



The County of San Diego

Planning Commission Hearing Report

Date:	October 16, 2026	Case/File No.:	N/A
Place:	County Conference Center 5520 Overland Avenue San Diego, CA 92123	Project:	2026 Zoning Ordinance Cleanup
Time:	9:00 a.m.	Location:	Entire unincorporated County
Agenda Item:	#4	General Plan:	N/A
Appeal Status:	Approval by the Board of Supervisors	Zoning:	N/A
Applicant/Owner:	County of San Diego	Community:	All
Environmental:	CEQA § 15061(b)(3) exempt	APNs:	N/A

A. OVERVIEW

Planning & Development Services (PDS) regularly advances updates to the Zoning Ordinance and associated County codes and Ordinances to implement Board of Supervisors (Board) direction, reflect the changes in State legislation, and refine land use regulations through periodic updates known as cleanups. This is a request for Board to consider and adopt the 2026 Zoning Ordinance Cleanup consisting of amendments to the San Diego County Zoning Ordinance, San Diego County Regulatory Code of Ordinances, and San Diego County Code of Administrative Ordinances. These changes have been informed by customer feedback to clarify, simplify, and streamline County land use regulations.

The 2026 Cleanup includes updates in the following types: Clarifications, Regulatory Reform, and Compliance with State law. Today's request incorporates nineteen (19) specific amendments across the Zoning Ordinance, the County Code of Regulatory Ordinances, and the County Code of Administrative Ordinances.

These updates improve clarity and consistency in the County's land use regulations by refining existing provisions (Clarifications), incorporating required State law changes (Compliance with State law), and formalizing current business practices (Regulatory Reform). Together, these amendments reduce interpretation challenges and make requirements easier for applicants and staff to understand and follow. As a result, projects should experience shorter review times and more predictable outcomes.

Today's request requires two steps. On December 9, 2026, it is requested that the Board adopt the Zoning Ordinance amendments proposed under this item and approve the introduction of the

County Code of Regulatory and Administrative Ordinances amendments (first reading). The Zoning Ordinance Amendments would be adopted on December 9, 2026. If the Board takes the actions recommended for December 9, 2026, it is requested that, on January 13, 2027, the Board adopt the amendments to the County Code of Regulatory and Administrative Ordinances (second reading).

B. STAFF RECOMMENDATIONS

Based on its analysis, staff recommends that the Planning Commission make the following recommendations to the Board of Supervisors:

1. Find that, in accordance with California Environmental Quality Act Guidelines Section 15061(b)(3), it can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment.
2. Recommend that the Board of Supervisors adopt the attached Form of Ordinance:
An Ordinance Amending the San Diego County Zoning Ordinance Related to the Basic Provisions, Definitions, Development Regulations, Accessory Use Regulations, General Regulations, and Procedures (POD-26-005) (Attachment B and Attachment C [Changes Shown]).
3. Receive the attached Form of Ordinance:
An Ordinance Amending Title 5, Chapter 3 of the San Diego County Regulatory Code (POD-26-005) (Attachment D and Attachment E [Changes Shown]).
4. Receive the attached Form of Ordinance:
An Ordinance Amending Article XX, Section 362.1 of the San Diego Administrative Code Related to Fees (POD-26-005) (Attachment F and Attachment G [Changes Shown]).

C. BACKGROUND

Planning & Development Services (PDS) regularly reviews the Zoning Ordinance and other land use regulations as part of continuous improvement efforts. Since its adoption in 1978, 31 systemic updates (cleanups) have been made to the County's Zoning Ordinance (ZO). The proposed 2026 Zoning Ordinance Cleanup, which predominantly consists of ZO amendments but also includes amendments to County of San Diego Regulatory and Administrative Codes (County Codes). Today's request includes 19 proposed updates categorized as: Clarifications, Regulatory Reform, and Compliance with State Law.

These updates will improve the clarity of regulations (Clarifications), implement new State requirements (Compliance with State Law), and formalize existing business practices (Regulatory Reform); they are meant to improve clarity and consistency in the County's land use regulations, reducing interpretation issues and making requirements easier for people to understand and follow. For projects, this should help reduce review time and provide more predictable outcomes for customers and staff.

The proposed 2026 Zoning Ordinance Cleanup changes have been informed by unincorporated residents' and businesses' feedback and are intended to clarify, simplify, and streamline County land use regulations for the public. To facilitate public input on future Zoning Ordinance Cleanup efforts, PDS has also updated the public outreach associated with Zoning Ordinance Cleanups, including the creation of a new Engage page and similar improvements. PDS looks forward to

continuing to improve the public's ability to provide feedback on existing County land use regulations and inform future Zoning Ordinance Cleanups.

These Zoning Ordinance Cleanup efforts are distinct from Board of Supervisors (Board)-directed land use policy updates. PDS continues advancing other land use regulation updates, including Housing Element implementation, such as the Inclusionary Housing Ordinance and the Housing Unlocked Zoning Ordinance updates. In the next year, PDS will also be bringing items for Senior Housing, Small Lot Housing Zoning Ordinance Amendments, and Housing Unlocked Phase II.

Feedback received from the public on Zoning Ordinance Cleanup efforts includes a wide range of land use topics. In some instances, public requests ask the County to pursue regulations on topics such as short-term rentals, data centers, or similar topics. These requests would require the Board to provide specific policy direction prior to staff modifying the regulations. Several such public requests have been received as part of the 2026 Zoning Ordinance Cleanup efforts as described below. Staff intend to provide such feedback in future Zoning Ordinance Cleanup efforts to ensure the Board is aware of such requests should the Board wish to direct staff to initiate a non-Zoning Ordinance Cleanup-related land use policy update.

Zoning Ordinance Amendments Summary

Table 1 below provides a description and purpose for each of the Zoning Ordinance amendments. See Attachments B and C for clean and strikeout versions of Zoning Ordinance, Attachments D and E for clean and strikeout versions of Regulatory Code, and Attachments F and G for clean and strikeout versions of Administrative Code.

Table 1: Zoning Ordinance Cleanup Amendments Summary

Type	Category	Amendment #	What does this amendment do?
Clarifications	General Provisions	1	Clarifies that outside approvals don't replace County zoning and reinforces that zoning approval doesn't replace other required permits, helping applicants understand all needed steps.
Clarifications	Principal Use Definition	2	Updates the definition of "principal use" to clarify that the primary use of a property must be legally established, ensuring consistent interpretation of this requirement.
Clarifications	Weddings and Similar Events	3	Clarifies how weddings and similar events are categorized, which was previously difficult to interpret. This helps people

			understand where they are allowed and under what circumstances.
Clarifications	Sports Courts	4a	Replaces the term “tennis court” with the “sports court” to broaden allowable activities and clearly cover all types of courts and modern recreation uses like pickleball. Applies to setbacks (4a) and fencing (4b) regulations.
		4b	
Clarifications	Accessory Structures -Height and Story Updates	5a	For attached accessory structures. Allows non-habitable uses, such as storage, removing an unnecessary restriction and expanding options for use.
		5b	For detached accessory structures. Clarifies the height and number of stories for accessory structures, reducing confusion. It also allows non-habitable uses, such as storage, on a second story, removing an unnecessary restriction and expanding options for use.
Clarifications	Greenhouses	6	Clarifies that greenhouses must meet main-building setbacks, ensuring consistent application of setback rules and reducing confusion.
Clarifications	Regulatory Code - Centerline Ordinance	7	Updates references and clarifies requirements so applicants know when Centerline actions apply and the County can apply rules consistently.

4 - 5

Compliance with State law	Housing -Special Needs	8	Updates the emergency shelter regulations to require certain services to be provided on site, as required by SB 340.
Compliance with State law	Housing - ADU's & JADUs	9a	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.
		9b	Updates the Junior Accessory Dwelling Unit regulations to remove certain owner-occupancy requirements, clarify the maximum size is 500-square-foot maximum, and explains which ADU requirements also apply to JADUs. It also updates requirements for application review, sprinklers, parking, and ministerial approval.
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.

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.
		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.
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.
Regulatory Reforms	Nonconforming Zoning Verification Letter	13a	Updates Section 6852 to reference the new section establishing the Zoning Verification Letter process.
		13b	Formalizes the verification/appeal process for confirming nonconforming uses, giving applicants a clear, consistent way to document legal status.

Regulatory Reforms	Administrative Code - Fee Schedule	14a	Establishes a deposit for processing Zoning Verification Letter requests and appeals to support staff review time and maintain a consistent fee schedule.
	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, keeping the County's fee schedule accurate and up-to-date.

D. ANALYSIS AND DISCUSSION

The recommended items were informed by a combination of direct staff experience using the Zoning Ordinance in daily project review, feedback received from applicants and the public, and updates required under State law. Over time, staff identified sections where outdated or unclear language created avoidable confusion. These observations led to a list of potential cleanup items.

Staff prioritized items considered minor in nature, such as clarifying unclear regulations (Clarifications), making updates to reflect State law (Compliance with State Law), and adding items to formalize existing processes as well as subtracting items to comply with board direction (Regulatory Reforms). Items involving greater complexity or with a potential to require a higher level of environmental review were not considered for the cleanup. The selected amendments are limited, corrective updates to comply with State law and/or improve clarity and consistency without changing development policy.

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT

This Ordinance Update has been reviewed in compliance with the California Environmental Quality Act (CEQA), and it is recommended that the project be determined to be exempt from environmental review pursuant to Section 15061(b)(3) of the State California Environmental Quality Act Guidelines. Section 15061(b)(3) states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Because the proposed actions are minor in nature, clarify or codify existing practices, and align County procedures with mandatory State law, it can therefore be seen with certainty that the project has no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment. The changes to the Zoning Ordinance, Regulatory Ordinance, and Administrative Code are individually analyzed in Attachment H.

F. COMMUNITY PLANNING GROUP (CPG)

The Project area is the unincorporated area and updates regulations within all Community Planning Groups (CPGs) and Community Sponsor Groups (CSGs). CPG and CSG chairs were engaged as part of stakeholder engagement and staff were asked to present at the Valley Center CPG's October meeting. The Fallbrook Community Planning Group submitted a comment letter which is contained within Attachment I – Public Input.

G. PUBLIC INPUT

Outreach included:

- Email notifications to stakeholder groups
- Public posting of draft ordinance language
- 3 public webinar sessions which covered the same information
- Presentation at meetings of various stakeholder groups
 - Farm Bureau
 - Land Development Technical Working Group
 - Environmental Coalition
- Use of PDS's Comment, Question, and Suggestion Forms for community feedback

PDS received several comments regarding this Cleanup as well as suggestions for future cleanups, contained within Attachment I – Public Input.

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ATTACHMENTS:

- | | | |
|--------------|---|--|
| Attachment A | – | 2026 Zoning Ordinance Cleanup Summary |
| Attachment B | – | An Ordinance Amending the San Diego County Zoning Ordinance Related to Basic Provisions, Definitions, Development Regulations, Accessory Use Regulations, General Regulations, and Procedures (POD-26-005) |
| Attachment C | – | An Ordinance Amending the San Diego County Zoning Ordinance Related to Basic Provisions, Definitions, Development Regulations, |

Accessory Use Regulations, General Regulations, and Procedures
(POD-26-005) (Changes Shown)

- Attachment D – An Ordinance Amending Title 5, Chapter 3 of the San Diego County
Regulatory Code Related to the Centerline Ordinance (POD-26-005)
- Attachment E – An Ordinance Amending Title 5, Chapter 3 of the San Diego County
Regulatory Code Related to the Centerline Ordinance (POD-26-005)
(Clean Copy) (Changes Shown)
- Attachment F – An Ordinance Amending Article XX, Section 362.1 of the San Diego
Administrative Code Related to Fees (POD-26-005)
- Attachment G – An Ordinance Amending Article XX, Section 362.1 of the San Diego
Administrative Code Related to Fees (POD-26-005) (Changes Shown)
- Attachment H – CEQA Memorandum
- Attachment I – Public Input

**ATTACHMENT A - 2026 Zoning Ordinance
Cleanup Summary**

Table of Updates:

Type	Category	Amendment #	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 1012 and adds 1013 to explain that zoning compliance does not remove the need to follow other 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
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
Clarifications	Weddings 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.	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 6708

4 - 13

Type	Category	Amendment #	What does this amendment do?	Why is this amendment needed?	Code Section
Clarifications	Accessory Structures - Height and Story 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 result in confusion about whether greenhouses are exempt from setback requirements.	Zoning Ordinance – Section 6156(e)
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.

4 - 14

Type	Category	Amendment #	What does this amendment do?	Why is this amendment needed?	Code Section
Compliance with State Law	Housing - Special Needs	8	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
Compliance with State Law	Housing - ADU's & JADUs	9a	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)
		9b	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.	

4 - 15

Type	Category	Amendment #	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
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)
		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)

4 - 16

Type	Category	Amendment #	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
Regulatory Reforms	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 for confirming the legal status of a nonconforming use or structure.	Zoning Ordinance – Section 6852
		13b	Adds a new section describing how to request a Zoning Verification Letter and how a decision may be appealed.		Zoning Ordinance – New Section 7030
Regulatory Reforms	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)
	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)

Narrative:

The proposed amendments update several components of the Zoning Ordinance and related codes to improve clarity, align local regulations with recent state legislation, and formalize procedures that were previously uncoded.

First, updates to the General Provisions section add new language clarifying that state or other external approvals do not constitute zoning or land-use approval, and that, conversely, zoning compliance does not replace any necessary state or other external approvals. These changes codify long-standing practice and ensure that these concepts are clearly communicated to Ordinance users.

The definition of “principal use” is revised to specify that such uses must be lawfully established, providing added clarity and consistency with other relevant sections of the ordinance.

Updates to the Housing-Special Needs regulations adjust sections 1334 and 6911 to comply with Senate Bill (SB) 340 by requiring emergency shelters to provide onsite services.

Changes to the JADU (JADU) provisions implement Assembly Bill (AB) 1154 and SB 543. These revisions remove owner-occupancy requirements when the JADU contains a separate bathroom, clarify that JADUs are limited to 500 square feet of livable area, and confirm that certain Accessory Dwelling Unit (ADU) regulations also apply to JADUs. Additionally, the amendments incorporate state-mandated timelines for application completeness determinations and update provisions related to sprinklers, parking, and ministerial review.

Several updates are made to the Density Bonus Program to incorporate SB 92, AB 3116, AB 1287, and AB 2501. The amendments clarify that transient lodging uses are not eligible for density bonus incentives and limit increases to commercial floor area ratios. The revised regulations also update bonus calculations and incentives for student housing projects, add relevant definitions, and expand eligible concessions when additional affordable units are provided. Across the density bonus sections, the amendments confirm that jurisdictions may require reasonable documentation for bonus eligibility and requested parking ratios.

In the Housing-Miscellaneous category, changes to section 6753 implement AB 1308 by prohibiting local agencies from imposing additional parking requirements on single-family remodels unless maximum size thresholds are exceeded. If an ADU is present, parking may still be required for the ADU but not for the existing residence. Additional updates related to AB 894 allow shared parking agreements for developments with underutilized parking, consistent with state law and existing Zoning Ordinance provisions for administrative approval of parking reductions.

The ordinance clarifies that weddings and similar commercial events fall under “participant sports and recreation,” resolving ambiguity around use classification.

Terminology updates replace “tennis court” with “sports court” in relevant sections to ensure consistent application to multiple court types, including pickleball, and maintain alignment with San Diego County Code of Regulatory Ordinances lighting regulations.

Accessory structure regulations are updated to clarify height and story limits and allow non-habitable second-story uses. Previous regulations unnecessarily limited what the second story of an accessory structure could be used for; this update will grant more flexibility by allowing additional non-habitable accessory square footage without requiring a new structure to be built.

Greenhouse regulations are clarified to specify that greenhouse structures must comply with main building setback requirements, eliminating ambiguity around previously interpreted exemptions.

A new Nonconforming Zoning Verification Letter process is formally established through the creation of new sections. This codifies a procedural pathway that previously existed without explicit ordinance language. Fee-related updates associated with this process are addressed in the Administrative Code amendments.

Solar energy system provisions are updated to align the Zoning Ordinance with current State Solar Rights Act requirements. These changes incorporate updated state definitions and categories, including small residential systems, systems with energy storage, and off-site solar energy systems.

Additional revisions to the Regulatory Code Centerline Ordinance update references and clarify provisions to better support consistency in future development.

Finally, updates to the Administrative Code add new fees for Nonconforming Zoning Verification Letters and related appeals and remove obsolete fee waivers from the discontinued Homeowner's Relief Act to reflect current Board direction.

ATTACHMENT B - An Ordinance Amending the San Diego County Zoning Ordinance Related to Basic Provisions, Definitions, Development Regulations, Accessory Use Regulations, General Regulations, and Procedures (POD-26-005)

ORDINANCE NO. (N.S.)
AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO
BASIC PROVISIONS, DEFINITIONS, DEVELOPMENT REGULATIONS, ACCESSORY USE
REGULATIONS, GENERAL REGULATION, AND PROCEDURES (POD 26-005)

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the Zoning Ordinance should be updated by amending or adding various sections regarding Basic Provisions, Definitions, Development Regulations, Accessory Use Regulations, General Regulations, and Procedures. The Board finds that these amendments are reasonable and necessary for the public health, safety, convenience, and welfare.

Section 2. Section 1011 is hereby added to the Zoning Ordinance to read as follows:

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.

Section 3. Section 1012 is amended to read as follows:

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.

Section 4. Section 1013 is hereby added to the Zoning Ordinance to read as follows:

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.

Section 5. Section 1100 Definitions (P) of the Zoning Ordinance is amended to amend the term "Principal Use(s)" to read as follows:

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

Section 6. Section 1334 of the Zoning Ordinance is amended to read as follows:

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.

Section 7. Section 1505 of the Zoning Ordinance is amended to read as follows:

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, 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, 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.

Section 8. Section 4835 of the Zoning Ordinance is amended to read as follows:

4835 EXCEPTIONS TO REQUIRED OPENNESS OF REQUIRED YARDS.

Every part of each required yard shall be open and unobstructed from finished grade to the sky except for buildings, structures and projections allowed in such yard by the following table. Any building, structure or projection not specifically allowed in a required yard by the following table is prohibited. These restrictions shall not apply to buildings, structures or projections located in yards or portions thereof which are not required by an applicable setback designator or by other provisions of these Setback Regulations. (Provisions of the County Building Code, County Fire Code, local Fire Protection District Fire Code or other applicable regulations may be more restrictive. Detached accessory buildings shall observe the most restrictive setbacks, including those prescribed by Section [4842](#).)

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	Permitted in agricultural, residential, and S92 use regulations, but may not cover more than 50 percent of required yard in combination

					detached accessory structures.	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	Permitted in all zones but not in	Permitted in all zones	Permitted in all zones but may not	Permitted in all zones but may not		

System	more than 30 inches above grade.	zones but zones but may exceed 12 feet height.	not not more than 30 inches above grade.	exceed 12 feet in height nor cover more than 50 percent of the required yard in combination with all detached accessory structures.	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. 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.				
Building, Structure or Projection	Front Yard	Interior Side Yard	Exterior Side Yard	Rear Yard of Interior Lot	Rear Yard of Corner Lot
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	-----Permitted in all zones-----Permitted in all zones but may not cover more that 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				

and not more than
30 inches above
grade.

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.

Building, Structure or Projection

**Front
Yard** **Interior
Side
Yard** **Exterior
Side
Yard** **Rear
Yard of
Interior
Lot** **Rear
Yard of
Corner
Lot**

- 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.

Section 9. Section 6156 of the Zoning Ordinance is amended to read as follows:

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. 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.

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.

b. Detached Poolhouses, Art or Music Studios, and Recreation Rooms. One detached poolhouse, art or music studio, or recreation room is permitted, provided the structure meets main building setbacks and is not designed for use as a guest living quarters or commercial use, unless permitted by the applicable requirements of the Use Regulations. 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 size of detached Poolhouses, Art or Music Studios, and Recreation Rooms shall be combined with the total allowable square footage of detached private garages and carports, storage buildings, workshops, hobby shops, and other similar non-habitable structures for purposes of size limitations specified in paragraph g below.

c. Children's Playhouses, Patios, Porches, Gazebos, etc. Structures which are permitted to encroach into required yards per Section 4835 are limited to 12 feet in height.

d. Radio and Television Receiving Antennas, Dish Antennas.

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.

f. Silos, Windmills and Tank Houses.

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. Buildings meeting the required main building setbacks may have up to 2 stories and a height not exceeding 24 feet.
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 limit specified by the applicable height designator.
4. Additional area may be permitted by issuance of an administrative permit.
5. 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.

h. Barns and Agricultural Storage Buildings: see 6156.g.

i. Offices. Offices are permitted only in zones subject to the A70, A72, S90, and S92 Use Regulations.

j. Coops and Aviaries. Any enclosure or structure where poultry or birds are kept outside a dwelling, subject to the limitations of Section 3100. Coops and aviaries shall meet the setbacks for Animal Enclosures pursuant to Section 3112 and shall be included in the total square footage allowed pursuant to subsection h.

k. Guest Living Quarters. In the A70, A72, RR, RS, RV, RU, RRO, S88, S90 and S92 Use Regulations, one guest living quarters is allowed on a legal lot. Guest living quarters are not permitted in other zones. Guest living quarters shall comply with all of the following requirements:

- (i). The total floor area of a guest living quarters shall not exceed thirty percent (30%) of the

square footage of the primary dwelling up to a maximum of 600 square feet. Additional area, up to 50% of the square footage of the primary dwelling, may be permitted with the approval of an Administrative Permit.

(ii). Only one electric meter to serve both the main dwelling and guest living quarters will be allowed.

(iii). Guest living quarters shall not be allowed on a lot or parcel having an accessory dwelling unit, junior accessory dwelling unit, accessory apartment or accessory living quarters. Conversion of such a unit into guest living quarters is allowed provided all zoning and structural requirements are met. If said accessory unit was permitted by a discretionary permit, said permit shall be modified as required by the appropriate section of the Zoning Ordinance.

See subsection ii. for an illustrative matrix comparing Accessory Dwelling Units and Guest Living Quarters.

I. Accessory Living Quarters. Repealed.

m. Home Occupations. Home occupations, including in-home offices, shall be permitted in compliance with the following conditions:

1. There shall be no exterior evidence of the conduct of a home occupation.
2. A home occupation shall be conducted entirely within a dwelling, or an attached garage. However, a Cottage Foods Operation, as defined by Health and Safety Code Section 113758, shall be conducted only within a dwelling that contains the dwelling's kitchen and shall not be allowed in a garage or other accessory building.
3. Electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or causes fluctuations in line voltage outside the dwelling unit shall be prohibited.
4. The residents of the dwelling unit, and no more than one non-resident employee, may be engaged in the home occupation.
5. Limited indoor storage of goods or supplies (125 cubic feet maximum) may take place within no more than one room of the dwelling and/or in the attached garage (provided required parking on-site is maintained and properly located).
6. There shall be no on-premise sale of goods except as allowed for a Cottage Food Operation by Health and Safety Code Section 114365 and with a valid County of San Diego Cottage Food permit from Department of Environmental Health. Occasional transport of goods from the premises for off-site sale may occur. Internet sales are not considered on-premise sale of goods.
7. The establishment and conduct of a home occupation shall not change the principal character or use of the dwelling unit or property involved.
8. There shall be no signs identifying or advertising the home occupation other than those permitted by Section 6252(d) of this ordinance.

9. The required residential off-street parking shall be maintained.
 10. A home occupation shall not create vehicular or pedestrian traffic in excess of that which is normal for the zone in which it is located.
 11. No more than six non-resident students at one time, and no more than 18 students during any one (1) day may be given tutoring in music, academics, dance, sports (such as swimming or tennis, notwithstanding subsection 1 and 2 above), or other subjects at a residence. No students may be given instruction between the hours of 9:00 p.m. and 8:00 a.m. All provisions of Noise Abatement and Control, Section 36.401 et seq. of the County Code, shall apply.
- n. Dog, Cat and Pot-Belly Pig Keeping. The keeping of dogs and cats (but not including kennels) and the keeping of up to two pot-belly pigs, provided that the keeping of more than two pot-belly pigs shall be subject to Section 3100, Large Animal regulations.
- o. Day Care/Boarding. Day care, or boarding for 6 or fewer individuals, provided that no such day care or boarding facility may be owned, operated, managed, or leased by any person, as defined by these regulations, within one mile of any other such facility owned, operated, managed, or leased by the same person.
- p. Family Care Homes. A family care home, provided that no family care home (other than a foster family home or a residential care facility for the elderly as referenced in Section 1520.5(f) of the California Health and Safety Code) may be operated within 300 feet of any other such home, family care institution or group care facility.
- q. Roadside Sales of Agricultural Products. (see Section 6157.a)
- r. Wild Animal Keeping. The keeping of not more than one wild animal kept and maintained in conformance with State and local requirements.
- s. Earthworms or Vermiculture. The raising of earthworms or the practice of vermiculture provided that:
1. No sales are advertised or made on the premises unless permitted by the use regulations.
 2. Odors and/or fly-breeding are not greater than customarily found at a well-maintained residence.
 3. The vermiculture area shall utilize household or garden waste or materials that are produced on the site. Importing of waste or other materials from another property shall be prohibited.
 4. The volume of raw or composted decomposable organic and bedding materials shall not exceed that which is reasonably necessary to the production of the worms raised on the site.
- t. Retail Sales of Stable Gear. The retail sale of stable gear, provided that such sales are incidental and subordinate to the use of conforming public stables or equestrian facilities on the premises, and there is no exterior advertising of the accessory use. No such accessory use shall occupy more than 10 percent (10%) or not to exceed 1,000 square feet, whichever

is less, of the total floor area of enclosed buildings permitted by right and devoted to such public stable or equestrian facility. Where such public stables or equestrian facilities are permitted by use permit, the total floor area of the accessory use shall be regulated by such permit.

u. Farm Employee Housing. (See 6157.f)

v. Horticultural Sales. (see also 6157.a) In all residential and S88 Use Regulations, the retail sale of horticultural and floricultural products and their related gardening items in conjunction with and upon the premises of a growing nursery is permitted upon issuance of a Minor Use Permit.

w. Accessory Apartments (Elderly/Handicapped/Family Member). Repealed.

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. 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. 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 with one or more bedroom 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.
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.
- 2. 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. An ADU or JADU may or may not require automatic sprinklers, this determination is made by the local fire district.
 - 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.
- 3. 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 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.
- b. The JADU must be completely contained within an existing or proposed primary residence and its enclosed spaces which may include an attached garage.
- c. An entrance to the JADU that is separate from the main entrance to the primary residence is required.
- d. 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.
- e. In instances where the JADU shares a bathroom with the primary residence, interior entry to the primary residence is required.
- f. 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
- g. If a JADU is to be attached to an ADU, ministerial review shall be available.
- h. 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.
- i. 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.
- j. 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.
- ii. 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.
- v. The lienholder's consent shall be recorded in the office of the County Recorder.

5. 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.

- ii. 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.
- iii. 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."

6. **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.
7. **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.
8. **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.

9. 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.

y. Family Day Care Home For Children, Large (9 to 14 children). A large family day care home for children is a permitted accessory use upon issuance of an Administrative Permit provided the following conditions are complied with:

1. No such large family day care home for children may be located closer than 500 feet from any other lot containing a large family day care home for children with an Administrative Permit approved by the County of San Diego. The 500-foot distance shall be measured in a straight line connecting the closest points on the lot lines and without regard for intervening structures.

2. The plot plan for a family day care home for children shall show sufficient information to determine the following:

i. At least one on-site parking space will be available for any assistant provider or caregiver not a resident of the subject family day care home.

ii. Adequate provision will be made to reduce noise impacts on surrounding properties through measures or a combination of measures such as solid fencing six feet in height with or without landscaping around outside activity areas or location of an adequately sized outside activity area a suitable distance away from adjacent dwellings. Adequacy of outside activity areas shall be determined by considering the size of the area provided outside of the required sideyard setbacks and by considering the distance to noise sensitive receptors.

iii. There exists an adequate area on-site for temporary parking of a least two

automobiles where children may be safely loaded and unloaded, or such area will be provided. This designated loading and unloading area shall remain free and clear of parked cars during hours of operation of the large family day care home.

iv. The large family day care home meets the standards and requirements established by the State Fire Marshall as enforced by the local fire authority having jurisdiction over the home.

3. Notice shall be provided pursuant to Section 7060 c. Notwithstanding the Administrative Permit Procedures at Section 7060.d, no hearing is required unless requested by the applicant or other affected person.

The applicant or other affected person may appeal the decision as provided by the Administrative Appeal Procedure commencing at Section 7200. The appellant shall pay the cost, if any, of the appeal.

4. Every Administrative Permit approved pursuant to this section shall contain a condition that no sound amplification device be permitted in outdoor activity areas.

5. For large family day care homes served by on-site wastewater systems the Director of Environmental Health shall certify the adequacy of the on-site wastewater system for the proposed use.

6. No Administrative Permit shall be required for a large family day care home which qualifies for exemption under Section 1596.792 of the State Health and Safety Code.

z. Small Wind Turbine. A small wind turbine shall be allowed in accordance with the Renewable Energy Regulations commencing at Section 6951.

aa. Bed and Breakfast Home. A bed and breakfast home is a permitted accessory use upon issuance of a Minor Use Permit provided the following conditions are complied with:

1. Located in a zone subject to the RR, A70, A72, S90 or S92 use regulations, or in a designated Historic District, or conducted within a structure which was constructed prior to 1936.

2. A maximum of five bedrooms shall be made available for rent. A bed and breakfast home having more than five bedrooms available for rent may be approved if the home is designated a Historic Landmark in accordance with the Historic Landmark Designation procedure commencing at Section 7550.

3. No bed and breakfast home shall be located on a lot closer than 500 feet from any other lot containing a bed and breakfast home. The 500 foot distance shall be measured in a straight line connecting the closest points on the lot lines and without regard for intervening structures.

4. The owner or lessee of the property shall operate the facility and reside in the home or other legal residence on the property. If the owner or lessee resides in a residence separate from the facility, instructions on how to contact the owner/lessee after hours for emergencies shall be posted in each room.

5. One off-street parking space for each room rented and each employee shall be provided in addition to the parking required for single-family occupancy.
 6. Service shall be limited to the rental of rooms and the provision of breakfast for overnight guests. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
 7. Signs shall be limited to one on-premise sign not to exceed two square feet.
 8. An adequate water well and sewage disposal system are available, satisfactory to the County Department of Environmental Health for use by the proposed Bed and Breakfast establishment, or letters from the appropriate water and sewer agencies indicating there is sufficient water supply and sewage treatment capacity for the proposed use are submitted by the applicant.
 9. The primary access to the Bed and Breakfast establishment shall be via a publicly maintained road.
- bb. Host Home. A host home is a permitted accessory use upon issuance of an Administrative Permit.
1. Criteria. An application for a host home permit shall meet all of the following criteria:
 - a) A maximum of two bedrooms may be made available for rent.
 - b) The owner or lessee of the property shall operate the facility and reside in the home or other legal residence on the property. If the owner or lessee resides in a residence separate from the facility, instructions on how to contact the owner/lessee after hours for emergencies shall be posted in each room.
 - c) One off-street parking space for each room rented shall be provided in addition to the parking required for single-family occupancy.
 - d) Service shall be limited to the rental of rooms and the provision of breakfast for overnight guests. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
 - e) Signs shall be limited to one on-premise sign not to exceed two square feet.
 - f) An adequate water well and sewage disposal system satisfactory to the County Department of Environmental Health shall be available, or letters from the appropriate water and sewer agencies indicating there is sufficient water supply and sewage treatment capacity for the proposed use shall be submitted by the applicant.
 - g) The primary access to the host home shall be via a publicly maintained road.
 2. Affidavit Required. On a form provided by the Director, the owner shall file an affidavit agreeing to the conditions a. through g. above. The affidavit shall include provisions stating that 1) the owner consents to inspection of the premises by the Code Enforcement Officer in order to verify compliance with said conditions, and 2) that the owner shall furnish a new affidavit to said Enforcement Officer upon request.

3. Notice Required. Notice shall be provided pursuant to Section 7060 c.
4. Findings Required. The Director may grant the Administrative Permit if the above criteria are complied with, and a finding is made that establishment of the host home will not adversely affect or be materially detrimental to existing neighborhood character, with consideration given to the generation of traffic and the suitability of the site for the type and intensity of the proposed use.
- cc. Family Day Care Home For Children, Small (8 or fewer children) is a permitted residential use when located in a single-family residence.
- dd. Poultry Manure Management. (see Section 6157.g)
- ee. Water Vending By Machine. In the Agricultural and Special Purpose zones, except those areas subject to the S80 Open Space and S81 Ecological Resource Area use regulations, the sale of water from coin or otherwise automatic vending machines shall be allowed, provided the volume does not exceed 5,000 gallons per any consecutive seven day period.
- ff. Recycling Collection Facility, Drop-off: Provided the total capacity of collection receptacle(s) shall not exceed 192 cubic feet per legal parcel.
- gg. Garage Sale. The sale of household articles or personal possessions incidentally accumulated during normal or conforming residential use of the property on which the sale is held is permitted, subject to the following restrictions:
 1. Such sales shall not exceed three (3) consecutive days in duration;
 2. No more than four (4) such sales shall be held during any calendar year;
 3. No sale of vehicles (other than bicycles), industrial or commercial equipment, or items purchased for resale shall be permitted;
 4. The sale of personal items belonging to persons not residing on the property where the sale takes place, e.g., neighbors, is permitted.
- hh. Agricultural Homestay. (See 6157.c)
- ii. The following matrix compares Guest Living Quarters and Accessory Dwelling Unit provisions. Complete regulations can be found in subsections k. and x.

Accessory Use Regulations

This Table is a summary only. For complete regulations see appropriate sections of the Zoning Ordinance. In case of conflict between the provisions graphically represented in this table and the provisions set forth in the text of the Zoning Ordinance, the provisions of the Zoning Ordinance text shall apply.	Guest Living Quarters (6156.k.)	Accessory Dwelling Unit (6156.x.)
This Table is a summary only. For complete regulations see appropriate sections of the Zoning Ordinance. In case of conflict between the provisions graphically represented in this table and the provisions set forth in the text of the Zoning Ordinance, the provisions of the Zoning Ordinance text shall apply.	Guest Living Quarters (6156.k.)	Accessory Dwelling Unit (6156.x.)

LOCATION AND SIZE			
Applicable Use Types	Residential	.	.
	Commercial	-	-
	Industrial	-	-
	Agriculture	.	.
	Special Purpose	.	.
Net Lot Size Restrictions ¹	Must meet minimum required by zoning	-	.
	Must be 20,000 sf or larger	.	.
	Administrative Permit Exceptions		
	May be less than 20,000 sf	.	-
	Minimum zoning not met ² but 1 acre or larger	-	-
Unit Size Restrictions	Must be equal or greater than 400 sf ³	-	.
	May not exceed 30% of primary dwelling ³	.	-
	May not exceed 600 sf ³	.	-
	May not exceed 1,200 sf ³	-	.
	Administrative Permit Exceptions		
	Up to 50% of primary dwelling allowed	.	-
	May not exceed 1,200 sf	-	-
DESIGN AND USE			
Allowed Facilities	Kitchen	-	.
	Wetbar	-	.
	Laundry	-	.
Occupancy	Employee	.	.
	Guests up to 30 days	.	.
	Guest more than 30 days	-	.
	Rental	-	.
Attachment to Other Structures	Primary Dwelling	.	.
	Detached garage/carport 480 sf or less	.	.
	Detached garage/carport greater than 480 sf	.	-
	Other habitable space	.	-
	Barn/agricultural storage building	.	-
	Administrative Permit Exceptions		

	Detached garage/carport greater than 480 sf	.	-
	Barn/agricultural storage building	-	-
Electric Metering	Separate Meter Allowed	-	.
PARKING			
Off-Street Parking Requirements ⁴	1 space per bedroom or unit	-	.
	2 spaces for units equal or greater than 640 sf	-	-

- Applicable
- Not Applicable

Footnotes:

1. If lot is Groundwater dependent, the lot must be twice the minimum size required per Groundwater Ordinance Section 67.722 A.1.

2. Lot must have met the minimum net area required by zoning at the time the lot was legally created, pursuant to Policy G-3.

3. Ministerially approved, provided all criteria of PDS (including Zoning/Building/Fire) and other County Departments are met.

4. Required spaces may not be in tandem with required spaces for primary dwelling. May not encroach into front or exterior side setbacks.

jj. Meetings or Gatherings. The temporary gathering of individuals on private property for a non-commercial event which may involve eating, drinking, studying, or other similar activities, is allowed in compliance with the following provisions:

- a. Use of the Property. The primary use of the property must be residential.
- b. Parking. All vehicles belonging to individuals attending the meeting or gathering shall be parked in compliance with all applicable laws and shall not impede the flow of traffic to and from the subject property or any other properties in the vicinity.
- c. Nuisance. The gathering shall not create a public nuisance to surrounding properties, including noise, vibration, traffic or other disturbance. This section can be enforced pursuant to Section 16.205 of County Code of Regulatory Ordinances.

kk. Agricultural Tourism. (see Section 6157.b)

zz. Other Necessary and Customary Uses. Accessory uses and structures, in addition to those identified above, which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to principal use, as determined by the Director.

aaa. Organic Materials Processing. Organic materials processing shall be allowed in accordance with Section 6977 of the Zoning Ordinance.

Section 10. Section 6350 of the Zoning Ordinance is amended to read as follows:

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 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 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.

Section 11. Section 6352 is hereby added to the Zoning Ordinance to read as follows:

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.

Section 12. Section 6354 is hereby added to the Zoning Ordinance to read as follows:

6354 DEFINITIONS

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

Section 13. Section 6355 of the Zoning Ordinance is amended to read as follows:

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 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 ten percent of the total dwelling units 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 the development is proposed on any property that includes a parcel or parcels on which rental dwelling units are located, or if the dwelling units have been vacated or demolished in the five-year period preceding the application, 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 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 set forth in Government Code section 65915, subdivision (c)(3).

Section 14. Section 6360 of the Zoning Ordinance is amended to read as follows:

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		
Household Income Category of Affordable Units	Minimum % of Base Units that must be Reserved to qualify for Bonus	Bonus Allowed		
		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		
Additional Density Bonus	Pursuant to Government Code section 65915, subdivision (v)	Pursuant to Government Code section 65915, subdivision (v)		

* 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.6. 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.

Percentage of Units Very Low Income	Percentage Density Bonus
10	15
11	16
12	17
13	18
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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):

- 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.

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.

Section 15. Section 6365 of the Zoning Ordinance is amended to read as follows:

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 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. 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.
- g. 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).

Section 16. Section 6370 of the Zoning Ordinance is amended to read as follows:

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(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
One bedspace in a student housing development	0

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% 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 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.

Section 17. Section 6375 of the Zoning Ordinance is amended to read as follows:

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.

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, 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, 66300, 66300.5, and 66300.6 of the Government Code.

Section 18. Section 6380 is hereby added to the Zoning Ordinance to read as follows:

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.

Section 19. Section 6708 of the Zoning Ordinance is amended to read as follows:

6708 PERMITTED FENCES, WALLS, GATES AND ENTRY STRUCTURES.

c. Sport Court Fencing and Lighting. 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.

Section 20. Section 6753 of the Zoning Ordinance is amended to read as follows:

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.

Section 21. Section 6784 of the Zoning Ordinance is amended to read as follows:

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.
- 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 Director shall review and determine that the shared parking spaces meet any of the following conditions:

a) The entities that will share the parking are located on the same, or contiguous, parcels.

b) 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.

Section 22. Section 6788 of the Zoning Ordinance is amended to read as follows:

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.

Section 23. Section 6852 of the Zoning Ordinance is amended to read as follows:

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.

Section 24. Section 6911 of the Zoning Ordinance is amended to read as follows:

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, 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.

Section 25. Section 6954 of the Zoning Ordinance is amended to read as follows:

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 solar energy system use shall be allowed in all zones in accordance with the following requirements:
 - i. 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.
 - ii. 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.
 - iii. The project conforms with all applicable state and federal codes.
 - iv. The project conforms with all applicable codes and ordinances adopted by the County of San Diego.
 - v. 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.

- vi. 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.
 - vii. 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 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 solar energy system is authorized to use the property for a solar energy system, unless the operator owns the land upon which the solar energy system will be located.
2. A 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).
3. 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:
 - i. Setback. A system or plant shall meet all of the setback requirements of the zone.
 - ii. Height. A system or plant of more than 200 feet in height is required to comply with Federal Aviation Administration safety height requirements.
 - iii. Visual. The following measures shall be followed in order to minimize the visual impact of the project:
 - a. Removal of existing vegetation shall be minimized.
 - b. Internal roads shall be graded for minimal size and disruption.
 - c. Any accessory buildings shall be painted or otherwise visually treated to blend with the surroundings.
 - d. A structure shall be non-reflective in all areas possible to blend with the surroundings.
 - iv. Security. The operator shall provide a security in the form and amount determined by the Director to ensure removal of the solar energy system. The security shall be provided to PDS prior to building permit issuance. Once the solar energy 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 solar energy system.
4. Special Area Regulations: Photovoltaic 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.

Section 26. Sections 7030-7046 are hereby added to the Zoning Ordinance to read as follows:

7030 PROCEDURE TO CONFIRM RIGHT TO CONTINUE A NONCONFORMITY

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. The Director's decision shall be final and shall not be appealable.

Section 27. Section 7402 of the Zoning Ordinance is amended to read as follows:

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 approval.

Section 28. Section 7405 of the Zoning Ordinance is amended to read as follows:

7405 JURISDICTION.

- a. Applications for granting or modifying 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.

Section 29. Section 7410 of the Zoning Ordinance is amended to read as follows:

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. Reasonable Documentation. If the applicant requests one or more incentives under the

Density Bonus/Affordable Housing Program, 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 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 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.

APPROVED AS TO FORM AND LEGALITY

Damon M. Brown, County Counsel

BY: Kelsey Clayton, Senior Deputy County Counsel

ATTACHMENT C - An Ordinance Amending the San Diego County Zoning Ordinance Related to Basic Provisions, Definitions, Development Regulations, Accessory Use Regulations, General Regulations, and Procedures (POD-26-005) (Changes Shown)

ORDINANCE NO. _____ (N.S.)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO BASIC PROVISIONS, DEFINITIONS, DEVELOPMENT REGULATIONS, ACCESSORY USE REGULATIONS, GENERAL REGULATION, AND PROCEDURES (POD 26-005) (Changes Shown)

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the Zoning Ordinance should be updated by amending or adding various sections regarding Basic Provisions, Definitions, Development Regulations, Accessory Use Regulations, General Regulations, and Procedures. The Board finds that these amendments are reasonable and necessary for the public health, safety, convenience, and welfare.

Section 2. Section 1011 is hereby added to the Zoning Ordinance to read as follows:

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.

Section 3. Section 1012 is amended to read as follows:

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.

Section 4. Section 1013 is hereby added to the Zoning Ordinance to read as follows:

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.

Section 5. Section 1100 Definitions (P) of the Zoning Ordinance is amended to amend the term “Principal Use(s)” to read as follows:

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.

Section 6. Section 1334 of the Zoning Ordinance is amended to read as follows:

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.

Section 7. Section 1505 of the Zoning Ordinance is amended to read as follows:

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.

Section 8. Section 4835 of the Zoning Ordinance is amended to read as follows:

4835 EXCEPTIONS TO REQUIRED OPENNESS OF REQUIRED YARDS.

Every part of each required yard shall be open and unobstructed from finished grade to the sky except for buildings, structures and projections allowed in such yard by the following table. Any building, structure or projection not specifically allowed in a required yard by the following table is prohibited. These restrictions shall not apply to buildings, structures or projections located in yards or portions thereof which are not required by an applicable setback designator or by other provisions of these Setback Regulations. (Provisions of the County Building Code, County Fire Code, local Fire Protection District Fire Code or other applicable regulations may be more restrictive. Detached accessory buildings shall observe the most restrictive setbacks, including those prescribed by Section [4842](#).)

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	Permitted in agricultural, residential, and S92 use regulations, but may not cover more than 50 percent of required yard in combination

					detached accessory structures.	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	Permitted in all zones but not in	Permitted in all zones	Permitted in all zones but may not	Permitted in all zones but may not		

System	more than 30 inches above grade.	zones but zones but may not not more exceed than 30 12 feet in inches height. above grade.	exceed 12 feet in height nor cover more than 50 percent of the required yard in combination with all detached accessory structures.	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.		
Building, Structure or Projection	Front Yard	Interior Side Yard	Exterior Side Yard	Rear Yard of Interior Lot	Rear Yard of Corner Lot
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	-----Permitted in all zones---		Permitted in all zones but may not cover more that 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		

and not more than
30 inches above
grade.

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.

Building, Structure or Projection

**Front
Yard** **Interior
Side
Yard** **Exterior
Side
Yard** **Rear
Yard of
Interior
Lot** **Rear
Yard of
Corner
Lot**

- 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.

Section 9. Section 6156 of the Zoning Ordinance is amended to read as follows:

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:

Lot Size (gross)	Att. Accessory Structure area
< 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.~~

~~32.~~ 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.

~~43.~~ 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.

b. Detached Poolhouses, Art or Music Studios, and Recreation Rooms. One detached poolhouse, art or music studio, or recreation room is permitted, provided the structure meets main building setbacks and is not designed for use as a guest living quarters or commercial use, unless permitted by the applicable requirements of the Use Regulations. 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 size of detached Poolhouses, Art or Music Studios, and Recreation Rooms shall be combined with the total allowable square footage of detached private garages and carports, storage buildings, workshops, hobby shops, and other similar non-habitable structures for purposes of size limitations specified in paragraph g below.

c. Children's Playhouses, Patios, Porches, Gazebos, etc. Structures which are permitted to encroach into required yards per Section 4835 are limited to 12 feet in height.

d. Radio and Television Receiving Antennas, Dish Antennas.

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.

f. Silos, Windmills and Tank Houses.

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.

h. Barns and Agricultural Storage Buildings: see 6156.g.

i. Offices. Offices are permitted only in zones subject to the A70, A72, S90, and S92 Use Regulations.

j. Coops and Aviaries. Any enclosure or structure where poultry or birds are kept outside a dwelling, subject to the limitations of Section 3100. Coops and aviaries shall meet the setbacks for Animal Enclosures pursuant to Section 3112 and shall be included in the total square footage allowed pursuant to subsection h.

k. Guest Living Quarters. In the A70, A72, RR, RS, RV, RU, RRO, S88, S90 and S92 Use Regulations, one guest living quarters is allowed on a legal lot. Guest living quarters are not permitting in other zones. Guest living quarters shall comply with all of the following requirements:

(i). The total floor area of a guest living quarters shall not exceed thirty percent (30%) of the square footage of the primary dwelling up to a maximum of 600 square feet. Additional area, up to 50% of the square footage of the primary dwelling, may be permitted with the approval of an Administrative Permit.

(ii). Only one electric meter to serve both the main dwelling and guest living quarters will be allowed.

(iii). Guest living quarters shall not be allowed on a lot or parcel having an accessory dwelling unit, junior accessory dwelling unit, accessory apartment or accessory living quarters. Conversion of such a unit into guest living quarters is allowed provided all zoning and structural requirements are met. If said accessory unit was permitted by a discretionary permit, said permit shall be modified as required by the appropriate section of the Zoning Ordinance.

See subsection ii. for an illustrative matrix comparing Accessory Dwelling Units and Guest Living Quarters.

I. Accessory Living Quarters. Repealed.

m. Home Occupations. Home occupations, including in-home offices, shall be permitted in compliance with the following conditions:

1. There shall be no exterior evidence of the conduct of a home occupation.
2. A home occupation shall be conducted entirely within a dwelling, or an attached garage. However, a Cottage Foods Operation, as defined by Health and Safety Code Section 113758, shall be conducted only within a dwelling that contains the dwelling's kitchen and shall not be allowed in a garage or other accessory building.
3. Electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or causes fluctuations in line voltage outside the dwelling unit shall be prohibited.
4. The residents of the dwelling unit, and no more than one non-resident employee, may be engaged in the home occupation.
5. Limited indoor storage of goods or supplies (125 cubic feet maximum) may take place within no more than one room of the dwelling and/or in the attached garage (provided required parking on-site is maintained and properly located).
6. There shall be no on-premise sale of goods except as allowed for a Cottage Food

Operation by Health and Safety Code Section 114365 and with a valid County of San Diego Cottage Food permit from Department of Environmental Health. Occasional transport of goods from the premises for off-site sale may occur. Internet sales are not considered on-premise sale of goods.

7. The establishment and conduct of a home occupation shall not change the principal character or use of the dwelling unit or property involved.

8. There shall be no signs identifying or advertising the home occupation other than those permitted by Section 6252(d) of this ordinance.

9. The required residential off-street parking shall be maintained.

10. A home occupation shall not create vehicular or pedestrian traffic in excess of that which is normal for the zone in which it is located.

11. No more than six non-resident students at one time, and no more than 18 students during any one (1) day may be given tutoring in music, academics, dance, sports (such as swimming or tennis, notwithstanding subsection 1 and 2 above), or other subjects at a residence. No students may be given instruction between the hours of 9:00 p.m. and 8:00 a.m. All provisions of Noise Abatement and Control, Section 36.401 et seq. of the County Code, shall apply.

n. Dog, Cat and Pot-Belly Pig Keeping. The keeping of dogs and cats (but not including kennels) and the keeping of up to two pot-belly pigs, provided that the keeping of more than two pot-belly pigs shall be subject to Section 3100, Large Animal regulations.

o. Day Care/Boarding. Day care, or boarding for 6 or fewer individuals, provided that no such day care or boarding facility may be owned, operated, managed, or leased by any person, as defined by these regulations, within one mile of any other such facility owned, operated, managed, or leased by the same person.

p. Family Care Homes. A family care home, provided that no family care home (other than a foster family home or a residential care facility for the elderly as referenced in Section 1520.5(f) of the California Health and Safety Code) may be operated within 300 feet of any other such home, family care institution or group care facility.

q. Roadside Sales of Agricultural Products. (see Section 6157.a)

r. Wild Animal Keeping. The keeping of not more than one wild animal kept and maintained in conformance with State and local requirements.

s. Earthworms or Vermiculture. The raising of earthworms or the practice of vermiculture provided that:

1. No sales are advertised or made on the premises unless permitted by the use regulations.

2. Odors and/or fly-breeding are not greater than customarily found at a well-maintained residence.

3. The vermiculture area shall utilize household or garden waste or materials that are

produced on the site. Importing of waste or other materials from another property shall be prohibited.

4. The volume of raw or composted decomposable organic and bedding materials shall not exceed that which is reasonably necessary to the production of the worms raised on the site.

t. Retail Sales of Stable Gear. The retail sale of stable gear, provided that such sales are incidental and subordinate to the use of conforming public stables or equestrian facilities on the premises, and there is no exterior advertising of the accessory use. No such accessory use shall occupy more than 10 percent (10%) or not to exceed 1,000 square feet, whichever is less, of the total floor area of enclosed buildings permitted by right and devoted to such public stable or equestrian facility. Where such public stables or equestrian facilities are permitted by use permit, the total floor area of the accessory use shall be regulated by such permit.

u. Farm Employee Housing. (See 6157.f)

v. Horticultural Sales. (see also 6157.a) In all residential and S88 Use Regulations, the retail sale of horticultural and floricultural products and their related gardening items in conjunction with and upon the premises of a growing nursery is permitted upon issuance of a Minor Use Permit.

w. Accessory Apartments (Elderly/Handicapped/Family Member). Repealed.

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 with one or more bedroom 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.
2. 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.
3. 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.
 - b. The JADU must be completely contained within an existing or proposed primary residence and its enclosed spaces which may include an attached garage.
 - c. An entrance to the JADU that is separate from the main entrance to the primary residence is required.
 - d. 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.
 - e. In instances where the JADU shares a bathroom with the primary residence, interior entry to the primary residence is required.

- f. 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
- g. If a JADU is to be attached to an ADU, ministerial review shall be available~~is unavailable~~.
- h. 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.
- i. ~~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.

ii. 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.
- v. The lienholder's consent shall be recorded in the office of the County Recorder.

5. 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.

- ii. 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.

- iii. 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."

- 6. **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.
- 7. **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.

8. **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.

9. **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.

y. Family Day Care Home For Children, Large (9 to 14 children). A large family day care home for children is a permitted accessory use upon issuance of an Administrative Permit provided the following conditions are complied with:

1. No such large family day care home for children may be located closer than 500 feet from any other lot containing a large family day care home for children with an Administrative Permit approved by the County of San Diego. The 500-foot distance shall be measured in a straight line connecting the closest points on the lot lines and without regard for intervening structures.

2. The plot plan for a family day care home for children shall show sufficient information to determine the following:

- i. At least one on-site parking space will be available for any assistant provider or caregiver not a resident of the subject family day care home.

- ii. Adequate provision will be made to reduce noise impacts on surrounding properties through measures or a combination of measures such as solid fencing six feet in height with or without landscaping around outside activity areas or location of an adequately sized outside activity area a suitable distance away from adjacent dwellings. Adequacy of outside activity areas shall be determined by considering the size of the area provided outside of the required sideyard setbacks and by considering the distance to noise sensitive receptors.

- iii. There exists an adequate area on-site for temporary parking of a least two automobiles where children may be safely loaded and unloaded, or such area will be provided. This designated loading and unloading area shall remain free and clear of parked cars during hours of operation of the large family day care home.

- iv. The large family day care home meets the standards and requirements established by the State Fire Marshall as enforced by the local fire authority having jurisdiction over the home.

3. Notice shall be provided pursuant to Section [7060](#) c. Notwithstanding the Administrative Permit Procedures at Section [7060](#).d, no hearing is required unless requested by the applicant or other affected person.

The applicant or other affected person may appeal the decision as provided by the Administrative Appeal Procedure commencing at Section [7200](#). The appellant shall pay the cost, if any, of the appeal.

4. Every Administrative Permit approved pursuant to this section shall contain a condition that no sound amplification device be permitted in outdoor activity areas.

5. For large family day care homes served by on-site wastewater systems the Director of Environmental Health shall certify the adequacy of the on-site wastewater system for the proposed use.
6. No Administrative Permit shall be required for a large family day care home which qualifies for exemption under Section 1596.792 of the State Health and Safety Code.
- z. Small Wind Turbine. A small wind turbine shall be allowed in accordance with the Renewable Energy Regulations commencing at Section [6951](#).
- aa. Bed and Breakfast Home. A bed and breakfast home is a permitted accessory use upon issuance of a Minor Use Permit provided the following conditions are complied with:
 1. Located in a zone subject to the RR, A70, A72, S90 or S92 use regulations, or in a designated Historic District, or conducted within a structure which was constructed prior to 1936.
 2. A maximum of five bedrooms shall be made available for rent. A bed and breakfast home having more than five bedrooms available for rent may be approved if the home is designated a Historic Landmark in accordance with the Historic Landmark Designation procedure commencing at Section [7550](#).
 3. No bed and breakfast home shall be located on a lot closer than 500 feet from any other lot containing a bed and breakfast home. The 500 foot distance shall be measured in a straight line connecting the closest points on the lot lines and without regard for intervening structures.
 4. The owner or lessee of the property shall operate the facility and reside in the home or other legal residence on the property. If the owner or lessee resides in a residence separate from the facility, instructions on how to contact the owner/lessee after hours for emergencies shall be posted in each room.
 5. One off-street parking space for each room rented and each employee shall be provided in addition to the parking required for single-family occupancy.
 6. Service shall be limited to the rental of rooms and the provision of breakfast for overnight guests. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
 7. Signs shall be limited to one on-premise sign not to exceed two square feet.
 8. An adequate water well and sewage disposal system are available, satisfactory to the County Department of Environmental Health for use by the proposed Bed and Breakfast establishment, or letters from the appropriate water and sewer agencies indicating there is sufficient water supply and sewage treatment capacity for the proposed use are submitted by the applicant.
 9. The primary access to the Bed and Breakfast establishment shall be via a publicly maintained road.
- bb. Host Home. A host home is a permitted accessory use upon issuance of an Administrative Permit.

1. Criteria. An application for a host home permit shall meet all of the following criteria:
 - a) A maximum of two bedrooms may be made available for rent.
 - b) The owner or lessee of the property shall operate the facility and reside in the home or other legal residence on the property. If the owner or lessee resides in a residence separate from the facility, instructions on how to contact the owner/lessee after hours for emergencies shall be posted in each room.
 - c) One off-street parking space for each room rented shall be provided in addition to the parking required for single-family occupancy.
 - d) Service shall be limited to the rental of rooms and the provision of breakfast for overnight guests. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
 - e) Signs shall be limited to one on-premise sign not to exceed two square feet.
 - f) An adequate water well and sewage disposal system satisfactory to the County Department of Environmental Health shall be available, or letters from the appropriate water and sewer agencies indicating there is sufficient water supply and sewage treatment capacity for the proposed use shall be submitted by the applicant.
 - g) The primary access to the host home shall be via a publicly maintained road.
2. Affidavit Required. On a form provided by the Director, the owner shall file an affidavit agreeing to the conditions a. through g. above. The affidavit shall include provisions stating that 1) the owner consents to inspection of the premises by the Code Enforcement Officer in order to verify compliance with said conditions, and 2) that the owner shall furnish a new affidavit to said Enforcement Officer upon request.
3. Notice Required. Notice shall be provided pursuant to Section [7060](#) c.
4. Findings Required. The Director may grant the Administrative Permit if the above criteria are complied with, and a finding is made that establishment of the host home will not adversely affect or be materially detrimental to existing neighborhood character, with consideration given to the generation of traffic and the suitability of the site for the type and intensity of the proposed use.
- cc. Family Day Care Home For Children, Small (8 or fewer children) is a permitted residential use when located in a single-family residence.
- dd. Poultry Manure Management. (see Section [6157](#).g)
- ee. Water Vending By Machine. In the Agricultural and Special Purpose zones, except those areas subject to the S80 Open Space and S81 Ecological Resource Area use regulations, the sale of water from coin or otherwise automatic vending machines shall be allowed, provided the volume does not exceed 5,000 gallons per any consecutive seven day period.
- ff. Recycling Collection Facility, Drop-off: Provided the total capacity of collection

receptacle(s) shall not exceed 192 cubic feet per legal parcel.

gg. Garage Sale. The sale of household articles or personal possessions incidentally accumulated during normal or conforming residential use of the property on which the sale is held is permitted, subject to the following restrictions:

1. Such sales shall not exceed three (3) consecutive days in duration;
2. No more than four (4) such sales shall be held during any calendar year;
3. No sale of vehicles (other than bicycles), industrial or commercial equipment, or items purchased for resale shall be permitted;
4. The sale of personal items belonging to persons not residing on the property where the sale takes place, e.g., neighbors, is permitted.

hh. Agricultural Homestay. (See 6157.c)

ii. The following matrix compares Guest Living Quarters and Accessory Dwelling Unit provisions. Complete regulations can be found in subsections k. and x.

Accessory Use Regulations

This Table is a summary only. For complete regulations see appropriate sections of the Zoning Ordinance. In case of conflict between the provisions graphically represented in this table and the provisions set forth in the text of the Zoning Ordinance, the provisions of the Zoning Ordinance text shall apply.		Guest Living Quarters (6156.k.)	Accessory Dwelling Unit (6156.x.)
This Table is a summary only. For complete regulations see appropriate sections of the Zoning Ordinance. In case of conflict between the provisions graphically represented in this table and the provisions set forth in the text of the Zoning Ordinance, the provisions of the Zoning Ordinance text shall apply.		Guest Living Quarters (6156.k.)	Accessory Dwelling Unit (6156.x.)
LOCATION AND SIZE			
Applicable Use Types	Residential	.	.
	Commercial	-	-
	Industrial	-	-
	Agriculture	.	.
	Special Purpose	.	.
Net Lot Size Restrictions ¹	Must meet minimum required by zoning	-	.
	Must be 20,000 sf or larger	.	.
	Administrative Permit Exceptions		
	May be less than 20,000 sf	.	-
	Minimum zoning not met ² but 1 acre or larger	-	-
Unit Size Restrictions	Must be equal or greater than 400 sf ³	-	.

	May not exceed 30% of primary dwelling ³	.	-
	May not exceed 600 sf ³	.	-
	May not exceed 1,200 sf ³	-	.
	Administrative Permit Exceptions		
	Up to 50% of primary dwelling allowed	.	-
	May not exceed 1,200 sf	-	-
DESIGN AND USE			
Allowed Facilities	Kitchen	-	.
	Wetbar	-	.
	Laundry	-	.
Occupancy	Employee	.	.
	Guests up to 30 days	.	.
	Guest more than 30 days	-	.
	Rental	-	.
Attachment to Other Structures	Primary Dwelling	.	.
	Detached garage/carport 480 sf or less	.	.
	Detached garage/carport greater than 480 sf	.	-
	Other habitable space	.	-
	Barn/agricultural storage building	.	-
	Administrative Permit Exceptions		
	Detached garage/carport greater than 480 sf	.	-
	Barn/agricultural storage building	-	-
Electric Metering	Separate Meter Allowed	-	.
PARKING			
Off-Street Parking Requirements ⁴	1 space per bedroom or unit	-	.
	2 spaces for units equal or greater than 640 sf	-	-

- Applicable
- Not Applicable

Footnotes:

1. If lot is Groundwater dependent, the lot must be twice the minimum size required per Groundwater Ordinance Section 67.722 A.1.

2. Lot must have met the minimum net area required by zoning at the time the lot was legally created, pursuant to Policy G-3.
 3. Ministerially approved, provided all criteria of PDS (including Zoning/Building/Fire) and other County Departments are met.
 4. Required spaces may not be in tandem with required spaces for primary dwelling. May not encroach into front or exterior side setbacks.
- jj. Meetings or Gatherings. The temporary gathering of individuals on private property for a non-commercial event which may involve eating, drinking, studying, or other similar activities, is allowed in compliance with the following provisions:
 - a. Use of the Property. The primary use of the property must be residential.
 - b. Parking. All vehicles belonging to individuals attending the meeting or gathering shall be parked in compliance with all applicable laws and shall not impede the flow of traffic to and from the subject property or any other properties in the vicinity.
 - c. Nuisance. The gathering shall not create a public nuisance to surrounding properties, including noise, vibration, traffic or other disturbance. This section can be enforced pursuant to Section [16.205](#) of County Code of Regulatory Ordinances.
 - kk. Agricultural Tourism. (see Section [6157.b](#))
 - zz. Other Necessary and Customary Uses. Accessory uses and structures, in addition to those identified above, which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to principal use, as determined by the Director.
 - aaa. Organic Materials Processing. Organic materials processing shall be allowed in accordance with Section 6977 of the Zoning Ordinance.

Section 10. Section 6350 of the Zoning Ordinance is amended to read as follows:

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.

Section 11. Section 6352 is hereby added to the Zoning Ordinance to read as follows:

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.

Section 12. Section 6354 is hereby added to the Zoning Ordinance to read as follows:

6354 DEFINITIONS

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

Section 13. Section 6355 of the Zoning Ordinance is amended to read as follows:

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 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;~~ 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;~~ 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.~~

Section 14. Section 6360 of the Zoning Ordinance is amended to read as follows:

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		
Household Income Category of Affordable Units	Minimum % of Base Units that must be Reserved to qualify for Bonus	Bonus Allowed		
		Minimum Bonus (% of Base Units)	Additional bonus for each 1% increase in reserved units	Maximum Bonus (% of Base Units)

4 - 100

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.~~

Section 15. Section 6365 of the Zoning Ordinance is amended to read as follows:

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).

Section 16. Section 6370 of the Zoning Ordinance is amended to read as follows:

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.

Section 17. Section 6375 of the Zoning Ordinance is amended to read as follows:

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.

Section 18. Section 6380 is hereby added to the Zoning Ordinance to read as follows:

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.

Section 19. Section 6708 of the Zoning Ordinance is amended to read as follows:

6708 PERMITTED FENCES, WALLS, GATES AND ENTRY STRUCTURES.

- c. ~~TennisSport~~ Court Fencing and Lighting. ~~TennisSport~~ 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](#).

Section 20. Section 6753 of the Zoning Ordinance is amended to read as follows:

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.

Section 21. Section 6784 of the Zoning Ordinance is amended to read as follows:

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.

Section 22. Section 6788 of the Zoning Ordinance is amended to read as follows:

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.

Section 23. Section 6852 of the Zoning Ordinance is amended to read as follows:

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.

Section 24. Section 6911 of the Zoning Ordinance is amended to read as follows:

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.

Section 25. Section 6954 of the Zoning Ordinance is amended to read as follows:

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(i)(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](#).~~
- ~~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.~~
 - i. 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.
 - ii. 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.
 - iii. The project conforms with all applicable state and federal codes.
 - iv. The project conforms with all applicable codes and ordinances adopted by the County of San Diego.
 - v. 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.
 - vi. 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.
 - vii. 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.
 2. 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).

3. 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:
 - i. Setback. A system or plant shall meet all of the setback requirements of the zone.
 - ii. Height. A system or plant of more than 200 feet in height is required to comply with Federal Aviation Administration safety height requirements.
 - iii. Visual. The following measures shall be followed in order to minimize the visual impact of the project:
 - a. Removal of existing vegetation shall be minimized.
 - b. Internal roads shall be graded for minimal size and disruption.
 - c. Any accessory buildings shall be painted or otherwise visually treated to blend with the surroundings.
 - d. A structure shall be non-reflective in all areas possible to blend with the surroundings.
 - iv. Security. The operator shall provide a security in the form and amount determined by the Director to ensure removal of the §Solar eEnergy §System. The security shall be provided to PDS prior to building permit issuance. Once the §Solar eEnergy §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 §Solar eEnergy §System.
4. Special Area Regulations: Photovoltaic §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.

Section 26. Sections 7030-7046 are hereby added to the Zoning Ordinance to read as follows:

7030 PROCEDURE TO CONFIRM RIGHT TO CONTINUE A NONCONFORMITY

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. The Director's decision shall be final and shall not be appealable.

Section 27. Section 7402 of the Zoning Ordinance is amended to read as follows:

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.

Section 28. Section 7405 of the Zoning Ordinance is amended to read as follows:

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.

Section 29. Section 7410 of the Zoning Ordinance is amended to read as follows:

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.

APPROVED AS TO FORM AND LEGALITY
Damon M. Brown, County Counsel

BY: Kelsey Clayton, Senior Deputy County Counsel

**ATTACHMENT D - An Ordinance Amending Title
5, Chapter 3 of the San Diego County Regulatory
Code Related to the Centerline Ordinance (POD-
26-005)**

ORDINANCE NO. _____ (N.S.)

AN ORDINANCE AMENDING TITLE 5, CHAPTER 3 OF THE SAN DIEGO COUNTY
REGULATORY CODE RELATED TO THE CENTERLINE ORDINANCE (POD 26-005)

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that it is necessary to amend the San Diego Regulatory Code pertaining to Road Right of Way Requirements, Street Improvement Standards and Setback Requirements. This ordinance will amend current code to update references and add clarification to facilitate consistencies with future private development projects.

Section 2. Section 51.301 of the San Diego County Regulatory Code is amended to read as follows:

SEC. 51.301. PURPOSE.

The purpose of this chapter is to 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.

Section 3. Section 51.302 of the San Diego County Regulatory Code is amended to read as follows:

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 & 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 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.

Section 4. Section 51.303 of the San Diego County Regulatory Code is amended to read as follows:

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 Mobility 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.

Section 5. Section 51.304 of the San Diego County Regulatory Code is amended to read as follows:

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 take of property in violation of Federal or State Constitutional prohibitions against taking property without just compensation.

Section 6. Section 51.308 of the San Diego County Regulatory Code is amended to read as follows:

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 Mobility Element, or if the road is not a Mobility 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.

Section 7. Section 51.309 of the San Diego County Regulatory Code is amended to read as follows:

SEC. 51.309. IMPROVEMENT STANDARDS.

(a) A street improvement shall satisfy the County improvement standards to comply 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.

APPROVED AS TO FORM AND LEGALITY
Damon M. Brown, County Counsel

BY: Kelsey Clayton, Senior Deputy County Counsel

**ATTACHMENT E - An Ordinance Amending Title
5, Chapter 3 of the San Diego County Regulatory
Code Related to the Centerline Ordinance (POD-
26-005) (Changes Shown)**

ORDINANCE NO. _____ (N.S.)

AN ORDINANCE AMENDING TITLE 5, CHAPTER 3 OF THE SAN DIEGO COUNTY
REGULATORY CODE RELATED TO THE CENTERLINE ORDINANCE (POD 26-005)
(Changes Shown)

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that it is necessary to amend the San Diego Regulatory Code pertaining to Road Right of Way Requirements, Street Improvement Standards and Setback Requirements. This ordinance will amend current code to update references and add clarification to facilitate consistencies with future private development projects.

Section 2. Section 51.301 of the San Diego County Regulatory Code is amended to read as follows:

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.

Section 3. Section 51.302 of the San Diego County Regulatory Code is amended to read as follows:

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.

Section 4. Section 51.303 of the San Diego County Regulatory Code is amended to read as follows:

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 ~~Circulation~~Mobility 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.

Section 5. Section 51.304 of the San Diego County Regulatory Code is amended to read as follows:

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 the take of property in violation of Federal or State Constitutional prohibitions against taking property without just compensation.

Section 6. Section 51.308 of the San Diego County Regulatory Code is amended to read as follows:

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 Circulation~~Mobility~~ Element, or if the road is not a Circulation~~Mobility~~ 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.

Section 7. Section 51.309 of the San Diego County Regulatory Code is amended to read as follows:

SEC. 51.309. IMPROVEMENT STANDARDS.

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

APPROVED AS TO FORM AND LEGALITY

Damon M. Brown, County Counsel

BY: Kelsey Clayton, Senior Deputy County Counsel

**ATTACHMENT F - An Ordinance Amending
Article XX, Section 362.1 of the San Diego
Administrative Code Related to Fees (POD-26-
005)**

ORDINANCE NO. (N.S.)

AN ORDINANCE AMENDING ARTICLE XX, SECTION 362.1 OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATED TO FEES (POD-26-005)

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the San Diego County Administrative Code should be updated by amending XX, Section 362.1 related to Fees. The Board finds that these amendments are reasonable and necessary for the public health, safety, convenience, and welfare.

Section 2. Section 362.1 is amended to read as follows:

SEC. 362.1. DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES.

This section contains provisions for fees, deposits and standard hourly rates for the 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		
To Director		T&M	D		

To Board of Supervisors		\$1,000	D/F ⁴		
To Planning Commission		\$1,000	D/F ⁴		
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 GC 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;			California Constitution	

	86.703 CC				
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		
Nonconforming Zoning Verification Letter	Board Policy B-29	T&M	D		

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)CC				
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		

CAC = County Administrative Code; CC = San Diego County Code; GC = CA Government Code; ZO = San Diego County Zoning Ordinance; T&M = Time and Materials; (V) = subject to violation fee, see Section 362(b)(8); (F) = Fee; (D) = Deposit, amount listed is intake deposit only, additional deposits may be required; (L) = A Landscape intake deposit or fee may apply, refer to the Landscape and Irrigation Plans case type for applicable deposit; (S) = A Stormwater intake deposit may apply, refer to Stormwater Quality Management Plan (SWQMP) case type for applicable stormwater deposits. When multiple permits are submitted concurrently, only one stormwater deposit is required.

Notes

- 1 If any project is found to have a potentially significant impact the appropriate CEQA deposit will be required. For concurrent submittals with multiple permits, only one CEQA deposit is required per Department.
- 2 Reclamation Plans submitted at intake concurrently with a Major Use Permit Borrow Pit Application do not require submittal of separate PDS and DEHQ Reclamation Plan deposit. If the Reclamation Plan is not submitted concurrently, the deposit is required.
- 3 PDS fees and deposits for processing a site plan application for community design review of a single dwelling on an existing legal lot, or for buildings or structures accessory to such a dwelling within the I-15 corridor shall be waived. Cross Reference: 362(h) CC.
- 4 The cost of the appeal will be taken in as a deposit if the applicant files the appeal. For non-applicant filed appeals, the amount is taken in as a fee.
- 5 If the project deposit account is still open and has, at a minimum, the amount of funds listed in the INTAKE DEPOSIT/FEE column, an additional deposit is not required.
- 6 INITIAL REVIEW FEE. An Initial Review Fee in the amount listed in Section 362.1 shall be paid when an application or plan is submitted for one or more of the following: general plan amendment, major use permit, major use permit modification, site plan, site plan modification, specific plan, specific plan amendment, tentative map (major subdivision) revised tentative

map, tentative parcel map (minor subdivision), revised tentative parcel map, grading plan, reclamation plan, reclamation plan modification, and landscape plan.

7 SUBSEQUENT REVIEW FEE. During the initial review, the Department of Planning & Development Services may determine that additional (subsequent) review is necessary for issues related to parks and/or issues related to trails. If the Department determines that additional review is necessary, a Subsequent Review Fee Parks and/or a Subsequent Review Fee Trails in the amount(s) specified in Section 362.1 shall be applied for the applications listed above if the applicant wants to proceed with the project.

(b) SCHEDULE OF BUILDING CONSTRUCTION PERMIT FEES

1. BUILDING PERMIT FEES

The following fees shall be paid to the Department of Planning & Development Services for the processing of the following permits and applications:

Permit Type	Plan Review Fee	Permit Fee
Single Family Dwelling/Duplex	\$2,310 + \$0.357/sf	\$2,547 + \$0.222/sf
Single Family Dwelling/Duplex for OTC Review (1-2,000 sf)	\$1,128 + 0.316/sf	\$2,473 + \$0.222/sf
One & Two Family Tract Model	\$2,955 + \$0.212/sf	\$1,112 + \$0.209/sf
One & Two Family Tract Subsequent Phase	\$1,025 minimum for each unique floor plan. See subsection (d), item 1	\$919 + \$0.152/sf
Guest House	\$1,940 + \$0.410/sf	\$1,677 + \$0.564/sf
Accessory Dwelling Unit	\$1,940 + \$0.410/sf	\$1,677 + \$0.564/sf
Accessory Dwelling Unit for OTC Review	\$1,128 + \$0.316/sf	\$1,677 + \$0.564/sf
Cabana/Pool House/Recreation Room Requiring Plan Check submittal	\$1,940 + \$0.410/sf	\$1,677+ \$0.564/sf
Barn, Ag Bldg. Acc to SFD for OTC Review	\$669	\$975
Barn, Ag Bldg. Acc to SFD Requiring Plan Check Submittal	\$1,128 + \$0.316/sf	\$ 975
M-H Permit FDN (Private Lot)	\$844	\$ 1,095 + \$0.223/sf
M-H on Piers (Private Lot)	NA	\$ 451
Swimming Pool/Spa	\$266	\$955
Misc Permit OTC. Minor int. SFD remodel/ repair-no structural change, patio, carport, canopy, fence, re-roof, etc. Stairs, Radio Tower, Antenna	\$405	\$521
Misc Permit Requiring Plancheck Submittal	\$1,766	\$521
Commercial Misc. OTC (Antenna,	\$467	\$910

Canopy, Racks)		
Commercial Misc. Requiring Plancheck Submittal	\$2,418	\$910
Major SFD Remodel, No Add'l sf	\$2,296	\$1,896
Retaining Wall OTC (other than County Std)	\$329	\$691
Retaining Wall Requiring Plancheck Submittal	\$2,015	\$691
Addition to SFD/Duplex (1 to 100 sf)	\$452	\$1,272
Addition to SFD/Duplex simple enough for OTC review (Larger than 100 sf)	\$516 + \$ 0.031/sf	\$1,466 + \$0.759/sf
Addition to SFD/Duplex requiring plancheck submittal (Larger than 100 sf)	\$2,196 + \$0.372/sf	\$1,466 + \$0.759/sf
Res. Garage, Carport, Storage Bldg., Cabana, Pool House, or Rec Room Simple enough for OTC review	\$578 + \$0.121/sf	\$1,310 + \$0.114/sf
Res. Garage, Carport, Storage Bldg. Requiring plancheck submittal	\$1,262 + \$0.431/sf	\$1,310 + \$0.114/sf
Demolition Permit	NA	\$ 215
Compliance Survey	NA	\$386
Move-On House	25% of the fee for a site built dwelling	75% of the fee for a site built dwelling, plus a compliance survey fee
Electrical Only	NA	\$392
Plumbing Only	NA	\$392
Mechanical Only	NA	\$392
Electric Vehicle Charging Station - Online	NA	\$151
Electric Vehicle Charging Station - In Person	NA	\$151
Photovoltaic Roof Mount-Online	NA	\$292
Photovoltaic Roof Mount-In Person	NA	\$345
Photovoltaic Ground Mount	NA	\$502
Solar Photovoltaic - Commercial	NA	<=50kW, \$1,000; 50-250kW: \$1,000+(System size in kW-50)*\$7; >=250kW, \$2,400+ (System size in kW-250)*\$1
Residential Wind Turbine	NA	\$671
Wind Turbine - Commercial	NA	<=50kW, \$1,000; 50-250kW: \$1,000+(System size

		in kW-50)*\$7; >=250kW, \$2,400+ (System size in kW-250)*\$1
Electrical and Plumbing	NA	\$498
Electrical and Mechanical	NA	\$498
Plumbing and Mechanical Only	NA	\$498
Electrical, Plumbing, and Mechanical	NA	\$734
Grading	\$1,096	\$837
Grading Self Certification	\$498	\$811
Tenant Improvement Self Certification (Plan Check)	\$554	NA
Self Certification Enrollment	NA	\$938
Self Certification Training	NA	\$444
Stormwater-Supplement as Fee for High Priority Projects	NA	\$929
Temporary Construction Power	NA	\$205
Temporary Construction Trailer	NA	\$205
Temporary Occupancy Permits	NA	\$205
Re-Inspection/Progress Inspection Fee	NA	\$205
Permit Research Verification Fee	NA	\$42
Appeal to Building Construction or Fire Appeals Board	NA	\$1,324
Transfer of Plan Review to different Parcel	\$626	NA
New Plancheck number when Plan Review is complete (No Changes to Code)	\$409	NA
Landscape Plan Check-Short Form (Less than 5,000 Square Feet)	NA	\$50
Missed Appointment Fee	\$282	NA
Microfilming/Records Retention/Archiving Fee Base Fee Plans Copy of Letter and Legal Size Documents	\$8.20 + \$2.10 per page \$40.00 See on Auditor and Controller website for fee	NA
Pre-Application Conference	Time & Materials	NA
State Fees		
Seismic Fee	As authorized in California Public Resources Code section 2705.	NA
State Green Building Fee	As authorized in California Health and Safety Code section 18931.6.	

As authorized in California Health and Safety Code section 18931.6.

2. STREET NAMING AND ADDRESSING FEES

Application Name	Authority	Fee
- Address Assignment with building permit	79.106 C.C.	\$171
- Address Assignment without building permit	79.106 C.C.	\$186
- Private Street Naming (No Hearing)	79.104 C.C.	\$186
- Hearing for Name or Change of Names	79.104 C.C.	\$2,027

3. PROJECT TYPES NOT LISTED IN THE TABLES ABOVE:

When a project is not specifically listed in the Building Permit Fees table (subsection (b), item 1) or the Street Naming and Addressing Fees table (subsection (b), item 2) the fee shall be calculated based on the valuation as described in subsection (c) of this section.

11. SCHEDULE OF BUILDING PERMIT FEES BASED ON VALUATION PROVISIONS

1. BUILDING PERMIT FEES

TOTAL VALUATION	PERMIT FEE
\$1.00 to \$50,000.00	\$374.00 for the first \$10,000.00 plus \$1.00 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$414.50 for the first \$50,000.00 plus \$4.50 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$639.50 for the first \$100,000.00 plus \$3.50 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.
\$500,001.00 to \$1,000,000.00	\$2,039.50 for the first \$500,000.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00.
\$1,000,001.00 and up	\$3,539.50 for the first \$1,000,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof.

2. PLAN REVIEW FEES. When a plan or other data is required or requested pursuant to the code, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be 65% of the building permit fee.

3. DISABLED ACCESSIBILITY REVIEW FEES. The fee for conducting a review of plans for compliance with the disabled accessibility standards found in Title 24 of the California Code of Regulations, to be assessed at the time of application for plan review, shall be an additional 10% of the plan review fee specified in subsection (c). The fee for conducting an inspection for compliance with said disabled accessibility standards, to be assessed at the time of issuance of a building permit, shall be an additional 10% of the building permit fee which is assessed under subsection (c).

12. OTHER FEES, DEPOSITS, AND PROVISIONS

1. PLAN REVIEW FEES FOR RESIDENTIAL TRACTS. When a plan is registered with the Building Official as a Master Plan, all subsequent plan reviews for that Master Plan will be

charged the fee listed in Item 1 of subsection (b), Schedule of Building Construction Permit Fees. The minimum fee will be charged for each unique floor plan in the phase regardless of the total number of dwelling units in the phase. If more than two hours is required to intake and review each unique floor plan, the time in excess of two hours will be charged at the Time and Material Rate described in subsection (e). Minor, nonstructural changes to Master Plans are acceptable, however, all additional staff time spent processing any plan changes will be added to the plan review fee.

2. **EXTENSION OF AN EXPIRED PLAN REVIEW.** When plans are submitted subsequent to plan review expiration, as permitted by Section 91.1.109.2.1, the plan review extension fee shall be 25 percent of the plan review fee prescribed above for newly submitted plans.

3. **PLAN CHANGES, ADDITIONS, REVISIONS OR INCOMPLETE PLANS.** Additional plan review required by plan changes, additions, or revisions to approved plans or because the plans are incomplete shall be charged at the time and material labor rate. The minimum charge shall be one-half hour.

4. **FEE REDUCTION FOR BUILDINGS USING SUSTAINABLE BUILDING PRACTICES.** For building permit applicants

who voluntarily participate in the County of San Diego Green Building Program, as established by Board of Supervisors Policy F-50, the plan check and permit fees shall be reduced by 7.5%. To qualify for this fee reduction, the project shall use one of the following sustainable building practices:

Energy Conservation The project shall exceed California Energy Commission Standards by 15% or more for residential and 25% or more for commercial and industrial developments.

Natural Resource Conservation The project shall incorporate straw bale construction for all exterior walls or use recycled content in the building system. To be eligible for the fee reduction by using recycled content, the applicant must demonstrate, to the satisfaction of the Building Official, that 20% or more of the primary materials being used in the building system contain 20% or more post-consumer recycled content. Any reused materials will be found to satisfy the 20% post-consumer recycled content requirement. A fee reduction may also be approved when the applicant demonstrates, to the satisfaction of the Building Official, that at least one primary building material (e.g. roofing material) is 50% or more post-consumer recycled content.

Water Conservation The project shall include the installation of a graywater system. A permit is required from the Department of Environmental Health for the graywater system in addition to the building permit issued by the Department of Planning & Development Services.

5. **EXPEDITED PLAN REVIEW.** When requested by the applicant and approved by the Building Official, staff may use overtime to expedite a plan review. An additional fee shall be charged for this service. The fee amount shall be determined using the time and material labor rate multiplied by the amount of time staff spends on expedited plan review.

6. **INSPECTIONS OUTSIDE OF NORMAL BUSINESS HOURS.** When the Building Official approves inspections outside of normal business hours, the fee shall be charged hourly at the rate of one and one-half times the standard time and material labor rate described in subsection (e) of this section. The minimum time charged shall be two hours.

7. **REFUNDS.** An applicant who has paid the applicable plan review or permit fees in subsection (a) or subsection (b) of this section may withdraw the application by submitting

a written request to the Director of Planning & Development Services. The Department shall discontinue work on such application within one working day from the receipt of said request, except that the Department may continue to process an application involving the violation of a County ordinance.

The Director of Planning & Development Services shall not authorize the refund of any building fee paid except upon written application filed by the original applicant, received not later than one year after the date of fee payment.

Fee refunds of \$25,000 or more must receive Board of Supervisor

approval prior to payment. Final permits and/or documents shall not

be issued until all required fees/deposits are paid in full.

The Director of Planning & Development Services may authorize the full refund of any fee paid hereunder which is erroneously collected by the County.

Refund of fees described in subsection (b) of this section shall be made in accordance with San Diego County Code Section 91.1.109.6.

8. VIOLATIONS. When a violation of any County code includes or results from the failure to obtain a required permit, a violation fee may be assessed as prescribed in San Diego County Code Section 91.1.109.4.1. In all cases the additional violation fee or deposit amount shall be treated as a non-refundable flat fee, even if the initial amount is a deposit.

9. CHARGES FOR TECHNICAL REPORTS. Information, circulars, reports of technical work, and other reports prepared by the Department of Planning & Development Services, when supplied to other government agencies, individuals or groups requesting copies of same, may be charged for by the Department in a sum not to exceed the cost of publication and distribution of such documents.

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:

Residential photovoltaic electrical systems.

Residential Solar Water Heaters.

Residential Small Wind Turbine Systems.

11. STANDARD HOURLY RATES. The fee for items not listed in the above fee subsections or those designated "Time and Materials" shall be determined by the actual costs incurred by the Department of Planning & Development Services. The cost will be determined by using the labor rates specified in subsection (e) Schedule of Standard Hourly Rates.

12. SURFACE MINING INSPECTION DEPOSIT. The deposit for conducting annual inspections of surface mining operations to review compliance with the Major Use Permit, Reclamation Plan and Interim Management Plan shall be \$2,000. The deposit shall be due within 60 days after the adoption of this ordinance and on July 1 of each year thereafter. The \$2,000 amount shall apply to all existing surface mining

operations for the first year and for the first year of each new surface mining operation. Thereafter, the Director shall determine the appropriate amount of the deposit for each surface mining operation. Approval and inspections of an Interim Management Plan shall be an expense of the inspection deposit.

13. **SIGNS - REFUNDABLE DEPOSIT.** The refundable deposit required prior to the approval of any administrative sign permit or minor use permit, as prescribed in the County Zoning Ordinance Section 6207 b. 1. xiv., shall be \$1,000.
14. **MISSED APPOINTMENT FEE.** The Building Official may charge this fee when an applicant does not show up for a scheduled plan submittal appointment or cancels the appointment less than 24 hours in advance.
15. **FEE WAIVER FOR STRUCTURES DAMAGED OR DESTROYED BY NATURAL DISASTER.** Notwithstanding the fees otherwise specified in subsections (a) and (b) of this section, the plan check review fee and the permit fee may be waived for an applicant who is rebuilding legally built structures which have been damaged or destroyed by a wildfire or other natural disaster and which are located within the boundaries of a geographic area which has been declared by resolution of the Board of Supervisors to be eligible for this fee waiver. The fee waiver shall not apply to any portion of a new structure which exceeds the square footage of the structure which is being replaced.
16. **FEE WAIVER FOR DISABLED VETERANS.** Notwithstanding the fees otherwise specified in subsections (a), (b) and (c) of this section, and San Diego County Code sections 91.1.109.2 and 91.1.109.5.17, the plan check and building permit fees shall be waived for modifications made to the homes of disabled veterans.
17. **SCHEDULE OF FEES FOR CANNABIS FACILITY OPERATING LICENSES ISSUED BY PLANNING & DEVELOPMENT SERVICES.** The fees for the licenses, permits and Operating Certificates issued by the Department of Planning & Development Services and services provided by Department of Planning & Development Services pursuant to Section 21.103.6 of the Regulatory Ordinances and this code shall be as follows:

License Type	Fee
Cannabis Facility	
Operating Certificate Annual Renewal Fee	\$20,174
Business Practice Modification	\$5,628
Business Ownership Modification	\$1,432

Notes

1. **OPERATING CERTIFICATE RENEWAL FEE.** An Annual Renewal Fee in the amount listed in Section 362.1 shall be paid when an application for an annual renewal for a cannabis Operating Certificate is filed. This fee recovers the costs associated with renewing the Operating Certificate and ensuring ongoing compliance with regulations within Sections 21.2503-21.2507 of the Regulatory Ordinances.
2. **BUSINESS PRACTICE MODIFICATION FEE.** A Business Practice Modification Fee is the amount listed in Section 362.1 and shall be paid when there is an application to modify the

business practices of the cannabis facility listed on an existing Operating Certificate is filed. Modification includes the updating of business practices, which include the following activities: retail, cultivation on an area less than 10,000 square feet, manufacturing, or distribution. This fee recovers the costs associated with modifying the Operating Certificate and ensuring ongoing compliance with regulations within Sections 21.2503-21.2507 of the Regulatory Ordinances.

3. **BUSINESS OWNERSHIP MODIFICATION FEE.** A Business Ownership Modification Fee is the amount listed in Section 362.1 and shall be paid when there is an application to add or remove a responsible person to the Operating Certificate, update the corporate status, or transfer of the Operating Certificate is filed. This fee recovers the costs associated with modifying a cannabis facility's Business Ownership status and ensuring ongoing compliance with regulations within Sections 21.2503-21.2507 of the Regulatory Ordinances.

(e) **SCHEDULE OF STANDARD HOURLY RATES**

Unless otherwise specified, all fees and deposits and time and material charges shall be calculated and will be charged using the following standard hourly billing rates:

POSITION	HOURLY RATE
Project Planning/Land Development Division	
Accountant (Technician/Staff/Associate)	\$118.00
Accountant (Senior)	\$136.00
Administrative Analyst	\$134.00
Civil Engineer	\$288.00
Commission Secretary	\$113.00
Engineering Technician III	\$139.00
Imaging Technician (II, III)	\$97.00
Land Use Environmental Planner (I, II, III, Jr.)	\$241.00
Land Use Environmental Planning Manager	\$339.00
Land Use Technician (II, III)	\$116.00
Landscape Architect	\$286.00
Land Surveyor/Senior Land Surveyor	\$270.00
Office Support Specialist	\$108.00
Project Manager, Public Works	\$298.00
Senior Civil Engineer	\$301.00
Student Worker	\$26.00
Building Division	
Administrative Analyst	\$158.00
Account Clerk Specialist	\$106.00
Building Inspector (I/II)	\$162.00
Building/Enforcement Manager	\$174.00
Building/Enforcement Supervisor	\$204.00
Civil Engineer	\$225.00
Electrical/Mechanical Inspector	\$172.00
Land Use Aide	\$106.00

Land Use Environmental Planner (I, II, III)	\$182.00
Land Use Environmental Planning Manager	\$219.00
Land Use Tech (I, II/III)	\$106.00
Office Assistant	\$86.00
Permit Processing Coordinator	\$156.00
Project Manager, Public Works	\$233.00
Sr. Civil Engineer	\$279.00
Sr Data and Research Analyst	\$159.00
Sr. Office Assistant	\$103.00
Student Worker	\$26.00
Code Enforcement Division:	
Building Inspector II	\$152.00
Building Enforcement Supervisor	\$164.00
Building Enforcement Manager	\$213.00
Code Enforcement Officer	\$123.00
Land Use Environmental Planner I	\$113.00
Land Use/Environmental Planner II	\$141.00
Land Use Environmental Planner III	\$187.00
Land Use/Environmental Planner Manager	\$208.00
Land Use Technician II	\$101.00
Land Use Aide	\$84.00
Student Worker	\$26.00
LUEG GIS Division:	
GIS Coordinator	\$187.00
Senior Geographic Info System Analyst	\$175.00
Geographic Info System Analyst	\$137.00
Geographic Info System Technician	\$137.00
Other County Departments	
County Counsel - Attorney	Charged at hourly rate approved by the Board of Supervisors.
County Counsel - Paralegal	Charged at hourly rate approved by the Board of Supervisors.
Agriculture, Weights and Measures - Senior Agricultural/Standards Inspector	Charged at hourly rate approved by the Board of Supervisors.
Agriculture, Weights and Measures - Supervising Agricultural/Standards Inspector	Charged at hourly rate approved by the Board of Supervisors.

(f) DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES BUILDING COMMITTED FUND BALANCE

1. PURPOSE. The County of San Diego may charge fees to cover the costs of building; provided such fees do not exceed the estimated reasonable cost of the services for which the fees are charged. The Building Reserve Designation was established by the resolution of

the Board of Supervisors on June 27, 1995. In 2009, Governmental Accounting Standards Board 54 resulted in a change in name from Reserve Designation to Committed Fund Balance. The purpose of the Building Committed Fund Balance ("Committed Fund Balance") is to stabilize the revenue base of the Building Program within the Department of Planning & Development Services.

2. ESTABLISHMENT OF THE RESERVE DESIGNATION COMMITTED FUND BALANCE. There is hereby established the Department of Planning & Development Services Building Committed Fund Balance into which shall be deposited all fees in excess of the actual cost required to provide services by the Department of Planning & Development Services in the Building Program. Moneys shall be deposited in and appropriated from the Committed Fund Balance in accordance with the provisions of this section.

3. DEPOSITS INTO THE COMMITTED FUND BALANCE. After the close of each fiscal year, the department shall determine the amount of fees collected and the actual full costs of providing services in the Building Program during the fiscal year and submit to the Office of Financial Planning for review. In the event the amount of fees collected exceeds the actual full costs, the Office of Financial Planning shall transfer such excess amount to the Committed Fund Balance.

4. UTILIZATION. The Committed Fund Balance shall be used only to offset costs in the Department of Planning & Development Services' Building Program. Funds in the Committed Fund Balance shall be appropriated only when it is estimated reasonably that actual full costs will exceed fees to be charged for services in the Building Program. The Chief Administrative Officer shall report to the Board of Supervisors on the need to appropriate any funds from the Committed Fund Balance prior to any appropriation by the Board of Supervisors. Building fees will be reviewed annually to ensure compliance with Board Policy B-29, "Fees, Grants, Revenue Contracts, Department Responsibility for Cost Recovery."

5. PUBLIC MEETINGS. All issues related to the Committed Fund Balance shall be considered by the Board of Supervisors in a regularly scheduled meeting. Notice of the time and place of the meeting shall be mailed at least fourteen (14) days prior to the meeting to any party who files a written request with the Clerk of the Board of Supervisors for such mailed notice.

(g) WAIVER OF SPECIFIED FEES AND DEPOSITS FOR FARM EMPLOYEE HOUSING AND FARM LABOR CAMPS

Notwithstanding any other provision of this article, the environmental action fees and deposits authorized by County Ordinance 4901 (N.S.), as specified in Section 362.1, shall be waived for:

- (1) Any farm employee housing or farm labor camp project for which (i) a complete application for an Administrative Permit or a Minor Use Permit was filed between July 13, 1990, and January 13, 1991 pursuant to Ordinance No. 7768 (N.S.); or was filed between April 5, 1991 and October 5, 1991, pursuant to Ordinance No. 7875 (N.S.); or was filed between October 31, 1991 and June 30, 1993, pursuant to Ordinance No. 8086 (N.S.); or was filed between July 30, 1993, and June 30, 1994 pursuant to Ordinance No. 8271 (N.S.); or was filed between September 2, 1994 and June 30, 1995, pursuant to Ordinance No. 8436 (N.S.); or was filed between September 15, 1995 and June 30, 1998 pursuant to Ordinance No. 8574 (N.S.) or was filed between May 14, 1999 and June 30, 2004 pursuant to Ordinance No. 9021 (N.S.); or was filed between July 1, 2004 and June 30, 2009 pursuant to Ordinance No. 9647 (N.S.) and (ii) the application was approved; or

(2) Any farm employee housing or farm labor camp project for which (i) Section 17021.5 or Section 17021.6 of the California Health and Safety Code is applicable; (ii) the Agricultural Commissioner has issued a certificate of active agricultural enterprise; (iii) the housing is not the subject of an active code enforcement action; (iv) the applicant has entered into the contract required by Section 6156 u.11 or Section 6906 d. of The Zoning Ordinance; and (v) the application was filed between July 30, 1993, and June 30, 1994, pursuant to Ordinance No. 8271 (N.S.); or was filed between September 2, 1994 and June 30, 1995, pursuant to Ordinance No. 8436 (N.S.); or was filed between September 15, 1995 and June 30, 1998 pursuant to Ordinance No. 8574 (N.S.); or was filed between May 14, 1999 and June 30, 2004 pursuant to Ordinance No. 9021 (N.S.); or was filed between July 1, 2004 and June 30, 2009 pursuant to Ordinance No. 9647 (N.S.).

Said fee waiver for a Minor Use Permit for a farm labor camp shall be subject to the \$5,000.00 maximum waiver for all costs expended by staff within the Department of Planning & Development Services as set forth in the San Diego County Zoning Ordinance Section 7602 d.7. Said fee waiver for a farm labor camp project for which a Minor Use Permit is prohibited under Section 17021.5 or Section 17021.6 of the California Health and Safety Code shall also be limited to a \$5,000.00 maximum waiver for all costs expended by staff within the Department of Planning & Development Services.

(h) WAIVER OF SPECIFIED FEES AND DEPOSITS FOR CERTAIN COMMUNITY DESIGN REVIEW AREA SITE PLAN APPLICATIONS IN THE I-15 CORRIDOR

Notwithstanding any other provision of this article, the fee and deposit for processing a Community Design Review Area Site Plan application pursuant to Sections 7158 and 7602 of The Zoning Ordinance shall be waived for certain Site Plan applications within the I-15 Corridor (as defined in the County General Plan). Specifically, such Site Plan applications for community design review of a single dwelling on an existing legal lot, or for buildings or structures accessory to such a dwelling, shall have such fees and deposits waived.

APPROVED AS TO FORM AND LEGALITY
Damon M. Brown, County Counsel

BY: Kelsey Clayton, Senior Deputy County
Counsel

**ATTACHMENT G - An Ordinance Amending
Article XX, Section 362.1 of the San Diego
Administrative Code Related to Fees (POD-26-
005) (Changes Shown)**

ORDINANCE NO. ____ (N.S.)

AN ORDINANCE AMENDING ARTICLE XX, SECTION 362.1 OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATED TO FEES (POD-26-005) (Changes Shown)

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the San Diego County Administrative Code should be updated by amending XX, Section 362.1 related to Fees. The Board finds that these amendments are reasonable and necessary for the public health, safety, convenience, and welfare.

Section 2. Section 362.1 is amended to read as follows:

SEC. 362.1. DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES.

This section contains provisions for fees, deposits and standard hourly rates for the 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>		<u>T&M</u>	<u>D</u>		

To Board of Supervisors		\$1,000	D/F ⁴		
To Planning Commission		\$1,000	D/F ⁴		
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 GC 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;			California Constitution	

	86.703 CC				
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)CC				
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		

CAC = County Administrative Code; CC = San Diego County Code; GC = CA Government Code; ZO = San Diego County Zoning Ordinance; T&M = Time and Materials; (V) = subject to violation fee, see Section 362(b)(8); (F) = Fee; (D) = Deposit, amount listed is intake deposit only, additional deposits may be required; (L) = A Landscape intake deposit or fee may apply, refer to the Landscape and Irrigation Plans case type for applicable deposit; (S) = A Stormwater intake deposit may apply, refer to Stormwater Quality Management Plan (SWQMP) case type for applicable stormwater deposits. When multiple permits are submitted concurrently, only one stormwater deposit is required.

Notes

- 1 If any project is found to have a potentially significant impact the appropriate CEQA deposit will be required. For concurrent submittals with multiple permits, only one CEQA deposit is required per Department.
- 2 Reclamation Plans submitted at intake concurrently with a Major Use Permit Borrow Pit Application do not require submittal of separate PDS and DEHQ Reclamation Plan deposit. If the Reclamation Plan is not submitted concurrently, the deposit is required.
- 3 PDS fees and deposits for processing a site plan application for community design review of a single dwelling on an existing legal lot, or for buildings or structures accessory to such a dwelling within the I-15 corridor shall be waived. Cross Reference: 362(h) CC.
- 4 The cost of the appeal will be taken in as a deposit if the applicant files the appeal. For non-applicant filed appeals, the amount is taken in as a fee.
- 5 If the project deposit account is still open and has, at a minimum, the amount of funds listed in the INTAKE DEPOSIT/FEE column, an additional deposit is not required.
- 6 INITIAL REVIEW FEE. An Initial Review Fee in the amount listed in Section 362.1 shall be paid when an application or plan is submitted for one or more of the following: general plan amendment, major use permit, major use permit modification, site plan, site plan modification, specific plan, specific plan amendment, tentative map (major subdivision) revised tentative

map, tentative parcel map (minor subdivision), revised tentative parcel map, grading plan, reclamation plan, reclamation plan modification, and landscape plan.

7 SUBSEQUENT REVIEW FEE. During the initial review, the Department of Planning & Development Services may determine that additional (subsequent) review is necessary for issues related to parks and/or issues related to trails. If the Department determines that additional review is necessary, a Subsequent Review Fee Parks and/or a Subsequent Review Fee Trails in the amount(s) specified in Section 362.1 shall be applied for the applications listed above if the applicant wants to proceed with the project.

(b) SCHEDULE OF BUILDING CONSTRUCTION PERMIT FEES

1. BUILDING PERMIT FEES

The following fees shall be paid to the Department of Planning & Development Services for the processing of the following permits and applications:

Permit Type	Plan Review Fee	Permit Fee
Single Family Dwelling/Duplex	\$2,310 + \$0.357/sf	\$2,547 + \$0.222/sf
Single Family Dwelling/Duplex for OTC Review (1-2,000 sf)	\$1,128 + 0.316/sf	\$2,473 + \$0.222/sf
One & Two Family Tract Model	\$2,955 + \$0.212/sf	\$1,112 + \$0.209/sf
One & Two Family Tract Subsequent Phase	\$1,025 minimum for each unique floor plan. See subsection (d), item 1	\$919 + \$0.152/sf
Guest House	\$1,940 + \$0.410/sf	\$1,677 + \$0.564/sf
Accessory Dwelling Unit	\$1,940 + \$0.410/sf	\$1,677 + \$0.564/sf
Accessory Dwelling Unit for OTC Review	\$1,128 + \$0.316/sf	\$1,677 + \$0.564/sf
Cabana/Pool House/Recreation Room Requiring Plan Check submittal	\$1,940 + \$0.410/sf	\$1,677+ \$0.564/sf
Barn, Ag Bldg. Acc to SFD for OTC Review	\$669	\$975
Barn, Ag Bldg. Acc to SFD Requiring Plan Check Submittal	\$1,128 + \$0.316/sf	\$ 975
M-H Permit FDN (Private Lot)	\$844	\$ 1,095 + \$0.223/sf
M-H on Piers (Private Lot)	NA	\$ 451
Swimming Pool/Spa	\$266	\$955
Misc Permit OTC. Minor int. SFD remodel/ repair-no structural change, patio, carport, canopy, fence, re-roof, etc. Stairs, Radio Tower, Antenna	\$405	\$521
Misc Permit Requiring Plancheck Submittal	\$1,766	\$521
Commercial Misc. OTC (Antenna,	\$467	\$910

Canopy, Racks)		
Commercial Misc. Requiring Plancheck Submittal	\$2,418	\$910
Major SFD Remodel, No Add'l sf	\$2,296	\$1,896
Retaining Wall OTC (other than County Std)	\$329	\$691
Retaining Wall Requiring Plancheck Submittal	\$2,015	\$691
Addition to SFD/Duplex (1 to 100 sf)	\$452	\$1,272
Addition to SFD/Duplex simple enough for OTC review (Larger than 100 sf)	\$516 + \$ 0.031/sf	\$1,466 + \$0.759/sf
Addition to SFD/Duplex requiring plancheck submittal (Larger than 100 sf)	\$2,196 + \$0.372/sf	\$1,466 + \$0.759/sf
Res. Garage, Carport, Storage Bldg., Cabana, Pool House, or Rec Room Simple enough for OTC review	\$578 + \$0.121/sf	\$1,310 + \$0.114/sf
Res. Garage, Carport, Storage Bldg. Requiring plancheck submittal	\$1,262 + \$0.431/sf	\$1,310 + \$0.114/sf
Demolition Permit	NA	\$ 215
Compliance Survey	NA	\$386
Move-On House	25% of the fee for a site built dwelling	75% of the fee for a site built dwelling, plus a compliance survey fee
Electrical Only	NA	\$392
Plumbing Only	NA	\$392
Mechanical Only	NA	\$392
Electric Vehicle Charging Station - Online	NA	\$151
Electric Vehicle Charging Station - In Person	NA	\$151
Photovoltaic Roof Mount-Online	NA	\$292
Photovoltaic Roof Mount-In Person	NA	\$345
Photovoltaic Ground Mount	NA	\$502
Solar Photovoltaic - Commercial	NA	<=50kW, \$1,000; 50-250kW: \$1,000+(System size in kW-50)*\$7; >=250kW, \$2,400+ (System size in kW-250)*\$1
Residential Wind Turbine	NA	\$671
Wind Turbine - Commercial	NA	<=50kW, \$1,000; 50-250kW: \$1,000+(System size

		in kW-50)*\$7; >=250kW, \$2,400+ (System size in kW-250)*\$1
Electrical and Plumbing	NA	\$498
Electrical and Mechanical	NA	\$498
Plumbing and Mechanical Only	NA	\$498
Electrical, Plumbing, and Mechanical	NA	\$734
Grading	\$1,096	\$837
Grading Self Certification	\$498	\$811
Tenant Improvement Self Certification (Plan Check)	\$554	NA
Self Certification Enrollment	NA	\$938
Self Certification Training	NA	\$444
Stormwater-Supplement as Fee for High Priority Projects	NA	\$929
Temporary Construction Power	NA	\$205
Temporary Construction Trailer	NA	\$205
Temporary Occupancy Permits	NA	\$205
Re-Inspection/Progress Inspection Fee	NA	\$205
Permit Research Verification Fee	NA	\$42
Appeal to Building Construction or Fire Appeals Board	NA	\$1,324
Transfer of Plan Review to different Parcel	\$626	NA
New Plancheck number when Plan Review is complete (No Changes to Code)	\$409	NA
Landscape Plan Check-Short Form (Less than 5,000 Square Feet)	NA	\$50
Missed Appointment Fee	\$282	NA
Microfilming/Records Retention/Archiving Fee Base Fee Plans Copy of Letter and Legal Size Documents	\$8.20 + \$2.10 per page \$40.00 See on Auditor and Controller website for fee	NA
Pre-Application Conference	Time & Materials	NA
State Fees		
Seismic Fee	As authorized in California Public Resources Code section 2705.	NA
State Green Building Fee	As authorized in California Health and Safety Code section 18931.6.	

As authorized in California Health and Safety Code section 18931.6.

2. STREET NAMING AND ADDRESSING FEES

Application Name	Authority	Fee
- Address Assignment with building permit	79.106 C.C.	\$171
- Address Assignment without building permit	79.106 C.C.	\$186
- Private Street Naming (No Hearing)	79.104 C.C.	\$186
- Hearing for Name or Change of Names	79.104 C.C.	\$2,027

3. PROJECT TYPES NOT LISTED IN THE TABLES ABOVE:

When a project is not specifically listed in the Building Permit Fees table (subsection (b), item 1) or the Street Naming and Addressing Fees table (subsection (b), item 2) the fee shall be calculated based on the valuation as described in subsection (c) of this section.

(c) SCHEDULE OF BUILDING PERMIT FEES BASED ON VALUATION PROVISIONS

1. BUILDING PERMIT FEES

TOTAL VALUATION	PERMIT FEE
\$1.00 to \$50,000.00	\$374.00 for the first \$10,000.00 plus \$1.00 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$414.50 for the first \$50,000.00 plus \$4.50 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$639.50 for the first \$100,000.00 plus \$3.50 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.
\$500,001.00 to \$1,000,000.00	\$2,039.50 for the first \$500,000.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00.
\$1,000,001.00 and up	\$3,539.50 for the first \$1,000,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof.

2. PLAN REVIEW FEES. When a plan or other data is required or requested pursuant to the code, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be 65% of the building permit fee.

3. DISABLED ACCESSIBILITY REVIEW FEES. The fee for conducting a review of plans for compliance with the disabled accessibility standards found in Title 24 of the California Code of Regulations, to be assessed at the time of application for plan review, shall be an additional 10% of the plan review fee specified in subsection (c). The fee for conducting an inspection for compliance with said disabled accessibility standards, to be assessed at the time of issuance of a building permit, shall be an additional 10% of the building permit fee which is assessed under subsection (c).

(d) OTHER FEES, DEPOSITS, AND PROVISIONS

1. PLAN REVIEW FEES FOR RESIDENTIAL TRACTS. When a plan is registered with the Building Official as a Master Plan, all subsequent plan reviews for that Master Plan will be

charged the fee listed in Item 1 of subsection (b), Schedule of Building Construction Permit Fees. The minimum fee will be charged for each unique floor plan in the phase regardless of the total number of dwelling units in the phase. If more than two hours is required to intake and review each unique floor plan, the time in excess of two hours will be charged at the Time and Material Rate described in subsection (e). Minor, nonstructural changes to Master Plans are acceptable, however, all additional staff time spent processing any plan changes will be added to the plan review fee.

2. **EXTENSION OF AN EXPIRED PLAN REVIEW.** When plans are submitted subsequent to plan review expiration, as permitted by Section 91.1.109.2.1, the plan review extension fee shall be 25 percent of the plan review fee prescribed above for newly submitted plans.

3. **PLAN CHANGES, ADDITIONS, REVISIONS OR INCOMPLETE PLANS.** Additional plan review required by plan changes, additions, or revisions to approved plans or because the plans are incomplete shall be charged at the time and material labor rate. The minimum charge shall be one-half hour.

4. **FEE REDUCTION FOR BUILDINGS USING SUSTAINABLE BUILDING PRACTICES.** For building permit applicants

who voluntarily participate in the County of San Diego Green Building Program, as established by Board of Supervisors Policy F-50, the plan check and permit fees shall be reduced by 7.5%. To qualify for this fee reduction, the project shall use one of the following sustainable building practices:

Energy Conservation The project shall exceed California Energy Commission Standards by 15% or more for residential and 25% or more for commercial and industrial developments.

Natural Resource Conservation The project shall incorporate straw bale construction for all exterior walls or use recycled content in the building system. To be eligible for the fee reduction by using recycled content, the applicant must demonstrate, to the satisfaction of the Building Official, that 20% or more of the primary materials being used in the building system contain 20% or more post-consumer recycled content. Any reused materials will be found to satisfy the 20% post-consumer recycled content requirement. A fee reduction may also be approved when the applicant demonstrates, to the satisfaction of the Building Official, that at least one primary building material (e.g. roofing material) is 50% or more post-consumer recycled content.

Water Conservation The project shall include the installation of a graywater system. A permit is required from the Department of Environmental Health for the graywater system in addition to the building permit issued by the Department of Planning & Development Services.

5. **EXPEDITED PLAN REVIEW.** When requested by the applicant and approved by the Building Official, staff may use overtime to expedite a plan review. An additional fee shall be charged for this service. The fee amount shall be determined using the time and material labor rate multiplied by the amount of time staff spends on expedited plan review.

6. **INSPECTIONS OUTSIDE OF NORMAL BUSINESS HOURS.** When the Building Official approves inspections outside of normal business hours, the fee shall be charged hourly at the rate of one and one-half times the standard time and material labor rate described in subsection (e) of this section. The minimum time charged shall be two hours.

7. **REFUNDS.** An applicant who has paid the applicable plan review or permit fees in subsection (a) or subsection (b) of this section may withdraw the application by submitting

a written request to the Director of Planning & Development Services. The Department shall discontinue work on such application within one working day from the receipt of said request, except that the Department may continue to process an application involving the violation of a County ordinance.

The Director of Planning & Development Services shall not authorize the refund of any building fee paid except upon written application filed by the original applicant, received not later than one year after the date of fee payment.

Fee refunds of \$25,000 or more must receive Board of Supervisor

approval prior to payment. Final permits and/or documents shall not

be issued until all required fees/deposits are paid in full.

The Director of Planning & Development Services may authorize the full refund of any fee paid hereunder which is erroneously collected by the County.

Refund of fees described in subsection (b) of this section shall be made in accordance with San Diego County Code Section 91.1.109.6.

8. VIOLATIONS. When a violation of any County code includes or results from the failure to obtain a required permit, a violation fee may be assessed as prescribed in San Diego County Code Section 91.1.109.4.1. In all cases the additional violation fee or deposit amount shall be treated as a non-refundable flat fee, even if the initial amount is a deposit.

9. CHARGES FOR TECHNICAL REPORTS. Information, circulars, reports of technical work, and other reports prepared by the Department of Planning & Development Services, when supplied to other government agencies, individuals or groups requesting copies of same, may be charged for by the Department in a sum not to exceed the cost of publication and distribution of such documents.

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 ICBO 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.~~

~~13.~~ 11. STANDARD HOURLY RATES. The fee for items not listed in the above fee subsections or those designated "Time and Materials" shall be determined by the actual costs incurred by the Department of Planning & Development Services. The cost will be determined by using the labor rates specified in subsection (e) Schedule of Standard Hourly Rates.

14. 12. SURFACE MINING INSPECTION DEPOSIT. The deposit for conducting annual inspections of surface mining operations to review compliance with the Major Use Permit, Reclamation Plan and Interim Management Plan shall be \$2,000. The deposit shall be due within 60 days after the adoption of this ordinance and on July 1 of each year thereafter. The \$2,000 amount shall apply to all existing surface mining operations for the first year and for the first year of each new surface mining operation.

Thereafter, the Director shall determine the appropriate amount of the deposit for each surface mining operation. Approval and inspections of an Interim Management Plan shall be an expense of the inspection deposit.

- ~~15.~~ **13. SIGNS - REFUNDABLE DEPOSIT.** The refundable deposit required prior to the approval of any administrative sign permit or minor use permit, as prescribed in the County Zoning Ordinance Section 6207 b. 1. xiv., shall be \$1,000.
- ~~16.~~ **14. MISSED APPOINTMENT FEE.** The Building Official may charge this fee when an applicant does not show up for a scheduled plan submittal appointment or cancels the appointment less than 24 hours in advance.
- ~~17.~~ **15. FEE WAIVER FOR STRUCTURES DAMAGED OR DESTROYED BY NATURAL DISASTER.** Notwithstanding the fees otherwise specified in subsections (a) and (b) of this section, the plan check review fee and the permit fee may be waived for an applicant who is rebuilding legally built structures which have been damaged or destroyed by a wildfire or other natural disaster and which are located within the boundaries of a geographic area which has been declared by resolution of the Board of Supervisors to be eligible for this fee waiver. The fee waiver shall not apply to any portion of a new structure which exceeds the square footage of the structure which is being replaced.
- ~~18.~~ **16. FEE WAIVER FOR DISABLED VETERANS.** Notwithstanding the fees otherwise specified in subsections (a), (b) and (c) of this section, and San Diego County Code sections 91.1.109.2 and 91.1.109.5.17, the plan check and building permit fees shall be waived for modifications made to the homes of disabled veterans.
- ~~19.~~ **17. SCHEDULE OF FEES FOR CANNABIS FACILITY OPERATING LICENSES ISSUED BY PLANNING & DEVELOPMENT SERVICES.** The fees for the licenses, permits and Operating Certificates issued by the Department of Planning & Development Services and services provided by Department of Planning & Development Services pursuant to Section 21.103.6 of the Regulatory Ordinances and this code shall be as follows:

License Type	Fee
Cannabis Facility	
Operating Certificate Annual Renewal Fee	\$20,174
Business Practice Modification	\$5,628
Business Ownership Modification	\$1,432

Notes

- 1. OPERATING CERTIFICATE RENEWAL FEE.** An Annual Renewal Fee in the amount listed in Section 362.1 shall be paid when an application for an annual renewal for a cannabis Operating Certificate is filed. This fee recovers the costs associated with renewing the Operating Certificate and ensuring ongoing compliance with regulations within Sections 21.2503-21.2507 of the Regulatory Ordinances.
- 2. BUSINESS PRACTICE MODIFICATION FEE.** A Business Practice Modification Fee is the amount listed in Section 362.1 and shall be paid when there is an application to modify the business practices of the cannabis facility listed on an existing Operating Certificate is filed.

Modification includes the updating of business practices, which include the following activities: retail, cultivation on an area less than 10,000 square feet, manufacturing, or distribution. This fee recovers the costs associated with modifying the Operating Certificate and ensuring ongoing compliance with regulations within Sections 21.2503-21.2507 of the Regulatory Ordinances.

3. **BUSINESS OWNERSHIP MODIFICATION FEE.** A Business Ownership Modification Fee is the amount listed in Section 362.1 and shall be paid when there is an application to add or remove a responsible person to the Operating Certificate, update the corporate status, or transfer of the Operating Certificate is filed. This fee recovers the costs associated with modifying a cannabis facility's Business Ownership status and ensuring ongoing compliance with regulations within Sections 21.2503-21.2507 of the Regulatory Ordinances.

(e) **SCHEDULE OF STANDARD HOURLY RATES**

Unless otherwise specified, all fees and deposits and time and material charges shall be calculated and will be charged using the following standard hourly billing rates:

POSITION	HOURLY RATE
Project Planning/Land Development Division	
Accountant (Technician/Staff/Associate)	\$118.00
Accountant (Senior)	\$136.00
Administrative Analyst	\$134.00
Civil Engineer	\$288.00
Commission Secretary	\$113.00
Engineering Technician III	\$139.00
Imaging Technician (II, III)	\$97.00
Land Use Environmental Planner (I, II, III, Jr.)	\$241.00
Land Use Environmental Planning Manager	\$339.00
Land Use Technician (II, III)	\$116.00
Landscape Architect	\$286.00
Land Surveyor/Senior Land Surveyor	\$270.00
Office Support Specialist	\$108.00
Project Manager, Public Works	\$298.00
Senior Civil Engineer	\$301.00
Student Worker	\$26.00
Building Division	
Administrative Analyst	\$158.00
Account Clerk Specialist	\$106.00
Building Inspector (I/II)	\$162.00
Building/Enforcement Manager	\$174.00
Building/Enforcement Supervisor	\$204.00
Civil Engineer	\$225.00
Electrical/Mechanical Inspector	\$172.00
Land Use Aide	\$106.00
Land Use Environmental Planner (I, II, III)	\$182.00

Land Use Environmental Planning Manager	\$219.00
Land Use Tech (I, II/III)	\$106.00
Office Assistant	\$86.00
Permit Processing Coordinator	\$156.00
Project Manager, Public Works	\$233.00
Sr. Civil Engineer	\$279.00
Sr Data and Research Analyst	\$159.00
Sr. Office Assistant	\$103.00
Student Worker	\$26.00
Code Enforcement Division:	
Building Inspector II	\$152.00
Building Enforcement Supervisor	\$164.00
Building Enforcement Manager	\$213.00
Code Enforcement Officer	\$123.00
Land Use Environmental Planner I	\$113.00
Land Use/Environmental Planner II	\$141.00
Land Use Environmental Planner III	\$187.00
Land Use/Environmental Planner Manager	\$208.00
Land Use Technician II	\$101.00
Land Use Aide	\$84.00
Student Worker	\$26.00
LUEG GIS Division:	
GIS Coordinator	\$187.00
Senior Geographic Info System Analyst	\$175.00
Geographic Info System Analyst	\$137.00
Geographic Info System Technician	\$137.00
Other County Departments	
County Counsel - Attorney	Charged at hourly rate approved by the Board of Supervisors.
County Counsel - Paralegal	Charged at hourly rate approved by the Board of Supervisors.
Agriculture, Weights and Measures - Senior Agricultural/Standards Inspector	Charged at hourly rate approved by the Board of Supervisors.
Agriculture, Weights and Measures - Supervising Agricultural/Standards Inspector	Charged at hourly rate approved by the Board of Supervisors.

(f) DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES BUILDING COMMITTED FUND BALANCE

1. PURPOSE. The County of San Diego may charge fees to cover the costs of building; provided such fees do not exceed the estimated reasonable cost of the services for which the fees are charged. The Building Reserve Designation was established by the resolution of the Board of Supervisors on June 27, 1995. In 2009, Governmental Accounting Standards

Board 54 resulted in a change in name from Reserve Designation to Committed Fund Balance. The purpose of the Building Committed Fund Balance ("Committed Fund Balance") is to stabilize the revenue base of the Building Program within the Department of Planning & Development Services.

2. ESTABLISHMENT OF THE RESERVE DESIGNATION COMMITTED FUND BALANCE. There is hereby established the Department of Planning & Development Services Building Committed Fund Balance into which shall be deposited all fees in excess of the actual cost required to provide services by the Department of Planning & Development Services in the Building Program. Moneys shall be deposited in and appropriated from the Committed Fund Balance in accordance with the provisions of this section.

3. DEPOSITS INTO THE COMMITTED FUND BALANCE. After the close of each fiscal year, the department shall determine the amount of fees collected and the actual full costs of providing services in the Building Program during the fiscal year and submit to the Office of Financial Planning for review. In the event the amount of fees collected exceeds the actual full costs, the Office of Financial Planning shall transfer such excess amount to the Committed Fund Balance.

4. UTILIZATION. The Committed Fund Balance shall be used only to offset costs in the Department of Planning & Development Services' Building Program. Funds in the Committed Fund Balance shall be appropriated only when it is estimated reasonably that actual full costs will exceed fees to be charged for services in the Building Program. The Chief Administrative Officer shall report to the Board of Supervisors on the need to appropriate any funds from the Committed Fund Balance prior to any appropriation by the Board of Supervisors. Building fees will be reviewed annually to ensure compliance with Board Policy B-29, "Fees, Grants, Revenue Contracts, Department Responsibility for Cost Recovery."

5. PUBLIC MEETINGS. All issues related to the Committed Fund Balance shall be considered by the Board of Supervisors in a regularly scheduled meeting. Notice of the time and place of the meeting shall be mailed at least fourteen (14) days prior to the meeting to any party who files a written request with the Clerk of the Board of Supervisors for such mailed notice.

(g) WAIVER OF SPECIFIED FEES AND DEPOSITS FOR FARM EMPLOYEE HOUSING AND FARM LABOR CAMPS

Notwithstanding any other provision of this article, the environmental action fees and deposits authorized by County Ordinance 4901 (N.S.), as specified in Section 362.1, shall be waived for:

(1) Any farm employee housing or farm labor camp project for which (i) a complete application for an Administrative Permit or a Minor Use Permit was filed between July 13, 1990, and January 13, 1991 pursuant to Ordinance No. 7768 (N.S.); or was filed between April 5, 1991 and October 5, 1991, pursuant to Ordinance No. 7875 (N.S.); or was filed between October 31, 1991 and June 30, 1993, pursuant to Ordinance No. 8086 (N.S.); or was filed between July 30, 1993, and June 30, 1994 pursuant to Ordinance No. 8271 (N.S.); or was filed between September 2, 1994 and June 30, 1995, pursuant to Ordinance No. 8436 (N.S.); or was filed between September 15, 1995 and June 30, 1998 pursuant to Ordinance No. 8574 (N.S.) or was filed between May 14, 1999 and June 30, 2004 pursuant to Ordinance No. 9021 (N.S.); or was filed between July 1, 2004 and June 30, 2009 pursuant to Ordinance No. 9647 (N.S.) and (ii) the application was approved; or

(2) Any farm employee housing or farm labor camp project for which (i) Section 17021.5 or Section 17021.6 of the California Health and Safety Code is applicable; (ii) the Agricultural Commissioner has issued a certificate of active agricultural enterprise; (iii) the housing is not the subject of an active code enforcement action; (iv) the applicant has entered into the contract required by Section 6156 u.11 or Section 6906 d. of The Zoning Ordinance; and (v) the application was filed between July 30, 1993, and June 30, 1994, pursuant to Ordinance No. 8271 (N.S.); or was filed between September 2, 1994 and June 30, 1995, pursuant to Ordinance No. 8436 (N.S.); or was filed between September 15, 1995 and June 30, 1998 pursuant to Ordinance No. 8574 (N.S.); or was filed between May 14, 1999 and June 30, 2004 pursuant to Ordinance No. 9021 (N.S.); or was filed between July 1, 2004 and June 30, 2009 pursuant to Ordinance No. 9647 (N.S.).

Said fee waiver for a Minor Use Permit for a farm labor camp shall be subject to the \$5,000.00 maximum waiver for all costs expended by staff within the Department of Planning & Development Services as set forth in the San Diego County Zoning Ordinance Section 7602 d.7. Said fee waiver for a farm labor camp project for which a Minor Use Permit is prohibited under Section 17021.5 or Section 17021.6 of the California Health and Safety Code shall also be limited to a \$5,000.00 maximum waiver for all costs expended by staff within the Department of Planning & Development Services.

(h) WAIVER OF SPECIFIED FEES AND DEPOSITS FOR CERTAIN COMMUNITY DESIGN REVIEW AREA SITE PLAN APPLICATIONS IN THE I-15 CORRIDOR

Notwithstanding any other provision of this article, the fee and deposit for processing a Community Design Review Area Site Plan application pursuant to Sections 7158 and 7602 of The Zoning Ordinance shall be waived for certain Site Plan applications within the I-15 Corridor (as defined in the County General Plan). Specifically, such Site Plan applications for community design review of a single dwelling on an existing legal lot, or for buildings or structures accessory to such a dwelling, shall have such fees and deposits waived.

APPROVED AS TO FORM AND LEGALITY
Damon M. Brown, County Counsel

BY: Kelsey Clayton, Senior Deputy County Counsel

ATTACHMENT H – CEQA Memorandum

MEMORANDUM TO FILE

To: Kenneth Melton, Code Compliance Division, County of San Diego
From: Emily Rimmer, Project Manager, Dudek
Subject: CEQA Compliance for the Zoning Ordinance Update
Date: September 11, 2026
cc: Claire Alfano, Environmental Planner, Dudek

Executive Summary

This Memorandum contains a review of the County of San Diego (County) Planning and Development Department's proposed Zoning Ordinance Update (ZOU; proposed project) and provides substantial evidence to support the determination that activities associated with the ZOU are exempt from the California Environmental Quality Act (CEQA). The approach for this analysis is summarized below.

The ZOU components are considered "projects" under CEQA pursuant to Public Resources Code § 15378(a)(1)), which describes "projects" as discretionary actions including "the enactment and amendment of Zoning Ordinances". Actions that are determined to be projects under CEQA may fall within one of several exemptions which have been specifically identified to exempt projects from further CEQA analysis due to the type of action or activity or the lack of potential impact to the environment. Upon detailed review, the ZOU would be exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), which states projects are exempt when there is "no possibility that the activity in question may have a significant effect on the environment." This exemption, also known as the "general rule" or the "common sense rule", applies to discretionary actions that are determined to be a project under CEQA, but can be clearly determined with a level of certainty to have no potential to result in a significant effect on the environment. The Memorandum to file provides the substantial evidence supporting the CEQA exemption under the commonsense rule. As such, the Department of Planning and Development may file a Notice of Exemption (NOE) with the San Diego County Registrar-Recorder/County Clerk and with the Governor's Office of Land Use and Climate Innovation/State Clearinghouse for these ZOU components, although an NOE is not mandatory.

1 Summary of the Zoning Ordinance Update

Table 1, Zoning Ordinance Update Categories, separates the categories of the ZOU and provides a summary of each category, and states the location of the update in the Zoning Ordinance. Following the table, a detailed summary of each category is provided to describe in detail the revisions to the ZOU, and the purpose of such revisions.

MEMORANDUM

SUBJECT: CEQA COMPLIANCE MEMORANDUM FOR THE ZONING ORDINANCE UPDATE

Table 1. Zoning Ordinance Update Categories

Category	Category #	Location in Zoning Ordinance	Summary
Accessory Structures – Height and story	1	6156 a and g	Remove requirement for second story of accessory structure to be habitable. Clarify accessory structure height/story regulations.
General Provisions	2	Add 1011 Modify 1012 Add 1013	Revisions for clarification
Principal Use Definition	3	Update Definitions (P)	Minor revision of principal use definition
Greenhouses	4	Update 6156E	Clarification regarding greenhouse setbacks
Weddings and Similar Events	5	Update 1505	Revisions to clarify weddings (and similar events) are included under 1505 (participant sports and recreation)
Weddings and Similar Events	5	Update 1505	Update 4835 to change "tennis court" to "sports court".
	6-2	Update 6708	Update 6708 to change "tennis court" to "sports court".
Nonconforming Zoning Verification Letter	7-1	Update 6852	Update 6852 to reference new nonconforming ZVL Section.
	7-2	Create 7030 Nonconforming ZVL Section.	Create 7030 Nonconforming ZVL Section.
"Energy" Projects (PV) State Laws Preemption	8	Update Section 6854 (and others across ZO)	Update Section 6854 (and others across ZO) to align with state law
Housing-JADU's	9	Update 6156x	Update 6156x to comply with AB1154 and SB 543.
Housing-Density Bonus	10	Update Density Bonus Program 6350-7430	Update Density Bonus Program 6350-7430 to comply with SB 92, AB3116, AB 1287, AB

			2501, and make non-substantive changes
Housing-Miscellaneous	11-1	Update 6753c	Update 6753c to comply with AB 1308
	11-2	Update 6784b, 6784c.3, 6784c.4, 6788d	Update 6784b, 6784c.3, 6784c.4, 6788d to comply with AB 894
Housing-Special Needs	12	Update 1334	Update to include supportive services
Centerline Ordinance	13	Update SDCCRO Title 5 Chapter 3	Update SDCCRO Title 5 Chapter 3
Admin Code Fee Update	14-1	Update 362.1(a)	Update 362.1(a) (schedule of discretionary fees and deposits)
	14-2	Update 362.1 (d)	Update 362.1 (d) (other fees, deposits, and provisions)

Category 1 – Accessory Structure Height and Story Updates

Changes to Category 1 include removing language requiring the 2nd story of attached accessory structures to be habitable, adding clarifying language for requirements associated with buildings that do not meet required main setbacks, and clarifying that additional height, but not additional stories may be permitted. The purpose of this action is to clarify regulations of accessory structures.

Category 2 – General Provisions

Changes to Category 2 include adding language to clarify the requirements of conforming with the Zoning Ordinance, including separating requirements for discretionary approvals and general provisions. The purpose of this action is to provide clearer and definitive language in the Zoning Ordinance for the subjects in this category.

Category 3 – Principal Use Definition

Changes to Category 3 include minor changes in language to the definition of principal use, and the addition of clarifying that agricultural uses are within the definition of principal use. The purpose of this action is to clearly define that principal uses must be lawfully established.

Category 4 - Greenhouses

Changes to Category 4 include minor changes to clarify that “setbacks” are “main building setbacks”. The purpose of this action is to clearly define that greenhouses are subject to main building setbacks.

Category 5- Weddings and Similar Events

Changes to Category 5 include adding language that clarifies that weddings and similar events are

categorized as participant sports and recreation use types for permitting purposes. The purpose of this revision is to clearly define in text that weddings and similar events are classified as participant sports and recreation for both indoor and outdoor use types.

Category 6 – Sports Courts

Changes to Category 6 include revising language to change “tennis” court to “sport” court to allow for a broader definition of what applies under 6708. The purpose of this action is to make the sections consistent with section 51.2 (lighting requirements) of the regulatory code, and to broaden the definition “tennis courts” to “sports courts” to ensure that other uses beyond tennis (e.g. pickleball) are categorized correctly and subject to the Zoning Ordinance, which is consistent with how these use types are currently processed by the County.

Category 7 – Nonconforming Zoning Verification

Changes to Category 7 include adding language to clarify nonconformity requirements and adding a section to the Zoning Ordinance to outline the procedure to confirm the right to continue a nonconforming use. The purpose of this revision is to codify the existing process for acquiring a nonconforming zoning verification letter that was used by the County but was not officially codified in the Zoning Ordinance previously.

Category 8 – “Energy” Projects (PV) State Laws Preemption

Changes to Category 8 include adding definitions and updating the descriptions of permitted uses of solar energy systems to be consistent with state law, in which specific Government Code, Health and Safety Code, and other relevant Codes are explicitly stated in the Zoning Ordinance.

On-site use updates: Specific changes related to the descriptions of permitted uses of on-site solar energy systems, include removing requirements for setbacks, height, solar panel description, and special area regulations, and replacing the requirements to explicitly cite applicable government code, health and safety code, and other relevant codes that apply to the requirements of permitted uses. In addition, item 6954(b)(d) codifies that residential solar and energy storage systems that qualify for web-based online permitting under Government Code Section 65850.52 shall be allowed in all zones.

Off-site use update: Specific changes to the descriptions of permitted uses of off-site solar energy systems include minor updates to the text, including grammatical updates and clarifications.

The purpose of these updates is to ensure the Zoning Ordinance is consistent with state law, specifically Gov. Code Section 65850.5 and Health and Safety Code Section 17959.1.

Category 9 – Housing - JADUs

Changes to Category 9 include adding the statement “of interior livable space” when describing square footage and adding clarifying language that any ADU or JADU containing less than 500 square feet does not increase accessible space; also adding clarifying language regarding automatic sprinklers, adding clarifying language regarding separate sanitation facilities at JADUs, and clarifying language regarding parking spaces for JADUs. The purpose of this action is to update the Zoning Ordinance to be consistent with state law.

Category 10 – Housing (Density Bonus)

Changes to Category 10 include revisions to the Zoning Ordinance consistent with several separate state laws that regulate the implementation of the State Density Bonus Law. The revisions would: clarify that transient lodging is not eligible for density bonus and commercial FAR increases are limited, consistent with SB 92; make clarifications related to student housing projects consistent with AB 3116; revise definitions and requirements related to concessions or incentives for projects providing more low or moderate income units beyond the maximum, consistent with AB 1287; and clarify that local jurisdictions can request reasonable documentation for density bonus requests consistent with AB 2501. The purpose of this action is to update the Zoning Ordinance to be consistent with state law.

Category 11 – Housing (Miscellaneous)

Changes to Category 11 include adding clarification language related to parking definitions, making updates to requirements regarding shared parking agreements, and adding clarification language that parking requirements are subject to state law (Government Code Section 65863.1). The purpose of this action is to update the Zoning Ordinance to be consistent with state law.

Category 12 – Housing (Special Needs)

Changes to Category 12 include adding text to require emergency shelters to provide services on site. The purpose of this action is to update the Zoning Ordinance to be consistent with state law.

Category 13 – Centerline Ordinance

Changes to Category 13 include adding minor updates to the text, with the intent of clarifying language to facilitate consistent implementation of this section for future development. The purpose of this action is to clearly identify phases in development that will prompt Centerline Ordinance review.

Category 14 – Fee Ordinance

Changes to Category 14 include removing text related to the homeowner's relief act and updating fee and deposit information. The purpose of this action is to update the Zoning Ordinance to align with current, and updates to the fee and deposit information, to add fee and deposit information for the nonconforming zoning letter requirements (Category 7).

2**Approach**

The ZOU categories summarized above are proposed to be included in one comprehensive ordinance update for consideration by the Board of Supervisors. Detailed review of each category was conducted to determine the appropriate CEQA approach. Upon review, the proposed project would be exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), which states projects are exempt when there is “no possibility that the activity in question may have a significant effect on the environment.” This exemption, also known as the “general rule” or the “common sense rule”, applies to discretionary actions that are determined to be a project under CEQA, but can

be clearly determined with a level of certainty to have no potential to result in a significant effect on the environment. Projects that meet criteria for a categorical exemption may prepare and submit a NOE to the State Clearinghouse.

Justification for each category of the ZOU to meet the “common sense rule” exemption, is provided below.

Category 1 - Accessory Structure Height and Story Updates

Changes to Category 1 include removing language that requires the second story of an accessory structure allowed under Section 6156 of the Zoning Ordinance must be for habitable use only. The change would allow for second stories to non-habitable accessory structures to be either habitable or non-habitable uses. Because the current code allows the second story to be habitable and the ground floor to be non-habitable, the allowance of the second story as either use category would be consistent with the current uses allowed within the accessory structure (i.e. consistent with either the allowed non-habitable uses of the ground floor or consistent with the allowed habitable uses of the second story). As such, this change does not result in a substantial change from existing conditions and therefore would not result in physical impacts on the environment. This change would not introduce increased development potential or authorize additional physical development beyond what is currently permitted.

Additionally, changes to Sections 6156g2 and 6156g3 clarify the existing requirements for accessory structures that meet or do not meet main building setbacks and clarify circumstances under which additional height may be considered through an administrative permit. The 15061(b)(3) exemption is applicable to this category because these updates would not change the permitted setbacks or any other development standard, the changes only clarify the applicable requirements for buildings that do or do not meet the established main building setbacks, and therefore would not represent a change to existing conditions that would result in any increased capacity for development or otherwise result in environmental impacts, as they constitute administrative and clarifying amendments intended to increase efficiency for implementation.

Category 2 – General Provisions

Changes to Category 2, including adding Sections 1011 and 1013, and revising the title of Section 1012, would clarify that compliance with the Zoning Ordinance is required regardless of other government approvals or authorizations and that other applicable laws and regulations continue to apply. The 15061(b)(3) exemption is applicable to this category because the proposed updates codify and clarify existing regulatory practices and do not increase capacity for development or otherwise authorize new or changed uses. Therefore, the implementation of these updates would

not alter existing physical conditions or result in environmental impacts.

Category 3 – Principal Use Definition

Changes to Category 3 include revising the definition of Principal Use(s) to clarify that a Principal Use(s) must be lawfully established. The 15061(b)(3) exemption is applicable to this category because this update would only clarify the existing interpretation and implementation of the Zoning Ordinance regarding the definition of Principal Use(s). Therefore, the implementation of this update would not alter existing physical conditions or result in environmental impacts.

Category 4 – Greenhouses

Changes to Section 6156e of Category 4 clarify that greenhouses are subject to main building setback requirements and are not exempt from those standards. The 15061(b)(3) exemption is applicable to this category because this update would only clarify the existing interpretation and administration of greenhouse setback requirements and would not modify development standards or otherwise result in a change to how greenhouses are permitted, developed, or operated. Therefore, the implementation of this update would not alter existing physical conditions or result in environmental impacts.

Category 5 - Weddings and Similar Events

Changes to Sections 1505a and 1505b of Category 5 clarify that weddings, banquet halls, and similar commercial gatherings are included within the Zoning Ordinance's "Participant Sports and Recreation" use classification. The 15061(b)(3) exemption is applicable to this category because this update codifies the County's existing interpretation and administration of these uses and adds language to the Zoning Ordinance for clarity. This update would not change where such uses may be permitted, introduce new use types, or authorize new physical development. Therefore, the implementation of this update would not alter existing physical conditions or result in environmental impacts.

Category 6 – Sports Courts

Changes to Sections 4835 and 6708 of Category 6 would replace the term "tennis court" with "sport court" to clarify that the existing regulation applies to a variety of recreational court uses, such as pickleball, or similar uses. Under existing conditions, the County has interpreted and administered these regulations to apply to sports courts generally, despite the use of the term "tennis court" in the Zoning Ordinance. The update codifies this existing interpretation and creates consistency with related County regulations. The 15061(b)(3) exemption is applicable to this category because the update does not expand allowable uses, add or change allowable use types, or increase capacity for future development. Therefore, this update would not alter

existing physical conditions or result in environmental impacts.

Category 7 – Nonconforming Zoning Verification

Changes to Section 6852 and the addition of Section 7030 codify the existing procedure for confirming the right to continue lawful nonconforming use or structure through Nonconforming Zoning Verification Letter. Under existing conditions, the right to continue nonconformity may already exist if the use or structure was lawfully established and maintained in accordance with the Zoning Ordinance. The updates codify the process the County uses for documenting and verifying the existing nonconforming use formally in the Zoning Ordinance, and clarify information and procedures used by the County to make such determinations. The 15061(b)(3) exemption is applicable to this category because the updates would not create new or altered nonconforming uses, expand existing nonconforming uses or structures, or increase capacity for future development. Therefore, the implementation of these updates to the ZOU would not alter existing physical conditions or result in environmental impacts.

Category 8 – “Energy” Projects (PV) State Laws Preemption

Changes to Section 6954 of Category 8 would codify Gov. Code Section 65850.5, Health and Safety Code Section 17959.1, and Public Utilities Code Section 218 and 224.3. The 15061(b)(3) exemption is applicable to the action of codifying the state laws because compliance with state law is mandatory once it has been adopted at the state level, so these specific changes are already applicable to energy projects in the County jurisdiction. This update would be administrative in nature as it would only codify those state laws into the Zoning Ordinance for consistency across regulatory requirements and ease of implementation.

Therefore, the implementation of these updates to the ZOU would not result in physical effect on the environment.

As summarized in Section 1, specific updates to 6954(a)(2) and 6954(a)(3), include adding definitions for “on-site” and “off-site” energy uses that are not explicitly stated in state law, and therefore, are considered localized updates. These localized updates are considered necessary changes to ensure consistency between state law and the Zoning Ordinance to provide a clear definition for “on-site” and “off-site” uses, which are derived from state law. The 15061(b)(3) exemption is applicable to this category because the updates represent administrative text clean-up to ensure consistency with state law as it is written and would not result in any change to existing conditions or otherwise result in environmental impacts. Therefore, the implementation of these updates to the ZOU would have no potential to create physical impacts to the environment pursuant to Section 15061(b)(3).

Category 9 –Housing - JADUs

Changes to Section 6156 of the Zoning Ordinance would remove and replace text describing multifamily dwelling structures in order to be consistent with state law, add language for the purpose of clarifying square footage and accessibility requirements, and add text for the purpose of complying with State ADU Law (California Law Government Code Section 66314). The 15061(b)(3) exemption is applicable to the action of codifying the state laws including California Law Government Code Section 66314 because compliance with state law is mandatory upon adoption of said law. The proposed update would codify state law in the Zoning Ordinance to ensure consistency across all state and local regulations. Furthermore, they would be required to occur under the existing State Government Code, regardless of whether they are codified in the Zoning Ordinance or not. Moreover, the updates to language for clarification in this category would not result in a change in existing conditions, as they constitute administrative clarifications for the purpose of implementation. Therefore, the implementation of these updates to the ZOU would not result in physical effect on the environment, pursuant to CEQA Guidelines Section 15061(b)(3).

Category 10 –Housing (Density Bonus)

Updates to Section 6350 through 6380 would result in changes to the Zoning Ordinance text to codify state law (SB 92, AB3116, AB 1287, AB 2501) to ensure compliance and other non-substantive text changes for the purpose of clarification. Changes to Sections 7402 through 7410 include removing and replacing text, for the purpose of clarifying application requirements for granting the Density Bonus/Affordable Housing Permit.

The 15061(b)(3) exemption is applicable to the action of codifying the state laws including State Density Bonus Law (Gov. Code, § 65915 et seq), because compliance with state law is mandatory once it has been adopted at the state level, so these specific changes are already applicable to housing projects in the County jurisdiction. This update would be administrative in nature as it would only codify those state laws into the Zoning Ordinance for consistency across regulatory requirements and ease of implementation. Therefore, the implementation of these updates to the ZOU would not result in physical effect on the environment.

Category 11 – Housing (Miscellaneous)

Changes to Category 11 would establish updated parking requirements for single family residences and ADU's, in compliance with state law (AB 1308 and AB 894). The 15061(b)(3) exemption is applicable to the action of codifying the state laws including AB 1308 and AB 894, because compliance with state law is mandatory once it has been adopted at the state level, so these specific changes are already applicable to housing projects in the County jurisdiction. This update would be administrative in nature as it would only codify those state laws into the Zoning Ordinance for consistency across regulatory requirements and ease of implementation. Therefore, the implementation of these updates to the ZOU would not result in physical effect on

the environment.

Category 12 – Housing (Special Needs)

Changes to Category 12 include updates to comply with state law (SB 340) specifically, this update would clarify in the zoning ordinance that Emergency Shelter Use Types include on-site services. The 15061(b)(3) exemption is applicable to the action of codifying the state laws including SB 340, because compliance with state law is mandatory once it has been adopted at the state level, so these specific changes are already applicable to housing projects in the County jurisdiction. This update would be administrative in nature as it would only codify those state laws into the Zoning Ordinance for consistency across regulatory requirements and ease of implementation. Therefore, the implementation of these updates to the ZOU would not result in physical effect on the environment.

Category 13– Centerline Ordinance

Changes to Category 13 include minor text changes to clarify that grading and public improvements are subject to the requirements of the Centerline Ordinance. The implementation of the updates would not result in a change in existing conditions that could have a potentially significant impact on the environment. Therefore, the 15061(b)(3) exemption applies to this proposed change because these updates would not have the potential to result in any physical environmental impacts.

Category 14– Fee Ordinance

Changes to Category 14 include updates to the fee and deposit table in Section 362.1 of the Zoning Ordinance, including adding information corresponding to proposed Zoning Ordinance updates under Category 7. In addition, updates would be made to section 10 (Homeowners and business owners' relief – waiver of plan review and permit fees) to remove and add improvements to the section. The implementation of the updates would not result in a change in existing conditions that could have a potentially significant impact on the environment. The 15061(b)(3) exemption applies to this category because these updates are administrative in nature only and would not result in any changes to existing conditions that would have the potential to result in physical impacts on the environment.

3

Conclusion

This assessment concludes that all categories of the proposed ZOU would qualify for exemption from further CEQA analysis under the “common sense exemption” pursuant to CEQA Guidelines Section 15061(b)(3).

ATTACHMENT I – Public Input

4 - 192

#	Ordinance	Topic	Suggestion	Notes
1	Zoning Ordinance	Off-Road Vehicle Use as Residential Accessory Use	Disallow off road vehicle tracks/use as a residential accessory use.	Standing Director's Determination, which was upheld by Planning Commission after appeal, is that recreational off road vehicle use is an accessory use
2	Regulatory Code	Junk Storage	Address the fire danger of junk	There are County Code and Zoning regulations that can address junk storage; customer was advised to report any concerns to Code Compliance.
3	Zoning Ordinance	Spring Valley Zoning	Clean up industrial and commercial zoning in Spring Valley - cited a permitted chlorine plant that leaked into the Sweetwater Reservoir, and alleged that it is out of compliance with the Development Feasibility Analysis recommendations.	This kind of update would require Board direction
4	Zoning Ordinance	Home Occupations and Cottage Industries	Allow or permit limited direct sales of artwork and handcrafted goods as residential accessory use (cottage industry isn't allowed on smaller properties)	PDS will review for potential updates in future cleanup
5	Water Efficient Landscape Ordinance	Water Efficiency	Review Local Enforceable Mechanisms: A jurisdiction should examine its existing SB 1383 ordinances or local Water Efficient Landscape Ordinance (WELO) to identify section citations. If a jurisdiction's ordinance explicitly references the historic MWEL sections—previously cited as 492.6(a)(3)(B), (C), (D), and (G)—it may need to issue administrative updates or amend its local text to match the renumbered Section 493.2(d) text.	PDS will review for potential updates in future cleanup
6	Regulatory Code	Fire Safety	Ensure that state-mandated ministerial processes continue to incorporate existing adopted fire-safety requirements.	PDS will review internal processes to ensure that this is being done.
7	Zoning Ordinance	Density Bonus Incentives	Disagrees with update to 6365(b)	Language is contrary to the California Court of Appeal decision (Schreiber v. City of Los Angeles) and Government Code Section 65915(d).
8	Zoning Ordinance	Housing - Density Bonus, ADU's/JADU's, Housing Incentives, Shared Parking	Preserve local control of development standards where allowed.	Fallbrook CPG recommends against approval of 2026 Code Cleanup unless it is clarified that the Cleanup will not override Fallbrook-specific standards where local discretion remains under State law, particularly regarding density, parking, fire safety, infrastructure, evacuation and community character.

Issue :

Accessory use regulation for A70 (6150-6162): I've been involved in off-road tracks on private property problems for over 20 years. In July, 2003, the Planning Commission decided (though, barely passed, 2-2) to categorize off-road tracks as accessory use for residential properties in the A70 zone. We (community group opposing ORV tracks in A70) were disappointed. This resulted in some of our friends moving away and others of us were left with the job of complaining to the County whenever riding occurred on these tracks.

Now 23 years later, after grueling and time-consuming efforts by the residents and county code enforcement, we are experiencing a quiet valley. This longtime experience exemplified why ORV tracks should not be considered an accessory use to residences. Inherent nuisance, chaos, noise, odors and dust are unavoidable by-products of this sport.

WhoWillBenefit :

County staff, code enforcement, will benefit since there is no mitigation for the dust, noise and chaos this hobby generates. Grading and noise staff will not be called. Neighbors will continually call and report.

The inhabitants of the rural areas that value peace, quiet, clean air and live without this chaotic nuisance that is inherent to the activity. Property values and marketability of neighboring parcels will be another benefit. Wildlife and their habitat will benefit by protection from the loss of habitat. The No. County MSCP will benefit by the preservation of suitable habitat and connectivity for wildlife needs. Local wineries will benefit from the removal of noise and dust in their view-scape. Livestock will benefit rather than having to endure the racket and visual presence of these motor vehicles.

Solution :

Off road vehicle tracks are not listed as an allowed residential accessory use. Code officers say there was a precedent set by the planning commission decision in 2003, but this allowance (that is questionable, I can elaborate), was for the specific parcel only. It was appealed. Only 4 commissioners attended the meeting and it was a 2-2 vote. Yes, a quorum, but still controversial. Conditions have changed in our valley, as well. Clarification with County staff that off-road vehicle tracks are not an accessory use would be a start. Reviewing the original appeal will find that the commissioners were not given correct information, as well. They allowed a track on a vacant lot, not the principal residence lot. This one case should not be used as a precedent for all requests for off-road tracks on private property. This hobby is not incidental to the residential use since the acreage needed far surpasses the footprint of the principal residence, the inherent nuisances make it inappropriate for A 70 and the activity is not customary or suitable to A70. The activity goes against the description of the zone (agriculture and livestock) and is similar to allowing an industrial use in this sensitive habitat of our county.

CodeList :

Clarify the accessory use regulation Ord. 6150---6162 if needed to state that off-road vehicle tracks are not an accessory use. It is not listed as a use, though, but may be needed since it has been allowed by Code using a questionable precedent. I have property owner letters to submit, but it appears that only one file can be submitted.

From: Ann Wellhouse <ann.wellhouse@gmail.com>
Sent: Wednesday, August 26, 2026 1:42 PM
To: Long Range Planning, PDS <PDS.LongRangePlanning@sdcounty.ca.gov>
Subject: [External] Code cleanup rules

These do not address the extreme fire danger of numerous junked vehicles and piles of junk, both of which are currently allowed on private property even near school bus stops.

They must be allowed because the people with the power to do anything about fire safety are not taking care of the problem.

Ann Wellhouse

Item #3

From: Christopher Pearson <chrispearson11@hotmail.com>
Sent: Thursday, August 27, 2026 12:48 PM
To: County Cloud Site <sdcounty@service.govdelivery.com>; Long Range Planning, PDS <PDS.LongRangePlanning@sdcounty.ca.gov>; Worlie, Paul <Paul.Worlie@sdcounty.ca.gov>; Shanley, Roarke E <Roarke.Shanley@sdcounty.ca.gov>; Wyatt, Donte T <DonteT.Wyatt@sdcounty.ca.gov>
Cc: Jesse Robles <svcp3@gmail.com> <svcp3@gmail.com>; mgettmann@cox.net; svcp3ch@gmail.com
Subject: [External] Re: Draft 2026 Code Cleanup Amendments

Thank you for asking for comment on the 2026 zoning update.

The Zoning in Spring Valley is out of date. When will it be updated? The area is within BOS Districts Aguirre, Anderson, & Montgomery-Steppe.

<https://propzone.gridics.com/census-designated-place/us/ca/san-diego-county/spring-valley>

The commercial and industrial zoning in Spring Valley is obsolete. Commercial and industrial zoning in Spring Valley needs to be eliminated or scaled back. Current zoning is out of compliance with County Development Feasibility Analysis (DFA) recommendations:

<https://www.sandiegocounty.gov/content/dam/sdc/pds/advance/dfa/Exhibit%20E.%20Land%20Use%20Analysis.pdf>

Spring Valley (SV) was an outlying heavy industry supporting location during the 1940's. It supported large defense manufacturing. Zoning hasn't changed much since. According to the DFA Study, SV has 73 vacant properties and the highest number of underutilized parcels, 1,205. As one of the four villages identified in the DFA study, this is where future residential density will be. Zoning needs to be updated.

The Zoning in Spring Valley is out of date. When will it be updated? Thank you.

Chris Pearson,
 Elected Member Spring Valley Community Planning Group
 Appointed member CSA 128
 President, Dictionary Hill Open Space Advocates
 619.889.9257

From: County of San Diego <sdcounty@service.govdelivery.com>
Sent: Wednesday, August 26, 2026 12:51 PM
To: chrispearson11@hotmail.com <chrispearson11@hotmail.com>
Subject: You're Invited to Review the Draft 2026 Code Cleanup Amendments



COUNTY OF SAN DIEGO

Item #3

Dear Interested Community Members,

We want your feedback! The County of San Diego Planning & Development Services (PDS) invites you to review the **Draft 2026 Code Cleanup**

Amendments that are ready for public comments and to attend a public meeting to share your thoughts on the 2026 Code Cleanup.

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 Code

Highlights of what's changing:

- Clearer zoning definitions and rules
- Updated Accessory Dwelling Unit (ADU) and Junior ADU rules consistent with State law
- Modernized density bonus rules and student/senior housing incentives
- Simplified parking requirements, including shared parking options
- More straightforward rules for accessory structures and greenhouses
- New formal process for Nonconforming Zoning Verification Letters
- Updated solar energy system rules aligned with State requirements
- Clarified references and processes for private development projects
- Removal of outdated fee waivers and addition of new fees for Nonconforming Zoning Verification Letters

View the **Table Summary of Code Cleanups** and the **Draft Ordinance Revisions** (strikethrough/underline) here: [2026 Code Cleanup Resources](#).

Public Comments on the Draft Amendments will be accepted until September 25, 2026, at 5 PM.

Please email comments to PDS.LongRangePlanning@sdcounty.ca.gov with "Draft 2026 Code Cleanup" in the subject line or submit directly on the project [Engage](#) webpage by selecting 'Comment on the Current Cleanup'.

Virtual Community Webinars: Provide Input on Draft Amendments

PDS will host three (3) virtual Community Webinars to present the draft amendments and receive input. All Community Webinars will include the same information and opportunities for questions and comments.

Please join us at a Community Webinar using one of the links below:

- **When:** Tuesday, September 8, 2026, 7 PM to 8 PM
- **Where:** Virtual Meeting <https://sdcounty-ca-gov.zoom.us/j/88321147524?pwd=CStDGrd3lJlUJqva3bqRkbdCH5bgYbD.1>
- **When:** Wednesday, September 9, 2026, 6 PM to 7 PM
- **Where:** Virtual Meeting <https://sdcounty-ca-gov.zoom.us/j/88321147524?pwd=CStDGrd3lJlUJqva3bqRkbdCH5bgYbD.1>

Item #3

gov.zoom.us/j/81164289499?pwd=TmxJq5h5SDpsAYtYw3K9UjCFDOooqJ.1

- **When:** Thursday, September 10, 2026, 12 PM to 1 PM
- **Where:** Virtual Meeting <https://sdcounty-ca-gov.zoom.us/j/82237104614?pwd=uQ9kFyyJeYE5m6KmMFt5qOWJeBMQRS.1>

Disability-related modifications or accommodations necessary to facilitate participation in this virtual meeting, language interpretation, including American Sign Language, and written materials in languages and formats are available upon request. Please submit your request at least 72 hours in advance through the project Engage webpage or email PDS.LongRangePlanning@sdcounty.ca.gov.

Following the public review period and consideration of comments, the 2026 Code Cleanup Amendments is anticipated to be scheduled for public hearings with the Planning Commission (for a recommendation) on October 16, 2026, and the Board of Supervisors (for considering plan adoption) on December 9, 2026 and tentatively January 17, 2026 (subject to change).

Please help us spread the word - share this message with family, friends, neighbors, businesses and colleagues!

For more information about this effort or to sign up for updates, please visit:
<https://engage.sandiegocounty.gov/2026-code-cleanup>

If you have any questions or would like a translated copy of this document in your preferred language, please email Kenneth Melton at Kenneth.Melton@sdcounty.ca.gov.

Language Services

To review this information in your language, visit our website and select your language using the built-in Google Translate function at: <https://engage.sandiegocounty.gov/2026-code-cleanup>

Para revisar esta información en su idioma, visite nuestro sitio web y seleccione su idioma utilizando la función de Google Translate incorporada: <https://engage.sandiegocounty.gov/2026-code-cleanup>

أو الاتصال Google لمراجعة هذه المعلومات بلغتك ، تفضل بزيارة موقعنا على الويب وحدد لغتك باستخدام وظيفة الترجمة المضمنة من
<https://engage.sandiegocounty.gov/2026-code-cleanup>

要以您的語言查看此資訊，請訪問我們的網站並使用內建的 Google 翻譯功能選擇您的語言：
<https://engage.sandiegocounty.gov/2026-code-cleanup>

Upang repasuhin ang impormasyon na ito sa iyong wika, bisitahin ang aming website at piliin ang iyong wika gamit ang built-in na Google Translate na tampok sa:
<https://engage.sandiegocounty.gov/2026-code-cleanup>

이 정보를 귀하의 언어로 검토하려면 당사 웹사이트를 방문하여 내장된 Google 번역 기능을 사용하여 다음에서 원하는 언어를 선택하십시오: <https://engage.sandiegocounty.gov/2026-code-cleanup>

برای بررسی این اطلاعات به زبان خود، از وب سایت ما دیدن کنید و با استفاده از برنامه ی ترجمه ی گوگل داخل وبسایت زبان خود را

Item #3

انتخاب

کنید یا با ما تماس بگیرید: <https://engage.sandiegocounty.gov/2026-code-cleanup>

Si aad dib ugu eegto macluumaadkan luqadaada, booqo shabakadayada oo dooro luqadaada add oo isticmaalaya Google Translate ee ku dhex dhisan ama la xidhiidh: <https://engage.sandiegocounty.gov/2026-code-cleanup>

Để xem lại thông tin này bằng ngôn ngữ của bạn, hãy truy cập trang web của chúng tôi và chọn ngôn ngữ của bạn bằng chức năng Google Dịch tích hợp sẵn hoặc liên hệ: <https://engage.sandiegocounty.gov/2026-code-cleanup>

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This service is provided to you at no charge by [County of San Diego](#).

This email was sent to chrispearson11@hotmail.com using Granicus Communications Cloud on behalf of: County of San Diego, California · 1600 Pacific Highway · San Diego, CA · 858-694-3900

 GRANICUS
Communications

Item #3

From: Christopher Pearson <chrispearson11@hotmail.com>
Sent: Sunday, August 30, 2026 7:23 PM
To: Long Range Planning, PDS <PDS.LongRangePlanning@sdcounty.ca.gov>; Worlie, Paul <Paul.Worlie@sdcounty.ca.gov>; Shanley, Roarke E <Roarke.Shanley@sdcounty.ca.gov>; Wyatt, Donte T <DonteT.Wyatt@sdcounty.ca.gov>
Cc: Jesse Robles <svcp3@gmail.com> <svcp3@gmail.com>; svcp6ch@gmail.com; mgettmann@cox.net
Subject: [External] 2026 Code Cleanup for Chlorine Plant By Houses

Thank you again for the Request for Comment on the Draft 2026 Code Cleanup Amendments.

Cleanup the Industrial and Commercial Zoning in Spring Valley please.

One of the reasons industrial and commercial code cleanup is needed for Spring Valley is that a Chlorine Plant next to a mobile home park was permitted over objections from the Spring Valley Community Planning Group (SVCPG). Please see attached minutes from August 13, 2019. PDS overruled the SVCPG and the chlorine chemical plant was built by HASA. It is zoned M-38 and is located directly next to two mobile home parks sharing a fence line. Change the zoning please.

A 2,500 gallon leak of chlorine bleach made its way to the Sweetwater Reservoir via storm drain January 7, 2020 (UT screen shot 1/7/20 attached).

The issue is back again before the SVCPG as a 'B' Waiver request to retroactively approve an unpermitted previously installed catwalk above the chemical tanks: APN 505-231-34-00, PDS-554.pdf, (attached).

Industrial and commercial zoning is out of whack in Spring Valley. It made sense in the early 1940's when the area was away from town and had small heavy industry supporting large military heavy industry manufacturing in San Diego. That's not the case anymore.

Please update the Commercial and Industrial Zoning in Spring Valley with the 2026 Code Cleanup Amendments. Thank you.

Chris Pearson,
 Elected member SVCPG
 Appointed member CSA 128
 619.889.9257

Item #4

From: noreply@sdcounty.ca.gov
<noreply@sdcounty.ca.gov> Sent: Monday, September 14, 2026 12:40 PM
To: CodeUpdateSuggestions
<CodeUpdateSuggestions@sdcounty.ca.gov> Subject: Zoning Ordinance Suggestion

You've received a new form based mail from
<https://www.sandiegocounty.gov/content/sdc/pds/zoning2/ZoningOrdinanceSuggestions.html>.

Values:

DateofRequest :
08/14/2026

SubmitterName :
Sonja Kodimer

EmailAddress :
skodimer@gmail.com

Affiliation :
Public

CountyConfirm :
N/A

Phone :
7608423331

NameofItem :

TypeOfAmendment :
Regulatory Reform

Issue :
The Zoning Ordinance allows residents to create artwork and handcrafted goods as part of a home occupation and permits internet sales, but generally prohibits the on-premises sale of goods. The Cottage Industry regulations provide a pathway for limited commercial activity and direct sales of goods produced on-site in rural areas, but eligibility requirements such as minimum parcel size make this option unavailable to many resident artists and makers.
This creates a regulatory gap for small-scale artists and craftspeople who create their own work at home. A resident may create and sell an item online but may not be able to sell that same item directly to an occasional visitor to the artist's studio, even when the activity produces minimal traffic, noise, parking demand, or other neighborhood impacts.

WhoWillBenefit :
Resident artists, potters, craftspeople, and other makers throughout unincorporated San Diego County would benefit, particularly those in rural communities where home-based creative businesses contribute to the local economy and cultural identity.
Local communities and visitors would also benefit from opportunities to purchase locally created artwork

Item #4

and handcrafted goods directly from their makers. The amendment could support small-scale entrepreneurship while retaining appropriate protections for residential neighborhoods.

Solution :

Amend the Zoning Ordinance to allow limited direct sales of artwork and handcrafted goods created by a resident on the premises as an accessory residential use.

The allowance could be limited to goods substantially created by the resident and subject to reasonable standards for traffic, parking, noise, signage, hours, employees, and preservation of residential character. This would distinguish resident artist and maker studios from general retail businesses.

The amendment could provide a limited pathway similar in principle to existing provisions for Home Occupations and Cottage Industries, while addressing smaller residential parcels that cannot qualify for Cottage Industry permits.

CodeList :

Zoning Ordinance Section 6156 – Residential and Agricultural Use Types; Home Occupations and accessory Art Studios/Workshops. Consider amendment to permit limited direct sales of artwork and handcrafted goods substantially created by the resident on the premises.

Submit :Submit

Item #5

From: Wonsidler, Michael <Michael.Wonsidler@sdcounty.ca.gov>
Sent: Monday, September 14, 2026 3:11 PM
To: McGee, Conor <Conor.McGee@sdcounty.ca.gov>; McDonnell, Bethany <Bethany.McDonnell@sdcounty.ca.gov>
Cc: Wolff, Eric <Eric.Wolff@sdcounty.ca.gov>
Subject: Model Water Efficient Landscape Ordinance (MWELo) Updates

Hi Conor and Bethany,

I hope you both are well. I'm writing you to share the recent notification below regarding the updates to regulatory language from the Office of Administrative Law, which are intended to align with the renumbering of certain referenced requirements affecting the Model Water Efficient Landscape Ordinance.

During a quick review of the County Code, it seems that §86.709 currently references the old MWELo sections 492.6 and 492.7. As a result, it appears we have outdated State references in our Water Conservation in Landscaping Ordinance that may need attention.

Are either of you the right PDS contact to confirm whether there are plans to address the MWELo renumbering and clarify if §86.709 or any related sections are scheduled for amendment? If not, could you please let me know if there's someone more appropriate for this request? And if it's easier, I'd be happy to discuss this over a brief call.

Thanks for your help!

Thank you,
Michael Wonsidler, Program Manager
 Department of Public Works, [Solid Waste Planning & Recycling](#) County of San Diego Land Use and Environment Group
 C: 619-241-5281
 Email: Michael.Wonsidler@sdcounty.ca.gov
 Have a recycling question? Try our online database at WasteFreeSD.org

Help us ensure DPW Land Development Division's customers have a positive experience. Please take 60 seconds to provide us with your [feedback](#).



From: Local Assistance and Market Development Branch <LAMD@calrecycle.ca.gov>
Sent: Thursday, September 10, 2026 9:38 AM
To: Barrie, Marisa <Marisa.Barrie@sdcounty.ca.gov>
Subject: [External] Model Water Efficient Landscape Ordinance (MWELo) Updates

Effective May 4, 2026, the Office of Administrative Law approved the following change in regulatory language. This purpose of this change is to align with the recent renumbering of a referenced requirement.

Approved Regulatory Language

Item #5

Title 14, California Code of Regulations, Section 18989.2

(a) A jurisdiction shall adopt an ordinance or other enforceable requirement that requires compliance with Sections 493.2(d)(2), (3), (4), and (7) of the Model Water Efficient Landscape Ordinance, Title 23, Division 2, Chapter 2.7 of the California Code of Regulations as enacted on January 2, 2025.

For a full explanation and details of each change, please refer to the Explanatory Statement linked in the Current Status and Documents section on [CalRecycle's rulemaking archive page for Model Water Efficient Landscape Ordinance \(MWEL0\)](#).

Action Required for Jurisdictions

Review Local Enforceable Mechanisms: A jurisdiction should examine its existing SB 1383 ordinances or local Water Efficient Landscape Ordinance (WEL0) to identify section citations.

- If a jurisdiction's ordinance explicitly references the historic MWEL0 sections—previously cited as *492.6(a)(3)(B), (C), (D), and (G)*—it may need to issue administrative updates or amend its local text to match the renumbered Section 493.2(d) text.

Questions and Resources

To learn more about local requirements, check [CalRecycle's Construction and Landscaping Resource Page](#).

For specific questions regarding this listserv announcement contact CalRecycle's [Local Assistance and Market Development](#) Branch (LAM0).

Item #6

From: Kurt Worden <lsfpdistrict@gmail.com>
Sent: Saturday, September 19, 2026 8:54 AM
To: Long Range Planning, PDS <PDS.LongRangePlanning@sdcounty.ca.gov>
Cc: Robert Drew <RDrew@nationalcityca.gov>; Sibbet, David <David.Sibbet@sdcounty.ca.gov>
Subject: [External] Draft 2026 Code Cleanup

Planning & Development Services Team,

Attached please find the Lower Sweetwater Fire Protection District's formal comments on the Draft 2026 County Code Cleanup Amendments. The District's review focuses on provisions that affect fire-code enforcement, emergency-access conditions, and evacuation performance within the Lincoln Acres community.

As noted in the letter, LSFPD enforces the National City Fire Department Fire Code, which incorporates national model codes, the California Fire Code, and the County Consolidated Fire Code. Our comments request confirmation that these adopted, objective fire-safety requirements will continue to be applied within State-mandated ministerial permitting processes, and that LSFPD will receive parcel-level notifications where fire-code applicability is relevant.

The District appreciates the opportunity to participate in the Code Cleanup process and is available for coordination or clarification at any time.

Thank you for your consideration.

Respectfully, Kurt Worden,
President, Lower Sweetwater Fire Protection District.

Sincerely,
Kurt
Worden,
President, Lower Sweetwater Fire Protection District.

Item #6



LOWER SWEETWATER FIRE PROTECTION DISTRICT

September 19, 2026

To: Planning & Development Services County of San Diego
 Attn: Code Cleanup Program 5510 Overland Avenue
 San Diego, CA 92123

Subject: LSFPD Formal Comment – Draft 2026 County Code Cleanup Amendments

To Whom It May Concern:

The Lower Sweetwater Fire Protection District (LSFPD) has reviewed the Draft 2026 County Code Cleanup Amendments and submits the following formal comments regarding provisions that directly or indirectly affect fire-safety enforcement, evacuation performance, and emergency-access conditions within the District's jurisdiction.

LSFPD does **not** maintain independent fire-safety standards. The District enforces the National City Fire Department Fire Code, which incorporates national model codes, the California Fire Code, and the County of San Diego Consolidated Fire Code. Our comments therefore focus on ensuring that State-mandated ministerial processes

continue to incorporate **objective fire-safety requirements already established in adopted codes**, and that LSFPD receives sufficient information to maintain statutory compliance and operational readiness.

1. Accessory Dwelling Units (ADUs & JADUs) **State-mandated (Gov. Code §§ 65852.2, 65852.22)**

LSFPD enforces NCFD's adopted fire-safety requirements, including fire-flow, hydrant spacing, access width/turning radius, defensible space, and ignition-resistant construction.

Request:

- Ensure ministerial ADU permit workflows continue to apply all adopted fire-safety requirements.
- Provide parcel-level notifications to LSFPD for ADU applications within District boundaries.
- Confirm that fire-flow and access verification remain required for ministerial ADU approvals.

Rationale:

ADU-driven density increases evacuation load and medical-aid demand in narrow-street neighborhoods. Ministerial approvals must not bypass objective fire-safety review. Solar Energy System Rule Updates
State-mandated (Civil Code § 714; Gov. Code § 65850.5)

LSFPD enforces NCFD's adopted WUI solar provisions, including roof access pathways, ventilation cutouts, battery storage separation, and ignition-resistant construction.

Item #6

Request:

- Confirm that ministerial solar permits include fire-code compliance review.
- Ensure County ministerial permit templates reflect adopted WUI solar requirements.
- Require LSFPD review for residential battery storage installations.

Rationale:

Solar installations and battery systems present roof-access and ignition hazards that directly affect structure-fire operations.

2. Nonconforming Zoning Verification Letters

Partially State-mandated (objective verification required)

Fire-code compliance is not exempt for legally nonconforming structures. LSFPD must ensure that parcels with deficient access or fire-flow are not incorrectly validated.

Request:

- Include LSFPD in the verification workflow for parcels where fire-code applicability is relevant.
- Require fire-flow and access review for parcels with known deficiencies.

Rationale:

Legacy structures with substandard access or fire-flow present elevated operational risk and should not be validated without fire-district review.

3. Density Bonus & Student/Senior Housing Incentives

State-mandated (Gov. Code § 65915)

Density increases elevate evacuation load and medical-aid demand, particularly for senior housing.

Request:

- Provide parcel-level notifications for density bonus applications.
- Require fire-access plans for all density bonus projects.

Rationale:

LSFPD must maintain operational readiness and ensure compliance with adopted fire-flow, access, and WUI standards.

4. Parking Simplification & Shared Parking (AB 2097)

State law prohibits minimum parking requirements near transit. LSFPD enforces adopted requirements for apparatus access width, turning radius, and fire lanes.

Request:

- Ensure ministerial parking reviews incorporate adopted access and fire-lane requirements.
- Require fire-access plans for shared parking arrangements.

Item #6

Rationale:

Curbside congestion and reduced parking availability can obstruct emergency-vehicle access and evacuation routes.

5. Accessory Structures & Greenhouses

Partially State-mandated (Building Code alignment)

Accessory structures may increase ignition hazards and obstruct hose-lay pathways.

Request:

- Require LSFPD review for accessory structures in WUI zones.
- Ensure ministerial approvals apply adopted ignition-resistance and access-clearance requirements.

Rationale:

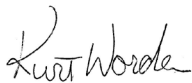
Accessory structures must not compromise fire-safety conditions or WUI compliance.

Conclusion

LSFPD appreciates the opportunity to comment on the Draft 2026 Code Cleanup Amendments. Our requests focus on ensuring that State-mandated ministerial processes continue to incorporate **existing adopted fire-safety requirements**, and that LSFPD receives timely information necessary to maintain statutory compliance and protect public safety.

We respectfully request that Planning & Development Services incorporate the recommendations above and confirm how LSFPD will be integrated into ministerial workflows moving forward.

Sincerely,



Kurt Worden, Board President
Lower Sweetwater Fire Protection District lsfpdistrict@gmail.com •
619-245-4550

Item #7

Kenneth

I hope you are well.

Our firm has been reviewing the proposed zoning code changes as prepared by County staff. We appreciate the updates; however, we disagree with the Density Bonus language regarding Incentives. Specifically section (b), as proposed states "The applicant **MUST** (emphasis added) provide reasonable documentation consisting of a brief written statement identifying actual identifiable cost reductions that will result from the requested incentives or concession to establish eligibility for the incentives or concessions pursuant to Section 7410."

This language is contrary to the California Court of Appeal decision (Schreiber v. City of Los Angeles) and Government Code Section 65915(d). We request that subsection (b) be removed from County code section 6365.

If you have any questions or need additional information, please let us know.

Theodore R. L. Shaw (Ted)

Partner

Atlantis Group Land Use Consultants 2488 Historic
Decatur Road, Suite #220 San Diego, CA 92106
Studio 619 523 1930
Cellular 619 405 1707

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Item #8

Good morning,

Attached please find Fallbrook Planning Group's comments re the Draft 2026 Code Cleanup. Thank you,

Eileen Delaney, Chair
Fallbrook Planning Group Fallbrook Design
Review Board

[Fallbrook Planning Group | Facebook](#) Website:
[Fallbrook Planning Group – Serving Our Community](#)

Sent from my iPhone. Apologies for any typos

Item #8
Sept 24, 2026

RE: 2026 Code Cleanup – Fallbrook Community Planning Group Comments

Dear PDS,

The Fallbrook Community Planning Group recognizes that much of the 2026 Code Cleanup is necessary housekeeping and implementation of State law. However, several provisions raise strong concerns for Fallbrook.

Our primary concern is simple: **this Code Cleanup should not override Fallbrook’s locally adopted standards where the County still has discretion.**

In particular, we ask PDS to consider:

- **Density Bonus:** More density can also mean waivers of local standards for height, setbacks, open space and parking. With projects such as Missing Middle Meadows and Nolen Arbors, these impacts are already very real in Fallbrook.
- **ADUs/JADUs:** Additional housing without corresponding consideration of roads, parking, traffic, septic, infrastructure, fire safety and evacuation can have detrimental impacts in a rural community.
- **Housing Incentives:** Reduced setbacks, increased heights and reduced parking may individually seem modest, but together will significantly change the character and function of a project.
- **Shared Parking:** Fallbrook is not an urban community with robust public transit. Parking located 2,000 feet away (or farther with transportation accommodations) does not reflect how our community actually functions. Driving remains the primary way to get around in Fallbrook.

Our concern is the **cumulative effect**: more density and development capacity combined with fewer local development standards and less local discretion.

Fallbrook has spent years developing community-specific standards for good reason. Where State law requires a change, we understand the County must comply. **Where State law leaves room for local control, we ask the County to PRESERVE it.**

On Monday, Sept 21st, the Fallbrook Community Planning Group recommend against approval of the 2026 Code Cleanup as currently drafted unless it is clarified that the Cleanup will NOT override Fallbrook-specific standards where local discretion remains under State law, particularly regarding density, parking, fire safety, infrastructure, evacuation and community character.

Thank you for considering our feedback.

Sincerely,

-Eileen Delaney, Chair, Fallbrook Community Planning Group