



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: October 21, 2021

REPORT NO. PC-22-052

HEARING DATE: October 27, 2022

SUBJECT: 2022 Update to the San Diego Municipal Code and Local Coastal Program;
Process 5

SUMMARY

Issue: Should the Planning Commission recommend City Council approval of the two ordinances for the 2022 Code Update and to the San Diego Municipal Code and the Local Coastal Program?

Staff Recommendation: Recommend to the City Council approval of the proposed 2022 Code Update.

City Strategic Plan Goal and Objectives: 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

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 is included as Attachment 7.

Housing Impact Statement: The proposed amendments would apply citywide. The proposed amendments streamline regulatory requirements, reduce constraints, and provide additional incentives to increase the supply of housing.

BACKGROUND

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 code. Council recognized the importance of code revisions that removed unnecessary barriers to simplify and streamline permitting processes. Through these regular updates, the LDC is continually responsive to the City's changing land use issues.

The 2022 Code Update includes 84 items. The amendments are being processed to streamline and clarify the permit process; clarify regulations; correct references, grammatical errors and formatting and comply with state law.

DISCUSSION

The 84 items in the 2022 Code Update are separated into two ordinances: Citywide Amendments and Amendments to the Downtown 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 attached matrices (Attachments 1 and 2) as well as the draft language (Attachments 3-6). The CEQA evaluation memo is included as Attachment 7.

Citywide Amendments (53 Items)

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

There are 2 items to align policy with the City's climate, equity and housing goals described below. Each item has a corresponding number within the attached Citywide LDC Matrix (Attachment 1).

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 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 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.

The Sustainable Development Area (SDA) 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:

1. Within Mobility Zones 1 and 3,¹ as defined in Section 143.1103, the defined walking distance is 1.0 mile.
2. Within Mobility Zone 4, as defined in Section 143.1103, the defined walking distance is .75 mile.

These changes would affect the project sites across the City that are eligible for the City's local incentive programs and regulations, including ADU Home Density Bonus Program, Affordable Housing Density Bonus Program, Housing Solutions Regulations, Inclusionary Housing Regulations, Mixed-Use Base Zones, and Mobility Choices Regulations. While this change is not proposed to change regulations related to the parking regulations for areas within the Parking Standards TPA, it is anticipated that additional regulations to implement AB 2097, which prohibits jurisdictions from enforcing parking minimums within transit supported areas, will be brought forward for consideration in 2023.

The existing definition of a Transit Priority Area, which is rooted in state law, is a high-level definition that measures the areas located near transit by looking at a 0.5 mile "as the crow flies" 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 "crows flies" distance from a major transit stop has been reevaluated, taking into consideration areas that overall have safe, comfortable access to transit, biking, and walking/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 bike 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.

¹ Mobility Zone 2 is the Sustainable Development Area.

To define a new Sustainable Development Area, City staff identified areas that have good walk/roll, bike, and other micromobility access to transit. Taking this into consideration, people that live in homes located .75 miles from a major transit stop, at an average walking pace of 3 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 transit stop, especially where neighborhood amenities, such as grocery trips and social visits, can be achieved 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 do choose to drive, drive fewer overall miles. In this instance, people that live in homes located 1 mile from a major transit stop, at an average walking pace of 3 miles per hour, can reach their destination in about 20 minutes which is a reasonable distance for the more VMT efficient communities with even more investments existing and planned for walking/rolling, biking and transit investments. Therefore, the proposed Sustainable Development Area consists of areas located within 1.0 miles walking distance of a major transit stop in Mobility Zones 1 (Downtown) and 3 (VMT efficient areas) and with a 0.75 mile walking distance of a major transit stop in Mobility Zone 4 (relatively VMT inefficient areas).

The Sustainable Development Area expands land areas beyond a Transit Priority Area while also refocusing City incentive programs in areas that are more transit supportive. In some instances, land areas outside of the Transit Priority Area definition will now be eligible for City incentive programs, while in other instances, the number of eligible land areas would retract. This shifting of areas results in an overall reduction of about 1 percent² of developable land areas ³ eligible for City incentive programs. Although a small decrease, it is not anticipated that this would result in any real world decrease in home opportunities. The new areas added have better overall access to transit, neighborhood services, shopping, and jobs, making them generally more attractive for new development areas over areas located further from transit. These added 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 Transit Priority Area and not within a Sustainable Development Area will continue to be able to take advantage of housing programs established by the State of California.

To ensure that property owners have sufficient time to plan for these changes, a pipeline provision applicable to the amendments related to the definition of the Sustainable Development is proposed to delay the effective date until January 1, 2024. However, an area that is located within the new Sustainable Development Area that was not previously identified in the TPA may elect to opt into these programs at the otherwise applicable earlier effective date.

² For comparison purposes, approximately 28 percent of the City's land is located within the City's Multi-Habitat Planning Area (MHPA).

³ Areas located on open space, conserved lands, City parks, military lands, public rights-of-way, and the San Diego International Airport are considered to be highly constrained and unlikely to develop.

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

A Sea Level Rise Acknowledgement was approved as part of our 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 item has a corresponding number within the attached Citywide LDC Matrix (Attachment 1).

Posted Notice (Item No. 2)

Revises the code language to 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 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 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 they 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.

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 with no impacts to historic resources.

D. Compliance with State Law

Three items which are included to ensure the City's Land Development Code is in compliance with State Law. Each item has a corresponding number within the attached Citywide LDC Matrix (Attachment 1).

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)

SB 478 required minimum maximum floor area ratio for developers within multifamily residential base zones that consist of 3 to 10 homes. This amendment 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 and 8 to 10 homes is no less than 1.25. 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.

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

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

E. Corrections

There are 17 corrections described below. Each item has a corresponding number within the attached Citywide LDC Matrix (Attachment 1).

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)

This amendment replaces the term companion unit with accessory dwelling unit in this section.

Setback Correction for Residential Zones (Item No. 15)

This amendment corrects the code language related to setbacks in RE and RS 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. 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 SB 9 regulations and clarify that third and fourth units constructed under the SB regulations are required to pay development impact fees.

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

Existing regulations for a General Development Plan (GDP) for an onsite park require that a performance and payment bond for the design and the construction are due prior to the issuance of the first building permit. This can result in inaccuracies as at this stage in the process the GDP has not been approved. Moving the bond payment to prior to the issuance of the first building permit aligns this payment with the timing for the GDP approval process.

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 that it includes communities with 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 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 Housing Solutions.

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

The code refers to dwelling units for rent by households earning 50 percent of the area median income as low income. This is mistake as 50 percent of the area median income is defined as very low income.

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

States that a Neighborhood Use Permit (NDP) is required for development over 95 feet in height, or development that exceeds the height limit of the base zone, whichever is higher. The original intent of the regulations was to ensure that an NDP was required where the height would exceed the base zone requirements. Some zones in the City already allow for heights that exceed 95 feet, eliminating the need for a discretionary NDP in these limited instances.

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 consistent with its applicability citywide.

Citywide Park Development Impact Fee 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 a SDA. Additionally, adds a section to the resolution to include a 3 bedroom home incentive which caps the maximum Citywide Park DIF for 3+ bedroom homes at the rate applicable to a 900 square foot multifamily unit. This incentive would apply for 3+ bedroom units up to 1500 square feet and is intended to encourage the development of additional homes for families.

F. Clarifications

There are 16 clarifications described below. Clarifications are not intended to change the existing regulations, but rather to make the regulations more clear, providing more certainty and clarity to the development process. Each item has a corresponding number within the attached Matrix (Attachment 1).

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

Aligns this section with 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.

Prime Industrial Land (Item No. 16)

Clarifies use limitations to prime industrial lands and adds a footnote that moving and storage facilities are a prohibited use.

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

Makes various amendments related to storage, vehicle repair, distribution and tasting room uses to ensure consistency with the purpose and intent of base zones.

ADU Conversions (Item No. 22)

Includes language that an ADU constructed within an existing dwelling unit or accessory structure does not have a maximum gross floor area as we are not changing the homes overall 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 on park sites.

Outdoor Dining on Private property (Item No. 24)

Amends placemaking regulations to clarify 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 intent of the ordinance.

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 (the words "where feasible" are proposed to be removed).

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 policy with the City's climate, equity, and housing goals. Each item has a corresponding number within the attached Centre City PDO Matrix (Attachment 2).

FAR Bonus Programs (Item No. 5)

Allows for the stacking of CCPDO FAR bonus program incentives, similar to what is allowed in the current Land Development Code.

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)

The existing CCPDO Public Parking Incentive Program has only been used once in the past 15 years and no longer aligns with current policy goals. This amendment will remove this program.

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 item has a corresponding number within the attached Centre City PDO Matrix (Attachment 2).

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 Centre City PDO Matrix (Attachment 2).

Land Use Districts (Item No. 3)

Correct 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 Centre City PDO Matrix (Attachment 2).

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 San Diego Municipal Code.

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 that visitor accommodation uses are allowed to occupy up to 20 percent of the FAR in the RE zone.

Outreach

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

Recommendations

Community Planners Committee (CPC): On September 28, 2022, staff presented this item to the Community Planners Committee. The group unanimously approved 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.

CONCLUSION

Staff recommends approval of the proposed ordinance. The code amendments are consistent with the adopted Land Development Code goals to simplify land development regulations, to make the code more adaptable, to eliminate redundancies and contradictions, to standardize the land development code framework, to increase predictability in application of the regulations and to align regulations with the City's climate, equity and housing goals.

Respectfully submitted,

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TG/LS

Attachments:

1. Citywide LDC Matrix
2. Centre City PDO Matrix
3. Draft Language – General Zoning
4. Draft Language – Downtown PDO
5. Amendments to R-313686 (Citywide Park DIF)
6. Amendments to R-307481 (FAR Bonus Resolution)
7. California Environmental Quality Act consistency evaluation
8. DRAFT Community Planning Group – 9/27/22, Minutes