

DATE ISSUED: December 9, 2005

REPORT NO. PC-05-368

ATTENTION: **Planning Commission, Agenda of December 15, 2005**

SUBJECT: OFFICIAL ZONING MAP (PROCESS 5)

SUMMARY

Issues:

Should the Planning Commission recommend approval and adoption of the Official Zoning Map to the City Council?

Staff Recommendation:

That the Planning Commission recommend approval and adoption of the Official Zoning Map to the City Council.

Technical Advisory Committee (TAC): On June 8, 2005, TAC received an update from staff on the Official Zoning Map process.

Community Planners Committee (CPC): On April 27, 2004, and October 25, 2005, CPC received informational reports from staff on the Official Zoning Map process.

Land Use and Housing Committee (LU&H): On August 6, 2003, LU&H directed staff to prepare the Official Zoning Map and a public process to bring it forward. On July 21, 2004, LU&H directed staff to follow the public process for review and adoption in accordance with the Managers recommendation (CMR 04-160).

Environmental Review: This activity is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060(c)(2).

Fiscal Impact Statement: On May 20, 2003, the City Council approved the Development Services Department Fee Proposal (CMR 03-100) to collect a fee to support work to create an automated zoning system. The Official Zoning Map will serve as an important resource tool thereby improving the level of service and overall efficiency of the Department.

Code Enforcement Impact: The proposed Official Zoning Map would improve predictability and consistency in application of regulations in the Land Development Code

by providing one source for accurate zoning information. Currently staff must rely on a variety of sources, many of which provide conflicting information.

Housing Impact Statement: The Official Zoning Map will serve both staff and customers by providing a single source of zoning information. The Official Zoning Map is expected to improve the development review process by removing additional staff time previously attributed to researching multiple sources to identify the base zone for a particular property. Improvements to the development review process and the Department's level of service translate into a reduction in housing costs.

BACKGROUND

The City of San Diego has an adopted zoning program for implementation of the development of land to ensure that land uses are properly located and that adequate development controls are provided for each development. The zoning and rezoning procedures are laid out in Chapter 12 of the Land Development Code, and the general rules for the inclusion and placement of property into an identified zone are established and defined in Chapter 13. The zoning program for the City is implemented by both the Land Development Code and the associated Official Zoning Maps that identify each piece of property in the City and its assigned zone. In accordance with Section 131.0103, the Official Zoning Maps shall be identified as an exhibit accompanying the ordinance that the City Council approves for any zoning or rezoning action and shall serve as the authority for identifying the boundary of any application of a base zone.

The problem is that a single Official Zoning Map source with current zoning in the City of San Diego has not been available in either digital or in a mapped format. The citywide mapped format was last consistently maintained in the early 1980's. Since that time the process to verify current zoning of a specific property has required manual research of a variety of sources including previous resolutions, ordinances, final maps, development permits, and approved zoning drawing B-sheets. In many cases this old system of zoning review resulted in errors and delay in the development review process at great cost to the City and its customers. This was further complicated when all the zones established by the old Municipal Code Chapter 10, Article 1, Division 4 were amended and replaced with the base zones established in Chapter 13 of the Land Development Code on January 1, 2000.

In consideration of the problem, the City Council directed staff to prepare an Official Zoning Map exhibit and a public process to bring it forward for adoption. Funding for the project was identified as a part of the Development Services Department Fee proposal adopted by the Council in 2003. The approved fee allowed the Department to complete the required zone history research and automate the base zoning layer for access by the public. On July 21, 2004, LU&H approved a three phase public review and adoption process. The Planning Commission review and recommendation hearing is the beginning of the Phase Three public hearing and adoption process, which is anticipated to be complete by February 2006.

In the transition from the old maps to the Official Zoning Map, Development Services staff conducted extensive research on zoning actions citywide and created a zoning action index to aid in zoning research. The zoning action index identified all zone changes that occurred for each lot in the City and provided a starting point for customers and staff to research the current zoning. This research process was extremely time intensive, but has culminated in an Official Zoning Map exhibit that will be a tremendous asset to the City for future land development reviews. Following review and recommendation by the Planning Commission, the City Council will complete the process by adopting the Official Zoning Map exhibit. The action to adopt the Official Zoning Map shall not constitute an amendment to the zoning ordinance or require an amendment to the City's Local Coastal Program.

DISCUSSION

The draft Official Zoning Maps went through extensive public review. The public review and adoption process is outlined below.

Phase One: Public Outreach and Review Process

The review process was determined by the Land Use and Housing Committee on July 21, 2004. The goal of the Phase One review period was to create a first draft of the Official Zoning Map, conduct public outreach to publicize the Official Zoning Map project, and provide guidelines for public comment.

Development Services staff prepared a first draft of the proposed zoning map for public review. Maps at a scale of 1"=800' were produced based on the Department's zoning action index, which identified all rezonings that occurred in the City and provided a starting point for customers and staff to research the current zoning for a particular lot. The zoning designations shown on the first draft maps reflected the current zoning designations identified in Chapter 13 of the Land Development Code. This represented a significant improvement over the previous maps which were based on zoning designations of the old Municipal Code (prior to 2000) and required translation to current zoning designations by referencing the conversion tables adopted with the Land Development Code in 2000.

The first draft maps were made available to the public in hard copy format and digitally online. Copies were also distributed to each Community Planning Group in August 2004 along with a description of the review and adoption process. The City ran a press release on the Official Zoning Map review and adoption process and staff provided informational briefings to a variety of groups to extend public outreach and encourage the greatest amount of participation in the review process. A link was provided on the City website with information on the process. To further enhance public review, the Development Services Department also created a web-based, online zoning query application. Through this application individuals could enter a property address for a given property and obtain what the City believes to be the current zoning for the Official Zoning Map. An email address and telephone hotline were established to collect inquiries about the process and disputes regarding a particular zone as shown on the draft map.

Where a potential conflict was identified between the draft zoning designation and the actual zoning designation, each individual inquiry was termed a “challenge” and was assigned to a staff person in the GIS and/or Code Update sections for further analysis as part of Phase Two of the project. Staff received comments from a variety of sources. Community Planning Groups reviewed the draft maps and identified areas they saw as potential conflicts. Based on their background and familiarity with their associated communities, staff received useful comments from the Planning Groups in cases where there were errors. However, a majority of the comments received were simply questions about the basic zoning of a property further reinforcing the need for an Official Zoning Map. This type of question was answered by our Development Permit Information staff which currently provides zoning information to customers.

Challenge files were opened only where there was dispute as to the zoning identified on the draft Official Zoning Map. The Official Zoning Map identifies the official zoning citywide and is not intended as a process to change the underlying zone for a given property. For example, some comments were received suggesting a more appropriate zone for a given property that was not the actual existing zone for that property. This type of request was determined to be outside the scope and authority of the Official Zoning Map project. All zone change requests would need to be initiated through separate rezone actions in accordance with Section 123.0102.

Phase Two: Staff Review and Response to Zoning Challenges

Staff began the Phase Two review and response to challenges in May 2005. During this time, staff continued to collect challenges. For each particular challenge, staff collected and reviewed the zoning history data to make a determination as to the correct zone. The evidence consulted included previous resolutions, ordinances, final maps, development permits, and approved zoning drawing B-sheets. Attachment 2 includes a listing of all ordinances and resolutions consulted. Based on all the evidence collected, the challenges were either accepted or denied.

Under Section 131.0103(b), the City Manager has the authority to identify the zone boundary based on the following rules:

- (1) Where a zone boundary follows a lot line, the lot line shall be the boundary.
- (2) Where a zone boundary follows a public street, the centerline of the street shall be the boundary.
- (3) Where any unzoned public right-of-way is officially vacated or abandoned, the zone boundary applied to abutting property shall be the centerline of the vacated or abandoned public right-of-way.
- (4) Where a zone boundary divides a lot or parcel, the location of the boundary shall be determined by the scale contained on the Official Zoning Map.
- (5) Where there is an obvious mistake that can be corrected by reference to documents on file or by reference to the legislative record, the City Manager may identify the correct zone boundary.

Letters were sent in response to each challenge explaining the final determination and the basis for that determination (Attachment 3). Where challenges were accepted, the draft Official Zoning Map was updated to reflect the corrected zone. Where challenges were denied and property owners still disagree with the City's conclusion regarding the current underlying zone, the property owner may initiate a separate Process Five rezone request in accordance with Section 123.0102.

Phase Three: Public Hearing and Adoption Process

As part of the public notice for adoption, a press release was initiated two weeks prior to the Planning Commission hearing, in addition to the regular public notice requirements. Following Planning Commission review and recommendation, the Official Zoning Map will be forwarded on to the City Council for approval and adoption. The action of compiling information and reflecting it on an adopted Official Zoning Map exhibit shall not constitute an amendment to the zoning ordinance or require an amendment to the City's Local Coastal Program.

Long Term Maintenance and Access to the Official Zoning Map Exhibit

While the City's goal is to compile a single source exhibit to represent the City's official zoning, it is recognized that requests for zoning or rezoning in accordance with Section 123.0103 will be processed on an ongoing basis, thereby creating the need for an Official Zoning Map exhibit that will adapt easily with each zoning change. This makes citywide representation of the Official Zoning Map solely on a paper exhibit inefficient and impossible to maintain with current data. Instead the City's Official Zoning Map with current zoning will be represented and maintained in a database called the "Project Tracking System".

The Official Zoning Map will be accessible to the public online via the City's website www.sandiego.gov. Individuals can also request current zoning by calling the zoning information line at (619) 446-5000 or by coming in to the Development Permit Information Area on the third floor of the Development Services Department. Requests for paper copies of the Official Zoning Map for a particular property will represent the current zoning at the time of reproduction only and will be the equivalent of a printout of the project tracking system's current zoning for that property at the time of printing. Where a property is in the process of a rezone or zone action, the project tracking system will reflect the new zone when the zone has been officially changed through final action (where all appeal rights have been exhausted).

Conclusion:

The proposed Official Zoning Map would improve predictability and consistency in application of regulations in the Land Development Code by providing one source for accurate zoning information. The Official Zoning Map is expected to improve the development review process by removing additional staff time previously attributed to researching multiple sources including some that contained conflicting zoning information. Development Services recommends that the

Planning Commission recommend approval and adoption of the proposed Official Zoning Map to the City Council.

ALTERNATIVES

1. Modify the recommendation to the City Council for approval and adoption of the Official Zoning Map.
2. Recommend that the City Council deny the proposed Official Zoning Map.

Respectfully submitted,

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HALBERT/KGB/AJL

- Attachments:
1. Official Zoning Map Exhibit
Note: A copy of the Official Zoning Map exhibit is available for review in digital and paper format. The digital format can be accessed at www.sandiego.gov/development-services/zoning/zoning.shtml Due to the size of the exhibit, a paper copy is not attached to the report, but is available for review at the Office of the City Clerk located at 202 “C” Street, 2nd Floor, San Diego, CA 92101.
 2. Listing of Ordinances and Resolutions Examined for OZM Project
 3. Response to Zoning Challenges