding the fees otherwise specified in subsections (a) and (b), no fee shall be charged for the plan check review of the following improvements if the improvement is accessory to a single-family dwelling, a duplex, or a mobile home built pursuant to county standard plans and the improvement has not been previously identified as a violation by the County:

—Carports over 300 square feet.

—Patio covers over 300 square feet.

—Fireplaces.

—Retaining walls built to County standards.

12. ~~HOMEOWNER RELIEF EXEMPTION FOR SEISMIC RETROFITS.~~ Notwithstanding the fees otherwise specified in subsections (a) and (b) of this section, and San Diego County Code Sections 91.1.109.2 and 91.1.109.5.17, the plan check review fee and the application fee shall not be charged for a seismic retrofit to a single-family dwelling, a duplex or a mobile home built pursuant to County standard plans.

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