

DATE ISSUED: August 28, 2002 REPORT NO. 02-192

ATTENTION: Committee on Land Use and Housing
Agenda of September 4, 2002

SUBJECT: Land Development Code (LDC) Implementation Work Program

SUMMARY

Issue - Should the Land Use and Housing Committee prioritize Land Development Code Implementation Work Program issues?

Manager's Recommendation - Direct staff to work only on the issues determined to be high priority.

Fiscal Impact - The LDC Work Program is currently staffed with one full-time equivalent position. If prioritized items go beyond the capacity of available staff, additional budget and funding for staff would need to be identified.

BACKGROUND

In response to several code-related issues raised by the Committee on Land Use and Housing recently, staff was directed to provide the Committee with a detailed list of issues currently included in the Land Development Code (LDC) Implementation Work Program. A summary of the full work program as well as staffing and time estimates associated with the work program is also provided.

In January 2000, after a five-year, public approval process with the City and a two-year approval process with the California State Coastal Commission, the LDC was implemented. The seven-year effort to completely revise the City's land use regulations was funded by the General Fund. During the adoption process of the LDC, the City Council directed the City Manager to develop a code monitoring and update process. The LDC Implementation Program was developed and staff members from the Development Services Department were assigned to oversee the program. The LDC Program established a process and format for collection, classification, timely review and resolution of issues raised during implementation of the LDC. The program also established a citizens committee, the Code Monitoring Team (CMT), with representatives from professional organizations, community groups, business owners, environmental groups and other stakeholder groups to provide input and recommendations on code issues.

It was anticipated that the program would last two years from the date of implementation, with four quarterly updates the first year and two semi-annual updates the second year. After the two-year update and monitoring process, the program was intended to become the vehicle for bringing forward any regulatory policy issues as well as any City Council referrals to the City Manager for code amendments. Many of the minor format and consistency issues were resolved in the first three updates. However, because some of the issues were more complex, additional time was needed to conduct the necessary research, analysis and public outreach efforts. Consequently, only three updates have been completed and the fourth is currently underway. A

total of 131 issues were resolved in the first three updates, including a number of minor format and reference corrections as well as consistency corrections identified by staff and the public. Various substantive issues were also addressed in the first three updates, including amendments to the floodplain regulations, standards for telecommunication facilities, and procedures for subdivisions to name a few. A total of 45 issues are being considered in the Fourth Update, 39 of which are format and consistency issues, and the remaining six issues (listed in the table under the discussion section of this report) are more substantive in nature and merit policy-related discussions. To date, the update process has entailed:

-26 Code Monitoring Team Meetings
-2 Community Planners Committee Meetings
-3 Land Use and Housing Committee Meetings
-6 Planning Commission Hearings
-4 City Council Hearings
-5 Coastal Commission Hearings

In addition to the code monitoring and update program, the LDC Implementation team is also tasked with the Planned District Ordinance (PDO) Update Work Program. The PDO update process was originally envisioned as a component of the Zoning Code Update process when it was established in 1991. As the Zoning Code Update process became larger in scope, the City Council directed staff to develop a separate program for analyzing the PDO's and delay it until after the implementation of the Land Development Code.

On February 15, 2000, the Land Use and Housing Committee approved the two-phase PDO Update Work Program. Phase I includes the reformatting of the City's 19 PDO's to be consistent with the format and philosophy of the Land Development Code. Phase II entails in-depth reviews of each PDO (in order of priority) to identify opportunities to apply the regulations of the LDC whenever they can assure the type of development envisioned by community plans or to address any unique character issues identified by citizens. Phase I is nearing completion with staff currently working towards finalizing the 19 ordinances for City Council approval. Work has also begun on Phase II with two PDO's, Mid-City and San Ysidro. To date, this effort has entailed:

- 28 Community Meetings
- 3 Code Monitoring Team Meetings
- 2 Land Use and Housing Committee Meetings
- 1 Planning Commission Hearing

As stated above, it was anticipated that the LDC implementation and update process would also be the vehicle for bringing forward individual policy issues and amendment referrals. Accordingly, any issue related to land use regulations, policies and procedures is assigned to the LDC Implementation Program. The LDC team reviews, analyzes, researches and prepares reports on the issues. The LDC team also coordinates the public outreach efforts and public hearing process. This process generally entails multiple public meetings and hearings, as follows:

Meetings with industry groups or design professionals

Community Group Meetings
 Code Monitoring Team Meetings
 Community Planners Committee Meetings
 Land Use and Housing Committee Meetings
 Planning Commission Hearings
 City Council Hearings
 Coastal Commission Hearings

DISCUSSION

The LDC Implementation Program was initially staffed with two Associate Planners, two Senior Planners and a Program Manager and funded as a General Fund activity. However, as a result of increasing staff costs and a reduction in General Fund revenues, the Development Services Department has only enough funding for staffing two senior planners working approximately one half of their time on the code update effort.

As the Committee requested, the list of issues that is currently part of the LDC Team's work program is shown below. The listed issues originated from various sources. Many were identified by staff and the public during the initial implementation of the code. Some were the result of legal mandates while others came directly from City Council or Committee requests. Staff attempted to prioritize the list based on two criteria. The first criterion is if the issue is a result of a legal mandate and the City is required to comply by law. The second criterion is if substantial progress on the issue has already been made and the issue is close to completion. For example, the Fourth LDC Update issues have already been thoroughly analyzed and approved by the Planning Commission. Delaying the update would result in lost momentum and progress. Acknowledging that many of the issues are important and should be prioritized, any issue that did not meet any of the two criteria was given a no priority standing.

LDC Update Work Program

No.	Code Revision Issue	Description	Referred By:	Immediate Priority
1.	Affordable/In-fill Housing Code Amendments	Amend the LDC to implement the Affordable/In-fill Housing Expedite Program	LU&H	Yes
2.	Illegal Grading and Geologic Exploration Amendments	Code amendments to address grading and geologic exploration in environmentally sensitive areas	LU&H and NR&C via CPC	Yes
3.	4 th LDC Update with 45 separate issues including policy issues 4 - 9 below:	On-going updates as part of the code monitoring process, all background work is completed with the hearing process	City Council	Yes

4.	Reasonable Accommodations for Persons with Disabilities	Request from Attorney General of California	Legal Mandate	Yes
5.	SRO Hotel Amendments relating to noticing requirements for relocation and replacement	Amendments to be consistent with the State's Ellis Act	Legal Mandate	Yes
6.	Residential Open Space Zones in Urbanized Communities	Amendments to address smaller urban lots adjacent to open space	Planning and DSD Staff	Yes
7.	Companion Unit Regulations	Remove occupancy restrictions deemed to be illegal	Legal Mandate	Yes
8.	Parking Regulations Amendments for Multi-Dwelling Units	Reduce parking stall size and driveway widths for more design flexibility	Public (In-fill Housing Builder)	Yes
9.	Dissolution of the Board of Zoning Appeals	Disband the BZA due to lack of items they consider	DSD Staff	Yes
10.	Final Certification of Floodplain Regulations Amendments	Updated regulations to be consistent with FEMA (close to completion)	FEMA	Yes
11.	Finalize PDO Update Phase I - the reformatting of all 19 PDO's	Reformat existing PDO's to be consistent with the format and philosophy of the LDC (close to completion)	LU&H	Yes
12.	Brush Management Amendments	Amendments to increase fire protection	Fire Chief	Yes
13.	Mid-City PDO Update (North Park and Uptown Communities)	Phase II , in-depth reviews of PDO (one of the first 4 prioritized)	LU&H	No
14.	San Ysidro PDO Update	Phase II , in-depth reviews of PDO (one of the first 4 prioritized)	LU&H	No
15.	La Jolla/La Jolla Shores PDO Update	Phase II , in-depth reviews of PDO (one of the first 4 prioritized)	LU&H	No
16.	Barrio Logan PDO Amendments	Amendments to address land use compatibility with industrial users (chrome plating)	LU&H	No
17.	Companion Unit Regulations Update	Consider amendments to encourage the development of companion units	Housing Policy	No
18.	Transit Area and Residential Tandem Parking Overlay Zones	Update maps to reflect current transit service	LU&H via CPC	No
19.	Tree Ordinance	Amendments to identify protection of street trees	Rules Committee	No

20.	Substantial Conformance Procedural Amendments	Address concerns relating to standards/criteria for changes to approved projects	LU&H	No
21.	CUP Time Limits	Establish certain time limits for Conditional Use Permits	LU&H	No
22.	Mission Beach PDO Amendments	Specific amendments to address Coastal Development Permit jurisdiction	Council District 2	No
23.	5th LDC Update Issues	On-going list of code issues to clarify LDC regulations	City Staff and CMT	No
24.	Automobile Lifts	Amend code to allow automobile lifts in garages to help accommodate off-street parking	Industry Group	No
25.	Landscaping Requirements for Auto Sales Lots	Consider allowing flexibility in the location of required trees on auto sales lots.	Manager's Office via Industry Group	No
26.	Categorical Exclusion Request to California Coastal Commission	Develop criteria for exempting certain types of development from the Coastal Development Permit process	City Council	No
27.	Coordinate with Coastal Commission on jurisdictional boundary maps	Update city maps delineating city and coastal commission permit boundaries	Coastal Commission	No
28.	Review LDC Floodplain Regulations with the Mission Valley Community Plan	Ensure consistency between the policies in the Community Plan and the regulations in the LDC	DSD Staff and Council District 7	No
29.	Review Procedures for Appeals	Review the criteria for who can appeal projects	DSD Staff	No
30.	Reviewing Council Policies for consistency with the LDC	Review Council Policies to ensure consistency with LDC	City Council	No
31.	Streamline Permit Process for Energy Efficient Development	Code Amendments to streamline the permitting process for Energy Efficient Development	Rules Committee	No

Given the current staffing limitations and the department's budget constraints, the number of issues staff can devote time to is very limited. It is anticipated that issues 1 through 12 could be addressed in Fiscal Year 2003.

To provide a better understanding of the staffing requirements associated with code update issues, Attachment 1 includes a detailed breakdown of all associated tasks, estimated staff hours, and an approximate time frame required to adopt a code amendment referral. Attachment 2

provides the same information on the PDO Update process. Based upon these workload estimates, the current work program will utilize the next five to seven years of staff resources.

CONCLUSION

Based on the current staffing levels and the amount of time required to address code related referral issues, Development Services recommends prioritizing issues 1 through 12 as listed in the table above. Staff further recommends that a regular process of reviewing and prioritizing the LDC work program be scheduled with the Committee on Land Use and Housing and City Council to assure that staff is working on the highest priorities for the City.

ALTERNATIVES

1. Modify the Manager’s recommendation by prioritizing other issues listed in the table above.
2. Direct the Manager to return with a proposal to sufficiently fund, through the general fund, a code referral section with at least five full-time positions to adequately respond to code-related requests.

Respectfully submitted,

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 Tina P. Christiansen, A.I.A..Approved by: P. Lamont Ewell
 Development Services Director... Assistant City Manager

CHRISTIANSEN/BAM..... ..

- Attachments: 1. Tasks and Staffing Associated with LDC Referrals and Assignments
 2. Tasks and Staffing Associated with PDO Updates