



## The City of San Diego

### Staff Report

DATE ISSUED: January 25, 2023

TO: City Council

FROM: Planning

SUBJECT: 2022 Update to the San Diego Municipal Code (Land Development Code) and Local Coastal Program and Amendment to Floor Area Ratio Bonus and Citywide Park Development Impact Fee Resolutions.

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Council Districts: Citywide

#### OVERVIEW:

The Land Development Code (LDC) provides the City's regulations for the development and use of property within the City of San Diego and provides information on zoning, subdivisions, grading and other related land use activities. In December 1997, the City Council adopted a comprehensive update to the LDC and directed the development of a code monitoring and update process to address changes anticipated as part of implementing the LDC. The City Council recognized the importance of LDC revisions that removed unnecessary barriers to simplify and streamline permitting processes. Through these regular updates, the City has continually responded to the changing land use and development issues. The 2022 LDC Update includes 84 amendment items. The proposed amendments address the following: (1) align policy with the City's climate, equity and housing goals, (2) regulatory reform, (3) compliance with state law, (4) corrections and (5) clarifications.

#### PROPOSED ACTIONS:

Adopt the two ordinances for the 2022 Update to the Land Development Code and Local Coastal Program and adopt amendments to Resolution R – 307481, Floor Area Ration (FAR) Payment Bonus Program, and Resolution R – 313688, Adopting a New Citywide Park Development Impact Fee.

#### DISCUSSION OF ITEM:

The proposed 84 amendment items in the 2022 Code Update are separated into two ordinances: Citywide Amendments and Amendments to the Centre City Planned District Ordinance. Within those two ordinances are five categories: (1) align policy with the City's climate, equity and housing goals, (2) regulatory reform, (3) compliance with state law, (4) corrections and (5) clarifications. A list is provided

below, and a detailed description is provided within the included matrices as well as the draft language. The CEQA evaluation memo and a supplemental memo are included as attachments.

To provide sufficient time to implement these new code provisions, the effective date for all Citywide amendment items will be 60 days from final passage of the ordinance. The amendments to the Centre City Planned District Ordinance would take effect 30 days after final passage of the ordinance, due to the less complex nature of the changes.

For Item 5 – New Definition of Sustainable Development Area and Item 16 – Industrial Base Zones: Prime Industrial Lands, while the proposed changes would go into effect 60 days from final passage, a pipeline provision is proposed allowing projects that have submitted applications one (1) year from the effective date of the ordinance to be subject to the rules in effect prior to the effective date of the ordinance. This means that a project application that is submitted within one year from the effective date of the regulations may choose to comply with the existing regulations or the regulations that were in effect prior to the effective date of the regulations.

#### Citywide Amendments (53 Items)

##### **A. Align Policy with City's Climate, Equity and Housing Goals**

The following two amendment items align the LDC with the City's climate, equity and housing goals and policies described below. Each item has a corresponding number within the attached Citywide LDC Matrix.

##### New Definition of a Sustainable Development Area (SDA) (Item No. 5)

Creates a new definition for geographic designation for certain housing programs that currently use the geographic area defined as a Transit Priority Area (TPA) in San Diego Municipal Code Section 113.0103. This new geographic designation is intended to align with the City's Climate Action Plan (CAP) goals to ensure that the City's home development incentive programs focus development in areas have convenient access to high quality transit and safe and enjoyable walking, rolling and biking options for moving around. Locating new homes near transit where people are more likely to have lower rates of vehicular travel is a key component identified in Strategy 3 of the City's CAP.

Sustainable Development Area means the area within a defined walking distance along a pedestrian path of travel from a major transit stop that is existing or planned, if the planned major transit stop is included in a transportation improvement program or applicable regional transportation plan, as follows:

- a. Within Mobility Zones 1 and 3, as defined in Section 143.1103, the defined walking distance is 1.0 mile.
- b. Within Mobility Zone 4, as defined in Section 143.1103, the defined walking distance is 0.75 miles.
- c. For parcels located in Mobility Zone 4, in an area identified as a High or Highest Resource California Tax Credit Allocation Committee Opportunity Area, the defined walking distance is 1.0 mile.

In addition, an adopted specific plan prepared in accordance with section 122.0107(a), shall be within the Sustainable Development Area if the Sustainable Development Area is within a portion of the adopted specific plan.

The proposed changes would affect the locations eligible for the City's local housing incentive programs and regulations. This amendment would not change the parking regulations for locations within the Parking Standards TPA. Code amendments to implement Assembly Bill 2097 (Friedman, 2022), which prohibits jurisdictions from enforcing parking minimums within transit supported areas, will be brought forward for consideration as part of the 2023 LDC Update.

The existing definition of a TPA, which is rooted in state law, is a high-level definition that measures the areas located near transit by measuring a 0.5-mile straight line distance, rather than a walking distance. At the time that the definition was originally applied to the City's development programs, more refined data showing the areas of the City that were within a close walking distance to transit – taking into account physical barriers such as freeways and steep hillsides – was not available. As more refined data has become available, the ability to focus development in the areas of the City that truly have the best access to transit is now technically feasible.

To ensure the City remains focused on maximizing opportunities for new home development and to achieve the City's climate goals, the use of the 0.5 mile straight line distance from a major transit stop has been reevaluated, taking into consideration areas that have safe, comfortable access to transit, and biking, walking, and rolling options for moving around. It is also important to recognize that our climate goals are not just served by eliminating vehicular trips with transit, but by reducing overall vehicle miles travelled (VMT). Project sites located in areas with other walking, rolling and bicycle infrastructure, as well as areas that are in communities with relatively less overall vehicular travel, are also places where new development can implement Strategy 3 of the CAP.

To define a new SDA, City staff identified areas that have good walk, roll, bike and other micro-mobility access to transit. Taking this into consideration, people who live in homes located 0.75 miles from a major transit stop, at an average walking pace of three miles per hour, can reach their destination in about 15 minutes. Taking into account the more compact development anticipated to occur through the City's incentive programs, this is a reasonable distance of travel to a major transit stop, especially where neighborhood amenities, such as grocery stores, restaurants, and other social gathering spaces, can be visited along the way. This is even more true in the City's communities with relatively less vehicular travel (in Mobility Zone 1 and VMT efficient communities, also defined as Mobility Zone 3), where people are more likely to walk, and when they choose to drive, drive fewer overall miles. In this instance, people who live in homes located one mile from a major transit stop, at an average walking pace of three miles per hour, can reach their destination in about 20 minutes. This is a reasonable distance for VMT efficient communities with more investments existing and planned for walking, rolling, biking and transit. This is especially important because these are areas where critical active transportation investments can be delivered most efficiently, resulting in the greatest levels of VMT reductions, especially where increased density will exist to support the investments.

To ensure the SDA furthers fair housing throughout the City, the walking distance of a major transit stop increases from 0.75 to 1.0 miles in Mobility Zone 4 to include properties in areas designated as Highest and High Resource Opportunity Areas by the California Tax Credit Allocation Committee<sup>1</sup>. This would expand the eligibility of the City's housing incentive programs and allow for more affordable housing in areas with more economic and education opportunities

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<sup>1</sup> Opportunity mapping is used by the committee as a way to measure and visualize place-based characteristics linked to critical life outcomes, such as educational attainment, earnings from employment, and economic mobility (for example, areas of higher opportunity are identified as Highest and High Resource Areas on the opportunity maps).

and fewer environmental issues. These additional home opportunities are in alignment with the City's climate goals since these are areas where generally people are more likely to walk, roll, bike or use transit to move around, as opposed to areas that would be removed from SDA (areas that are currently outside a 0.5 mile walk distance from transit). Additionally, an adopted specific plan shall be within the SDA if a part of the specific plan falls within the boundary of the SDA.

The SDA expands land areas beyond a TPA while also refocusing City incentive programs in areas that are more transit supportive. In some instances, land areas outside of the TPA definition will now be eligible for City incentive programs, while in other instances, the number of eligible land areas would retract.

Staff completed a parcel level analysis to determine the overall impact of the changes from a TPA to an SDA. The analysis shows an increase in the approximate acreage of developable land overall and in the acreage available to use the City's home incentive programs.

- The SDA provides approximately 5,224 **more** developable acres than the current TPA
- The SDA furthers Fair Housing Goals by providing approximately 3,342 **more** developable acres in High and Highest Opportunity Areas determined by the California Tax Credit Allocation Committee
- The SDA includes approximately 688 **more** developable acres eligible for the Complete Communities Housing Solutions Program
  - It removes approximately 2,309 developable acres from eligibility for the Complete Communities Housing Solutions Program that are located a further walking distance away from transit.
- The SDA includes approximately 4,612 **more** developable acres eligible for the ADU Home Density Bonus program
  - It removes approximately 1,991 acres from eligibility for the ADU Home Density Bonus Program that are located a further walking distance away from transit.

The new areas added in the SDA have better overall access to transit, neighborhood services, shopping, and jobs, making them generally more attractive for new development over areas located further from transit. These areas also provide easier and more efficient opportunities to expand infrastructure investments because they are located closer to existing services and facilities. Additionally, parcels that are within a TPA and not within an SDA will continue to be able to use housing programs established by the State of California. Areas that fall under the existing definition of a TPA because they are located within the measurable distance of 0.5 mile from transit, but that are located outside of the designated watershed for the SDA are proposed to be removed from eligibility from local bonus programs, essentially shifting development to areas that are more conveniently located to transit.

While developing the SDA definition, staff reviewed the use of a 0.5 mile watershed and the use of the Regional Transportation Improvement Program five-year transportation network. Both proposals would result in a reduction of the area of eligibility for the City's housing programs compared to the current TPA. The reduction would also be more prevalent in high resource communities. Removing opportunities for increased housing in high opportunity areas could be counter to the State of California Housing Crisis Act of 2019, which limits cities' ability to reduce the intensity of land uses available for housing. Additionally, cities are required by State Law to take meaningful actions that affirmatively further fair housing by addressing significant disparities in housing needs and replacing segregated living patterns with truly integrated and balance living

patterns. The City committed to affirmatively further fair housing in its Housing Element programs and policies.

If the City were to reduce intensity of land uses in high resource communities, this could be a violation of these requirements. The Department of Housing and Community Development has an Accountability and Enforcement Division that enforces these statutes and has the ability to decertify housing elements that are not in compliance with state law. Without a certified housing element, the City could face limited access to state funding, fines and fees, and could be subject to legal challenges that suspend local land-use authority and lead to the court-approval of housing developments.

To ensure that property owners have sufficient time to prepare for these changes, a pipeline provision applicable to the amendments related to the definition of the Sustainable Development is proposed to allow applications submitted up to one year after the final passage of the regulations to continue to have the option to comply with regulations in effect before these new changes. An area that is located within the new SDA that was not previously identified in the TPA would be able to be eligible for the application of these new regulations immediately upon the effective date of the ordinance (60 days from final passage).

#### Sea Level Rise Acknowledgement for Coastal Development (Item No. 20)

A Sea Level Rise Acknowledgement was approved as part of the Housing Action Package earlier this year. This amendment expands the applicability of these development regulations to homes outside of Special Flood Hazard Areas and within areas of future level rise.

### **B. Regulatory Reforms**

Nine regulatory reforms are described below. Each amendment item has a corresponding number within the attached Citywide LDC Matrix.

#### Posted Notice (Item No. 2)

Revises the code language for posted notices to a reasonable size that will still maintain increased visibility, while eliminating wasteful and costly printing/posting requirements.

#### Development Permit Utilization - Type 1 Construction (Item No. 7)

Extends the utilization timeline for development permits for Type 1 Construction from 36 to 48 months. Type 1 Construction consists of structures (typically high-rises) constructed of concrete and protected steel and due to its more complex nature, more time for utilization is appropriate.

#### Coastal Overlay Zone - Capital Improvement Project (CIP) Decision Process (Item No. 11)

Reduces the decision process level from a Process CIP/Public Project-Five to a Process Three in the Coastal Appealable Area to reduce inefficiencies in permit processing timelines while still providing a public hearing process.

#### Coastal Commission Permit Procedures - Electronic Notice (Item No. 12)

Allows for the use of electronic mail for Notices of Final Action for Coastal Development Permits.

#### Industrial Base Zones - Retail Sales (Item No. 17)

Allows for businesses in the Industrial-Business and Trade (IBT) industrial base zones to conduct retail sales limited to 10 percent of the gross floor area of the building in which they are located. This would allow for greater flexibility for these businesses to sell by-products or consumer goods and resources stored within their building.

#### Battery Energy Storage Facilities (Item No. 21)

Adds a new section regulating the development of battery energy storage facilities and use regulations based on their size and location. Clear regulations to facilitate the development of these facilities is critical to achieving the City's renewable energy goals set forth in CAP Strategy 2. These regulations include processes and considerations for increased fire safety.

#### Design Regulations for Parking Facilities - Aisle Dimensions (Item No. 38)

Allows for more efficient parking layouts on infill development sites that are less than 100 feet wide by reducing the drive aisle from 24 to 22 feet.

#### Sign Regulations - Permanent Secondary Signs (Item No. 42)

Reduces the minimum clearance from 5 feet to 2 feet from the top of a parapet wall to allow for more design flexibility.

#### Historical Resources Regulations - Pool Demolition Permits (Item No. 43)

Exempts pool demolitions on sites that are over 45 years old from historic review regulations, removing unnecessary additional and costly reviews without any impacts to historic resources.

### **C. Compliance with State Law**

Three amendment items are included to ensure the City's Land Development Code complies with State law. Each item has a corresponding number within the attached Citywide LDC Matrix.

#### Noticing Requirements - Newspapers (Item No. 1)

Allows notices to be published in a newspaper with general circulation instead of daily circulation.

#### Residential Base Zones - Maximum Floor Area Ratio (FAR) (Item No. 14)

Updates tables for multifamily residential base zones to specify that the maximum Floor Area Ratio (FAR) standard for housing development projects that consists of 3 to 7 homes is no less than 1.0 FAR and 8 to 10 homes is no less than 1.25 FAR. Additionally, adds a footnote that historic districts or property included on the State Historic Resources Inventory are not subject to the new maximum floor area ratios and the existing floor area ratios would apply. This is consistent with Senate Bill 478 (Weiner, 2021) which required minimum and maximum floor area ratio for developers within multifamily residential base zones that consist of 3 to 10 homes.

#### Landscape Regulations - Water Conservation Requirements (Item No. 29)

Updates water conservation requirements to ensure the City complies with the Model Water Efficient Landscape Ordinance in the California Code of Regulations.

### **D. Corrections**

There are 18 corrections described below. Each amendment item has a corresponding number within the attached Citywide LDC Matrix.

Definition of a Multiple Dwelling Unit (Item No. 4)

Removes the terms companion unit and junior unit from the definition of a multiple dwelling unit and replaces with the terms Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU).

Airport Land Use Compatibility Overlay Zone - Process 5 (Item No. 8)

Updates language by removing a redundancy in site development permit applicability in the Airport Land Use Compatibility Overlay Zone to ensure consistency with the 2021 Code Change made to Chapter 13, Article 2, Division 15.

Decision Process for a Coastal Development Project - Accessory Dwelling Unit (Item No. 10)

Replaces the term companion unit with accessory dwelling unit in this section.

Setback Correction for Residential Zones (Item No. 15)

Corrects the code language related to setbacks in RE and RS residential base zones by reinserting language that was inadvertently deleted during code language reconciliation.

Mixed Use Base Zones - Supplemental Regulations for Premises Greater Than Five Acres (Item No. 19)

Removes the word "approximately" from the regulations to clarify that for every two acres, one paseo and one bicycle access way is provided in the development.

Fence Regulations – Applicability (Item No. 26)

Clarifies that any fence with a height of less than 7 feet does not require a building permit and any fence with a height of 7 feet or greater requires a Building Permit through a Process One ministerial permit approval.

Landscape Regulations - Common Yard/Open Space (Item No. 31)

Correction that the plant points requirement is not applicable for a remaining yard or common open space in a development.

Landscape Regulations - Brush Management (Item No. 37)

Removes the phrase "in accordance with Process One" to allow for alternative compliance measures at any point during the approval process for discretionary and ministerial projects.

Development Impact Fees - Build Better SD Implementation (Item No. 39)

Removes the line "Resolution No. R-313688, adopting the Citywide Park Development Impact Fee" from the code since as of July 1, 2022 the Citywide Park DIF applies to all projects.

Development Impact Fees - SB 9 Implementation (Item No. 40)

Corrects the code to reflect the intent of the Senate Bill 9 (Atkins) regulations and clarify that third and fourth units constructed under the senate bill regulations are required to pay development impact fees.

Development Impact Fees - Citywide Park General Development Plans (Item No. 41)

Amends the regulations of a performance and payment bond for the design and construction of a park developed onsite pursuant to a General Development Plan. Requires the bond payment prior to final inspection, which aligns the payment for the General Development Plan (GDP) approval process. This amendment also specifies that a designee can act on behalf of the Park and Recreation Director.

Affordable Housing in All Communities Correction (Item No. 44)

Removes language which states that residential development shall comply with the base zone which was mistakenly included since these sections exempt density, floor area ratio, lot area and lot dimensions requirements for the RM-2-5 zones.

Complete Communities Housing Solutions – Definitions (Item No. 45)

Aligns the definition of a Community of Concern with the San Diego Climate Equity Index so it includes Moderate Opportunity Areas as identified by the State of California. The definition currently states it only applies to communities with low and very low access to opportunity. Under Complete Communities Housing Solutions, communities of concern have additional anti-displacement provisions and require two community workshops on the development designs.

Complete Communities Housing Solutions Regulations - Affordability Levels (Item No. 46)

Corrects the code by adding additional language to reference the code sections that contain the dwelling unit income requirements to participate in Complete Communities Housing Solutions.

Complete Communities Housing Solutions Regulations - 50 Percent AMI (Item No. 48)

Corrects LDC to define very low income as dwelling units for rent by households earning 50 percent of the area median income (AMI).

Complete Communities Housing Solutions - NDP Requirements (Item No. 50)

Eliminates the need for a Neighborhood Development Permit (NDP) when the base zone allows for a maximum building height 95 feet or greater. The LDC currently requires a NDP for buildings over 95 feet in height, or development that exceeds the height limit of the base zone, whichever is higher. The intent of the regulations was to ensure that an NDP was required where the height would exceed the base zone requirements. However, the LDC contains base zones that allow for heights that exceed 95 feet.

Central Urbanized Planned District Ordinance (CUPDO) – Artisan Food and Beverage Producer (Item No. 52)

Adds Artisan Food and Beverage Producer to the Central Urbanized Planned District ordinance as a limited use in the Central Urbanized Commercial Zones that is consist with citywide commercial base zones.



#### Citywide Park Development Impact Fee (DIF) Resolution Update (Item No. 53)

Amends Resolution R-313688 by replacing the language related to the Voluntary Accessibility (145.4004 (Tier I-Accessible Dwelling Unit) or 145.4005 (Tier II- Visitable Unit)) with reference to Chapter 14, Article 5, Division 40 (Housing Accessibility Program) adopted in Housing Action Package 1.0 in February 2022. Updates the resolution by applying the DIF reduction for projects in a TPA to projects in an SDA. Additionally, adds a section to the resolution to include a 3-bedroom home incentive which caps the maximum Citywide Park DIF for 3 or more bedroom homes at the rate applicable to a 900 square foot multifamily unit. This incentive would apply for 3 or more bedroom units up to 1,500 square feet and is intended to encourage the development of additional homes for families.

#### **E. Clarifications**

There are 16 clarifications described below. Clarifications are not intended to change the existing regulations, but rather to make the regulations clearer, providing greater certainty and clarity to the development process. Each amendment item has a corresponding number within the attached Citywide LDC Matrix.

#### Coastal Commission Permit Procedures – Exemption (Item No. 9)

Aligns this section with California Public Resource Code Section 30610(b) by including additional location requirements for structures and improvements that apply to Coastal Development Permit exemption exclusions.

#### Spaces as Places Clean Up (Item No. 13)

Clarifies that Streetaries and Sidewalk Cafes do not require a Neighborhood Use Permit.

#### Industrial Base Zones - Prime Industrial Land (Item No. 16)

Clarifies use limitations to Prime Industrial Lands located within Industrial Base Zones and adds a footnote that moving and storage facilities are a prohibited use, unless located on prime industrial land within Marine Corps Air Station Miramar Airport Land Use Compatibility Plan - Accident Potential Zone 1. The purpose of the Prime Industrial Land designation is to protect valuable industrial employment lands for base sector industries that include high-tech and bio-tech research and development and export industries. This proposed amendment further protects Prime Industrial Land for the expansion and siting of new and expanding base sector employment uses. To ensure that property owners have sufficient time to plan for these changes, a pipeline provision applicable to this amendment is proposed to delay the effective date until one year after the effective date of the 2022 Code Update.

#### Mixed Use Base Zones - Allowable Uses (Item No. 18)

Prohibits moving and storage and distribution facilities on Prime Industrial Land and allows tasting room uses as a permitted use to ensure consistency with the purpose and intent of base zones. The intent of this proposed amendment is to ensure jobs are located near commercial centers and corridors to reduce automotive dependency.

#### ADU Home Conversions (Item No. 22)

Includes language that an ADU home constructed within an existing dwelling unit or accessory structure does not have a maximum gross floor area.

Wireless Communication Facilities, Park Site Approvals (Item No. 23)

Modifies the code language by adding that a representative from the Park and Recreation Department can make a determination on wireless communication facilities within parks.

Outdoor Dining on Private property (Item No. 24)

Clarifies placemaking regulations that a converted parking lot shall not include retail or commercial services except for outdoor dining operating in association with the permitted eating and drinking establishment.

Landscape Regulations – Vehicular Use Area (Item No. 28)

Requires that any additions or modifications to vehicular use areas are reviewed and specifies that certain regulations apply to new single-family homes.

Landscape Regulations – Hardscape (Item No. 30)

Clarifies that hardscape is not a permissible treatment for areas intended to be planting areas or permeable surfaces.

Landscape Regulations – Additional Yard Requirements (Item No. 32)

Clarifies that calculations are based on each offset individually and not cumulatively.

Landscape Regulations – Additional Yard Requirements (Item No. 33)

Clarifies that calculations are based on each common open area individually and not on the total common open area.

Landscape Regulations – Trees and Vehicular Use Area Requirements (Item No. 34)

Clarifies that trees used in vehicular use areas shall contain a standard trunk.

Landscape Regulations – Solar Mounted Shade Structures (Item No. 35)

Provides additional clarification for solar mounted shade structures located above parking spaces within vehicular uses.

Landscape Requirements - Vehicle Use Area (Item No. 36)

Specifies that when there are multiple parking areas located on a premise that each premise has its own landscape requirements.

Complete Communities Housing Solutions - On-site Affordable Units (Item No. 47)

Clarifies that required affordable homes must be provided onsite for Complete Communities Housing Solutions projects, consistent with the original language and intent of the ordinance. The amendment adds the words "on-site" to several sections of the code to reaffirm where affordable units can be built. Existing regulations already require the units to be provided in the

development, and this amendment is intended to provide further clarification for development applicants.

Complete Communities - Street Trees (Item No. 49)

Clarifies the requirement to provide trees on each side of the sidewalk for Complete Communities Housing Solutions projects. Removes "where feasible" from the requirement.

Centre City Planned District Ordinance (CCPDO) Amendments for Downtown San Diego (31 Items)

**A. Align Policy with City's Climate, Equity and Housing Goals**

There are 10 items described below to align the CCPDO with the City's climate, equity, and housing goals and policies. Each amendment item has a corresponding number within the attached CCPDO Matrix.

FAR Bonus Programs (Item No. 5)

Allows for the stacking of CCPDO FAR bonus program incentives, similar to what is allowed in the Citywide base zones and regulations.

Active Commercial Uses (Item No. 12)

Adds flexibility to the CCPDO ground floor commercial requirements to allow for a percentage of residential uses on the ground floor if certain criteria are met.

Affordable Housing on Underutilized Properties (Item No. 16)

Adds a provision to the existing affordable home density bonus regulations in the CCPDO to further incentivize affordable homes on underutilized sites.

Update Existing Downtown Urban Open Space Regulations (Item No. 17)

Amends the existing CCPDO Urban Open Space Incentive Program to incorporate the points system from the adopted Parks Master Plan.

Update Existing Downtown Three-Bedroom Incentive Regulations (Item No. 18)

Enhances the existing CCPDO Three-Bedroom Incentive Program to further incentivize projects to include higher percentages of homes for families with children and intergenerational families.

Update to Existing Downtown Employment Uses Incentive Regulations (Item No. 20)

Amends the CCPDO Employment Uses Incentive Program to further incentivize employment uses in Downtown San Diego.

Downtown Public Parking Incentive Program Deletion (Item No. 21)

Removes CCPDO Public Parking Incentive Program. This program has only been used once in the past 15 years and no longer aligns with current policy goals.

Downtown Child Care Facility FAR Incentive Program Addition (Item No. 22)

Adds new CCPDO FAR Bonus Incentive Program to incentivize childcare facilities in Downtown San Diego.

Update to Existing Downtown Transfer of Development Rights (TDR) Program (Item No. 25)

Amends the existing CCPDO Downtown TDR Program to simplify the regulations and bring it into alignment with the Parks Master Plan.

Figure F - Building Height and Sun Access (Item No. 29)

Amends CCPDO Figure F to apply consistent height regulations outside of the Coastal Zone and the Gaslamp Planned District Ordinance.

**B. Regulatory Reforms**

There are 3 regulatory reform items described below. Each amendment item has a corresponding number within the attached CCPDO Matrix.

Refuse, Organic Waste, and Recyclable Materials Storage (Item No. 10)

Amends the CCPDO refuse regulations to add organic waste and recyclable materials requirements.

Personal Storage Requirement (Item No. 27)

Eliminates the CCPDO personal storage requirements, consistent with the Land Development Code.

Brewery Regulation Consistency (Item No. 28)

Aligns the CCPDO review process for breweries with the Citywide LDC regulations by making them a permitted use.

**C. Corrections**

There are 4 corrections described below. Each item has a corresponding number within the attached CCPDO Matrix.

Land Use Districts (Item No. 3)

Corrects the number of land use districts in the CCPDO.

Airport Land Use Compatibility Zone (Item No. 11)

Deletes outdated CCPDO language relating to the Airport Environs and Approach Overlay Zones and replaces it with corrected language referencing the Airport Land Use Compatibility Overlay Zone.

Reference to Figure K (Item No. 24)

Removes reference to CCPDO Figure K as it does not reflect updated density bonus programs.

FAR Bonus Program Correction (Item No. 30)

Amends the CCPDO FAR Bonus Program resolution to redirect funding from Civic San Diego to the City of San Diego.

**D. Clarifications**

There are 13 corrections described below. Each item has a corresponding number within the attached CCPDO Matrix.

Definitions (Item No. 1)

Amends the CCPDO to remove unnecessary definitions or modify definitions to address clarifications or renumbering.

Removing Non-Relevant References (Item No. 2)

Removes references in the CCPDO to the San Diego Municipal Code Refuse and Recyclable Materials Storage regulations and permit review process section which are being deleted.

Removing Non-Regulatory Language (Item No. 4)

Removes policy language in the CCPDO purpose and applicability section that is not regulatory in nature and already exists in the Downtown Community Plan.

Administration (Item No. 6)

Removes repetitive and unnecessary language in the CCPDO related to city manager administration of planning and zoning within the Centre City Planned District.

Greenway Clarifications (Item No. 7)

Provides clarification CCPDO amendments that address implementation-related questions within the Greenway regulations.

Removing Repetitive Language related to the Citywide Land Development Decision Process (Item No. 8)

Removes repetitive CCPDO language related to Land Use Decision Processes which is already in the LDC.

Public Facilities (Item No. 9)

Clarifies the CCPDO public facilities exemption from development permits and the Park/Open Space Overlay description.

Clarify that Drive-Through's are not allowed in the CCPDO (Item No. 14)

Provides CCPDO clarification that drive-throughs are not allowed in Downtown San Diego.

R&D and testing labs (Item No. 15)

Provides clarification that Research & Development and labs are allowed in the CCPDO Office use category.

Update to Eco-Roofs Incentive Regulations (Item No. 19)

Deletes the existing CCPDO language and replace with more concise and simplified language.

Update to Existing Downtown Sustainable Building Incentive Program (Item No. 23)

Deletes the existing CCPDO language and replaces it with more concise and simplified language.

Update to Development Regulations, Urban Design Regulations, Performance Standards and Parking Standards (Item No. 26)

Deletes an outdated CCPDO reference related to one existing development regulation, adds new language relating to another development regulation and provides clarifications to three urban design regulations, four parking standards, and one performance standard.

Visitor accommodations in the RE zone (Item No. 31)

Clarifies the CCPDO language that visitor accommodation uses are allowed to occupy up to 20 percent of the Floor Area Ratio (FAR) in the RE Zone in the CCPDO.

City of San Diego Strategic Plan:

This item is related to the Strategic Plan's Priority Areas:

- Create Homes For All of Us by increasing housing incentives and streamlining regulatory reforms
- Champion Sustainability by introducing new regulations to ensure sustainable communities for all

Fiscal Considerations:

Costs associated with implementation of this ordinance would be covered by project applicants.

Charter Section 225 Disclosure of Business Interests:

N/A

*Environmental Review: The Environmental Policy Section of the Planning Department has reviewed the 2022 Update to the Land Development Code and the rezones and conducted a consistency evaluation pursuant to CEQA Guidelines Section 15162. Implementation of this project's actions would not result in new significant direct, indirect, or cumulative impacts over and above those disclosed in the previously certified:*

1. Final Environmental Impact Report (EIR) for the Land Development Code (DEP No. 96-033/SCH No. 1996081056) certified by the San Diego City Council on November 18, 1997 (Resolution R-289458);
2. Final Program EIR (PEIR) for the General Plan (Project No. 104495/SCH No. 2006091032) certified by the San Diego City Council on March 10, 2008 (Resolution R-313099);
3. Addendum to the General Plan PEIR for the Housing Element Update (SCH No. 2006091032) certified by the San Diego City Council on June 18, 2020 (Resolution R-313099);
4. Addendum to the General Plan PEIR for the Recreation Element Update (SCH No. 2006091032) certified by the San Diego City Council on August 3, 2021 (Resolution R-313685);
5. Final PEIR for Complete Communities: Housing Solutions and Mobility Choices (SCH No. 2019060003) certified by the San Diego City Council on November 9, 2020 (Resolution R-313279);
6. Final EIR for the Downtown Community Plan (SCH No. 2003041001) certified by the former Redevelopment Agency and San Diego City Council on March 14, 2006 (Resolution No. R-04001 and R-301265, respectively);
7. Final Supplemental EIR (SEIR) for the Downtown San Diego Mobility Plan (SCH No. 2014121002) certified by the San Diego City Council on July 6, 2016 (Resolution R-310561);
8. Final PEIR for the Climate Action Plan (Project No. 416603/SCH No. 2015021053) certified by the San Diego City Council on December 15, 2015 (Resolution R-310176); and
9. Addendum to the Final PEIR for the Climate Action Plan Update (Project No. 416603/SCH No. 2015021053) certified by the San Diego City Council on August 10, 2022 (Resolution R-314298).

The CEQA evaluation memo dated February 2, 2023 is included as an attachment.

Climate Action Plan Implementation:

The amendment related to the definition of a Sustainable Development Area is consistent with Strategy 3 – Mobility and Land Use through the connection of land use and mobility that supports the reduction of greenhouse gases. The amendment related to battery energy storage facilities (Item 21) establishes clear regulations that can facilitate the development of these facilities, which is identified as a supporting action to meet CAP Strategy 2 Measure 2.1 – Citywide Renewable Energy Generation. The clarifications provide greater certainty in the development process, which can assist in approving homes and infrastructure needed to implement Strategies 1 and 3.

Equal Opportunity Contracting Information (if applicable):

N/A

Previous Council and/or Committee Actions:

On January 12, 2023, the Land Use and Housing Committee voted (3-1-0) to recommend approval of the proposed 2022 Land Development Code Update as proposed by staff, with requests made to the City Attorney and Planning Department as follows:

- Request for City Attorney – a written opinion (1) whether onsite affordable units are required as part of the Complete Communities Housing Solutions program, and (2) what process would need to be followed if the Council desired to allow affordable units to be built offsite.
- Request for Planning – a written analysis of allowing affordable requirements to be met with offsite units with the Complete Communities Housing Solutions program, including whether the current program includes distance requirements for offsite units.

Planning Commission:

On October 27, 2022, the Planning Commission voted unanimously (7-0-0) to recommend approval of the proposed 2022 Land Development Code Update with the exceptions of Citywide items 5,16,18, 21, and 47, which were continued to the December 8, 2022 Planning Commission meeting.

On December 8, 2022, the Planning Commission voted unanimously (7-0-0) to recommend approve citywide items 5, 16, 18, 21 and 47 and included a modification to Item 16 to allow Moving and Storage Facilities in Prime Industrial Lands within Industrial Base Zones located in Marine Corps Air Station Miramar Airport Land Use Compatibility Plan Accident Potential Zone 1. These changes have been incorporated into the 2022 LDC Update.

Key Stakeholders and Community Outreach Efforts:

Two virtual public workshops were held on October 6 and 11, 2022 to review and gather feedback on the draft language. The CCPDO amendments were also presented as an information item to the Downtown Community Planning Group on September 21, 2022.

On September 28, 2022, the Community Planners Committee voted unanimously to approve the following two motions:

Motion One: Motion to approve the Subcommittee motion as follows: We support all LDC Update items except numbers 3 (Definition of a Junior Accessory Dwelling Unit), 15 (Setback Correction for Residential Zones), 22 (ADU Conversions), 27 (Fence Systems – Monitored

Perimeter Security Systems) and 50 (Complete Communities Housing Solutions - NDP Requirements) pending their final resolution of language, and exclude 5. Additionally, this has been amended to also approve the suggestions from Neighbors For A Better San Diego with the understanding that they misnumbered Items 21 and 22.

Motion Two: Motion to approve Item No. 22 (Battery storage facilities) with emphasis on adding fire safety and fire response language, and also bringing it back (to the CPC) when the language is added for review.

Heidi Vonblum

Department Director, Planning

Kris McFadden

Deputy Chief Operating Officer