

DATE ISSUED: March 4, 2004

REPORT NO. 04-048

ATTENTION: Committee on Land Use and Housing
Agenda of March 10, 2004

SUBJECT: Land Development Code (LDC) Implementation Work Program

SUMMARY

Issues - Should the Committee on Land Use and Housing prioritize the Land Development Code Implementation Work Program for the Fiscal Year 2005 as outlined in this report?

Manager's Recommendation - Direct staff to work only on the issues determined to be high priority as outlined in this report.

Fiscal Impact - The LDC work program is funded as an overhead expense in the Development Services Department's budget and is currently staffed with one full-time equivalent position. The Department is filling one additional approved budgeted position for the LDC work program later this month.

BACKGROUND

On August 6, 2003, the Committee on Land Use and Housing (LU&H) set the Land Development Code (LDC) Implementation Work Program for Fiscal Year 2004. Staff was directed to work on Items 1 through 15 as identified in City Managers Report No. 03-168. Following is a current status on those items prioritized by the Committee last year.

FY 2004 Work Program Issue Status

No.	Issue	Description	Referred By:	Status
1.	Affordable/In-fill and Sustainable Housing Code Amendments	Amend the LDC to implement the Affordable / In-fill Housing Expedite Program	LU&H	Submitted to the California Coastal Commission on June 11, 2003. Working with City Attorney on formatting problems and waiting for Coastal Commission docketing
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	Heard by LU&H on July 23, 2003. Portion to be scheduled for Council hearing in April, with remainder to return to LU&H. Target date for LU&H is March 24, 2004
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	Target date of April for City Council hearing and Coastal Commission certification
4.	Reasonable Accommodations for Persons with Disabilities	Request from Attorney General of California	Legal Mandate	Target date of April for City Council hearing and Coastal Commission certification
5.	Residential Open Space Zones in Urbanized Communities	Amendments to address smaller urban lots adjacent to open space	Planning and DSD Staff	Target date of April for City Council hearing and Coastal Commission certification
6.	Dissolution of the Board of Zoning Appeals	Disband the BZA due to lack of items they consider	DSD Staff	Target date of April for City Council hearing and Coastal Commission certification
7.	Transit Area and Residential Tandem Parking Overlay Zones	Rescinding Amendments from the 2 nd Update to the LDC	LU&H via CPC	Awaiting docketing for City Council hearing on March 2004 followed by Coastal Commission consideration, if necessary
8.	Barrio Logan PDO Amendments	Amendments to address land use compatibility with industrial users (chrome plating)	LU&H	Certified by the Coastal Commission on October 7, 2003
9.	Substantial Conformance Procedural Amendments	Address concerns relating to standards/criteria for changes to approved projects	LU&H	Heard by Planning Commission on February 5, 2004. Pending scheduling for City Council hearing
10.	Mixed Use Ordinance Amendments	Amendments to reduce conflicts (noise and other issues) in mixed use areas	LU&H	City Staff attending working group meetings to assist with the development of proposed regulations
11.	Appeals of Environmental Documents	Amendments to address legislation permitting the appeals of Environmental Documents	Staff	Scheduled for City Council hearing on March 9, 2004
12.	Recycled Water	Amendments to address the utilization of Recycled Water	City Council	Working with the Water Department to develop appropriate language
13.	Construction Waste Recycling	Amendments to the LDC to address recycling of construction waste	Env. Services Dept.	Completed

No.	Issue	Description	Referred By:	Status
14	5th LDC Update Issues	To include amendments to Height Calculations, Light Types, Recycling Facilities and other miscellaneous items	City Staff and CMT	Work anticipated to start late FY 04
15	Mini Dorms	Amendments to address the use of Single Dwelling Units as "mini dorms"	City Council	Work anticipated to start late FY 04

In addition to the FY 04 work program items noted above, staff on the LDC Implementation Program also assisted with revisions to the Building Code and Brush Management Regulations in response to this past year's wildfires, assisted the Planning Department in revisions to regulations

affecting large retail establishments, and participated in discussions on San Ysidro Planned District Ordinance amendments.

DISCUSSION

During Fiscal Year 2004, the LDC Implementation Program has been staffed with one Senior Planner with approximately 50% of this position assigned to the program. This program is supported with funds from the Department's overhead. Budgetary constraints forced the Department to emphasize cost recoverable work during FY 03 and the early part of FY 04 and, thus, delayed a number of Code issues.

On May 20, 2003 the City Council approved a new fee proposal and the FY 04 budget for the Development Services Department. These new fees went into effect in August 2003. Included in that approval were fees sufficient to support an additional Senior Planner for this program and to fully fund the existing Senior Planner. The hiring process for the additional position will be complete this month.

Staff has compiled the following list of issues currently assigned to the LDC Team from previous years and from this past year. 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.

In past work programs, staff attempted to prioritize the list based on three criteria. The first criterion was whether the issue is a result of a legal mandate and the City is required to comply by law. The second criterion was whether substantial progress on the issue had already been made and the issue was close to completion. The third criterion was whether the issue was a request from the Mayor, City Council or Council Committee.

For the priority list for FY 05, these criteria are not as applicable. Many of the outstanding issues are important for different reasons. Some would continue the original Code Update Program goals to add clarity, improve predictability, and make regulations more consistent Citywide. Some would help to simplify the review process and thus cost for review for certain types of development. Other changes would increase the amount of regulation for certain development. Another issue is that future work program Item Nos. 2-4, 8, 11, and 16 each represent work roughly equivalent to one full-time staff a year, while the other items each represent approximately a one quarter staff full-time equivalent.

Assuming that an additional Senior Planner is added to the program this month, staff recommends that the FY 05 Work Program complete the outstanding items from the FY 04 program. In addition, staff would recommend that the FY 05 work program include Issue Item Nos. 1, 5, and 17 below because substantial progress has been completed on them to date. Staff then recommends that one of the more complicated Code efforts identified below (Issue Nos. 2, 3, 4, 8, or 11) be chosen by the Committee for Fiscal Year 2005. Staff recommends that the remainder of the work program items (Nos. 6, 7, 9, 10, 12, 13, 14, 15, and 16) not be worked on in FY 05.

Code Update Work Program Tasks

No.	Issue	Description	Referred By:	Immediate Priority	Status
1.	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	Yes	Reformatting complete. Currently reviewing defined terms throughout
2.	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	Not part of FY 2004 Work Program
3.	San Ysidro PDO Update	Phase II , in-depth reviews of PDO (one of the first 4 prioritized)	LU&H	No	Have attended meetings to discuss specific PDO amendments in conjunction with the Strategic Framework Plan. However, this item is not part of the FY 2004 Work Program.
4.	La Jolla/La Jolla Shores PDO Update	Phase II , in-depth reviews of PDO (one of the first 4 prioritized)	LU&H	No	Not part of FY 2004 Work Program
5.	Landscape Regulation Amendments	Amendments to Landscape/Brush Management, and water conservation regulations	Fire Chief City Council	Yes	Brush management Regulation draft completed and scheduled to go back to full Council in June 2004
6.	Tree Ordinance	Amendments to identify protection of street trees	Mayor	No	Not part of FY 2004 Work Program
7.	CUP Time Limits	Establish certain time limits for Conditional Use Permits	LU&H	No	Not part of FY 2004 Work Program
8.	Mission Beach PDO Amendments	Specific amendments to address Coastal Development Permit jurisdiction	Council District 2	No	Not part of FY 2004 Work Program
9.	Automobile Lifts	Amend code to allow automobile lifts in garages to help accommodate off-street parking	Industry Group	No	Not part of FY 2004 Work Program
10.	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	Not part of FY 2004 Work Program
11.	Categorical Exclusion Request to California Coastal Commission	Direct staff to pursue the application submitted to Coastal Commission in 1997 to exempt single family projects from the Coastal Development Permit processes	City Council	No	Not part of FY 2004 Work Program
12.	Coordinate with Coastal Commission on jurisdictional	Update city maps delineating city and coastal commission	Coastal Commission	No	Not part of FY 2004 Work Program

No.	Issue	Description	Referred By:	Immediate Priority	Status
	boundary maps	permit boundaries			
13.	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	Not part of FY 2004 Work Program
14.	Review Procedures for Appeals	Review the criteria for who can appeal projects	DSD Staff	No	Not part of FY 2004 Work Program
15.	Reviewing Council Policies for consistency with the LDC	Review Council Policies to ensure consistency with LDC	City Council	No	Not part of FY 2004 Work Program
16.	Amendments to the Southeastern San Diego PDO	Amendments to the SESD PDO to consider amending land use designations and densities	C&ED	No.	Not part of FY 2004 Work Program
17.	Large Retail Establishments	Amendments to the LDC to address Large Retail Establishments	LU&H	Yes	Scheduled for Planning Commission on March 4, 2004 and LU&H on March 24 th

CONCLUSION

Staff's recommendation for the FY 05 LDC Implementation Work Program includes completion of any unfinished items from the FY 04 Work Program; completion of Item Nos. 1, 5, and 17 as shown in the table above; and work to make significant progress on one complicated item selected by the Committee from Item Nos. 2, 3, 4, 8, or 11. As the FY 05 Work Program priorities get completed, staff will bring the Work Program priority list back to LU&H for additional consideration.

Respectfully submitted,

Tina P. Christiansen, A.I.A.
Development Services Director

Approved by: P. Lamont Ewell
Assistant City Manager

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Attachments: 1. [Typical Land Development Code Work Program Tasks and Staffing](#)