



CITY OF SAN DIEGO

NOTICE OF CITY COUNCIL PUBLIC HEARING

DATE OF MEETING: TUESDAY, FEBRUARY 14, 2023
TIME OF MEETING: 2:00 P. M.
PLACE OF MEETING: VIRTUAL HEARING
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: 2022 UPDATE TO THE SAN DIEGO MUNICIPAL CODE (LAND
DEVELOPMENT CODE) AND LOCAL COASTAL PROGRAM AND
AMENDMENT TO FLOOR AREA RATIO BONUS AND CITYWIDE
PARK DEVELOPMENT IMPACT FEE RESOLUTIONS

APPLICANT: CITY OF SAN DIEGO

**COMMUNITY
PLAN AREA:** CITYWIDE

COUNCIL DISTRICT: CITYWIDE

FOR ADDITIONAL INFORMATION, PLEASE CONTACT Corey Funk, Senior Planner/
CFUNK@sandiego.gov / 619-533-3945

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:

The 2022 Code Update is part of the code monitoring work program created to help maintain the Land Development Code (LDC), ensure simplify the City’s development regulations, make the code more adaptable, eliminate redundancies and contradictions, standardize the code framework, and increase predictability in application of regulations. The proposed amendments streamline regulatory requirements, reduce constraints, and provide additional incentives to increase the supply of housing.

The issue items are separated into five categories; regulatory reforms, compliance with state law, corrections, clarifications and amendments to align the code with the City’s climate, equity and housing goals. The topics of the amendments generally relate to the following areas of the Land Development Code: Housing and Housing Incentives, Sustainable Development Areas (including areas eligible for City density bonus programs), Permit Procedures, Noticing, Development Impact Fees, Battery Energy Storage Facilities, Sea Level Rise Acknowledgements, Base Zone Regulations, Landscape Regulations, Historical Resources Regulations, Zoning, Design Regulations, Spaces as Places, Central Urbanized Planned District and the Center City Planned District Ordinance. The following resolutions are proposed to be amended: Resolution R – 307481 (FAR Bonus Resolution) and R-313688 (Citywide Park Development Impact Fee Resolution).

The following chapters are proposed to be amended but other chapters could be included to ensure consistency and to achieve the intent of the amendments:

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| Chapter 11, Article 2, Division 3; | Chapter 13, Article 1, Division 5; | Chapter 14, Article 3, Division 9 |
| Chapter 11, Article 2, Division 5; | Chapter 13, Article 1, Division 6; | Chapter 14, Article 3 Division 10; |
| Chapter 11, Article 2, Division 6; | Chapter 13, Article 1, Division 7; | Chapter 14, Article 3, Division 11 |
| Chapter 11, Article 3, Division 1; | Chapter 13, Article 2, Division 4;; | Chapter 14, Article 3, Division 13; |
| Chapter 12, Article 5, Division 9; | Chapter 14, Article 1, Division 3; | Chapter 15, Article 1, Division 1; |
| Chapter 12, Article 6, Division 1; | Chapter 14, Article 1, Division 4;; | Chapter 15, Article 3, Division 3; |
| Chapter 12, Article 6, Division 3; | Chapter 14, Article 2, Division 3; | Chapter 15, Article 5, Division 2; |
| Chapter 12, Article 6, Division 5; | Chapter 14, Article 2, Division 4; | Chapter 15, Article 5, Division 2; |
| Chapter 12, Article 6, Division 7; | Chapter 14, Article 2, Division 5; | Chapter 15, Article 6, Division 3; |
| Chapter 12, Article 8, Division 3; | Chapter 14, Article 2, Division 6; | Chapter 15, Article 13, Division 3; |
| Chapter 12, Article 9, Division 7; | Chapter 14, Article 2, Division 12; | and Chapter 15, Article 16, |
| Chapter 13, Article 1, Division 2; | Chapter 14, Article 2, Division 13; | Division. |
| Chapter 13, Article 1, Division 3; | Chapter 14, Article 3, Division 2; | |
| Chapter 13, Article 1, Division 4; | Chapter 14, Article 3, Division 7; | |

For additional information, you can visit the 2022 Code Update website at
<https://www.sandiego.gov/planning/work/land-development-code/updates-in-process>.

The Environmental Policy Section of the Planning Department has reviewed the 2022 Comprehensive Code Update 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 following 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-313099);
3. Addendum to the General Plan PEIR for the Housing Element Update (SCH No. 2006091032) certified by the San Diego City Council on June 18, 2020 (Resolution R-313099);
4. Addendum to the General Plan PEIR for the Recreation Element Update (SCH No. 2006091032) certified by the San Diego City Council on August 3, 2021 (Resolution R-313685);
5. Final PEIR for Complete Communities: Housing Solutions and Mobility Choices (SCH No. 2019060003) certified by the San Diego City Council on November 9, 2020 (Resolution R-313279);
6. Final EIR for the Downtown Community Plan (SCH No. 2003041001) certified by the former Redevelopment Agency and San Diego City Council on March 14, 2006 (Resolution No. R-04001 and R-301265, respectively);
7. Final Supplemental EIR (SEIR) for the Downtown San Diego Mobility Plan (SCH No. 2014121002) certified by the San Diego City Council on July 6, 2016 (Resolution R-310561); and
8. Final PEIR for the Climate Action Plan (Project No. 416603/SCH No. 2015021053) certified by the San Diego City Council on December 15, 2015 (Resolution R-310176); and
9. Addendum to the Final PEIR for the Climate Action Plan Update (Project No. 416603/SCH No. 2015021053) certified by the San Diego City Council on August 10, 2022 (Resolution R-314298).

Implementation of the Project would not result in new or more severe significant impacts over and above those disclosed in the previously certified environmental documents.

The 2022 Code Update could apply to property located in the Coastal Zone; therefore, the City Council's decision requires amending the City's Local Coastal Program. The final decision by the City Council will occur no sooner than six weeks after the date of mailing of this notice. The final decision on the portions of the 2022 Code Update that are the City's Local Coastal Program will be with the California Coastal Commission. The City of San Diego will submit the 2022 Code Update to the California Coastal Commission for certification following City Council and Airport Land Use Commission action. The ordinance will not be effective in the coastal zone until the Coastal Commission unconditionally certifies the amendment.

If you wish to be noticed of the Coastal Commission hearing on this issue, you must submit a request in writing to the City of San Diego Planning Department, Attention: Corey Funk, Senior Planner, 9485 Aero Drive, MS 413, San Diego, CA 92123 or CFunk@sandiego.gov before the close of the City Council public hearing. If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice or written in correspondence to the City at or before the public hearing.

The decision of the City Council is final.

COVID-19 STATE OF EMERGENCY COMMUNICATIONS

Until further notice, City Council meetings may be conducted pursuant to the provisions of California Government Code section 54953(e), as amended by Assembly Bill 361 effective September 16th, 2021, which allows the City to use teleconferencing and to provide the public an opportunity to address the City Council via a call-in option or an internet-based service option, during a proclaimed state of emergency. During the State of Emergency related to the COVID-19 pandemic and in the interest of public health and safety, most, if not all, City Council members may be participating in the City Council meetings via a virtual teleconference platform.

Instructions for providing testimony during the February 14, 2023, City Council meeting will be posted on the City Clerk's website at <https://www.sandiego.gov/city-clerk/officialdocs/council-agendas-minutes-results> prior to the hearing, and on the meeting agenda. The amount of time allotted for each speaker will be determined in 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. Any changes to the format of City Council meetings during the proclaimed State of Emergency can be found on the City Clerk's website (<https://www.sandiego.gov/city-clerk/officialdocs/council-agendas-minutes-results>) as well.

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@sanidiego.gov. The City is committed to resolving accessibility requests swiftly in order to maximize accessibility.

Notice date: January 31, 2023

**DIANA FUENTES
INTERIM SAN DIEGO CITY CLERK**