

Article 3: Supplemental Development Regulations

Division 14: Climate Action Plan Consistency Regulations

(“*Climate Actions Plan Consistency Regulations*” added 9-21-2022 by O-21528 N.S.; effective 10-23-2022.)

(Retitled to “*Climate Action Plan Consistency Regulations*” on 7-22-2024 by O-21836 N.S.; effective 10-5-2024.)

[Editors Note: Amendments as adopted by O-21836 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-21836-SO.pdf]

§143.1401 Purpose of the Climate Action Plan Consistency Regulations

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

(“*Purpose of the Climate Action Plan Consistency Regulations*” added 9-21-2022 by O-21528 N.S.; effective 10-23-2022.)

§143.1403 Application of the Climate Action Plan Consistency Regulations

- (a) This Division applies to the following:
 - (1) New *development* that results in three or more total *dwelling units* on a *premises*;
 - (2) Non-residential *development* that adds more than 1,000 square feet and results in 5,000 square feet or more of total *gross floor area*, excluding unoccupied spaces such as mechanical equipment and storage areas; and
 - (3) Parking facilities as a *primary use*.
- (b) *Development* that has received an incentive or waiver under a local opt-in bonus or incentive program not required by State law may not utilize the incentive or waiver to reduce or waive any of the requirements of this Division.

- (c) *Development* that deviates from the regulations of this Division may be approved with a Process Two Neighborhood Development Permit in accordance with Sections 126.0402(s) and 126.0403, provided that the *findings* in Section 126.0404(a) and the supplemental *findings* in Section 126.0404(h) are made.

(“*Application of the Climate Action Plan Consistency Regulations*” added 9-21-2022 by O-21528 N.S.; effective 10-23-2022.)

(Amended 7-22-2024 by O-21836 N.S.; effective 10-5-2024.)

[Editors Note: Amendments as adopted by O-21836 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-21836-SO.pdf]

§143.1405 Definitions

The following definitions apply to this Division:

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

(“*Definitions*” added 9-21-2022 by O-21528 N.S.; effective 10-23-2022.)

§143.1410 Mobility and Land Use Regulations

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

- (a) Pedestrian enhancements that reduce heat island effects shall be provided as follows:
- (1) *Development* on a premises that contains a *street yard* or abuts a *public right-of-way* with a Furnishings Zone, at least 50 percent of the Throughway Zone shall be shaded as specified below.

- (A) If the abutting *public right-of-way* contains a Furnishings Zone, shading shall be provided by street trees.
 - (B) If the abutting *public right-of-way* does not contain a Furnishings Zone, shading may be provided by a combination of trees and shade structures placed in the *street yard*.
 - (C) The shade coverage of a tree shall be determined by the expected canopy at 10-year maturity. The tree shall be selected in accordance with the Landscape Standards of the Land Development Manual and the City's Street Tree Selection Guide.
 - (D) Trees shall be irrigated and maintained consistent with Section 142.0403.
 - (E) The number of street trees provided shall not be less than what is required by the Landscape Regulations in Chapter 14, Article 2, Division 4.
- (2) *Development on a premises* that does not contain a *street yard* and does not abut a *public right-of-way* with a Furnishings Zone, the *applicant* shall do one of the following:
- (A) Plant the number of trees required by Section 143.1410(a)(1) at an off-site location within one mile of the *development* and enter into an agreement with the owner of the off-site location that ensures the indefinite maintenance of the trees; or
 - (B) Pay an Urban Tree Canopy Fee to be deposited into the Climate Resiliency Fund consistent with adopted City Council Resolution.
- (b) *Development on a premises* with 250 linear feet or more of *street frontage* shall provide and privately maintain at least one of the following publicly accessible pedestrian amenities for every 250 linear feet of *street frontage* to the satisfaction of the Development Services Department:
- (1) One trash receptacle and one recycling container;
 - (2) Seating comprised of movable seats, fixed individual seats, benches with or without backs, or design feature seating, such as seat walls, ledges, or seating steps;

- (3) Pedestrian-scale lighting that illuminates the adjacent sidewalk;
 - (4) Public artwork;
 - (5) Community wayfinding *signs*; or
 - (6) Enhancement of a bus stop or public transit waiting station within 1,000 feet of the *premises*.
- (c) At least 50 percent of all residential and non-residential bicycle parking spaces required in accordance with Chapter 14, Article 2, Division 5 shall be supplied with individual outlets for electric charging at each bicycle parking space.

(“Mobility and Land Use Regulations” added 9-21-2022 by O-21528 N.S.; effective 10-23-2022.)

§143.1415 Resilient Infrastructure and Healthy Ecosystems Regulations

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

- (a) Two trees shall be provided on the *premises* for every 5,000 square feet of *lot* area, with a minimum of one tree per *premises*.
 - (1) If planting of a new tree is required to comply with this Section, the tree shall be selected in accordance with the Landscape Standards of the Land Development Manual and the City’s Street Tree Selection Guide.
 - (2) Where possible, trees must be planted in native soil. Where native soil planting is prohibited by site conditions, required trees may be provided in built-in or permanently affixed planters and pots on structural podiums. Planters and pots for trees shall have a minimum inside dimension of 48 inches.
 - (3) For a *premises* located within a base zone that does not require open space to accommodate the planting of on-site trees in compliance with this Section, the *applicant* shall do one of the following, except that all trees required by the Landscape Regulations in Chapter 14, Article 2, Division 4 must be provided on-site:

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

(“Resilient Infrastructure and Healthy Ecosystem Regulations” added 9-21-2022 by O-21528 N.S.; effective 10-23-2022.)