

DATE ISSUED: September 6, 2000

REPORT NO. 00-170

ATTENTION: Honorable Mayor and City Council
Docket of September 12, 2000

SUBJECT: Regulatory Relief Day 1999

SUMMARY

Issue - Should the City Council support Regulatory Relief Items B and D as presented in this report?

Manager's Recommendation - Recommend approval of the proposed Regulatory Relief items. Item "A", an update to the Transit Area Overlay Zone, has been returned to the City Manager and will be reconsidered by the City Council with the 2nd Quarterly Update of the Land Development Code this fall. Item "C", a staff initiated amendment to the Southeastern San Diego Planned District Ordinance, has been withdrawn by staff due to community opposition.

Planning Commission Recommendation - On February 10, 2000, the Planning Commission recommended to the City Council approval of Regulatory Relief Items "B" and "D".

Land Use and Housing Committee Recommendation - On November 3, 1999, the Land Use and Housing Committee recommended approval of Regulatory Relief Items "B" and "D".

Other Recommendations - The Navajo Community Planners, Inc. have recommended approval of Regulatory Relief Item "D".

Environmental Impact - The City of San Diego as Lead Agency under CEQA has reviewed and considered the items proposed for Regulatory Relief and has determined that Item B is exempt from CEQA pursuant to State CEQA Guidelines Section 15031 and Item D is not a "project" and is therefore exempt from CEQA pursuant to the State CEQA Guidelines Section 15061(b)(3).

Fiscal Impact - None.

Code Enforcement Impact - None.

Housing Affordability Impact - None.

BACKGROUND

Regulatory Relief days have been held periodically by the City Council since April 1993 to streamline regulations which may no longer be needed and cut red tape. These special Council events provide immediate relief from policies and regulations that no longer provide significant public benefit. Previous Regulatory Relief actions by the City Council have resulted in 60 policy changes to simplify the regulatory process in the City. This year's Regulatory Relief Day proposal includes two additional ordinance and/or policy changes for City Council consideration.

DISCUSSION

The Regulatory Relief items being proposed are presented below, accompanied by a discussion of the suggested changes and their impacts. The following two items will require City Council action, and the City Manager recommends their approval.

ITEM B: LIVE/WORK QUARTERS IN MID-CITY: The Land Development Code currently permits Live/Work Quarters only in Centre City. Interest has heightened to allow this use in North Park, due in part to the proposed ballpark and other redevelopment efforts in Centre City. At the request of the North Park Planning Committee and Councilmember Kehoe's office, the Land Use and Housing Committee of the City Council authorized staff to proceed with the preparation of an ordinance to permit Live/Work Quarters in selected zones of the Mid-City Communities Planned District, which regulates the North Park Community. Many of the City-wide commercial zones in the Land Development Code will also permit Live/Work Quarters.

ITEM D: SAN CARLOS GEOLOGIC HAZARD OVERLAY ZONE: The proposed change would be to repeal City Council Resolution No. 254954, adopted on August 31, 1981, which established a Geologic Hazard Overlay Category within an area in the San Carlos community bounded by Golfcrest Drive, Navajo Road, Waring Road and Princess View Drive.

The resolution required that a geologic report be submitted to the City prior to the issuance of building permits and that the developer warranty the property against landslides for a period of ten years following the first sale of any developed property. In 1989 the Municipal Code was amended to include geologic hazards as part of the Building Code amendments, and further to require geologic reports for single family dwellings in the designated area because of the geologic designation. State law provides for remedy where latent defects occur or damage occurs to adjacent property for the 10 year period stipulated by the resolution. Therefore, the provisions of the resolution are addressed in the Municipal Code. In addition, the resolution has not been well understood, and has had the unintended implication that unfairly identifies San Carlos is geographically unstable compared to the rest of the City, which is not accurate. Repeal will restore equity without lessening protection from geologic hazard.

ALTERNATIVES

1. Do not approve Regulatory Relief Item "B" to allow Live/Work Quarters in selected commercial zones of the Mid-City Communities Planned District.
2. Do not approve the repeal of the San Carlos Geologic Hazard Overlay Zone.

Respectfully submitted,

Tina P. Christiansen, A.I.A.
Planning & Development Review Director

Approved: George I. Loveland
Assistant City Manager

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