

ORDINANCE NUMBER O-_____ (NEW
SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE 3 OF
THE SAN DIEGO MUNICIPAL CODE BY ADDING A NEW
DIVISION 11, SECTIONS 143.1101, 143.1102, AND 143.1103,
ALL RELATING TO MOBILITY CHOICES REGULATIONS

WHEREAS, in 2008 the City adopted a new General Plan, which includes the City of Villages strategy to focus mixed-use activity centers that are pedestrian-friendly, centers of community activity, and linked to the regional transit system; and

WHEREAS, in 2015, the City adopted the Climate Action Plan, which sets targets for reducing citywide greenhouse gas (GHG) emissions, including targets specific to the transportation sector related to public transit, increasing pedestrian and bicycling commuting mode share, and effective land use planning to reduce vehicle miles traveled (VMT); and

WHEREAS, the City's transportation sector accounted for 55 percent of all GHG emissions within the City in 2018, representing a significant portion of the City's GHG emissions, and

WHEREAS, Senate Bill 743 (SB 743) requires a change in transportation impact analysis for purposes of the California Environmental Quality Act (CEQA) from a level of service (LOS) analysis to a VMT analysis; this shift is intended to more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of GHG emissions; and

WHEREAS, rather than focusing on accommodating additional vehicular trips, which occurs under an LOS analysis, the City desires to focus on reducing vehicular trips to reduce Citywide VMT by focusing investments in bicycle, pedestrian, and transit improvements; and

WHEREAS, consistent with the City's Climate Action Plan and General Plan, the City desires to focus such VMT reducing improvements in areas that result in the greatest Citywide VMT reductions; and

WHEREAS, focusing VMT reducing improvements in the City's most VMT-efficient areas can result in up to 20 times greater VMT reductions than investing those same improvements in VMT-inefficient areas; and

WHEREAS, implementing VMT reducing improvements in the City's VMT-efficient areas will allow the City to achieve the greatest Citywide VMT reductions at lower costs; and

WHEREAS, reducing Citywide VMT results in GHG emissions reductions, consistent with the City's Climate Action Plan; and WHEREAS, the Governor's Office of Planning and Research (OPR) generally recommends a threshold of 15 percent below the VMT per capita for the surrounding region, consistent with the statewide target for VMT reduction (15 percent by 2020) and with regional targets for GHG emissions reductions under Senate Bill 375 (SB 375); and

WHEREAS, the City has developed the Mobility Choices Regulations to reduce Citywide VMT, aligned with OPR guidelines, SB 375 targets, and the City's CAP targets; and

WHEREAS, the Mobility Choices Regulations address VMT created by new development through strategic land use planning to incentivize housing and implement a multimodal network around existing development and transit hubs; and

WHEREAS, recognizing that some development may continue to occur in VMT-inefficient areas, rather than requiring improvements to be implemented in those areas, the City desires to address projects impacts in the City's VMT-efficient areas, where greater VMT reductions can be achieved at lower costs; and

WHEREAS, the City desires to provide clear and streamlined regulations that ensure that new development that results in additional VMT mitigate those impacts to the extent feasible; and

WHEREAS, the City intends that compliance with the Mobility Choices Regulations will ensure that VMT impacts resulting from new development will result in the greatest Citywide VMT reductions feasible;

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 14, Article 3, Division 11 of the San Diego Municipal Code is amended by adding sections 143.1101, 143.1102, and 143.1103, to read as follows:

§143.1101 Purpose of Mobility Choices Regulations

The purpose of the Mobility Choices Regulations is to reduce Citywide vehicle miles traveled (VMT) to address the environmental impacts of *development* related to noise, air pollution, and greenhouse gas emissions, and to promote public health and enjoyment, by investing in active transportation infrastructure and measures that will result in reductions to Citywide VMT.

§143.1102 When Mobility Choices Regulations Apply

- (a) The Mobility Choices Regulations apply to any *development* for which a Building Permit is issued, except:

- (1) Residential *development* with four or fewer *dwelling units*;
- (2) Any commercial or office *development* less than 5,000 square feet *gross floor area*;
- (3) *Development* located on property owned, leased, or maintained by the City where the City is the *applicant* or where a private party is the *applicant* acting on behalf of the City that is a locally serving public facility, as defined in the Land Development Manual, Transportation Study Manual, Appendix R;
- (4) *Development* within 1/2-mile pedestrian access walk to a passenger rail station;
- (5) *Development* located in Mobility Zone 1;
- (6) Industrial Uses, as defined in the Land Development Manual, Transportation Study Manual, Appendix R (Industrial Employment category) located within *Prime Industrial Lands*;
- (7) Multi-family residential *development* in a *Transit Priority Areas* that complies with the requirement to provide transportation measures as set forth in Section 142.0528; and
- (8) *Development* that does not require a Certificate of Occupancy.

§143.1103 Mobility Choices Requirements

- (a) For the purposes of this Division, Mobility Zones shall be defined as follows:

- (1) Mobility Zone 1 means the Downtown Community Planning Area.
- (2) Mobility Zone 2 means any *premises* that falls wholly or partially within an area defined as a *transit priority area*.
- (3) Mobility Zone 3 means a community planning area boundary with a VMT efficiency that is at 85 percent or less of the regional average for either resident VMT per capita or employee VMT per employee, as determined by the City Manager.
- (4) Mobility Zone 4 means any area not located within Mobility Zone 1, 2, or 3.
- (5) Where all or a portion of a *premises* is located in a lower Mobility Zone, the entire *premises* shall be subject to the regulations applicable to the lower Mobility Zone.

(b) Unless exempt as set forth in Section 143.1102 (a) or in Section 143.1103(b)(5) or (b)(6), all *development* located within Mobility Zone 2 or Mobility Zone 3 shall provide VMT reduction measures that reduce VMT in accordance with the Land Development Manual Appendix S as follows:

- (1) *Development* in a Mobility Zone 2 shall provide VMT reduction measures totaling at least 5 points.
- (2) *Development* in Mobility Zone 3 shall provide VMT reduction measures totaling at least 8 points.

(3) A notice describing the provided VMT reduction measures shall be posted in a prominent and accessible location within a common area of the development where it can easily be seen by residents and the public, as determined by the Development Services Director. The notice shall include responsible party contact information and a statement that the VMT reduction measures are required pursuant to the San Diego Municipal Code and to the satisfaction of the Development Services Department. The notice shall be in the form as set forth in Land Development Manual Appendix S.

(4) The types of VMT reduction measures that shall be used to satisfy the requirements set forth in Section 143.1103(b) are set forth in Land Development Manual, Appendix S. VMT reduction measures that also satisfy other *development* regulations may be used to satisfy the requirements under this section.

(5) In lieu of providing the VMT reduction measures as set forth in Section 143.1103(b)(1) or (2), *development* may pay an Active Transportation In Lieu Fee as set forth in Section 143.1103(c).

(6) *Development* in Mobility Zone 3 that provides more than the minimum parking required as set forth in Chapter 14,

Article 2, Division 5 shall not be required to provide VMT reduction measures that reduce VMT in accordance with Section 143.1103(b)(2), but shall pay the Active Transportation In Lieu Fee as set forth in Section 143.1103(c).

- (c) Unless exempt as set forth in Section 143.1103(c)(2) or (3), all development in Mobility Zone 4 shall pay an Active Transportation In Lieu Fee as adopted by City Council resolution.
- (1) The Active Transportation In Lieu Fee shall be used to fund active transportation and VMT-reducing infrastructure projects located within Mobility Zone 1, Mobility Zone 2, or Mobility Zone 3 that reduce Citywide VMT.
- (2) Locally serving development, as defined in Appendix S, that is located in Mobility Zone 4 shall not be required to pay the Active Transportation In Lieu Fee as set forth in Section 143.1103(c), but shall provide VMT reduction measures totaling at least 8 points that reduce VMT in accordance with Section 143.1103(b)(1) and (2).
- (3) For residential development in Mobility Zone 4, affordable dwelling units that are deed restricted at 120 percent area median income or below, as defined in Section 143.0720, are exempt from the Active Transportation In Lieu fee.

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