

2020 Land Development Code Update Matrix

Draft

42 total items: 25 Corrections, 15 Regulatory Reform, 1 New Regulation, 1 Compliance with Sate Law

Code Sections	Name of Item		Type of Amendment	Issue	Solution
131.0531 Table 131-05D	CV-1-1 Setback		Correction	When the Midway plan was adopted there was an error made to the street side setback requirements on the CV-1-1 zone. The error added a 10' street side setback to the CV-1-1 zone where prior to that there was no setback requirement	Remove the 10' street side setback requirement for the CV-1-1 zone as it was never intended to be changed.
Figures in CCPDO	Fire Station Rezones in Downtown		Correction	Figure B Land Use Districts (zoning map) would be revised to delete the three locations for Public Facilities designation and they would revert back to previous zoning that surrounds each site.	Rezone the 10,000 square foot site at the southeast corner of Pacific Highway and Cedar Street (Fire Station #2) within the Downtown Community Plan area from the Public Facilities district to the Employment/Residential district. Rezone the 5,000 square foot site at the northwest corner of J Street and Eighth Avenue (Fire Station #4) within the Downtown Community Plan area from the Public Facilities district to the Ballpark Mixed-Use district.
98.0202(a)(5) add (6)	Mobile Home Park		Correction	Specifically, Section 98.0202(a)(5) references "Chapter X, Article 1, Division 5 of this Code," which no longer exists.	Add 98.0202(6) to include the SDP/NDP requirement since 98.0202(a)(5) was removed under the 12th Update(Phase 2).
Table 142-04A, Item 14	Landscape Regulations		Correction	Commercial Development is evaluated in Items 1 and 2 of the table. This line item is difficult to regulate, and would require any commercial development with a landscape area over 1000 sq.ft. regardless of scope, to be reviewed by landscape for water budget. But without a full landscape and irrigation plan, this would be difficult to regulate.	Current Wording: Commercial development with at least 1,000 square feet of landscape area- Strikeout this language from Table-142-04A.Remove from the Applicability Table.

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Table 142-04A, Item 9	Landscape Regulations		Correction	Formatting cleanup for consistency of how applicable regulations are listed.	Clean up formatting.
142.0403(b)(16)	Landscape Regulations		Correction	Maximum Applied Water Allowance is capitalized under 142.0413 - for consistency purposes.	Capitalize "maximum water allowance."
142.0412(b)(1)	Landscape Regulations		Correction	"Structure" is a defined term in the code and should be italicized.	Italicize "structure."
142.0403(b)(8)	Landscape Regulations		Correction	Remove National Arborist Association and Replace with ANSI and ISA.	Remove National Arborist Association and Replace with ANSI and ISA.
142.0405(c)	Landscape Regulations		Correction	Redundant. This regulation is already in place under section 142.0403.	Remove from this section of the code.
142.0412(g)(2)	Landscape Regulations		Correction	Incorrect wording.	Revise wording to [...] noncombustible, one hour fire-rated, or Type IV or heavy timber construction [...]
142.0407(c)	Landscape Regulations		Correction	Permitting palm trees for VUA shade over pavement is inconsistent with "Purpose of Landscape Regulations" - 142.0401, Climate Action Plan and Urban Forestry Program - 5 Year Plan.	Promote canopy coverage for increased shade over pavement.
Table 142-04D	Landscape Regulations		Correction	Missing parentheses, clean up of footnote.	Missing parentheses, clean up of footnote.
Table 142-04A, Item 12	Landscape Regulations		Correction	Formatting cleanup for consistency of how applicable regulations are listed.	Add comma.
Table 142-04A, Item 13	Landscape Regulations		Correction	Formatting cleanup for consistency of how applicable regulations are listed.	Add comma and remove extra spacing.
Table 142-04A, Item 15	Landscape Regulations		Correction	Formatting cleanup for consistency of how applicable regulations are listed.	Add comma.

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1513.0402	Landscape Regulations		Correction	The requirement for landscaping states that landscaping in required yard areas for Courts, Places, or Walks shall be maintained at a height of three feet or lower (including raised planters) to preserve public views. The issue is that "raised planters has been interpreted to be low flower pots which are not permanent and moveable, and do not provide adequate depth for planting media to ensure long term landscaping. This has resulted in large decks taking up 100% of the required yard with small, impermanent planting boxes placed on top.	Ensure that required planting is permanent with adequate planting media to ensure long term success of required planting. Have requirement for raised planters to reflect the requirements in the Landscape Regulations.
142.0405(b)(2)	Landscape Regulations		Correction	Formatting cleanup of section title. Wrong words are italicized.	Common Open Space is italicized, remove italics from non-defined word.
142.0406(c)(2)	Landscape Regulations		Correction	CURRENT WORDING: The planting area shall be planted to screen the vehicular use area with densely foliated, evergreen species that achieve a minimum height of 30 inches within 2 years of installation over at least 80 percent of the length of the required planting area. The screening may also be achieved through the use of berms, solid fencing, walls, plant material, or any combination of these that provides an equivalent screen.	Reword section.
142.0405(b)(1)(B)	Landscape Regulations		Correction	Redundant. Already stated in 142.0404.	Remove wording.

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142.0407(b)	Landscape Regulations		Correction	Drive aisles are included as part of the total VUA and contribute to the amount of planting area/points required. Sometimes this makes it difficult to achieve the requirements because VUA's greater than 6,000 sf have to provide the required planting area/points within the VUA.	Include drive aisles as part of the exceptions.
142.0412(d)(2)	Landscape Regulations		Correction	The Maximum Applied Water Allowance Water Budget is calculated using the following formula [...]	Use the acronym MAWA Use acronym identified in the prior provision.
142.0409(a)(1)	Landscape Regulations		Correction	Canopy form street trees with standard trunks need to be specified as opposed to multi-trunk trees which are susceptible to damage by passing vehicles or pedestrian encroachment.	Add "standard trunk" and "form".
154.0405(d)(3) 159.4045(f)(6)	Landscape Regulations		Correction	Add minor revision.	Add " trunk".
Ch. 15 Article 9 / Appendix G	Landscape Regulations		Correction	Washingtonia robusta has been identified as an invasive species by the California Invasive Plant Council and is not being permitted as a street tree.	Remove Washintonia robusta from list.
143.045	Supplemental PDP Regs for Residential Rural Development		Correction	Section 143.0450 references 126.0405(b) which is the incorrect section.	Section 126.0505(b) should refer to 126.0404(b).
143.0126(f)(3)	Procedures for Emergency Authorization to ESL		Correction	A reference to 'public project' was missed during the 12th Update Phase 2.	Update section 143.0126.

Code Sections	Name of Item		Type of Amendment	Issue	Solution
155.0253(1)	Supplemental Regulations for Central Urbanized District		Correction	In the 12th Code Update Phase 2, we removed the requirement for park acreage as the requirement has now been met. Phase 2 should have also removed the SDP requirement in section 155.0253 and make the open space requirement be the same as citywide zoning.	Remove the requirement for the SDP and make the open space requirement mirror Citywide requirement.
132.0201-132.0209, 132.0301-132.0310, 132.1501 Figure F in the CCPDO	Airport Overlay Zone Repeal		Regulatory Reform	Repeal the Airport Approach and Airport Environs Overlay Zones and amend the Airport Land Use Compatibility Overlay Zone to implement the Airport Land Use Compatibility Plans (ALUCP) for San Diego International Airport (SDIA) and Naval Outlying Field (NOLF) Imperial Beach.	Repeal the Airport Approach and Airport Environs Overlay Zones and amend the Airport Land Use Compatibility Overlay Zone to implement the Airport Land Use Compatibility Plans (ALUCP) for San Diego International Airport (SDIA) and Naval Outlying Field (NOLF) Imperial Beach. Remove the 500- foot above MSL height limit in the Centre City Planned District Ordinance (CCPDO) that is shown in Figure F.
142.0401 through 142.0411	Trees-Vehicular Use Areas		Regulatory Reform	Required planting area and “plant points” are calculated, for different vehicular use areas. Tree distribution is required to be 1 tree within 30 feet of each parking space. At least half of the required plant points are required to be trees.	Increase canopy cover, shade, and urban green spaces by requiring 50% tree cover within 15 years of establishment. And maintain this 50% tree cover by replacing dead and deformed trees.
142.0401 through 142.0411	Trees-Infill and Spacing		Regulatory Reform	For residential developments, the current formulas (50% street yard planting area and 60 points for each dwelling unit) may not fit the infill situations. Projects are being built with virtually no setback from the property line and no back yards—creating areas with little shade, green space, and “livability.” In some areas, there are few public parks, and the trees on private property are the predominant green spaces.	At a minimum, require landscape areas of 10' - 15' in width and 20' – 100' in length. This would provide airspace above the ground for the trees to thrive and grow into a mature tree and for the soil volume of a minimum 1000 cubic feet to support a tree to a full 75- to 100-year life span. Provide for only shade trees, not palms, in §142.0409 Street Tree and Public Right-of-Way Requirements. Allow palms to be planted only at coastal, historic, and high value tourist sites. Replace “land use plans” with Community Plans.

Code Sections	Name of Item		Type of Amendment	Issue	Solution
112.0310 112.0520	Notice of Right to Appeal Environmental Determination		Regulatory Reform	Update the appeals process	Add additional language added for appeals for emergency actions. Add Notice of Right to Appeal on City's website. Timing for filing appeal changes from 10 to 5 business days.
156.0302, 156.0305, 156.0307, 156.0308, 156.0309, 156.0310, 156.0311, 156.0313, 156.0314, 156.0315, 157.0401	Downtown PDO Amendments		Regulatory Reform	<p>*Active Commercial Uses – defined as publicly accessible and client generating.</p> <p>*Rules for Calculation and Measurement – underground parking structures are counted as gross floor area when vertical distance from final proposed grade to finished floor elevation above is more than 3 feet, 6 inches.</p> <p>*Previously Conforming Land Uses and Structures – provision allows expansions of previously conforming land uses and structures up to 100% through a Process Two NUP.</p> <p>*Floor Area Ratio (FAR) Regulations and TDR - allows FAR to be distributed between individually-owned lots through a development permit but doesn't address the process for by-right developments.</p> <p>*Parking Standards – hotels with less than 25 guest rooms are exempt from meeting minimum parking requirements, small lots less than 5,000 square feet have reduced minimum parking requirements.</p> <p>*Small Business Encouraging Ordinance</p>	The proposed amendments allow by-right developments to take advantage of certain CCPDO provisions that allow unique land use opportunities, reduce minimum parking requirements for commercial development, and allow alternative parking designs such as valet parking configurations with a recorded parking agreement. The proposed amendments also ensure above-grade parking levels can be converted to residential uses in the future, which is consistent with DCP goals and Citywide housing initiatives.
Ch. 14, Article 5, Division 40	Voluntary Accessibility Program		Regulatory Reform	Update the program and provide more incentives for this type of development.	Provide for more incentives to produce more residential development that incorporates accessible design.
98.0401	Interim School Facilities Financing Ordinance		Regulatory Reform	Update the program as some of the processes have evolved since its 1985 adoption.	This Chapter needs clean up and updating.

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131.0543(b) Minimum Side and Rear Setback	Minimum Side and Rear Setback		Regulatory Reform	The objective is to provide regulatory relief and remove barriers to providing additional housing.	The proposed change would allow an applicant the option between 0 <u>and</u> 10 ft setback, not 0 <u>or</u> 10 feet.
131.0543 131.0445	Lot Coverage for RM 4-10 and RM 4-11		Regulatory Reform	The current lot coverage requirement for RM 4-10 and RM 4-11 can result in a tower with surface parking format with only a 50/60 percent coverage allow.	In order to achieve higher density developments, projects need to build out the lot using Type V construction to achieve 6-7 stories without having to go to Type I for a tower.
Chapter 12, Article 6, Division 7	Serial (or Combination) Permitting in relation to Coastal Development Permits(CDP)		Regulatory Reform	Currently a succession of 50%-rule exemptions can be obtained without any interval, each relying on the augmented walls allowed by earlier permits. Entire structures can be thus replaced without ever obtaining a CDP. To eliminate the granting of back-to-back Serial and/or Combination permits and thus the expansion of a building that otherwise would require community review and CDP.	Look at possibly adding a length of time between when a 50%-rule exemption is granted and the granting of another permit or the subsequent permit leaves at least 50% of the original structure (the base for the earlier permit) intact.
113.0234(6)	Garage to Carport Conversions		Regulatory Reform	Carports (and open sided garages) are routinely used to increase the gross floor area (GFA) of a home without exceeding floor area ratio (FAR) restrictions.	Look into exceptions for limited circumstances, the GFA of carports or open- sided garages that are attached to buildings or are within 10 feet of the building must be counted against allowable FAR, as with an enclosed garage.
131.0446(e), 131.0446(f), Table 131-04G, Footnotes 19 & 20	FAR Reservation for required parking in RM zones		Regulatory Reform	All RM zones, with the exception of the RM-1-1 zone, require that a percentage of the permitted Floor Area Ratio (FAR) be reserved for required parking.	To bring RM zone FAR allowances up to date with current development trends and to provide greater flexibility in the utilization and distribution of allowable FAR.
142.0810 and others	Refuse and Recycling-Waste Management Plan (WMP)		Regulatory Reform	The significance threshold for CEQA related to waste management needs to be re-evaluated since we have more projects going ministerial. We still want to capture the WMP and associated mitigation but through the ministerially process	Add code language similar to existing mitigation typically associated with a WMP.

Code Sections	Name of Item		Type of Amendment	Issue	Solution
113.0103, 141.0601- 141.0626, 131.0222, 131.0322, 131.0422, 131.0522, 131.0622, 131.0707, 132.1510, 132.1515, 132.1535, 142.0530 PDO's	Adult Day Care Facility		New Regulation	To create a new land use subcategory for Adult Day Care Facility that achieves two things: facilitates staff review moving forward and provides the proper framework to consistently and accurately regulate the use in a time when staff has seen an increase in the number of facilities being proposed. When a proposed land use is undefined or uncategorized by the LDC, it leaves room for faulty interpretation on how to categorize and in effect, regulate said land use.	Define the term Adult Day Care Facility, include a Commercial Use subcategory for Adult Day Care Facility as a Limited, Separately Regulated Use and provide regulations that regulate land use adjacencies in a manner similar to Child Care Centers.
142.0101 142.0801, 142.0805, Table 142-08A, 08B, 08C, 142.0810, 142.0820, 142.0830, add new section 143.0831 and new Table 142-08D.	Adding organic material to Refuse and Recycling Regulations		Compliance with State Law (SB 1381)	Currently Ch. 14, Article 2, Division 8 calls out refuse and recycling material only. Per state law (SB 1381) the term 'Organic' material needs to be added to all code sections that reference refuse and recycling material.	Add the term 'Organic' material to all code sections that reference refuse and recycling material. Add new section related to construction and demo debris.
123.0402	Temporary Storage in the Public right-of-way	Regulatory Reform	Require moving pod companies to have a temporary use permit if the pod is within the Public right-of-way(PROW)	It's illegal to have the pods within the PROW and the amendment will require a temporary use permit if they have to be in the PROW.	Codify regulations for temp use permit of pods within the PROW