

## 2020 Land Development Code Update Matrix

50 total items: 28 Corrections, 20 Regulatory Reform, 1 New Regulation, 1 Compliance with State Law

Item No.	Code Sections	Name of Item	Type of Amendment	Issue	Solution
1	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.
2	Figures in CCPDO	Fire Station Rezones in Downtown	Correction	Figure B Land Use Districts (zoning map) was previously revised to delete the three locations for Public Facilities designation so they could revert back to previous zoning that surrounds each site. We need to process a rezone for that action.	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.
3	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).

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4	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.
5	Table 142-04A, Item 9	Landscape Regulations	Correction	Formatting cleanup for consistency of how applicable regulations are listed.	Clean up formatting.
6	142.0403(b)(16)	Landscape Regulations	Correction	Maximum Applied Water Allowance is capitalized under 142.0413 - for consistency purposes.	Capitalize "maximum water allowance."
7	142.0412(b)(1)	Landscape Regulations	Correction	"Structure" is a defined term in the code and should be italicized.	Italicize "structure."
8	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.
9	142.0405(c)	Landscape Regulations	Correction	Redundant. This regulation is already in place under section 142.0403.	Remove from this section of the code.
10	142.0412(g)(2)	Landscape Regulations	Correction	Incorrect wording.	Revise wording to [...] noncombustible, one hour fire-rated, or Type IV or heavy timber construction [...]
11	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.
12	Table 142-04D	Landscape Regulations	Correction	Missing parentheses, clean up of footnote.	Missing parentheses, clean up of footnote.
13	Table 142-04A, Item 12	Landscape Regulations	Correction	Formatting cleanup for consistency of how applicable regulations are listed.	Add comma.

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14	Table 142-04A, Item 13	Landscape Regulations	Correction	Formatting cleanup for consistency of how applicable regulations are listed.	Add comma and remove extra spacing.
15	Table 142-04A, Item 15	Landscape Regulations	Correction	Formatting cleanup for consistency of how applicable regulations are listed.	Add comma.
16	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.
17	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.
18	142.0405(b)(1)(B)	Landscape Regulations	Correction	Redundant. Already stated in 142.0404.	Remove wording.
19	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.
20	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.

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21	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".
22	154.0405(d)(3)	Landscape Regulations	Correction	Add minor revision.	Add " trunk".
23	142.1235, 155.0251	Clarify distance for residential zones for roof signs and eating and drinking establishment	Correction	Additional clarification is needed on clarifying the boundary of a residential zone is the property line.	Add clarifying language
24	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).
25	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.
26	142.1304(e)(1)	Construction timing for off site inclusionary housing units	Correction	The inclusionary housing regulations require off site units to be construction concurrently with market rate. The affordable housing regs allow for 54 and 36 months to construct off site units. There needs to be consistency	Adding the same regs for construction timing from the Affordable Housing Regs to the Inclusionary Regs for consistency.
27	131.0707, Table 131-07A, Add Footnote	Mixed-Use Zones Use Tables	Correction	The footnote for large retail establishments was omitted when the MUZ were adopted.	Add Footnote 8 to refer to 143.0302 which require all large retail establishments to get a NDP or a SDP. This will make it consistent with language in 126.0402(k) and 126.0502(d)(7)

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28	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.
29	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.
30	142.0407 142.0409	Trees	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.	Revised vehicular use areas to provide canopy form and evergreen species instead of palms. Street Trees- Palm trees are only allowed as an accent or as a secondary street tree.
31	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.

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32	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</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.
33	131.0543(b) Minimum Side and Rear Setback	Minimum Side and Rear Setback for Commercial Zones	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.

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34	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.
35	113.0234(6)	Calculation of carports for gross floor area	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.	Revise the calculation and the diagram to clarify the measurement is from the finish floor to the finish floor or roof elevation.
36	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.
37	123.0402	Temporary Storage in the Public right-of-way	Regulatory Reform	Require moving storage on demand companies to have a temporary use permit if the storage is within the Public right-of-way (PROW). Currently, have the storage within the PROW is not allowed and the amendment will require a temporary use permit if they have to be in the PROW.	Codify regulations for a temporary use permit of portable on demand storage units within the PROW.
38	141.0309	Eliminate 6-Month vacancy period for interim ground floor residential	Regulatory Reform	Commercial space may be oversupplied in a potential recession. This space could be used for housing units.	Eliminate the requirement to provide evidence that the commercial space has been vacant for six months or more to allow for interim ground floor residential uses.
39	113.0270(a)(4)(B) (ii) and (D)(iii)	Height exception for light wells and clarify coastal height limit	Regulatory Reform	Clarify a height exception for light wells as we as clarify language within the calculation of Coastal Height Limit.	Clarify a height exception for light wells as well as clarify language within the calculation of Coastal Height Limit.

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40	127.0103 Table 127-01A	Previously-Conforming Use Extension	Regulatory Reform	Previously-conforming uses may only remain idle for two years before requiring a Process 2 permit, which may need to be extended given the current state of the economy.	Modify the previously conforming use regulations to remove the requirement for a Process 2 permit if the use remains idle for more than two years. Make all previously conforming uses subject to a Process 1 permit.
41	129.0710(d)(1-10)	Add recreational amenity within Public right-of-way and make it exempt from a development permit	Regulatory Reform	Currently there are no exemptions for other recreational amenities.	Define and add recreational amenities to exemptions for a development permit within the PROW.
42	142.0510(d)(4)(C)	Previously Conforming Parking Extension	Regulatory Reform	Previously conforming parking may only remain idle for two years, which may need to be extended given the current state of the economy.	Revise the code to allow previously conforming parking to remain idle for five years.
43	142.0640(d)	Development Impact Fee Deferral	Regulatory Reform	Clarify the fee deferral for construction permits between March 2020 and March 2022 due to COVID19.	Add language to allow for fee deferrals from 2 years to 3 years.
44	143.0740 Table 143-07A and 143-07B	Moderate Income	Regulatory Reform	Our objective is to remove the requirement to maximize the density bonus to 50% for projects 50 units or less and to add back the developer incentives that accompanied the program and which were approved at the Land Use and Housing Committee meeting but removed prior to the City Council hearing.	For projects 50 units or less – the program reintroduces three developer incentives, as initially approved in the land use and housing committee, and reduce the required minimum of 50% density bonus to 32.5% for the very-low income program and to 20% for the low-income program. Making these changes would set aside a minimum of 10% of base density units as very-low or low income, with an additional 10% for moderate income households when stacking the moderate-income density bonus.
45	113.0103 141.0421 142.0530, Table 142-05F, Footnote 1 151.0103	Placemaking on private property	Regulatory Reform	To allow the outdoor businesses to permanently operate outdoors due to COVID.	Revise the definition to placemaking to include eating and drinking and to allow them to utilize the private parking lots for outdoor dining. Allow bicycle parking to replace vehicle parking.

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46	26.0701 98.0610 142.0640	Timing on payment and impose DIF, RTICIP, Civic Enhancement, and Housing Impact fees	Regulatory Reform	Revise the point in time that the DIF, RTCIP, Civic Enhancement, and Housing Impact fees are paid. The change would be to remove the building permit issuance threshold and replace it with prior to request for first inspection.	The purpose of the change is to better align the payment of these fees with the other building permit fees charged by DSD. As part of the proposed revisions, staff is also evaluating their procedure on when to impose the fee, and they are considering changing the point in time from being the final reviewing discipline to the application deemed complete milestone.
47	142.1304(e)(2) 143.0745	Equivalency for affordable units	Regulatory Reform	There is no equivalency for offsite inclusionary/affordable units to allow for studio units.	Allow for an affordable studio to count as 65% of an affordable bedroom.
48	129.0710.	Placemaking in public right-of-way	Regulatory Reform	To allow placemaking to permanently operate within the public right-of-way outdoors due to COVID.	To allow placemaking to permanently operate within the public right-of-way outdoors due to COVID.
49	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.

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50	Add 126.0116 and 126.0117, 129.0101, 129.0105, 129.0501, 142.0101 142.0801, 142.0805, Table 142-08A, 08B, 08C, 142.0810, 142.0820, 142.0830, add new section 142.0831 and replace Table 142-08B.	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. Additional references to this topic within Ch. 12	Add the term 'Organic' material to all code sections that reference refuse and recycling material. Add new section related to construction and demo debris.

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