



THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: December 2, 2022

TO: Planning Commissioners

FROM: Tait Galloway, Deputy Director, Planning Department *TG*

SUBJECT: 2022 Land Development Code Update – December 8, 2022 Hearing

The Planning Department is providing this memorandum to address public and Planning Commissioner comments made at the October 27, 2022 hearing. At that hearing, the Planning Commissioners voted to continue the following five Land Development Code (LDC) Update items addressed in the Report to Planning Commission to December 8, 2022, to allow for additional discussion. The Planning Department is revising Items 5, 18 and 21 in the Report to Planning Commission as addressed in this memorandum (Attachments 1 and 2). While the Planning Department is not proposing any revisions to items 16 and 47, this memorandum provides additional background regarding these proposed amendments.

Item 5 - New Definition of a Sustainable Development Area

The San Diego Municipal Code allows projects located within a Transit Priority Area (TPA) to use certain local housing incentive programs including Complete Communities Housing Solutions and Accessory Dwelling Unit Affordable Density Bonus. The existing definition of a TPA, which is rooted in state law, measures the eligible areas located near transit using a 0.5 mile “as the crow flies” distance.

Transit priority area means the area defined in California Public Resources Code Section 21099, as may be amended, or an area within one-half mile of a major transit stop that is existing or planned, if the planned major transit stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program.

As part of the 2022 LDC Update, the Planning Department is proposing a new geographic designation defined as a Sustainable Development Area (SDA) that set the geographic boundaries for local housing incentive programs. This new geographic designation is intended to align with the City’s Climate Action Plan (CAP) goals by allowing for more home development incentive programs in areas with convenient access to high-quality transit and safe and enjoyable walking/rolling and biking options. This change would shift the applicability of City housing programs that currently apply to the existing TPA boundary to the proposed SDA boundary. Some

areas in the current TPA will be outside the proposed SDA (TPA outside SDA), and some areas in the proposed SDA will be outside of the current TPA (SDA outside TPA).

The Planning Department is revising this item as addressed in the Report to Planning Commission by amending the definition of a Sustainable Development Area to include properties in areas designated as High and Highest Resource Opportunity Areas by the [California Tax Credit Allocation Committee](#), located in Mobility Zone 4, and within 0.75 to 1.0 miles walking distance from a major transit stop. The intent of this revision is to ensure the Sustainable Development Area furthers fair housing throughout the City. This addition would expand the eligibility of the City's housing incentive programs and allow for more affordable housing in areas with high economic and education opportunities and low environmental impacts.

***Sustainable Development Area** 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:*

- a. *Within Mobility Zones 1 and 3, as defined in Section 143.1103, the defined walking distance is 1.0 mile.*
- b. *Within Mobility Zone 4, as defined in Section 143.1103, the defined walking distance is 0.75 miles.*
- c. *For parcels located in Mobility Zone 4, in an area identified as a High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Opportunity Area, the defined walking distance is 1.0 mile.*

At the October 27, 2022, Planning Commission hearing, Commissioners requested a further evaluation of the proposed definition of an SDA and the differences between the TPA and SDA boundaries. To evaluate the impact of the proposed change, the Planning Department conducted a new parcel-based analysis, which included reviewing every parcel that is in the current TPA but outside the SDA and in the SDA but outside the TPA. This approach expands upon the data in the Report to the Planning Commission on October 27, 2022 which was based on a simple acreage analysis. The new data set evaluates specific parcel geography and includes entire parcel acreage whether the parcel is wholly or partially within the TPA or SDA boundaries. Attached to this memorandum is Sustainable Development Area Data Evaluation with links to the Data Analysis and webmap (Attachment 3). The webmap and data evaluation is available on the [Planning Department Land Development Code Update](#) webpage.

This analysis demonstrates that the proposed SDA aligns with the City's climate, equity, and housing goals by furthering fair housing, expanding local housing incentive programs in more transit-supportive areas, and creating increased opportunities for affordable housing throughout the City. For the City's local housing incentive programs, the data summary below shows the approximate acreage of developable land increases in the areas identified as in the

TPA outside of the SDA or in the SDA outside of the TPA. Highlights from this data include:

- The SDA provides approximately 5,224 **more** developable acres than the current TPA
- The SDA furthers Fair Housing Goals by providing approximately 3,342 **more** developable acres in high and highest opportunity areas determined by the California Tax Credit Allocation Committee (TCAC).
- The SDA includes approximately 688 **more** developable acres eligible for the Complete Communities Housing Solutions Program.
- The SDA includes approximately 4,612 **more** developable acres eligible for the ADU Home Density Bonus program

Item 16 – Prohibit Moving and Storage Uses within Prime Industrial Lands

The Planning Department is proposing to prohibit moving and storage uses on properties identified as prime industrial in a land use plan as addressed in the Report to Planning Commission. The intent of this proposed amendment is to further protect Prime Industrial Land for the expansion and siting of new employment uses. The purpose of the Prime Industrial Land designation is to protect valuable industrial employment lands for base sector industries that include high-tech and bio-tech research and development and export industries. The City has approximately 7,150 acres of Prime Industrial Lands of which only approximately 3,920 acres have a base zone that allows moving and storage uses. The City permits moving and storage uses on approximately 14,000 acres of land with the following base zones: IL 1-1, IL 2-1, IL 3-1, IH 1-1, IH 2-1, IS 1-1, CR 2-1, CC 4-1, CC 4-2, CC 4-3, CC 4-4, CC 4-5, CC 4-6, CC 5-1, CC 5-2, CC 5-3, CC 5-4, CC 5-5, CC 5-6, RMX and EMX. The proposed amendment would result in an approximate twenty-five percent decrease in land where moving and storage uses could be developed. The Planning Department proposes a one year pipeline provision to apply to this new regulation.

Item 18 – Mixed Use Base Zones – Allowable Uses

The Planning Department is revising this item as addressed in the Report to Planning Commission by removing the following from the proposed amendment:

- Removal of the amendment prohibiting Moving and Storage Facilities as an allowable use in RMX and EMX Zones
- Removal of the amendment prohibiting Commercial Vehicle Repair & Maintenance, Commercial Vehicle Sales & Rentals, Personal Vehicle Repair & Maintenance, and Personal Vehicle Sales & Rentals as allowable uses in EMX zones.
- Removal of the amendment changing Distribution Facilities in the EMX zones from a Permitted Use to a Conditional Use

The proposed amendment would still remove Footnote 5 from the use table that states that tasting rooms are only permitted as an accessory use to a beverage manufacturing plant or an artisan beverage producer as addressed in the Report to Planning Commission. In addition, the Planning Department is proposing adding a footnote prohibiting Moving and Storage Facilities and

Distribution Facilities on sites identified as prime industrial lands within the EMX and RMX zones.

Item 21 – Battery Energy Storage Facilities

The Planning Department in coordination with the City’s Fire Marshal is revising this LDC Update item to further address fire safety by including language that prohibits medium and large cell battery energy storage facilities in High or Very High Fire Hazard Severity Zones and references sections with the California Fire Code. This is a revision to the item addressed in the Report to Planning Commission.

Item 47 – Complete Communities Housing Solutions - On-site Affordable Units

The Planning Department is proposing a minor amendment to ensure further ensure clarity that affordable units must be built on site to be able to utilize the Complete Communities Housing Solutions incentives by adding the word "on-site" to several sections of the code to reaffirm where affordable units can be built. Because the existing regulations already require the units to be provided “in the development,” this is an additional clarification. The intent is to provide greater clarification for development applicants when considering the use of the Complete Communities Housing Solutions incentives as addressed in the Report to Planning Commission. Future amendments to these requirements may be considered as part of future code updates.

Tait Galloway

cc: Heidi Vonblum, Director, Planning Department
Elyse Lowe, Director, Development Services Department
Keely Halsey, Assistant Director, Development Services Department
Seth Litchney, Program Manager, Planning Department
Liz Saidkhanian, Development Project Manager, Planning Department
Shannon Eckmeyer, Deputy City Attorney
Corrine Neuffer, Chief Deputy City Attorney

Attachments:

1. Revised Land Development Code Matrix: 11-29-2022
2. Revised Code Language for LDC items 5, 18 and 21
3. Sustainable Development Area (SDA) Data Evaluation

Item Number	Ordinance Name	Code Sections	Name of Item	Type of Amendment	Why is this amendment needed?	What does the amendment do?
1	General Zoning	112.0302(c), 112.0303, 125.0940(a), 128.0305(a)(2)(A)	Noticing Requirements - Newspapers	Compliance with State Law	The municipal code requires that notices can only be published in newspaper with a daily circulation which is not consistent with State Law.	Removes the word daily and requires that notices must be published in a newspaper with general circulation.
2	General Zoning	112.0304	Posted Notice	Regulatory Reform	The posting of a Public Notice on the development site is required for many types of permits and processes. The 2021 Code Update included new size requirements, which have resulted in an onerous government regulation.	Revises the code language for posted notices to a reasonable size that will still maintain increased visibility with the posting requirements.
3	General Zoning	113.0103	Definition of a Junior Accessory Dwelling Unit (JADU)	Correction	The current definition for a JADU needs to be brought in line with recent code updates made to SDMC Section 141.0302(d)(2)(B).	Updates the definition of a JADU to include a requirement that a JADU be at least 150 square feet and that it can be within an attached or detached garage or an ADU.
4	General Zoning	113.0103	Definition of a Multiple Dwelling Unit	Correction	The definition of a multiple dwelling unit contains the terms companion unit and junior unit as exemptions which no longer are defined terms in the municipal code.	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).
5	General Zoning	113.0103 131.0701 141.0302(c)(2)(G) 141.0407(b)(3) 142.1305(a)(3) 142.1307(a)(3) 142.1307(d)(2) 143.0720(i) 143.0720(l) 143.0740 - Table 143-07A 143.0740 - Table 143-07B 143.0740(e) 143.0742(a)(1) 143.0744 - Table 143-07D 143.0745(c) 143.0746(a)(2) 143.0915(b)(2) 143.1001(a) 143.1001(b) 143.1002(a) 143.1010 143.1015(a) 143.1020(b) 143.1102(g) 143.1103(a)(2)	New Definition of a Sustainable Development Area (SDA)	Align Policy with the City's Climate, Equity and Housing Goals	A new definition for a geographic designation is needed for certain programs to align with our Climate Action Plan (CAP) goals.	Creates a new definition for geographic designation for certain programs. Sustainable Development Area 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: (a) Within Mobility Zones 1 and 3, as defined in Section 143.1103, the defined walking distance is 1.0 mile. (b) Within Mobility Zone 4, as defined in Section 143.1103, the defined walking distance is 0.75 miles. (c) For parcels located in Mobility Zone 4, in an area identified as a High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Opportunity Area, the defined walking distance is 1.0 mile.
6	General Zoning	113.0103	Definition of Public Project	Clarification	The current definition of a public project is vague and does not properly address what a public project is.	Revises the definition of a public project to include that the City must be the applicant or a private party is acting on behalf of the City.
7	General Zoning	126.01089(a)	Development Permit Utilization - Type 1 Construction	Regulatory Reform	High Rises constructed of concrete and protected steel are classified as Type 1 Construction projects. These projects are typically more complex and require additional time for the various phases of development.	Extends the utilization timeline for development permits for Type 1 Construction from 36 to 48 months.

8	General Zoning	126.0502(e)(4)	Airport Land Use Compatibility Overlay Zone - Process 5	Correction	The language for projects in the Airport Land use Compatibility Overlay Zone for Site Development Permit procedures needs to be modified to reflect a change made in the 2021 Code Update.	Updates language related to site development permits in the Airport Land Use Compatibility Overlay Zone to ensure consistency with the 2021 Code Change made to Chapter 13, Article 2, Division 15.
9	General Zoning	126.0704(a)(1)	Coastal Commission Permit Procedures - Exemption	Clarification	The language for the location of structures for improvements that are exempt from a Coastal Development Permit is not in line with Public Resource Code Section 30610(b).	Aligns this section with Public Resource Code Section 30610(b) by including additional location requirements specific to coastal development permit exemption exclusions.
10	General Zoning	126.0707(b)	Decision Process for a Coastal Development Project - Accessory Dwelling Unit	Correction	Language in this section uses the term companion unit which is the former term used by the City for an accessory dwelling unit.	Replaces the term companion unit with accessory dwelling unit in this section.
11	General Zoning	112.0501 112.0601 112.0604 126.0707(c)(2) 132-0402 - Table 132-04A	Coastal Overlay Zone - Capital Improvement Project Decision Process	Regulatory Reform	The Coastal Commission requires a public hearing, which is often required to occur as a Process Five, resulting in inefficiencies in permit processing.	Reduces Decision Process Level from a Process CIP/ Public Project -Five to a Process Three in the Coastal Appealable Area.
12	General Zoning	126.0709	Coastal Commission Permit Procedures - Electronic Notice	Regulatory Reform	Current procedures require the City Manager to mail Notices of Final Action for Coastal Development Permits.	This amendment would allow for the use of electronic mail for Notices of Final Action for Coastal Development Permits.
13	General Zoning	129.0710	Spaces as Places Clean Up	Clarification	Streeteries and Sidewalk café encroachments are not explicitly mentioned as exceptions to requiring a Neighborhood Use Permit under Public Right of Way Permits.	Clarifies that Streeteries and Sidewalk Cafes do not require a Neighborhood Use Permit.
14	General Zoning	131.0431 - Table 131-04G 153.0311 155.0231 - Table 155-02A 155.0242 - Table 155-02D 1513.0304 1516.0144 - Table 1516-01C 1516.0119 - Table 1516-01E	Residential Zones - Maximum Floor Area Ratio	Compliance with State Law	SB 478 details maximum floor area standards for housing development projects greater than two units located in multi-family zones.	Updates tables for multifamily residential zones to reflect that the floor area ratio for a housing development project that consists of 3 to 7 may not have a maximum FAR standard of less than 1.0 and 8 to 10 units may not have a maximum FAR standard of 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.
15	General Zoning	131.0431 - Table 131-04C 131.0443	Setback Correction for Residential Zones	Correction	Code language was inadvertently deleted in a prior code update.	Corrects the code language related to setbacks in RE and RS zones.
16	General Zoning	131.0620 131.0622 - Table 131-06B	Prime Industrial Land	Clarification	Additional language is needed regarding what uses are prohibited in prime industrial lands.	Clarifies use limitations to prime industrial lands and adds a footnote that moving and storage facilities are a prohibited use.
17	General Zoning	131.0622 - Table 131-06B	Industrial Base Zones - Retail Sales	Regulatory Reform	Retail sales are currently not allowed in the Industrial Base zones.	Allows for businesses in the IBT industrial zone to conduct retail sales limited to 10% of the gross floor area of the building in which they are located in.

18	General Zoning	131.0707 - Table 131-07A	Mixed Use Base Zones - Allowable Uses	Clarification	Changes are needed to the Use Table for the mixed base zones to ensure to the use regulations for mixed base zones so the purpose and intent are being met.	Changes to the use regulations include: - Removes footnote 5 which states that tasting rooms are only permitted as an accessory use to a beverage manufacturing plant or an artisan beverage producer
19	General Zoning	131.0718	Mixed Use Base Zones - Supplemental Regulations for Premises Greater Than Five Acres	Correction	The language in this section needs clarification in that it states that for connectivity, a minimum of one paseo and one bicycle access way into the development shall be provided for approximately every two acres of developable area.	Removes the word "approximately" to ensure that for every two acres, one paseo and one bicycle access way is provided to the development.
20	General Zoning	132.0404 141.0302 141.0318 143.1310(a)(5)	Sea Level Rise Acknowledgement for Coastal Development	Align Policy with the City's Climate, Equity and Housing Goals	A Sea Level Acknowledgment needs to be added and referenced in several sections. Language was approved as part of the Housing Action Package and needs to be extended to all applicable development.	Adds supplemental regulations for Areas of Future Sea Level Rise under Chapter 13, Article 2, Division 4 (Coastal Overlay Zone) and references this section in the following sections: Multi-Dwelling Unit and Urban Lot Split Regulations for Single Family Zones, Moveable Tiny Homes and ADU/JADU regulations.
21	General Zoning	126.0303 131.0222 - Table 131-02B 131.0322 - Table 131-03B 131.0422 - Table 131-04B 131.0522 - Table 131-05B 131.0622 - Table 131-06B 131.0707 - Table 131-07A 141.0422 151.0103	Battery Energy Storage Facilities	Regulatory Reform	Additional language in the municipal code is needed for regulations and applicability for Battery Energy Storage Facilities.	Adds a new section related to Battery Energy Storage Facilities and updates use tables with applicability.
22	General Zoning	141.0302(b)(2)(F)	ADU Conversions	Clarification	Language is needed to address gross floor area for ADUs constructed within an existing dwelling unit or accessory structure.	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.
23	General Zoning	141.0420(g)(2) 1	Wireless Communication Facilities, Park Site Approvals	Clarification	To clarify the intent of the regulations and allows for the designee of the Park and Recreation Director to make a determination under San Diego Charter 55 for wireless communication facilities located on park sites.	Modifies the code language by adding that a representative from the Park and Recreation Department can make a determination.
24	General Zoning	141.0421 and 141.0628	Outdoor Dining on Private property	Clarification	There is redundancy in language regarding outdoor dining on private property.	Amends placemaking regulations to clarify that a converted parking lot shall not include retail or commercial services except for outdoor dining
25	General Zoning	142.0151(a)(3)	Paleontological Resource Monitoring - Fossil Fuel Grading	Regulatory Reform	Streamline the development review process for grading activities on or within 100 feet of a mapped location of a fossil recovery site.	Deletes the requirements for paleontological resource monitoring for grading activities on or within 100 feet of a mapped location of a fossil recovery site.
26	General Zoning	142.0305 - Table 142-03A	Fence Regulations - Applicability	Correction	Section 129.0203(a)(2) states that fences less than 7 feet are exempt from a building permit.	Corrects Table 142-03A to reflect 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/Process One.

27	General Zoning	142.0390	Fence Systems - Monitored Perimeter Security	Regulatory Reform	Development regulations and applicability are needed for Monitored Perimeter Security Fence Systems.	Adds design and general regulations for Monitored Perimeter Security Fence Systems.
28	General Zoning	142.0402 - Table 142-04A	Landscape Regulations - Vehicular Use Area	Clarification	Ensures that any modifications to the Vehicular Use Area are in line with regulations.	Requires that any additions or modifications to vehicular use areas are reviewed and specifies that certain regulations apply to new single family homes.
29	General Zoning	142.0413	Landscape Regulations - Water Conservation Requirements	Compliance with State Law	Brings the municipal code in compliance with SB 1383.	Updates Water Conservation Requirements to ensure the City is in compliance with the Model Water Efficient Landscape Ordinance in the California Code of Regulations.
30	General Zoning	142.0403(d)(1)	Landscape Regulations - Hardscape	Clarification	Clarifies the intent of Section 142.0405 and that Hardscape is allowed in limited capacity.	Removes hardscape as a permissible treatment for areas intended to be planting areas or permeable surfaces.
31	General Zoning	142.0404 -Table 142-04C	Landscape Regulations - Common Yard/Open Space	Correction	There is an error in Table 142-04C that needs to be corrected. For a remaining yard/common open space the plant points is not applicable (n/a) so the plant points required should also say not applicable (n/a).	Corrects an error in the code by stating that for a remaining yard/common open space the plant points requirement is not applicable.
32	General Zoning	142.0405(b)(2)(B)(i)	Landscape Regulations - Additional Yard Requirements	Clarification	Clarifies remaining yard/common space requirements are set by each structural offset and not cumulative.	Adds clarifying language to the municipal code to stipulate that calculations are based on each offset individually.
33	General Zoning	142.0405(b)(2)(B)(ii)	Landscape Regulations - Additional Yard Requirements	Clarification	Clarifies that applicants must calculate each Common Open Space area individually, and not as a grand total of all Common Open Areas.	Adds clarifying language to the municipal code to stipulate that calculations are based on each common open area individually and not on the total common open area.
34	General Zoning	142.0407(c)	Landscape Regulations - Trees and Vehicular Use Area Requirements	Clarification	Clarification is needed for the type of tree used in vehicular use areas as multi-trunk trees can spread into parking stalls or drive aisles affecting the useability of vehicular use areas.	Adds a requirement that trees used in vehicular use areas shall contain a standard trunk.
35	General Zoning	142.0407(e)	Landscape Regulations - Solar Mounted Shade Structures	Clarification	Additional language is needed to interpret the intent of the wording of 50 percent of the exposed parking space for solar mounted shade structures located above parking spaces within vehicular use areas.	Provides additional clarification for solar mounted shade structures located above parking spaces within vehicular uses.
36	General Zoning	142.0407(f)	Landscape Requirements - Vehicle Use Area	Clarification	Additional code language is needed to address when there are multiple parking areas located on a premises in relation to landscape requirements.	Specifies that when there are multiple parking areas located on a premise that each premise has their own landscape requirements.

37	General Zoning	142.0412(l)	Landscape Regulations - Brush Management	Correction	As worded, the section suggests that alternative compliance measures can wait until the development is evaluated under a Process One, ministerial review, which is incorrect. Alternative compliance measures must be evaluated even at the discretionary phase in High Fire Severity Zones.	Removes the phrase "in accordance with Process One" to allow for alternative compliance measures at any point during the approval process for discretionary or ministerial project.
38	General Zoning	142.0560 - Table 142-05L	Design Regulations for Parking Facilities - Aisle Dimensions	Regulatory Reform	Current aisle dimensions are burdensome for in-fill projects that are less than 100 feet in width.	Allows for more efficient parking layouts on in-fill development sites that are less than 100 feet wide by reducing the drive aisle from 24 to 22 feet.
39	General Zoning	142.0640(b)(1)(B) 142.0640(b)(8)	Development Impact Fees - Build Better SD	Correction	With the adoption of Build Better SD, Citywide DIFs apply, removing the need to refer to the Citywide Park Development Impact Fee Resolution for ADU fees.	Removes the line "Resolution No. R-313688, adopting the Citywide Park Development Impact Fee" from these sections to make way for Build Better SD. Section 142.0460(b) already states what fee applies.
40	General Zoning	142.0640(b)(8)	Development Impact Fees - SB 9 Implementation	Correction	There was an inconsistency in the code language related to the development impact fees for SB 9 units.	Corrects the code to reflect the intent of the regulations, which is that the third and fourth units are required to pay development impact fees.
41	General Zoning	142.0640(b)(9)	Development Impact Fees - Citywide Park General Development Plans	Correction	Existing regulations for a General Development Plan 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.	Moves the requirement that performance and payment bonds for the design and construction of the park prior to the final inspection of the first dwelling units in the development. Additional this amendment clarifies that a designee can act on behalf of the Park and Recreation Director.
42	General Zoning	142.1250(b)(1)(A)	Sign Regulations - Permanent Secondary Signs	Regulatory Reform	The code requires that permanent secondary signs for high rise buildings over 100 feet must have a minimum clearance of 5 feet from the top of parapet wall.	Revises the code language to reduce the minimum clearance from 5 feet to 2 feet from the top of a parapet wall.
43	General Zoning	143.0223(a)(4)	Historical Resources Regulations - Pool Demolition Permits	Regulatory Reform	Site-Specific Surveys for Historical resources is triggered when a pool demolition permit is pulled for a site with a structure over 45 years old, causing permit delays.	Exempts historic review for pool demolitions on sites that are over 45 years old.
44	General Zoning	143.0746(a)(4) 143.0746(b)(5)	Affordable Housing in All Communities Correction	Correction	Affordable Housing in All Communities legislation which was adopted in early 2022 allows for affordable housing at certain prescribed densities depending upon the Mobility Zone in which the premises is located. However, language was added later which states that the density, floor area ratio, lot area, and lot dimensions shall comply with the base zone. This is an obvious mistake.	Removes the requirement that residential development must comply with the base zone.
45	General Zoning	143.1001(b)(5)	Complete Communities Housing Solutions - Definitions	Correction	The definition of a Community of Concern differs from the City's current policy interpretation and only includes communities with very low and low access to opportunity.	Aligns the definition of a Community of Concern with current policy and includes communities with moderate access to opportunity.
46	General Zoning	143.1002(a)(1) 143.1002(a)(1)(C)	Complete Communities Housing Solutions Regulations - Affordability Levels	Correction	Inconsistency in the code related to the required dwelling unit income requirements for affordable units provided as part of Complete Communities Housing Solutions.	Corrects the code by adding addition language to reference the code sections which contain the dwelling unit income requirements to participate in Complete Communities: Housing Solutions.

47	General Zoning	143.1002(a)(1) and 143.1015(b)	Complete Communities Housing Solutions - On-site Affordable Units	Clarification	Clarification to reaffirm that in order to take advantage of the Complete Communities Housing Solutions incentives that affordable units must be built on site.	Adds the word "on-site" to several sections of the code to reaffirm where affordable units can be built.
48	General Zoning	143.1015(a)(1) 143.1015(a)(4)	Complete Communities Housing Solutions Regulations - 50% AMI	Corrections	The code cites an incorrect income level when referring to the required provisions of affordable dwelling units at 50% of the area median income.	Corrects the income level cited in the code to refer to very low income households when referring to 50% of the area median income.
49	General Zoning	143.1025(a)(2)	Complete Communities - Street Trees	Clarification	The code language for street trees currently states the requirement is only required when feasible. Removal of that line will make this section read clearer.	Clarifies the requirement to provide street trees for Complete Communities: Housing Solutions projects. In order to do this, phrase "the trees shall be placed on each side of the sidewalk where feasible," is being removed.
50	General Zoning	143.1025(c)(1)	Complete Communities Housing Solutions - NDP Requirements	Correction	Under Complete Communities Housing Solutions, it was intended that the requirement for a Neighborhood Development Permit for structures over 95 feet would not apply to developments where the base zone exceeds 95 feet.	States that a Neighborhood Use Permit is required for development over 95 feet in height, or development that exceeds the height limit of the base zone, whichever is higher.
51	General Zoning	143.1025(f)	Complete Communities Housing Solutions - CAP Checklist	Correction	With the approval of the 2022 Climate Action Plan the City of San Diego established a community-wide goal for net zero by 2035.	Deletes the requirement for a CAP Checklist for Complete Communities Housing Solutions projects as it no longer needed with Citywide CAP goals.
52	General Zoning	155.0238 - Table 155-02C	Central Urbanized Planned District - Artisan Food and Beverage Producer	Correction	The use tables do not list Artisan Food and Beverage Producer in the Industrial Separately Regulated uses.	Adds Artisan Food and Beverage Producer to the use tables in the CUPDO Industrial Zone as a limited use in zones that allow for light industrial uses.
53	N/A	R-313686	Citywide Park Development Impact Fee Resolution Update	Correction	Several resolution updates are needed: (1) The Citywide Park Development Impact Fee resolution references Voluntary Accessibility Program deleted and replaced as part of the Housing Action Package 1.0 (Ordinance O-21429). (2) the resolution refernces a DIF reduction for projects in a TPA (3) Build Better SD included a DIF incentive for 3 bedroom units that was not included in this resolution for the the Citywide Park DIF.	Rescinds and Replaces Resolution R-313688 by (1) replacing the language related to the Voluntary Accessibility Program with the new Housing Acessibility Program in Chapter 14, Article 5, Division 40 (Housing Accessibility Program) adopted with HAP 1.0 (2) applying a DIF reduction for projects in a Sustainable Development Area instead of projects in a Transit Priority District (3) Adding a 3 bedroom 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 to encourage the development of additional homes for families.

Revised Code Language for LDC items 5, 18 and 21

Item 5 – New Definition of a Sustainable Development Area

§113.0103 Definitions

Sustainable Development Area 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:

- (a) Within Mobility Zones 1-and 3, as defined in Section 143.1103, the defined walking distance is 1.0 mile.
- (b) Within Mobility Zone 4, as defined in Section 143.1103, the defined walking distance is 0.75 miles.
- (c) For parcels located in Mobility Zone 4, in an area identified as a High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Opportunity Area, the defined walking distance is 1.0 mile.

Item 18 – Mixed Use Base Zones – Allowable Uses

§131.0707 Use Regulations Table for Mixed-Use Zones

The uses allowed in the mixed-use zones are shown in Table 131-07A.

Legend for Table 07A

[No change in text.]

Table 131-07A

Use Regulations Table for Mixed-Use Zones

Use Categories/Subcategories	Zone Designator	Zones					
		RMX			EMX		
[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st >>						
	2nd >>	1	2	3	1	2	3
Open Space through Institutional, Separately Regulated Institutional Uses, Airports [No change in text.]							
<u>Battery Energy Storage Facilities</u>							
<u>Small Scale (< 0.25 acre)</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>

ATTACHMENT 2

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st >>	RMX			EMX		
	2nd >>	1	2	3	1	2	3
<u>Medium Scale (0.25 acre < 1 acre)</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Large Scale (>1 acre)</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Botanical Gardens & Arboretums through <i>Wireless Communication Facility: Wireless communication facility outside the public right-of-way</i> [No change in text.]		[No change in text.]					
Retail Sales							
Building Supplies & Equipment		P ^(S) <u>(L)</u>					
Food, Beverages and Groceries		P ^(S) <u>(L)</u>					
Consumer Goods, Furniture, Appliances, Equipment		P ^(S) <u>(L)</u>					
Pets & Pet Supplies		P ^(S) <u>(L)</u>					
Sundries, Pharmaceutical, & Convenience Sales		P ^(S) <u>(L)</u>					
Wearing Apparel & Accessories		P ^(S) <u>(L)</u>					
Separately Regulated Retail Sales Uses through Commercial Services, Radio & Television Studios [No change in text.]		[No change in text.]					
Tasting Rooms		P ^(S)					
Visitor Accommodations through Separately Regulated Commercial Services Uses, Private Clubs, Lodges and Fraternal Organizations [No change in text.]		[No change in text.]					
Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size		C ^(S) <u>(L)</u>					
Pushcarts through Vehicle & Vehicular Equipment Sales & Service [No change in text.]		[No change in text.]					
Commercial Vehicle Repair & Maintenance		-	-	-	P <u>P</u>	P <u>P</u>	P <u>P</u>
Commercial Vehicle Sales & Rentals		-	-	-	P <u>P</u>	P <u>P</u>	P <u>P</u>
Personal Vehicle Repair & Maintenance		-	-	-	P <u>P</u>	P <u>P</u>	P <u>P</u>
Personal Vehicle Sales & Rentals		-	-	-	P <u>P</u>	P <u>P</u>	P <u>P</u>
Vehicle Equipment & Supplies Sales & Rentals through Distribution and Storage,		[No change in text.]					

ATTACHMENT 2

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st >>	RMX			EMX		
	2nd >>	1	2	3	1	2	3
Equipment & Materials Storage Yards [No change in text.]							
Moving & Storage Facilities		P P ⁽⁸⁾	P P ⁽⁸⁾	P P ⁽⁸⁾	P P ⁽⁸⁾	P P ⁽⁸⁾	P P ⁽⁸⁾
Distribution Facilities		-	-	-	P P ⁽⁸⁾	P P ⁽⁸⁾	P P ⁽⁸⁾
Separately Regulated Distribution and Storage Uses through Signs [No change in text.]		[No change in text.]					
Allowable Signs		P ^{(7)(a)}	P ^{(7)(a)}	P ^{(7)(a)}	P ^{(7)(a)}	P ^{(7)(a)}	P ^{(7)(a)}
Separately Regulated Signs Uses through Theater Marquees [No change in text.]		[No change in text.]					

Footnotes for Table 131-047

¹ through ⁴ [No change in text.]

⁵ ~~Tasting rooms are only permitted as an accessory use to a beverage manufacturing plant or an artisan beverage producer. The 40,000 square feet includes all indoor and outdoor areas that are devoted to the recreational use; it does not include customer parking areas.~~

⁶ ~~The 40,000 square feet includes all indoor and outdoor areas that are devoted to the recreational use; it does not include customer parking areas. All mixed-use zones shall use Category A within Section 142.1220.~~

⁷ ~~All mixed-use zones shall use Category A within Section 142.1220. Development of a large retail establishment is subject to Section 143.0302.~~

⁸ ~~Development of a large retail establishment is subject to Section 143.0302. Prohibited on sites designated as Prime Industrial Land in a land use plan.~~

Item 21 – Battery Energy Storage Facilities

§141.0422 Battery Energy Storage Facilities

This section regulates utility-serving battery energy storage facilities. The purpose of battery energy storage facilities is to store energy within enclosed buildings or modular containers and then release the energy directly back to the electrical grid.

Battery energy storage facilities do not include behind the meter battery installations that provide energy back to the same premises on which they are located.

ATTACHMENT 2

This section distinguishes between small-scale battery energy storage facilities with a *development* footprint of one-quarter acre or less, medium-scale battery energy storage facilities with a *development* footprint of more than one-quarter acre but less than one acre, and large-scale battery energy storage facilities with a *development* footprint of one acre or more. Battery energy storage facilities shall comply with the approval process set forth in Section 141.0422(a) through (c) as applicable to the *development*. All battery energy storage facilities are subject to the general regulations in Section 141.0422(d) and the general design requirements in Section 141.0422(e).

(a) Small-scale battery energy storage facilities

The following regulations apply to battery energy storage facilities with a *development* footprint of one-quarter acre or less.

(1) Limited Use Regulations

Small-scale battery energy storage facilities are permitted as a limited use decided in accordance with Process One in zones indicated by an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following:

(A) In residential, commercial, and mixed-use base zones that permit residential *development*, battery energy storage facilities shall be limited to no more than 25 percent of the allowable *development* area and allowable *gross floor area*, unless the *premises* cannot be developed with residential

ATTACHMENT 2

uses due to site constraints beyond the *applicant's* control – other than the presence of *environmentally sensitive lands* – such as the presence of utilities, easements, in which case the 25 percent limitation shall not apply.

(B) In the IL (Industrial – Light) and IS (Industrial – Small Scale) Zones, battery energy storage facilities shall be limited to no more than 25 percent of the allowable *development* area and *gross floor area*, unless the *premises* cannot be developed with industrial uses due to site constraints – other than the presence of *environmentally sensitive lands* – beyond the *applicant's* control, such as the presence of utilities and easements, in which case the 25 percent limitation shall not apply.

(2) Conditional Use Permit Regulations

Small-scale battery energy storage facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three in zones indicated by a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following:

(A) In the OP (Open Space – Park) Zone, battery energy storage facilities may be permitted only if they do not result in loss of any publicly accessible active or passive recreation area.

ATTACHMENT 2

(B) In the OR (Open Space – Residential) Zones, battery energy storage facilities may be permitted only in previously disturbed areas with utility easements.

(b) Medium-scale battery energy storage facilities

The following regulations apply to battery energy storage facilities with a development footprint of more than one-quarter acre but less than one acre.

(1) Limited Use Regulations

Medium-scale battery energy storage facilities are permitted as a limited use decided in accordance with Process One in zones indicated by an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones).

(2) Conditional Use Permit Regulations

(A) Medium-scale battery energy storage facilities may be permitted with a Conditional Use Permit decided in accordance with Process Two in industrial zones indicated by a “C” in the Use Regulations Tables in Chapter 13, Article 1, Division 6.

(B) Medium-scale battery energy storage facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three in zones indicated by a “C”

ATTACHMENT 2

in the Use Regulations Tables in Chapter 13, Article 1

(Base Zones) as follows:

(i) In commercial base zones that do not permit residential development.

(ii) In residential, commercial, and mixed-use base zones that permit residential development if the premises cannot be developed with residential uses due to site constraints – other than the presence of environmentally sensitive lands – beyond the applicant's control, such as the presence of utilities and easements.

(C) Medium-scale battery energy storage facilities are prohibited in High or Very High Fire Hazard Severity Zones.

(c) Large-scale battery energy storage facilities

The following regulations apply to battery energy storage facilities with a development footprint of one acre or more.

(1) Conditional Use Permit Regulations

(A) Large-scale battery energy storage facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three in industrial zones indicated

ATTACHMENT 2

by a “C” in the Use Regulations Tables in Chapter 13, Article 1, Division 6.

(B) Large-scale battery energy storage facilities may be permitted with a Conditional Use Permit decided in accordance with Process Four in zones indicated by a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) as follows:

(i) In commercial base zones that do not permit residential development.

(ii) In residential, commercial, and mixed-use base zones that permit residential development if the premises cannot be developed with residential uses due to site constraints – other than the presence of environmentally sensitive lands – beyond the applicant’s control, such as the presence of utilities and easements.

(C) Large-scale battery energy storage facilities are prohibited in High or Very High Fire Hazard Severity Zones.

(d) General Regulations

The following regulations apply to all battery energy storage facilities regardless of their size.

ATTACHMENT 2

(1) Use Regulations

(A) The premises shall not contain a child care facility or school.

(B) Activities involving aerial transmissions are not permitted.

(2) Operational, Safety and Decommissioning Regulations

(A) Every application shall include documentation to the satisfaction of the Chief Building Official as follows:

(i) Demonstrating that the battery energy storage facility complies with all applicable requirements imposed by state or federal regulatory agencies; and

(ii) Identifying the facility type/application, total rated battery power capacity in kilowatts or megawatts, energy capacity in kilowatt-hours or megawatt-hours, storage duration, cycle life/lifetime, and type of battery chemistry.

(B) The applicant shall submit and implement an emergency response plan for battery storage fire events and other emergency events consistent with state and national standards and regulations to the satisfaction of the Fire Marshal.

ATTACHMENT 2

- (C) The *applicant* shall obtain all necessary operational and construction permits to comply with applicable building, fire, mechanical, electrical, and plumbing codes, and state and federal laws.
- (D) The *applicant* shall comply with all applicable state and national standards and requirements for the design, construction, installation, commissioning, operation, maintenance, and decommissioning of the battery energy storage facility.
- (E) Battery energy storage facilities shall be maintained pursuant to title 24, part 9, of the California Fire Code and be in good working order, free from trash, debris, and graffiti, and designed to discourage vandalism. The *permit holder* or *record owner* shall repair or replace any damaged walls, fences, landscaping, buildings, structures, and equipment within 30 calendar days of receipt of a written notification from the City Manager.
- (F) The *permit holder* or *record owner* shall remove and decommission the battery energy storage facility from the premises and restore the premises to the condition preceding the construction and installation of the battery energy storage facility, at the sole cost and expense of the

ATTACHMENT 2

permit holder or record owner, if any of the following circumstances exists:

(i) The permit authorizing the battery energy storage facility is revoked or expired and a new permit has not been obtained;

(ii) The City Manager determines that the battery energy storage facility or components of the battery energy storage facility are non-operational or no longer in use; or

(iii) The City Manager determines that the battery energy storage facility is a public nuisance.

(iv) The Fire Code Official determines that the facility constitutes a distinct hazard to life or property.

(G) The applicant shall submit a Hazard Mitigation Analysis when technologies are not specifically identified in title 24, part 9, of the California Fire Code or when more than one technology is provided in a room or enclosed area where there is a potential for adverse reactions between technologies.

(3) Noise Regulations. Noise generated from battery energy storage facilities shall not exceed the noise limits for the zone as

ATTACHMENT 2

established in the Noise Abatement and Control Regulations

(Chapter 5, Article 9.5, Division 4: Limits).

(e) General Design Requirements

The following design requirements apply to all battery energy storage facilities regardless of their size.

(1) Overhead wires connecting the battery energy storage facility to an energy generation station or substation are not permitted, unless the *premises* containing the energy generation station or substation immediately abuts the *premises* on which the battery energy storage facility is proposed and existing overhead connections are present on the *premises* containing the energy generation station or substation. Overhead wires shall not be permitted to cross other private property, public property, or *public right-of-way* to connect with an energy generation station or substation.

(2) Access to a battery energy storage facility shall conform to title 24, part 9, of the California Fire Code and be as direct as possible from primary arterials and major streets and shall avoid residential streets unless no other feasible options exist. Shared access with an adjacent energy generation station or substation is permitted.

ATTACHMENT 2

- (3) The *development* shall comply with the Street Tree and Public Right-of-Way Requirements in Section 142.0409.
- (4) All mechanical equipment and storage areas shall be located within an enclosed building or modular container, as follows:
- (A) The building or modular container, or both, shall be located on the *premises* so that visibility from adjacent *public rights-of-way* or adjacent *development* that is not of a similar nature is minimized.
- (B) Battery energy storage facilities located on the same *premises* as residential uses shall be located within an enclosed building that is designed to be architecturally consistent with the primary *structure*.
- (C) Mechanical equipment that supports the battery energy storage facility, such as HVAC equipment, may be located outside of a building or modular container, provided that the mechanical equipment is completely *screened* on all sides with a solid wall or *fence* that is painted or texturized to match the primary building on the *premises*, if one is present.
- (5) Battery energy storage facilities that are not located within a building shall be enclosed and *screened* from the *public right-of-way* and adjacent properties by walls or *fences* with a minimum

ATTACHMENT 2

height of 6 feet that incorporate finishes and architectural detailing that are consistent with any buildings on the premises or any applicable design standards. The walls or fences shall be screened by landscaping as follows:

- (A) Along the street frontage, the walls or fences shall be screened from the public right-of-way with plant material that includes 24-inch box evergreen canopy form trees separated by a maximum distance of 30 feet; and
- (B) Along the side and rear yards, the walls or fences shall be screened from adjacent properties by 10-foot wide landscape strips that include 24-inch box evergreen species separated by a maximum distance of 30 feet along the side and rear yards. For premises less than 10,000 square feet, the landscape strips may be reduced to 5-feet in width.

Sustainable Development Area (SDA) Data Evaluation

Analysis

To evaluate the impact of the proposed change, the Planning Department conducted a parcel-based analysis, which included reviewing every parcel that is in the current TPA, but outside the SDA and in the SDA but outside the TPA. This approach expands upon the data in the Report to the Planning Commission on October 27, 2022 which was based on a more simple acreage analysis. The new data set evaluates specific parcel geography and includes entire parcel acreage whether the parcel is wholly or partially within the TPA or SDA boundaries. This analysis also included parcels in high and highest resource areas in Mobility Zone 4 that are 0.75 to 1.0 miles from a major transit stop.

First, staff determined which parcels are “developable parcels.” Parcels considered to be highly constrained (public parks, airports, public right of ways) or on zones that do not allow housing were removed from the analysis (refer to the data methodology summary for additional information).

Next, staff determined which parcels that allow housing are not likely to be developed into housing, such as parcels with existing schools, cemeteries, open space preserves, privately-owned landscape areas, and utility right of ways. Staff also reviewed aerial imagery of the parcels to assist in determining if certain parcels had these existing land uses. Staff then removed these parcels from the analysis.

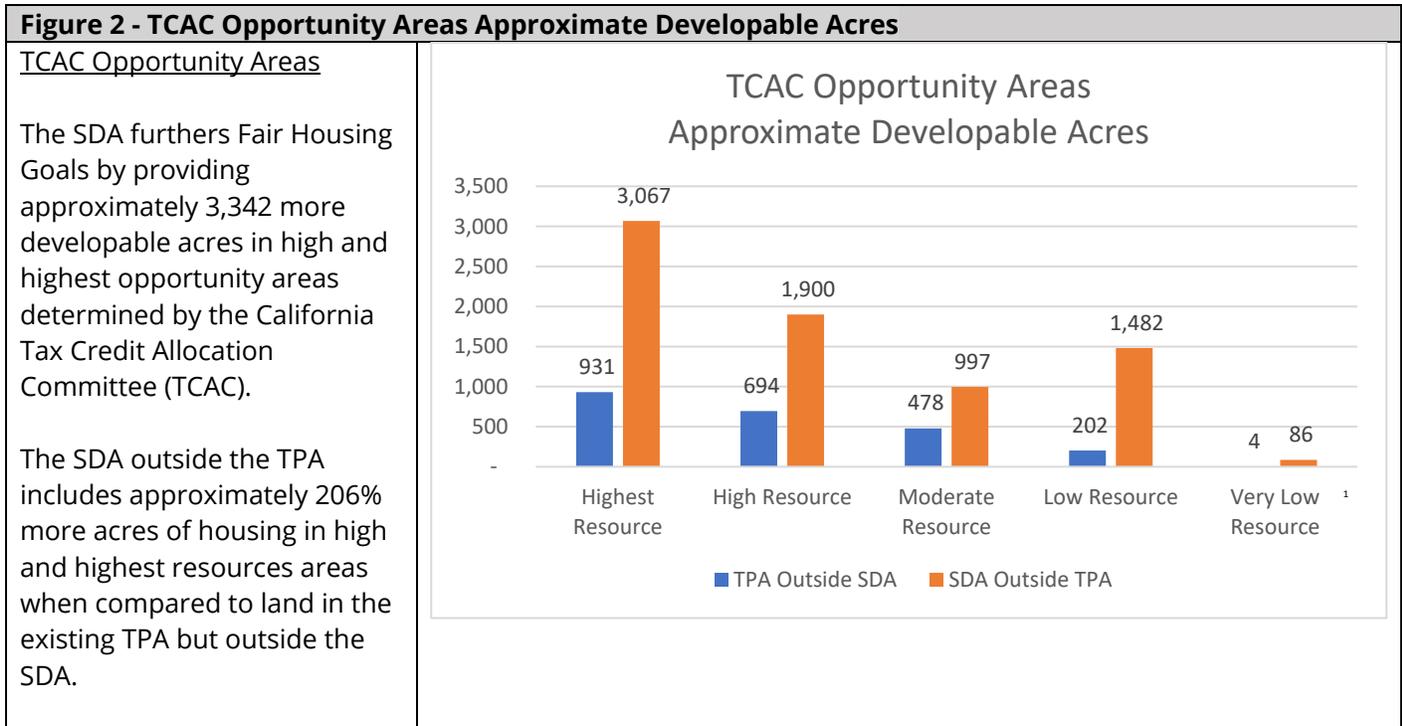
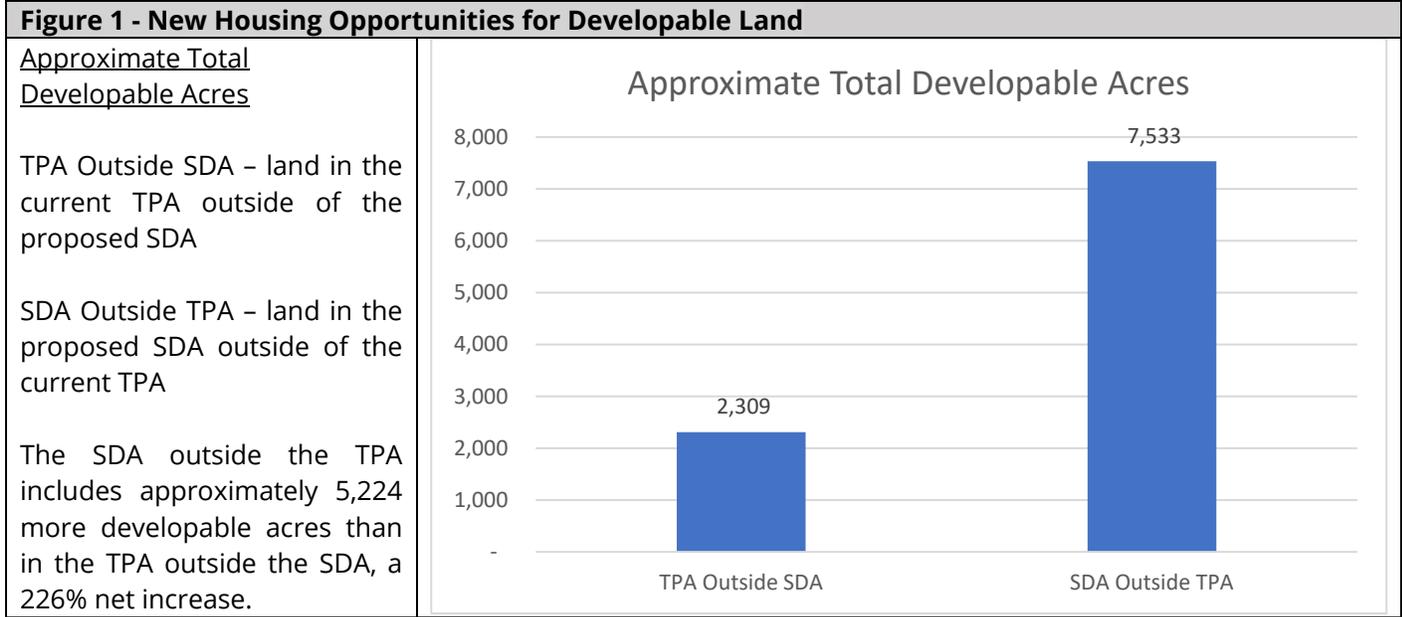
After removing these parcels, the remaining parcels are considered to be developable parcels. A GIS analysis was performed to identify the acreage of developable parcels that are either inside the TPA, but outside the SDA or inside the SDA but outside the TPA. The developable parcels in the TPA outside of the SDA and in the SDA outside of the TPA were then evaluated to determine the impact on the following:

- Fair Housing using the California Tax Credit Allocation Committee (CTCAC) Resource Area Maps
- The City’s Complete Communities Housing Solutions program
- The City’s Accessory Dwelling Unit Home Density Bonus program

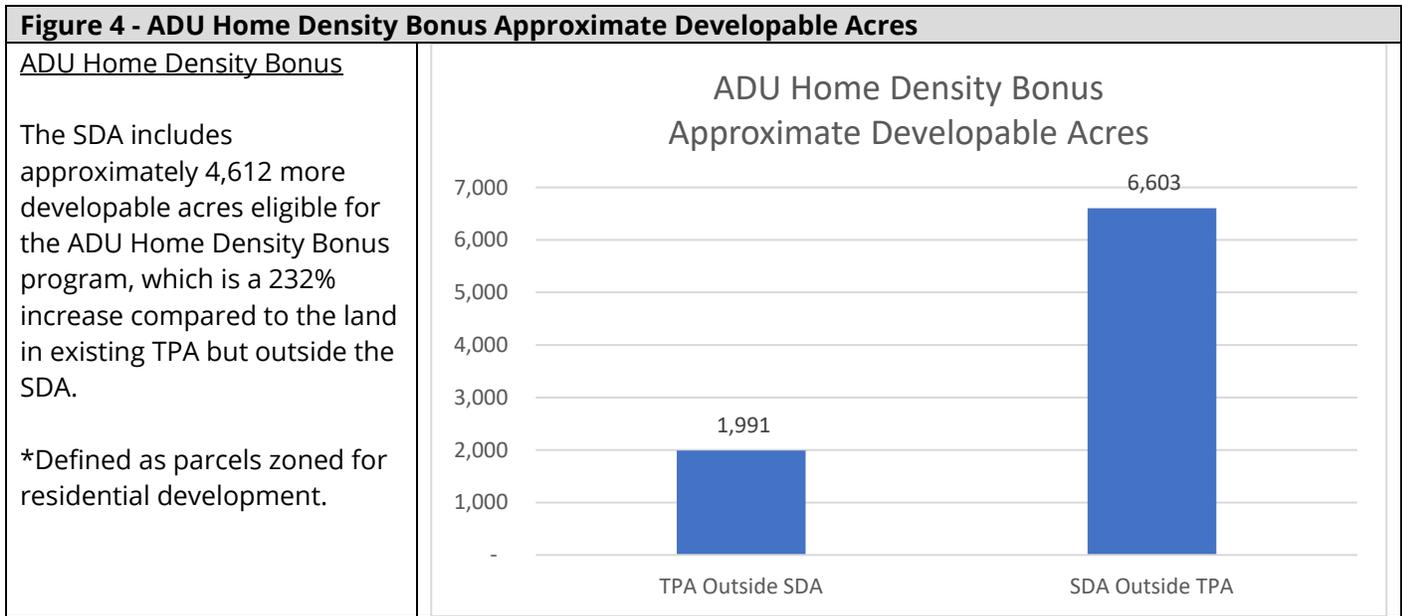
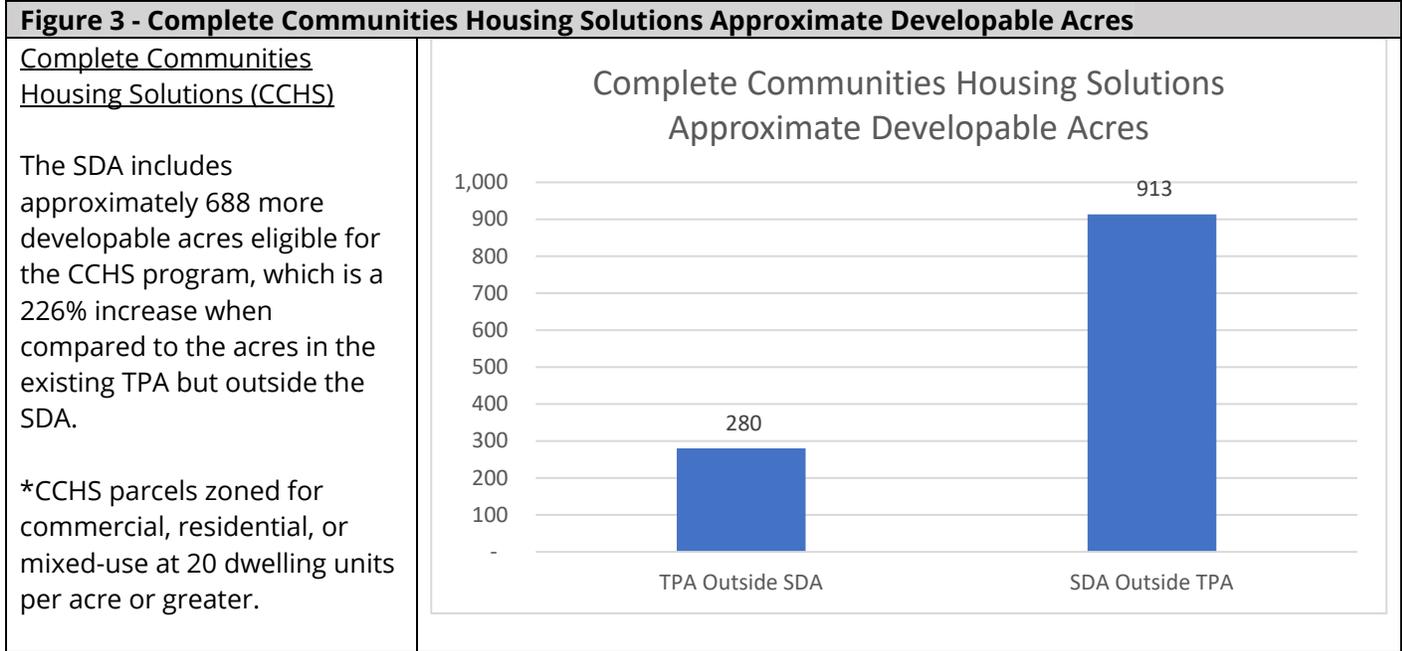
Results

This analysis demonstrates that the proposed SDA aligns with the City’s climate, equity, and housing goals by furthering fair housing, expanding local housing incentive programs in more transit-supportive areas, and creating increased opportunities for affordable housing throughout the City, in line with the City’s Climate Action Plan. For the City’s local housing incentive programs, the data below shows that approximate acreage of developable land increases in the areas identified as either in the TPA outside of the SDA or in the SDA outside of the TPA.

- The SDA has approximately 5,224 more developable acres than the current TPA (Figure 1).
- The SDA furthers Fair Housing Goals by providing approximately 3,342 more developable acres in high and highest opportunity areas determined by the California Tax Credit Allocation Committee (TCAC) (Figure 2).
- The SDA includes approximately 688 more developable acres eligible for the Complete Communities Housing Solutions Program (Figure 3).
- The SDA includes approximately 4,612 more developable acres eligible for the ADU Home Density Bonus program (Figure 4).



¹ Very Low Resource refers to the High Segregation and Poverty designation on the TCAC Opportunity Areas Maps



Resources:

- [Proposed Sustainable Development Area Map - PUBLIC REVIEW DRAFT](#)
- [SDA and TPA Developable Acres Parcel Analysis](#)

ATTACHMENT 3

Methodology Summary:

The following methodology was followed to identify developable acres:

Step 1: Removal of highly constrained parcels that are unlikely or not allowed to develop housing:

- Open space (City-owned open space or areas zoned as open space)
- Conserved land (in the MHPA)
- City parks (City-owned dedicated parks)
- Military lands
- Public rights-of-way
- San Diego International Airport

Step 2: Removal of the following zones that do not allow for residential uses from our data set:

- AG 1-1, AG 1-2
- CC 2-1, CC 2-3, CC 2-4
- CO 2-2
- IBT 1-1
- IH 1-1, IH 2-1
- IL 2-1, IL 3-1
- IP 1-1, IP 2-1, IP 3-1
- IS 1-1
- UNZONED

Step 3: Removal of the following existing land uses compiled from data from SANDAG: change to bullets and make it simple.

- Government Facilities (e.g. Government Offices)
- Recreational Uses
 - Public or Commercial Services (e.g. Cemeteries)
- Educational Institutions
- Rights of Way and Utility Easements