



The City of San Diego

Staff Report

DATE ISSUED: May 10, 2024

TO: City Council

FROM: City Planning Department

SUBJECT: 2024 Update to the San Diego Municipal Code (Land Development Code) and Local Coastal Program

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Council District(s): Citywide

OVERVIEW:

The Land Development Code (LDC) provides the City’s regulations for developing and using property within the City of San Diego. It includes information on zoning, subdivisions, grading, and other related land use activities. In December 1997, the City Council adopted a comprehensive update to the LDC and directed the development of a code monitoring and update process to address changes anticipated as part of implementing the LDC. The City Council recognized the importance of LDC revisions that removed unnecessary barriers to simplify and streamline permitting processes. The City has continually responded to the changing land use and development issues through these regular updates.

PROPOSED ACTIONS:

Adopt the two ordinances for the 2024 Update to the Land Development Code and Local Coastal Program and the Public Right-of-Way In Lieu Fee Resolution.

DISCUSSION OF ITEM:

The 2024 LDC Update includes 99 proposed amendments to simplify the City’s development regulations, make the code more adaptable, eliminate redundancies and contradictions, standardize the code framework, and increase predictability in applying regulations. The proposed amendments are separated into Citywide LDC Update List and Downtown LDC Update List.

The proposed amendments are organized into five categories:

- (1) Align the code with the City's climate, equity, and housing goals,
- (2) Clarifications,
- (3) Compliance with state law,
- (4) Corrections, and
- (5) Regulatory reforms.

A summary is provided below, and a detailed description is provided within the attached Citywide LDC Update List and Downtown LDC Update Lists. Several initially proposed items have been removed after receiving public input. Those items are still numbered on the associated lists but are no longer a part of the 2024 LDC Update.

The 2024 LDC Update was discussed by the Planning Commission on April 30, 2024. Staff has incorporated the Planning Commission's recommended amendment to Item 48 (Consolidating of Processing) into the 2024 LDC Update. In addition, to address concerns raised during the public hearing, staff incorporated minor amendments to Item 4 (Calculating Gross Floor Area - Parking Structures), Item 25 (Accessory Dwelling Units – Front Setback Development Regulations), Item 58 (Community Plan Implementation Overlay Zone - Supplemental Development Regulation Alternative Compliance), and Item 67 (Child Care Facilities).

Citywide Amendments (72 Items)

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

One proposed amendment aligns the code with the City's climate, equity and housing goals. Each proposed amendment has a corresponding item number in the Citywide LDC Update List.

Sports Arenas and Stadiums (Item No. 1)

Proposes additional development regulations for Sports Arenas and Stadiums to align development with the Climate Action Plan's goals and policies to focus more on active transportation. This proposed amendment includes new parameters for design elements for buildings and parking structures and specifies that sports arenas and stadiums included in a specific plan are exempt from the requirement to obtain a Conditional Use Permit.

B. Clarifications

Twenty-two proposed amendments are clarifications. Clarifications are not intended to change the existing regulations but rather to make the regulations more straightforward, providing more certainty and clarity to the development process. For a comprehensive list of each proposed amendment, please refer to the Citywide LDC Update List.

Rules for Calculation and Measurement – Property Lines (Item No. 3)

Property lines define the perimeter of a lot and are used to determine the maximum permitted density and applicable setbacks. This proposed amendment clarifies that when a development includes dedications for streets or alleys, the property lines used to calculate the maximum permitted density, gross area and applicable setbacks are those in place before the dedication.

Calculating Gross Floor Area – Parking Structures (Item No. 4)

This proposed amendment clarifies the applicability of an exemption for parking structures from gross floor area calculations. The LDC currently only applies this exemption to multiple family homes and commercial developments. This proposed amendment would apply this exemption to any use that builds a parking structure with specific design standards. The exclusion from gross floor area does not apply to garages or carports that serve single family homes and garage or

carports that serve multiple dwelling unit development where each multiple dwelling unit has access to its own separate garage or carport.

Specific Plan and Community Plan Implementation Overlay Zone (CPIOZ) Supplemental Development Regulations (Item No. 5)

The purpose of CPIOZs is to provide supplemental development regulations tailored to specific sites within community plan areas of the City. However, these regulations can conflict with the development regulations of the base zone. This proposed amendment specifies that when there is a conflict between the development regulation of an applicable base zone and the supplemental development regulations for an approved specific plan or a CPIOZ, as specified in Chapter 13, Article 2, Division 14, the supplemental development regulations for an approved specific plan or a CPIOZ applies.

Visitor Accommodations (Item No. 9)

Visitor accommodations are considered a commercial use that supports visitors and tourism. California Civil Code section 1940 specifies that nonresidential uses like visitor accommodations may allow for stays up to 30 consecutive days before a visitor is considered a tenant. The code does not limit the length of stay allowed for visitor accommodations. This proposed amendment clarifies that visitor accommodations shall not be used for a length of stay longer than 30 consecutive days. Single room occupancy (SRO) hotels and SRO hotel rooms may be permitted as visitor accommodations and are exempt from this stay limitation. Existing visitor accommodations and visitor accommodations with a deemed complete application before the effective date of the 2024 LDC Update will not have a 30 day stay limitation.

Density Calculation Exclusion – Live/Work Quarters and Watchkeeper’s Quarters (Item No. 12)

Live/work quarters and watchkeeper’s units are allowed in certain zones and provide opportunities for business owners to live and work in the same area. The LDC does not specify whether the square footage from live/work quarters and watchkeeper’s quarters count toward the maximum allowable density of the underlying base zone or land use plan. This proposed amendment states that the square footage from live/work quarters and watchkeeper’s quarters do not count toward the maximum allowable density of the underlying base zone or land use plan.

Complete Communities Housing Solutions - Airport Land Use Compatibility Zone (Item No. 16)

The Complete Communities Housing Solutions regulations are silent on whether a waiver can be granted if a project is inconsistent with the Airport Land Use Compatibility Overlay Zone regulations. This proposed amendment clarifies that waivers granted to Complete Communities Housing Solutions projects must also be consistent with Airport Land Use Compatibility Overlay Zone regulations in Chapter 13, Article 2, Division 15.

Complete Communities Housing Solutions – Pedestrian Circulation Space (Item No. 17)

Complete Communities Housing Solutions includes supplemental development requirements for pedestrian circulation improvements, including width requirements for a clear path of travel and the inclusion of a buffer area for street trees. These requirements may be different than the requirements in the Street Design Manual. This proposed amendment clarifies the pedestrian circulation space improvement requirements for Complete Communities Housing Solutions projects, which is an urban parkway with a clear path of travel of at least 8 feet in width and a buffer area of at least 6 feet in width. If there is a conflict between these regulations and the required widths in the Street Design Manual, the proposed amendment clarifies that the greater width would apply.

Complete Communities Housing Solutions – Transition Planes (Item No. 18)

Complete Communities Housing Solutions projects must incorporate a transition plane adjacent to RS (Residential-Single Unit) zones to ensure properties are adequately spaced. The existing regulations need to be expanded to include irregularly shaped lots. This proposed amendment

clarifies that the transition plane for the development is measured from the existing grade of the shared property line and extends 1/3 of the lot depth or width, or 25 feet, whichever is less. In addition, the amendment clarifies that lot depth is used when the shared property line is a rear property line and lot width is used when the shared property line is a side property line. Buildings, architectural projects, or encroachments would also not be allowed to extend into the transition plane.

Indemnification (Item No. 66)

Indemnification language is required for development permits to ensure that applicants agree to defend, indemnify, protect, and hold harmless the City in any action arising from their development application. This proposed amendment codifies standard indemnification language to provide greater transparency to applicants and extends standard indemnification language to construction permits to ensure consistent application.

C. Compliance with State Law

Nine proposed amendments are needed to ensure the LDC complies with State Law. For a comprehensive list of each proposed amendment please refer to the Citywide LDC Update List.

Child Care Facilities (Item No. 24)

Senate Bill 234 (Skinner – 2019) requires that small and large family child care homes be allowed in any zone that allows for residential development. This proposed amendment streamlines the limited use regulations for small and large family child care homes to ensure they align with the state law. It also allows small and large child care homes as a limited use in the RM-5-12 (Residential – Multi Unit) zone.

Accessory Dwelling Units (ADUs) - Front Setback Development Regulations (Item No. 25)

Assembly Bill 2221 (Quirk-Silva- 2022) amended the Government Code to state the front setback requirements cannot be used to prohibit the construction of an ADU that is 800 square feet or less. This proposed amendment specifies that the front setback cannot be used to prohibit the construction of an ADU that is 800 square feet or less on a premises with an existing or proposed dwelling unit.

Affordable Housing Regulations – 100 Percent Affordable Projects (Item No. 27)

Assembly Bill 2334 (Wicks – 2022) expanded State Density Bonus Law to projects in very low vehicle travel areas, where the driving is less than 85 percent of the regional average. The proposed amendment expands the applicability of State Density Bonus Law provisions to projects located in Mobility Zone 3. Mobility Zone 3 is defined as a community planning area boundary with a Vehicle Miles Traveled (VMT) efficiency of 85 percent or less of the regional average.

D. Corrections

There are 19 corrections. For a comprehensive list of each proposed amendment please refer to the Citywide LDC Update List.

Residential-Estate (RE) Zones - Deletion (Item No. 35)

The City does not currently have any properties zoned RE. This proposed amendment deletes the RE zones and any associated references.

Community Plan Implementation Overlay Zone (CPIOZ) - Barrio Logan (Item No. 40)

The illustration for the Barrio Logan CPIOZ needs to be updated to reflect modifications to the Barrio Logan Community Plan. This proposed amendment updates Diagram 132-14T (Barrio Logan Community Plan Implementation Overlay Zone) with a revised illustration of the Barrio Logan CPIOZ depicting the buffer zone.

Airport Land Use Compatibility Overlay Zone (ALUCOZ) – Visitor Accommodations (Item No. 42)

The footnotes for Table 132-15I (Safety Compatibility Criteria for San Diego International Airport – Uptown, Balboa Park and Centre City Neighborhoods) and Table 132-15J (Safety Compatibility Criteria for the San Diego International Airport – Ocean Beach, Peninsula, Midway-Pacific Highway Neighborhoods) state that visitor accommodations shall have at most 56 rooms. This proposed amendment corrects the footnotes for Table 132-15I and Table 132-15J to state that the allowable density for visitor accommodations is 56 rooms per acre consist with the Airport Land Use Compatibility Plan for San Diego International Airport.

Complete Communities Mobility Choices – Mobility Zone 4 Definition (Item No. 46)

The definition of Mobility Zone 4 needs to be amended as the current definition could include areas in both Mobility Zone 3 and Mobility Zone 4. This proposed amendment amends the definition of Mobility Zone 4 to state it applies to areas where both the resident and employee Vehicle Miles Traveled efficiency is greater than 85 percent of the regional average.

Single Dwelling Unit Residential Uses – Parking Ratios (Item No. 72)

There is conflicting information in Table 142-05B (Minimum Required Parking Spaces for Single Dwelling Units and Related Uses) regarding parking requirements within transit priority areas. The proposed amendment updates Table 142-05B (Minimum Required Parking Spaces for Single Dwelling Units and Related Uses) to ensure it clearly states that automobile parking is not required within transit priority areas.

E. Regulatory Reforms

There are 21 regulatory reforms. For a comprehensive list of each proposed amendment, please refer to the Citywide LDC Update List.

Consolidating of Processing (Item No. 48)

When an applicant needs multiple approvals for a single development, the applications are automatically consolidated and subject to the highest level of decision-making authority. This can cause delays in approving a project that would otherwise be approved at a lower process level but would require a higher discretionary approval due to the public right-of-way vacation or public service easement. This proposed amendment does not require the consolidation of public right-of-way vacations and public service easements with other development applications unless requested by the applicant. In addition, the amendment requires the public right-of-way vacation or public service easement approvals that are not consolidated to be recorded before any other associated construction or building permits are approved.

Exemptions from a Building Permit - Sidewalk Cafes (Item No. 51)

Sidewalk cafes with a barrier are required to obtain a building permit even if the barrier does not impact egress. This proposed amendment streamlines the development of sidewalk cafes by exempting them from the building permit requirement if they do not impact sidewalk egress.

Behavioral Health Facilities (Item No. 52)

To provide services for those in need, a streamlined process for developing behavioral health facilities, classified as Residential Care Facilities in the LDC, needs to be created to help people with mental illness and substance use disorders. Residential Care Facilities with seven or more residents

are currently required to obtain a conditional use permit, adding time and additional requirements to their approval.

This proposed amendment streamlines the permitting process for Residential Care Facilities with seven or more residents by permitting them as a limited use with a ministerial approval in zones that allow for multifamily development. Appropriate regulations for these facilities based on the location and zone of the facility are included to ensure compatibility with surrounding land uses. Residential care facilities with seven or more residents in multifamily and commercial zones within 500 feet of a school, playground or childcare will continue to require a conditional use permit. The proposed amendment also permits Continuing Care Retirement Communities, Transitional Housing, and Intermediate Care Facilities & Nursing Facilities in a similar process to provide more opportunities for their development. In addition, this item separates Hospitals, Intermediate Care Facilities, & Nursing Facilities into two separate uses.

Urgent Care Facilities (Item No. 55)

Urgent Care Facilities in commercial zones are required to obtain a Neighborhood Development Permit. The proposed amendments reduce the process level for Urgent Care Facilities in all commercial zones from a Neighborhood Use Permit to a Limited Use to address the need for more of these uses.

Mixed Use Base Zones – EMX (Employment Mixed – Use) Zones (Item No. 56)

Residential uses are only allowed as a secondary use in the EMX zones. To allow for the construction of more homes on large commercial properties in the EMX zones, this proposed amendment would allow new residential uses to be the primary use on premises or adjacent to premises where the total gross floor area is occupied by retail sales or eating and drinking establishment uses, or both, of at least 500,000 square feet.

Community Plan Implementation Overlay Zone (CPIOZ) – Supplemental Development Regulation Alternative Compliance (Item No. 58)

The LDC includes CPIOZ supplemental development regulations for public right-of-way improvements. Proposed development may have difficulty complying with the regulations due to the constraints of implementing right-of-way improvements in the middle of a block. This proposed amendment allows for alternative compliance through the payment of the Public Right-of-Way In Lieu Fee, a citywide infrastructure fund, if the applicant can demonstrate or if the City Engineer determines that the installation of a public right-of-way improvement would create unsafe drainage, traffic or pedestrian circulation conditions. The Public Right-of-Way In Lieu Fee was determined by using the City of San Diego's cost to construct public right-of-way improvements, based on the Citywide Mobility Development Impact Fee Nexus Study, for building a Class IV bicycle facility.

Accessory Dwelling Units (ADUs) – Interior Side and Rear Yard Setback Requirements (Item No. 60)

ADU structures over 16 feet in height must include a 4-foot interior side or rear yard setback if that property line abuts a residential use. This requirement can be more restrictive than the side and rear setback requirements in certain residential zones. This proposed amendment aligns the setbacks for ADU structures over 16 feet in height that abut a residential use by allowing the ADU to follow the base zone side setback or the standard ADU 4-foot setback, whichever is less, for the interior side yard and rear yard setbacks.

Monitored Perimeter Security Fence Systems (Item No. 61)

Monitored Perimeter Security Fence Systems are electrically charged security systems installed behind a perimeter fence. The existing fence regulations in the code do not allow for these types of fences. This proposed amendment allows for Monitored Perimeter Security Fences in Industrial Zones and adds design and general regulations for their use.

Off-Street Loading Spaces – Research and Development Uses (Item No. 62)

Research and Development uses may require fewer off-street loading spaces than Industrial uses, but the same requirements apply to both uses. This proposed amendment reduces the required number of off-street loading spaces for Research and Development uses by aligning it with the Commercial Use Subcategory.

Complete Communities Housing Solutions (CCHS) – Public Space Alternative (Item No. 63)

CCHS allows for the development of a public promenade along a project's street frontage to provide an enhanced pedestrian experience. However, the requirements for the promenade can be challenging to meet due to site and other constraints and many CCHS projects choose to pay the Neighborhood Enhancement Fee instead of building a promenade. Additional flexibility is needed to encourage the development of more on-site public space amenities in CCHS projects. This proposed amendment allows for a 4,000 square foot public space alternative to replace the promenade.

Old Town San Diego Planned District – Design Review Board Removal (Item No. 65)

The Old Town San Diego Planned District Design Review Board was established to provide additional review to projects proposed in the Old Town San Diego Planned District. The Plan District regulations were updated in 2016 to reduce the number of Design Review Board members to address the Board not having enough members to obtain a quorum. Since 2020, the Design Review Board has not met or been able to obtain a quorum. This proposed amendment deletes references to the Design Review Board as it would no longer exist, and the Old Town San Diego Design Review Board review will no longer be required for projects within the Old Town San Diego Planned District.

Child Care Facilities – Floor Area Ratio (FAR) Bonus (Item 67)

The current child care FAR bonus incentive only applies to certain Commercial Base Zones. The child care FAR bonus allows for 10 square feet of additional gross floor area for each 1 square foot of gross floor area developed for a child care facility. This proposed amendment expands the child care FAR bonus to additional residential, commercial, industrial, and mixed use base zones that allow child care facilities.

Tentative Map and Parcel Map Requirements - (Item 68)

The Subdivision Map Act allows cities and counties to create ordinances to divide land into smaller lots for development or sale. The LDC implements provisions of the Subdivision Map Act, however, the current regulations are more restrictive than what can be allowed.

Consistent with the Subdivision Map Act, this proposed amendment would require a tentative map for any subdivision of land creating:

- (1) five or more parcels,
- (2) five or more condominiums as defined in California Civil Code section 738,
- (3) a community apartment project containing five or more parcels as defined in California Civil Code section 4105, or
- (4) the conversion of five or more dwelling units to a stock cooperative as defined in California Civil Code section 4190.

This proposed amendment would also allow for a parcel map if any of the following occurs:

- (1) The land before the subdivision contains less than five acres, each parcel created by the division abuts a public street or freeway and the subdivision does not require any dedications or improvements as determined by the City Engineer,
- (2) Each parcel created by the subdivision has a gross area of at least 20 acres and has access to a public street or freeway,

- (3) The land before subdivision has a commercial, mixed-use or industrial base zone and has access to a public street or freeway and which has street alignments and widths designed to the satisfaction of the City Engineer,
- (4) Each parcel created by the subdivision has a gross area of at least 40 acres and does not have access to a public street or freeway, or
- (5) The land being subdivided is solely for the creation of an environmental subdivision pursuant to California Government Code section 66418.2, or
- (6) For lots created pursuant to Section 143.1315 as an urban lot split.

Whether a parcel map or tentative map is required, dedications and public improvements may be required as determined by the City Engineer.

Driveway and Access Regulations – Industrial Uses (Item 69)

Nonresidential uses on lots wider than 50 feet must comply with the same maximum driveway widths. If a project exceeds this maximum driveway width, an otherwise ministerial building permit may require discretionary approval, causing permitting delays. This proposed amendment allows industrial uses within industrial zones to exceed the maximum driveway widths on lots greater than 50 feet in width if they submit technical documentation that the increase in driveway width is necessary for freight-carrying vehicles and that the proposed driveway would not result in adverse impacts.

Downtown Amendments to the Centre City Planned District Ordinance (CCPDO) and Gaslamp Quarter Planned District Ordinance (GQPDO) (27 Items)

A. Align the code with City’s Climate, Equity and Housing Goals

There are five proposed amendments to align the code with the City’s climate, equity, and housing goals. For a comprehensive list of each proposed amendment, please refer to the Downtown LDC Update List.

Base District Use Regulations – Underutilized Property (Item No. 2)

Several uses in the CCPDO do not meet the minimum density requirements of the CCPDO and the Downtown Community Plan. This proposed amendment aligns Base District Use Regulations with the minimum density requirements of the CCPDO and Downtown Community Plan.

Base District Use Regulations – Ground Floor Residential Conversions (Item No. 4)

The CCPDO is currently unclear as to whether ground floor commercial spaces can be converted to residential uses within certain overlay districts. This proposed amendment allows ground floor commercial spaces to be converted to residential dwelling units in the Neighborhood Commercial District and Main Street and Commercial Street overlays during a limited period, so long as the dwelling units are restricted to middle income (30 percent of 150 percent of Area Median Income).

Active Commercial Uses Floor Area Ratio (FAR) Exemption (Item No. 5)

The C Street corridor and the San Diego Promise Zone currently lack significant active commercial storefronts. This proposed amendment to the CCPDO expands the existing exemption from FAR calculations for active commercial uses to include developments along C Street and within the San Diego Promise Zone to incentivize active ground floor commercial uses in those areas.

Temporary Surface Parking Lot Activation (Item No. 6)

There are several large temporary surface parking lots throughout downtown that do not have any activation along their street frontages. This proposed amendment to the CCPDO requires temporary

surface parking lots of 30,000 square feet or larger to provide placemaking or outdoor activation along 30 percent of the street frontage in order to activate and improve the pedestrian experience.

B. Clarifications

There are five proposed clarifications. For a comprehensive list of each proposed amendment, please refer to the Downtown LDC Update List.

Decision Process Consolidation (Item No. 7)

This proposed amendment to the CCPDO clarifies that downtown development is subject to the Citywide decision processes and consolidates language into a single Permit Requirement section.

Street Wall Frontage and Tree Preservation (Item No. 8)

New development projects often remove existing mature trees due to development regulations and design constraints. This proposed amendment to the CCPDO updates the street wall exemption to support preserving existing trees in place of auto-oriented uses to support the City's climate goals.

Gaslamp Quarter Planned District Ordinance (GQPDO) Consolidation (Item No. 11)

The existing GQPDO is split into five separate divisions, which makes accessing and interpreting the regulations excessively burdensome. This proposed amendment consolidates the existing five divisions of the GQPDO into a single Division and cleans up the existing text by removing repetition and outdated references.

C. Compliance with State Law

There are two proposed items to ensure the CCPDO complies with state law. For a comprehensive list of each proposed amendment, please refer to the Downtown LDC Update List.

Low Barrier Navigation Centers (Item No. 12)

This proposed amendment to the CCPDO amends the Base District Use Regulations Table to allow Low Barrier Navigation Centers as a Limited Use in the base districts that allow residential uses in accordance with state law, which requires that low barrier navigations centers be allowed by right in areas zoned for mixed use and in nonresidential zones that permit multifamily uses.

Behavioral Health Facilities (Item No. 13)

This proposed amendment to the CCPDO streamlines the permitting process for Residential Care Facilities and strengthens the City's commitment to fair housing by permitting Continuing Care Retirement Communities, Transitional Housing, and Intermediate Care Facilities & Nursing Facilities in a similar process.

D. Corrections

There are seven proposed corrections. For a comprehensive list of each proposed amendment, please refer to the Downtown LDC Update List.

Removal of Waterfront/Marine and Convention Center Districts (Item No. 15)

Prior amendments to the CCPDO removed the Waterfront/Marine and Convention Center use districts from the Land Use Map to reflect their location within the jurisdiction of the Port Master Plan, but these changes were not reflected in the Land Use Districts section or the Use Regulations Table. This proposed amendment to the CCPDO removes the Waterfront/Marine and Convention

Center land use districts from the Land Use Districts section and Table 156-0308-A (Centre City Planned District Use Regulations) to reflect those changes.

Placemaking on Private Property (Item No. 16)

When Placemaking on Private Property was incorporated into the Citywide LDC, the use was not added to the CCPDO. This proposed amendment adds Placemaking on Private Property as a permitted use in the CCPDO consistent with the Citywide LDC.

Base District Use Regulations Corrections (Item No. 17)

This proposed amendment to the CCPDO removes parking standards that are no longer applicable to implement the City's adoption of Transit Priority Area (TPA) Parking Reform (2019) and AB 2097 (Friedman).

E. Regulatory Reforms

There are six proposed regulatory reforms. For a comprehensive list of each proposed amendment, please refer to the Downtown LDC Update List.

Hospital and Urgent Care Facility Expansion (Item No. 23)

The CCPDO currently restricts the ability of health care providers to locate downtown. This proposed amendment expands access to healthcare facilities by allowing Urgent Care Facilities as a permitted use in most land use districts and allowing hospitals as a conditional use in the Residential Emphasis district.

SRO (Single Room Occupancy) Hotels in the Public/Civic Land Use District (Item No. 24)

The Public/Civic (PC) use district currently allows for residential development, but not SRO Hotels. This proposed amendment to the CCPDO adds SRO Hotels as a permitted use in the Public/Civic (PC) district to provide additional flexibility to encourage the development of more home opportunities.

Floor Area Ratio (FAR) Bonus Program (Item No. 25)

The existing FAR Bonus programs in the CCPDO have been relatively successful on a small-scale in both increasing densities/intensities and providing for pedestrian-oriented infrastructure. This proposed amendment enhances the FAR Bonus programs to encourage greater utilization by increasing FAR Bonus numbers, expanding program applicability, providing clarifications to the covenant and financial surety requirements, and removing redundant language.

Floor Area Ratio (FAR) Exemptions – Child Care Facilities (Item No. 26)

Downtown currently lacks child care facilities. This proposed amendment to the CCPDO adds an FAR exemption for child care facilities to incentivize the development of more child care facilities within downtown.

Outdoor Use Areas (Item No. 27)

The CCPDO currently requires a Process 2 Neighborhood Use Permit for outdoor use areas on private property that are open to the public and greater than 350 square feet. This proposed amendment accommodates more outdoor spaces on private property in the Centre City Planned District by increasing the size threshold of an outdoor use area that requires a Neighborhood Use Permit from 350 square feet to 2,000 square feet.

City of San Diego Strategic Plan:

This item is related to the Strategic Plan's Priority Areas:

- Create Homes For All of Us by increasing housing incentives and streamlining regulatory reforms

Fiscal Considerations:

Costs associated with implementation of this ordinance would be covered by project applicants.

Charter Section 225 Disclosure of Business Interests:

N/A

Environmental Impact:

The Environmental Policy Section of the City Planning Department has reviewed the 2024 Update to the San Diego Municipal Code and Local Coastal Program and conducted a consistency evaluation pursuant to CEQA Guidelines Section 15162. Implementation of this project's actions would not result in new significant direct, indirect, or cumulative impacts over and above those disclosed in the previously certified environmental documents:

1. Final Environmental Impact Report (EIR) for the Land Development Code (DEP No. 96-033/SCH No. 1996081056) certified by the San Diego City Council on November 18, 1997 (Resolution R-289458);
2. Final Program EIR (PEIR) for the General Plan (Project No. 104495/SCH No. 2006091032) certified by the San Diego City Council on March 10, 2008 (Resolution R-303472);
3. Addendum to the General Plan PEIR for the Housing Element Update (SCH No. 2006091032) certified by the San Diego City Council on June 16, 2020 (Resolution R-313099);
4. Final PEIR for Complete Communities: Housing Solutions and Mobility Choices (SCH No. 2019060003) certified by the San Diego City Council on November 9, 2020 (Resolution R-313279);
5. Final EIR for the Downtown Community Plan (SCH No. 2003041001) certified by the former Redevelopment Agency and San Diego City Council on March 14, 2006 (Resolution No. R-04001 and R-301265, respectively);
6. Final Supplemental EIR (SEIR) for the Downtown San Diego Mobility Plan (SCH No. 2014121002) certified by the San Diego City Council on June 21, 2016 (Resolution R-310561);
7. Final PEIR for the Climate Action Plan (Project No. 416603/SCH No. 2015021053) certified by the San Diego City Council on December 15, 2015 (Resolution R-310176);
8. Addendum to the Final PEIR for the Climate Action Plan Update (Project No. 416603/SCH No. 2015021053) certified by the San Diego City Council on August 2, 2022 (Resolution R-314298); and
9. Notice of Exemption (NOE) for Spaces as Places certified by the San Diego City Council on October 26, 2021 (Resolution R-313761).

The CEQA evaluation memo is included as an attachment.

Climate Action Plan Implementation:

The 2024 LDC Update is consistent with Strategy 3 – Mobility and Land Use through improving zoning codes and polices aimed at improving our neighborhoods, increasing affordable housing and reducing our reliance on personal vehicles. It is also consistent with Strategy 5 – Resilient Infrastructure and Healthy Ecosystems through codes and policies that would further preserve existing urban tree canopy and encourage its expansion.

Equal Opportunity Contracting Information (if applicable):

N/A

Previous Council and/or Committee Actions:

N/A

Planning Commission Action:

On April 30, 2024, the Planning Commission voted unanimously (5-0-1) to recommend to the City Council approval of the proposed 2024 Update to the San Diego Municipal Code and Local Coastal Program, recommend to the City Council approval of the memo dated 4/29/2024 presented by staff and recommended to the City Council approval of the City Attorney's recommended language on item 48.

Staff has incorporated the Planning Commission’s recommended amendment to Item 48 (Consolidating of Processing) into the 2024 LDC Update. In addition, to address concerns raised during the public hearing, staff incorporated minor amendments to Item 4 (Calculating Gross Floor Area - Parking Structures), Item 25 (Accessory Dwelling Units – Front Setback Development Regulations). Item 58 (Community Plan Implementation Overlay Zone - Supplemental Development Regulation Alternative Compliance) and Item 67 (Child Care Facilities).

Key Stakeholders and Community Outreach Efforts:

Two public workshops were held on February 29 (virtual) and March 11, 2024 (in person) to review and gather feedback on the draft 2024 LDC Update.

In addition, the 2024 LDC Update was presented to the BIA Urban Council, Downtown Community Planning Council, Downtown San Diego Partnership Policy Committee, Downtown City Center Business District, East Village Association, NAIOP, Old Town Planning Group and the San Diego Regional Chamber of Commerce.

On September 26, 2023, the Community Planners Committee (CPC) established a Land Development Code Update Sub-Committee to review the proposed code updates with City Planning staff and provide suggested adoptions back to CPC.

Community Planners Committee (CPC): On February 27, 2024, staff presented the 2024 LDC Update to the Community Planners Committee. The group approved a motion to approve the Land Development Code, except for Item 67.

Heidi Vonblum _____

Department Director, City Planning

Casey Smith _____

Deputy Chief Operating Officer