

**Technical Advisory Committee Agenda**  
**July 11, 2012**  
**12:00 noon to 2:00 p.m.**  
**Development Services Center / City Operations Building**  
**1222 First Ave, San Diego, CA 92101**  
**4<sup>th</sup> Floor Training Room**

<u>Group Represented</u>	<u>Primary Member</u>	<u>Alternate</u>
Accessibility	<input type="checkbox"/> Vacant	<input type="checkbox"/> Mike Conroy
Accessibility	<input type="checkbox"/> Connie Soucy	<input type="checkbox"/> Cyndi Jones
AGC	<input type="checkbox"/> Brad Barnum	
AIA	<input type="checkbox"/> John Ziebarth	<input type="checkbox"/> Kirk O'Brien
AIA	<input type="checkbox"/> David Pfeifer	<input type="checkbox"/> John Ziebarth
ASLA	<input type="checkbox"/> Stephen Halsey	
BIA	<input type="checkbox"/> Kathi Riser	
BIA	<input type="checkbox"/> Matt Adams	
BID Council	<input type="checkbox"/> Tiffany Broomfield	<input type="checkbox"/> Warren Simon
BIOCOM	<input type="checkbox"/> Faith Picking	
ACEC	<input type="checkbox"/> Rob Gehrke	<input type="checkbox"/> Jeff Barfield
Chamber of Commerce	<input type="checkbox"/> Mike Nagy	
EDC	<input type="checkbox"/> Ted Shaw	<input type="checkbox"/> John Eardensohn
In-Fill Developer		
NAIOP	<input type="checkbox"/> Buddy Bohrer	<input type="checkbox"/> Craig Benedetto
Permit Consultants	<input type="checkbox"/> Brian Longmore	<input type="checkbox"/> Barbara Harris
Small Business Advisory Bd.	<input type="checkbox"/> Gary Peterson	<input type="checkbox"/> Edward Barbat
SDAR		<input type="checkbox"/> Liz Saidkhanian
Sustainable Energy Advisory Bd	<input type="checkbox"/> Alison Whitelaw	
LU&H Liaison (non-voting)	<input type="checkbox"/> Leslie Perkins	

- 1) **Announcements**
  - Welcome new member Andrew Reese from ASLA
- 2) **Public Comment on Non-Agenda Items**
- 3) **Discussion/Action/Informational**
  - A. Amendments to the Land Development Code and Land Development Manual, and Repeal of Outdated Documents (Action) Amanda Lee, Senior Planner (20 minutes)
  - B. "Report from Ad Hoc Committee on Storm Water Permit" (Discussion), Kathi Riser (15 minutes)
- 4) **Future Agenda Item**
  - Excavation Ordinance-Jeff Strohming
  - Discretionary Process Improvements-Process Committee Report
  - Mixed use and multi-family zones being developed through community plan updates (CMT and TAC)
  - DSD Financial Update, effect of fee increase
  - Re-roof recycling (construction recycling)
- 5) **Adjourn – next meeting August 8, 2012 or September 12, 2012**

**TAC Mission: “To proactively advise the Mayor and the Land Use and Housing Committee on improvements to the regulatory process through the review of policies and regulations that impact development. And to advise on improvements to the development review process through communications, technology and best business practices to reduce processing times and improve customer service. And to advocate for quality development to meet the needs of all citizens of San Diego.”**



THE CITY OF SAN DIEGO

MEMORANDUM

DATE: June 28, 2012

TO: Members of the Technical Advisory Committee

FROM: Amanda Lee, Senior Planner, Development Services

SUBJECT: Amendments to the Land Development Code and Land Development Manual, and Repeal of Outdated Council Policies

Staff is requesting your input on the proposed repeal of six outdated Council policies in the Council Policy Manual and four outdated Appendices in the Land Development Manual (LDM) in accordance with direction by the City Council Rules Committee on May 16, 2012, as part of a multi phase update effort. TAC previously reviewed and recommended approval of the first group of policies ready to “retire now”. This next phase includes documents that are ready to retire once clarifying code amendments are made. Recommendations in support have been provided by the Code Monitoring Team and Community Planners Committee. Following is a summary of each document and any code amendments needed to allow for repeal:

**Council Policies**

The following Council Policies require code amendments prior to retiring the policy document. The full text of each policy is published by the City Clerk online at [www.sandiego.gov](http://www.sandiego.gov) or copies may be requested directly from the Office of the City Clerk.

<b>600-04</b>	<b>Standards for Rights-of-Way and Improvements Installed Therein</b>	<b>Adopted 1962; last amended 1990</b>
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The purpose of this policy was to identify general standards for right-of-way improvements. The standards were subsequently incorporated into the public facility and subdivision regulations and LDM consistent with this policy. The referenced bikeway policies are already located in the General Plan, and policies related to underground utilities (gas and electric power) are located in the General Plan (Public Facilities Element) and LDC Section 144.0240. Proposed amendments to LDC Sections 142.0670 and 144.0231 would replace references to this outdated policy with references to adopted land use plan policies and/or standards in the Land Development Manual, as applicable. Section 144.0231(e) reflects the subcommittee’s suggestion that public transportation improvements be constructed and financed in accordance with adopted land use plan policies, without requiring the area to be traffic congested per existing code language.

<b>600-12</b>	<b>Street Names</b>	<b>Adopted 1962; last amended 1992</b>
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The purpose of this policy was to establish policy and procedures for approving new street names through the subdivision process, and for changing existing street names. Code amendments are proposed to identify the street name change process, which varies based on whether the name change is supported by 100 percent of the affected property owners. Name changes that reflect 100 percent support in a petition of all affected property owners may request a street name change via Process One in accordance with the "City Streets Naming Standards" in the Land Development Manual. The code would continue to provide for a decision by City Council in cases where there is not 100 percent support from affected property owners for the name change, but as proposed would no longer require a Planning Commission recommendation hearing prior to the City Council decision in order to help reduce costs and streamline the process. As recommended by CPC, support from at least 25 percent of the abutting property owners would be required. CPC also recommended that the existing policy which specifies that streets may be named after City employees (i.e. fire and police officers) that have died in the line of duty should not be transferred to the LDM since this type of name change would not be precluded by the regulations.

<b>600-16</b>	<b>Major Structures Spanning Public Rights of Way</b>	<b>Adopted 1962; last amended 1975</b>
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The purpose of this policy was to establish a process for the consideration of major structures spanning the public right-of-way. The policy content is addressed in the General Plan Mobility Element and Urban Design Element, and is implemented by LDC Section 129.0710. Amendments to LDC Sections 126.0502 and 129.0710 will require a Process 5 Site Development Permit (SDP) to provide for City Council review and will remove the existing reference to Council Policy 600-16 from Section 129.0710.

<b>600-21</b>	<b>Subdivision Agreements</b>	<b>Adopted 1974; last amended 1993</b>
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The purpose of this policy was to establish criteria for subdivision agreements at a time when actions on subdivision maps and associated agreements to construct infrastructure required a Council decision. Subsequently, Government Code Section 66462(d) provided for the delegation of subdivision agreement approvals and final maps, appealable to the legislative body, as reflected in existing LDC Section 125.0640(b). Questions have since been raised as to whether the City's adopted process also provides for delegation of requests for amendments or extensions to agreements since Section 125.0640 does not specifically address; and the outdated Council policy 600-21 still identifies that all subdivision agreements are subject to City Council approval. As proposed, the intended approval process via a staff level decision appealable to the City Council would be clarified in LDC Section 125.0640(b). Sections I-IV of the Council policy are covered in the code, while Section V is out of date and will not be transferred into the code.

<b>600-25</b>	<b>Underground Conversion of Utility Lines at Developer Expense</b>	<b>Adopted 1977; last amended 1987</b>
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The purpose of this policy was to help evaluate whether to grant a waiver from the requirement to convert overhead utility facilities. The Council policy references the Subdivision Board, a decision maker that no longer exists and references an outdated limit on volts that conflicts with the LDC. Waiver requests are generally requested at the time of the original development proposal, but can also be considered via an application for an amendment to an approved Tentative Map. Code amendments are proposed to clarify the process for a private developer to request a waiver from the requirement to underground overhead public utilities and clarify the type of documentation that should be provided by the applicant to support their contention that conversion would be impractical based on adverse timing or planning considerations, would be an inordinate cost, and that a waiver of the requirement would have minimal aesthetic impact. References to Council Policy 600-25 in Section 144.0240(b)(5) will be eliminated.

<b>600-37</b>	<b>Development Agreements</b>	<b>Adopted 1988; last amended 1989</b>
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The purpose of the policy was to establish where development agreements would be appropriate and ensured that the City would derive supplemental benefits “in proportion to the degree of vesting authorized and in excess of what can be obtained under existing policies, rules and regulations”. The City adopted this policy in response to state law (California Government Code Sections 65864 – 65869.5) that enables local jurisdictions to process development agreements to provide certainty in the process and allow the timely provision of public facilities and infrastructure that developers could be reimbursed for over time.

A number of development agreements were initiated, negotiated, and adopted during the 1990s in cases where developers were negotiating for the benefit of regulatory certainty in exchange for providing public facilities in anticipation of need. The frequency of development agreements requested at that time was likely because large tracts of raw land were available for development and the process for development review and approval was unpredictable due to various land use plans, resource policy documents, and code regulations that were all undergoing a major update process. Development agreements are seldom requested within the existing regulatory context because the code provides for master development permits for long-term, phased projects and includes certainty in the regulations for projects that are carried out under the conditions of approved permits. In addition, Public Facilities Financing Plans already identify responsibilities for providing public facilities and allow for use of reimbursement agreements for developers who build public facilities beyond their required contribution.

The LDC includes all procedural requirements of this council policy except for a finding of benefit to the City and a procedure for initiation. The proposed amendment to Section 124.0104 would add a finding for City Council approval that the agreement shall provide for significant public benefits. However, no amendment is proposed to require an additional step for initiation because it adds time and processing costs for both the City and the applicant with no value added to the process. The proportion of supplemental benefit that would be provided to the City is the ultimate question as to whether a development agreement should be approved by the City

Council, and to date applicants have been unwilling or unable to share this type of information at the initiation phase. Amendments to Section 124.0104 also help clarify that consistent with Process Five, the City Council may take action without a PC recommendation if the Planning Commission does not make a recommendation within 60 calendar days of the initial PC hearing.

**Land Development Manual**

The following Land Development Manual Appendices include outdated procedures or standards that are already included in the General Plan or LDC. The full text of each LDM Appendix is available online at [www.sandiego.gov](http://www.sandiego.gov) or copies may be requested from Development Services.

<b>Appendix C</b>	<b>Equestrian Trails and Facilities</b>	<b>Adopted 1975</b>
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These guidelines were created to guide the development of equestrian trails. However, the policies are outdated and the trail plans in LDM Appendix C conflict with current City trail policies and equestrian trail plans in the General Plan and Trails Master Plan. There is no current role for the Appendix C guidelines; therefore Appendix C should be repealed.

<b>Appendix G</b>	<b>Solar Design Guidelines for Subdivisions and Planned Residential Developments</b>	<b>Adopted 1985</b>
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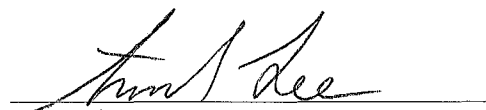
These guidelines were designed to clarify how passive or natural heating or cooling opportunities could be integrated into the design of new subdivisions in accordance with the Subdivision Map Act. However, the information is outdated. The City's current policies related to innovative site design to address sun patterns, winds, and sunscreens are in the General Plan Conservation Element and Urban Design Element. Appendix G should be repealed to remove any conflict.

<b>Appendix K</b>	<b>Off-Premises Directional Signs</b>	<b>Adopted 1979; last amended 1985</b>
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The purpose of the Appendix K guidelines was to allow for temporary off-premises signs on private property that identify available residential units in new subdivisions within the City. However, the guidelines have become outdated. As proposed, Appendix K will be repealed and the existing reference to Appendix K in Section 142.1255(j) will be replaced with applicable sign requirements published directly in the sign code.

<b>Appendix L</b>	<b>Transit Oriented Development Guidelines</b>	<b>Adopted 1992</b>
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These guidelines include policies to help reduce automobile dependence and create pedestrian oriented neighborhoods, which are now reflected in the General Plan Urban Design Element. There is no current role for the Appendix L guidelines; therefore Appendix L should be repealed.



Amanda Lee  
Senior Planner, Development Services

Issue #1: **Sunset of Council Policy 600-04: Standards for Right-of-Way and Improvements**

**§142.0670 Standards for Public Improvements**

- (a) Streetscape and *street* improvements shall be constructed in accordance with the ~~applicable adopted Council Policies,~~ the standards established in the Land Development Manual, and the following regulations:
  - (1) through (2) [No change.]
  - (3) All private improvements in the public right-of-way shall comply with the provisions for *encroachments* in Chapter 12, Article 9, Division 7, ~~adopted Council Policies,~~ and the standards established in the Land Development Manual.
  - (4) Public *street* improvements shall comply with the applicable regulations in the Land Development Code, ~~adopted Council Policies,~~ and the standards established in the Land Development Manual.
  - (5) Where, in the course of *development* of private property, a driveway is abandoned and is no longer suited for vehicular use, the property owner shall remove the depressed curb section and apron and restore the *public right-of-way* to the satisfaction of the City Engineer.
  - ~~(5)(6)~~ [No change in text.]
  - ~~(6)(7)~~ [No change in text.]
- (b) Sewer and wastewater facilities shall be constructed in accordance with the requirements in Municipal Code Chapter 6, Article 4 (Sewers), ~~adopted Council Policies,~~ and the standards established in the Land Development Manual.
- (c) Water distribution and storage facilities shall be constructed in accordance with the requirements in Municipal Code Chapter 6, Article 7 (Water System), ~~adopted Council Policies,~~ and the standards established in the Land Development Manual.
- (d) Drainage facilities shall be constructed in accordance with the requirements in Chapter 14, Article 2, Division 2 (Drainage Regulations), ~~adopted Council Policies,~~ and the standards established in the Land Development Manual.
- (e) *Street* lights shall be constructed in accordance with ~~adopted Council Policies,~~ and the standards established in the Land Development Manual.
- (f) [No change.]

**§144.0231 Right-of-Way Improvements and Land Development for Tentative Maps**

The *subdivider* shall improve *public rights-of-way* and perform *land development* work as required in this article and in accordance with the conditions of the resolution approving the *tentative map* as follows:

- (a) *Streets* in and adjacent to all *lots* within the *subdivision* shall be improved in accordance with adopted *land use plan* policies ~~established by the City Council~~ and the Land Development Manual;
- (b) Pedestrian access shall be provided along all *streets* and to all *lots* within the *subdivision* in accordance with adopted *land use plan* policies ~~established by the City Council~~ and the Land Development Manual;
- (c) through (d) [No change.]
- (e) Public transportation improvements shall be constructed and financed in accordance with ~~the~~ adopted *land use plan* policies ~~established by the City Council~~ to adequately support the *development* of public transportation programs ~~in areas where traffic congestion is projected at build-out~~ and to fulfill any traffic mitigation requirements of the project's environmental review;
- (f) through (g) [No change.]

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Issue #2: **Sunset of Council Policy 600-12: Street Names**

**Chapter 12: Land Development Reviews**  
**Article 5: Subdivision Procedures**  
**Division 11: Naming of Public Streets and Other Rights-of-Way**

**§125.1101 Purpose of the Procedures to Name a Street or Other Rights-of-Way**

The purpose is to carefully select names for public *streets* and other *rights-of-way* to protect the public health, safety and welfare in consideration of the multi-agency computer aided dispatch service for police, fire, and paramedic vehicles and the policies and procedures of the United States Postal Service. It is the intent that the City avoid duplication and confusing similarity between public *streets* and other *rights-of-way* within the City, and with other cities and unincorporated areas in the County of San Diego.

**§125.1105 When Approval is Required to Name a Public Street or Other Rights-of-Way**

Approval from the City Engineer is required for any request to assign a name to a public *street* or other *rights-of-way*, which for this section includes: a private *street*, private driveway, park *street*, or *alley*.

**§125.1110 How to Apply for Approval to Name a Public Street or Other Rights-of-Way**

A request to assign a name to a public street, private street, private driveway, park street, or alley shall be submitted in accordance with Section 112.1102 and the Land Development Manual.

**§125.1115 Decision Process for Requests to Name a Public Street or Other Rights-of-Way or to Change the Name**

- (a) A decision on a request to name a public street, private street, private driveway, park street, or alley consistent with the standards in the Land Development Manual shall be made by the City Engineer in accordance with Process One.
- (b) A request to change the name of an existing public street or other named public right-of-way shall be accompanied by a petition circulated to all property owners with property abutting along the street or right-of-way that is proposed to be renamed and shall be made in accordance with the following:
  - (1) The decision on a petition for a proposed street name change that contains 100 percent affirmative signatures from all property owners with abutting property shall be made by the City Engineer in accordance with Process One.
  - (2) The decision on a petition for a proposed street name change that contains less than 100 percent affirmative signatures of the property owners with abutting property (with at least 25 percent in support) shall be made by the City Council in accordance with Process Five, but shall not require a Planning Commission hearing prior to City Council decision.

**The criteria for City Engineer review of requests to name a public street or other rights-of-way will be transferred to the Land Development Manual. For example:**

- (a) The proposed name for a public street or other rights-of-way shall comply with the following:
  - (1) Does not duplicate an existing street name;
  - (2) Does not bear the name of a recognized community, unless the street or right-of-way would be located within that community;
  - (3) Lists only the last name of an individual if proper names are used; and
  - (4) Must list an identifying prefix or suffix in the name for any private street.
- (b) Streets may be named after City employees that have died in the line of duty using the last name of the individual only.

**Comment [a3j1]:** This is a new threshold that was added at suggestion of CPC subcommittee.

**Comment [a3j2]:** The language in (b)1) and (2) was reworked based on direction from the CPC subcommittee. The subcommittee discussed requiring a Planning Commission hearing, but did not make a motion specific to this point.

**Comment [a3j3]:** A fee is already on the City's fee schedule for street naming, but may not cover the cost of changing street signs, freeway directional signs, or other work necessary because of a street name change. We may need to take forward a new fee with the ordinance.

**Comment [a3j4]:** Suggestion from Joe LaCava to add "...or neighborhood...".

**Comment [a3j5]:** The applicant must include an identifying prefix or suffix to indicate that a street or driveway is private.

**Comment [a3j6]:** CPC subcommittee recommended 5-0 to delete subsection (b) from the Land Development Manual draft. Eliminating this does not preclude a street from being named after such individuals.



- (c) New *street* or other right-of-way names shall not be shown on any *tentative map* or *final map* until they have been approved by the City Engineer.
- (d) The limits of all *streets*, public or private, assigned names by the City shall be shown on subdivision maps or dedication plats on file with the City Engineer.

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Issue #3: **Sunset of Council Policy 600-16: Major Structures Spanning the Right-of Way**

**§126.0502 When a Site Development Permit is Required**

- (a) through (d) [No change]
- (e) A Site Development Permit decided in accordance with Process Five is required for the following types of *development*.
  - (1) through (4) [No change]
  - (5) Development in accordance with Section 129.0710(c) that includes major underground or overhead structures which extend into the public right-of-way farther than the ultimate curb line, or other encroachments which in the opinion of the City Manager are of sufficient public interest to warrant City Council approval.

**§129.0710 How to Apply for a Public Right-of-Way Permit**

An application for a Public Right-of-Way Permit shall be submitted in accordance with Sections 112.0102 and 129.0105. The submittal requirements for Public Right of-Way Permits are listed in the Land Development Manual. A *development permit* or other discretionary approval is required prior to issuance of a Public Right-of-Way Permit for the following:

- (a) If the proposed *encroachment* involves construction of a privately owned *structure* or facility into the *public right-of-way* dedicated for a *street* or an *alley*, and where the *applicant* is the *record owner* of the underlying fee title, a Neighborhood Development Permit is required in accordance with Section 126.0402 (j) except for the following:
  - (1) Private *hardscape* improvements in the *public right-of-way* including ramps required to accommodate required access for *disabled persons*;
  - (2) Fences or walls that meet the following criteria:
    - (A) There is no present use for the subject *public right-of-way*;

(B) The proposed *encroachment* is consistent with the underlying zone, city standards, and policies:

(C) The proposed *encroachment* shall be 3 feet or less in height.

- (3) The *encroachment* is permitted under Chapter 6, Article 2, Division 11 (Utilities) or as a private underground utility service to the *applicant's* property.
- (4) The *encroachment* is permitted under Section 141.0619(b) (Pushcarts).
- (5) The *encroachment* is permitted under Chapter 6, Article 2, Division 10 (Newsracks).
- (6) The *encroachment* is permitted under Section 141.0621 (Sidewalk Cafes).
- (7) Temporary monitoring wells in the *public right-of-way*.

**(8) Major underground or overhead structures that extend into the public right-of-way beyond the ultimate curb line that require a Site Development Permit in accordance with Section 129.0710(c).**

(b) If the proposed *encroachment* is erected, placed, constructed, established or maintained in the *public right-of-way* when the applicant is not the *record owner* of the property on which the *encroachment* will be located, a Site Development Permit is required in accordance with Section 126.0502(d)(7), except for the following:

- (1) *Encroachments* listed in Section 129.0710(a)(4) through (7)
- (2) Underground utility connections to a public main shall require a Neighborhood Development Permit in accordance with Section 126.0402(j).
- ~~(3) Temporary monitoring wells in the public right-of-way.~~

**(3) Major underground or overhead structures that extend into the public right-of-way beyond the ultimate curb line that require a Site Development Permit Process Five in accordance with Section 129.0710(c).**

(c) If the proposed *encroachment* includes **major** underground or overhead ~~structures~~ **structures** which extend into the *public right-of-way* farther than the ultimate curb line, or other *encroachments* which, in the opinion of the City Manager, are of sufficient public interest to warrant City Council approval, ~~the item shall be scheduled for early consideration by the City Council in accordance with Council Policy 600-16, a Site Development Permit Process Five shall be obtained in accordance with Section 126.0502(e)~~ prior to the issuance of a Public Right-of-Way Permit.

**Comment [a3j7]:** This is already covered by subsection (b)(1) which provides exception for (a) (1) through (7) that includes temporary monitoring wells.

Issue #4: **Sunset of Council Policy 600-21: Subdivision Agreements**

**125.0640 Approval Requirements for a Final Map**

- (a) A *final map* may not be approved unless the *final map* and any associated documents have been prepared in accordance with the Land Development Manual, the required fees and deposits have been paid, and all other conditions of the *tentative map* and any other associated permits have been met.
- (b) The City Manager may enter into **amend or extend** ~~all~~ agreements related to the approval of the *final map* in accordance with the *Subdivision Map Act*. The City Manager's decision to approve or disapprove any documents or agreements may be appealed to the City Council in accordance with Section 125.0630 and the *Subdivision Map Act*.
- (c) In order to approve a *final map* for a *condominium conversion*, the City Engineer shall find that:
  - (1) The *subdivider* has given tenant notice in accordance with section 125.0431;
  - (2) The *subdivider* has provided the tenant relocation benefits required by Chapter 14, Article 4, Division 5 (Condominium Conversion Regulations) or has entered into an agreement with the City pursuant to section 125.0640(b) to secure provision of the tenant relocation benefits; and
  - (3) The *applicant* has complied with all applicable tenant relocation requirements.

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Issue #5: **Sunset of Council Policy 600-25: Underground Conversion of Utility Lines at Developer Expense**

**§144.0240 Utilities Requirements for Tentative Maps**

Where utilities already exist, new *subdivisions* shall be designed so that the utilities are in proper locations or else provide for their reconstruction in locations approved by the utility agencies concerned.

- (a) [No change.]
- (b) Privately owned utilities shall be provided as follows.

(1) through (4) [No change.]

(5) The *subdivider* or *public utility* company may apply for waiver of the requirements of this section as part of an application for the *tentative map*. The Planning Commission or, in the case of *parcel maps*, the Hearing Officer, may waive the requirements of this section in accordance with City Council policy [Section 144.0242](#).

(c) [No change.]

**144.0242 Waiver of the Requirements to Underground Privately Owned Utility Systems and Service Facilities**

(a) The installation of utilities underground is considered to be a public benefit through the improvement of the environment and enhancement of the quality of life. However, it is recognized that there are circumstances as identified in Section 144.0242(c) where a waiver of the undergrounding requirement in Section 144.0240(b) would be appropriate because conversion of overhead utility facilities would be impractical from a technical or financial standpoint or would have minimal aesthetic impact.

(b) Process. Requests to waive the undergrounding requirement in Section 144.0240(b) shall be considered concurrently with the approval of a *tentative map* or amendment thereto and documented in the findings for *tentative map* approval.

(c) A request for waiver of the requirements in Section 144.0240(b) will be considered based on documentation provided by the *applicant* as it relates to the following:

(1) Documentation that supports the following adverse timing or planning considerations:

(A) That the conversion involves undergrounding of utilities that are already scheduled to occur in the near term as a utility company financed undergrounding project per PUC §209 or as part of the City's utility underground program, or

(B) That the conversion involves a short span of overhead facility (less than a full block in length) and would not represent a logical extension to an underground facility.

(2) Documentation that the requirement to underground would be an inordinate cost to the *development* taking into consideration:

**Comment [a3j8]:** This section includes examples of what an applicant may bring forward to support their request for underground waiver. The decision maker must be able to make the applicable findings to approve the TM if a waiver of the undergrounding requirement is requested as part of the project. (See Section 125.0440 for TM findings.)

**Comment [a3j9]:** This state law reference may have changed since Council Policy was adopted. Update accordingly with City Attorney.

- (A) Whether the conversion would involve substantial investment in temporary facilities such as cable poles or temporary recruiting.
- (B) Whether the conversion would require a significant amount of work to occur offsite of the development as a result.
- (C) Whether the cost of conversion would increase the cost per unit for proposed residential development by more than one percent.
- (D) Whether regardless of the conversion, a large transmission line (60,000 volts or larger) would still remain overhead.

(3) Documentation that the requested waiver will not create a long term visual or functional impact to any streets, sidewalks or the public realm in conflict with adopted land use plan policies.

(d) Appeals. The decision to approve or deny a waiver may be appealed to a higher decision maker by filing an appeal of the tentative map action in accordance with Section 112.0506 or 112.0508 as applicable to the tentative map action.

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Issue #6: **Sunset of Council Policy 600-37: Development Agreements**

**§124.0104 Decision Process for Development Agreements**

A decision on an application for a Development Agreement shall be made in accordance with Process Five and in the following manner:

- (a) Planning Commission Recommendation. The Planning Commission shall **hold a public hearing to consider whether to** recommend approval or denial of the Development Agreement **in accordance with Section 112.0509(b), and shall include written findings specifying the facts and information relied upon by the Planning Commission in making its recommendation.** A copy of the resolution shall be filed with the City Clerk and with the City Manager **and shall include written findings specifying the facts and information relied upon by the Planning Commission in making its recommendation.**
- (b) City Council Action. The City Council may approve or deny a Development Agreement after receiving the Planning Commission's recommendation. If the Planning Commission does not make a recommendation within 45 **60** calendar days **of the initial Planning Commission hearing**, the City Council ~~shall~~ **may** take action on the Development Agreement by ordinance. The City Council's action is final.

**Comment [a3j10]:** Reorganized language in subsections (a) and (b) to be consistent with the Process Five procedures as they relate to PC recommendations and PC failure to act within 60 days.

**Comment [a3j11]:** Made this time period consistent with existing time period for Process Five decisions, which is 60 days.

Code Amendments related to Council Policies and Land Development Manual Appendices  
June 19, 2012

- (c) City Council *Finding*. To approve a Development Agreement, the City Council must find
- (1) That the Development Agreement is consistent with the applicable *land use plans*, *Local Coastal Program*, and *City policies*, *the Land Development Code*; and
  - (2) That the Development Agreement will provide significant public benefit that otherwise could not reasonably be derived or provided except through the Development Agreement.
- (d) Notice of Denial. If a Development Agreement is denied, the City Clerk shall mail a notice of the denial to the *applicant* and to the Planning Commission no later than 10 *business days* after the denial.
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Issue #7: **Repeal of Land Development Manual Appendix C: Equestrian Trails and Facilities**

No code amendments are necessary.

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Issue #8: **Repeal of Land Development Manual Appendix G: Solar Design Guidelines for Subdivisions and Planned Residential Developments**

No code amendments are necessary.

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Issue #9: **Repeal of Land Development Manual Appendix K: Off-Premises Subdivision Directional Signs**

**§142.1255 Temporary Secondary Signs in Commercial and Industrial Zones**

- (a) through (i) [No change in text.]
- (j) ~~Off-premises Directional and Identification *Signs for Subdivisions* Off-premises directional and identification *signs for subdivisions* shall comply with the Temporary Off-premises *Subdivision Directional Signs, Locational Criteria, Construction and Maintenance Standards of the Land Development Manual.*~~
- (1) Off-premises Directional and Identification *Signs for Subdivisions* must pertain to a *subdivision* within the City of San Diego with *dwelling units* or *lots* that are being offered for sale.

- (2) Off-premises Directional and Identification Signs for Subdivisions shall comply with the following regulations.
- (A) The signs shall not be placed in the public right-of-way or on public property.
  - (B) The signs may be placed on private property only with the consent of the property owner.
  - (C) Sign copy may contain the name of the subdivision, name of the developer or subdivider of record, a descriptor of the development (i.e. single family, condos, etc.), and address or directional arrow. No information regarding other subdivision features, prices, or loans is permitted on the sign face.
  - (D) Signs shall be located within 3 miles of the subdivision with at least 300 feet between signs (except that signs may be located closer at the corner of a major intersection).
  - (E) A maximum of 8 off-premises signs are permitted per subdivision.
  - (F) Signs shall be a maximum of 16 square feet in sign area.
  - (G) Signs shall comply with a maximum height of 8 feet.
  - (H) Signs shall not exceed a height of 3 feet within a visibility area. For determination of the visibility area see Chapter 11, Article 3, Division 2 (Rules for Calculation and Measurement).
  - (I) Flags, banners, streamers, and pennants may not be placed on or near the signs.

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Issue #10: **Repeal of Land Development Manual Appendix L: Transit Oriented Development Guidelines**

No code amendments are necessary.