

ORDINANCE NO. 10592 (NEW SERIES)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO DEFINITIONS, ACCESSORY USE REGULATIONS, GENERAL REGULATIONS, AND PROPERTY ZONING (POD 17-004; REZ 18-008)

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 Definitions, Development Regulations, Special Area Regulations, Temporary Use Regulations, Accessory Use Regulations, General Regulations, Extractive Use Regulations, Fencing and Screening Regulations, Parking Regulations, and Property Zoning. The Board finds that these amendments are reasonable and necessary for the public health, safety, convenience, and welfare.

Section 2. Section 1000 Table of Contents of the Zoning Ordinance is amended to read as follows:

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[no changes]

PART TWO: USE REGULATIONS

[no changes]

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[no changes]

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[no changes]

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[no changes]

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[no changes]

PART EIGHT: FALLBROOK VILLAGE REGULATIONS

[no changes]

Section 3. Section 1006 APPLICABILITY OF THE ZONING ORDINANCE is amended to read as follows:

- a. The Zoning Ordinance shall be applicable to all of the unincorporated areas of San Diego County. The use and employment of all land and any buildings or structures located upon the land and the construction, reconstruction, alteration, expansion, or relocation of any building or structure upon the land shall conform to all regulations applicable to the zone in which the land is located. No land, building, structure or premises shall be used for any purpose or in any manner other than is permitted in the zone in which such land, building, structure or premise is located.
- b. The Zoning Ordinance shall not apply to the development, use, or improvement of new or existing County Parks (including public active or passive parks), County Libraries, or other County facilities such as Fire Stations or Sheriff Stations.
- c. The Zoning Ordinance shall not apply to Indian Reservation lands within the County of San Diego. Such lands are defined as those parcels which are identified as Indian Reservation lands by an Act of the United States Congress.
- d. The Zoning Ordinance shall not apply to federally-owned or state-owned public lands within the County of San Diego. Such lands are defined as those parcels which are identified as federally-owned or state-owned public lands by the San Diego County Assessor.
- e. The Zoning Ordinance shall not apply to solid waste management projects undertaken by the County on County-owned land and the Administrative Permit Procedure at Section 7050 and following, the Site Plan Review Procedure at Section 7150 and following, and the Use Permit Procedure at Section 7350 and following, shall not apply to the development of the following uses on County-owned solid waste sites and associated buffer properties which would otherwise require a discretionary permit; photovoltaic solar energy systems; resource conversion projects using landfill gases to produce energy or other products; above ground wireless telecommunication facilities; or storage of operable vehicles and equipment; provided:
 1. Any proposed lease (and associated environmental documents) for the use of any County-owned solid waste sites and associated buffer properties to a non-County entity for a use specified in this subsection shall be reviewed by the Director prior to final lease approval by the Department of General Services. All proposed uses (including potential future uses) of the leased property shall be specifically listed in the lease. Any uses that are not specifically listed in the lease shall be subject to the Administrative Permit Procedure at Section 7050 and following, the Site Plan Review Procedure at Section 7150 and following, and the Use Permit Procedure at Section 7350 and following, unless a new or revised lease is reviewed by the Director and approved by the Department of General Services.
 2. All proposed uses shall conform to all other applicable regulations, performance standards and design standards of the Zoning Ordinance.
- f. The Zoning Ordinance shall not apply to the Departments of the County of San Diego during, immediately following or throughout the recovery efforts authorized by the County, related to an emergency declared by the Governor of the State of California or the Board of Supervisors of the County of San Diego.

Section 4. Section 1100 DEFINITIONS (P) the Zoning Ordinance is amended to amend the term “Public Passive Park/Recreation Area” to read as follows:

Public Passive Park/Recreational Area: An outdoor area, along with minimal incidental buildings and structures designed, developed and intended for low intensity passive recreational use by individuals, families, or small groups. Public Passive Park/Recreational Areas may be of any size and may include, natural areas, ecological areas, landscaping, walkways paths, trail staging areas, trails, interpretive features, benches for seating, scattered picnic tables, children’s play areas, scattered horseshoe pits, drinking fountains, safety/security lighting, off-street parking, restrooms, ranger residences, volunteer pads/caretaker residences, maintenance sheds, primitive camping, other park facilities/uses with activity levels consistent with the above listed uses.

Section 5. Section 1100 Definitions (T) of the Zoning Ordinance is amended to amend the term “Trailercoach” to read as follows:

Trailer Coach: Any vehicle, with or without motive power, designed or used for human occupancy for residential, recreational, industrial, professional, or commercial purposes and shall include camp car, and travel trailer.

Section 6. Section 1265 GROUP RESIDENTIAL of the Zoning Ordinance is amended to read as follows:

1265 GROUP RESIDENTIAL.

The Group Residential use type refers to the residential occupancy of living units by persons who do not live together as a single housekeeping unit but have a common kitchen facility. Typical uses include occupancy of sorority houses, retirement homes or boarding houses. If in addition to the common kitchen facility, any living unit includes a separate kitchen, that living unit shall be counted as a dwelling unit in calculating density pursuant to Section 4115, unless the Group Residential use is restricted to occupancy by seniors through a mechanism approved by the Director of Planning & Development Services.

Living units restricted by a grant deed for seniors may include a separate kitchen and shall not be counted as a dwelling unit in calculating density pursuant to Section 4115.

Section 7. Section 4010 SPECIFIC PLANS is amended to read as follows:

4010 SPECIFIC PLANS

If any Specific Plan has been adopted and not expired for property which is also subject to either the Specific Plan Area General Plan Designation or the S88 Specific Planning Use Regulations, any provision of the Specific Plan relating to subjects contained in the part shall prevail over The Zoning Ordinance regulations to the extent of any conflict between them.

Section 8. Section 4011 of the Zoning Ordinance is amended to read as follows:

4011 LEGAL LOTS WITH SPLIT ZONING

Where a legal lot has split zoning, the Use Regulations for each separate zone shall apply. Where a use is bisected by a split zone line within a legal lot, the more restrictive Use Regulations shall apply. If a property has split zoning that includes residential and commercial zoning, parking for a commercial use may be located on the residentially zoned portion of the property, subject to the issuance of a Zoning Verification Permit. Landscaping and planting should be used to the maximum extent practical to screen unsightly parking areas from neighboring residential.

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

6156 RESIDENTIAL AND AGRICULTURAL USE TYPES.

Subject to the restrictions and limitations specified, the following accessory buildings and uses shall be permitted in zones where Residential and Agricultural Use Types are permitted:

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

[NO CHANGES]

- 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 setback 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 6159.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. Limited to one story not to exceed 12 feet maximum height. May have 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 may be permitted if in compliance with height/story limit specified by the applicable height/story designator, and additional area may be permitted by issuance of an administrative permit.
4. For properties on which more than one detached residence is allowed per legal lot pursuant to Section 4310 (not including an Accessory Dwelling 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.

- 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:
 - 1. 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.
 - 2. Only one electric meter to serve both the main dwelling and guest living quarters will be allowed.
 - 3. 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.

- l. **Accessory Living Quarters.** Repealed.
- m. **Home Occupations.** Home occupations, including in-home offices, shall be permitted in compliance with the following conditions:

[NO CHANGES]
- 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:

[NO CHANGES]

- 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. An Accessory Dwelling Unit (ADU) means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated
 - 1. The legal lot must have an existing single-family residence, or the ADU is to be constructed concurrently with a primary single-family residence.
 - 2. The ADU is either attached to an existing dwelling, or located within the living area of the existing dwelling or detached and on the same legal lot.
 - 3. ADU may be rented but is not intended for sale separate from the primary residence.
 - 4. Lot does not have an existing guest living quarters, accessory living quarters, or accessory apartment. A conversion of a guest living quarters, accessory living quarters, or accessory apartment into an ADU is potentially permitted and requires approval of a building permit.
 - 5. The total floor area of an attached ADU shall not exceed 50 percent of the floor area of the existing SFD, up to a maximum floor area of 1,200 square feet.
 - 6. The total floor area of a detached ADU shall not exceed 1,200 square feet, independent of the square footage of the living area of the existing SFD.

7. The "floor area" measurements are taken from the exterior dimensions of the outside walls.
8. Total floor area of a proposed garage attached to a detached ADU shall not exceed the allowable combined square footages per Section 6156.g.
9. No other rooms, additions, uses, etc. can be attached to a detached ADU, except a garage, or unless authorized by an approved Administrative Permit.
10. An ADU is limited to 24' in height.
11. For health, fire and life safety conditions, all ADU's must comply with the required front yard & exterior side yard setbacks. In addition, setbacks shall be provided as follows:
 - i. ADU's must provide side and rear setbacks that are consistent with the setbacks for the main dwelling, unless it is a conversion of an existing structure.
 - ii. A setback of five feet from the side and rear lot lines is required for a 2-story ADU.
 - iii. No setbacks are required if an existing and permitted garage is being converted into an ADU, except for fire safety.
12. An ADU attached to the primary residence must comply with the required main building setbacks.
13. A new ADU shall provide one parking space. The parking space for the ADU may be located in an existing driveway as tandem parking but must comply with the required front yard and/or exterior side yard setback(s). If establishment of the ADU involves a garage conversion, replacement off-street parking for the SFD shall be provided concurrently. These parking requirements do not apply if the ADU meets any of the following:
 - i. Is within a half mile from transit.
 - ii. Is within an architecturally and historically significant historic district.
 - iii. Is part of an existing primary residence or an existing accessory structure.
 - iv. Is in an area where on-street parking permits are required, but not offered to the occupancy of the ADU.
 - v. Is located within on block of a care share area.
14. The applicant must provide evidence that there is sewer (or septic) service and water available, and that any applicable permits have been obtained and all applicable fees have been paid.
15. Separate sale or ownership of an ADU is prohibited, unless the lot is subdivided creating a separate lot for each dwelling.

16. Owner-occupancy of one of the dwellings on the lot is not required for the duration of use of the ADU for residential purposes.

17. Before a building permit is issued, the owner of the property shall submit a notarized and recorded copy of an agreement stating that the owner understands and will abide by the requirements of the Zoning Ordinance.

18. The ADU shall not be rented for less than 30 days.

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

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:

[NO CHANGES]

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:

[NO CHANGES]

bb. Host Home. A host home is a permitted accessory use upon issuance of an Administrative Permit.

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:

[NO CHANGES]

hh. Agricultural Homestay. (See 6157.c)

[NO CHANGES]

- ii. 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:

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

Accessory Use Regulations

<i>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.</i>		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	-	■
	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	■	■
	Guest 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	■	-

<i>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.</i>		Guest Living Quarters (6156.k.)	Accessory Dwelling Unit (6156.x.)
	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	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.

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

ll. Junior Accessory Dwelling Units (JADU) means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family dwelling.

1. Junior accessory dwelling units shall comply with the following standards:
 - (a). A JADU must be created within the existing walls of an existing single-family dwelling and must include conversion of an existing bedroom.
 - (b). The total area of a JADU shall not exceed 500 square feet.
 - (c). Only one ADU or, JADU, may be located on any residentially zoned lot that permits a single-family dwelling. A junior accessory dwelling unit may only be located on a lot which already contains one existing single-family dwelling.
 - (d). The owner of a parcel proposed for a JADU unit shall occupy as a principal residence either the primary dwelling or the JADU.
 - (e). A separate exterior entry shall be provided to serve a junior accessory dwelling unit.

- (f). The interior connection to the main living area must be maintained.
 - (g). The junior accessory dwelling unit shall include an efficiency kitchen, requiring and limited to the following components:
 - (i). A sink with a maximum waste line diameter of one-and-a-half (1.5) inches,
 - (ii). A cooking facility with appliance which do not require electrical service greater than one-hundred-and-twenty (120) volts or natural or propane gas, and
 - (iii). A food preparation counter and storage cabinets that are reasonable to size of the unit.
 - (h). No additional parking is required beyond that required when the existing primary dwelling was constructed.
 - (i). A JADU shall not be rented for less than 30 days.
2. Prior to obtaining a building permit for a junior accessory dwelling unit, a deed restriction, approved by the Director of PDS, shall be recorded with the County Recorder's office, which shall include the pertinent restrictions and limitations of a junior accessory dwelling unit identified in this Section. A copy of the recorded deed restriction shall be filed with the Department stating that:
- (a). The junior accessory dwelling unit shall not be sold separately from the single-family dwelling unit;
 - (b). The junior accessory dwelling unit is restricted to the maximum size allowed per the development standards;
 - (c). The junior accessory dwelling unit shall be considered legal only so long as either the primary residence, or the accessory dwelling unit, 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;
 - (d). 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 junior accessory dwelling unit on the property.
- 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.

Section 10. Section 6157 is amended to read as follows:

6157 COMMERCIAL AGRICULTURE OPERATIONS

Subject to the restrictions and limitations specified, the following accessory buildings and uses shall be permitted in zones where Commercial Agriculture operations are permitted. The Commercial Agriculture use must be the principle use of the property.

- a. On-Site Agricultural and/or Horticulture Sales. The on-site agricultural and horticultural sales use type is an accessory use on premises with a principle Commercial Agricultural operation where horticulture, tree crops, row and field crops are produced or animals raised for the production of milk, honey, wool, fleece or fur, and incidental retail or wholesale sales of the products produced on the premises or items related to the products raised are allowed, as specified herein:

[NO CHANGES]

- b. Agricultural Tourism. Agricultural Tourism may be allowed as an accessory use to a Commercial Agriculture operation in the RR, A70, A72, S88, S90 and S92 Use Regulations provided the following criteria are met:

[NO CHANGES]

- c. Agricultural Homestay. An Agricultural Homestay is a permitted accessory use upon issuance of a Zoning Verification Permit provided all of the following criteria are met:

[NO CHANGES]

- d. Agricultural Microbrewery or Micro-Distillery

[NO CHANGES]

- e. Creamery. The Creamery use type refers to an accessory use to a dairy on premises where cattle, goats, sheep or other animals are fed and kept for milking operations. The Creamery use may include the production of milk, butter, cream, cheese or other products made from milk or cream, for wholesale or on-site limited retail direct to consumers.

[NO CHANGES]

- f. Farm Employee Housing. Farm employee housing consisting of five or more farm employees is an allowed use, requires approval of a building permit from Planning & Development Services and approval of a permit to operate from the State of California to operate an Employee Housing facility.

Farm Employee Housing of up to four farm employees requires approval of a building permit from Planning & Development Services and is an allowed accessory use to an on-going commercial agriculture operation on that same parcel on which the housing is located or on another parcel under the same ownership, provided that:

1. The number of living units is reasonably related to the number of farm employees required for commercial agriculture on the parcel on which the farm employee housing is located and, where applicable, on other land owned or leased and farmed by the applicant.

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2. The location of Farm Employee Housing shall comply with the required main building setbacks.
 3. Farm employee housing shall be occupied only by farm employees (and their families) engaged in Commercial Agricultural labor for an active Commercial Agricultural operation and shall not be otherwise occupied or rented.
 4. Farm employee housing shall be removed or converted to another allowed use at such time as the commercial agriculture to which it relates ceases operation for more than twelve consecutive months following the date of occupancy on the building permit issued for the farm employee housing.
- g. Packing and Processing, General. In the A70, A72 and S92 Use Regulations, a Packing and Processing operation or facility, accessory to a Commercial Agriculture operation, may be allowed with an Administrative Permit and shall comply with the following provisions:
- [NO CHANGES]
- h. Poultry Manure Management. Poultry manure management practices involving drying and disposal of manure produced on site or brought to a poultry ranch from another poultry ranch owned or operated by the same person(s), provided the receiving site is zoned with an animal regulations designator where the small animal raising animal use type is permitted without a limit on the number of poultry allowed.

[NO CHANGES]

Section 11. Section 6350 is amended to read as follows:

DENSITY BONUS PROGRAM/AFFORDABLE HOUSING PROGRAM

6350 TITLE AND PURPOSE.

The provisions of Sections 6350 through 6399, inclusive, shall be known as the Density Bonus Program/Affordable Housing Program. The purpose of these provisions is to implement the state requirements at 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. 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.

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

- a. **Income and Age Requirements.** A housing development proposed to qualify for the Density Bonus Program/Affordable Housing Program and Affordable Housing Permit 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 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 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.5. 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. **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 rental dwelling units occupied by lower or very low income households; or, b) if such affordable dwelling units have been vacated or demolished in the five-year period preceding the application, and c) such affordable dwelling units have 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. 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), 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:
 - i. For a development containing any occupied dwelling units, the development must contain at least the same number of replacement dwelling units, of equivalent size and bedrooms, and must be made affordable to and occupied by persons and families in the same or a lower income category as the occupied dwelling units. For unoccupied dwelling units in the development, the replacement dwelling units shall be made affordable to and occupied by persons and families in the same or lower income category as the last household in occupancy. If the income category of the last household is unknown, it is presumed, unless proven otherwise, that the dwelling units were occupied by lower income renter households in the same proportion of lower income renter households to all renter households within the County of San Diego, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database, and replacement dwelling units shall be provided in that same percentage.
 - ii. If all of the dwelling units are vacant or have been demolished within the five years preceding the application, the development must contain at least the same number of replacement dwelling units, of equivalent size and bedrooms, as existed at the highpoint of those units in the five year period preceding the application, and must be made affordable to and occupied by persons and families in the same or a lower income category as those in occupancy at that same time. If the income categories are unknown for the highpoint, it is presumed, unless proven otherwise, that the dwelling units were occupied by very low income and low income renter households in the same proportion of very low income and low income renter households to all renter households within the County of San Diego, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database, and replacement dwelling units shall be provided in that same percentage.

6360 DENSITY BONUS.

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

1. 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 Table.

**DENSITY BONUS
TABLE**

Income Category of Affordable Units	Reserved Units Minimum % of Base Units that must be Reserved to Qualify for Bonus	Bonus		
		Minimum Bonus (% of Base Units)	Additional Bonus for each 1% Increase in Reserved Units	Maximum Bonus (% of Base Units)
Very Low Income	5%	20%	2.5%	35%
Low Income	10%	20%	1.5%	35%
Moderate Income (Ownership Units Only)	10%	5%	1%	35%
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%
Condominium Conversion				

Income Category of Affordable Units	Reserved 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)
Lower Income	15%	25%	--	25%
Moderate Income	33%	25%	--	25%
Child Care Facility	Must qualify under Section 6355 a.1. – a.45.	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		

* 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 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.

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

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. 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 pursuant to Section 7410.
- c. Permitted Number. The applicant shall receive the following number of incentives, unless disapproved in accordance with written findings as described in Section 7420 a:

**INCENTIVES
 SUMMARY**

Income Category of Reserved Units	% of Reserved Units		
Very Low Income	5%	10%	15%
Low Income	10%	20%	30%
Moderate Income (Common Interest Ownership Units Only)	10%	20%	30%
County Affordable Senior Housing Program (Rental Units Only)	--	--	100%
Maximum Number of Incentives	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. 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.

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

6367 WAIVER OF DEVELOPMENT STANDARDS

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

- b. Development standards that may be waived or reduced under this section include site or construction conditions that apply to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation, including, but not limited to the following:
 - i. A height limitation.
 - ii. A setback requirement.
 - iii. A floor area ratio.
 - iv. An onsite open-space requirement.
 - v. A parking ratio that applies to a residential development.
- c. A proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development at the densities or with the incentives permitted by the Density Bonus/Affordable Housing Regulations shall be approved unless the approval authority makes a written finding to deny the proposal, based upon substantial evidence, as specified in Section 7420 b.

6370 PARKING REQUIREMENTS.

- a. Applicability. The following parking requirements apply to eligible developments in accordance with Section 6355: Affordable housing projects that also meet the requirements of Government Code 65913.4 and are processed through ministerial review consistent with Section 7400 are subject to the parking requirements of Government Code 65913.4(d) 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	2
4+	2.5

- 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 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. 0.5 space per unit 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. 0.5 space per unit 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. 0.3 space per unit 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 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.

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 1351, 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 Affordable Units.

1. Location/Dispersion 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.
2. Phasing. If a project is to be phased, the affordable 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 affordable 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.

- a. Open Parking. Except as provided in Paragraph d. below, open parking spaces shall be outside the ultimate right-of-way of any street. Refer to Section 6700 et seq. for fencing and screening requirements. Open parking spaces shall be located as follows:

[NO CHANGES]

- b. Covered Parking. Covered or enclosed parking spaces may be located anywhere on a building site where a structure may be located. In the Fallbrook Village Zones 1 through 4, covered or enclosed parking spaces shall be outside the ultimate right-of-way of any street and shall be located generally behind a building.

[NO CHANGES]

- c. Bicycle Spaces. Bicycle spaces shall be located:

[NO CHANGES]

- d. Exceptions. A use permit, Variance, Administrative Permit, or historic district site plan may specify the location of parking areas and bicycle spaces in locations other than as required by Paragraphs a. and c. above with the required finding that the exception to the bicycle spaces or open parking regulations does not create a safety hazard with sight distance for access to the site.

Section 12. Section 6787 is amended to read as follows:

6787 LOCATION OF PARKING AND BICYCLE SPACES ON A BUILDING SITE.

- a. Open Parking. Except as provided in Paragraph d. below, open parking spaces shall be outside the ultimate right-of-way of any street. Refer to Section 6700 et seq. for fencing and screening requirements. Open parking spaces shall be located as follows:
- b. Covered Parking. Covered or enclosed parking spaces may be located anywhere on a building site where a structure may be located. In the Fallbrook Village Zones 1 through 4, covered or enclosed parking spaces shall be outside the ultimate right-of-way of any street and shall be located generally behind a building.
- c. Bicycle Spaces. Bicycle spaces shall be located:
- d. Exceptions. A use permit, Variance, Administrative Permit, or historic district site plan may specify the location of parking areas and bicycle spaces in locations other than as required by Paragraphs a. and c. above with the required finding that the exception to the bicycle spaces or open parking regulations does not create a safety hazard with sight distance for access to the site.

Section 13. Section 6754 is amended to read as follows:

Section 6754 ADDITIONAL PARKING REQUIREMENTS FOR ACCESSORY AND SPECIAL USES

Parking standards for the following accessory and special uses shall be required as specified in the following sections of the Zoning Ordinance:

- Section 6156: Accessory Dwelling Units
 Family Day Care Home for Children, Large (9-14 Children)
 Bed & Breakfast Home
 Host Home
- Section 6157: On-Site Agricultural and/or Horticulture Sales
 Agricultural Tourism

- Agricultural Homestay
- Agricultural Microbrewery or Micro-Distillery
- Creamery
- Section 6370: Senior Projects and Density Bonus Projects
- Section 6910: Wineries
- Section 6911: Emergency Shelters
- Section 6912: Community Gardens
- Section 6970: Recycle Facilities

Section 14. Section 6910 is amended to read as follows:

6910 WHOLESALE LIMITED, BOUTIQUE AND SMALL WINERIES

The provisions of Section 6910 shall be known as the Wholesale Limited, Boutique and Small Wineries Regulations. The purpose of these regulations is to promote production of wine from fruit grown in San Diego County, to support local agriculture and to prescribe reasonable standards and procedures for the operation of wineries. Commercial activities not expressly allowed pursuant to the provisions of Section 6910 are prohibited.

- e. Wholesale Limited Winery. A Wholesale Limited Winery shall comply with the following provisions:
 1. Prior to the occupancy of the winery structures and the production of wine, a Wholesale Limited Winery shall have a valid permit, and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, if required by the Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. Licenses issued by the California Department of Alcoholic Beverage Control that allow other types of alcohol sales are prohibited.
 2. On-site sales to the public of wine and other goods from the winery, tasting rooms, and/or special events, including but not limited to weddings and parties, are prohibited. Internet sales, phone sales and mail-order sales are allowed.
 3. The maximum floor area of a production facility (non-residential structure(s) used to crush, ferment, store and bottle fruit, wine and other products and equipment used in winemaking, including shipping, receiving, laboratory, maintenance and offices) is limited as follows

Lot Size (gross)	Production Facility Size (cumulative max.)
< 1 ac	1,000 sf

Lot Size (gross)	Production Facility Size (cumulative max.)
1 ac - <2 ac	1,500 sf
2 ac - 4 ac	2,000 sf
For each acre over 4 acres	200 sf additional per acre, not to exceed 5,000 sf

No barns, agricultural storage buildings and/or other accessory structures permitted pursuant to Section 6156 shall be used as a production facility for the Wholesale Limited Winery Use.

4. A minimum of 25% of the winery's production shall be from fruit grown on the premises. Up to 75% of the winery's production may be from sourced fruit/juice from inside or outside San Diego County.

SOURCE	PRODUCTION AMOUNT	GRAPES (FRUIT/JUICE)	WINE
On-site	25% (min.)	Required	N/A
Within/Outside San Diego County	75% (max.)	Permitted	Prohibited
TOTAL	100%		

No wine produced off of the premises may be used in the winery's production or sold from the premises.

- i. The owner of the winery shall keep records detailing the amount of fruit grown on the premises and the amount of fruit and/or juice imported from off the premises, to demonstrate compliance with this Section.
 - ii. The records shall indicate the dates of receipt and quantities of all imported fruit and/or juice and shall indicate the off-site growers name, address and location of the growing operation from which the fruit is imported.
 - iii. All records shall be provided within 14 days of request by County staff.
5. Wine production shall be less than 12,000 gallons annually.
 6. All operations shall comply with the provisions of Section 36.401 et seq. of the San Diego County Code relating to Noise Abatement and Control.
 7. A Wholesale Limited Winery shall demonstrate compliance with the adopted standards of the applicable fire service provider.
- f. Boutique Winery. A Boutique Winery shall comply with the following provisions:
1. Prior to the occupancy of the winery structures and the production of wine, a Boutique Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, if required by the Bureau, and

a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. Licenses issued by the California Department of Alcoholic Beverage Control that allow other types of alcohol sales are prohibited.

2. Wine production shall be less than 12,000 gallons annually.
3. A minimum of 25% of the winery's production shall be from fruit grown on the premises. A minimum of 50% of the winery's production shall be from fruit grown in San Diego County or from sourced juice and/or wine produced in San Diego County with San Diego County grown grapes. No more than 25% of the winery's production may consist of fruit, juice or non-bottled bulk wine sourced from outside San Diego County.

SOURCE	PRODUCTION AMOUNT	GRAPES (FRUIT/JUICE)	WINE
On-site	25% (min.)	Required	N/A
San Diego County	50% (min.)	Permitted	Permitted
Outside San Diego County	25% (max.)	Permitted	Permitted
TOTAL	100%		

- i. The owner of the winery shall maintain records detailing the total annual production amount of fruit grown on the premises and the amount of fruit, juice and/or wine imported from off the premises, to demonstrate compliance with this Section.
 - ii. The records shall indicate the dates of receipt and quantities of all imported fruit, juice and/or wine and shall indicate the off-site growers name, address and location of the growing operation from which the fruit/juice and/or wine is imported.
 - iii. All records shall be provided within 14 days of request by County staff.
4. The maximum floor area of the production facility (non-residential structure(s)) used to crush, ferment, store and bottle fruit, wine and other products and equipment used in winemaking, including shipping, receiving, laboratory, maintenance and offices, is limited as follows:

Lot Size (gross)	Production Facility Size (cumulative max.)
< 1 ac	1,000 sf
1 ac - <2 ac	1,500 sf
2 ac - 4 ac	2,000 sf
For each acre over 4 acres	200 sf additional per acre, not to exceed 5,000 sf

No barns, agricultural storage buildings and/or other accessory structures permitted pursuant to Section 6156 shall be used as a production facility or tasting/retail sales area for the Boutique Winery.

5. The Boutique Winery structures permitted in Section 6910b.4 may contain one designated tasting/retail sales area in addition to the Boutique Winery structures permitted in 6910.b.4. The designated tasting/retail sales area shall be accessory to wine production, shall not exceed 30% of the total square footage of all permitted Boutique Winery production facility structures, and shall comply with the following:
 - i. All areas accessed by the public must be permitted and constructed in compliance with the applicable commercial building code, including the requirements of the Americans with Disabilities Act;
 - ii. Barns and agricultural storage buildings on the premises which are not permitted as part of the Boutique Winery production facility shall not be included for purposes of calculating the allowed area of the tasting/retail sales area;
 - iii. For the purposes of this Section, a tasting/retail sales area is defined as a room, cave, trellis and/or outdoor patio area (covered or uncovered) that is dedicated for wine tasting and sales of wines produced on-site and food related items;
 - iv. The California Retail Food Code and the food provisions of the County Code apply as provided in those codes.
 - v. Internet, phone and mail-order sales are allowed.
6. Events, including but not limited to weddings and parties, are prohibited except as provided in this Section. An event, for purposes of this Section, is defined as the use of the site for organized activities or gatherings (other than wine production, wine sales, wine tasting, agricultural instruction and educational tours), including any activities or gatherings that are advertised or promoted.

Pursuant to Section 6106 of the Zoning Ordinance, Community Events as defined in and as limited by Chapter 2 of Division 1 of Title 2 of the San Diego County Code (sections 21.201 – 21.208) may be allowed and subject to all applicable licenses required by the Sheriff pursuant to Chapter 1 of Division 1 of Title 2 of the San Diego County Code (sections 21.101 – 21.117).

7. The sale and consumption of pre-packaged food is allowed on the premises. Refrigeration shall be permitted by the County of San Diego Department of Environmental Health (DEH). Catered food service is allowed by a DEH-permitted caterer, but no food preparation is allowed at a Boutique Winery, except as described below in this Section. Catered food service includes the provision of food that is ready to eat and that has been prepared off the Boutique Winery premises.
 - i. One mobile food facility may be allowed on the Boutique Winery premises to serve the patrons of the tasting room during the approved hours of operation as specified in b.8;

- ii. The mobile food facility shall not be parked in the required parking spaces for winery patrons or employees, nor shall it interfere with the safe ingress or egress to and from the premises;
 - iii. The mobile food facility shall have a valid Mobile Food Facility Health Permit from the Department of Environmental Health and shall conform to all requirements applicable to a mobile food facility, including access to a permitted commercial restroom.
8. A tasting/retail sales area in conjunction with a Boutique Winery may be open to the public seven days a week from 10 a.m. until legal sunset, or until 6 p.m. from November 1 through March 1.
9. A minimum of six parking spaces shall be provided for patrons using the Boutique Winery, and a minimum of three spaces shall be provided for Boutique Winery operations and employees. No parking for a Boutique Winery is allowed off the premises.
10. The on-site driveway and parking area used to access the Boutique Winery shall not be dirt. The on-site driveway and parking area may be surfaced with Chip Seal, gravel, or an alternative surfacing material such as recycled asphalt suitable for lower traffic volumes. Any disabled access parking stalls, access aisles, and accessible routes provided for compliance with California Building Code chapter 11B shall be stable, firm, and slip-resistant.
11. Outdoor amplified sound is not allowed.
12. All operations shall comply with the provisions of Section 36.401 et seq. of the San Diego County Code relating to Noise Abatement and Control.
13. Outdoor eating areas shall be limited to a combined maximum of five tables and seating for no more than 20 people and shall be used in conjunction with allowed Boutique Winery operations only during the hours specified in subsection b.8.
14. Vehicles with a capacity in excess of 15 passengers are not allowed to serve the Boutique Winery.
15. A Boutique Winery shall demonstrate compliance with the adopted standards of the applicable fire service provider.
- g. Small Winery. A Small Winery shall comply with the following provisions:
 1. Prior to the occupancy of the winery structures and the production of wine, a Small Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, if required by the Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. The applicant shall disclose if any other licenses issued by the California Department of Alcoholic Beverage Control will be relied upon for operations at the Small Winery.
 2. Wine production shall be less than 120,000 gallons annually.

3. A minimum of 25% of the winery's production shall be from fruit grown on the premises. An additional minimum of 25% of the winery's production shall be from fruit grown or juice/wine produced in San Diego County with San Diego County grown grapes. No more than 50% of the winery's production may consist of sourced fruit, juice or wine from outside San Diego County.

SOURCE	PRODUCTION AMOUNT	GRAPES (FRUIT/JUICE)	WINE
On-site	25% (min.)	Required	N/A
San Diego County	25% (min.)	Permitted	Permitted
Outside San Diego County	50% (max.)	Permitted	Permitted
TOTAL	100%		

- i. The owner of the winery shall maintain records detailing the amount of fruit grown on the premises (including properties pursuant to subsection iv) and the amount of fruit/juice and/or wine imported from off the premises, to demonstrate compliance with this Section.
- ii. The records shall indicate the dates of receipt and quantities of all imported fruit/juice and/or wine and shall indicate the off-site growers name, address and location of the growing operation from which the fruit/juice and/or wine is imported.
- iii. All records shall be provided within 14 days of request by County.
- iv. "Fruit grown on the premises," as that phrase is used above in c.3, may include fruit grown on a separate property or properties under the same ownership or lease as the Small Winery, provided all of the following criteria are met:
 - a) "Separate property" or "properties" shall mean parcels located within the County that are not contiguous to one another, are under the same ownership or lease as the Small Winery, and are part of the same Small Winery operation;
 - b) All properties shall be clearly delineated and included as part of the Small Winery Administrative Permit and shall be subject to all conditions of approval;
 - c) Only one of the parcels shall have the wine production facilities, tasting area and/or event areas. That parcel shall be a minimum of 4 acres in size;
 - d) For wineries smaller than 8 acres in size, at least 50% of the "fruit grown on the premises" shall be grown on the parcel which contains the wine production facilities and tasting area. For wineries 8 acres or larger in size, at least 25% of the "fruit grown on the premises shall be grown on the parcel which contains the wine production facilities and tasting area;
 - e) Events of any kind are permitted only on the parcel which contains the production facility, tasting area, and approved event areas. No events shall

be permitted on any of the other properties included as part of the Small Winery.

4. The California Retail Food Code and the food provisions of the County Code apply as provided in those codes. The sale and consumption of pre-packaged food is allowed on the premises. Refrigeration shall be permitted by the County of San Diego Department of Environmental Health (DEH). Catered food service is allowed by a DEH-permitted caterer, but no food preparation is allowed at a Small Winery, except as described below in this Section. Catered food service includes the provision of food that is ready to eat and that has been prepared off the Small Winery premises.
 - i. One mobile food facility may be allowed on the Small Winery premises to serve the patrons during the approved hours of operation;
 - ii. The mobile food facility shall not be parked in the required parking spaces for winery patrons or employees, nor shall it interfere with the safe ingress or egress to and from the premises;
 - iii. The mobile food facility shall have a valid Mobile Food Facility Health Permit from the Department of Environmental Health and shall conform to all requirements applicable to a mobile food facility, including access to a permitted commercial restroom.

5. Events, including but not limited to weddings and parties, may be allowed as specified in the Administrative Permit upon the making of the findings in Section 6910.c.6. Events shall comply with the requirements of Section 21.201 et seq. of the County Code.

Pursuant to Section 6106 of the Zoning Ordinance, Community Events as defined in and as limited by Chapter 2 of Division 1 of Title 2 of the San Diego County Code (sections 21.201 – 21.208) are allowed and subject to all applicable licenses required by the Sheriff pursuant to Chapter 1 of Division 1 of Title 2 of the San Diego County Code (sections 21.101 – 21.117).

6. An Administrative Permit for a Small Winery is required and may be approved in accordance with the Administrative Permit Procedure commencing at Section 7050 if it is found:
 - 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:
 - a) Harmony in scale, bulk, coverage and density.
 - b) The availability of public facilities, services and utilities.
 - c) The harmful effect, if any, upon desirable neighborhood character.
 - d) The generation of traffic and the capacity and physical character of surrounding streets.

- e) The suitability of the site for the type and intensity of use or development which is proposed.
 - f) Any other relevant impact of the proposed use.
- ii. That the impacts, as described in paragraph "i" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.
 - iii. That the requirements of the California Environmental Quality Act have been complied with.
 - iv. Notice shall be provided pursuant to Section 7060.c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060.d.
7. A Small Winery shall demonstrate compliance with the adopted standards of the applicable fire service provider.

Section 15. Section 6980 is amended to read as follows:

6980 WIRELESS TELECOMMUNICATIONS FACILITIES

6981 CONFLICT RESOLUTION

[NO CHANGES]

6982 PURPOSE

[NO CHANGES]

6983 DEFINITIONS

For the purpose of the Wireless Telecommunications Facilities regulations contained in Sections 6980 through 6991, certain abbreviations, terms and words shall be used, interpreted and defined as set forth in this Section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural indicate the singular.

- a. Administrative Site Plan – A Site Plan, pursuant to Sections 7150 through 7174 of this Ordinance, that does not require community review except as noted in Section 6987 A of this Ordinance.

Antenna – Any system of wires, poles, rods, reflecting discs or similar devices designed for telephonic, radio, facsimile, data or television communications through sending and/or receiving of electromagnetic waves when such system is either external to or attached to the exterior of a structure. Antennas shall include, but not be limited to, devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted up and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be part of the antenna.

Antenna Height – The vertical distance measured from the ground surface at grade to the tip of the highest point of the proposed structure.

Antenna Support – Any pole, telescoping mast, tower tripod or any other structure that supports a device used in the transmitting and/or receiving of electromagnetic waves.

Applicant – A person who applies for a wireless facility siting. An applicant can be the owner of the property or someone who is representing the owner, such as a builder, developer, optional purchaser, lessor, consultant or architect.

- c. Camouflaged – Any telecommunications facility that is designed to blend into the surrounding environment. Examples of camouflaged facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, towers made to look like trees and antenna structures designed to look like light poles. Camouflaged facilities may be considered low or high visibility depending on the type of facility, degree of camouflaging and compatibility with the surrounding existing environment (see definitions of low and high visibility).

Co-location – Locating wireless telecommunications equipment from more than one provider on a single site.

Commercial Zones - are defined as consisting of the following zones: C32, C34, C35, C36, C37, C38, C40, C42, and C44, and also S88 when the proposed site is in a commercial component of a Specific Plan.

Community Character – Those unique attributes including, but not limited to, architecture, historical and cultural features, historical development patterns, landscape, hardscape and the size, scale and spacing of buildings and other structures that define a community's identity.

- e. Equipment Building, Shelter or Cabinet – A cabinet or building used to house equipment used by telecommunication providers at a facility.
- f. Façade Mounted Antenna – An antenna architecturally integrated into the façade of a building or structure.

Facility – See Wireless Telecommunications Facility.

Faux Trees – A term used to refer to Monopalms, Monopines and other camouflaged monopoles made to resemble different types of trees.

- g. Grade – The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the structure and the property line or, when the property line is more than 5 feet from the structure, between the structure and a line 5 feet from the structure.

Guyed Tower – A telecommunications tower that is supported, in whole or in part, by guy wires and ground anchors.

- h. High Visibility – The following shall be considered High Visibility facilities:

1. Monopoles, lattice towers and guyed towers
 2. Non-camouflaged facilities
 3. Faux Trees
 4. Any and all wireless facilities not defined as invisible or low visibility.
 5. High Voltage Transmission Tower – a tower carrying transmission lines of at least 132 kilovolts.
- i. Industrial zones – are defined as consisting of the following zones: M50, M52, M54, M56, M58, and also S88 when the proposed site is in an industrial component of a Specific Plan.
- j. Invisible – Facilities, including, but not limited to towers, antennas and equipment cabinets and any other ancillary equipment, that cannot be seen from any street and from all adjacent properties and that do not result in any apparent architectural changes or additions, including Community Identification Signs when the antennas are fully integrated into the sign. The addition of landscaping, walls, fences or grading as screening techniques does not meet the definition of invisible.
- k. Lattice Tower – A guyed or self-supporting three or four sided, open, steel frame support structure used to support telecommunications equipment.
- l. Low Visibility – the following shall be considered Low Visibility facilities if they do not exceed the height schedule pursuant to Sections 4610 - 4620 of this Ordinance:

[NO CHANGES]

- m. Monopalm – a monopole camouflaged to resemble a palm tree.

Monopine – a monopole camouflaged to resemble a pine tree.

Monopole – A wireless communication facility consisting of a single pole constructed without guy wires and ground anchors.

- p. Panel Antenna - An antenna or array of antennas designed to concentrate a radio signal in a particular area. Also called directional antennas.

Public Safety Communications facilities: Telecommunications facilities operated and maintained by public agencies that support Public Safety Communications Systems, which provide wireless communications to law enforcement, fire services, emergency medical services, and other public safety/service agencies. These facilities are considered Essential Services pursuant to Section 1335.

- r. Residential Zones – for purposes of this section, are defined as consisting of the following zones: RS, RD, RR, RM, RV, RU, RMH, RRO, RC, S80, S90, C30, C31, C46 and also S88 when the proposed site is in a residential component of a Specific Plan.

Roof Mounted Antenna – Any antenna with its support structure placed directly on the roof of any building or structure.

Rural Zones – are defined as consisting of the following zones; A70, A72 and S92.

- s. Service Area – The area served by a single telecommunications facility.

Service Network – The telecommunications transmission system operated by a service provider in a community or jurisdiction.

Special Purpose Zones - are defined as consisting of the following zones: S82, S86 and S94.

Small Cell Wireless Facilities – are facilities where each antenna shall be no more than three cubic feet in volume. The wireless equipment and any pre-existing associated equipment on the structure must be no more than 28 cubic feet in volume. Small wireless facilities shall be mounted on new or existing structures in the public right-of-way. Small wireless facilities are also permitted on private property when attached to existing public utility poles or existing permitted telecommunication facilities.

- t. Telecommunications – The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

Telecommunications Tower - Any mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure designed and primarily used to support antennas.

Tower – See Telecommunications Tower

- w. Whip Antenna – An antenna that transmits signals in 360 degrees. Whip antennas are typically cylindrical in shape and are less than 3 inches in diameter and measure up to 6 feet in length, including the mounting. Also called omni-directional, stick or pipe antennas.

Wireless Community Master Plan – a Master Plan of preferred sites and designs for wireless facilities for a defined geographic area prepared in cooperation with one or more wireless service providers; formally submitted by the community planning group or sponsor group or by a homeowners association representing at least 4,000 residents and at least 5,000 acres to the Director; reviewed by the Director for such issues as aesthetics and community compatibility; and following public review, approved by the Director. A Community Master Plan can be applicable to all providers or to selected providers as defined in the Plan.

Wireless Telecommunications Facility – Any facility that transmits and/or receives electromagnetic waves, including, but not limited to, antennas, dish antennas and other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting said equipment, equipment buildings, parking area and other accessory development. Also known as a wireless communications facility.

This definition does not apply to Amateur Radio Stations as defined by the Federal Communications Commission, Part 97 of the Commission's Rules nor to TV and radio transmission facilities, nor to Public Safety Communications facilities.

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Small cell wireless facilities located within the public right-of-way or on private property and attached to new or existing utility poles shall be processed as non-discretionary permits. Plans submitted for non-discretionary review shall comply with the following requirements:

- a. A detailed site plan with sufficient detail to determine compliance with the requirements set forth below shall be submitted.
- b. Small cell wireless facilities on existing poles or structures shall be designed to visually and operationally blend into the surrounding area and shall be the same or similar color as the facility or structure to which they are attached.
- c. Small cell wireless facilities on new poles or structures shall be an earth tone color that blends with the surrounding environment and shall not be reflective or otherwise painted to attract attention.
- d. Small cell wireless facilities on new or existing poles or structures and related equipment shall not impair pedestrian use of sidewalks or pathways, shall be designed and sited in compliance with all ADA (Americans with Disabilities Act) accessibility requirements, and shall not inhibit equestrian activities on designated public or private trail systems.
- e. Small cell wireless facility equipment on new or existing poles or structures and related fixed equipment shall not be located within the recommended clear recovery zone alongside County roadways and shall not impede sight distance at intersections or driveways for all roadway users based on County Public Road Standards for these requirements.
- f. No net loss in required parking spaces shall occur as a result of the installation of any small cell wireless facility.
- g. Height: A small cell wireless facility shall comply with the following height requirements, whichever is least restrictive:
 1. no taller than 50 feet (including their antennas),
 2. no more than 10 percent taller than other structures in the area within 100 feet,
 3. or, where the small cell wireless facility is affixed to an existing structure, that structure is not extended in height by more than 10 percent as a result of the deployment.
 4. A small cell wireless facility allowed by Section 6985.a shall not increase the height of an existing telecommunications facility.
- h. When located on private property, small cell wireless facilities shall comply with all zoning requirements.

6984.B DISCRETIONARY APPLICATION REQUIREMENTS

In addition to meeting standard application submittal requirements for discretionary permits, all applicants for wireless telecommunications facilities shall provide 3 copies of the information listed below. One copy shall be distributed by the Department to the appropriate Planning or Sponsor Group. When a facility meets all requirements for processing under Tier 1, the requirements of Sections B and C 1 shall not be required. The Director may waive any of the submittal requirements listed below or require additional information based upon specific project factors:

- a. **Geographic Service Area.** Identify the geographic service area for the subject installation, including a map showing all the applicant's existing sites in the local service network associated with the gap the facility is meant to close. Describe how this service area fits into and is necessary for the company's service network.
- b. **Visual Impact Analysis.** A visual impact analysis shall be provided showing the maximum silhouette, viewshed analysis, color and finish palette and proposed screening. The analysis shall include photo simulations and other information as necessary to determine visual impact of the facility. A map depicting where the photos were taken shall be included.
- c. **Narrative.**
 1. **Height.** Show the height of the facility. Carriers must provide evidence that establishes that the proposed facilities have been designed to the minimum height required from a technological standpoint for the proposed site. If the tower will exceed the maximum permitted height limit, as measured from grade, a discussion of the physical constraints (topographical features, etc.) making the additional height necessary shall be required.
 2. **Maintenance.** Describe the anticipated maintenance and monitoring program for the antennas, back-up equipment and landscaping.
 3. **Noise/Acoustical Information.** As part of the Application for Environment Initial Study, provide manufacturer's specifications for all equipment such as air conditioning units and back-up generators, and a depiction of the equipment location in relation to adjoining properties.
 4. **If the site is not a preferred site as described in Section 6986, provide the information required in Section 6986 B.**
 5. **Concept Landscape Plan.** Provide a plan showing all proposed landscaping, screening and proposed irrigation with a discussion of how the chosen material at maturity will screen the site.
 6. **Fire Service.** Provide evidence of compliance with Fire Policy FP-2 or a service letter from the applicable fire district.
 7. **Hazardous Materials.** Listing of all hazardous materials to be used onsite.

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8. For all applications for facilities located in the public right of way, include on the plot plan the location of parking for maintenance personnel.
9. A letter stating the applicant's willingness to allow other carriers to co-locate on their facilities wherever technically and economically feasible and aesthetically desirable.
10. The lease area of the proposed facility on the plot plan.
11. For all applications for wireless facilities operating below 1200 megahertz, submit a copy of the Federal Communications Commission Licensing Application Form 601, Main Form, Pages 1 through 4, Schedule A, Page 1, Schedule D, Page 1 and Schedule H, Pages 1 through 3. The application shall be reviewed by the Sheriff's Wireless Services Unit to determine potential interference with the Regional Communication System. Interference with that system may be grounds for denial.

6985.A NON-DISCRETIONARY APPLICATION PROCESSING

Any small cell permit application that proposes to colocate on an existing approved Tier 1, Tier 2, Tier 3, or Tier 4 facility described below shall not require any further discretionary review if it complies with the application requirements of Section 6984.A.

6985.B DISCRETIONARY APPLICATION PROCESSING

Although a tier may be assigned at project intake, a re-evaluation of the project tier may occur at any point in the process, including, but not limited to, review by the Planner, Environmental Analyst or Hearing Officer.

- a. Applications will be processed based upon the following 4-tier permitting system, subject to the exceptions and general regulations found in Sections 6985 B and C:

TIER 1 – ADMINISTRATIVE SITE PLAN

Facilities meeting any of the following criteria shall be processed as an ADMINISTRATIVE SITE PLAN:

Industrial and Commercial Zones

- Invisible facilities
- Facilities on:
 - CALTRANS structures, "cobra-style" streetlights and poles in the public right of way, or an existing park and ride light standard, when they meet all the following:
 - The antennas do not project more than 24 inches above the structure,
 - No more than a total of two antennas are located on a site
 - The equipment cabinet is no larger than 6 cubic feet.

- The equipment cabinet is concealed from public view through the use of undergrounding or screening by means other than walls or fences.
- Façade mounted antennas integrated into the architecture in such a manner that no change to the architecture is apparent and no part of the facility can be seen from public view.
- Facilities not subject to the “B”, “D”, “H” or “J” Designators and are:
 - Hidden from public view through the use of architectural treatments (cupolas, etc.); and
 - Consistent with the existing building and community character.

Any Zone

- Antennas located on high voltage transmission towers if they increase the bulk and scale of the structure by less than 5 percent.

TIER 2 – SITE PLAN WITH COMMUNITY REVIEW

Facilities meeting any of the following criteria shall be processed as a SITE PLAN WITH COMMUNITY REVIEW:

Commercial, Industrial and Special Purpose Zones

- Low visibility facilities.

All Zones

- Facilities covered by a Wireless Community Master Plan when the design and siting are consistent with the plan.

TIER 3 – MINOR USE PERMIT

Facilities meeting any of the following criteria shall be processed as a MINOR USE PERMIT:

- All facilities other than those meeting the criteria of Tiers 1, 2, or 4.

TIER 4 – MAJOR USE PERMIT

Facilities meeting the following criteria shall be processed as a MAJOR USE PERMIT:

- Non-camouflaged towers greater than 60 feet, or 15 feet above the maximum allowed height limit in the zone, whichever is lower, shall require a Major Use Permit in all zones (except where they are prohibited).
- All facilities in Residential and Rural zones except as specified in Tiers 1 and 2.

a. Exceptions

1. In addition to all other requirements in Sections 6980 through 6991, any proposed facility on a structure currently subject to a Major or Minor Use Permit shall obtain approval of the facility through the modification of the permit in accordance with Section 7378 of this Ordinance for a Use Permit or by Minor Deviation in accordance with Section 7609 of this Ordinance when the facility is invisible.
2. Major Use Permits for Wireless Telecommunications Facilities shall be under the original jurisdiction of the Planning Commission.

b. General Regulations

1. Non-camouflaged monopoles, lattice towers and guyed towers are prohibited in Residential and Rural zones.
2. All buildings and structures built to contain equipment accessory to a facility may not exceed 10 feet in height measured from the base of the foundation unless a greater height is necessary to maximize architectural integration and shall be screened by landscaping.
3. No more than three facilities are allowed on any site or parcel in commercial, industrial, rural or special purpose zones. No more than one facility is allowed on any parcel or site in a Residential zone. This requirement may be waived by the Director if a finding is made that co-location of more facilities is consistent with community character.
4. Telecommunications towers located adjacent to a residential use shall be set back from the nearest residential lot line by a distance at least equal to its total height or 50 feet, whichever is greater. The setback shall be measured from that part of the tower that is closest to the neighboring property (i.e., the setback for a faux tree would be measured from the end of the branch closest to the neighboring property).
5. No tower or equipment shall be located in a front, rear or side yard setback in any zone and no portion of any antenna array shall extend beyond the property lines.
6. Noise from any equipment supporting the facility shall meet the requirements of the County's Noise Ordinance on an average hourly basis.

7. The Director may grant an exemption from the requirement to process a Site Plan permit pursuant to Section 7156 of this Ordinance if he or she finds that all of the purposes and requirements of the Site Plan have been or will be fulfilled by another discretionary permit, or where the Director finds the proposed development or improvement is minor in nature and that the public purpose for which the Site Plan permit would normally be required will not be harmed by granting a Site Plan permit exemption. The Director's decision may be appealed pursuant to Section 7200 of this Ordinance.
8. All facilities located on a utility pole shall be promptly removed at the operator's expense at the time a utility is scheduled to be undergrounded.
9. Maintenance vehicles servicing facilities located in the public or private right of way shall not park on the traveled way or in a manner that would obstruct traffic.
10. Equipment cabinets and antenna structures shall be secured to disallow unauthorized access.
11. Use Permits for high visibility facilities shall have a maximum term of 6 years for facilities valued at less than \$10,000; 10 years for facilities valued from over
12. \$10,000 to \$500,000; and 15 years for facilities valued at \$500,000 or more. This may be extended for an additional period of time by modifying the permit if it is found that no smaller or less visible technology is available or feasible to replace the facility.
13. As a condition of approval, prior to use of the facility, submit evidence, such as photos, to the satisfaction of the Director to show proof that the facility is in conformance with photo simulations provided pursuant to Section 6984 (B) of this Ordinance.

6986 PREFERRED SITES

[NO CHANGES]

6987 DESIGN REGULATIONS

[NO CHANGES]

6988 MAINTENANCE

[NO CHANGES]

6989 ABANDONMENT OR DISCONTINUATION OF USE

[NO CHANGES]

6990 REVOCATION

[NO CHANGES]

6991 AMORTIZATION OF HIGH VISIBILITY FACILITIES IN RESIDENTIAL AND RURAL ZONES

[NO CHANGES]

Section 16. Section 6903 LOT LINE LOCATIONS is amended to read as follows:

6903 LOT LINE LOCATIONS

Lot lines shall not be relocated so as to do any of the following:

- a. Impair any legal access or create a need for new access to any adjacent lots or parcels.
- b. Impair any existing easements, create a need for any new easements serving any adjacent lots or parcels or cause any of the lots or parcels involved to be without safe and adequate access.
- c. Require substantial alteration of any existing public improvement or create a need for any new public improvements, unless approval is given by the Director, Department of Public Works.
- d. Adjust the boundary between lots or parcels for which a Covenant of Improvement Requirements has been recorded and all required improvements stated therein have not been completed unless the Director determines the proposed boundary adjustment will not significantly affect said Covenant of Improvement Requirements.
- e. Include any lots or parcels, which in the Director's judgment, based on design, size, or specification of the original document creating the parcel, were not intended as a building site.
- f. Negate any condition imposed or finding made in the original action or actions that created any or all of the lots involved in any such relocation of a lot line.
- g. Negate any action or measure imposed to mitigate environmental impacts at the time any or all of the lots involved in any such relocation of a lot line were created. 1-09
- h. Result in any lot or lots which utilize or propose to utilize an individual sewage disposal system, unless said lot or lots have been certified by the Director of Environmental Health as being approved for the installation of a sewage disposal system in accordance with the Septic Tank Ordinance, said certification to be dated no earlier than one year prior to the filing of said request for relocation of lot line(s). The Director of Environmental Health may exempt a boundary adjustment lot(s) from certification when the lot line changes will not impact the ability of the lot(s) to utilize an individual sewage disposal system.
- i. Result in any increase in noncompliance to the lot design requirements specified in Section 81.401 of the County Subdivision Ordinance.
- j. Result in any lot or lots which do not comply with all applicable zoning regulations, except that in the case of a lot or lots which did not conform to zoning regulations prior to the lot

line relocation, the relocation may be approved if it does not result in any greater degree of nonconformity.

- k. Include any area determined by the Director of Public Works to be subject to flooding or inundation unless the limits of said area are delineated by a distinctive boundary line, clearly labeled, with an appropriate note stating said area is subject to flooding or inundation.
- l. Where the Director has made the determination referred to in Section 67.711 of the San Diego County Code, lot lines may not be relocated so as to result in lots zoned for residential use that are smaller than the minimum parcel sizes set forth in San Diego County Code Section 67.722.A (within the San Diego County Groundwater Ordinance), except that an existing parcel smaller than the applicable minimum parcel size set forth in said Section 67.722.A need not be made to conform to the minimum, so long as it is not further reduced in size by the Adjustment Plat.
- m. Include all or any portion of a lot that was created without a parcel map under Government Code
- n. Result is a property with split commercial and residential zoning, whereby the purpose of the Adjustment Plat is to allow commercial parking in a residential zone as allowed by Section 4011 of the Zoning Ordinance.

Section 17. Section 7400 is amended to read as follows:

DENSITY BONUS/AFFORDABLE HOUSING PERMIT PROCEDURE

7400 TITLE AND PURPOSE.

The provisions of Sections 7400 through 7449, inclusive, shall be known as Density Bonus/Affordable Housing Permit Procedures. The purpose of these provisions is to provide a review procedure for a density bonus or any associated incentive, waiver or modification of development standards as requested by an applicant pursuant to the Density Bonus/Affordable Housing Program at Zoning Ordinance Sections 6350 through 6399, except that these procedures shall not apply to the County Affordable Senior Housing Program at Section 6360 a.2.

Applications for a development that is subject to the streamlined, ministerial approval process shall be submitted in accordance with Government Code Section 65913.4.

7402 APPLICABILITY.

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

7405 JURISDICTION.

- a. Applications for granting or modifying an a Density Bonus/Affordable Housing Permit, any associated incentive, or a waiver or modification of development standards that are filed

concurrently with any other discretionary project application shall be under the same original jurisdiction as the other discretionary project application.

- b. If no other discretionary project application is required, a Density Bonus/Affordable Housing Permit application shall be under the original jurisdiction of the Director.

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

- a. Persons Eligible. The following persons shall be eligible to apply:

1. A property owner, in which case the application shall be signed by all property owners or agents, as provided in Section 7017.
2. A lessee upon written approval of the property owner, in which case the application shall be signed by all property owners or agents, as provided in Section 7017.

- b. Required Documents.

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

1. Application. A Density Bonus/Affordable Housing Permit application shall include the following information:
 - i. A description of the requested density bonus, incentive, concession, waiver, or modification.
 - ii. Identification of the base project without the density bonus, number and location of all affordable units qualifying the project for a density bonus, level of affordability of all 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. 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.
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, 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. 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.

7420 FINDINGS RELATED TO INCENTIVES AND DEVELOPMENT STANDARDS.

- a. Incentives. A requested incentive shall be approved unless the approval authority makes a written finding to deny the incentive, based upon substantial evidence, of at least one of the following:
 1. The incentive is not required in order to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents, as defined in Health and Safety Code Section 50053, for the reserved units.

2. The incentive would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households.
 3. The incentive requested in the application would be contrary to state or federal law.
 4. The applicant has failed to submit required information or does not qualify for the requested incentive.
 5. Within the Coastal Zone, the incentive would be inconsistent with the resource protection standards of the Local Coastal Program, with the exception of density.
- b. Waivers or Reductions of Development Standards. A proposal by the permit applicant to waive or reduce development standards that have the effect of physically precluding the construction of a development at the densities or with the incentives permitted by the Density Bonus/Affordable Housing Program shall be approved unless the approval authority makes a written finding to deny the waiver or reduction, based upon substantial evidence, of one of the following:
1. The development standard does not have the effect of physically precluding construction at the densities or with the incentives permitted by the Density Bonus/Affordable Housing Program.
 2. The waiver or reduction of the development standard would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
 3. The waiver or reduction of the development standard would have a specific adverse impact on any real property that is listed in the California Register of Historical Resources.
 4. The waiver or reduction of the development standard would be contrary to state or federal law.
 5. The applicant has failed to submit required information or does not qualify for the requested waiver or reduction of development standards.
 6. Within the Coastal Zone, the incentive would be inconsistent with the resource protection standards of the Local Coastal Program, with the exception of density.

7430 DENSITY BONUS/AFFORDABLE HOUSING AGREEMENT.

The provisions contained within agreement Density Bonus/Affordable Housing Agreement shall be enforceable by the County, and a violation of the agreement shall constitute a violation of this Ordinance.

- a. Agreement Required. The applicant shall enter into a contract with the Department of Housing and Community Development, to the satisfaction of the Director of Planning and Development Services, agreeing to the specific terms and conditions of the Density Bonus/Affordable Housing Program and to periodic inspections of the housing by County employees. The property owner shall execute a Density Bonus/Affordable Housing Agreement prior to any of the following:
 1. A ministerial action by the County with regard to the project.
 2. A discretionary permit issued in conjunction with a Density Bonus/Affordable Housing application, including tentative maps. The permit shall contain a condition detailing the actions required for compliance with the Density Bonus/Affordable Housing Program and with the terms of the application.
 3. Each final map or parcel map shall bear a note indicating the method of compliance with the requirements of the Density Bonus/Affordable Housing Program and stating that an affordable housing agreement shall be recorded prior to issuance of a building permit with respect to each parcel created by the map.
 4. No building permit shall be issued for a residential unit until the applicant has demonstrated compliance with the Density Bonus/Affordable Housing Program through recordation of an Affordable Housing Agreement.
- b. Execution of Agreement.
 1. Following Board approval of the agreement and execution of the agreement by all parties, the County shall record the completed agreement on the parcels created by the final or parcel map at the County Recorder's Office.
 2. The approval and recordation shall take place at the same time as the final or parcel map or, where a map is not being processed, before issuance of a building permit.
 3. The agreement shall be binding on all future owners, developers, and/or successors-in-interest.

7435 APPEAL.

- a. Any decision regarding a Density Bonus/Affordable Housing application under the original jurisdiction of the Director may be appealed to the Planning Commission. Unless any concurrent discretionary permit is appealable to the Board of Supervisors, the decision of the Planning Commission shall be final and effective immediately.
- b. Any decision regarding a Density Bonus/Affordable Housing application under the original jurisdiction of the Planning Commission may be appealed to the Board of Supervisors.

7440 EXPIRATION.

- a. If not issued in conjunction with the approval of a subdivision map pursuant to the County Subdivision Ordinance, a Density Bonus/Affordable Housing Permit shall expire two years after its issuance unless construction and/or use of the property in reliance on the permit has commenced prior to its expiration; provided, however, that the period within which

such construction and/or use must be commenced may be extended as provided in this section.

- b. If the Density Bonus/Affordable Housing Permit is issued in conjunction with the approval of a subdivision map pursuant to the County Subdivision Ordinance, the density bonus permit shall remain in full force and effect for the duration of the tentative approval for that subdivision map and, if the subdivision map does not receive final approval, expire upon expiration of the tentative approval. If the subdivision map receives final approval, the density bonus permit shall expire two years after recordation of the final or parcel map unless construction and/or use of the property in reliance on the permit has commenced prior to its expiration; provided, however, that the period within which such construction and/or use must be commenced may be extended as provided in this section.
- c. If prior to the expiration of a Density Bonus/Affordable Housing Permit, the applicant files a written application with the Department for an extension of time, the period within which construction or use of the property in reliance on the density bonus permit must be commenced may be extended by the Director at any time within 90 days of the date of expiration. The Director may grant one or more such extensions not to exceed a total of two years, subject to specified conditions and upon a finding that unusual circumstances have delayed such completion, creating a substantial hardship on the applicant.

7445 DENSITY BONUS/AFFORDABLE HOUSING PERMIT TO BE RECORDED AND PROVIDE CONSTRUCTIVE NOTICE

Upon the approval of a Density Bonus/Affordable Housing Permit becoming final and effective, the Director shall cause a copy thereof to be filed with the San Diego County Recorder. The permit shall set forth the names of all owners of the property subject to the permit. The recording of the permit shall provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named in the permit, of the rights and obligations created by the permit.

Approved as to form and legality by County Counsel

By: Randall Sjoblom, Senior Deputy County Counsel

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 27th day of February, 2019.



DIANNE JACOB
Chairwoman, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

ATTEST my hand and the seal of the Board of Supervisors this 27th day of February, 2019.

DAVID HALL
Clerk of the Board of Supervisors

By 
Joana Santiago, Deputy



Ordinance No.: 10592 (N.S.)
02/27/19 (02)