



CITY OF SAN DIEGO NOTICE OF PUBLIC HEARING

DATE OF MEETING: MONDAY, OCTOBER 14th, 2024
TIME OF MEETING: 2:00 P.M.
PLACE OF MEETING: COUNCIL CHAMBERS, 12th FLOOR,
CITY ADMINISTRATION BUILDING,
202 "C" STREET, SAN DIEGO, CALIFORNIA, 92101

PROJECT TYPE: MUNICIPAL CODE (LAND DEVELOPMENT CODE) AND
LOCAL COASTAL PROGRAM AMENDMENT, PROCESS FIVE

PROJECT NAME: CALIFORNIA COASTAL COMMISSION MODIFICATIONS TO
THE 2022 LAND DEVELOPMENT CODE UPDATE OF THE SAN
DIEGO MUNICIPAL CODE AND LOCAL COASTAL PROGRAM

APPLICANT: CITY OF SAN DIEGO

COUNCIL DISTRICT: CITYWIDE

FOR ADDITIONAL INFORMATION, PLEASE CONTACT
Victoria Ortiz / ortizv@sandiego.gov / 619-236-6091

PLEASE ACCEPT THIS AS A NOTICE TO INFORM YOU, as a property owner, tenant or interested citizen, that the Council of The City of San Diego, California will conduct a public hearing, as part of a scheduled City Council meeting, on the following project:

This action proposes the adoption of the California's Coastal Commission's modifications to the 2022 Land Development Code (LDC) Update of the San Diego Municipal Code and Local Coastal Program. The City of San Diego adopted the 2022 LDC Update on February 28, 2023. The 2022 Update to the San Diego Municipal Code (Land Development Code) and Local Coastal Program is part of the code monitoring work program created to help maintain the Land Development Code, simplify the City's development regulations, make the code more adaptable, eliminate redundancies and contradictions, standardize the code framework, and increase predictability in the application of regulations. The 2022 Update was intended to streamline regulatory requirements, reduce constraints, and provide additional incentives to increase housing supply.

Changes to the LDC amend the Local Coastal Program. State law requires the California Coastal Commission certification of amendments to the Local Coastal Program before they can take effect in the Coastal Zone. Since the City has a limited number of times that it may submit items to the Coastal Commission for certification, it submitted the 2022 LDC Update on May 11, 2023, along with other items. Approximately one year later, on August 8, 2024, the California Coastal Commission conditionally certified the 2022 LDC Update and amendments to the Local Coastal Program with five modifications.

The first modification proposes to amend San Diego Municipal Code (SDMC) Section 126.0709 by amending language clarifying how a Notice of Final City Action can be mailed.

The second proposed modification amends SDMC Sections 131.0222, 131.0322, 131.0522, and 141.0422 by amending and adding conditions for developing battery energy storage facilities in the Open Space – Park and Open Space – Residential Zones. It also adds standards for developing battery energy facilities in the Agricultural-Residential and Commercial-Visitor Zones within the Coastal Overlay Zone.

The third proposed modification amends SDMC Section 143.1310 by amending the geographic area where transportation amenities are required when applying the multiple dwelling units in a single dwelling base zone regulations by changing the area of applicability from within the Transit Priority Area to within the Sustainable Development Areas, and within the Beach Impact Area of the Parking Impact Overlay Zone. It also adds wetland and sensitive coastal bluff regulations for dwelling units within the Coastal Overlay Zone.

The fourth proposed modification amends SDMC Section 156.0307 by clarifying that certain Commercial Street Overlay standards only apply outside of the Coastal.

The fifth modification for the SDMC proposed updating Figure F: Building Height and Sun Access to exclude any changes to the area located within the Coastal Zone.

The Environmental Review Section of the City Planning Department has reviewed the proposed California Coastal Commission's modifications to the 2022 Update to the San Diego Municipal Code (Land Development Code) and Local Coastal Program and conducted a consistency evaluation pursuant to CEQA Guidelines Section 15162. Approval of this action would not result in new significant direct, indirect, or cumulative impacts over and above those disclosed in the following certified and adopted environmental documents:

Final Environmental Impact Report (EIR) for the Land Development Code (DEP No. 96-0333/SCH No. 1996081056) which was certified by the San Diego City Council on November 18, 1997 (Resolution R-289458);

Final Program EIR (PEIR) for the General Plan (Project No. 104495/SCH No. 2006091032) which was certified by the San Diego City Council on March 10, 2008 (Resolution R-303472);

Addendum to the General Plan PEIR for the Housing Element Update 2021-2029 (SCH No. 2006091032) which was adopted by the San Diego City Council on June 16, 2020 (Resolution R-313099);

Addendum to the General Plan PEIR for the Recreation Element Update (SCH No. 2006091032) which was adopted by the San Diego City Council on August 3, 2021 (Resolution R-313685);

Final PEIR for Complete Communities: Housing Solutions and Mobility Choices (SCH No. 2019060003) which was certified by the San Diego City Council on November 9, 2020 (Resolution R-313279);

Final EIR for the Downtown Community Plan, Centre City Planned District Ordinance, and 10th Amendment to the Redevelopment Plan for the Centre City Redevelopment Project (SCH No. 2003041001) which was certified by the former Redevelopment Agency and the San Diego City Council on February 28, 2006 (Resolution No. R-04001 and R-301265, respectively);

Final Supplemental EIR (SEIR) for the Downtown San Diego Mobility Plan (SCH No. 2014121002) which was certified by the San Diego City Council on June 21, 2016 (Resolution R-310561);

Final PEIR for the Climate Action Plan (Project No. 416603/SCH No. 2015021053) which was certified by the San Diego City Council on December 15, 2015 (Resolution R-310176); and

Addendum to the Final PEIR for the Climate Action Plan Update (Project No. 416603/SCH No. 2015021053) which was adopted by the San Diego City Council on August 2, 2022 (Resolution R-314298).

Approval of this action is a subsequent discretionary action within the scope of the development programs analyzed in the above-listed environmental documents and is not considered to be a separate project for the purposes of CEQA review pursuant to CEQA Guidelines Sections 15378(c) and 15060(c)(3). Pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162 there is no change in circumstance, additional information, or project changes to warrant additional environmental review for this action.

The decision of the City Council is final.

COMMUNICATIONS

Instructions for providing testimony during the October 14th, 2024, Council Meeting are posted on the City Clerk's website at <https://www.sandiego.gov/city-clerk/officialdocs/participate-council-meetings>. The amount of time allotted for each speaker will be determined at the discretion of the Chair, who will generally allow between one and three minutes per speaker depending on the number of speakers in the queue for that item.

Comments may also be submitted electronically using the City Clerk webform at <https://www.sandiego.gov/form/agenda-comment-form> by indicating the agenda item number for which you wish to submit your comment. Comments submitted using this form will be distributed to the City Council and made a part of the record but will not be read into the record. Please note that electronic comments submitted using this form are limited to 500 words, but attachments are allowed. If the size limitations are met, please send materials to cityclerk@sandiego.gov.

Additionally, you may write a letter to the Mayor and City Council, Attention: City Clerk, City Administration Building, 202 "C" Street, San Diego, CA 92101-4806, Mail Station 2A; OR you can reach us by FAX: (619) 533-4045. All communications will be forwarded to the Mayor and Council.

The public may view the meetings on public television (within the City of San Diego only) on City TV Channel 24 for Cox Communications and Time Warner Cable or Channel 99 for AT&T, or view the meetings online, located at http://sandiego.granicus.com/player/camera/5?publish_id=1648.

In accordance with the Brown Act, the agenda will be posted 72 hours in advance of the City Council meeting. Please refer to the City Clerk's website to view the agenda, and for further instruction and applicable deadlines for submitting public comment or written materials.

If you wish to challenge the Council's actions on the above proceedings in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence to the City Council at or prior to the public hearing.

REQUESTS FOR ACCESSIBILITY MODIFICATIONS OR ACCOMMODATIONS

As required by the Americans with Disabilities Act (ADA), requests for agenda information to be made available in alternative formats, and any requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for alternatives to observing meetings and offering public comment as noted above, may be made by contacting the City Clerk at (619) 533-4000 or via email cityclerk@sandiego.gov. The City is committed to resolving accessibility requests swiftly in order to maximize accessibility.

Notice date: September 30th, 2024

**DIANA J.S. FUENTES
SAN DIEGO CITY CLERK**