



THE CITY OF SAN DIEGO

MEMORANDUM

DATE: June 19, 2012

TO: Members of the Community Planners Committee

FROM: Amanda Lee, Senior Planner, Development Services

SUBJECT: Amendments to the Land Development Code and Land Development Manual, and Repeal of Outdated Council Policies

Staff is requesting your input on the proposed repeal of six outdated Council policies in the Council Policy Manual and four outdated Appendices in the Land Development Manual (LDM) in accordance with direction by the City Council Rules Committee on May 16, 2012, as part of a multi phase update effort. CPC previously reviewed and recommended approval of the first group of policies ready to “retire now”. This next phase includes documents that are ready to retire once clarifying code amendments are made. On June 18, the CPC subcommittee recommended approval with suggested modifications related to policies 600-12 and 600-25, which have since been incorporated into the draft (vote 5-0). Following is a summary:

**Council Policies**

The Council Policy Manual is a collection of policy statements of the City Council adopted by Resolution. Since the time of adoption, many of the policies have become redundant or contradictory to newer adopted policy and regulations, or have been superseded, and are therefore in need of repeal. The full text of each policy is published by the City Clerk online at [www.sandiego.gov](http://www.sandiego.gov) or copies may be requested directly from the Office of the City Clerk.

<b>600-04</b>	<b>Standards for Rights-of-Way and Improvements Installed Therein</b>	<b>Adopted 1962; last amended 1990</b>
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The purpose of this policy was to identify general standards for right-of-way improvements. The standards were subsequently incorporated into the public facility and subdivision regulations and LDM consistent with this policy. The referenced bikeway policies are already located in the General Plan, and policies related to underground utilities (gas and electric power) are located in the General Plan (Public Facilities Element) and LDC Section 144.0240. Proposed amendments to LDC Sections 142.0670 and 144.0231 would replace references to this outdated policy with references to adopted land use plan policies and/or standards in the Land Development Manual, as applicable. Section 144.0231(e) reflects the subcommittee’s suggestion that public

transportation improvements be constructed and financed in accordance with adopted land use plan policies, without requiring the area to be traffic congested per existing code language.

<b>600-12</b>	<b>Street Names</b>	<b>Adopted 1962; last amended 1992</b>
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The purpose of this policy was to establish policy and procedures for approving new street names through the subdivision process, and for changing existing street names. Code amendments are proposed to identify the street name change process, which varies based on whether the name change is supported by 100 percent of the affected property owners. Name changes that reflect 100 percent support in a petition of all affected property owners may request a street name change via Process One in accordance with the “City Streets Naming Standards” in the Land Development Manual. The code would continue to provide for a decision by City Council in cases where there is not 100 percent support from affected property owners for the name change, but as proposed would no longer require a Planning Commission recommendation hearing prior to the City Council decision in order to help reduce costs and streamline the process. As recommended by the CPC subcommittee, support from at least 25 percent of the abutting property owners would be required. The subcommittee also recommended that the existing policy which specifies that streets may be named after City employees (i.e. fire and police officers) that have died in the line of duty should not be transferred to the LDM since this type of name change would not be precluded by the regulations.

<b>600-16</b>	<b>Major Structures Spanning Public Rights of Way</b>	<b>Adopted 1962; last amended 1975</b>
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The purpose of this policy was to establish a process for the consideration of major structures spanning the public right-of-way. The policy content is addressed in the General Plan Mobility Element and Urban Design Element, and is implemented by LDC Section 129.0710. Amendments to LDC Sections 126.0502 and 129.0710 will require a Process 5 Site Development Permit (SDP) to provide for City Council review and will remove the existing reference to Council Policy 600-16 from Section 129.0710.

<b>600-21</b>	<b>Subdivision Agreements</b>	<b>Adopted 1974; last amended 1993</b>
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The purpose of this policy was to establish criteria for subdivision agreements at a time when all actions on subdivision maps and associated agreements to construct infrastructure required a Council decision. Subsequently, Government Code Section 66462(d) allowed delegation of these approvals as reflected in LDC Section 125.0640(b). However, questions have since been raised regarding the authority to approve amendments or extensions to subdivision agreements since the LDC does not specifically address the decision maker in these situations. Amendments to LDC Section 125.0640(b) are proposed to also delegate authority from the City Council for approval of requests for extensions or amendments to subdivision agreements. Sections I-IV of the policy are covered in the code. Section V is out of date and will not be incorporated in the code.

<b>600-25</b>	<b>Underground Conversion of Utility Lines at</b>	<b>Adopted 1977; last amended</b>
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	<b>Developer Expense</b>	<b>1987</b>
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The purpose of this policy was to help evaluate whether to grant a waiver from the requirement to convert overhead utility facilities. The Council policy references the Subdivision Board, a decision maker that no longer exists and references an outdated limit on volts that conflicts with the LDC. Waiver requests are generally requested at the time of the original development proposal, but can also be considered via an application for an amendment to an approved Tentative Map. Code amendments are proposed to clarify the process for a private developer to request a waiver from the requirement to underground overhead public utilities and clarify the type of documentation that should be provided by the applicant to support their contention that conversion would be impractical based on adverse timing or planning considerations, would be an inordinate cost, and that a waiver of the requirement would have minimal aesthetic impact. References to Council Policy 600-25 in Section 144.0240(b)(5) will be eliminated.

<b>600-37</b>	<b>Development Agreements</b>	<b>Adopted 1988; last amended 1989</b>
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The purpose of the policy was to establish where development agreements would be appropriate and ensured that the City would derive supplemental benefits “in proportion to the degree of vesting authorized and in excess of what can be obtained under existing policies, rules and regulations”. The City adopted this policy in response to state law (California Government Code Sections 65864 – 65869.5) that enables local jurisdictions to process development agreements to provide certainty in the process and allow the timely provision of public facilities and infrastructure that developers could be reimbursed for over time.

A number of development agreements were initiated, negotiated, and adopted during the 1990s in cases where developers were negotiating for the benefit of regulatory certainty in exchange for providing public facilities in anticipation of need. The frequency of development agreements requested at that time was likely because large tracts of raw land were available for development and the process for development review and approval was unpredictable due to various land use plans, resource policy documents, and code regulations that were all undergoing a major update process. Development agreements are seldom requested within the existing regulatory context because the code provides for master development permits for long-term, phased projects and includes certainty in the regulations for projects that are carried out under the conditions of approved permits. In addition, Public Facilities Financing Plans already identify responsibilities for providing public facilities and allow for use of reimbursement agreements for developers who build public facilities beyond their required contribution.

The LDC includes all procedural requirements of this council policy except for a finding of benefit to the City and a procedure for initiation. The proposed amendment to Section 124.0104 would add a finding for City Council approval that the agreement shall provide for significant public benefits. However, no amendment is proposed to require an additional step for initiation because it adds time and processing costs for both the City and the applicant with no value added to the process. The proportion of supplemental benefit that would be provided to the City is the ultimate question as to whether a development agreement should be approved by the City Council, and to date applicants have been unwilling or unable to share this type of information at

the initiation phase. Amendments to Section 124.0104 also help clarify that consistent with Process Five, the City Council may take action without a PC recommendation if the Planning Commission does not make a recommendation within 60 calendar days of the initial PC hearing.

**Land Development Manual**

The Land Development Manual was created pursuant to LDC Section 111.0106 as a supplement to the code to contain all associated submittal requirements, review procedures, standards and guidelines for development. Many of the LDM Appendices have become redundant or contradictory to existing regulation and General Plan policy and are therefore in need of repeal. The full text of each LDM Appendix is available online at [www.sandiego.gov](http://www.sandiego.gov) or copies may be requested from the Development Services Department.

<b>Appendix C</b>	<b>Equestrian Trails and Facilities</b>	<b>Adopted 1975</b>
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These guidelines were created to guide the development of equestrian trails. However, the policies are outdated and the trail plans in LDM Appendix C conflict with current City trail policies and equestrian trail plans in the General Plan and Trails Master Plan. There is no current role for the Appendix C guidelines; therefore Appendix C should be repealed.

<b>Appendix G</b>	<b>Solar Design Guidelines for Subdivisions and Planned Residential Developments</b>	<b>Adopted 1985</b>
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These guidelines were designed to clarify how passive or natural heating or cooling opportunities could be integrated into the design of new subdivisions before state requirements for lot pattern access to solar were adopted and incorporated in the Subdivision Map Act. The information is outdated and there is no current role for the Appendix G guidelines. Therefore, Appendix G should be repealed to remove any conflict with the City’s solar energy policies in the General Plan Conservation Element.

<b>Appendix K</b>	<b>Off-Premises Directional Signs</b>	<b>Adopted 1979; last amended 1985</b>
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The purpose of the Appendix K guidelines was to allow for temporary off-premises signs on private property that identify available residential units in new subdivisions within the City. However, the guidelines have become outdated. As proposed, Appendix K will be repealed and the existing reference to Appendix K in Section 142.1255(j) will be replaced with applicable sign requirements published directly in the sign code.

<b>Appendix L</b>	<b>Transit Oriented Development Guidelines</b>	<b>Adopted 1992</b>
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These guidelines include policies to help reduce automobile dependence and create pedestrian oriented neighborhoods, which are now reflected in the General Plan Urban Design Element. There is no current role for the Appendix L guidelines; therefore Appendix L should be repealed.