



THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: May 4, 2022

TO: Planning Commission

FROM: Kelley Stanco, Interim Deputy Director, Planning Department

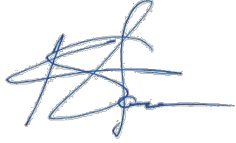
SUBJECT: Item #4, Climate Action Plan Update Package

Since the preparation and distribution of the hearing materials for the Climate Action Plan Update Package, the Planning Department has received additional input from industry stakeholders on the Climate Action Plan (CAP) Consistency Regulations. In response to this feedback, staff is proposing revisions to the draft regulations, which are provided in tracked-changes (Attachment 1) and clean versions (Attachment 2) for ease of review. In summary, the changes include the following:

- Clarifying that the 5,000 square foot applicability threshold for non-residential development does not include unoccupied square footage such as mechanical rooms or storage.
- Reducing the permit process for deviations from the CAP Consistency Regulations from a Process 3 Site Development Permit to a Process 2 Neighborhood Development permit while preserving the deviation findings.
- Removing the pedestrian path requirement for sites larger than one acre and replacing it with a requirement that sites with 250 linear feet or more of street frontage provide at least one pedestrian amenity for every 250 linear feet of street frontage.
- Including alternative compliance options for the planting of 2 trees per 5,000 square foot of lot area when the site is located within a base zone that does not require open space of sufficient size to accommodate the trees.

Although not included in the actionable items, staff has also included the draft Climate Action Plan Consistency for Plan- and Policy-Level Environmental Documents and Public Infrastructure Projects Memorandum as Attachment 3 in order to provide additional background and context for the action before the Commission. The purpose of this document is to provide guidance to City staff on how to demonstrate consistency with the CAP for projects where the CAP Consistency Regulations would likely not apply.

Staff will go through the CAP Consistency Regulations and these changes at the May 5th Planning Commission meeting and address any questions the Commission may have. The staff recommendation on this item remains unchanged.

A handwritten signature in blue ink, appearing to read 'Kelley Stanco', with a stylized, cursive script.

Kelley Stanco
Interim Planning Director

Attachments: 1. Revisions to Draft Climate Action Plan Consistency Regulations (Tracked Changes)
2. Revised Draft Climate Action Plan Consistency Regulations (Clean)
3. Draft Climate Action Plan Consistency for Plan- and Policy-Level Environmental Documents and Public Infrastructure Projects Memorandum

DRAFT STRIKEOUT ORDINANCE**OLD LANGUAGE: ~~Struck-Out~~****NEW LANGUAGE: Double Underline**

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 126.~~0502-0402~~ AND 126.~~05050404~~; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 7 BY AMENDING SECTION 129.0710; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 3 BY AMENDING SECTION 143.0302; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 10 BY AMENDING SECTION 143.1025; AMENDING CHAPTER 14, ARTICLE 3 BY ADDING NEW DIVISION 14, SECTIONS 143.1401, 143.1403, 143.1405, 143.1410, AND 143.1415, ALL RELATING TO CLIMATE ACTION PLAN CONSISTENCY REGULATIONS.

Chapter 12**Article 6: Development Permits****Division 4: Neighborhood Development Permit Procedures****§126.0402 When a Neighborhood Development Permit is Required**

(a) through (r) [No change in text.]

(s) A Neighborhood Development Permit is required for *development* that deviates from the Climate Action Plan Consistency Regulations, as described in Section 143.1403(c).

§126.0404 Findings for a Neighborhood Development Permit Approval

A Neighborhood Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0404(a) and the supplemental *findings* in Section 126.0404(b) through (g)(h) that are applicable to the proposed *development* as specified in this section.

These *findings* are not required for affordable housing that is provided pursuant to Chapter 14, Article 3, Division 7, unless the development will exceed the allowed

incentives or the project or the *development* deviates from the Climate Action Plan Consistency Regulations, as described in Section 143.1403(c).

(a) through (g) [No change in text.]

(h) Supplemental Findings – Deviation from the Climate Action Plan Consistency Regulations.

A Neighborhood Development Permit required in accordance with Section 143.1403(c) due to requested deviations from the Climate Action Plan Consistency Regulations may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0404(a):

- (1) The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant's making.
- (2) The *development* provides project features or other mitigating measures, to the extent feasible, that reduce greenhouse gas emissions and support and enhance alternative forms of transit in a manner comparable to compliance with the Climate Action Plan Consistency Regulations in Chapter 14, Article 3, Division 14.

Chapter 12

Article 6: Development Permits

Division 5: Site Development Permit Procedures

~~§126.0502 — When a Site Development Permit is Required~~

~~(a) through (b) [No change in text.]~~

~~(c) — A Site Development Permit decided in accordance with Process Three is required for the following types of *development*.~~

~~(1) through (8) [No change in text.]~~

~~(9) — Development that deviates from the Climate Action Plan Consistency Regulations, as described in Section 143.1403(c)~~

~~(d) through (g) [No change in text.]~~

~~§126.0505 — Findings for a Site Development Permit Approval~~

~~A Site Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0505(a) and the supplemental *findings* in Section 126.0505(b) through (m) that are applicable to the proposed *development* as specified in this section.~~

~~(a) through (m) [No change in text.]~~

~~(n) Supplemental Findings—Deviation from the Climate Action Plan Consistency Regulations.~~

~~A Site Development Permit required in accordance with Section 143.1403(c) due to requested deviations from the Climate Action Plan Consistency Regulations may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0505(a):~~

~~(1) The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant's making.~~

~~(2) The *development* provides project features or other mitigating measures, to the extent feasible, that reduce greenhouse gas emissions and support and enhance alternative forms of transit in a manner comparable to compliance with the Climate Action Plan Consistency Regulations in Chapter 14, Article 3, Division 14.~~

Chapter 12

Article 9: Construction Permits

Division 7: Public Right-of-Way Permits

§129.0710 How to Apply for a Public Right-of-Way Permit

An application for a Public Right-of-Way Permit shall be submitted in accordance with Sections 112.0102 and 129.0105. The submittal requirements for Public Right-of-Way Permits are listed in the Land Development Manual. A *development permit* is required prior to issuance of a Public Right-of-Way Permit for the following:

(a) through (c) [No change in text.]

(d) Notwithstanding Sections 129.0710(a)-(c), a *development permit* is not required prior to issuance of a Public Right-of-Way Permit for placemaking, improvements required in accordance with the Climate Action Plan Consistency Regulations in Chapter 14, Article 3, Division

14, or a recreational amenity in the *public right-of-way* subject to the following regulations. For purposes of Section 129.0710, a recreational amenity is defined as any improvement that provides recreational value to residents or visitors and that enhances the pedestrian or bicycle travel experience.

(1) through (3) [No change in text.]

(4) The term of the Public Right-of-Way Permit shall not exceed five years with the exception of *placemaking*, ~~and~~ recreational amenities and improvements provided in accordance with the Climate Action Plan Consistency Regulations. The term shall not be limited in accordance with Municipal Code section 129.0750 and shall not be eligible for an extension of time pursuant to Municipal Code section 129.0751. *Placemaking*, ~~and~~ recreational amenities, and improvements provided in accordance with the Climate Action Plan Consistency Regulations shall be removed in accordance with the Encroachment Maintenance and Removal Agreement required in Section 129.0715.

(5) through (8) [No change in text.]

(9) The *placemaking* or recreational amenity project and improvements provided in accordance with the Climate Action Plan Consistency Regulations shall allow for safe and efficient visibility and circulation for motor vehicle users and other users of the *public right-of way*, including bicyclists and pedestrians, and shall not impede the safe use of parking spaces or travel lanes in the *public right-of-way*, as determined by the City Engineer.

(10) [No change in text.]

Chapter 14

Article 3: Supplemental Development Regulations

Division 3: Supplemental Neighborhood Development Permit and Site Development Permit Regulations

143.0302 When Supplemental Neighborhood Development Permit and Site Development Permit Regulations Apply

This Division applies to any *development* proposal for which a Neighborhood Development Permit or Site Development Permit is required as described in Sections 126.0402 and 126.0502, in accordance with Table 143-03A.

Legend for Table 143-03A

[No change in text.]

Table 143-03A**Supplemental Neighborhood Development Permit or Site Development Permit Regulations
Applicability**

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process
Affordable housing, in-fill projects, and sustainable buildings projects as described in Section 143.0915 where a Site Development Permit or Planned Development Permit would otherwise be required through Clairemont Mesa Height Limit Overlay Zone	[No change in text.]	[No change in text.]
<u><i>Development</i> requesting deviations from the Climate Action Plan Consistency Regulations in Chapter 14, Article 3, Division 14.</u>	<u>143.0303, 143.0305, 143.0375, 143.0380</u>	<u>SNDP/Process ThreeTwo</u>

Chapter 14**Article 3: Supplemental Development Regulations****Division 10: Complete Communities Housing Solutions Regulations****§143.1025 Supplemental Development Regulations**

Development utilizing the regulations in this Division must comply with the following Supplemental Development Regulations and may not utilize the waivers provided in Section 143.1010(h) to deviate from the requirements in Section 143.1025.

(a) through (e) [No change in text.]

(f) Climate Action Plan (CAP) Consistency ~~Checklist~~ Requirements. To ensure consistency with the City's CAP, all *development* shall comply

with each of the measures identified in Step 2 of the CAP Consistency Checklist the Climate Action Plan Consistency Regulations in Chapter 14, Article 3, Division 14.

Chapter 14

Article 3: Supplemental Development Regulations

Division 14: Climate Action Plan Consistency Regulations

§143.1401 Purpose of the Climate Action Plan Consistency Regulations

It is the purpose and intent of these regulations to implement the City's Climate Action Plan (CAP) by applying regulations that reduce greenhouse gas (GHG) emissions to *development* specified in this Division. Compliance with these regulations is also intended to demonstrate a *development's* compliance with the City's CAP.

§143.1403 Application of the Climate Action Plan Consistency Regulations

- (a) This Division applies to the following:
- (1) *Development* that results in three or more total *dwelling units* on all *premises* in the *development*;
 - (2) Non-residential *development* that results in 5,000 square feet or more of total *gross floor area*, *excluding unoccupied spaces such as mechanical equipment and storage areas*; and
 - (3) Parking facilities as a *primary use*.
- (b) A *development* that has received an incentive or waiver under a local *opt-in* bonus or incentive program *not required by State law* may not utilize the incentive or waiver to reduce or waive any of the requirements of this Division.
- (c) *Development* that deviates from the regulations of this Division may be approved with a Process ~~Three-Two~~ *SiteNeighborhood* Development Permit in accordance with Sections 126.~~0502(e)(9)~~0402(s) and 126.~~0504(a)~~0403, provided that the *findings* in Section 126.~~0505(a)~~0404(a) and the supplemental *findings* in Section 126.~~0505(n)~~0404(h) are made.

§143.1405 Definitions

The following definitions apply to this Division:

- (a) Furnishings Zone has the same meaning that it has in Section 2.2.5.2 of the 2017 Street Design Manual of the Land Development Manual. It is the zone that provides the buffer between the active pedestrian area, the Throughway Zone, and street traffic, and accommodates street trees, landscaping, street furniture, utility poles, parking meters, fire hydrants, bicycle racks, and the like.
- (b) Throughway Zone has the same meaning that it has in Section 2.2.5.3 of the 2017 Street Design Manual of the Land Development Manual. It is the zone that is intended for pedestrian travel only and should be entirely clear of obstacles.

§143.1410 Mobility and Land Use Regulations

The following regulations support alternative mobility options, such as walking and biking, that reduce vehicle dependency and associated GHGs.

- (a) Pedestrian enhancements that reduce heat island effects shall be provided as follows:
 - (1) For a *premises* that contains a *street yard* or abuts a *public right-of-way* that contains a Furnishings Zone, at least 50 percent of the Throughway Zone shall be shaded as specified below.
 - (A) If the adjacent *public right-of-way* contains a Furnishings Zone, the shading shall be provided by street trees.
 - (B) If the adjacent *public right-of-way* does not contain a Furnishings Zone, the shading may be provided by a combination of trees and shade structures placed in the *street yard*.
 - (C) The shade coverage of a tree shall be determined by the expected canopy at 10-year maturity. The tree shall be selected in accordance with the Landscape Standards of the Land Development Manual and the City's Street Tree Selection Guide.
 - (D) Trees shall be irrigated and maintained consistent with Section 142.0403.
 - (E) The number of street trees provided shall not be less than what is required by the Landscape Regulations in Chapter 14, Article 2, Division 4.

(2) For a *premises* that does not contain a *street yard* and does not abut a *public right-of-way* that contains a *Furnishings Zone*, the applicant shall do one of the following:

(A) Plant the number of trees required by Section 143.1410(a)(1) at an off-site location within 1 mile of the project *premises* and enter into an agreement with the owner of the off-site location that ensures the indefinite maintenance of the trees; or

(B) Pay an Urban Tree Canopy Fee to be deposited into the Climate Resiliency Fund, as adopted by City Council Resolution.

(b) *Development on a premises with 250 linear feet or more of street frontage shall provide and privately maintain at least one of the following publicly accessible pedestrian amenities for every 250 linear feet of street frontage:*

(1) One trash receptacle and one recycling container;

(2) Seating comprised of movable seats, fixed individual seats, benches with or without backs, or design feature seating, such as seat walls, ledges, and seating steps;

(3) Lighting that illuminates the adjacent sidewalk;

(4) Public artwork;

(5) Community wayfinding signs; or

(6) Enhancement of a bus stop or public transit waiting station within 1,000 feet of the *premises*.

~~*Development on a premises larger than one acre shall provide accessible pedestrian access and connectivity to directly adjacent premises as follows:*~~

~~(1) Accessible pedestrian paths shall connect to existing paths or walkways on the adjacent *premises*, or to areas where such paths could be constructed.~~

~~(2) The accessible pedestrian paths shall be at least four feet wide, continuous, clear of obstructions, easily identifiable as a pedestrian path, and visually distinguishable from other hardscaping.~~

~~(3) — The accessible pedestrian paths shall be separated from vehicular access areas by wheelstops, curbs, landscaping, or other physical barriers, except when crossing driveways or aisles.~~

~~(4) — A development is exempt from the requirements of this section if either of the following apply:~~

~~(A) — Both the premises on which the development is located and the adjacent premises are zoned for exclusively residential development; or~~

~~(B) — There is a grade differential of more than 3 feet between the premises on which the development is located and the adjacent premises that precludes an accessible pedestrian path.~~

(c) At least 50 percent of all residential and non-residential bicycle parking spaces required in accordance with Chapter 14, Article 2, Division 5 shall be supplied with individual outlets for electric charging at each bicycle parking space.

§143.1415 Resilient Infrastructure and Healthy Ecosystems Regulations

The following regulations support carbon sequestration as well as enhancement of air quality and the urban tree canopy.

(a) Two trees shall be provided on the premises for every 5,000 square feet of lot area, with a minimum of one tree per premises.

(1) If planting of a new tree is required to comply with this section, the tree shall be selected in accordance with the Landscape Standards of the Land Development Manual and the City's Street Tree Selection Guide.

(2) Where possible, trees should be planted in native soil. Where native soil planting is prohibited by site conditions, required trees may be provided in built-in or permanently affixed planters and pots on structural podiums. Planters and pots for trees shall have a minimum inside dimension of 48 inches.

~~(3) — For a premises located within a base zone that does not require open space of sufficient dimension to accommodate the planting of on-site trees in compliance with this Section, the applicant shall do one of the following, except that all trees required by Chapter 14, Article 2, Division 4 must be provided on-site consistent with the Landscape Regulations:~~

(A) Plant the number of trees required by Section 143.1415(a) at an off-site location within 1 mile of the project *premises* and enter into an agreement with the owner of the off-site location that ensures the indefinite maintenance of the trees; or

(B) Pay an Urban Tree Canopy Fee to be deposited into the Climate Resiliency Fund, as adopted by City Council Resolution, for each tree that cannot be provided on-site.

(34) Trees shall be irrigated and maintained consistent with Section 142.0403.

(45) The number of trees provided shall not be less than what is required by the Landscape Regulations in Chapter 14, Article 2, Division 4.

DRAFT STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 126.0402 AND 126.0404; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 7 BY AMENDING SECTION 129.0710; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 3 BY AMENDING SECTION 143.0302; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 10 BY AMENDING SECTION 143.1025; AMENDING CHAPTER 14, ARTICLE 3 BY ADDING NEW DIVISION 14, SECTIONS 143.1401, 143.1403, 143.1405, 143.1410, AND 143.1415, ALL RELATING TO CLIMATE ACTION PLAN CONSISTENCY REGULATIONS.

Chapter 12

Article 6: Development Permits

Division 4: Neighborhood Development Permit Procedures

§126.0402 When a Neighborhood Development Permit is Required

(a) through (r) [No change in text.]

(s) A Neighborhood Development Permit is required for *development* that deviates from the Climate Action Plan Consistency Regulations, as described in Section 143.1403(c).

§126.0404 Findings for a Neighborhood Development Permit Approval

A Neighborhood Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0404(a) and the supplemental *findings* in Section 126.0404(b) through ~~(g)~~(h) that are applicable to the proposed *development* as specified in this section.

These *findings* are not required for affordable housing that is provided pursuant to Chapter 14, Article 3, Division 7, unless the development will exceed the allowed

incentives or the project or the *development* deviates from the Climate Action Plan Consistency Regulations, as described in Section 143.1403(c).

(a) through (g) [No change in text.]

(h) Supplemental Findings – Deviation from the Climate Action Plan Consistency Regulations.

A Neighborhood Development Permit required in accordance with Section 143.1403(c) due to requested deviations from the Climate Action Plan Consistency Regulations may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0404(a):

- (1) The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land, not of the *applicant's* making.
- (2) The *development* provides project features or other mitigating measures, to the extent feasible, that reduce greenhouse gas emissions and support and enhance alternative forms of transit in a manner comparable to compliance with the Climate Action Plan Consistency Regulations in Chapter 14, Article 3, Division 14.

Chapter 12

Article 9: Construction Permits

Division 7: Public Right-of-Way Permits

§129.0710 How to Apply for a Public Right-of-Way Permit

An application for a Public Right-of-Way Permit shall be submitted in accordance with Sections 112.0102 and 129.0105. The submittal requirements for Public Right-of-Way Permits are listed in the Land Development Manual. A *development permit* is required prior to issuance of a Public Right-of-Way Permit for the following:

(a) through (c) [No change in text.]

(d) Notwithstanding Sections 129.0710(a)-(c), a *development permit* is not required prior to issuance of a Public Right-of-Way Permit for *placemaking, improvements required in accordance with the Climate Action Plan Consistency Regulations in Chapter 14, Article 3, Division 14,* or a recreational amenity in the *public right-of-way* subject to the following regulations. For purposes of Section 129.0710, a recreational

amenity is defined as any improvement that provides recreational value to residents or visitors and that enhances the pedestrian or bicycle travel experience.

(1) through (3) [No change in text.]

(4) The term of the Public Right-of-Way Permit shall not exceed five years with the exception of *placemaking*, ~~and~~ recreational amenities and improvements provided in accordance with the Climate Action Plan Consistency Regulations. The term shall not be limited in accordance with Municipal Code section 129.0750 and shall not be eligible for an extension of time pursuant to Municipal Code section 129.0751. *Placemaking*, ~~and~~ recreational amenities, and improvements provided in accordance with the Climate Action Plan Consistency Regulations shall be removed in accordance with the Encroachment Maintenance and Removal Agreement required in Section 129.0715.

(5) through (8) [No change in text.]

(9) The *placemaking* or recreational amenity project and improvements provided in accordance with the Climate Action Plan Consistency Regulations shall allow for safe and efficient visibility and circulation for motor vehicle users and other users of the *public right-of way*, including bicyclists and pedestrians, and shall not impede the safe use of parking spaces or travel lanes in the *public right-of-way*, as determined by the City Engineer.

(10) [No change in text.]

Chapter 14

Article 3: Supplemental Development Regulations

Division 3: Supplemental Neighborhood Development Permit and Site Development Permit Regulations

143.0302 When Supplemental Neighborhood Development Permit and Site Development Permit Regulations Apply

This Division applies to any *development* proposal for which a Neighborhood Development Permit or Site Development Permit is required as described in Sections 126.0402 and 126.0502, in accordance with Table 143-03A.

Legend for Table 143-03A**[No change in text.]****Table 143-03A****Supplemental Neighborhood Development Permit or Site Development Permit Regulations
Applicability**

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process
Affordable housing, in-fill projects, and sustainable buildings projects as described in Section 143.0915 where a Site Development Permit or Planned Development Permit would otherwise be required through Clairemont Mesa Height Limit Overlay Zone	[No change in text.]	[No change in text.]
<u><i>Development</i> requesting deviations from the Climate Action Plan Consistency Regulations in Chapter 14, Article 3, Division 14.</u>	<u>143.0303, 143.0305, 143.0375, 143.0380</u>	<u>NDP/Process Two</u>

Chapter 14**Article 3: Supplemental Development Regulations****Division 10: Complete Communities Housing Solutions Regulations****§143.1025 Supplemental Development Regulations**

Development utilizing the regulations in this Division must comply with the following Supplemental Development Regulations and may not utilize the waivers provided in Section 143.1010(h) to deviate from the requirements in Section 143.1025.

(a) through (e) [No change in text.]

(f) Climate Action Plan (CAP) Consistency ~~Checklist~~ Requirements. To ensure consistency with the City's CAP, all *development* shall comply

with each of the measures identified in Step 2 of the CAP Consistency Checklist the Climate Action Plan Consistency Regulations in Chapter 14, Article 3, Division 14.

Chapter 14

Article 3: Supplemental Development Regulations

Division 14: Climate Action Plan Consistency Regulations

§143.1401 Purpose of the Climate Action Plan Consistency Regulations

It is the purpose and intent of these regulations to implement the City's Climate Action Plan (CAP) by applying regulations that reduce greenhouse gas (GHG) emissions to *development* specified in this Division. Compliance with these regulations is also intended to demonstrate a *development's* compliance with the City's CAP.

§143.1403 Application of the Climate Action Plan Consistency Regulations

- (a) This Division applies to the following:
- (1) *Development* that results in three or more total *dwelling units* on all *premises* in the *development*;
 - (2) *Non-residential development* that results in 5,000 square feet or more of total *gross floor area*, excluding unoccupied spaces such as mechanical equipment and storage areas; and
 - (3) *Parking facilities* as a *primary use*.
- (b) A *development* that has received an incentive or waiver under a local opt-in bonus or incentive program not required by State law may not utilize the incentive or waiver to reduce or waive any of the requirements of this Division.
- (c) *Development* that deviates from the regulations of this Division may be approved with a Process Two Neighborhood Development Permit in accordance with Sections 126.0402(s) and 126. 0403, provided that the *findings* in Section 126.0404(a) and the supplemental *findings* in Section 126.0404(h) are made.

§143.1405 Definitions

The following definitions apply to this Division:

- (a) Furnishings Zone has the same meaning that it has in Section 2.2.5.2 of the 2017 Street Design Manual of the Land Development Manual. It is the zone that provides the buffer between the active pedestrian area, the Throughway Zone, and street traffic, and accommodates street trees, landscaping, street furniture, utility poles, parking meters, fire hydrants, bicycle racks, and the like.
- (b) Throughway Zone has the same meaning that it has in Section 2.2.5.3 of the 2017 Street Design Manual of the Land Development Manual. It is the zone that is intended for pedestrian travel only and should be entirely clear of obstacles.

§143.1410 Mobility and Land Use Regulations

The following regulations support alternative mobility options, such as walking and biking, that reduce vehicle dependency and associated GHGs.

- (a) Pedestrian enhancements that reduce heat island effects shall be provided as follows:
 - (1) For a *premises* that contains a *street yard* or abuts a *public right-of-way* that contains a Furnishings Zone, at least 50 percent of the Throughway Zone shall be shaded as specified below.
 - (A) If the adjacent *public right-of-way* contains a Furnishings Zone, the shading shall be provided by street trees.
 - (B) If the adjacent *public right-of-way* does not contain a Furnishings Zone, the shading may be provided by a combination of trees and shade structures placed in the *street yard*.
 - (C) The shade coverage of a tree shall be determined by the expected canopy at 10-year maturity. The tree shall be selected in accordance with the Landscape Standards of the Land Development Manual and the City's Street Tree Selection Guide.
 - (D) Trees shall be irrigated and maintained consistent with Section 142.0403.
 - (E) The number of street trees provided shall not be less than what is required by the Landscape Regulations in Chapter 14, Article 2, Division 4.

- (2) For a *premises* that does not contain a *street yard* and does not abut a *public right-of-way* that contains a *Furnishings Zone*, the applicant shall do one of the following:

 - (A) Plant the number of trees required by Section 143.1410(a)(1) at an off-site location within 1 mile of the project *premises* and enter into an agreement with the owner of the off-site location that ensures the indefinite maintenance of the trees; or
 - (B) Pay an Urban Tree Canopy Fee to be deposited into the Climate Resiliency Fund, as adopted by City Council Resolution.
- (b) Development on a *premises* with 250 linear feet or more of *street frontage* shall provide and privately maintain at least one of the following publicly accessible pedestrian amenities for every 250 linear feet of *street frontage*:

 - (1) One trash receptacle and one recycling container;
 - (2) Seating comprised of movable seats, fixed individual seats, benches with or without backs, or design feature seating, such as seat walls, ledges, and seating steps;
 - (3) Lighting that illuminates the adjacent sidewalk;
 - (4) Public artwork;
 - (5) Community wayfinding signs; or
 - (6) Enhancement of a bus stop or public transit waiting station within 1,000 feet of the *premises*.
- (c) At least 50 percent of all residential and non-residential bicycle parking spaces required in accordance with Chapter 14, Article 2, Division 5 shall be supplied with individual outlets for electric charging at each bicycle parking space.

§143.1415 Resilient Infrastructure and Healthy Ecosystems Regulations

The following regulations support carbon sequestration as well as enhancement of air quality and the urban tree canopy.

- (a) Two trees shall be provided on the *premises* for every 5,000 square feet of lot area, with a minimum of one tree per *premises*.

- (1) If planting of a new tree is required to comply with this section, the tree shall be selected in accordance with the Landscape Standards of the Land Development Manual and the City's Street Tree Selection Guide.
- (2) Where possible, trees should be planted in native soil. Where native soil planting is prohibited by site conditions, required trees may be provided in built-in or permanently affixed planters and pots on structural podiums. Planters and pots for trees shall have a minimum inside dimension of 48 inches.
- (3) For a premises located within a base zone that does not require open space of sufficient dimension to accommodate the planting of on-site trees in compliance with this Section, the applicant shall do one of the following, except that all trees required by Chapter 14, Article 2, Division 4 must be provided on-site consistent with the Landscape Regulations:

 - (A) Plant the number of trees required by Section 143.1415(a) at an off-site location within 1 mile of the project premises and enter into an agreement with the owner of the off-site location that ensures the indefinite maintenance of the trees; or
 - (B) Pay an Urban Tree Canopy Fee to be deposited into the Climate Resiliency Fund, as adopted by City Council Resolution, for each tree that cannot be provided on-site.
- (4) Trees shall be irrigated and maintained consistent with Section 142.0403.
- (5) The number of trees provided shall not be less than what is required by the Landscape Regulations in Chapter 14, Article 2, Division 4.



THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: May 4, 2022

TO: Heidi Vonblum, Director, Planning Department

FROM: Rebecca Malone, AICP, Environmental Policy Program Manager, Planning Department

SUBJECT: Climate Action Plan Consistency for Plan- and Policy-Level Environmental Documents and Public Infrastructure Projects

This memorandum is intended to address the preparation of the California Environmental Quality Act (CEQA) analysis of the greenhouse gas (GHG) emissions for plan- and policy-level documents, i.e., Community Plan Updates, Community Plan Amendments, Specific Plans, Ordinances, etc., as well as for public infrastructure projects.

Background Information

In December 2015, the City of San Diego City Council adopted a Climate Action Plan that outlined the actions that the City would undertake to achieve its proportional share of State GHG emission reductions. In MONTH 2022, the City Council adopted the CAP Update (CAP), which included the CAP Consistency Regulations, an amendment to the Land Development Code to ensure that all new development is consistent with the updated CAP. With the CAP Consistency Regulations, the City's CAP, as updated, is a qualified plan for the reduction of GHG emissions for use in cumulative impact analysis pertaining to development projects under CEQA Guidelines Section 15183.5. Pursuant to CEQA Guidelines Sections 15064(h)(3), 15130(d), and 15183(b), a project's incremental contribution to a cumulative GHG emissions effect may be determined not to be cumulatively considerable if it complies with the requirements of the CAP.

The CAP Consistency Regulations contain measures that are required to be implemented on a project-by-project basis to ensure that the specified emissions targets identified in the CAP, as updated, are achieved. Implementation of these measures would further ensure that new development is consistent with the CAP's assumptions for relevant CAP strategies toward achieving the identified GHG reduction targets. Projects for new development that are consistent with the CAP, as determined through compliance with the CAP Consistency Regulations, may rely on the CAP for the cumulative impacts analysis of GHG emissions. Projects for new development that are not consistent with the CAP must prepare a

comprehensive project-specific analysis of GHG emissions, including quantification of existing and projected GHG emissions and incorporation of the measures in the CAP Consistency Regulations to the extent feasible. Cumulative GHG impacts would be significant for any project that is not consistent with the CAP. The CAP Consistency Regulations may be updated to incorporate new GHG reduction techniques or to comply with later amendments to the CAP or local, State, or federal law.

Guidance for Assessing CAP Consistency for Plan- and Policy-Level Environmental Documents

The environmental analysis for Plan- and Policy-Level Environmental Documents should address the ways in which the plan or policy is consistent with the goals and policies of the General Plan and CAP. Of primary importance are addressing Policies LU-A.7, ME-B.9, CE-J.2, and CE-J.3 from the General Plan, and Strategy 3 from the CAP, although all six strategies from the CAP should be discussed.

Plan- and Policy-Level Environmental Documents should also discuss the CAP Consistency Regulations, explaining that most new development (discretionary *and* ministerial) pursuant to plans and policies would be required to comply with the CAP Consistency Regulations, and would thus help achieve the GHG emissions reduction targets as specified in the CAP.

Plan- and Policy-Level Environmental Documents should also note that construction emissions were included in the CAP GHG emissions inventory, and were, thus, accounted for in the CAP. Furthermore, California regulations limit construction equipment and vehicle idling, construction best management practices promote energy efficiency, and, generally, construction is short-term in nature. Construction emissions from the implementation of a plan or policy are not a large source of GHG emissions, but regardless, were accounted for in the CAP Update.

Plans and policies that are not consistent with the CAP must prepare a comprehensive analysis of GHG emissions, including quantification of existing and projected GHG emissions and incorporation of the measures in the CAP Consistency Regulations to the extent feasible. Cumulative GHG impacts would be significant for any plan or policy that is not consistent with the CAP.

Guidance for Assessing CAP Consistency for Public Infrastructure Projects

The environmental analysis for public infrastructure projects should include a discussion of overall consistency with each of the strategies of the CAP, as updated. Specifically, the analysis should explicitly identify any project features that would meet CAP goals, as outlined below.

Strategy 1: Decarbonization of the Built Environment

For Strategy 1, the analysis should explain how the project would not conflict with the achievement of the decarbonization of the built environment. The City has adopted a goal to achieve zero emissions municipal buildings and operations by 2035. Any projects/project features that would reduce or eliminate the use of fossil fuels should be discussed.

The City is developing a Reach Code, which allows cities to exceed the State-level minimum requirements for building energy use and design. Upon adoption of the Reach Code, projects would have to comply with all requirements, which are anticipated to include building electrification requirements, electric vehicle charging requirements, and distributed energy generation and energy storage requirements.

Strategy 2: Access to Clean & Renewable Energy

For Strategy 2, the analysis should explain how the project would not conflict with the achievement of a goal of 100% renewable energy, and in some cases, may further that goal.

As outlined in Strategy 1, upon adoption of the Reach Code, projects would be required to comply with all the requirements of the Reach Code, which is anticipated to include distributed energy generation and energy storage requirements.

Strategy 3: Mobility & Land Use

For Strategy 3, the analysis should explain how the project would not conflict with the achievement of the Strategy 3 goals, and explain any project features that would further the goals of Strategy 3, such as providing or facilitating the delivery of:

- Bicycle improvements, including, but not limited to:
 - Green bike lanes
 - Sharrows
 - Buffered bike lanes
- Pedestrian ramps or other pedestrian crossing improvements
- Transit improvements

The analysis should note where any public infrastructure project would support new development that achieves the City's climate goals, specifically to provide housing and development located within Transit Priority Areas.

Strategy 4: Circular Economy & Clean Communities

For Strategy 4, the analysis should include a brief description of how the project will comply with the City's Construction and Demolition Debris Diversion Ordinance. The analysis should note where project operations would generally not increase solid waste production, and thus, would not impede the achievement of this goal.

Strategy 5: Resilient Infrastructure and Healthy Ecosystems

For Strategy 5, the analysis should describe any project features that further the City's climate resiliency goals, such as:

- Replacement of any street trees that need to be removed
- Addition of street trees to the public right-of-way
- The offering of street trees to adjacent property owners

Implementation of any of the above measures would ensure that any project furthers the City's climate resiliency goals. For this strategy, the analysis should also explain how the project furthers climate resiliency, e.g., storm drain maintenance to prepare for greater prevalence of extreme rain events.

Strategy 6: Emerging Climate Action

For Strategy 6, the analysis should explain how the project does not conflict with the achievement of this strategy. Any project that includes implementing emerging climate actions, i.e., new GHG removal technologies, should include a discussion of that in the analysis.

Public infrastructure projects that are not consistent with the CAP must prepare a comprehensive analysis of GHG emissions, including quantification of existing and projected GHG emissions and incorporation of the measures in the CAP Consistency Regulations to the extent feasible. Cumulative GHG impacts would be significant for any public infrastructure project that is not consistent with the CAP.

Sincerely,



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