



THE CITY OF SAN DIEGO
REPORT TO THE PLANNING COMMISSION

DATE ISSUED: August 9, 2012

REPORT NO. PC-12-082

ATTENTION: Planning Commission, Agenda of August 23, 2012

SUBJECT: Amendments to the Land Development Code and Retirement of Outdated Council Policies and Land Development Manual Appendices

SUMMARY

Issue(s): Should the Planning Commission recommend approval to the City Council of amendments to the Land Development Code (LDC) and the retirement of six Council Policies (600-4, 12, 16, 21, 25 and 37) and three Land Development Manual (LDM) Appendices (C, G, and K)?

Staff Recommendation: That the Planning Commission recommend that the City Council:

Adopt the Amendments to the Land Development Code (Chapter 12, Articles 4, 5, 6 and 9; and Chapter 14, Articles 2 and 4);

Retire Council Policies 600-4, 600-12, 600-16, 600-21, 600-25 and 600-37; and

Retire Land Development Manual Appendices C, G, and K.

Environmental Review:

For the Amendments to the LDC (including retiring the LDM appendices): This activity is not subject to CEQA in accordance with State CEQA Guidelines Section 15060(c)(2), as it will not result in a direct or reasonably foreseeable indirect physical change in the environment.

For the retiring of the council policies: This activity is not a project as defined in CEQA Guidelines Section 15378, and therefore this activity is not subject to CEQA in accordance with CEQA Guidelines Section 15060(c)(3).

Fiscal Impact Statement: Costs associated with implementation of these regulations in the future will be covered by project applicants.

Code Enforcement Impact: The proposed amendments will improve predictability and consistency in application of regulations in the Land Development Code.

Housing Impact Statement: The amendments will not impact housing supply.

BACKGROUND

The proposed action would retire six outdated policies in the Council Policy Manual and three outdated Appendices in the Land Development Manual (LDM). Amendments to the Land Development Code (LDC) and LDM are proposed to better implement the policy of the Council Policies and allow for their retirement. The proposed action is consistent with the code monitoring program directed by the Mayor and City Council as part of the adoption of the LDC to simplify development regulations; to make the development regulations more objective; to make the code more adaptable; to eliminate redundancies and contradictions; to standardize the code framework; and to increase predictability in the application of regulations.

The Council Policy Manual is a collection of policy statements adopted by Resolution. Since the time of adoption, many of the policies have become redundant or contradictory to newer adopted policy and regulations, or have been superseded, and are in need of retirement. As part of a comprehensive update requested by the City Council, the six council policies in this package were identified as appropriate for retirement after code amendments with concurrence from the City Council Rules Committee on May 16, 2012, and the full City Council on July 10, 2012.

The Land Development Manual was created pursuant to LDC Section 111.0106 as a supplement to the code to contain all associated submittal requirements, review procedures, standards and guidelines for development. Since the time of adoption, many of the LDM Appendices have become outdated. Instead of supplementing the code, they have instead become redundant or contradictory to existing regulation and policy and are therefore in need of retirement.

The public outreach process involved review and input from the Code Monitoring Team, Community Planners Committee, and Technical Advisory Committee as follows:

Code Monitoring Team (CMT): On June 13, 2012, CMT voted 9-0 to recommend approval including modifications related to 600-12, which have since been incorporated.

Community Planners Committee (CPC): On June 18, 2012, a subcommittee of the Community Planners Committee reviewed the proposed amendments and recommended approval of the staff recommendation including modifications related to 600-12 and 600-25 that have since been incorporated (vote 5-0). On June 26, 2012, CPC voted (25-0-1) to approve the staff recommendation.

Technical Advisory Committee (TAC): On July 11, 2012, TAC reviewed the proposed amendments and took two votes. The first motion to support the staff recommendation passed by a vote of 8-0. The second motion to support the code amendments related to

Council Policy 600-37 without a requirement for initiation of development agreements passed by a vote of 5-2-1. See Discussion section of report.

DISCUSSION

The proposed action will retire various Council Policies and Land Development Manual Appendices. Following is a summary of each policy document and a description of any code amendments necessary to allow for retirement of these outdated policy documents.

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 or copies may be requested directly from the Office of the City Clerk.

600-04	Standards for Rights-of-Way and Improvements Installed Therein	Adopted 1962; last amended 1990
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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 LDM, as applicable. Section 144.0231(e) reflects the suggestion from CPC that public transportation improvements be required to be constructed and financed in accordance with adopted land use plan policies, without requiring the area to be traffic congested per existing code language.

600-12	Street Names	Adopted 1962; last amended 1992
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The purpose of 600-12 was to establish policy and procedures for approving new street names through the subdivision process, and for evaluating requests to change existing street names. The main reason to name a right-of-way is to 1) provide premises identification through addressing, 2) meet California Vehicle Code requirements, and 3) facilitate emergency dispatch and response services. The code amendments will identify the street naming process in the LDC, and locate the "Street Naming Standards" in the LDM. The decision process is proposed to be streamlined with an allowance for most new street names to be permitted administratively through Process One, and require Council approval for requests to name a street using the full name of an individual. As recommended by CPC, the existing policy that provides for the City Engineer to require an applicant to name streets within a subdivision after fire and police officers that have died in the line of duty will be not be transferred to the code or LDM. However, an applicant would not be precluded from voluntarily selecting to use such names.

The decision process for name changes of existing streets would vary 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 per the LDM. 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 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.

600-16	Major Structures Spanning Public Rights of Way	Adopted 1962; last amended 1975
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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. Criteria from the policy related to maintenance of an open atmosphere, preservation of scenic vistas, pedestrian oriented design, and appropriate design and landscape is addressed in the General Plan. The council policy will continue to be 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 LDC Section 129.0710.

600-21	Subdivision Agreements	Adopted 1974; last amended 1993
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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.

600-25	Underground Conversion of Utility Lines at Developer Expense	Adopted 1977; last amended 1987
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The purpose of this policy was to help evaluate whether to grant a waiver from the requirement for new subdivisions to convert overhead utility facilities. The outdated 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. Outdated references to Council Policy 600-25 in LDC Section 144.0240(b)(5) will be removed.

600-37	Development Agreements	Adopted 1988; last amended 1989
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The purpose of the policy was to establish where development agreements would be appropriate and to ensure that the City would derive significant benefits. The policy provided guidelines for the review of development agreements requested in accordance with state law (Government Code Sections 65864 – 65869.5) at a time when growth management was an issue and a series of growth management ballot measures were pending voter approval. Regulations related to development agreements were subsequently codified in the LDC to specify the purpose, how to apply, the required contents per state law, the decision process, finding for approval, requirements for recordation and periodic review, procedures for amendment or cancellation, and enforcement provisions. The existing code sections would be amended to help clarify the development agreement process and allow for retirement of the outdated council policy.

Action on a development agreement is a Process Five legislative act that involves a recommendation from Planning Commission and a decision by the City Council and is subject to referendum and Mayors veto. State law requires that development agreements be consistent with applicable land use plans, which is an existing finding in LDC Section 124.0104(c). Consistent with the council policy, staff is proposing to also require a finding for approval that the agreement shall provide for significant public benefits in proportion to the degree of vesting authorized and in excess of what can be obtained under existing policies and regulations.

During the late 1980s and 1990s, a number of development agreements were initiated, negotiated, and adopted. The frequency at that time was likely because large tracts of raw land were available for development and the process for permit approval was unpredictable due to various land use plans, environmental policy documents, and development regulations that were simultaneously undergoing a major update process. Since 1997, the City adopted major updates to the General Plan and Land Development Code, and adopted the Multiple Species Conservation Program Subarea Plan. The City has also since transitioned to a strong Mayor form of government which provides for a new set of check and balances that were not available when the council policy was initially created.

In fact, the only development agreement (excluding redevelopment) that has been processed and approved by the City since the Land Development Code became effective (January 2000) is a park acquisition agreement processed in May 2008 within the Kearny Mesa community. In the existing regulatory context, development agreements are seldom requested because of:

- Greater certainty in the land development regulations including provisions for vesting tentative maps and master development permits for long-term, phased projects;

- Public Facilities Financing Plans that identify responsibilities for providing public facilities and allow for use of reimbursement agreements for developers who build public facilities beyond their required contribution;
- The fact that development pursuant to a development agreement must still ultimately comply with any subsequent changes to federal or state laws; and
- The fact that public benefit must exceed what can be obtained under existing regulations.

The existing Council policy provides for the Planning Commission and City Council to formally review a development agreement request and make an initial determination as to whether a development agreement is warranted, which is commonly referred to as “initiation” of a development agreement prior to the standard Process Five review provided for in the LDC. Initiation was originally used by the City Council as a screening tool (in consideration of the high volume of development permits and development agreements in process during the late 1980s and 1990s) to help provide early review against applicable land use plan policies related to circulation, parks, schools, water, police and fire protection, waste disposal, air quality, libraries, and affordable housing; and to identify the relationship between the request and pending growth management ballot measures.

Staff is not proposing to incorporate a code requirement for initiation of development agreements via the Planning Commission and/or City Council because of the extra time and processing costs for both the City and applicant with no value added to the negotiation process or outcome. Land use plan consistency is already something that is evaluated during discretionary project review, and to date applicants have been unwilling or unable at the initiation phase to share other significant details regarding the proportion of public and private benefit. On July 11, 2012, concern was raised during the Technical Advisory Committee meeting about the lack of a requirement for formal initiation of development agreements via the City Council; however, TAC voted 5-2-1 to support the staff recommendation without a requirement for initiation.

Staff has since added clarifying language regarding the type of information required at submittal and the required content of a development agreement. Language was also added to require that a copy of the Notice of Application be distributed to the full City Council when a development agreement is requested (in addition to the typical distribution required per Section 112.0301). The required information and notification captures the intent of the council policy to help inform the negotiation process that will ultimately result in production of an ordinance document and agreement for Process Five consideration by the Planning Commission and City Council. See Report Attachment 3 for a copy of the supplemental application form that staff is proposing to require for development agreements submitted after retirement of 600-37.

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 or copies may be requested from Development Services.

Appendix C	Equestrian Trails and Facilities	Adopted 1975
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The equestrian 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.

Appendix G	Solar Design Guidelines for Subdivisions and Planned Residential Developments	Adopted 1985
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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.

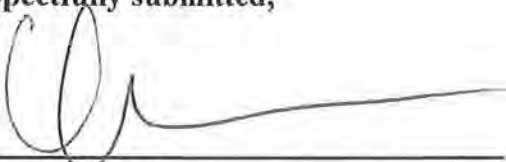
Appendix K	Off-Premises Directional Signs	Adopted 1979; last amended 1985
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The purpose of the Appendix K guidelines was to establish locational criteria and a process to allow for temporary off-premises signs to be located on private property in order to 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 together with other applicable sign requirements published directly in the sign code.

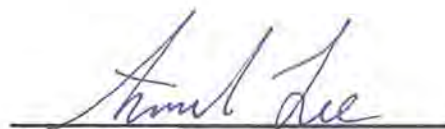
Conclusion:

Staff recommends approval of the amendments to the Land Development Code, and repeal of outdated Council Policies 600-4, 12, 16, 21, 25 and 37, and LDM Appendices C, G, and K.

Respectfully submitted,



Kelly G. Broughton
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BROUGHTON/AJL

- Attachments: 1. Draft Code Amendments
 2. Land Development Manual: Street Naming Standards
 3. Supplemental Form for Development Agreement Application Requests

Issue #1: **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.]

Issue #2: **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 Approval 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. The City Engineer may designate a street name coordinator to reserve and approve street names.

§125.1110 How to Apply for Approval to Name a Public Street or Other Rights-of-Way or to Change the Name of Existing Streets and Other Named Rights-of-Way

- (a) 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.
- (b) Applicants requesting to change the name of an existing street or other named right-of-way shall:
 - (1) Submit an application in accordance with Section 112.1102 and the Land Development Manual; and
 - (2) Submit documentation to the satisfaction of the City Engineer that a petition for the proposed name change was circulated to all property owners and tenants with either abutting property or property with an address on the affected right-of-way segment. Unless otherwise excepted, the applicant shall demonstrate upon application that the circulated petition contains signatures indicating at least 25 percent support from affected property owners and tenants.

§125.1115 General Regulations

To ensure that proposed names for streets and other rights-of-way will not adversely affect emergency dispatch or the response to emergency services, names for public streets and other rights-of-way must comply with the street naming standards in the Land Development Manual.

§125.1120 Decision Process for Requests to Name a Public Street or Other Rights-of-Way or to Change the Name of Existing Streets and Other Named Rights-of-Way

- (a) A decision on a request to name a new public street, private street, private driveway, park street, or alley shall be made by the City Engineer in accordance with Process One, except that a decision of the City Council shall be required for:
 - (1) Any request to name a street after an individual using the first and last name of that individual; and
 - (2) Any request by an applicant for a street name that in the opinion of the City Engineer does not comply with the street naming standards in the Land Development Manual.

- (b) A request to change the name of an existing public *street* or other named right-of-way shall be made in accordance with the following:
 - (1) The decision on a request for a proposed name change that is supported by a petition with 100 percent affirmative signatures from all affected property owners and tenants described in Section 125.1110(b) shall be made by the City Engineer in accordance with Process One.
 - (2) Where the circulated petition contains affirmative signatures from less than 100 percent of all affected property owners and tenants described in Section 125.1110(b), the decision shall be made by the City Council. The request shall be processed in accordance with Process Five, except that a Planning Commission recommendation hearing shall not be required prior to City Council decision.
- (c) Where a decision is required by the City Council in accordance with Section 125.1120(a) or (b), the Council shall deny any request for a name that would adversely affect emergency dispatch or the response to emergency services.

§125.1125 Effective Date of Decision to Name a Street or Other Right-of-Way

- (a) Names for new *streets* and other rights-of-way may be reserved through the approval of a *tentative map* and will be reserved for the life of the *tentative map*.
- (b) Names for *streets* and other rights-of-way may also be reserved for up to three years by submitting an application to the City Engineer in accordance with Section 125.1110.
- (c) Names reserved for *streets* and other rights-of-way shall become effective upon recordation of the associated map, drawing or deed.

Issue #3: **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) through (7) [No change]
- (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) through (3) [No change.]
- (4) 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.

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

125.0640 Approval Requirements for a Final Map

- (a) [No change.]
 - (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) [No change.]
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Issue #5: **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 8209 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:
 - (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: **Council Policy 600-37: Development Agreements**

§124.0102 How to Apply for a Development Agreement

An application for a Development Agreement shall be filed ~~with the City Manager~~ in accordance with Section 112.0102 and the following provisions:

- (a) **Persons Who May Apply.** Any person who has a legal or equitable interest in the subject real property may file an application for a Development Agreement. If submitted by the holder of an equitable interest, the application must include a title report and a statement of consent to proceed with the proposed agreement executed by the holder of the legal interest and acknowledged before a Notary Public for the State of California.
- (b) **Accompanying Documents.** The application shall be accompanied by: ~~the proposed adoption ordinance and~~
 - (1) A grant deed;
 - (2) Documentation that identifies the property and *development* to be covered by the Development Agreement and the type of vesting rights that the applicant is seeking with the Development Agreement;
 - (3) An analysis of how the proposed Development Agreement complies with applicable *land use plans*, zoning regulations, and public facilities financing plans;
 - (4) A description of the public benefit that will result from the Development Agreement in excess of what can be obtained through a *tentative map*, *development permit*, facilities benefit assessments, public facilities financing plan, or other regulations; and
 - (5) Any technical studies necessary to support the proposed public benefit elements that would be in excess of what can be obtained through a

tentative map, development permit, facilities benefit assessments, public facilities financing plan, or other regulations.

- (c) Notice of Application. A Notice of Application shall be provided in accordance with Section 112.0301(a) and shall include distribution to the City Council.
- (e) (d) Review of Documents. The City Manager shall review the submittal documents for compliance with technical requirements and consistency with the applicable *land use plan, Local Coastal Program*, and City policies and may negotiate additions or modifications to the proposed agreement.
- (e) (e) Fees and Deposits. The *applicant* for a Development Agreement shall pay a filing fee in accordance with Section 112.0202 at the time of filing the application. This fee shall be in addition to any other required fees or deposits for permits relative to *development* of the property and shall be for the purpose of defraying the costs associated with City review and action on the application.

§124.0103 Contents of Development Agreements

- (a) A Development Agreement shall contain all of the provisions listed in California Government Code section 65865.2 including:
 - (1) The duration of the agreement;
 - (2) The permitted uses of the property;
 - (3) The density or intensity of use;
 - (4) The maximum height and size of proposed buildings;
 - (5) Provisions for reservation or dedication of land for public purposes; and
 - (6) a provision Provisions requiring the *applicant* to submit annually an affidavit within 30 days of the anniversary date of the adoption of the Development Agreement to show good faith compliance and specifying the party responsible for the cost of the periodic review in accordance with Section 124.0107.
- (b) Where applicable, a Development Agreement shall also:
 - (1) Include conditions, terms, restrictions, and requirements for subsequent discretionary actions provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent *development* of the land for uses and to the *density* or intensity of *development* set forth in the Development Agreement.

- (2) Establish a construction schedule, with thresholds based on public facilities and services available through a phasing and timing program, which may require that construction be commenced within a specified time and that the project or phase thereof be completed within a specified time. The construction schedule shall indicate the minimum *development* necessary to assure the *applicant's* reasonable cost recovery for expenditures.
- (3) Include terms and conditions relating to *applicant* financing of necessary public facilities and subsequent reimbursement over time.
- (c) The Development Agreement shall not preclude the inclusion of and changes to facilities benefit assessments, public facilities financing plans, development impact fees or other related fees adopted on a community or citywide basis where such inclusion or change is caused by inflation, later more accurate cost estimation, later commonly accepted higher standards of construction (including compliance with revised General Plan standards), or to address community facility deficiencies arising from and attributable to unforeseen circumstances in the development of projects covered by the Development Agreement.
- (d) The *applicant* or successor in interest thereto shall be subject to additional City imposed fees, impositions, or monetary exactions that may be adopted following the effective date of the Development Agreement. Said fees, impositions or exactions shall be limited to the *applicant's* fair share contribution to impacts caused by the Project and shall not duplicate any exactions or other mitigations or fees contributed or paid by the *applicant*.
- (e) The Development Agreement shall indemnify and hold the City and its officers and agents free and harmless from any and all claims and liability which might arise from the agreement or any performance by any party under said agreement.

§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.

- (c) City Council *Findings*. To approve a Development Agreement, the City Council must find that:
- (1) The Development Agreement is consistent with the applicable *land use plans*, *Local Coastal Program*, and *City policies*: the Land Development Code; and
 - (2) The Development Agreement will provide significant public benefits in proportion to the rights granted under the Development Agreement; and
 - (3) The significant public benefits will be in excess of what can be obtained under existing policies and regulations, and 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.

§124.0107 Periodic Review of Development Agreements

- (a) The City Manager shall review an adopted Development Agreement at least every 12 months, at which time the owner of the property subject to the agreement shall be required to demonstrate good faith compliance with the terms of the agreement.
- (b) The City Manager shall submit a report summarizing the review to the City Council if it is determined that the *applicant* or the successor in interest thereto is not in compliance with the terms of the Development Agreement. If after reviewing the report, and after a public hearing, the City Council finds on the basis of substantial evidence that the owner has not complied in good faith with the conditions of the agreement, the City Council may terminate or modify the agreement.

Issue #7: LDM Appendix C: Equestrian Trails and Facilities

No code amendments are necessary for retirement of this outdated LDM Appendix.

Issue #8: LDM Appendix G: Solar Design Guidelines for Subdivisions and Planned Residential Developments

No code amendments are necessary for retirement of this outdated LDM Appendix.

Issue #9: LDM 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 be for 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.



City of San Diego
STREET NAMING STANDARDS
DRAFT

PURPOSE AND INTENT

The purpose of this document is to establish standards for the assignment of names to public and private streets, driveways and alleys within the City of San Diego. The primary reasons to name streets, driveways and alleys are:

- 1) To provide premises identification through addressing
- 2) To meet California Vehicle Code Requirements
- 3) To facilitate emergency dispatch and response to emergency services

The City Engineer is designated as the authority to oversee the naming of streets and to designate a Street Name Coordinator who will maintain records of assigned street names and ensure a proper review of all requests to name streets, driveways, and alleys in accordance with Land Development Code Chapter 12, Article 5, Division 11 (Naming of Public Streets and Other Rights-of-Way). Most new street names are generated as a result of subdivision activity in accordance with the Subdivision Map Act.

The intent is to avoid duplicate and similar sounding or spelling of street names that will cause confusion within the City and County of San Diego. All new street name requests must take into account the means for expedient emergency response by medical, law enforcement, fire, rescue, and any other emergency services to ensure that proposed street names will not adversely affect emergency response services.

DEFINITIONS:

For the purposes of this document the following definitions apply:

"Private Alley" is a traveled way in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not necessarily by other members of the public, and is primarily used for access to the rear or side entrances of abutting property.

Alley means a public way that is no wider than 25 feet that is dedicated as a secondary means of access to an *abutting property*.

"Private driveway" is a traveled way in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not necessarily by other members of the public.

"Private Street" is a traveled way in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not necessarily by other members of the public and, for the appropriate classification, constructed in accordance with the [Street Design Manual](#).

"Primary Street Name" That portion of the street name which does not include the suffix, prefix, pre-directional or post directional.

"Roadway" is that portion of a Street improved, designed, or ordinarily used for vehicular travel.

"Signalized Private Driveway" is a traveled way in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not necessarily by other members of the public, which intersects a publically dedicated street and is signal-controlled.

Street means that portion of the public right-of-way that is dedicated or condemned for use as a public road and includes highways, boulevards, avenues, places, drives, courts, lanes, or other thoroughfares dedicated to public travel, but does not include alleys. Within this document, the term "street" is also used to generally describe all right-of-ways that are eligible to be named where referred to as "street name".

STANDARDS FOR THE NAMING OF STREETS, DRIVEWAYS AND ALLEYS

All requests to name a street, driveway or alley in the City of San Diego shall comply with the following standards:

General Standards

1. Names shall not exceed 20 characters excluding the street suffix.
2. Names that exceed 21 characters in total need to be able to be abbreviated using common abbreviations approved by the Fire-Rescue Department.
3. Use of the word "the" at the beginning of a street name is not permitted (i.e., The Toll Rd).

4. The use of Post directional's and Pre-directional's with the street name should be avoided excepting where required pursuant to San Diego Municipal code Sections [95.0201](#), [95.0202](#) and [95.0203](#).
5. The use of standard suffixes or prefixes as a primary street name shall be avoided (e.g. Court St). See List of Standard Suffixes included below.
6. The use of special characters in street names shall be avoided such as hyphens, apostrophes, or dashes.
7. The further use of numbered street names shall be avoided. (e.g. 1st, 2nd, 3rd or First, Second or Third, etc.)
8. Names shall not be duplicative or sound too similar to an existing street name within San Diego County. Primary street names may be permitted to be identical to the primary name of an intersecting street if the streets have different suffix names.
9. Names that have unconventional or uncommon spellings, or that contain several words are to be avoided.
10. Names shall not be derogatory or defamatory.
11. The use of slang or other inappropriate names shall be avoided.
12. Street names shall be limited to those which can be properly spelled using the standard 26 letter Roman alphabet.
13. Street names that include the first and last name of an individual shall require City Council approval in accordance with LDC Section 125.1120. Council approval of this type of request is typically reserved for remembrance of public officials (i.e. police and fire) killed in the line of duty, human rights activists and community leaders with significant contributions towards improving the lives of others without prejudice, and victims of crime in which laws have been enacted to protect others.
14. When a development contains a new network of streets, a theme may be chosen, but will be disallowed if already used locally.
15. Names shall not duplicate the name of a recognized community, unless the street or right-of-way would be located within that community.
16. Streets that are deemed as being an extension of an existing street where the existing street name meets street naming standards shall be continued with the existing street name.

17. Non-dedicated streets within a public park or public facility shall be named in accordance with the street naming standards when necessary to provide addresses for structures accessed off of these types of right-of-ways.
18. The naming of alleys (public and private) should be avoided unless buildings requiring addresses adjoin an unimproved "paper" street and/or the alley serves as the primary access.
19. Private Driveways shall not be named unless the driveway meets any one of the following:
 - A. The private driveway intersects with a dedicated street at a signal-controlled intersection and there are no other identifying street name signs within close proximity intersecting with the dedicated street.
 - B. The properties served by the driveway cannot be logically addressed from the adjacent public street.
 - C. The City Engineer finds, after consulting with the City Fire Marshal, that naming a driveway meets the purpose and intent of adopted policies.

Standards for Street Name Suffixes

All new street names should end with a standard suffix (or prefix as applicable) from the list of approved suffixes below for the City of San Diego. Standard suffix designations shall not be used as the primary street name. They are considered secondary descriptors that are intended to help identify the type of street or right-of-way.

Suffixes for Public Streets

- A. Public streets must bear an identifying suffix from the following list of choices: "Avenue", "Boulevard", "Court", "Drive", "Highway", "Lane", "Place", "Road", "Street" or "Way".

Suffixes and Prefixes for Private Streets and Driveways

- B. Private streets must bear an identifying prefix or suffix from the following list of choices:
 - i. Approved prefixes are "Caminito" and "Ruelle".
 - ii. Approved suffixes are "Row" and "Square".

- C. Named private driveways, as authorized by the City Engineer, must bear an identifying prefix or suffix as follows:
- i. For private driveway names to which address numbers will be assigned:
 - a. Approved prefixes are "Chemin" and "Vereda".
 - b. Approved suffixes are "Arcade", "Bend", "Circle", "Close", "Esplanade", "Gate", "Glen", "Green", "Hollow", "Inlet", "Loop", "Mall", "Mews", "Path", and "Trail".
 - ii. For Private driveway names to which address numbers will not be assigned, the approved suffix of "DY" shall be used.

Standard Road Name Suffix Abbreviations for City of San Diego

Full Suffix Name	Approved Abbreviations
ALLEYS	
Alley	ALY, AL
CUL DE SACS	
Corte	CTE, CE
Court	CTE, CT
Cove	CV
Place	PL
Point	PT
Pointe	PTE, PE
Terrace	TER, TR

Full Suffix Name	Approved Abbreviations
LOCAL STREETS	
Avenue	AVE, AV
Bikepath	BP
Bridge	BRG, BR
Bypass	BYP, BY
Circle	CIR, CR
Crescent	CRES, CS
Crossing	XING, CG
Drive	DR
Extension	EXT, EX
Ferry	FRY, FR
Lane	LA, LN
Plaza	PLZ, PZ
Ramp	RAMP, RA
Road	RD
Street	ST
Trucktrail	TKTL, TT
Walk	WALK, WK
Way	WAY, WY
MAJOR STREETS/ PRIMARY ARTERIALS	
Boulevard	BLVD, BL
Causeway	CSWY, CY
Expressway	EXPY, EY
Freeway	FWY, FY
Highway	HWY, HY
Interchange	INTR, IN
Parkway	PKY, PY
PRIVATE STREETS	
Caminito	CMTO, CAM
Row	ROW, RW
Ruette	RUE
Square	SQ
DRIVEWAYS	
Arcade	ARC, AR
Bend	BEND, BND
Chemin	CHM
Close	CL
Driveway	DRWY, DY
Esplanade	ESP
Gate	GATE, GT
Glen	GLEN, GLN
Green	GRN
Hollow	HOLW
Inlet	INLT
Loop	LOOP, LP
Mall	MALL, ML
Mews	MEWS
Path	PATH, PA
Trail	TRL, TL
Vereda	VER



THE CITY OF SAN DIEGO

City of San Diego
Development Services
1222 First Ave. 3rd Floor
San Diego, CA 92101
(619) 446-5210

Development Agreement Supplemental Form

FORM
DS-draft
AUGUST 2012

Project No.: _____

California Government Code sections 65864 et al. and Land Development Code Chapter 12, Article 4, Division 1 provide for a process for review and approval of Development Agreements. This form is required upon submittal of an application to request a Development Agreement and is intended to supplement the General Application form.

1. Applicant Name: _____ **E-mail Address:** _____

Address: _____ **City:** _____ **State:** _____ **Zip Code:** _____ **Telephone:** _____

2. Property Owner Name: _____ **E-mail Address:** _____

Address: _____ **City:** _____ **State:** _____ **Zip Code:** _____ **Telephone:** _____

3. Site Address/Assessor's Parcel Number where Development Agreement is requested:

Address/APN: _____ **Zip Code:** _____

4. Identify whether the Development Agreement will impact the following. If the answer is yes, identify the associated impact or benefit in the space provided.

Circulation Facilities	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____
Parks	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____
Schools	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____
Water	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____
Police Protection	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____
Fire Protection	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____
Trash Disposal	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____
Sewage Disposal	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____
Hazardous Waste Disposal	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____
Air Quality	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____
Public Libraries	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____
Low-income and Affordable housing (as defined by the Housing Commission)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____
Airports	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____

5. Identify the type and size of development that would be covered and the requested duration of the development agreement.

Project No.: _____

6. Identify the public benefit that will result in excess of what can be obtained under existing policies and regulations.

7. Identify how the project will comply with Council Policy 300-10 (Equal Opportunity) and Council Policy 800-15 (Equal Opportunity Contracting).

8. Identify how the project will comply with Council Policy 600-19 (Balanced Communities) and Council Policy 600-20 (Open Housing Policy).

9. Please attach any documents that you feel are necessary to support your request for a Development Agreement.

10. Property Owner Declaration: I _____, certify, under penalty of perjury under the laws of the State of California, that the information provided above is correct.

Signature _____

Date _____

