

Technical Advisory Committee Agenda
November 13, 2019
12:00 p.m. to 2:00 p.m.
Development Services Center / City Operations Building
1222 First Ave, San Diego, CA 92101
4th Floor Training Room

<u>Group Represented</u>	<u>Primary Member</u>	<u>Alternate</u>
Accessibility Community	<input type="checkbox"/> Harold Kiewel	<input type="checkbox"/> Connie Soucy
ACEC	<input type="checkbox"/> Rob Gehrke	<input type="checkbox"/> Larry Thornburgh
AGC	<input type="checkbox"/> Mike McManus	<input type="checkbox"/> Brad Barnum
AIA	<input type="checkbox"/> John Ziebarth	<input type="checkbox"/> Matthew Geaman
AIA	<input type="checkbox"/> David Pfeifer	<input type="checkbox"/> Jon Dominy
APA	<input type="checkbox"/> Dan Wery	<input type="checkbox"/> Greg Konar
ASLA	<input type="checkbox"/> Michael Brennan	<input type="checkbox"/> <i>(tbd)</i>
BIA	<input type="checkbox"/> Kathi Riser	<input type="checkbox"/> Angeli Calinog
BIA	<input type="checkbox"/> Matt Adams	<input type="checkbox"/> Mike McSweeney
BID Council	<input type="checkbox"/> Jim Schneider	<input type="checkbox"/> <i>(tbd)</i>
BIOCOM	<input type="checkbox"/> Melanie Cohn	<input type="checkbox"/> Jason Moorhead
Chamber of Commerce	<input type="checkbox"/> Stefanie Benvenuto	<input type="checkbox"/> Sean Karafin
EDC	<input type="checkbox"/> Melissa Krause	<input type="checkbox"/> Gio Posillico
IEA	<input type="checkbox"/> Jack Monger	<input type="checkbox"/> <i>(tbd)</i>
In-Fill Developer	<input type="checkbox"/> David Weiland	
NAIOP	<input type="checkbox"/> Craig Benedetto	<input type="checkbox"/> <i>(tbd)</i>
Permit Consultants	<input type="checkbox"/> Brian Longmore	<input type="checkbox"/> Barbara Harris
Small Business Advisory Board	<input type="checkbox"/> Edward Barbat	<input type="checkbox"/> Gary Peterson
SD Association of Realtors	<input type="checkbox"/> Ryan Maxson	<input type="checkbox"/> <i>(tbd)</i>
SCRHA	<input type="checkbox"/> Molly Kirkland	<input type="checkbox"/> Mike Nagy
Sustainable Energy Advisory Board	<input type="checkbox"/> Eddie Price	<input type="checkbox"/> Eric Scheidlinger
Land Use & Housing (non-voting)	<input type="checkbox"/> Kevin Smith	<input type="checkbox"/> Travis Knowles

- 1) **Announcements**
- 2) **Public Comment on Non-Agenda Items**
- 3) **Discussion/Action/Informational**
 - A. Informational Item: Planning Department Housing & Mobility Initiatives, Brian Schoenfisch, Planning Department (10 minutes).

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“To proactively advise the Mayor and the Land Use & Housing Committee on improvements to the regulatory process through the review of policies and regulations that impact development; advise on improvements to the development review process through communication, technology and best business practices to reduce processing times and improve customer service; and to advocate for quality development to meet the needs of all citizens of San Diego.”

<http://www.sandiego.gov/development-services/news/notices.shtml#meetings>

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3) **Discussion/Action/Informational**

- B. Action Item: Renee Mezo, Planning Department, Rehearing/discussion of the following 12th Code Update- Phase 2 items:
 - a. Action items from the 9/11/19 CMT Meeting: 25 out of the 55 items requested action; see Attachment 1, matrix dated 9/11/19.
 - b. Action items from the 10/9/19 CMT Meeting: 17 items requested action; see Attachment 2, matrix dated 10/2/19.
 - c. Action items from the 10/15/19 Special Joint Meeting: 14 items requested action. Item numbers from the matrix for action are: 3, 7, 12, 15, 16, 25, 29-34 and 41; see Attachment 3, matrix dated 10/2/19.

- C. Action Item: Marijuana Regulations related to distance measurement (path of travel) and expiring MMCC's; see Attachment 4. Edith Gutierrez, Development Services Department (45 minutes).

4) **Future Agenda Items**

- 5) **Adjourn -next meeting: December 11, 2019 or January 8, 2020**

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No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
Rules of Calculations: Clarify rule of calculations			
1	Regulatory Reform	113.0103 113.0210 113.0234	Attic and Gross Floor Area - Redefining Attic and Gross Floor Area consistent with the building code.
Environmental: The following 2 items clarify regulations to be consistent with CEQA guidelines and the VPHCP			
4	Regulatory Reform	128.0311	Certification of an Environmental Document - When relying on previously certified environmental documents, state law requires a decision maker's decision to rely on that document to be supported with substantial evidence. State law also sets forth the requirements for the City's actions as a responsible agency when making on a decision on a project. The section is proposed to be revised to clarify that such decisions will be made in accordance with CEQA and the CEQA Guidelines.
Zoning: The following 28 amendments improve and streamline the permit process and clarify regulations.			
7	Regulatory Reform	141.0612	Mobile Food Truck Permit - Allow standing tables, shade structure and six square foot signs within private property to help support the industry.
9	Regulatory Reform	131.0422 Table 131-04B 131.0522 Table 131-05B 141.0303	Continuing Care Retirement Communities (CCRC) - Allow by-right-Limited use in zones that allow multi-family housing, subject to requirements. Not subject CCRC to density limitations of zone.
11	Regulatory Reform	142.0103(b) 126.0502(c)(6)	Housing Development Process Improvements - Amend language to specify that multi-family residential development that involves grading to accommodate underground parking does not require a SDP pursuant to 142.0103.
12	Regulatory Reform	131.0431(b) Table 131-04D	Development Regulations Table for Residential Zones - Clarification that the minimum lot size in the RS-1-2 zones within Encanto and Southeastern San Diego community planning areas is 5,000 square feet.
15	Regulatory Reform	131.0507	Development Regulations Tables for Commercial Zones -Clarify limited residential use in commercial zones.
16	Regulatory Reform	113.0103 143.0145 143.0146	Special Flood Hazard Areas Regulations - Amend regulations to be consistent with FEMA regulations

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
18	Regulatory Reform	142.0540	<p>Exception to Parking Regulations for Nonresidential Uses Increase the small lot commercial parking exemption from 10,000 to 15,000. There are many commercial lots just over 10,000 that cannot utilize the exception that would be good redevelopment projects.</p>
23	Regulatory Reform	22.4035 142.1210(b)(5)(E)	<p>Special Event Signs-Eliminate section referencing incorrect Chapters and Police Department approval for signs</p>
24	Regulatory Reform	155.0238	<p>Use Regulations Table of CU Zones- Allow Companion Units, Junior Units and guest quarters in the CU Zones where single-family units are allowed.</p>
25	Regulatory Reform	142.0528	<p>Parking Standards Transit Priority Area Regulations</p> <ul style="list-style-type: none"> • Clarify that bicycle parking is required and reformatting of existing language. • Add footnote to motorcycle parking • Clarify definition of Parking Standards TPA
26	Regulatory Reform	131.0422 Table 131-04B	<p>Child Care Centers-Change the permit process from a Conditional Use Permit to Limited Use for Child Care Centers in multi-family zones, consistent with the Mixed-Use Zones.</p>
27	Regulatory Reform	142.0640	<p>Impact Fees for Financing Public Facilities- Revisions, corrections and clarifications to the Impact Fee Program.</p>
28	Regulatory Reform	155.0253(a)(1)	<p>Supplemental Development Regulations- Eliminate the Site Development Permit requirement for mixed use project if a certain amount of park acreage has not been added in the Mid-City Community area.</p>
29	Regulatory Reform	141.0602	<p>Assembly and Entertainment Uses-To provide parking flexibility, allows parking to be on or off-site</p>
30	Regulatory Reform	142.0540	<p>Exception to Parking Regulations for Nonresidential Uses -Clarifies that the parking requirements in Table 142-05H apply to all commercial.</p>

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
31	Regulatory Reform	Table of Contents- Remove Division 9 (this will come with the repeal of overlay zone) 126.0402 131.0449(b)(2) 132.0901-0905 142.0505- Table 142-05A 142.0527 142.0555 143.0302- Table 143.03A	<u>Tandem Parking</u> –Repeal of the Residential Tandem Overlay Zone, kept regulations under Parking Regulations.
35	Regulatory Reform	141.0407	<u>Educational Facilities-Schools for Kindergarten to Grade 12-</u> Increase enrollment for replacing an existing school to 600 students within a TPA.

Minor Corrections: The following items clarify regulations, correct formatting errors, incorrect terms, and incorrect section references.			
45	Incorrect Section	141.0505	Plant Nurseries- Section (d) incorrectly references 141.0504 the correct section is 141.0505
48	Repealed Ordinance	123.0501 123.0502 123.0503 123.0504 123.0505 123.0506 131.0422 Table 131.04B 131.0431 131.0447 131.0457 142.0520 142.0521	Residential High Occupancy Permit- Remove repealed ordinance per Superior Court Judgment filed January 10, 2018
49	Correction	157.0202(b)	Overview of Decision Process- Remove reference to Process Two by the City Manager in lieu of Planning Commission.
50	Repealed Ordinance	98.0202(a)(5)	Mobilehomes, Recreational Vehicles and Commercial Coaches- Remove reference to Chapter X, Article 1, Division 5 that was repealed
XX	Correction	1510. 0102 and Map No. C-403.4	LJ Shores PDO Boundary map Adding the existing referenced map within the LJ Shores PDO for ease of reference (ADD LANG)

DRAFT Issue Matrix – 12th Code Update-Phase 2

October 2, 2019

The following is a summary of the 41 amendments organized into the following categories: Rules of Calculation, Environmental, Zoning, Landscaping and Minor Corrections. Within each category the amendments are listed in order of the associated code sections to be amended.

Green=17 items ready for action on 10.9.19

Yellow= 24 items CMT/TAC Approved 9.11.19

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
Rules of Calculations: The following amendment clarifies measurements for attic and GFA.			
1	Regulatory Reform	113.0103 113.0210 113.0234	Attic and Gross Floor Area- Redefining Attic and Gross Floor Area consistent with the building code.
Environmental: The following 2 items clarify regulations to be consistent with CEQA guidelines and the VPHCP			
2	Regulatory Reform	128.0311	Certification of an Environmental Document- When relying on previously certified environmental documents, state law requires a decision maker's decision to rely on that document to be supported with substantial evidence. State law also sets forth the requirements for the City's actions as a responsible agency when making on a decision on a project. The section is proposed to be revised to clarify that such decisions will be made in accordance with CEQA and the CEQA Guidelines.
3	Regulatory Reform	143.0110	<p>When Environmentally Sensitive Lands Regulations Apply</p> <ul style="list-style-type: none"> • Allow for a third party, local or state agency that is not subject to the City's discretionary land use authority to elect to utilize the City's land use permitting process for development that is within the City's jurisdictional boundary to gain incidental take authorization under the VPHCP through issuance of a Certificate of Inclusion. • Reduce separation distance for steep hillsides from 40 to 20 feet. • Clarifies that development on property that does not contain ESL, but that is located adjacent to property within the MHPA, must be consistent with the Land Use Adjacency Guidelines in MSCP Subarea Plan Section 1.4.3 and VPHCP Section 5.2.1. Compliance notes/conditions must be included the construction plans as appropriate.
Zoning: The following 25 amendments improve and streamline the permit process and clarify regulations.			
4	Regulatory Reform	141.0612	Mobile Food Truck Permit- Allow standing tables, shade structure and six square foot signs within private property to help support the industry.
5	Regulatory Reform	131.0112 131.0602 131.0622 141.0602	Description of Use Categories and Subcategories- Amend the Industrial Use Category to expand R&D uses and amend the Industrial zones tables to allow agricultural, retail, and commercial flexibility to primary uses.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
6	Regulatory Reform	131.0422 Table 131-04B 131.0522 Table 131-05B 141.0303	Continuing Care Retirement Communities (CCRC) - Allow by-right-Limited use in zones that allow multi-family housing, subject to requirements. Not subject CCRC to density limitations of zone.
7	Regulatory Reform	121.0302 125.0150 126.0110 126.0112 126.0113 126.0114 126.0115 126.0206 126.0306 126.0405 126.0506 126.0606 126.0723 132.1515 141.0602 142.0530 143.0303 143.0375 143.0403 143.0473 156.0315	Development on a Premises with a Utilized Development Permit - Adds new section 'Development on a Premise with a Utilized Permit' which allows existing development capacity where permitted under the base zone without an amendment to the existing development permit.
8	Regulatory Reform	142.0103(b) 126.0502(c)(6)	Housing Development Process Improvements - Amend language to specify that multi-family residential development that involves grading to accommodate underground parking does not require a SDP pursuant to 142.0103.
9	Regulatory Reform	131.0431(b) Table 131-04D	Development Regulations Table for Residential Zones - Clarification that the minimum lot size in the RS-1-2 zones within Encanto and Southeastern San Diego community planning areas is 5,000 square feet.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
10	Regulatory Reform	131.0522 Tables 131-05B & 131-05D	<p><u>Use Regulations Table for Commercial Zones</u></p> <ul style="list-style-type: none"> • Allow Homeless Facilities within the Coastal Overlay Zone, still subject to a CUP and CD. • Allow visitor accommodations in the CO-2-2 & CO-2-1 zones. • Allow the sale of intoxicating beverages in eating and drinking establishment in the CN zone. • Correct inconsistency in development regulations table for CO-2 zones; Supplemental Residential Regulations should not apply in CO-2-1 and CO-2-2 zones.
11	Regulatory Reform	131.0507	<p><u>Development Regulations Tables for Commercial Zones</u></p> <ul style="list-style-type: none"> • Clarify limited residential use in commercial zones.
12	Regulatory Reform	22.4033 34.0103 42.1301-42.1304 42.1502 43.1002 52.3305 58.0701-58.0704 113.0103, 113.0225 126.0303 131.0222, 131.0322 131.0422, 131.0522 131.0622 132.1510 132.1515 141.0504, 141.1004 151.0103 152.0312 153.0309, 153.0310 155.0238	<p><u>Marijuana Outlets and Production Facilities</u></p> <ul style="list-style-type: none"> • Change Marijuana to Cannabis throughout the municipal code. • Change distance requirement to public direct physical access between uses. • Add regulations for billboard advertising that apply to both licensed and unlicensed businesses.
13	Regulatory Reform	142.0540	<p><u>Exception to Parking Regulations for Nonresidential Uses</u></p> <p>Increase the small lot commercial parking exemption from 10,000 to 15,000. There are many commercial lots just over 10,000 that cannot utilize the exception that would be good redevelopment projects.</p>
14	Regulatory Reform	142.1292	<p><u>Downtown Community Plan Sign Control District</u>- Allow signs relating to special event permits within the Downtown Community Plan.</p>

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
15	Regulatory Reform	112.0601 112.0602 112.0604 113.0103 126.0108(d) 126.0502(a)(1)(f)(g) 126.0707(a-c) 132.0402 Table 132-04A 143.0110 -Table 143-01A and (c)(10)	<p>Capital Improvement Projects (CIP) and Public Projects Defining a Public Project and Reducing the CIP & Public Project process for the following:</p> <ul style="list-style-type: none"> • Discretionary process from a 5 to a 2 (does not apply to deviations from historical, ESL or archeological resources). • Projects that meet new SDP exemption criteria & have appropriate CEQA review can be processed ministerially. • CIP & Public Projects within the Coastal Overlay Appealable Area reduced from a Process 5 to a 2.
16	Regulatory Reform	131.0112 131.0222 131.0422 131.0522 131.0622 141.0803 141.0901 142.0413	<p>Vehicle Storage Facilities as a Primary Use</p> <ul style="list-style-type: none"> • Eliminating the Impound Storage Yard Use • Adding Vehicle Storage Facility (Separately Regulated Use) that allows of storage of operable vehicles as a primary use ministerially.
17	Regulatory Reform	155.0238	<p>Use Regulations Table of CU Zones- Allow Companion Units, Junior Units and guest quarters in the CU Zones where single-family units are allowed.</p>
18	Regulatory Reform	142.0528	<p>Parking Standards Transit Priority Area Regulations</p> <ul style="list-style-type: none"> • Clarify that bicycle parking is required and reformatting of existing language. • Add footnote to motorcycle parking. • Clarify definition of Parking Standards TPA.
19	Regulatory Reform	131.0422 Table 131-04B	<p>Child Care Centers-Change the permit process from a Conditional Use Permit to Limited Use for Child Care Centers in multi-family zones, consistent with the Mixed-Use Zones.</p>
20	Regulatory Reform	142.0640	<p>Impact Fees for Financing Public Facilities- Revisions, corrections and clarifications to the Impact Fee Program.</p>
21	Regulatory Reform	155.0253(a)(1)	<p>Supplemental Development Regulations- Eliminate the Site Development Permit requirement for mixed use project if a certain amount of park acreage has not been added in the Mid-City Community area.</p>

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
22	Regulatory Reform	141.0602	<u>Assembly and Entertainment Uses</u> -To provide parking flexibility, allows parking to be on or off-site.
23	Regulatory Reform	142.0540	<u>Exception to Parking Regulations for Nonresidential Uses</u> -Clarifies that the parking requirements in Table 142-05H apply to all commercial.
24	Regulatory Reform	Table of Contents- Remove Division 9 (this will come with the repeal of overlay zone) 126.0402 131.0449(b)(2) 132.0901-0905 142.0505- Table 142-05A 142.0527 142.0555 143.0302- Table 143.03A	<u>Tandem Parking</u> -Repeal of the Residential Tandem Overlay Zone, kept regulations under Parking Regulations.
25	Regulatory Reform	11.0301	<u>Service of Notices</u> -Include email-electronic noticing.
26	Regulatory Reform	142.0610	<u>When Public Improvements May Be Required Incidental to a Building Permit</u> -Traffic improvement needed to serve new development, without the need to require a discretionary development permit.
27	Regulatory Reform	141.0407	<u>Educational Facilities-Schools for Kindergarten to Grade 12</u> - Increase enrollment for replacing an existing school to 600 students within a TPA.
28	Regulatory Reform	113.0103 143.0145 143.0146	<u>Special Flood Hazard Areas Regulations</u> - Amend regulations to be consistent with FEMA regulations.

Landscaping: The following 6 items clarify the Landscape Regulations and eliminate redundancies			
29	Regulatory Reform	142.0402, Table 142-04A 142.0404	<u>When Landscape Regulations Apply</u> - Establish landscape area and point requirements for high-density residential development and residential components of mixed-use development.
30	Regulatory Reform	142.0403 (b) & (d) Table 142-04B	<u>General Planting and Irrigation Requirements</u> -Clean-up/corrections removing certain trees from the table that shrubs and consolidating palms into one category.
31	Regulatory Reform	142.0404 Table 142-04C 142.0405(b)(2) 142.0405(c)(3)	<u>Additional Yard Planting Area</u> <ul style="list-style-type: none"> • Clarifying common open space options available to meet landscape requirements. • Amend the 5-foot planting requirement when commercial development abuts residential zones when commercial development allows zero setbacks.
32	Regulatory Reform	142.0408(a & c)	<u>Temporary Vehicular Use Area Requirements</u> Clarifying that vehicular use areas are subject to construction permit rather than building Permits.
33	Clarification	142.0413(b)(2), (c)(d)(1) and (e)(1)	<u>Water Conservation</u> - Modifying language in compliance with the Model Water Efficient Landscape Ordinance (MWELo).
34	Clarification	143.0141 (a)(B)(i,ii)	<u>Development Regulations for Sensitive Biological Resources</u> - Clarify ESL regulations to coordinate with the Biology Guidelines, where brush management zone two is not acceptable as mitigation area.

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Minor Corrections: The following 7 items clarify regulations, correct formatting errors, incorrect terms, and incorrect section references.			
35	Incorrect Section	141.0505	<u>Plant Nurseries</u> - Section (d) incorrectly references 141.0504 the correct section is 141.0505.
36	Repealed Ordinance	123.0501 123.0502 123.0503 123.0504 123.0505 123.0506 131.0422 Table 131.04B 131.0431 131.0447 131.0457	<u>Residential High Occupancy Permit</u> - Remove repealed ordinance per Superior Court Judgment filed January 10, 2018.
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39	Correction	1510. 0102 and Map No. C-403.4	<u>LJ Shores PDO Boundaries</u> Adding the existing referenced map within the LJ Shores PDO for ease of reference.
40	Regulatory Reform	22.4035 142.1210(b)(5)(E)	<u>Special Event Signs</u> -Eliminate section referencing incorrect Chapters and Police Department approval for signs.
41	Correction	156.0309(e) Figure B, C & D	<u>Centre City Planned District</u> -Update Figures to align with actions from Phase 1 Update and minor corrections to wording on 156.0309(e).

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19	Regulatory Reform	131.0422 Table 131-04B	<p>Child Care Centers-Change the permit process from a Conditional Use Permit to Limited Use for Child Care Centers in multi-family zones, consistent with the Mixed-Use Zones.</p>
20	Regulatory Reform	142.0640	<p>Impact Fees for Financing Public Facilities- Revisions, corrections and clarifications to the Impact Fee Program.</p>
21	Regulatory Reform	155.0253(a)(1)	<p>Supplemental Development Regulations- Eliminate the Site Development Permit requirement for mixed use project if a certain amount of park acreage has not been added in the Mid-City Community area.</p>

DRAFT Issue Matrix – 12th Code Update-Phase 2

October 2, 2019

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
22	Regulatory Reform	141.0602	<u>Assembly and Entertainment Uses</u> –To provide parking flexibility, allows parking to be on or off-site.
23	Regulatory Reform	142.0540	<u>Exception to Parking Regulations for Nonresidential Uses</u> –Clarifies that the parking requirements in Table 142-05H apply to all commercial.
24	Regulatory Reform	Table of Contents- Remove Division 9 (this will come with the repeal of overlay zone) 126.0402 131.0449(b)(2) 132.0901-0905 142.0505- Table 142-05A 142.0527 142.0555 143.0302- Table 143.03A	<u>Tandem Parking</u> –Repeal of the Residential Tandem Overlay Zone, kept regulations under Parking Regulations.
25	Regulatory Reform	11.0301	<u>Service of Notices</u> -Include email-electronic noticing.
26	Regulatory Reform	142.0610	<u>When Public Improvements May Be Required Incidental to a Building Permit</u> -Traffic improvement needed to serve new development, without the need to require a discretionary development permit.
27	Regulatory Reform	141.0407	<u>Educational Facilities-Schools for Kindergarten to Grade 12</u> - Increase enrollment for replacing an existing school to 600 students within a TPA.
28	Regulatory Reform	113.0103 143.0145 143.0146	<u>Special Flood Hazard Areas Regulations</u> - Amend regulations to be consistent with FEMA regulations.

Landscaping: The following 6 items clarify the Landscape Regulations and eliminate redundancies			
29	Regulatory Reform	142.0402, Table 142-04A 142.0404	When Landscape Regulations Apply- Establish landscape area and point requirements for high-density residential development and residential components of mixed-use development.
30	Regulatory Reform	142.0403 (b) & (d) Table 142-04B	General Planting and Irrigation Requirements- Clean-up/corrections removing certain trees from the table that shrubs and consolidating palms into one category.
31	Regulatory Reform	142.0404 Table 142-04C 142.0405(b)(2) 142.0405(c)(3)	Additional Yard Planting Area <ul style="list-style-type: none"> • Clarifying common open space options available to meet landscape requirements. • Amend the 5-foot planting requirement when commercial development abuts residential zones when commercial development allows zero setbacks.
32	Regulatory Reform	142.0408(a & c)	Temporary Vehicular Use Area Requirements Clarifying that vehicular use areas are subject to construction permit rather than building Permits.
33	Clarification	142.0413(b)(2), (c)(d)(1) and (e)(1)	Water Conservation- Modifying language in compliance with the Model Water Efficient Landscape Ordinance (MWELO).
34	Clarification	143.0141 (a)(B)(i,ii)	Development Regulations for Sensitive Biological Resources- Clarify ESL regulations to coordinate with the Biology Guidelines, where brush management zone two is not acceptable as mitigation area.

DRAFT Issue Matrix – 12th Code Update-Phase 2

October 2, 2019

Minor Corrections: The following 7 items clarify regulations, correct formatting errors, incorrect terms, and incorrect section references.			
35	Incorrect Section	141.0505	<u>Plant Nurseries</u> - Section (d) incorrectly references 141.0504 the correct section is 141.0505.
36	Repealed Ordinance	123.0501 123.0502 123.0503 123.0504 123.0505 123.0506 131.0422 Table 131.04B 131.0431 131.0447 131.0457	<u>Residential High Occupancy Permit</u> - Remove repealed ordinance per Superior Court Judgment filed January 10, 2018.
37	Correction	157.0202(b)	<u>Overview of Decision Process</u> - Remove reference to Process Two by the City Manager I lieu of Planning Commission.
38	Repealed Ordinance	98.0202(a)(5)	<u>Mobilehomes, Recreational Vehicles and Commercial Coaches</u> - Remove reference to Chapter X, Article 1, Division 5 that was repealed.
39	Correction	1510. 0102 and Map No. C-403.4	<u>LJ Shores PDO Boundaries</u> Adding the existing referenced map within the LJ Shores PDO for ease of reference.
40	Regulatory Reform	22.4035 142.1210(b)(5)(E)	<u>Special Event Signs</u> -Eliminate section referencing incorrect Chapters and Police Department approval for signs.
41	Correction	156.0309(e) Figure B, C & D	<u>Centre City Planned District</u> -Update Figures to align with actions from Phase 1 Update and minor corrections to wording on 156.0309(e).

Item 4 from the CMT agenda of 11/13/19

§113.0225 Measuring Distance Between Uses

When there is a separation requirement between uses, the distance of the separation shall be measured as follows, except as specified by state law. See Diagram 113-02E.

Diagram 113-02E
Distance Between Uses [No change in text.]

(a) and (b) [No change in text.]

(c) When measuring distance for separation requirements for ~~marijuana~~ cannabis outlets or ~~marijuana production facilities~~ cannabis production facilities, the measurement of distance between the uses shall ~~take into account natural topographical barriers and constructed barriers such as freeways or flood control channels that would impede direct physical access between the uses. In such cases, the separation distance shall be measured as the most direct and legal pedestrian path of travel between property lines. For this purpose, the direct and legal pedestrian path of travel includes the crossing of streets only at street corners or via marked crosswalks where available. route around the barrier in a manner that establishes direct access.~~

§141.0504 ~~Marijuana Outlets~~ Cannabis Outlets

~~Marijuana~~ Cannabis outlets that are consistent with the requirements for retailer or dispensary license requirements in the California Business and Professions Code may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base

Zones), provided that no more than four ~~marijuana~~ cannabis outlets are permitted in each City Council District. ~~Marijuana~~ Cannabis outlets are subject to the following regulations.

- (a) ~~Marijuana~~ Cannabis outlets shall maintain the following minimum separation between uses, as measured between *property lines*, ~~in accordance with Section 113.0225:~~
- (1) 1,000 feet from resource and population-based city parks, other ~~marijuana~~ cannabis outlets, churches, child care centers, playgrounds, libraries owned and operated by the City of San Diego, *minor-oriented facilities*, residential care facilities, and schools. For purposes of this section, school means any public or private institution of learning providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes. The distance shall be measured between *property lines*, in accordance with Section 113.0225 (c).
 - (2) 100 feet from a residential zone. The distance shall be measured horizontally in a straight line between the two closest points of the *property lines* without regard to topography or *structures* that would interfere with a straight-line measurement.
- (b) Lighting shall be provided to illuminate the interior, facade, and the immediate surrounding area of the ~~marijuana~~ cannabis outlet, including any *accessory uses*, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented to deflect light away from adjacent properties.

- (c) Security shall be provided at the ~~marijuana~~ cannabis outlet which shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the premises during business hours. The security guard shall only be engaged in activities related to providing security for the facility, except on an incidental basis.
- (d) Primary signs shall be posted on the outside of the ~~marijuana~~ cannabis outlet and shall only contain the name of the business, which shall contain only alphabetic characters, and shall be limited to two colors. Secondary signs advertising cannabis, window signs and any display visible from the public right-of-way are not permitted.
- (e) The name and emergency contact phone number of an operator or manager shall be posted in a location visible from outside the ~~marijuana~~ cannabis outlet in character size at least two inches in height.
- (f) The ~~marijuana~~ cannabis outlet shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
- (g) The use of vending machines which allow access to ~~marijuana~~ cannabis and ~~marijuana~~ cannabis products except by a responsible person, as defined in San Diego Municipal Code Section 42.1502, is prohibited. For purposes of this Section, a vending machine is any device which allows access to ~~marijuana~~ cannabis and ~~marijuana~~ cannabis products without a human intermediary.
- (h) [No change in text.]
- (i) A Conditional Use Permit for a ~~marijuana~~ cannabis outlet shall expire no later than five years from the date of issuance.

- (j) Deliveries shall be permitted as an *accessory use* only from ~~marijuana~~ cannabis outlets with a valid Conditional Use Permit unless otherwise allowed pursuant to the Compassionate Use Act of 1996.
- (k) The ~~marijuana~~ cannabis outlet, adjacent public sidewalks, and areas under the control of the ~~marijuana~~ cannabis outlet, shall be maintained free of litter and graffiti at all times.
- (l) The ~~marijuana~~ cannabis outlet shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.
- (m) Consultations by medical professionals shall not be a permitted *accessory use* at a ~~marijuana~~ cannabis outlet.
- (n) ~~An extension of time for a~~ A Conditional Use Permit ~~for a~~ granted to a ~~marijuana~~ cannabis ~~outlet or medical marijuana consumer cooperative shall comply with the requirements of Section 126.0111, with the following exceptions:~~ may be amended in accordance with a Process Two Decision as described in Section 112.0502, subject to this section.

Amendments for cannabis outlets that do not comply with the regulations in Section 141.0504 (n) may be permitted with a Conditional Use Permit decided in accordance with Process Three subject to the regulations in Section 141.0504 (a) through (m).
 - (1) ~~The extension shall be for no more than five years.~~ The permittee shall provide documentation, satisfactory to the City Manager, verifying compliance with the Conditional Use Permit conditions and requirements, including but not limited to Cannabis Business Tax in accordance with Chapter 4, Article 4, Division 1 and the State of

California Licensing Authority, during the operational duration of the permit.

- (2) ~~A decision on an application for an extension amendment of time shall be made in accordance with Section 126.0304 Process Two. Appeals of a decision to approve an extension of time shall be made to the Planning Commission.~~ The permittee shall provide documentation from the City of San Diego Police Department specifying reported crimes and/or Development Services Department identifying reported violations on the premises, satisfactory to the City Manager for the operational duration of the permit.
- (3) The separation requirements in Section 141.0504(a) shall not be considered in making the findings required in Section 126.0111(g) when a specified use in Section 141.0504(a) has located within the required distance after the approval date of the initial Conditional Use Permit.
- (4) A change in zoning after the approval date of the initial Conditional Use Permit shall not be considered in making the findings required in Section 126.0111(g).
- (5) ~~The *cannabis outlet* or medical marijuana consumer cooperative shall not be expanded beyond the approved *gross floor area* of the original approved permit.~~
- (6) ~~A Conditional Use Permit for a *cannabis outlet* or medical marijuana consumer cooperative may be amended one or more times. An application for an amendment may include a request to extend the expiration date for a period not to exceed five years. An amendment~~

application to extend the expiration date of a Conditional Use Permit must be submitted and deemed complete prior to the Conditional Use Permit expiration date and the Conditional Use Permit will automatically be extended until a decision on the amendment request is final and all available administrative appeals of the project decision have been exhausted.

§141.1004 ~~Marijuana Production Facilities~~ Cannabis Production Facilities

~~Marijuana production facilities are individual or combined uses engaged in the agricultural raising, harvesting, and processing of marijuana; wholesale distribution and storage of marijuana and marijuana products; and production of goods from marijuana and marijuana products consistent with the requirements of State of California Statutes and the California Departments of Food and Agriculture, Consumer Affairs, and Public Health regulations.~~

~~A marijuana production facility~~ Cannabis production facility may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), provided that no more than 40 ~~marijuana production facilities~~ cannabis production facilities are permitted in the City of San Diego. ~~Marijuana production facilities~~ Cannabis production facilities are subject to the following regulations.

- (a) ~~Marijuana production facilities~~ Cannabis production facilities shall maintain the following minimum separation between uses, as measured between *property lines*, ~~in accordance with Section 113.0225:~~

(1) 1,000 feet from resource and population-based city parks, other ~~marijuana~~ cannabis outlets, churches, child care centers, playgrounds, libraries owned and operated by the City of San Diego, *minor-oriented facilities*, residential care facilities, and schools. For purposes of this section, school means any public or private institution of learning providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes. The distance shall be measured between property lines, in accordance with Section 113.0225 (c).

(2) 100 feet from a residential zone. The distance shall be measured horizontally in a straight line between the two closest points of the property lines without regard to topography or structures that would interfere with a straight-line measurement.

(b) through (d) [No change in text.]

(e) The name and emergency contact phone number of an operator or manager shall be posted outside the ~~marijuana production facility~~ cannabis production facility in a location visible to the public from the *public right-of-way* in character size at least two inches in height. The permittee shall provide this contact information to the San Diego Police Department. The operator or manager shall also be available 24 hours a day to address public nuisance complaints and interact with local, state, and federal law enforcement authorities. Other than the contact information, a ~~marijuana production facility~~ cannabis production facility shall

limit signage on the exterior of the property visible from the *public right-of-way* to the address.

- (f) [No change in text.]
- (g) A Conditional Use Permit for a ~~marijuana production facility~~ cannabis production facility shall expire no later than five (5) years from the date of issuance.
- (h) ~~An extension of time for a~~ A Conditional Use Permit ~~for a~~ granted to a ~~marijuana production facility~~ cannabis production facility ~~shall comply with the requirements of section 126.0111 with the following exceptions:~~ may be amended in accordance with a Process Two Decision as described in Section 112.0502, subject to the following regulations:

~~An extension of time for a~~ A Conditional Use Permit Amendment granted to a ~~marijuana production facility~~ cannabis production facility shall comply with the requirements of Section 126.0111, with the following exceptions: may be processed in accordance with a Process Two Decision as described in Section 112.0502, subject to this section.

Amendments for cannabis production facilities that do not comply with the regulations in Section 141.1004 (h) may be permitted with a Conditional Use Permit decided in accordance with Process Three subject to the regulations in Section 141.1004, except 141.1004 (h).

- (1) ~~The extension shall be for no more than five years.~~ The permittee shall provide documentation, satisfactory to the City Manager, verifying compliance with the Conditional Use Permit conditions and requirements, including but not limited to Cannabis Business Tax in

accordance with Chapter 4, Article 4, Division 1 and the State of California Licensing Authority, during the operational duration of the permit.

(2) ~~A decision on an application for an extension amendment of time shall be made in accordance with Section 126.0304 Process Two. Appeals of a decision to approve an extension of time shall be made to the Planning Commission.~~ The permittee shall provide documentation from the City of San Diego Police Department specifying reported crimes and/or violations from Development Services Department, conducted on the premises, satisfactory to the City Manager for the operational duration of the permit.

(3) The separation requirements in Section 141.0504(a) shall not be considered in making the findings required in Section 126.0111(g) when a specified use in Section 141.0504(a) has located within the required distance after the approval date of the initial Conditional Use Permit.

(4) A change in zoning after the approval date of the initial Conditional Use Permit shall not be considered in making the findings required in Section 126.0111(g).

~~(5) The *cannabis production facility* shall not be expanded beyond the approved *gross floor area* of the original approved permit.~~

~~(6) A Conditional Use Permit for a *cannabis production facility* may be amended one or more times. An application for an amendment may include a request to extend the expiration date for a period not to exceed five years. An amendment application to extend the expiration date of a~~

Conditional Use Permit must be submitted and deemed complete prior to the Conditional Use Permit expiration date and the Conditional Use Permit will automatically be extended until a decision on the amendment request is final and all available administrative appeals of the project decision have been exhausted.

- (i) The sale of ~~marijuana~~ cannabis and ~~marijuana~~ cannabis products shall only be conducted by a ~~marijuana~~ cannabis outlet in accordance with Section 141.0504. A ~~marijuana production facility~~ cannabis production facility is prohibited from providing ~~marijuana~~ cannabis and ~~marijuana~~ cannabis products to any person other than another ~~marijuana production facility~~ cannabis production facility, a testing lab, or a ~~marijuana~~ cannabis outlet.
- (j) The ~~marijuana production facility~~ cannabis production facility, adjacent public sidewalks, and areas under the control of the ~~marijuana production facility~~ cannabis production facility shall be maintained free of litter and graffiti at all times.
- (k) The ~~marijuana production facility~~ cannabis production facility shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.