

DATE ISSUED: July 30, 2003

REPORT NO. 03-168

ATTENTION: Committee on Land Use and Housing
Agenda of August 6, 2003

SUBJECT: Land Development Code (LDC) Implementation Work Program

SUMMARY

Issues -

.....1.Should the Committee on Land Use and Housing prioritize the Land Development Code Implementation Work Program for the Fiscal Year 2004 as outlined in this report?

.....2.Should the Committee on Land Use and Housing direct staff to prepare official zoning maps for the City of San Diego consistent with the Land Development Code for City Council consideration and to automate those maps for public access?

Manager's Recommendation -

.....1.Direct staff to work on the issues determined to be high priority as outlined in this report.

.....2.Direct staff to prepare official zoning maps for the City of San Diego consistent with the Land Development Code and to automate those maps for public access.

Fiscal Impact - The LDC work program is funded as an overhead expense in the Development Services Department budget and is currently staffed with one full-time equivalent position. The Department will also begin the process to fill one additional approved budgeted position for the LDC work program as revenues from revised fees allow. If prioritized items go beyond the capacity of available staff, additional funding for staff would need to be identified or the work schedule would be extended into the next fiscal year. The cost for preparation and processing of a zoning layer over time was included in the City Council approved fee increases that will go into effect August 4, 2003.

BACKGROUND

On September 4, 2002 the Committee on Land Use and Housing (LU&H) set the Land Development Code (LDC) Implementation Work Program for Fiscal Year 2003. Staff was directed to work on items 1 through 11 as identified in City Managers Report No. 02-192, with the exception of replacing Item No. 8 (Parking Regulation Amendments for Multi-Dwelling Units) with Item No. 17 (Transit and Residential Tandem Overlay Zones). The table below identifies each of the issues and addresses their current status.

FY 2003 Work Program Issue Status

No.	Issue	Description	Status
1.	Affordable/Infill Housing Code Amendments	Amend the LDC to implement the Affordable/Infill Housing Expedite Program.	Approved by City Council on May 20, 2003, submitted to Coastal Commission.
2.	Illegal Grading and Geotechnical Exploration Amendments	Code amendments to address grading in Community Plan Open Space and Geotechnical Exploration within Environmentally Sensitive Lands.	Scheduled for LU&H on 7/23/03; City Council in September.
3.	4 th LDC Update with 45 separate issues.	On-going updates as part of the code monitoring process.	Preparing for Docketing before City Council in September 2003.
4.	Reasonable Accommodations for Persons with Disabilities.	Request from California Attorney General and recent case law.	Part of the 4 th Update to LDC (See No. 3). Recent case law will require modification to proposal.
5.	SRO Hotel Amendments relating to noticing requirements for relocation and replacement.	Amendments to be consistent with the Ellis Act.	Was processed separately and appeared before City Council before being withdrawn.
6.	Residential Open Space Zones in Urbanized Communities	Amendments to address smaller urban lots adjacent to open space.	Part of the 4 th Update to the LDC (See No. 3).
7.	Companion Unit Regulations	Amendments to comply with state law.	Approved by City Council on June 30, 2003. Needs certification from Coastal Commission
8.	Transit Area and Residential Tandem Parking Overlay Zones	Rescinding amendments approved during the 2 nd Update to the LDC	Environmental document out for public review. Pending scheduling before Planning Commission. City Council docket in September followed by Coastal Commission consideration.
9.	Dissolution of the Board of Zoning Appeals (Appeals Would Be Heard by the Planning Commission)	Disband the BZA due to lack of items they consider and instead remand those few items to the Planning Commission.	Part of the 4 th Update to the LDC (See No. 3).

10.	Final Certification of Floodplain Regulations Amendments	Updated regulations to be consistent with FEMA	Certified by the California Coastal Commission on October 8, 2002.
11.	Finalize PDO Updates Phase I - reformatting of all 19 PDOs	Reformat existng PDOs to be consistent with the format and philosophy of the LDC	Staff has continued to work on this issue, however no hearing date has been determined.

Items Nos. 5 and 10 are completely finalized, Issue Nos. 1 and 7 need certification by the California Coastal Commission. The 4th Update to the LDC was delayed due to staffing losses and Department budget constraints and will require Council and California Coastal Commission hearings to complete (Items Nos. 3, 4, 6 and 9). Other items on this list that were not completely finalized within FY 2003 are being continued into the current work program proposal.

In addition to completely finalizing 3 of the 11 issues, and as directed by LU&H separately, staff has also completed work on an emergency ordinance to prohibit the location of new chrome plating businesses within the Barrio Logan Planned District. This item has also been submitted to the California Coastal Commission for certification.

DISCUSSION

During Fiscal Year 2003, the LDC Implementation Program was initially staffed with two Senior Planners with 50% of each position assigned to the program. This program is supported with funds from the Development Services Department's overhead. Budget constraints forced the department to freeze new hiring and replacement of many positions during FY 2003 and this delayed the work program. Additionally, a staff transfer left the program with one Senior Planner working part time on the LDC Implementation Work Program.

On May 20, 2003 the City Council approved a new fee proposal and the FY 2004 budget for the Development Services Department. Included in that approval are fees sufficient to support an additional Senior Planner for this program once the fees are in place.

As the Committee requested, staff compiled the following list of issues currently assigned to the LDC Team. The listed issues originated from various sources. Many were identified by staff and the public during implementation of the code, some are the result of legal mandates, while others came directly from City Council or Committee requests. Staff attempted to prioritize the list based on 3 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. The third criterion is if the issue is a request from the Mayor, City Council or Council Committee. Acknowledging that many of the issues are important and should be prioritized, any issue that did not meet any of the three criteria was given a no priority standing. Assuming that an additional Senior Planner will be added to the program by December 2003, staff anticipates that issues 1 through 15, on the table below, could be addressed in Fiscal Year 2004.

No.	Issue	Description	Referred By:	Immediate Priority	Status
1.	Affordable/In-fill and Sustainable Housing Code Amendments	Amend the LDC to implement the Affordable / In-fill Housing Expedite Program.	LU&H	Yes	Approved by Council on May 20, 2003 needs to be certified by Coastal Commission
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	Heard by LU&H on July 23, 2003. Changes to proposals recommended. Some will be docketed for Council consideration after changes are made, others referred back to LU&H for additional revisions.
3.	4 th LDC Update with 45 separate issues including policy issues 4 through 6 below:	On-going updates as part of the code monitoring process.	City Council	Yes	Needs Council hearing and Coastal Commission certification
4.	Reasonable Accommodations for Persons with Disabilities	Request from Attorney General of California	Legal Mandate	Yes	“
5.	Residential Open Space Zones in Urbanized Communities	Amendments to address smaller urban lots adjacent to open space	Planning and DSD Staff	Yes	“
6.	Dissolution of the Board of Zoning Appeals	Disband the BZA due to lack of items they consider	DSD Staff	Yes	“
7.	Transit Area and Residential Tandem Parking Overlay Zones	Rescinding Amendments from the 2 nd Update to the LDC	LU&H via CPC	Yes	Environmental document out for public review. Pending scheduling before Planning Commission. Planning City Council docketing in early September followed by Coastal Commission consideration.

8.	Barrio Logan PDO Amendments	Amendments to address land use compatibility with industrial users (chrome plating)	LU&H	Yes	Has been submitted to Coastal Commission for certification
9.	Substantial Conformance Procedural Amendments	Address concerns relating to standards/criteria for changes to approved projects	LU&H	Yes	Currently in process
10.	Mixed Use Ordinance Amendments	Work with Mixed Use Advisory group (MUAG) to develop proposals to reduce conflicts (noise and other issues) in mixed use areas	LU&H	Yes	New Item
11.	Appeals of Environmental Documents	Amendments to address legislation permitting the appeals of Environmental Documents	Staff	Yes	New Item
12.	Recycled Water	Amendments to address the utilization of Recycled Water	City Council	Yes	New Item
13.	Construction Waste Recycling	Amendments to the LDC to address recycling of construction waste	Env. Services Dept.	Yes	New Item
14.	5th LDC Update Issues	To include amendments to Height Calculations, Lighting Types, Recycling Facilities and other miscellaneous items	City Staff and CMT	Yes	None.
15.	Mini Dorms	Amendments to address the use of Single Dwelling Units as “mini dorms”	City Council	Yes	New Item
16.	Finalize PDO Update Phase I - the reformatting of all 19 PDOs	Reformat existing PDOs to be consistent with the format and philosophy of the LDC	LU&H	No	Needs Council hearing and Coastal Commission certification
17.	Tree Ordinance	Amendments to identify protection of street trees	Mayor	No	None.
18.	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	None.