600 SERIES ANALYSIS – Revised April 9, 2012

RETIRE OUTDATED POLICIES

The following council policies should be retired after review and discussion with appropriate stakeholders:
1, 2, 3, 5, 6, 7, 10, 14, 15, 18, 22, 26, 28, 29, 32, 34, 36, 38, 39, 40, 42, 44

These policies are ones that redundant with, or contradictory to, newer adopted policy or regulations; are outdated due to the development condition of the City; or, are superseded by more comprehensive policies on the subject matter

Note: the "PURPOSE OF THE ADOPTED POLICY" for each council policy is directly from the policy itself; unless noted, the PURPOSE is included in its entirety.

600-01	Annexations by City	Adopted 1961; last amended 1981

- PURPOSE OF THE ADOPTED POLICY

  "The purpose of this Council Policy is to specify the areas of ultimate City annexation interest; to specify the factors that will be used to guide the City in responding to specific annexation requests and proposals; to identify necessary City actions to maintain or assert planning, land use and ultimate jurisdictional control over specified areas; and to reference the procedure to be followed for annexations to the City, whether initiated by the City or by landowners."

- WHY THE POLICY IS NO LONGER NEEDED/WHAT REPLACED IT

  The City is required to comply with the Cortese-Knox-Hertzberg Local Government Act of 2000 addressing annexations, spheres of influence, and other reorganizations of jurisdictional boundaries. The 2008 General Plan and revised Administrative Regulation 50.20 [July 1, 2010] have incorporated the legally-required policies from this council policy. The General Plan provides for a process through the Local Agency Formation Commission (LAFCO) that utilizes current applicable law and procedures. The General Plan also carries forward and maps previously-identified potential annexations areas. The Action Plan that outlines implementation of the General Plan calls for the updating of this policy, but further analysis has shown that it can be retired.

- APPLICABLE REFERENCES/RESOURCES
  - General Plan Land Use Element, Section K. Annexations and Reorganizations
  - Administrative Regulation 60.20 "Annexation, Reorganization, and Change of Organization Procedures" [which should be amended to change a reference from Council Policy 600-01 to 2008 General Plan] http://citynet.sannet.gov/documentsforms/ar/pdf/ar5020.pdf
  - LAFCO website for law and resources: http://www.calafco.org/resources.htm

600-02	Rezonings – Dedications and Improvements	Adopted 1965; last amended 1974

- PURPOSE OF THE ADOPTED POLICY

  "To afford the owner of property being rezoned a selection of methods to be used to obtain the necessary public improvements required by the City, and to set a standard of two years as the time during which a

zone change may be effectuated."

- WHY THE POLICY IS NO LONGER NEEDED/WHAT REPLACED IT

  This policy is outdated. The City's practice of relieving small-parcel property owners from the burden of providing substantive public facilities within a year of subdivision map recordation was important and was used when development was occurring in largely-undeveloped areas of the City. Now City policy requires fees and facilities to be provided at the time of development approval. The policy also contains the concept and practice of a 'conditional rezone', but rezoning actions that purport to reverse a rezone based on failure of a condition to occur are illegal; instead a delayed effective date should be used, or the ability to obtain the proper public improvements can be addressed during the environmental review of the project. Both of the processes in this policy are outdated and are replaced in various sections of the Land Development Code and General Plan.

- APPLICABLE REFERENCES/RESOURCES
  - 2008 General Plan, Public Facilities Element, Section A "Public Facilities Financing" and Section C: "Evaluation of Growth, Facilities, and Services" http://www.sandiego.gov/planning/genplan/pdf/generalplan/publicfacilites2010.pdf
  - Land Development Code, Chapter 14, Article 2, Division 6 "Public Facility Regulations" http://docs.sandiego.gov/municode/MuniCodeChapter14/Ch14Art02Division06.pdf

600-03	Coastal Housing Program	Adopted 1992; last amended 1994

- PURPOSE OF THE ADOPTED POLICY

  "To establish procedures to be used to implement the requirements of Article 10.7, "Low- and Moderate-Income Housing within the Coastal Zone," of Chapter 3 of Division 7 of Title 7 of the Government Code."

- WHY THE POLICY IS NO LONGER NEEDED/WHAT REPLACED IT

  The California Coastal Act requires conversion or demolition of dwelling units occupied by low- or moderate-income persons follow regulations to replace the units within the Coastal Zone or pay a fee toward replacement units. This policy contains a series of procedures, last amended in 1994, that were incorporated into 2000 Land Development Code (LDC) regulations approved by the California Coastal Commission, thus making the Council Policy redundant of the adopted code language.

  [Note: the LDC regulations on this matter are currently being reviewed for consistency with state law.]

- APPLICABLE REFERENCES/RESOURCES
  - Land Development Code Chapter 14, Article 3, Division 8 "Coastal Overlay Zone Affordable Housing Replacement Regulations" http://docs.sandiego.gov/municode/MuniCodeChapter14/Ch14Art03Division08.pdf

600-05	Community Plans	Adopted 1966; last amended 1982

- PURPOSE OF THE ADOPTED POLICY

"To indicate to the citizens that the City Council encourages the preparation and implementation of community plans for major subareas of the City on a cooperative basis involving advisory community citizen organizations (which shall include property owners, residents, and local business persons in addition to other community interests) and City staff forces."

➢ WHY THE POLICY IS NO LONGER NEEDED/WHAT REPLACED IT

This policy was last updated when major undeveloped tracts were outside established community boundaries and there were no adopted land use plans for those areas. The policy, in an effort to assure citizen participation in long range planning efforts, establishes that 'citizen organizations' will have a role in identifying boundaries and work programs for plan preparation, and may be required to pay for costs of special studies. Currently there are land use plans for those formerly-unplanned areas, almost all developed with input from, and coordination with, citizen organizations that now are a network of "recognized community planning groups". Planning groups are not asked to fund any portion of a plan update since community planning is a budgeted City function. Prioritization in the community planning program is based on need for the update. The provision that calls for the Planning Commission to be the citizens' organization for non-urbanized areas of the city is no longer needed since communities are developed, or are in late stages of build-out being monitored by the established planning group or an adjacent group if appropriate.

➢ APPLICABLE REFERENCES/RESOURCES

- Council Policy 600-24 "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups" http://docs.sandiego.gov/councilpolicies/cpd_600-24.pdf
- Community Plan Preparation Manual http://www.sandiego.gov/planning/genplan/pdf/generalplan/cityofsandiegocppm.pdf
- 2008 General Plan, Land Use Element Section C "Community Planning" http://www.sandiego.gov/planning/genplan/pdf/generalplan/landuse2010.pdf

600-06	Community Plans, Implementation of Adopted Plans; Rezoning	Adopted 1967; last amended 1975

➢ PURPOSE OF THE ADOPTED POLICY

"It is the purpose of this policy to establish a procedure by which the orderly evaluation and adjustment of zoning controls in community planning areas can take place. This legislative action is a part of continuing public and citizen efforts to implement adopted community plans."

➢ WHY THE POLICY IS NO LONGER NEEDED/WHAT REPLACED IT

This policy was put into place during the preparation of early community plans to emphasize that a plan alone could not properly guide land development: that accompanying zoning to implement the plan was also needed. It also recognized that government action to begin zoning proceedings was often needed, so the policy indicates that the City Council, Planning Commission or Planning Department could also identify and begin rezoning actions. In the 1970s California planning law was changed to require zoning to be consistent with adopted general plans which the City, over time, complied with. These policies have all been incorporated into the 2000 Land Development Code (LDC). The LDC identifies that the Planning Commission or City Council, or a property owner may initiate a zoning action. The 2008 General Plan

Land Use Element contains Section F "Consistency" policies that discuss applying or creating zones or other regulations to better implement the policies of the General Plan and community plans. This council policy is no longer used as guidance in applying zoning.

- APPLICABLE REFERENCES/RESOURCES
  - Land Development Code, Chapter 12, Article 3, Division 1, Section 123.0103 "Commencement of a Zoning or Rezoning Action" http://docs.sandiego.gov/municode/MuniCodeChapter12/Ch12Art03Division01.pdf
  - 2008 General Plan, Land Use Element, Section F "Consistency" http://www.sandiego.gov/planning/genplan/pdf/generalplan/landuse2010.pdf

600-07	General Plan Amendment Procedures	Adopted 1968; last amended 1975

- PURPOSE OF THE ADOPTED POLICY
  "To establish a guideline for amending the Progress Guide and General Plan for The City of San Diego."

- WHY THE POLICY IS NO LONGER NEEDED/WHAT REPLACED IT
  The 1967 Progress Guide and General Plan was the City's first comprehensive plan and there was an understanding that it should be continually reviewed and periodically amended to function as a proper guide for future development. This policy is actually a series of procedural instructions about how to amend the 1967 plan. The 1967 plan was replaced by the 1979 Progress Guide and General Plan, and now by the 2008 General Plan. The 2008 plan's Land Use Element contains a detailed discussion about processing plan amendments [general plan and community plans] and cautions about tracking and evaluating amendments.

  It should be noted that State Law limits a jurisdiction to amending its general plan four times per year; however, as a charter city, San Diego is exempt from that provision. Although San Diego's General Plan may be amended more than four times per year [e.g., each community plan amendment technically amends the General Plan], techniques are in place to identify and evaluate any cumulative impacts or patterns of change that the State Law limit may accomplish. Note that the General Plan Action Plan called for preparation of a Community Plan Amendment Manual. This document has been prepared: see below.

- APPLICABLE REFERENCES/RESOURCES
  - 2008 General Plan, Land Use Element, Section D "Plan Amendment Process" http://www.sandiego.gov/planning/genplan/pdf/generalplan/landuse2010.pdf
  - "General Plan and Community Plan Amendment Manual" August 2011 http://www.sandiego.gov/planning/genplan/pdf/gpamendmentmanualfinal082411.pdf

600-10	Adequacy of Public Services in Connection with Development Proposals	Adopted 1970; last amended 1976

- PURPOSE OF THE ADOPTED POLICY
  "To establish a policy to insure that needed public services will be available concurrently with need."

- WHY THE POLICY IS NO LONGER NEEDED/WHAT REPLACED IT

This policy pre-dates the 1979 Progress Guide and General Plan and Growth Management Program. It calls for adequate public facilities specifically for the newly developing areas of the City – particularly the former Planned Urbanizing Area in the Interstate 15 corridor. The policy was also embodied in the 1992 Guidelines for Future Development as new communities built out. The 2008 General Plan continues to embody this policy but expands the objective to provide adequate facilities for all communities in the City. Given this policy's narrow focus and the 2008 General Plan language, this policy no longer plays a role in directing the provision of adequate facilities.

➢ APPLICABLE REFERENCES/RESOURCES

- 2008 General Plan, Public Facilities Element Section C "Evaluation of Growth, Facilities, and Services" http://www.sandiego.gov/planning/genplan/pdf/generalplan/publicfacilites2010.pdf
- Land Development Code, Chapter 14, Article 2, Division 6 "Public Facility Regulations" http://docs.sandiego.gov/municode/MuniCodeChapter14/Ch14Art02Division06.pdf

600-14	Development Within Areas of Special Flood Hazard	Adopted 1971; last amended 2000

➢ PURPOSE OF THE ADOPTED POLICY

"To promote the public health, safety and general welfare, and to minimize public and private losses due to flooding and flood conditions in specific areas by provisions designed to:

a. Protect human life and health;
b. Provide Environmental Protection consistent with related City requirements;
c. Minimize expenditure of public funds for flood control projects;
d. Minimize the need for rescue and relief efforts associated with flooding;
e. Minimize prolonged business interruptions;
f. Minimize damage to public facilities and utilities located in areas of special flood hazard."

➢ WHY THE POLICY IS NO LONGER NEEDED/WHAT REPLACED IT

The policy's intent was to provide guidance for consideration of deviations from Floodway and Floodplain Fringe regulations. With the 2000 Land Development Code (LDC), a Site Development Permit is now required for deviations from Environmentally Sensitive Lands, and Supplemental Findings for Deviation from Federal Emergency Management Agency Regulations replace the considerations outlined in the Council Policy.

Although there is not a 1:1 translation of council policy language into the LDC, the issues that the council policy addresses are covered through Site Development Permit findings and supplemental findings for Environmentally Sensitive Lands. Of note, not in the LDC is the council policy provision advising an applicant for a deviation that their flood insurance may increase if they are granted a deviation. The LDC did not include this provision since this advisory is a discussion between the flood insurance agency and the applicant, and the City is not a party to the insurance and should not try to advise applicants of this on an individual basis. The City actually participates in broader-based hazard mitigation activities through a regional task force and multi-jurisdictional plan. From a public safety perspective, the issue would be addressed in the environmental review of a project. LDC language is supported by 2008 General Plan language in the Public Facilities Element Section P "Disaster Preparedness", especially PF-P.13.

➢ APPLICABLE REFERENCES/RESOURCES

- Land Development Code Chapter 14, Article 3, Division 1, Section 143.0146 http://docs.sandiego.gov/municode/MuniCodeChapter14/Ch14Art03Division01.pdf and 126.0504(d) http://docs.sandiego.gov/municode/MuniCodeChapter12/Ch12Art06Division05.pdf
- 2008 General Plan, Public Facilities Element Section P "Disaster Preparedness" http://www.sandiego.gov/planning/genplan/pdf/generalplan/publicfacilites2010.pdf

600-15	Street Vacations and Easement Abandonments	Adopted 1974; last amended 1993

➢ PURPOSE OF THE ADOPTED POLICY

"It is the purpose of this policy to outline criteria to be used in evaluating the need for existing rights-of-way and public service easements."

➢ WHY THE POLICY IS NO LONGER NEEDED/WHAT REPLACED IT

This policy was adopted and amended prior to the 2000 Land Development Code (LDC) when it was the source of the only criteria that addressed when public rights-of-way could be considered for vacation, and provided the only process that vacations followed. The California Streets and Highways Code and State Map Act provisions now generally govern street and easement vacations; however the LDC supplements them with local process and findings that must be made when considering these requests in the City. The findings required to vacate a public right-of-way include: there is no present or prospective public use for the public right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated; the public will benefit from the action through improved use of the land made available by the vacation; the vacation does not adversely affect any applicable land use plan; and the public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation. Public service easement abandonments contain the same findings.

Since the provisions affecting vacations and abandonments are contained in the LDC with comparable findings required, are linked to adopted plans, and require a process consistent with other similar permits in the LDC, this policy can be retired to eliminate redundant and outdated provisions on these matters.

➢ APPLICABLE REFERENCES/RESOURCES

- Land Development Code, Chapter 12, Article 5, Division 9 "Public Right-of-Way Vacations" http://docs.sandiego.gov/municode/MuniCodeChapter12/Ch12Art05Division09.pdf and Chapter 12, Article 5, Division 10 "Easement Abandonments" http://docs.sandiego.gov/municode/MuniCodeChapter12/Ch12Art05Division10.pdf
- California Streets and Highways Code Sections 8300-8363 http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=5814737567+0+0+0&WAISaction=retrieve

600-18	Residential/Commercial/Industrial Development	Adopted 1972; no amendments

➢ PURPOSE OF THE ADOPTED POLICY

"It shall be the policy of the Council to permit phased growth in undeveloped areas and more intensive development and redevelopment of areas previously urbanized only after a total cost/revenue analysis. The City Council shall establish growth priorities among the various areas now largely undeveloped. It shall be

the policy of the City Council to assist the private sector in more intensive development and redevelopment of areas previously urbanized after a total cost/revenue analysis."

- WHY THE POLICY IS NO LONGER NEEDED/WHAT REPLACED IT

  This policy was created to address the 1967 Progress Guide and General Plan's principles of Prevention of Sprawl and Development of a more Compact City. Its implementation was aimed toward prioritizing areas of future development: the 1979 Progress Guide and General Plan's Planned Urbanizing and Future Urbanizing Area 'tiers of development'. Given that the City's areas of future development are developed or planned, and that the tier system of the prior general plan is no longer in effect, this policy has no current relevance. Additionally, any impacts to public facilities and services would be disclosed and addressed as part of the environmental review.

- APPLICABLE REFERENCES/RESOURCES
  - None cited

600-22	Availability of Schools	Adopted 1975; last amended 1985

- PURPOSE OF THE ADOPTED POLICY

  "To establish a policy to govern the Council's actions in determining where proposed residential development may adversely impact existing or prospective school capacity, and in taking appropriate corrective measures."

- WHY THE POLICY IS NO LONGER NEEDED/WHAT REPLACED IT

  This policy was adopted in 1975 and last amended in 1985. It was developed during the time that the City's Residential Growth Management Program was directing new development toward the "Urbanized Area" of the City. While public facilities, including schools, were required to be built concurrent with development in the outlying communities, there was no corresponding requirement for schools in the urban areas until this policy was adopted. This policy required that new development get a "Letter of School Availability" before development in certain Urbanized tier communities could receive City approval. This disparate development situation no longer exists in the City. Additionally, state law has become the higher authority to assure that new school facilities are provided concurrent with development. State codes have tied school districts to new development by legislating fees for new development.

- APPLICABLE REFERENCES/RESOURCES
  - California Government Code Section 65995
    http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=5816548680+0+0+0&WAISaction=retrieve
  - State Education Code Section 17620-17626
    http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=7811674961+2+0+0&WAISaction=retrieve

600-26	Policy to Encourage Temporary Agricultural Activities on Properties Not Designated for Agriculture	Adopted 1979; no amendments

- PURPOSE OF THE ADOPTED POLICY

"To encourage temporary farming on lands that do not have prime agricultural soils before the owners are ready to otherwise develop these properties."

- WHY THE POLICY IS NO LONGER NEEDED/WHAT REPLACED IT

The current urbanized condition of the city makes this policy inapplicable. In 1979 it was valid to allow or encourage temporary farming use on lands other than 'prime agricultural'; outlying expanses of land were still either unplanned or undeveloped, making them available for these temporary agricultural uses. Given the undeveloped status of the northern city communities, there was little conflict with residential development. However, as resource protection regulations were enacted in the City, and development overtook areas that had been farmed, these temporary agricultural uses sometimes purposefully 'cleared and grubbed' or graded in resource areas to avoid future restrictions on development. In 2000, the Land Development Code ultimately limited where agriculture might be located on land not zoned Agricultural and what restrictions would apply due to either presence of resources or proximity to urban development.

[Note: this retirement of policy would have no impact on recent efforts to create General Plan and LDC provisions enabling community farms or community gardens]

- APPLICABLE REFERENCES/RESOURCES
  - Land Development Code, Chapter 13, Article 1, Division 3 "Agricultural Base Zones" and other Chapter 13, Article 1 divisions for Base Zones which address agricultural uses by Zone Category. http://docs.sandiego.gov/municode/MuniCodeChapter13/Ch13Art01Division03.pdf

600-28	Requirements for Development Approval in Planned Urbanizing Areas	Adopted 1980; no amendments

- PURPOSE OF THE ADOPTED POLICY

"The purpose of this Council Policy is to specify the requirements for approval and financing of development in the Planned Urbanizing Area of the City in accordance with the Progress Guide and General Plan, "Guidelines for Future Development."

- WHY THE POLICY IS NO LONGER NEEDED/WHAT REPLACED IT

This policy was adopted to specify provision of public facilities for new development in the undeveloped communities in the Planned Urbanizing Area as identified in the 1979 Progress Guide and General Plan. Planned Urbanizing Communities are no longer undeveloped and the tier identification was not carried forward into the 2008 General Plan. Public Facilities Financing Plans are now required and in effect in all communities in the City.

- APPLICABLE REFERENCES/RESOURCES
  - 2008 General Plan, Public Facilities, Services and Safety Element, Section A "Public Facilities Financing" http://www.sandiego.gov/planning/genplan/pdf/generalplan/publicfacilites2010.pdf

600-29	Maintenance of Future Urbanizing Area as an Urban Reserve	Adopted 1981; last amended 1993

- PURPOSE OF THE ADOPTED POLICY

"The purpose of this Council Policy is to specify the guidelines and necessary actions for implementation of the Progress Guide and General Plan for the Future Urbanizing area of the City in order to insure that an "urban reserve" area is maintained for the current planning period and to insure that land is shifted from the Future Urbanizing area to the Planned Urbanizing area only when needed and justified in accordance with the City's growth management strategy."

- WHY THE POLICY IS NO LONGER NEEDED/WHAT REPLACED IT

This policy was written when the stages of future City development were described in three tiers: Urbanized, Planned Urbanizing (PUA), and Future Urbanizing (FUA) areas. The City's Residential Growth Management Program strategy was addressed more broadly in an amendment to the 1979 Progress Guide and General Plan entitled "Guidelines for Future Development" [adopted in 1992]. The outlying communities of the City were undeveloped and in the FUA tier, necessitating policies and regulations to be applied there to "avoid premature development". The policy's BACKGROUND is extensive, describing the City's development status starting in 1981 (progressing to 1993) and clearly discusses the FUA as an "urban reserve" since there was ample vacant land for development in the Urbanized and Planned Urbanizing areas of the city. The section indicates that the FUA could contract through a shift of land to the PUA (or expand through annexations). This content of this council policy correlated to adopted policy language in the 1979 Progress Guide and General Plan. By the early 2000s much of the FUA land had shifted to the PUA tier. With the adoption of the 2008 General Plan, the policy concept of the FUA was eliminated and remaining undeveloped lands were addressed in plan language upholding the law of the 1985 Proposition "A" Managed Growth Initiative.

The purpose of the council policy is to provide "guidelines and necessary actions" to maintain the "urban reserve" area until the land is shifted. Except for an occasional remaining parcel, much of the FUA was developed in accordance with regulations adopted to implement the FUA tier, or shifted in accordance with the 1979 plan to PUA and developed in accordance with PUA regulations. With the 2000 Land Development Code (LDC), certain regulations that were applicable in the FUA were carried over to maintain the equivalent development as allowed under Proposition "A".

Items in the POLICY section addressed both policy directives about development and development regulations as follows:

Section A: Allows three development intensities on agriculturally-zoned properties in the FUA: density of the applicable zone; rural cluster; and, rural cluster at up to 1 dwelling unit/4 acres. Each was thought to allow development in accordance with maintaining an "urban reserve".

These development options are currently applicable in the LDC

Section A: Allows Conditional Use Permits whose uses are natural resource dependent, non-urban, or are interim and do not preclude future uses.

With the LDC, effective in 2000, Conditional Use Permit regulations were reviewed and uses that did not comply with the intent of the agricultural zones applied in the FUA became "not permitted". This direction is no longer needed for the land remaining in the Proposition "A" areas

and areas that are shifted to Urbanized per the 2008 General Plan do not need to comply with this provision.

Section B: indicates that land in the FUA should be considered for placement in an "agricultural preserve".

Placing FUA land into a Williamson Act agricultural preserve might have been discussed, however this direction is not useful at this time. Minimal lands remain in the FUA and much of what is there is Multiple Habitat Preservation Area or contains resources to be preserved such as steep slopes; in any case they should not be farmed. Lands in the Proposition "A" area that are developable are subject to Environmentally Sensitive Lands regulations and, through their base zoning, must preserve significant portions of development sites. Preserving these lands for agricultural is not an appropriate policy to pursue at this time.

Section C: requires monitoring of growth in the PUA and Urbanized tiers to analyze whether the provision of developable land in these areas is keeping up with demand or whether there is a need for City-initiated shifts in land from FUA to PUA.

The vast majority of land has already shifted from the FUA to PUA and these tiers for development sequencing no longer exist. New development and growth is monitored throughout the City and can be identified community by community. This provision is no longer utilized.

Section D: states that before urban density development may occur on lands in the FUA, that a shift in boundary between the FUA and PUA must occur (through a general plan amendment); a land use plan must be adopted; then rezoning and a plan for public facilities is accomplished.

The vast majority of land in the FUA shifted to PUA (now Urbanized in the 2008 General Plan). Those areas are covered by adopted land use plans, zoning that implements those plans, and public facilities financing plans that identify public facilities and funding sources for them. Lands that remain in the Proposition "A" lands will be subject to a phase shift (general plan amendment) and will need to be covered in a land use plan, by zoning, and be accompanied by a facilities financing plan.

The phase shift process is covered by Council Policy 600-30. There is a proposal to amend the Land Use Element Section J Proposition A- the Managed Growth Initiative (1985) of the General Plan to describe the plan amendment process required for Proposition "A" lands and then sunset Council Policy 600-30. This policy can be retired now, however, since details of the plan amendment process remain in the council policy until they are amended into to the General Plan.

Section E: addresses fully utilizing the PUA and Urbanized tier lands before planning for urbanization of the FUA by analyzing the need for additional developable land.

Similar to the explanation for Section C above, the question of development in former PUA lands is mute since the vast majority of the land in the FUA has already shifted and is available for urban level development.

Section F: directs an environmentally sensitive lands and open space lands study be conducted before urban facilities are allowed into the FUA. If facilities are to occur, impacts must be mitigated.

The Multiple Species Conservation Plan, adopted in 1997, addresses these issues. The Land Development Code, effective in 2000, contains Environmentally Sensitive Lands to implement this plan on public and private lands. This issue has been addressed in the LDC and in required environmental documents prepared according to CEQA.

Due to there being no lands in the City now identified as an "urban reserve" waiting for planned future development, and the safeguards identified for future developable land no longer needed or being incorporated into other City policy or regulatory documents, this council policy is no longer needed.

➢ APPLICABLE REFERENCES/RESOURCES

- 2008 General Plan, Land Use Element, Section J
  http://www.sandiego.gov/planning/genplan/pdf/generalplan/landuse2010.pdf
- 2008 General Plan, Public Facilities Element, Introduction and Section A. Public Facilities Financing and C. Evaluation of Growth, Facilities, and Services
  http://www.sandiego.gov/planning/genplan/pdf/generalplan/publicfacilites2010.pdf
- Land Development Code, Chapter 14, Article 3, Division 4 Planned Development Permits
  http://docs.sandiego.gov/municode/MuniCodeChapter14/Ch14Art03Division04.pdf

600-32	Standards for Centre City Streets, Enhance Pedestrian Orientation & Access, Mass Transit & Alternative Transportation Options Other than the Automobile	Adopted 1981; last amended 1994

➢ PURPOSE OF THE ADOPTED POLICY

"This policy is adopted to outline/prescribe the general standards for developing the streets as multifunctional people spaces that de-emphasizes the automobile. It also establishes that all projects which may change the existing system of streets, direction of traffic flow, major revisions to existing on-street parking practices or increased pedestrian ways must be reviewed by the Engineering Department and Centre City Development Corporation for all public and private proposals. The policy pertains to the continued development of programs and projects that enhance pedestrian orientation and access throughout the downtown street system. In addition, it increases the emphasis on mass transit and other transportation options other than the automobile."

➢ WHY THE POLICY IS NO LONGER NEEDED/WHAT REPLACED IT

The individual items in this policy have not been translated 1:1 into the 2006 Downtown Community Plan, however it was intended that the plan update address the street network and mobility of the plan area. The plan was adopted and the accompanying EIR certified, thus it now governs the street network and policies in the community and this council policy is no longer used for guidance.

➢ APPLICABLE REFERENCES/RESOURCES

- 2006 Downtown Community Plan http://www.ccdc.com/planning/regulatory-documents.html

600-34	Transit Planning and Development	Adopted 1986; no amendments

➢ PURPOSE OF THE ADOPTED POLICY

"The purpose of this policy is to convey the high priority that the Council attaches to facilitating the growth and development of public transit in the San Diego area; and to indicate some of the measures and mechanisms that will be employed, in cooperation with the Metropolitan Transit Development Board (MTDB), to achieve the protection and acquisition of transit rights-of-way and funding of local transit's capital, operating, and maintenance costs."

➢ WHY THE POLICY IS NO LONGER NEEDED/WHAT REPLACED IT

This 1986 council policy was groundbreaking in documenting a policy agreement between the City and the Metropolitan Transit Development Board to jointly pursue the development of transit in San Diego. Council Policy components are found throughout the 2008 General Plan and in community plans and public facilities financing plans. The policy led to incorporating transit route and station planning into community plans and a commitment to seek funding for transit facilities. Regional transit system planning has since developed. Community plan updates evaluate transit opportunities and promotion, including corridor protection and right-of-way acquisition and transit stations & centers planning. Transit has become a key component in Smart Growth strategies which are embodied at the regional and local planning levels, including the City of Villages Strategy in the 2008 San Diego General Plan. The council policy promotes the connection between land use and transit planning, which is embodied in Figure ME-1 "Transit Land Use Connections".

The 2008 General Plan's Mobility Element expands beyond incorporating transit into planning and financing; it embraces a balanced multi-modal transportation network that increases use of non-auto opportunities to meet varied user needs but still preserves auto-mobility while recognizing that transit is a key component in regional planning and inter-jurisdictional coordination efforts. The council policy has fulfilled its role in igniting adopted and future policies of the City to consider transit into long range planning and coordinating with other jurisdictions in the region.

➢ APPLICABLE REFERENCES/RESOURCES

- 2008 General Plan, Mobility Element, specifically noting the Introduction and Section B http://www.sandiego.gov/planning/genplan/pdf/generalplan/adoptedmobilityelemfv.pdf

600-35	Processing of Community Plan Amendments	Repealed 1996

600-36	Requirements for Annual Adjustment of Facilities Benefit Assessments and Prepayment of Assessments	Adopted 1987; last amended 1995

➢ PURPOSE OF THE ADOPTED POLICY

"This policy applies to the formally adopted and designated FBA areas. The purpose of this Council Policy is:

1. To establish guidelines for an annual review of FBA and for modifications to liens or the imposition of additional liens by the City based upon the annual review; and
2. To establish guidelines for prepayment of assessments and release of liens."

➢ WHY THE POLICY IS NO LONGER NEEDED/WHAT REPLACED IT

This policy, adopted in 1987, contains background about the City's 1979 Growth Management Plan that established developer financing of public facilities through Facilities Benefits Assessments (FBA) procedures. It explains aspects of the 1980 "Procedural Ordinance for Financing of Public Facilities in the Planned Urbanizing Areas" (Ordinance) found in the Municipal Code, Chapter 6, Article 1, Division 22.

The major discussion, and one of the two PURPOSE statements in the council policy, is review of FBA fees. Council Policy 600-36 states that the Ordinance calls for an annual adjustment in the amount of the FBA fees based on an annual review. This language is not consistent with the Ordinance that states the "City Council may, annually ... cause an adjustment to be made in the FBA..." (Section 61.2212). The 2008 General Plan, Public Facilities Element Policy PF-A.3.b states "Ensure DIFs and FBAs are updated frequently and evaluated periodically to ensure financing plans are representative of current project costs and facility needs." Neither require an annual adjustment but instead base it on need. Given the agreement between the 1980 Procedural Ordinance in the Municipal Code and the 2008 General Plan, and the inconsistent statement about annual fee adjustments in the council policy, the council policy's language is not governing and can be retired without impact.

The council policy Section A outlines an annual review for each FBA area that accompanies a required annual update. Annual reviews are not currently performed as outlined in the policy, i.e., an annual review followed by a required update to each FBA each year regardless of development progress in a community or market conditions. An FBA update can cost $50,000-$90,000 and can take months of effort. If there is no facility- or cost-driven need to update the plan, this administrative fee impacts the funds available for building facilities with no benefit to the community. Instead, FBA reviews and fee adjustments are performed in circumstances where plan content and costs are benefitted: (1) a financing plan is updated when there is a community plan amendment affecting density or intensity, or when there is a community plan update; (2) there is an "interim update" of a financing plan for an FBA area when staff's review determines that there is a need to keep costs current for pending projects, if market conditions change significantly and don't keep up with costs of construction, if the pace of development changes, or if a project being constructed comes in above the plan's allocated cost; and (3) an automatic annual escalator built into financing plans for FBAs increases fees at a given rate over a number of years unless staff demonstrates the need to adjust the escalator through a financing plan amendment. The need-based approach to updating FBAs while committing to the level of review needed to cover facilities costs is a fiscally responsible approach both administratively and on behalf of community facilities.

The second issue discussed in the council policy is the prepayment of FBA fees and the release of liens. The council policy indicates it "establishes guidelines" for prepayment because "The FBA procedural ordinance does not specifically address the City to accept prepayments of assessments..." It is true that the Ordinance does not address prepayment for the circumstances described in the council policy: for sale, transfer or refinancing of property. This provision may have been an acceptable method to assist property owners when it was originally proposed, however it is not the City's practice to remove liens early without obtaining a parcel map. The early payment of assessments may have allowed property owners to sell portions of large property holdings but it was an administrative challenge tracking which fees had been paid on portions of which properties. New buyers may not have been aware that fees were due when building permits were issued and consequently were surprised when, according to this policy, they were responsible for the difference in fees from when they purchased the property to when they acquired their building permits. City staff found that some property owners would try to pay assessments early, prior to a scheduled fee increase, resulting in fund shortages in the FBA for scheduled facilities. To address the uncertainty and educate the property owners when selling property in an FBA area, staff issues a FBA Lien letter (upon request) that clarifies the amount of the lien on the property and the fees that will be due; however, fees still must be paid at the time of building permits.

A provision for the release of liens prior to buildout was added to the Ordinance in 2011, however it addresses "Partial Payment for Phased Development" (Section 61.2210(b)) for proportional development based on a phased development program. The General Plan does not address this topic. Given the current practice of phased development programs, the Ordinance, and not the council policy provision, better addresses the needs of the public facilities financing plan and the community; the council policy's language on early lien removal can be retired without impact.

Council policy Section C is a community-specific provision in a phased-development community that has satisfied its financing conditions and the phased development has been achieved. This statement (applicable in North City West – now Carmel Valley) can be retired with no impact.

APPLICABLE REFERENCES/RESOURCES

- 2008 General Plan, Public Facilities, Services and Safety Element, Section A "Public Facilities Financing" Policy PF-A.3.b
  http://www.sandiego.gov/planning/genplan/pdf/generalplan/publicfacilites2010.pdf
- Municipal Code, Chapter 6, Article 1, Division 22 "Procedural Ordinance for Financing of Public Facilities in Planned Urbanizing Areas"
  http://docs.sandiego.gov/municode/MuniCodeChapter06/Ch06Art01Division22.pdf

600-38	Panhandle Lots and Access Easements	Adopted 1992; no amendments

➢ PURPOSE OF THE ADOPTED POLICY

"To provide criteria to evaluate tentative maps proposing a "panhandle" lot(s) and/or an access easement(s)."

➢ WHY THE POLICY IS NO LONGER NEEDED/WHAT REPLACED IT

This policy was adopted prior to the 2000 Land Development Code (LDC) to give guidance when considering a panhandle lot proposal or creation of a lot with limited access to a street. The council policy describes an outdated "variance" permit process and criteria that have since been updated and clarified within the LDC and 2008 General Plan. Before a panhandle lot can be approved, the LDC requires discretionary permit review to fully evaluate proposed project impacts against adopted land use plan policies and applicable regulations. Panhandle lots are seldom seen currently due to efforts to apply base zones better matching typical lot sizes and to Environmentally Sensitive Lands regulations limiting development encroachment into slopes [a typical reason for larger-than-zone-minimum lot sizes].

A panhandle lot has a narrow or limited access way to the nearest street that does not meet the zone's minimum dimension for street frontage. While creation of this type of lot is typically discouraged consistent with the council policy, the LDC provides flexibility to consider approval of a map with panhandle lots where it can be demonstrated that a more desirable project would be achieved that meets the purpose and intent of the applicable land use plan (e.g., to protect environmentally sensitive lands). Under the LDC, a deviation may be requested with a Planned Development Permit (PDP) to attain a project that "encourages imaginative and innovating planning and to assure that the development achieves the purpose and intent of the applicable land use plan and that it would be *preferable to what would be achieved by strict conformance with the regulations*". [*emphasis added]* Findings for approval are judged against policies in the Urban Design Element of the General Plan that require sensitivity to existing lot patterns and

neighborhood character and quality, and reinforcement of street frontages; and against neighborhood character policies in the applicable community plan . Existing land use plan policies and permit findings directly address any site-specific issues with a proposed panhandle lot through a public hearing process, which currently involves a decision by the Planning Commission that is appealable to the City Council.

- APPLICABLE REFERENCES/RESOURCES
  - 2008 General Plan Urban Design Element, Goal 5: "Infill housing, roadways and new construction that are sensitive to the character and quality of existing neighborhoods", Policy UD-B.3 "Residential Design/Subdivisions" and UD-B.4 "Residential Street Frontages" http://www.sandiego.gov/planning/genplan/pdf/generalplan/adoptedudelem.pdf
  - Chapter 12, Article 6, Division 6 "Planned Development Permit Procedures" http://docs.sandiego.gov/municode/MuniCodeChapter12/Ch12Art06Division06.pdf

600-39	Land Guidance	Adopted 1992; no amendments

- PURPOSE OF THE ADOPTED POLICY

"To strategically apply the "Transit-Oriented Development Design Guidelines," (incorporated into this policy by reference and available in the City Clerk's Office as Document Number RR-280480), throughout the City in order to create a desirable and more efficient urban form." [Note: this is only the first sentence of a one-page Purpose section.]

- WHY THE POLICY IS NO LONGER NEEDED/WHAT REPLACED IT

Land Guidance was a policy perspective developed by the City in the late 1980s focused on pursuing an urban form that includes a pedestrian-oriented, mixed-use multimodal transportation environment and land use patterns that are supportive. One key component of the programmatic effort was the adoption, in 1992, of the "Transit Oriented Development (TOD) Guidelines" document. The strategies and guidelines in that document were intended to be incorporated into City policies and regulations. This council policy accompanied the TOD Guidelines and framed an implementation approach that included: Progress Guide and General Plan (1979) land use and transportation policy changes; community plan update accommodation of transit corridors and mixed use; Street Design Manual update to accommodate the TOD principles; demonstration projects; discretionary project review incorporating TOD design elements; zoning changes through the Zoning Code Update (later Land Development Code) project; location of public facilities guidance to be in transit-oriented mixed-use neighborhoods; and incentives to encourage private investment in TOD projects. The council policy IMPLEMENTATION section states that "Implementation of the Land Guidance program is intended to occur by incorporating the TOD guidelines into City policies and regulations. If this strategy is successful, ultimately the need for a distinct TOD Guidelines document will be gone."

The council policy was needed at the time of adoption to direct incorporation of new concepts into a variety of City documents. Since incorporation of TOD principles and guidelines has generally been accomplished through the adoption of the 2008 General Plan (including the City of Villages strategy for implementation through the community plan update process), the Land Development Code (effective in 2000), the 2002 update of the Street Design Manual, and the Pilot Village Program that accompanied the Strategic Framework Element, this policy has fulfilled its IMPLEMENTATION section role and has been replaced as

the policy framework on the subject matter discussed. The separately-adopted Transit Oriented Development Guidelines remain an adopted document of the City and is currently available as a reference document.

➢ APPLICABLE REFERENCES/RESOURCES

- 2008 General Plan Land Use Element, particularly City of Villages strategy http://www.sandiego.gov/planning/genplan/pdf/generalplan/landuse2010.pdf
- 2008 General Plan Mobility Element, Section B Transit First http://www.sandiego.gov/planning/genplan/pdf/generalplan/adoptedmobilityelem1ab.pdf

600-40	Preparation of Long Range Plans	Adopted 1991; no amendments

➢ PURPOSE OF THE ADOPTED POLICY

"To provide guidelines for the preparation and approval of long range plans to:
1. Ensure thorough analysis of site constraints and opportunities early in the planning process;
2. Aid in the review of permits and maps for projects in the planning area;
3. Ensure the protection of environmental resources by preserving contiguous open space systems and providing mechanisms to acquire or protect those resources; and
4. Ensure that adopted land use policies and objectives are considered in the context of the suitability of the plan area for development."

➢ WHY THE POLICY IS NO LONGER NEEDED/WHAT REPLACED IT

This council policy was an early directive to analyze and minimize impacts on natural resources in the City. It, and the 1989 Resource Protection Ordinance (RPO), preceded the North City Future Urbanizing Area Framework Plan (NCFUA Framework Plan; 1994) and Environmental Tier study, the Multiple Species Conservation Program (MSCP; 1997), the Land Development Code (LDC; effective in 2000) and the 2008 General Plan. These subsequent documents expanded policies and regulations to protect resources; RPO as a separate ordinance was repealed when the LDC was adopted, however this policy remained "on the books".

The RPO was an early effort by the City to address resource protection on a parcel-by-parcel basis as land was developed. This policy was adopted shortly after RPO (in 1991) to ensure that comprehensive analysis addressed protection of major tracts of land in the City's Planned Urbanizing Area and Future Urbanizing Area as they came under development pressure. The City's objective was to ensure the implementation of consolidated habitat areas and the preservation of ecosystem connections and functioning at long-range planning scales and to reduce conflicts between long-range plans and development permits that were subject to RPO. A key implementation of the policy was the Environmental Tier study that was conducted for the NCFUA. This in-depth open space suitability analysis resulted in a map that was used as a basis for design of land uses in the NCFUA. It met the purpose of this council policy and subsequently was the basis for areas to include in the MSCP habitat area in the north city area.

The PROCEDURES section of the council policy has four main areas: a development suitability analysis; consistency with RPO analysis; land use distribution/allocation consistency with the general plan and other policies; and Planning Department recommendation. While this policy and the RPO regulations are what

assured these processes occurred before 2000, now resource protection regulations are in the LDC (Environmentally Sensitive Lands (ESL) regulations). Also in the LDC are development area limitations for individual lots in base zones applied to 'large lot' areas where resources are present (e.g., OR-1-1, AR-1-1). Projects that do not comply with the ESL regulations in the LDC are subject to findings for exemption. The 2008 General Plan Conservation Element addresses open space and landform preservation as well as implementation of the MSCP. Community plans prepared pursuant to the 2008 General Plan will contain Conservation Elements addressing resources including open space and connectivity; slope preservation; wetlands preservation; public views and community buffers. All new land use plans or plan amendments will be subject to CEQA guidelines where issues identified in this policy will be analyzed.

The stride forward in the comprehensive analysis of impacts to resources was first addressed in RPO and by this council policy. Subsequently the MSCP, the LDC, and the General Plan have adapted these purposes and procedures into adopted regulations and policies now in effect; therefore this council policy may be retired.

➢ APPLICABLE REFERENCES/RESOURCES

- Land Development Code, Chapter 14, Article 3, Division 1 "Environmentally Sensitive Lands" http://docs.sandiego.gov/municode/MuniCodeChapter14/Ch14Art03Division01.pdf
- Land Development Code, Chapter 13, Article 1, Division 4 "Residential Base Zones" http://docs.sandiego.gov/municode/MuniCodeChapter13/Ch13Art01Division04.pdf
- 2008 General Plan, Conservation Element, Section B "Open Space and Landform Preservation" http://www.sandiego.gov/planning/genplan/pdf/2012/ce120100.pdf
- North City Future Urbanizing Area Framework Plan http://www.sandiego.gov/planning/community/profiles/ncfua/pdf/ncfuafullversion.pdf

600-41	Blank	Available for assignment

600-42	Limited and Controlled Access Development [Gated Communities]	Adopted 1996; no amendments

➢ PURPOSE OF THE ADOPTED POLICY

"The purpose of this policy is to provide guidance for City consideration of applications for limited or controlled access projects in conjunction with a concurrent discretionary action, such as a Tentative Map, Planned Residential Development Permit, street vacation, or other approval processes determined by the City Manager. It establishes definitions and criteria, and references regulatory codes, ordinances and manuals that will be used in evaluating the merits of individual projects. Also, the purpose of this policy is to minimize the impact on surrounding neighborhoods, ensure appropriate public and emergency vehicle access, and provide general guidance on the design concept of walls."

➢ WHY THE POLICY IS NO LONGER NEEDED/WHAT REPLACED IT

This policy was adopted to limit or discourage public access to certain development areas or projects through either mechanisms know as 'traffic calming' or by using gated accessways on private streets to prohibit traffic. These are two public right-of-way situations should be addressed individually; the 2008

General Plan and the 2000 Land Development Code (LDC) address these situations in context with similar policies or regulations.

The 2008 General Plan expands on the very narrow council policy discussion related to *discouraging* through-travel or access. The plan recognizes the importance of situational traffic calming and provides a 'Traffic Calming Toolbox" in the Mobility Element to be used when evaluating projects with calming measures. The toolbox can be used for either public projects developed within existing rights-of-way or when a private development proposes an internal circulation system that is extensive, perhaps multi-modal, and would benefit from access control measures.

The LDC triggers a discretionary decision process for controlled [gated] access proposals. If there is an *existing private street*, that street would have originally become private through a discretionary permit and a gate proposal would trigger an amendment to that permit. If a controlled access is proposed on an *existing public street*, the street would need to be vacated since the California Vehicle Code states that a public street cannot be closed to individuals who would want to use it. Without a public right-of-way, the lots taking access from that street do not meet the frontage requirements in the base zone, thereby triggering a Process 5 Planned Development Permit (PDP) and a Planning Commission recommendation and City Council decision. The intent of a PDP is to "encourage imaginative and innovating planning and to assure that the development achieves the purpose and intent of the applicable land use plan and that it would be preferable to what would be achieved by strict conformance with the regulation". It requires a finding of no adverse affect to the adopted land use plan. In either the situation of vacation of a public right-of-way and addition of a gate, or amending a current permit to add a gate on a private street, all reviewing disciplines would review for problematic access and safety issues similar to the specific criteria currently found in the council policy.

There is a seldom-found situation that this policy does not address and therefore would not be affected by its deletion: a single lot containing multi-family units that erects a gate in accordance with all City fence requirements cannot be restricted from doing so by right. This is an infrequently-found situation that would not be affected by retiring this council policy.

➢ APPLICABLE REFERENCES/RESOURCES

- 2008 General Plan Mobility Element, Section C "Street and Freeway System" and Table ME-2 "Traffic Calming Toolbox"
  http://www.sandiego.gov/planning/genplan/pdf/generalplan/adoptedmobilityelem2cg.pdf
- Chapter 12, Article 9, Division 7 "Public Right-of-Way Permits"
  http://docs.sandiego.gov/municode/MuniCodeChapter12/Ch12Art09Division07.pdf
- Chapter 12, Article 5, Division 9 "Public Right-of-Way Vacations"
  http://docs.sandiego.gov/municode/MuniCodeChapter12/Ch12Art05Division09.pdf
- State Vehicle Code Section 21101.6
  http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=5810605140+1+0+0&WAISaction=retrieve

600-44	Placement of Wire Communications in Sewer and Storm Water Pipes	Adopted 2002; no amendments

- PURPOSE OF THE ADOPTED POLICY

  "The purpose and intent of this policy is to establish criteria for the installation of wire communications within City sewer and storm water pipes which safeguard public health and safety while recognizing the advantages of such installation over trenching of City streets."

- WHY THE POLICY IS NO LONGER NEEDED/WHAT REPLACED IT

  In 2002, when this policy was adopted, it was accompanied at City Council by a report and a contract to utilize the policy to place communication wire in the City's underground pipes. Even though the contract was executed, that company went bankrupt and no wires were ever placed. Currently, neither Storm Water nor Sewer staff recommends further approvals under this policy to guard against reducing the capacity of, or potential damage to, any underground pipes. Additionally, the technology supported by placement of the wires in underground pipes is outdated and staff believes this policy will never again be used.

- APPLICABLE REFERENCES/RESOURCES
  - None cited.