

AGENDA
Land Development Code
Code Monitoring Team (CMT) Meeting
Wednesday · June 10, 2009 · 2:00 to 4:00 pm

Development Services Center (DSD) · Conference Room 5C
1222 First Avenue, San Diego, CA 92101

CMT MEMBERS:

- | | | |
|--|--|---|
| <input type="checkbox"/> Charles Bull
Historic Resources | <input type="checkbox"/> Guy Preuss
Community Member – CPC | <input type="checkbox"/> Vacant
Sierra Club |
| <input type="checkbox"/> John Leppert
American Society of Civil Engineers | <input type="checkbox"/> Janelle Riella
S.D. Assoc. of Realtors | <input type="checkbox"/> Vacant
Business Owner at-Large |
| <input type="checkbox"/> Claude-Anthony Marengo
Community Member at-Large | <input type="checkbox"/> Steve Silverman
American Planning Assoc. | <input type="checkbox"/> Vacant
Chamber of Commerce |
| <input type="checkbox"/> Rebecca Michael
S.D. Bar Association | <input type="checkbox"/> John Ziebarth
American Inst. of Architecture | <input type="checkbox"/> Vacant
Small Business |
| <input type="checkbox"/> Scott Molloy
Building Industry Assoc. | <input type="checkbox"/> Vacant
League of Women Voters | <input type="checkbox"/> Vacant
American Society of Landscape Architects |
| <input type="checkbox"/> Sean Cardenas
Assoc. of Environmental Planners | | |

ITEMS:

1. Non Agenda Public Comment
2. Regulatory Reform Amendments- Possible Action Item (Anna McPherson)

Next Meeting: July 8, 2009, 2:00 - 4:00 DSD Conference Room 5C

Regulatory Reform – Separate Work Program/Parking

Subject	Code Section	Staff Comments/Questions	Environmental
<p>§132.0905 §142.0555(b)</p>	<p>Allow tandem parking to count for two spaces citywide</p>	<p>Very controversial; based upon previous hearings, unlikely that City Council will adopt citywide</p> <p>Regulations are very complex and specific to community plan areas and are related to Transit Area Overlay Zone; previous attempt to expand use resulted in a reduction in the TAOZ area</p> <p>Consider adding churches to valet parking provision (Tandem Parking for Commercial Uses)</p>	<p>No physical impact on the environment, same number of parking spaces but just different configuration</p> <p>Parking study based upon affordable housing and TOD development parking needs could provide more justification for expanded application</p>
<p>§142.0510(d)(4)</p>	<p>Remove the requirement for permitted uses to obtain a Process Level Two NUP when premise is previously conforming for parking</p>	<p>Especially relevant during economic downturn; commercial structure may be vacant for 2 or more years and even though use is permitted may be nonconforming for parking. New owner or lessee has to obtain a discretionary permit to resume use</p> <p>Facilitates redevelopment and revitalization especially in older, urbanized commercial districts</p>	<p>None</p>

**Regulatory Reform
Priority One**

Subject	Code Section	Proposed Amendment	Staff Comments/Questions	Environmental Review
Process Two Appeals	§112.0504	Change appeal body to Hearing Officer instead of Planning Commission	Add grounds for appeal Hearing Officer is final decision maker Potential controversy depending upon use.	None
Appeals	Chapter 11, Article 2, Division 5	Require appellant to pay full cost for appeal	Controversial Will deter some frivolous appeals Status of community planning group appeal Deposit of Fee	None
Extension of Time	§125.0461 §126.0111	Reduce the decision process for EOTs for maps and permits to a Process Level Two	Process Level Two is better fit based upon review and findings	None
Night Clubs and Bars Over 5000 square feet	§126.0202 §126.0303 §131.0522	Reduce the decision process from a Process Level Four CUP to a Process Level Two NUP for sites with CR zoning when site is not adjacent to residential use	Appropriate because CR zones are intended to accommodate large-scale, high intensity developments ; this should inform initial land use designation and zone application Need to define term "adjacent" Could be controversial, especially combined with proposed revision to Process Level Two Appeals	None
Theatres that are outdoors or over 5000 square feet	§126.0303 §131.0522 §131.0622	Reduce the decision process from a Process Level Four CUP to a Process Level Three CUP for sites with CR, IP, IL &IH zoning when site is not adjacent	Need to define term "adjacent" Unsure of frequency of permit applications for these uses	None

**Regulatory Reform
Priority One**

Subject	Code Section	Proposed Amendment	Staff Comments/Questions	Environmental Review
		to a residential use		
Churches	§131.0222 §131.0322 §131.0422 §131.0522 §131.0622 §126.0203 §126.0303 §131.0522 §141.0404	Reduce the decision process from a Process Level Three CUP to a Process Level Two NUP for sites with CR and CO zones	Retain regulations in §141.0404(b) to address land use adjacency issues May be controversial especially combined with proposed revision to Process Level Two Appeals	None
Housing for Senior Citizens	§126.0303 §141.0310	Reduce the decision process from a Process Level Three CUP to a Limited Use; clarify that persons with disabilities are eligible for this type of housing	Supplemental development regulations to address reduced parking ratios and location criteria are already located in § 141.0310 Revise section name to include Person with Disabilities and establish how such a project is defined	None
Wind Turbines	Chapter 14 Article 2 Division 9	Establish new section to clarify regulations regarding height and screening and setbacks	LDC does not currently address this use; regulations will address height and setback, exempt from screening Regulations are necessary to permit this use as the facilities become more common; implements General Plan Conservation Element policy recommendations	None
Environmental Appeals	§112.0520	Require appellants to base appeals on the same criteria required to appeal Process Level Four entitlements Revise LDC to require that appeal	City Attorney has advised that we can establish environmental appeals criteria but it will differ from those identified in §112.0508, specifically we can require that the appellant	None

**Regulatory Reform
Priority One**

Subject	Code Section	Proposed Amendment	Staff Comments/Questions	Environmental Review
		be filed at time of project appeal and goes directly to City Council		

Regulatory Reform – Separate Work Program/Historical Resource Regulations

Subject	Code Section	Proposed Amendment	Staff Comments/Questions	Environmental Review
45-Year Review	§143.0212(c)	Clarify what types of construction permits for structures 45 years or older trigger the review specified in §143.0212(c)	As currently adopted, review can apply to plumbing, mechanical, and other interior improvements	None
Historic Preservation Incentives - FAR	§143.0251	Increase FAR for designated sites; development would still be subject to height and setback requirements	Would apply only to designated sites May incentivize designation and maintenance of historic sites	Adherence to height and setback regulations address potential impacts
Historic Preservation Incentives – Variance Findings	§126.0805	Establish separate finding(s) to allow for development of historic site where structure/site prohibits compliance with LDC regulations	Would apply only to designated sites May incentivize designation and maintenance of historic sites	Discretionary permit – site specific review will be done at time of application

Regulatory Reform – Separate Work Program/ESL

Subject	Code Section	Proposed Amendment	Staff Comments/Questions	Environmental Review
Environmentally Sensitive Lands Regulations	§143.0110(c)	Allow projects that fully comply with ESL regulations through a Process Level One Decision	Any amendment to ESL will be controversial; may be able to refine by adding “when not adjacent to MHPA” or incorporate an MHPA review as part of the ministerial review process Coastal Zone projects	None, this would apply only to projects that comply with the regulations
Modifications to Existing Development ESL Site Development Permit	§143.0110(c)(2)	Eliminate ESL Site Development Permit requirement for modifications to existing development if new development does not encroach further than existing extent of development	Would pertain only to previously legally graded areas Same comment as above regarding controversy; determination of encroachment more difficult with particular parcels and development proposals	None, applies only to projects that propose no further encroachment