



THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: June 14, 2012 REPORT NO: 12-065

ATTENTION: City Council

SUBJECT: Retirement of Certain Council Policies in the 600 Series of the Council Policy Manual – “Planning and Zoning”

REFERENCE: Council Policies: 600-01, 600-02, 600-03, 600-05, 600-06, 600-07, 600-10, 600-14, 600-15, 600-18, 600-22, 600-26, 600-28, 600-32, 600-34, 600-36, 600-38, 600-39, 600-40, 600-42, 600-44

REQUESTED ACTION:

- 1) Request that the City Council retire a group of 21 policies within the 600 Series due to their being outdated, superseded, or contradictory to more recently adopted City policy or regulation.
- 2) Amend Council Policies 800-04 entitled "Drainage Facilities" and 800-12 entitled "Accelerated Turnkey Development by Private Parties of Public Facilities" to strike references to Council Policies 600-10, 600-14, and 600-28.

STAFF RECOMMENDATION: Proceed with the retirement of 21 policies within the 600 series and amend Council Policy 800-04 and Council Policy 800-12 striking references to Council Policies that would now be retired within the 600 series.

SUMMARY:

The Council Policy Working Group held several meetings with members of Development Services in order to review all suggested council policy retirements and edits within the 600 Series – the “Planning and Zoning” policies. The Working Group recommends retiring 21 of the 43 current policies within the 600 Series. The balance of the 600 Series policies is still being reviewed regarding their potential retirement after amendments to other adopted documents, or to determine whether they should remain in effect, perhaps with revisions or additional discussion; several policies in the 600 Series are proceeding with amendments through separate processes.

The 600 Series contains many policies created by the City during the period of expansive development in new north city and southern communities in the 1970s and 1980s. Council policies served as an efficient and effective avenue for adopting policies of citywide significance

during a time when the General Plan was a less-specific, optional-compliance document prepared by a Planning Department that worked directly for the City Council. Council policies were used as a vehicle to put forth policy language for immediate implementation by a variety of City departments and agencies.

The 600 Series contains a number of policies that should be retired. Many of the policies were adopted, or last amended, 20-30 years ago. They pre-date, or were intended to implement, the 1979 Progress Guide and General Plan which is no longer in effect. Council policies proposed for retirement that are regulatory were adopted prior to the 2000 Land Development Code (LDC). During the development of the 2008 General Plan and the LDC, the content of council policies in the 600 Series was reviewed for relevance and incorporated into those newly-adopted documents to complete or enhance subject-matter policies or regulations. As a result, council policies in this series became outdated and, in some cases, contradictory, to subsequently-adopted documents, which due to conflicting documents could confuse staff and the public and lead to inconsistent application of current council policies. Reducing the number of planning-related policies that are found outside the General Plan or LDC will help focus attention to the comprehensively-addressed subjects within those documents.

A matrix with 21 council policies in the 600 Series that are recommended for retirement by the City Council at this time is attached to this report.

FISCAL CONSIDERATIONS: Staff time associated with preparation of the analysis of each policy in this series is covered by General Fund or Enterprise Fund overhead in Development Services. Staff costs attributed to future dealings with outdated or contradictory policies or regulations on a topic will potentially be reduced by eliminating outdated or redundant Council Policies.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: On May 16, 2012 the Rules Committee unanimously voted to support staff recommendation and forward to the full city council.

Since Committee review the Council Policy Working Group reviewed other policies within the Council Policy Manual and is further recommending that the Council amend Council Policies 800-04 entitled "Drainage Facilities" and 800-12 entitled "Accelerated Turnkey Development by Private Parties of Public Facilities" to strike references to Council Policies 600-10, 600-14, and 600-28 which will be retired. This action would clean up all references to the retired policies and cause less confusion when referencing the Council Policy Manual.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: Each numbered series of policy topics in the Council Policy Manual will require consultation and review with subject-matter advisory groups and constituencies. The Community Planners Committee (CPC) established a subcommittee to review the "Retire Outdated Policies" category of the 600 Series. On April 24, based on the subcommittee's recommendation, the full CPC voted 23-0-1 to "Support retiring 21 of the 22 Council Policies in the attached Analysis, including Council Policy 600-10 "Adequacy of Public Services in Connection with Development Proposals" but retaining the POLICY statement as a policy of the City ["To establish a policy to insure that

needed public services will be available concurrently with need.”]; Retain Council Policy 600-36 “Requirements for Annual Adjustment of Facilities Benefit Assessments and Prepayment of Assessments” until there is further discussion about it and possibly a replacement policy developed/approved.”

The City’s Technical Advisory Committee (TAC) has scheduled this item for action at its meeting on May 9. TAC’s recommendation will be reported to the Rules Committee on May 16.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: The Community Planners Committee representing the City’s recognized community planning groups is a key stakeholder. Other key stakeholders are representatives of builders and the development community who are aware of the policies and should understand that the purpose of their amendment or removal is to clarify adopted City policy, revising it in minimal, identified circumstances. To ensure awareness and understanding, staff will also present the 600 Series Council Policies discussion at the TAC on May 9. The Land Development Code’s Code Monitoring Team is familiar with the overall effort and will receive the matrix with the policy analysis.

Projected impacts are anticipated to be minor since this current project is to remove outdated policies to clarify the City’s policy direction and regulatory mandates for the public, recognized community planning groups, and development industry users of the policies.

Director of Legislative Affairs

Assistant City Attorney

Deputy Director, Independent Budget Analyst

Deputy City Clerk

Director of Council Affairs

Rules Committee Consultant

Attachment: 600 Series Analysis – Revised May 16, 2012: Retire Outdated Policies