



THE CITY OF SAN DIEGO
REPORT TO THE PLANNING COMMISSION

DATE ISSUED: January 23, 2015 **REPORT NO.** PC-15-003

ATTENTION: Planning Commission, Agenda of January 29, 2015

SUBJECT: AMENDMENTS TO THE LAND DEVELOPMENT CODE AND THE CITY'S LOCAL COASTAL PROGRAM PERTAINING TO SMALL LOT SUBDIVISIONS. (PROCESS 5)

SUMMARY

Issue: Should the Planning Commission recommend to the City Council approval of amendments to the Land Development Code and the City's Local Coastal Program pertaining to regulations for small lot subdivisions?

Staff Recommendation: Recommend that the City Council approve the proposed amendments.

Community Planners Committee (CPC):

On November 25, 2014 CPC voted to recommend the City Council adopt the amendment by a vote of 19-1-4 to recommend approval of the proposed amendment with the following conditions:

- In the RM-1-1, RM-1-2, and RM-1-3 zones, where the base zone height is 30 feet but the amendment would allow 36 feet, that no habitable space be allowed above a third story, and
- That the area of a carport be counted toward the maximum allowable floor area ratio (FAR).

Code Monitoring Team (CMT):

On March 13, 2013 the CMT voted 9-0 to support the proposed amendment.

Technical Advisory Committee (TAC):

On December 10, 2015 TAC voted 12-0 to support the proposed amendment.

Environmental Review:

An Environmental Impact Report (EIR No. 96-0333) was prepared and certified on November 18, 1997 for the original project, the adoption of the Land Development Code; and a Program EIR (No. 104495) was prepared and certified on March 10, 2008 for the General Plan Update. The proposed amendments to the Land Development Code were

reviewed by the Environmental Analysis Section for consistency with the above referenced environmental documents and it was determined that, in accordance with Public Resources Code 21166 and California Environmental Quality Act (CEQA) Guidelines Section 15162(a): (1) no substantial changes are proposed to the project which would require major revisions of the previous EIR; (2) no substantial changes occur with respect to the circumstances under which the project is undertaken that would require any revisions to the previous EIR; and (3) there is no new information of substantial importance that was not known and could not have been known at the time the previous EIR's were certified. Therefore, no subsequent EIR or other environmental document is needed for the Small Lot Subdivision Ordinance, as all of the impacts were adequately addressed and disclosed in previously certified EIR No. 96-0333 (Land Development Code) and Program EIR No. 104495 (Draft General Plan). For a more detailed analysis, refer to Attachment 2, CEQA 15162 Evaluation, Memorandum dated December 15, 2014.

BACKGROUND

The amendment to create the small lot subdivision ordinance was begun as part of the Barrio Logan Community Plan update process. However, the amendments were removed from the update process in an effort to control costs. As a result the small lot subdivision project moved along slowly with higher priority projects going to the front of the line. In some respects the additional time was beneficial since the Woodbury School of Architecture was able to test the regulations as part of their masters program in real estate development (students in the program are licensed architects). The testing consisted of selecting a site and developing multiple projects using the draft regulations. The resulting projects demonstrated that the regulations could produce infill residential projects consisting of single-family homes, in multi-family zones, available for sale at the median neighborhood housing cost.

DISCUSSION

What is a small lot subdivision? It is a subdivision of multi-family zoned land, consistent with the density of the zone, for the construction of single-family homes. Development of a small lot subdivision ordinance results in fee simple home ownership of single-family residences in multi-family zones. It is intended to provide an alternative to larger scale condominiums and apartments. It is expected to be used almost entirely in older neighborhoods that are developed with single-family homes but are designated multi-family in community plans and zoned for multi-family.

The proposed regulations would be applicable in city-wide multi-family zones where base zone densities range from 15 to 54 dwelling units an acre and in planned district ordinances with the same multi-family densities. Maximum multi-family density is calculated as square feet per dwelling unit. The following table identifies the applicable citywide zones, the applicable density as a function of dwelling unit per acre, and the minimum lot size consistent with the maximum density of the base zone.

Zone	Maximum Dwelling Units per Acre	Minimum Lot Size (sq. ft.)
RM-1-1	15 du/ac	3,000
RM-1-2	17 du/ac	2,500
RM-1-3	22 du/ac	2,000
RM-2-4	25 du/ac	1,750
RM-2-5	29 du/ac	1,500
RM-2-6	35 du/ac	1,250
RM-3-7	44 du/ac	1,000
RM-3-8	54 du/ac	800

As an example a small lot subdivision in the RM-2-6 zone on a 5,000 square-foot lot would be able to develop a maximum of four single-family homes (5,000 divided by 1,250 = 4).

The regulations that apply to development within a small lot subdivision are a combination of base zone regulations, single dwelling unit regulations, and tailored regulations. As previously stated, these regulations have been tested over a three year period by students of the Woodbury School of Architecture, and have been modified as needed. The supplemental development regulations are in Section 143.0365 and the parking ratios in Table 142-05C. The following are the more significant regulations.

- To minimize potential for impacts on adjacent development the setbacks of the base zone apply in the front, rear, and side yards of the pre-subdivided lot. However, those are the only setbacks. Within the developable area there are no required setbacks (see Attachment 3).
- Development abutting an alley is required to use the alley to access all required off-street parking.
- Dwelling units alongside the front yard must locate the primary pedestrian entry so that it faces the front yard.
- A total of 200 square feet per dwelling unit of exterior open space is required within the boundaries of the small lot subdivision. Of the 200 square feet, 60 square feet (with a minimum dimension of 6 feet) is required as private open space within each dwelling unit. The remaining requirement may be met as common open space.
- A Mutual Maintenance and Access Agreement for common utility and service connections, driveways, and all other facilities used in common shall be submitted for review and comment, and shall be recorded prior to issuance of a certificate of occupancy.
- Existing development such as courtyard bungalows may deviate from the supplemental development regulations and parking ratios through a Process Three provided the project is consistent with permitted density and complies with the requirement for a Mutual Maintenance and Access Agreement.
- The parking ratios balance the single-family and multi-family parking requirements (see Table 142-05B in Attachment 1).

- The maximum allowable height for development is tied to the base zone. The following table compares the current and proposed height limits.

Zone	Existing Zone Height Limit (ft.)	Proposed Small Lot Height Limit (ft.)
RM-1-1 through RM-1-3	30	36 ¹
RM-2-4 through RM-2-6	40	40
RM-3-7	40	40
RM-3-8	50	40

¹ The maximum height adjacent to a residential - single unit zone is 30 feet.

An application for a small lot subdivision shall be decided in accordance with a Process Three (approval of a subdivision map is at a minimum, a Process Three). As such the project will be subject to noticing requirements, community planning group review and recommendation, and potential for appeal to the Planning Commission.

Staff has considered the CPC recommended conditions for approval of the amendment and has addressed them as follows.

- With regard to the first part of the motion concerning the possibility of a fourth floor being constructed within a height limit of 36 feet, it would be very challenging to construct a habitable fourth floor given the structural thickness of floors and roof assemblies. This is what makes achieving a third floor with a height of 30 feet an accomplishment. The extra 6 feet would assist in achieving a third floor, providing useable open space on the rooftop, and creating more interesting rooflines. The CPC has no problem with the additional 6 feet in height provided a fourth floor is not plausible; as a result no change is needed.
- With regard to the second part of the motion concerning applying the area of a carport toward the maximum FAR. This request came from a community that has been having some issues with residents illegally converting carports to garages and thus increasing the total FAR. This is rightly a code compliance issue to address illegal conversions of carports to garages. To apply this FAR restriction to only single dwelling units in small lot subdivisions would be inconsistent with how the regulations are applied citywide. Staff is not proposing to make this change.

CONCLUSION

Adoption of a small lot subdivision ordinance brings with it potential benefits. It provides an option for infill development at a scale more in keeping with many of the older urbanized residential neighborhoods that have been designated for higher densities and rezoned from single-family to multi-family. The ordinance can assist in preserving community cherished residential products such as courtyard bungalows and the regulations will maintain the densities of the General Plan.

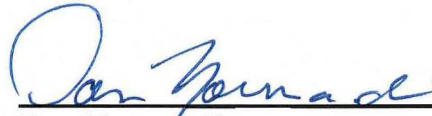
ALTERNATIVES

The Planning Commission may recommend to the City Council that it not adopt the ordinance or that it adopt an ordinance with modifications.

Respectfully submitted,



Robert Vacchi
Director
Development Services Department



Dan Normandin
Project Manager
Development Services Department

VACCHI/DPN

Attachments:

1. Draft Strikeout/underline Regulations
2. CEQA Analysis Memo December 15, 2014
3. Required Setbacks

Chapter 12
Article 6: Development Permits
Division 5: Site Development Permit Procedures

§126.0501 [No change in text.]

§126.0502 When a Site Development Permit Is Required

(a) [No change in text.]

(b) A Site development Permit decided in accordance with Process Three is required for residential development that involves any of the following:

(1) through (5) [No change in text.]

(6) Development of a small lot subdivision in accordance with Section 143.0365.

§126.0503 through §126.0505 [No change in text.]

Chapter 13
Article 1: Base Zones
Division 4: Residential Base Zones

§131.0401 through §131.0420 [No change in text.]

§131.0422 Use Regulations Table for Residential Zones

The uses allowed in the residential zones are shown in the Table 131-04B.

Legend for Table 131-04B [No change in text.]

Table 131-04B
Use Regulations Table ~~of~~ for Residential Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-	5-	
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Open Space through Agriculture [No change in text.]													
Residential													
<i>Mobilehome Parks</i>		P ⁽²⁾			P ⁽²⁾			P ⁽²⁾			P ⁽²⁾		-
<i>Multiple Dwelling Units</i>		P ⁽⁵⁾			P ⁽⁵⁾			P ⁽⁵⁾			P ⁽⁵⁾		P
<i>Rooming House</i>		-			-			-			-		-
<i>Single Dwelling Units</i>		P ⁽¹³⁾			P ⁽¹³⁾			P ⁽¹³⁾			P		-

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Separately Regulated Residential Uses through Signs [No change in text.]													

Footnotes for Table 131-04B¹ through ¹² [No change in text.]¹³ Development of a small lot subdivision is permitted in accordance with Section 143.0365.

§131.0423 through

§131.0445 Lot Coverage in Residential Zones

- (a) In all RE zones and the RS-1-1, RS-1-2, RS-1-3, RS-1-4, RS-1-5, RS-1-6, ~~and RS-1-7 zones~~, and in small lot subdivisions in accordance with Section 143.0365, the maximum permitted *lot coverage* is 50 percent on any *premises* where more than 50 percent of the *premises* contains *steep hillsides*.

(b) through (d) [No change in text.]

§131.0446 through §131.0448 [No change in text.]

§131.0449 Garage Regulations in Residential Zones

- (a) Garages within an existing embankment in the RE, RS, ~~and RX Zones~~, and in small lot subdivisions in accordance with Section 143.0365

Attached or detached garages, not exceeding 12 feet in height, including parapets and handrails, may encroach into the front and street side yards, as shown in Diagram 131-04N, subject to the following conditions:

(1) through (8) [No change in text.]

(b) [No change in text.]

§131.0450 through §131.0456 [No change in text.]

§131.0460 Maximum Third Story Dimensions ~~in the RS Zones~~ and in Small Lot Subdivisions

In the RS-1-2, RS-1-3, RS-1-4, RS-1-5, RS-1-6, ~~and RS-1-7 zones~~, and in small lot subdivisions in accordance with Section 143.0365, the following shall apply:

(a) and (b) [No change in text.]

§131.0461 Architectural Projections and Encroachments in Residential Zones

- (a) The following are permitted *architectural projections* and *encroachments* into required *yards* and the angled *building envelope* plane for RS and RX zones; ~~and the RM-1-1, RM-1-2, and RM-1-3 zones; and in small lot subdivisions~~ in accordance with Section 143.0365. These projections and *encroachments* are not permitted in the required yards within view corridors that are designated by *land use plans* in the Coastal Overlay Zone and may not be located in a required *visibility area* or a required turning radius or vehicle back-up area except where ~~development~~ development regulations may allow.

(1) through (12) [No change in text.]

(b) and (c) [No change in text.]

§131.0462 and §131.0463 [No change in text.]

§131.0466 [No change in text.]

Chapter 14**Article 2: General Development Regulations****Division 4: Landscape Regulations**

§142.0401 [No change in Text.]

§142.0521 When Landscape Regulations Apply

- (a) [No Change in text.]
- (b) Table 142-04A provides the applicable regulations and type of permit required by this division for the landscaping required in conjunction with the specific types of *development* proposals. Any project that proposes more than one of the types of *development* shown is subject to all of the regulations for each type of *development*.

Table 142-04A
Landscape Regulations Applicability

Type of Development Proposal			Applicable Regulations	Required Permit Type/ Decision Process
Column A	Column B	Column C ⁽¹⁾		
1. New <i>structures</i> that equal or exceed the <i>gross floor area</i> shown (Column B), and are proposing the type of	[No change in text.]			

<i>development</i> shown (Column C) through 2. Additions to <i>structures</i> or additional <i>structures</i> on developed properties that exceed the <i>gross</i> <i>floor area</i> shown or that increase the <i>gross floor</i> <i>area</i> by the percent shown (Column B), and are proposing the type of <i>development</i> shown (Column C)	
3. New permanent parking and <i>vehicular use area</i> for four or more vehicles including access to the spaces, excluding parking for <i>single dwelling unit</i> uses on a single lot in <i>single dwelling unit</i> zones <u>and small lot subdivisions in accordance with Section</u> <u>143.0365</u>	[No change in text.]
4. New temporary parking and <i>vehicular use area</i> for four or more vehicles including access to the spaces, excluding parking for <i>single dwelling unit</i> uses on a single lot in <i>single dwelling unit</i> zones through 14. Commercial <i>development</i> with at least 1,000 square feet of landscape area	[No change in text.]

§142.0403 [No change in Text.]

§142.0404 Street Yard and Remaining Yard Planting Area and Point Requirements

When new *structures* or additions to *structures* are subject to this section in accordance with Table 142-04A, the planting area required and the plants necessary to achieve the number of plant points required in Table 142-04C shall be provided. The required planting area is determined by multiplying the total square footage of the *street yard* or *remaining yard* area on the *premises*, by the percentage shown in Table 142-04C, unless stated otherwise in the table. The required planting points are determined by multiplying the total square footage of the *street yard* or *remaining yard* area on the *premises*, by the points shown in the table. The required planting area and plant points for the *street yard* shall be located within the *street yard*. The required planting area and plant points for the *remaining yard* shall be located within the *remaining yard*.

Table 142-04C
Street Yard and Remaining Yard Planting Requirements

Type of <i>Development</i> Proposal (6)	Type of Yard	Planting Area Required (Percentage of total <i>yard</i> area unless otherwise noted below) ⁽¹⁾	Plant Points Required ⁽¹⁾
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<i>Multiple Dwelling Unit Residential Development through Condominium Street Conversion</i>	[No change in text.]		
<u>Small Lot Subdivision</u>	<u>Street Yard</u>	<u>50%⁽⁵⁾</u>	<u>0.5 points per square foot of total</u>
	<u>Remaining Yard</u>	<u>N/A</u>	<u>street yard area</u>
Commercial Development, or Industrial Development in Commercial Zones through Large retail establishments in any Industrial Zone.	[No change in text.]		

Footnotes to Table 142-04C [No change in text.]

§142.0405 through §142.0413 [No change in Text.]

Chapter 14

Article 2: General Development Regulations

Division 5: Parking Regulations

§142.0501 through §142.0510 [No change in text.]

§142.0520 Single Dwelling Unit Residential Uses – Required Parking Ratios

The required number of *off-street parking spaces* for *single dwelling units* and related uses are shown in Table 142-05B.

Table 142-05B
Minimum Required Parking Spaces for
Single Dwelling Units and Related Uses

Type of Unit and Related Uses	Number of Required Parking Spaces
All <i>single dwelling units</i> , except those with five or more <i>bedrooms</i> in campus impact areas (See Chapter 13, Article 2, Division 8)	2 spaces per dwelling unit ⁽¹⁾
<i>Single dwelling units</i> with five or more <i>bedrooms</i> in campus impact areas (See Chapter 13, Article 2, Division 8)	1 space per <i>bedroom</i> (previously conforming parking regulations in Section 142.0510(d) do not apply) ⁽²⁾
High occupancy <i>single dwelling units</i> subject to Section 123.0502	1 space per occupant eighteen years of age and older, less one space (<i>previously conforming parking regulations in Section 142.0510 (d) do not apply</i>)
Housing for senior citizens (maximum 1 bedroom)	1 space per dwelling unit
<u>Small Lot Subdivision</u> <u>Studio and 1 bedroom</u> <u>2+ bedrooms</u>	<u>1 space per dwelling unit</u> <u>2 spaces per dwelling unit</u>

Footnote for Table 142-05B [No change in text.]

§142.0521 [No change in text]

§142.0525 Multiple Dwelling Unit Residential Uses – Required Parking Ratios

- (a) Minimum Required Parking Spaces. The required automobile parking spaces, motorcycle parking spaces, and bicycle parking spaces for *development of multiple dwelling units*, whether attached or detached, and related and *accessory uses* are shown in Table 142-05C. Other allowances and requirements, including the requirement for additional common area parking for some projects, are provided in Section 142.0525(b) through (d).

**Table 142-05C
Minimum Required Parking Spaces for
Multiple Dwelling Units and Related Accessory Uses**

Multiple Dwelling Unit Type and Related and Accessory Uses	Automobile Spaces Required Per Dwelling Unit <i><u>Dwelling Unit</u></i> (Unless Otherwise Indicated)			Motorcycle Spaces Required Per <i>Dwelling Unit</i>	Bicycle ⁽⁵⁾ Spaces Required Per <i>Dwelling Unit</i>
	Basic ⁽¹⁾	<i>Transit Area</i> ⁽²⁾	Parking Impact ⁽⁴⁾		
Studio up to 400 square feet through Residential care facility (6 or fewer persons)	[No change in text.]				
Residential care facility (6 or fewer persons) through <i>Accessory uses</i> (Spaces per square feet ⁽⁷⁾)	[No change in text.]				

Footnotes for Table 142.05C [No change in text.]

(b) through (d) [No change in text.]

§142.0527 through §142.0560 [No change in text.]

Chapter 14

Article 3: Supplemental Development Regulations

Division 3: Supplemental Neighborhood Development Permit and Site Development Permit Regulations

§143.0301 [No change in text.]

§143.0302 When Supplemental Neighborhood Development Permit and Site Development Permit Regulations Apply

This division applies to any *development* proposal for which a Neighborhood Development Permit or Site Development Permit is required as described in Sections 126.0402 and 126.0502, in accordance with table 143-03A.

Legend to Table 143-03A [No change in text.]

Table 143-03A
Supplemental Neighborhood Development Permit or Site Development Permit
Regulations Applicability

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision /Process
Affordable Infill Housing and Sustainable building Projects with Deviations through Mission trails Design District	[No change in text.]	
<u>Development of a small lot subdivision in accordance with Section 143.0365</u>	<u>143.0303, 143.0305, 143.0310, 143.0365, 143.0375</u>	<u>SDP/Process Three</u>
<u>Development Within the Urban Village Overlay Zone through Clairemont Mesa Height Limit Overlay Zone</u>	[No change in text.]	

§143.0303 through §143.0360 [No change in text.]

§143.0365 Supplemental Site Development Permit Regulations for Small Lot Subdivisions

The purpose of these regulations is to provide supplemental development regulations for development of single dwelling units in a small lot subdivision. A small lot subdivision subdivides lots zoned for multiple dwelling units into smaller lots for development of single dwelling units. The intent is to encourage development of single family housing on small lots in order to provide a space efficient and economical alternative to traditional single dwelling unit development. It is also the intent of these regulations to provide pedestrian friendly developments that are appropriate to neighborhood character. The following supplemental regulations apply to a Site Development Permit for a small lot subdivision.

- (a) A small lot subdivision development is permitted in the RM-1-1 through RM-3-8 (Residential Multiple Unit) Zones, and zones with comparable density in the Planned District regulated in Chapter 15.
- (b) The maximum number of bedrooms in a dwelling unit is three.

- (c) A small lot subdivision development shall comply with the regulations in Table 143-03C and the supplemental regulations in this Section.

Table 143-03C
Development Regulations for Small Lot Subdivisions

<u>Max permitted density pre-subdivided lot (DU per lot)</u>	
<u>Pre-subdivided lot</u>	<u>Per the base zone</u>
<u>Subdivided lot</u>	<u>1</u>
<u>Min lot area (sf)</u>	<u>maximum permitted density of base zone</u>
<u>Min lot dimensions</u>	
<u>Pre-subdivided lot</u>	
<u>Lot width (ft)</u>	<u>25</u>
<u>Lot Depth (ft)</u>	<u>50</u>
<u>Street Frontage (ft) [See Section 131.0442(a)]</u>	<u>25</u>
<u>Subdivided lot</u>	
<u>Lot width (ft)</u>	<u>--</u>
<u>Lot Depth (ft)</u>	<u>--</u>
<u>Street Frontage (ft) [See Section 131.0442(a)]</u>	<u>--</u>
<u>Setback requirements</u>	<u>per the base zone⁽¹⁾</u>
<u>Maximum Lot coverage</u>	<u>--</u>
<u>Setback requirements for resubdivided corner lots [See Section 113.0246(f)]</u>	<u>applies</u>
<u>Max structure height (ft)</u>	
<u>RM-1-1, RM-1-2, and RM-1-3</u>	<u>36⁽²⁾</u>
<u>RM-2-4, RM-2-5, and RM-2-6</u>	<u>40⁽³⁾</u>
<u>RM-3-7 and RM-3-8</u>	<u>40</u>
<u>Lot coverage for sloping lots [See Section 131.0445(a)]</u>	<u>applies</u>
<u>Max floor area ratio</u>	<u>per the base zone⁽⁴⁾</u>
<u>Accessory uses and structures [See Section 131.0448(a),(b)]</u>	<u>applies</u>
<u>Garage regulations [See Section 131.0449(a)]</u>	<u>applies</u>
<u>Building spacing [See Section 131.0450]</u>	<u>--</u>
<u>Max third story dimensions [See Section 131.0460]</u>	<u>--</u>
<u>Architectural projections and encroachments [See Section 131.0461(a)]</u>	<u>applies</u>
<u>Supplemental requirements</u>	
<u>RM-1-1, RM-1-2, and RM-1-3 [See Section 131.0464(d)]</u>	<u>applies</u>
<u>RM-2-4, RM-2-5, and RM-2-6 [See Section 131.0464(e)]</u>	<u>applies</u>
<u>RM-3-7 and RM-3-8 [See Section 131.0464(e)]</u>	<u>applies</u>
<u>Refuse and Recyclable Material Storage [See Section 142.0805]</u>	<u>applies</u>

Footnotes for Table 143-03C

- ¹ Only the setbacks that apply to the pre-subdivided lot must be maintained, except that if the pre-subdivided small lot subdivision development covers more than one lot, the setback shall not be required for internal lot lines of the pre-subdivided lot.

- ² Section 131.0444(e) only applies to the *building envelope* at the front and side *setback lines* of the pre-subdivided lot. When adjacent to a residential – single unit zone the maximum height is 30 feet.
- ³ Section 131.0444(f) only applies to the *building envelope* at the front and side *setback lines* of the pre-subdivided lot.
- ⁴ Per the base zone except that reservation of *floor area ratio* for parking shall not be required.

(d) Required exterior open space.

- (1) A minimum of 200 square feet of exterior useable open space per *dwelling unit* shall be provided within the small lot subdivision.
- (2) Of the 200 square-foot minimum, a minimum of one private exterior open space for each *dwelling unit* shall be provided measuring 60 square feet with a minimum dimension of no less than 6 feet.
- (3) The area of a driveway shall not be counted toward required exterior open space.

(e) *Dwelling units* that abut the *front yard* of the pre-subdivided lot shall locate the primary pedestrian entrance facing that *front yard*.

(f) A Mutual Maintenance and Access Agreement for common utility and service connections, driveways, and all other facilities used in common shall be submitted for review and comment, and shall be recorded prior to issuance of a certificate of occupancy. The agreement shall, at a minimum, contain the following:

(1) Easements for:

- (A) Shared driveway
- (B) Utilities
- (C) Drainage and runoff
- (D) Encroachments
- (E) Maintenance, repair, and reconstruction

(2) Maintenance for:

- (A) Shared driveway
- (B) Sewer lines
- (C) Cable and electrical lines

(D) Exterior lighting

(E) Perimeter fences

(g) When an *alley* abuts the *premises*, access to required off-street parking shall be only from the *alley*.

(h) Parking requirements and parking site design shall comply with the following regulations and Chapter 14, Article 2, Division 5 (Parking Regulations) for *single dwelling units*, however, where there is a conflict the requirements of this section shall apply.

(1) The number of off-street parking spaces shall be consistent with the ratios for small *lot subdivision* in Table 142-05C.

(2) Required parking shall be provided on each *lot*, or within a common parking area, or in a combination of the two.

(3) Tandem parking is permitted provided the tandem spaces are assigned to the same *dwelling unit*.

(4) A maximum of one driveway curb cut shall be permitted for each 50 feet of pre-subdivided *street frontage*.

(5) Driveway width shall be determined based on the size of the lot and the number of parking spaces within the small *lot subdivision*. Refer to Tables 143-03D for the applicable minimum and maximum driveway widths.

(6) Required off-street parking spaces may be provided within a garage, a carport, or an unenclosed parking space.

Table 143-03D
Driveway Width

<u>Pre-subdivided lots greater than 50 feet in width</u>		
<u>Parking Spaces in Small Lot Subdivision</u>	<u>Required Width</u>	
	<u>One-Way</u>	<u>Two-Way</u>
<u>10 or fewer</u>	<u>12 feet</u>	
<u>More than 10</u>	<u>14 feet</u>	<u>20 feet</u>
<u>Pre-subdivided lots 50 feet or less in width</u>		
	<u>One-Way</u>	<u>Two-Way</u>

<u>10 or fewer</u>	<u>12 feet</u>	
<u>More than 10</u>	<u>14 feet</u>	<u>20 feet</u>

- (i) The planting requirements shall be in accordance with the requirements for small lot Subdivisions in Table 142-04C.
- (j) Existing *development* that proposes to be subdivided into a small *lot subdivision* that deviates from these supplemental regulations or parking ratios in Table 142-05C shall be processed as a Process Three Site Development Permit provided the *development* is consistent with permitted *density* and complies with the requirement for a Mutual Maintenance and Access Agreement.

§143.0375 and §143.0380 [No change in text.]

Chapter 15
Planned Districts
Article 1: Planned Districts
Division 1: General Provisions for Planned Districts

§151.0101 through §151.0102 [No change in text.]

§151.0103 Applicable Regulations

- (a) [No change in text.]
- (b) The following regulations apply in all planned districts:
- (1) through (8) [No change in text.]
- (9) Supplemental Neighborhood Development Permit Regulations for Small Lot Subdivisions contained in Land Development Code Section 143.0365.



THE CITY OF SAN DIEGO
M E M O R A N D U M

DATE: December 15, 2014

TO: Dan Normandin, Development Project Manager III, Development Services Department

FROM: Anne B. Jarque, Senior Planner, Development Services Department

SUBJECT: Amendments to the Land Development Code and the City's Local Coastal Program Pertaining to Small Lot Subdivisions; California Environmental Quality Act - 15162 Evaluation

The Development Services Department (DSD) has completed a California Environmental Quality Act (CEQA) Section 15162 – Subsequent EIRs and Negative Declaration consistency evaluation in compliance with Public Resources Code 21166 for the proposed amendments to Land Development Code (LDC) pertaining to small lot subdivision development. A small lot subdivision is the division of land for fee simple ownership of single-family homes in multi-family zones.

This evaluation was performed to determine if conditions specified in CEQA Guidelines Section 15162 would require preparation of additional CEQA review. DSD has determined that the proposed amendments are consistent with the original LDC Environmental Impact Report (EIR) No. 96-0333/SCH No. 96081056, certified by City Council on November 18, 1997, Resolution No. 98-288; as well as the City of San Diego General Plan Program EIR No. 104495/SCH No. 20006091032, certified by City Council on March 10, 2008, Resolution No. 2008-685; and would not result in new impacts.

BACKGROUND

The LDC was created to consolidate development regulations into a sequence of chapters of the Municipal Code (Chapters 11-15) to simplify the City's land development regulations; make the land development regulations more objective; make the code more adaptable; eliminate redundancies and contradictions; standardize the code framework; and increase predictability in the application of land development regulations. The certified LDC EIR anticipated that regular updates of the LDC would occur to maintain the code in accordance with the goals described above.

The associated EIR analyzed the environmental effects associated with adoption and implementation of the proposed LDC, related regulations, amendments and appeals. The LDC EIR identified significant unmitigated impacts in the following issue areas: Land Use, Biological

Resources, Landform Alteration, Historical Resources, Paleontological Resources, and Human Health and Public Safety. Cumulative impacts were also identified to Soils/Erosion Hazard, Air Quality, Hydrology/Water Quality, Biological Resources, Land Use, Transportation/Circulation, Landform Alteration, Historical Resources, and Paleontological Resources. A Mitigation Monitoring and Reporting Program was adopted with LDC EIR to reduce potentially significant impacts to Land Use, Biological Resources, Historical Resources, Landform Alteration/Neighborhood Character, Paleontological Resources, Natural Resources, and Human Health and Safety. The proposed amendments would not result in new significant environmental effects or substantially increase the severity of previously identified significant effects in any of these issue areas or mitigation requirements; therefore, no further documentation is required for the proposed project.

The City of San Diego General Plan (General Plan) is a citywide comprehensive policy-level document that anticipated future actions, including community plan updates, land development code amendments and applicable ordinances to be required as a result of its implementation. The General Plan's City of Villages strategy implements policies that encourage mixed-use development that are pedestrian-friendly, centers of community, and linked to regional transit system. The associated Program EIR (PEIR) analyzed the environmental effects associated with its adoption and implementation. The General Plan PEIR identified significant unmitigated impacts in the following issue areas: Air Quality, Biological Resources, Geologic Conditions, Health and Safety, Historical Resources, Hydrology, Land Use, Mineral Resources, Noise, Paleontological Resources, Population and Housing, Public Facilities, Public Utilities, Transportation/Traffic/Circulation/Parking, Visual Effects and Neighborhood Character, and Water Quality. The General Plan PEIR included a Mitigation Framework to identify means by which potentially significant impacts could be reduced or avoided in cases where the PEIR analysis determined such impacts to be potentially significant. Standard existing regulations requirements, programs and procedures that are applied to all similar projects were taken into account in identifying additional project specific mitigation that may be needed to reduce identified significant impacts. The proposed amendments would not result in new significant environmental effects or substantially increase the severity of previously identified significant effects in any of these issue areas or mitigation requirements; therefore, no further documentation is required for the proposed project.

CHANGES TO THE PROJECT DESCRIPTION

The proposed changes to incorporate regulations related to small lot subdivision development would modify the following:

- Chapter 12, Article 6, Division 5, Section 126.0502 (When a Site Development Permit is Required);
- Chapter 13, Article 1, Division 4, Section(s) 131.0422 (Use Regulations Table for Residential Zones) / Table 131-04B (Use Regulations for Residential Zones); 131.0445 (Lot Coverage in Residential Zones); 131.0449 (Garage Regulations in Residential Zones), 131.0460 (Maximum Third Story Dimensions in RS Zones and in Small Lot Subdivisions); 131.0461 (Architectural Projects and Encroachments in Residential Zones);
- Chapter 14, Article 1, Division 4, Section(s) 142.0402 (When Landscape Regulations Apply / 142.04A (Landscape Regulations Applicability); 142.0404 (Street Yard and

Remaining Yard Planting Area and Point Requirements) / Table 142-04C (Street Yard and Remaining Yard Planting Requirements);

- Chapter 14, Article 2, Division 5 Section(s) 142.0525 (Multiple Dwelling Unit Residential Uses – Required Parking Ratios) / Table 142-05C (Minimum Required Parking Spaces for Multiple Units and Related Accessory Uses); Chapter 14, Article 3, Division 3, Section(s) 143.0302/ Table 143-03A (Supplemental Neighborhood Development Permit or Site Development Permit Regulations Applicability); 143.0365 (Supplemental Site Development Permit Regulations for Small Lot Subdivisions), including Table 143-03C (Development Regulations for Small Lot Subdivisions) and Table 143-03D (Driveway Width); and
- Chapter 15, Article 1, Division 1: General Provisions for Planned Districts, Section 141-0103 (Applicable Regulations).

CEQA 15162 CONSISTENCY EVALUATION

DSD reviewed the proposed amendments and conducted an 15162 consistency evaluation in compliance with Public Resources Code Section 21166 with the previously certified LDC EIR No. 96-0333/SCH No. 96081056 and the General Plan PEIR No. 104495/SCH No. 2006091032. The evaluation matrix (Attachment 1) substantiates the conclusion that supports a determination that no subsequent document is required.

CONCLUSION

Overall, it is not anticipated that the implementation of the proposed amendments would result in any significant direct, indirect or cumulative impacts over and above those disclosed in the previously certified LDC EIR No. 96-0333/SCH No. 96081056 and the General Plan EIR No. 104495/SCH No. 2006091032. The project would not result in new impacts or changed circumstances that would require a new environmental document.

Section 15162 of the CEQA Guidelines states:

When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

DSD finds that none of the three criteria listed above has occurred. In addition, this evaluation supports the use of the previous environmental documents for the proposed amendments pursuant to Public Resources Code 21166 and CEQA Guidelines Section 15162. Therefore, the certified EIR No. 96-0333/SCH No. 96081056 and General Plan PEIR No. 104495/SCH No. 2006091032 adequately covers the modifications to the LDC pertaining to residential development of small lot subdivisions being proposed.



Anne B. Jarque
Senior Planner

Attachment: 1. CEQA Guidelines Section 15162 Consistency Evaluation Matrix

CEQA Guidelines Section 15162 Consistency Evaluation Matrix
Small Lot Subdivisions

Following is an analysis of the proposed Small Lot Subdivision regulations amending the Land Development Code in accordance with CEQA Guidelines Section 15162.

No.	AMENDMENT DESCRIPTION and CEQA 15162 EVALUATION
1	<p><u>Site Development Permit - Process 3 Required for Small Lot Subdivisions</u> Adds subsection 126.0502(b)(6) to require a Site Development Permit (Process 3 decision) for residential development of a small lot subdivision in accordance with new regulations, Section 143.0365 (Supplemental Site Development Permit Regulations for Small Lot Subdivisions).</p> <p>CEQA 15162 Evaluation: As discussed in the LDC EIR, Chapter 12 includes information on the type of review that is required for the different types of projects. The proposed amendment would require residential development proposing a small lot subdivision to trigger a discretionary action with a Site Development Permit (SDP), Process 3-Hearing Officer decision. This is consistent with the same Process 3 decision for a subdivision map (i.e. tentative parcel map) approval.</p> <p>In addition, with the SDP, small lot subdivisions will be also be subject to environmental review under the California Environmental Quality Act and site-specific environmental analyses would be conducted with each project.</p> <p>Implementation of this proposed amendment would not result in a physical impact to the environment analyzed under CEQA. Requiring a discretionary permit, such as a Site Development Permit, to be Process 3 for any small lot subdivision development would not result in new significant environmental effects or substantially increase the severity of previously identified significant effects in any of the issue areas or mitigation requirements beyond those identified in the previously certified LDC EIR No. 96-0333/SCH No. 96081056; therefore, no further documentation or environmental analysis is required.</p>
2	<p><u>Small Lot Subdivision in Multi-Family Residential Zones</u> Amends Sections 131.0422 (Use Regulations Table for Residential Zones) / Table 131-04B (Use Regulations for Residential Zones); 131.0445 (Lot Coverage in Residential Zones); 131.0449 (Garage Regulations in Residential Zones), 131.0460 (Maximum Third Story Dimensions in RS Zones and in Small Lot Subdivisions); 131.0461 (Architectural Projects and Encroachments in Residential Zones) to make reference to small lot subdivision requirements under Section 143.0365 (Supplemental Site Development Permit Regulations for Small Lot Subdivisions).</p> <p>CEQA 15162 Evaluation: As discussed in the LDC EIR, Chapter 13 provides information on proposed Base Zones and Overlay Zones. The proposed amendments would permit small lot subdivision in the multi-family residential (RM) zones supporting low to medium density development: RM-1-1, RM-1-2, RM-1-3, RM-2-4, RM-2-5, RM-2-6, RM-3-7, RM-3-8 and in Planned District base zones that have matching densities. In addition, proposed small lot subdivision development would also be subject to additional</p>

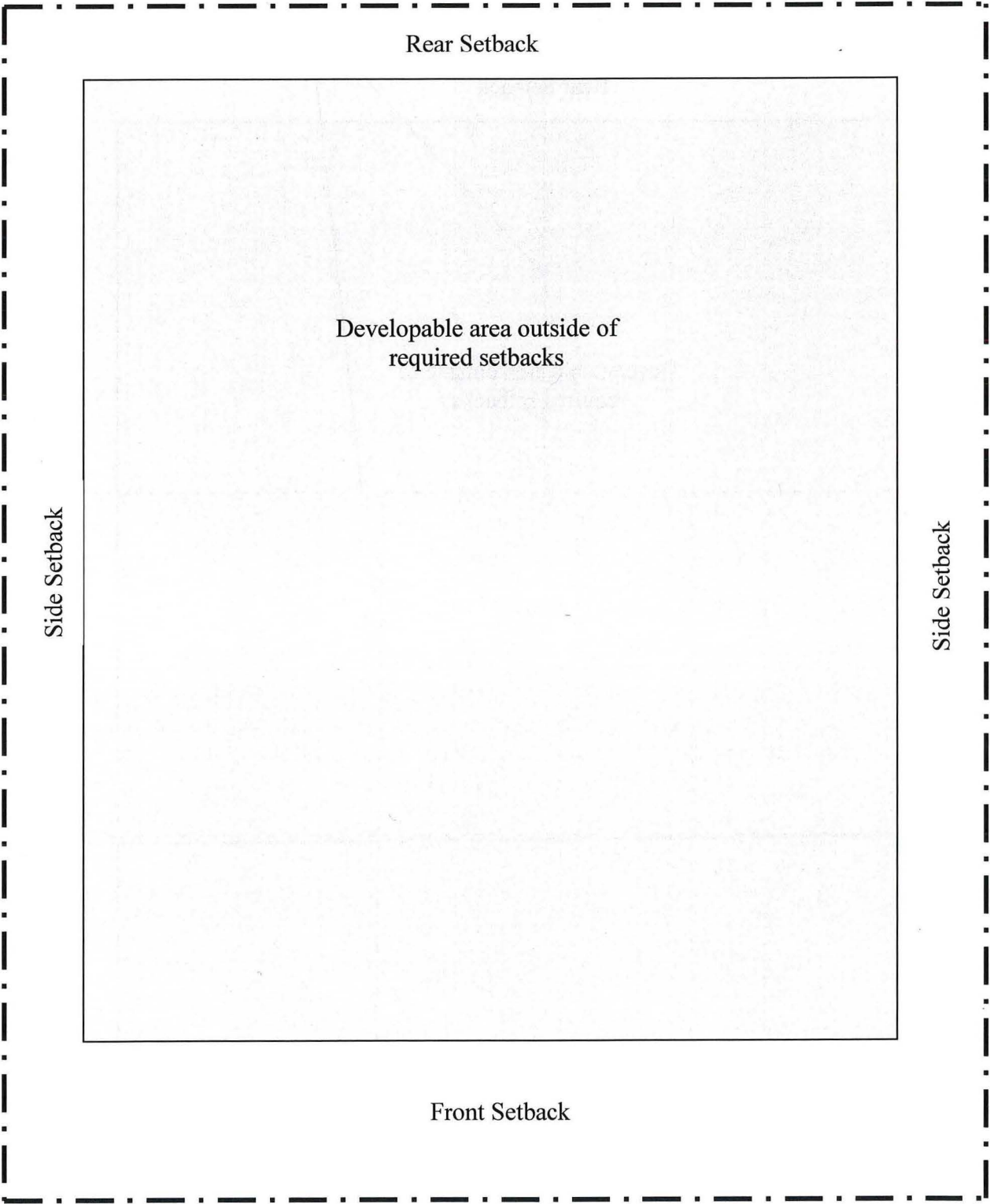
No.	AMENDMENT DESCRIPTION and CEQA 15162 EVALUATION
	<p>requirements related to lot coverage, garage regulations, maximum third story dimensions, and architectural projects and encroachments in residential zones.</p> <p>The proposed amendment would not result in new significant environmental effects or substantially increase the severity of previously identified significant effects in any of the issue areas or mitigation requirements beyond those identified in the previously certified LDC EIR No. 96-0333/SCH No. 96081056; therefore, no further documentation or environmental analysis is required.</p>
3	<p><u>Landscape Requirements for Small Lot Subdivisions</u> Amends Section 142.0402 (When Landscape Regulations Apply / 142.04A (Landscape Regulations Applicability); 142.0404 (Street Yard and Remaining Yard Planting Area and Point Requirements) / Table 142-04C (Street Yard and Remaining Yard Planting Requirements).</p> <p>CEQA 15162 Evaluation: As discussed in the LDC EIR, the Landscape Regulations would be located in Chapter 14 and incorporate all the planting, irrigation, and landscape requirements. The proposed amendment would exclude small lot subdivision development from landscape requirements for new permanent parking and vehicular use area for four or more vehicles consistent with single dwelling unit uses and require the street yard to have a planting area at 50% of the total yard in the street yard consistent with multiple dwelling unit/condominium conversion uses.</p> <p>Requiring small lot subdivision development to have similar landscape requirements as single-family and multi-family (condo conversion) development would not result in new significant environmental effects or substantially increase the severity of previously identified significant effects in any of the issue areas or mitigation requirements beyond those identified in the previously certified LDC EIR No. 96-0333/SCH No. 96081056; therefore, no further documentation or environmental analysis is required.</p>
4	<p><u>Parking Requirements for Small Lot Subdivisions</u> Amends Table 142-05C (Minimum Required Parking Spaces for Multiple Units and Related Accessory Uses) to identify parking ratio requirements for small lot subdivision development.</p> <p>CEQA 15162 Evaluation: As analyzed in LDC EIR, the code would impose regulations that increased parking dimensions but reduced minimum requirements to provide parking in certain transit areas or for specific uses (i.e. very low income housing). This offset would not substantially increase the need for parking or the total area dedicated to parking citywide. The number of off-street parking spaces would be provided for each single-family dwelling unit and would be based on the number of bedrooms of each individual unit. Therefore, for a studio or 1 bedroom dwelling unit, a minimum of 1 parking space is required; and for a dwelling unit with 2+ bedrooms, a minimum of 2 parking spaces are required.</p> <p>Furthermore, as analyzed in the General Plan PEIR, the parking needs of new</p>

No.	AMENDMENT DESCRIPTION and CEQA 15162 EVALUATION
	<p>development would be provided in accordance with the City's LDC regulations, including use of shared parking and Transit Area parking reductions. As a project, the General Plan seeks to create conditions that will reduce the demand for parking and the space devoted to the automobile, through various factors that encourage mixed-use development; comfortable, attractive sidewalks; multiple and direct pedestrian street connection; high quality transit services; improved bicycle facilities; and the use of parking management tools. The proposed parking ratios would be consistent with the environmental analysis described in the General Plan's certified PEIR and the City of Villages policies and goals. Parking would still be considered significant and unavoidable at the Program EIR level; however as small lot subdivision development projects are submitted, future discretionary projects may require project-specific measures that could reduce significant impacts to a less than significant level.</p> <p>The proposed amendment would not result in new significant environmental effects or substantially increase in the severity of previously identified significant effects in any of the issue areas or mitigation requirements beyond those identified in the previously certified LDC EIR No. 96-0333/SCH No. 96081056; therefore, no further documentation or environmental analysis is required. Implementation of the proposed amendments related to changes to the RT zones was adequately addressed in the 2008 General Plan PEIR No. 104495/SCH No. 2006091032 and, therefore, would not result in additional environmental impacts beyond those previously identified.</p>
5	<p><u>Development Regulations for Small Lot Subdivision</u> Amends Table 143-03A (Supplemental Neighborhood Development Permit or Site Development Permit Regulations Applicability) and adds Section 143.0365 (Supplemental Site Development Permit Regulations for Small Lot Subdivisions), including Table 143-03C (Development Regulations for Small Lot Subdivisions) and Table 143-03D (Driveway Width) to specify new supplemental site development permit regulations for residential development of small lot subdivisions.</p> <p>CEQA 15162 Evaluation: As defined by the Subdivision Map Act, Section 66424, a <i>"Subdivision" means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. "Subdivision" includes a condominium project, as defined in subdivision (f) of Section 1351 of the Civil Code, a community apartment project, as defined in subdivision (d) of Section 1351 of the Civil Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in subdivision (m) of Section 1351 of the Civil Code.</i></p> <p>A small lot subdivision is the division of land for fee simple ownership of single-family homes in multi-family zones. The intent of these regulations are to provide an alternative to large scale condominiums or apartments in multi-family zone while maintaining the low to medium density within each base zone range. Small lot subdivision developments also encourage pedestrian scale in urban neighborhoods and provide fee simple single-</p>

No.	AMENDMENT DESCRIPTION and CEQA 15162 EVALUATION
	<p>family housing without homeowner association (HOA) fees typical of condominium development.</p> <p>Including the regulations specified in Table 143-03C pertaining to minimum lot areas, setbacks, maximum structure heights, etc., development of single-family dwelling units in a small lot subdivision would also need to meet the following requirements:</p> <ul style="list-style-type: none"> • Permitted in multi-family zones that allow a density of 15-54 dwelling units/acre (du/ac); RM-1-1 through RM-3-8 (Residential Multiple Unit) Zones, and comparable multiple dwelling unit zones with planned districts. • Maximum 3 bedrooms in a dwelling unit. • Exterior open space shall be a minimum 200 square feet within the subdivision, of which each dwelling unit shall have one private exterior useable open space area measuring 60 square-foot (minimum) with a minimum dimension of no less than 6 feet. • A Mutual Maintenance and Access Agreement for common utility and service connections, driveways, and all other facilities used in common to be recorded prior to the issuance of a certificate of occupancy. • Parking consistent with ratios for small lot subdivision in Table 142-05C (See # 4 above) and driveway widths determined based on the site of the lot, number of parking spaces, and location. <p>As described in LDC Section 131.0406 (Purpose of the RM (Residential--Multiple Unit)) Zones, the RM zones provide for <i>multiple dwelling unit</i> development at varying densities. The RM zones individually accommodate developments with similar densities and characteristics. Each of the RM zones is intended to establish <i>development</i> criteria that consolidates common development regulations, accommodates specific dwelling types, and responds to locational issues regarding adjacent land uses.</p> <p>As analyzed in the certified LDC EIR, the code would protect the character and design of the surrounding community. Height limitations on structures would address potential neighborhood character issues related to bulk, scale or style. To be consistent with this analysis, the proposed regulations would limit the maximum structure heights to be consistent with the underlying zone; except in the RM-3-8 zone structure height would be reduced by 10 feet from 50 feet to 40 feet. Setbacks would also be consistent with the underlying zone, except there is a zero foot setback from the internal lot lines for a pre-subdivided lot. Residential development proposed for a small lot subdivision would allow a, maximum density of 1 dwelling unit (du) for each lot area ranging from 3,000 square feet (RM-1-1) to 800 square feet (RM 3-8), or 15-54 du/acre.</p> <p>Proposed parking and driveway requirements would also address potential parking and internal circulation (public safety) issues that would be consistent with the analysis in the certified LDC EIR for similar type of development and zoning requirements. Both interior and exterior noise issues would need to comply and/or mitigated to levels already regulated by the California Building Code and Municipal Code requirements for single-family and multi-family residential zoning.</p>

No.	AMENDMENT DESCRIPTION and CEQA 15162 EVALUATION
	<p>Since small lot subdivisions will require a discretionary review, projects would be subject to environmental review in accordance with CEQA and site-specific environmental analyses would be conducted with each project that would address potential parking, traffic and circulation, historical resources, neighborhood character/aesthetics, land use and noise.</p> <p>The proposed amendment would not result in new significant environmental effects or substantially increase in the severity of previously identified significant effects in any of the issue areas or mitigation requirements beyond those identified in the previously certified LDC EIR No. 96-0333/SCH No. 96081056; therefore, no further documentation or environmental analysis is required.</p>
6	<p><u>Small Lot Subdivisions in Planned Districts</u> Adds subsection 151.0103(b)(9) (Applicable Regulations) to make reference to Supplemental Development Permit Regulations for Small Lot Subdivisions, Section 143.0365 shall apply in all planned districts.</p> <p>CEQA 15162 Evaluation: As discussed in the LDC EIR, the City has established Planned Districts which are defined geographic areas with special land use control measures which are different in some respect from City-wide ordinances. In this case, the proposed regulations to develop single-family residences on multi-family zones through a small lot subdivision would be applicable in all the planned districts.</p> <p>Implementation of this proposed amendment would not result in a physical impact to the environment analyzed under CEQA. Requiring a discretionary permit, such as a Site Development Permit, to be Process 3 for any small lot subdivision development would not result in new significant environmental effects or substantially increase the severity of previously identified significant effects in any of the issue areas or mitigation requirements beyond those identified in the previously certified LDC EIR No. 96-0333/SCH No. 96081056; therefore, no further documentation or environmental analysis is required.</p>

REQUIRED SETBACKS



REQUIRED SETBACKS

