



## Appendix 6-B: Constraints



**6TH CYCLE HOUSING ELEMENT UPDATE  
APPENDIX 6-B ■ CONSTRAINTS**

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## MARKET CONSTRAINTS

Various market-driven factors contribute to the cost of housing. The most evident are the costs associated with construction, land, and financing. The following discusses these factors and their impact on residential development.

### CONSTRUCTION COSTS

One indicator of construction costs is Building Valuation Data compiled by the International Code Council (ICC). The unit costs compiled by the ICC include structural, electrical, plumbing, and mechanical work, in addition to interior finish and normal site preparation. The data are national and do not account for regional differences, nor include the price of the land upon which the building is built. In 2020, according to the latest Building Valuation Data release, the national average for development costs per square foot for apartments and single-family homes in 2020 are as follows:

- Type I or II, R-2 Residential Multi-family: \$148.82 to \$168.94 per sq. ft.
- Type V Wood Frame, R-2 Residential Multi-family: \$113.38 to \$118.57 per sq. ft.
- Type V Wood Frame, R-3 Residential One and Two Family Dwelling: \$123.68 to \$131.34 per sq. ft.
- R-4 Residential Care/Assisted Living Facilities generally range between \$143.75 to \$199.81 per sq. ft.

In general, construction costs can be lowered by increasing the number of units in a development, until the scale of the project requires a different construction type that commands a higher per square foot cost.

Construction costs include the cost of materials and labor. Materials costs include the cost of building materials (wood, cement, asphalt, roofing, pipe, glass, and other interior materials), which will vary depending on the type of housing being constructed and amenities provided. Labor costs are influenced by the availability of workers and prevailing wages. In January 2002, Senate Bill (SB) 975 expanded the definition of public works and the application of the state's prevailing wage requirements. It also expanded the definition of what constitutes public funds, capturing significantly more projects (such as housing) beyond just public works that involve public/private partnerships. Except for self-help projects, SB 975 requires payment of prevailing wages for most private projects constructed under an agreement with a public agency providing assistance to the project. As a result, the prevailing wage requirement substantially increases



the cost of affordable housing construction. In addition, a statewide shortage of construction workers can impact the availability and cost of labor to complete housing projects. This shortage may be further exacerbated by limitations and restrictions due to the current COVID-19 pandemic. Although construction costs are a significant factor in the overall cost of development, the County of San Diego has no direct influence over materials and labor costs.

## **LAND COSTS**

There is a great degree of variation in the value of residential land in the unincorporated area. This is due to factors such as the accessibility of areas to employment centers, commercial uses, transit, civic and recreational uses, and the availability and quality of services and infrastructure. Based on development proposals and pro forma information for housing subdivisions in San Diego County between 2017 and 2018, land costs range from \$27 to \$42 per square foot for a typical 1,800-square-foot home. Land cost for multi-family housing was not available but generally can be assumed to be higher on a per square foot basis. Therefore, density is an important factor in achieving project feasibility.

## **FINANCIAL COSTS**

### **Construction Financing**

According to recent estimates, the cost of marketing and financing a typical 1,800-square-foot home in San Diego County is approximately \$27 per square foot. To gain access to debt capital from conventional lenders, affordable housing developers are usually required to obtain supplemental funds from grants or secondary financing. Supplemental funds such as equity funds, predevelopment capital, performance guarantees, and bridge loans are used to fill the financing gap in making a project affordable.

In the County, affordable housing developers often have difficulty in obtaining the supplemental financing needed to build affordable housing. The County has focused on increasing affordable housing development by bringing additional funding into the region. This includes taking advantage of expanded funding opportunities, particularly at the state level, and a \$50 million local investment through the Innovative Housing Trust Fund. These efforts are in addition to the County's allocation of federal entitlement dollars under the Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) programs.

Supplemental funding (equity funds, predevelopment capital, bridge loans, etc.) is also potentially available through nonprofit organizations and other government agency programs. However, these regional, statewide, or national funding sources are often limited in scope and



highly competitive. Although local affordable housing developers have done well in competing for these funds, these funding sources are not always reliable.

In addition, California eliminated redevelopment agencies in 2012.<sup>21</sup> Redevelopment agencies were required to set aside 20 percent of their tax increment revenue for the provision of affordable housing, creating 15,000 homes in San Diego County through direct subsidies. Funds from this source were also critical in leveraging private equity and other government funds. Today, the Low Income Housing Tax Credit (LIHTC), which is highly competitive, is the single most important source of affordable housing funds. While recent legislation has created additional affordable housing resources, those are usually targeted toward special needs populations, such as people experiencing homelessness, people with mental disabilities, veterans, and farmworkers. The financing gap for affordable housing for lower-income households continues to widen, especially for homeownership opportunities.

### **Mortgage Financing**

In 2018, there were about 144,000 loan applications for residential financing in San Diego County. Of these, about 70 percent were approved, while about 30 percent were denied, withdrawn, or not completed. Applications from low- and moderate-income households represented about 16 percent of all loan applications. Compared to higher-income households, low- and moderate-income households had a slightly lower approval rate than applicants from higher-income households.

The majority of loan applications in the County were for refinancing (44 percent) or conventional home purchases (34 percent). Over 35,000 refinancing loans were originated in the County in 2018, along with nearly 33,000 conventional home purchases. Government-backed loans made up a much smaller portion of mortgages in the County, with only about 12,000 originated in 2018.

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<sup>21</sup> California Department of Finance. 2018. Redevelopment Agency Dissolution. <http://www.dof.ca.gov/redevelopment/>. Accessed July 2020.



**Table 6-B-1: Mortgage Financing by Income of Applicant—San Diego Region**

Income (% of Med. Income)	Total Applications		Approved, not Accepted <sup>1</sup>		Denied		Withdraw/Incomplete		Originated	
	Count	%	Count	%	Count	%	Count	%	Count	%
Low (0-49%)	8,133	6%	169	5%	3,213	13%	1,501	7%	3,250	3%
Moderate (50-79%)	13,807	10%	351	10%	4,146	16%	2,134	11%	7,176	8%
Middle (80-119%)	28,014	19%	703	20%	5,693	22%	4,045	20%	17,573	19%
Upper (>=120%)	78,208	54%	2,081	59%	11,746	46%	11,532	58%	52,849	56%
Income Not Available	15,901	11%	216	6%	881	3%	815	4%	13,989	15%
<b>Total</b>	<b>144,063</b>	<b>100%</b>	<b>3,520</b>	<b>100%</b>	<b>25,679</b>	<b>100%</b>	<b>20,027</b>	<b>100%</b>	<b>94,837</b>	<b>100%</b>

SOURCE: www.lendingpatterns.com, 2018.

Notes: 1. "Approved, Not Accepted" are those applications approved by the lenders but not accepted by the applicants.

**Table 6-B-2: Disposition of Home Purchase and Improvement Loan Applications: 2018**

Loan Type	Total Applicants		Approved, not Accepted <sup>1</sup>		Denied		Withdrawn/Incomplete		Originated	
	Count	%	Count	%	Count	%	Count	%	Count	%
Conventional Purchase	43,889	34%	1,379	42%	3,588	18%	5,993	32%	32,929	38%
Government-Backed Purchase	14,785	11%	308	9%	885	4%	1,702	9%	11,890	14%
Home Improvement	13,158	10%	240	7%	5,071	25%	1,148	6%	6,699	8%
Refinance	57,587	44%	1,357	41%	10,926	53%	9,725	52%	35,579	41%
<b>Total</b>	<b>129,419</b>	<b>100%</b>	<b>3,284</b>	<b>100%</b>	<b>20,470</b>	<b>100%</b>	<b>18,568</b>	<b>100%</b>	<b>87,097</b>	<b>100%</b>

SOURCE: www.lendingpatterns.com, 2018.

Notes: 1. "Approved Not Accepted" are those applications approved by the lenders but not accepted by the applicants.

## San Diego City-County Reinvestment Task Force

The San Diego City-County Reinvestment Task Force (RTF) was established in 1977 by joint resolution of the San Diego City Council and County Board of Supervisors. It was formed as a quasi-public entity to include elected representatives, lenders, and members of community organizations. The purpose of the RTF is to monitor lending practices and policies and to develop strategies for reinvestment to spur public/private financing of affordable housing and economic development activities in areas suffering from disinvestment.

Examples of strategies outlined by the RTF in its current strategic plan to encourage affordable housing and fair access to financial services include monitoring annual bank community





investment activity, facilitating discussion of community reinvestment needs and opportunities, connecting low- and moderate-income residents to resources and financial education, and undertaking collective action projects that promote loans for multi-family affordable housing development, low/moderate-income single-family mortgages, and small business and support nonprofit programs in homebuyer preparation, workforce development, credit repair and financial self-sufficiency. According to the RTF 2018 Community Investment Report, the six RTF banks invested \$1.83 billion in San Diego County's low- and moderate-income communities, including increases in small business lending and investments and tax credits, as well as loans for income-restricted, multi-family affordable housing.

### **Gap Financing**

The County recognizes that the cost of land and construction can create significant constraints on development, particularly of affordable housing. The County offers gap financing in the form of low interest deferred loans through a number of local, state and federal programs such as the Innovative Housing Trust Fund (IHTF), HOME Investment Partnerships program (HOME), Community Development Block Grant (CDBG) and No Place Like Home (NPLH) which provides financing for affordable housing construction, acquisition, and rehabilitation. The IHTF is a locally funded trust fund which was initially created by a \$25-million-dollar investment by the County, and has been used to provide gap financing for hundreds of affordable units across the region. These programs are administered by the County's Housing and Community Development Services (HCDS) department. The typical process of obtaining gap financing includes:

- HCDS posts a notice of funding availability (NOFA) on the HCDS website and the County's Buynet procurement system as funds become available.
- HCDS receives and reviews proposals using a three-step process that includes threshold review (NOFA requirements), financial feasibility, and scoring.
- Projects are ranked and identified for conditional awards, subject to available funding and approval by the Board of Supervisors, as needed.
- The gap financing award is typically the final source of funding before the developer applies for tax-credits, which typically completes the financing phase of a development.
- Conditional awards are finalized through the negotiation and execution of loan documents memorializing the terms of the loan and affordability restrictions for the property.



A recent project that HCDS funded is the Alpine Family Apartments. The development is located in the unincorporated community of Alpine and received \$4,280,000 in IHTF funding for the construction of 38 affordable housing units for low-income families, with affordability limited to families making 40% to 60% of the area median income.

In addition to the IHTF, the County administers grant funds from sources such as No Place Like Home, HOME, and Community Development Block Grants. These other funding sources are also used to provide gap financing for affordable and special needs housing.

### **COMMUNITY RESPONSE TO DENSITY AND INTENSIFICATION**

Many County CPAs were developed as and remain semi-rural communities. As the housing shortage in the region continues to put pressure on these communities to redevelop and intensify, community resistance is a potential constraint to new construction of housing. Through its General Plan, adopted in 2011, the County attempts to strike a balance between employment and housing growth by focusing density in Village areas while respecting the low-intensity character of many CPAs. The County will continue to conduct outreach and education to promote the need for and benefits of affordable housing.

### **LENGTH OF TIME FROM ENTITLEMENT TO BUILDING PERMIT SUBMITTAL**

The length of time from the date a project is entitled to building (or grading) permit submittal can also indicate market constraints on the production of housing. For example, a project proponent may need to secure financing after entitlement, a process that can often take several months. Additionally, developers may need to continue project design, including finalizing project engineering and architectural plans.

The County's entitlement and permit tracking system does not support the "life cycle" analysis of projects; therefore, an average length of time between project entitlement and building permit submittal is not available. However, discussions with staff in the Project Planning Division of PDS indicated that there tends to be a wide range of typical time frames. For example, smaller projects (with lower-financing amounts) often submit soon after entitlement, while larger projects may require additional time. The County has processes in place to allow project proponents to extend entitlements past the original expiration date. Site plans expire two years after entitlement, tentative maps and tentative parcel maps expire three years after entitlement, and major use permits expire two years after entitlement.

The County reviewed recently approved residential projects and entitlement extensions. Data from July 2017 to June 2018 shows that the County approved 90 discretionary residential projects. Of these, 29 were entitlement extensions. The 29 extensions indicate that many



projects require 2 or more years to obtain a building permit, likely due to financing or engineering constraints. The County continues to monitor the number of projects requesting extensions through its annual General Plan progress reports.

While there has been a limited amount of affordable housing constructed in the County in recent years, discussions with Project Planning indicated that affordable developments typically move quickly from the entitlement to building permit phase. Often, affordable housing projects have financing secured at the time of entitlement, and must continue the development process to ensure that funding does not expire. The Board of Supervisors has adopted Policy A-68 to expedite affordable housing project reviews, limiting the possibility of financing expiring. Policy A-68 is discussed in additional detail in the permit processing section below.

### **REQUESTS TO DEVELOP BELOW THE MAXIMUM DENSITY**

Requests to develop below the maximum or target densities may be indicators non-governmental constraints. In the General Plan Annual Progress report, the County tracks requests to develop below the maximum densities allowed under the General Plan. The 2020 Progress report found that tentative maps were planned at 91 percent of the maximum density allowed, tentative parcel maps at 53 percent, and site plans at 92 percent.<sup>22</sup>

The 5<sup>th</sup> Cycle Housing Element assumed that housing element sites would develop at approximately 70 percent of the maximum allowed. A review of multi-family projects constructed over the 5<sup>th</sup> Cycle Housing Element found that multi-family projects averaged 70 percent of the maximum density, consistent with the site capacity estimates. The projects that developed below the assumptions set by the Sites Inventory were generally balanced out by those that developed above the assumed density. In the 6<sup>th</sup> Cycle Housing Element, the County is including multiple programs to encourage development above 70 percent of the maximum, along with programs to consistently monitor housing element sites for requests to develop at lower densities than assumed in the Housing Element. An additional discussion about the trends of recent multi-family projects can be found in *Appendix 6-C*.

## **GOVERNMENTAL CONSTRAINTS**

The following section discusses governmental constraints that potentially impede residential developments in the unincorporated area. These constraints need to be fully understood for the County to establish effective strategies that will promote and facilitate the development of a variety of housing and tenancy types.

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<sup>22</sup> 2020 General Plan Annual Progress Report. County of San Diego. March 2020.



Federal- and state-mandated environmental protection regulations may cause residential development to be halted or delayed, thereby increasing costs or imposing additional costs on new residential development. These costs result from the fees charged by the County and private consultants for performing environmental analyses, conducting studies and the mandated public review process, and the potential costs associated with mitigation.

The County's land use regulatory activities may also contribute to increasing the cost of residential development. The most evident increase comes from the fees charged for processing the various permits necessary to develop land.

Facility and infrastructure constraints affect most developments in the unincorporated County. Such constraints include septic constraints, sewer capacity problems, and long-term availability of water. A significant constraint unique to the unincorporated area is that a majority of land area under the jurisdiction of the County is outside the County Water Authority (CWA) boundary. All development in this vast area is contingent upon the availability of groundwater. In addition, portions of the unincorporated area have no agency providing structural fire protection, and much of the remaining area is served by districts reliant on volunteer firefighters.

## **LAND USE CONTROLS**

### **General Plan Land Use Element**

The County of San Diego General Plan Land Use Element prescribes a two-tier land use framework: general regional categories provide a regional development pattern while more specific land use designations indicate appropriate land uses. Three regional categories—Village, Semi-Rural, and Rural Lands—focus growth in appropriate communities while preserving the rural landscape of the unincorporated County:

- **Village:** Village areas provide a wide mix of higher intensity land uses and typically contain a village core, which serves as an employment and residential center for the CPA. Public services are available or planned. Land uses surrounding the village core are similar but at a smaller scale and spread throughout neighborhoods. Single-family homes are the most common form of housing, although neighborhood centers and other key areas may contain residences in mixed-use buildings and other multi-family housing.
- **Semi-Rural:** Semi-Rural areas provide a transition between the urban character of the Village areas and the broad open spaces of the Rural Lands category. Low-density residential estates, which do not rely on sewer service, are the predominant use of land.



- **Rural Lands:** Rural Lands are large open space areas that provide for managed resource production, conservation, and recreation and thereby retain the rural character for which unincorporated San Diego County is known. Very low-density residential uses do occur, but lands in this category are sparsely populated.

Regional categories do not specify land uses, but rather the general character, scale, and intensity of development and land use. Seventeen residential land use designations are established to provide for development of a full range of housing types and densities. *Table 6-B-3* presents the relationship between the residential designations and the regional categories.

**Table 6-B-3: Regional Categories and Residential Land Use Designations**

Designation	Compatible Regional Category	Maximum Residential Density <sup>2</sup>
<b>Village Residential</b>		
Village Residential 30	Village	30 units per acre
Village Residential 24	Village	24 units per acre
Village Residential 20	Village	20 units per acre
Village Residential 15	Village	15 units per acre
Village Residential 10.9	Village	10.9 units per acre
Village Residential 7.3	Village	7.3 units per acre
Village Residential 4.3	Village	4.3 units per acre
Village Residential 2.9	Village	2.9 units per acre
Village Residential 2	Village	2 units per acre
<b>Semi-Rural Residential</b>		
Semi-Rural Residential 0.5 <sup>1</sup>	Village, Semi-Rural	1 unit per 0.5, 1, or 2 acres
Semi-Rural Residential 1 <sup>1</sup>	Village, Semi-Rural	1 unit per 1, 2, or 4 acres
Semi-Rural Residential 2 <sup>1</sup>	Village, Semi-Rural	1 unit per 2, 4, or 8 acres
Semi-Rural Residential 4 <sup>1</sup>	Village, Semi-Rural	1 unit per 4, 8, or 16 acres
Semi-Rural Residential 10 <sup>1</sup>	Village, Semi-Rural	1 unit per 10 or 20 acres
<b>Rural Residential</b>		
Rural Residential 20	All	1 unit per 20 acres
Rural Residential 40	All	1 unit per 40 acres
Rural Residential 80	All	1 unit per 80 acres
<b>Commercial</b>		
General Commercial <sup>2</sup>	Village, Semi-Rural	-
Office Professional <sup>2</sup>	Village, Semi-Rural	-



**Table 6-B-3, continued**

Designation	Compatible Regional Category	Maximum Residential Density <sup>2</sup>
Neighborhood Commercial <sup>2</sup>	Village, Semi-Rural	-
Rural Commercial <sup>2</sup>	All	2 units per acre
Village Core Mixed Use <sup>2</sup>	Village	30 units per acre

<sup>1</sup>Slope dependent category

<sup>2</sup>Maximum densities apply where Zoning Ordinance permits residential as a primary or secondary use.

The Village Core Mixed Use designation provides for integrated nonresidential and residential development that reflects a pedestrian scale and orientation with retail uses encouraged at street level. Mixed-use development may take the form of multiple-use buildings with offices and/or apartments above ground-floor retail. It may also take the form of single-use buildings adjacent to each other comprising a mixed-use complex.

Development will typically be between two and four stories in height. The maximum intensity, measured in floor area ratio (FAR), of nonresidential development in either multiple- or single-use buildings is 0.7. However, if parking is provided off-site, the FAR could increase to 1.3. Residential densities may not exceed 30 units per gross acre in either multiple- or single-use buildings. This density limit of 0.7 FAR and 30 du/ac may be a constraint on housing production, especially within the designated Village Core Mixed Use areas, where higher densities are more likely to be financially feasible.

Additionally, the County has very little land that is designated for higher-density residential land uses (10.9 du/ac and greater).<sup>23</sup> These land uses account for approximately 0.19 percent, or approximately 4,250 acres, of the unincorporated County's total area. This lack of land designated for higher densities that may accommodate moderate- to low-income housing units is a constraint on housing production. Much of the unincorporated County land is not presently served with infrastructure or is constrained by various environmental factors. The County's land use policy focuses growth in the Village areas where infrastructure is available or planned for the near future, which is the primary reason that the amount of land designated for high density housing is so low. Additionally, more than half of the land within the unincorporated County (about 56 percent) is subject to the jurisdiction of another public agency or tribal entity; the County does not have land use control or discretion in these areas.

<sup>23</sup> VR-10.9, VR-15, VR-20, VR-24, VR-30, Village Core Mixed Use



**Table 6-B-4: Distribution of Land Use Designations**

Designation	Acres	%
GENERAL COMMERCIAL	1,894	0.08
HIGH IMPACT INDUSTRIAL	865	0.04
LIMITED IMPACT INDUSTRIAL	1,002	0.04
MEDIUM IMPACT INDUSTRIAL	688	0.03
NEIGHBORHOOD COMMERCIAL	100	0.00
OFFICE PROFESSIONAL	259	0.01
OPEN SPACE (CONSERVATION)	93,150	4.08
OPEN SPACE (RECREATION)	6,154	0.27
PUBLIC AGENCY LANDS	1,268,998	55.56
PUBLIC/SEMI-PUBLIC FACILITIES	19,217	0.84
PUBLIC/SEMI-PUBLIC LANDS (SOLID WASTE FACILITY)	2,167	0.09
RURAL COMMERCIAL	1,488	0.07
RURAL LANDS (RL-20)	65,695	2.88
RURAL LANDS (RL-40)	199,048	8.71
RURAL LANDS (RL-80)	205,913	9.01
SEMI-RURAL RESIDENTIAL (SR-0.5)	4,911	0.22
SEMI-RURAL RESIDENTIAL (SR-1)	30,620	1.34
SEMI-RURAL RESIDENTIAL (SR-10)	64,009	2.80
SEMI-RURAL RESIDENTIAL (SR-2)	67,542	2.96
SEMI-RURAL RESIDENTIAL (SR-4)	45,769	2.00
SPECIFIC PLAN AREA	40,769	1.78
TRIBAL LANDS	130,537	5.71
VILLAGE RESIDENTIAL (VR-2)	12,842	0.56
VILLAGE RESIDENTIAL (VR-2.9)	2,741	0.12
VILLAGE RESIDENTIAL (VR-4.3)	8,070	0.35
VILLAGE RESIDENTIAL (VR-7.3)	5,446	0.24
VILLAGE RESIDENTIAL (VR-10.9)	312	0.01
VILLAGE RESIDENTIAL (VR-15)	2,302	0.10
VILLAGE RESIDENTIAL (VR-20)	227	0.01
VILLAGE RESIDENTIAL (VR-24)	730	0.03
VILLAGE RESIDENTIAL (VR-30)	309	0.01
VILLAGE CORE MIXED USE	373	0.02
<b>Total</b>	<b>2,284,149</b>	<b>100.00%</b>

SOURCE: SanGIS, CNTY\_GENERAL\_PLAN\_CN, last updated 3/30/2020, retrieved June 2020.

Additionally, the FARs for nonresidential uses may constrain housing production. The nonresidential land use FARs of 0.7 to 1.3 could be a potential constraint by creating an apparent disparity and community expectation of low-intensity development for adjacent properties that are planned for higher-density residential uses.



High density residential uses may also be allowed in Commercial land-use designations. The allowable density of residential uses is determined by the County's Zoning Ordinance.

**Zoning Ordinance**

The San Diego County Zoning Ordinance implements the Land Use Element of the General Plan. The Zoning Ordinance contains a variety of regulations that address building setbacks, building height, on-site open space, and parking requirements. The County's Zoning Ordinance differs from most zoning ordinances. Many zoning ordinances utilize zones such as R-1, A-1, etc., which specify not only the uses permitted, but also development standards such as lot size, density, height, and other requirements. The San Diego County Zoning Ordinance separates each of these subjects and governs each with an individual designator. Each parcel has a unique "Zone Box" that specifies the use regulations, animal regulations, and development regulations (e.g., lot size, building type, maximum floor area, FAR, height, lot coverage, setback, and usable open space) that apply to that particular parcel. Generally, adjacent properties are subject to the same zoning regulations. This approach is intended to offer flexibility. It permits any combination of development standards that is deemed appropriate for any individual parcel. This structure has the advantage of being highly customizable to a particular property's conditions, but may also have the effect of having mismatched use and development standards that make it difficult to achieve the maximum densities as designated in the General Plan.

ZONE	
USE REGULATIONS	
ANIMAL REGULATIONS	
DEVELOPMENT REGULATIONS	Density
	Lot Size
	Building Type
	Maximum Floor Area
	Height
	Lot Coverage
	Setback (*SEE SETBACK SCHEDULE)
Open Space	
SPECIAL AREA REGULATIONS	

**Use Regulations:** Existing residential use regulations contained in the County Zoning Ordinance include the following:

- RS—Single Family Residential





- RD—Duplex/Two Family Residential
- RM—Multi-Family Residential
- RV—Variable Family Residential (a combination of single-family, duplex/two-family, or multi-family residential)
- RU—Urban Residential
- RMH—Mobile Home Residential
- RR—Rural Residential
- RRO—Recreation Oriented Residential
- RC—Residential/Commercial

While the use regulations may have a stated purpose or general housing type (e.g., RS – Single Family Residential), the class or density is not constrained by the use regulations. Most residential uses fall under one of two classifications, Family Residential or Group Residential. Family residential units are typically occupied by families on a weekly or longer basis, such as a house or apartment. Group residential refers to units with shared central facilities, such as a kitchen. Common examples of group residential include senior living homes, boarding houses, or dormitories.

Existing commercial use regulations that allow residential uses as a primary use include the following:

- C31—Residential/Office/Professional
- C34—Commercial/Residential

**Table 6-B-5: Uses Permitted by Use Regulation**

Use Regulation		Uses Permitted			
		Family Residential	Group Residential	Farm Labor Camp	Residential Mobile Home Parks
RS	Create areas where family residential uses are the principal and dominant use.	P			M
RD		P			M
RM		P			M
RV		P			M



Table 6-B-5, continued

Use Regulation		Uses Permitted			
		Family Residential	Group Residential	Farm Labor Camp	Residential Mobile Home Parks
RU	Create areas where family residential uses are permitted and institutional residential care uses are conditionally permitted.	P	P		M
RMH	Create and preserve areas for mobile home residential uses.				M
RR	Create areas where agricultural use compatible with a dominant residential use is desired.	P	M	m	M
RRO	Create areas where recreationally oriented residential development is desired.	P	M		M
RC	Create areas where a mix of residential, professional, and convenience commercial uses is desired.	P	P		M
C31	Create areas where a mix of residential, administrative, office, and professional service uses near residential areas is desired.	P	P		M
C34	Create areas where a mix of commercial and residential uses is desired.	P	P		M

SOURCE: County of San Diego Zoning Ordinance.

P = Permitted; m = Minor Use Permit; M = Major Use Permit

Definitions:

1. Family residential use type refers to the residential occupancy of living units by families on a weekly or longer basis. A mobile or manufactured home is permitted on a private lot wherever a single detached residential building is permitted.
2. Group residential use type refers to residential occupancy of living units by persons who do not live together as a single housekeeping unit but have a common kitchen facility. Typical uses include sorority houses, retirement homes, and boarding houses.
3. Farm labor camp use type refers to the occupancy by five or more farm employees and their families of any living units, without regard to duration, which occurs exclusively in association with the performance of agricultural labor.
4. Mobile home residential use type refers to the residential occupancy by families on a weekly or longer basis of mobile homes located within a mobile home park or mobile home condominium.

**Lot Size:** This is the minimum net lot area required for development. Net lot area, in conjunction with density, determines residential yield. Net lot area is defined as the gross lot area minus any street right-of-way, any fenced flood control or walkway easement, irrevocable offers of dedication, and the area contained in the panhandle of a panhandle lot when the zone requires



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a minimum lot size of 10,000 square feet or less. While minimum lot sizes do not in themselves create a constraint, a review of the minimum lot sizes on high density (VR-10.9 to VR-30) residential land uses indicated that minimum lot sizes may prevent properties from developing at their maximum allowed densities. For example, a large majority of properties with land uses of VR-15 have minimum lot sizes of 6,000 square feet, which roughly translates to a density of 7.26 units per acre. While these lots may be allowed to develop with duplexes on each lot (depending on the building type designator), the misalignment between minimum lot sizes and density means that the minimum lot sizes can constitute a potential constraint on housing production for many properties.

Table 6-B-6 illustrates the minimum lot sizes for all high density residential properties in the unincorporated area. Approximately 98.3 percent of high-density residential land (VR-20, VR-24, VR-30) have minimum lot sizes at or below 6,000 square feet. There are limited instances where large minimum lot sizes (above 0.5 acres) are required for high density land. In the low-income Sites Inventory, there are 8 properties with a minimum lot size of 1 acre, which creates an actual constraint on the development of housing by preventing the construction of small-scale multi-family projects. All of the other low-income sites have either no minimum lot size or a minimum lot size of 6,000 square feet. As a part of program 3.1.3.A, the County will review the minimum lot sizes in for high-density land-uses to ensure that they do not constrain smaller lot multi-family developments.

**Table 6-B-6: Minimum Lot Sizes for High Density Properties**

General Plan Designation	No Minimum	6,000 sf	10,000 sf	0.5 ac	1 ac	Grand Total
VILLAGE RESIDENTIAL (VR-20)	6.30%	93.31%	0.00%	0.39%	0.00%	100.00%
VILLAGE RESIDENTIAL (VR-24)	0.20%	97.62%	0.39%	0.00%	1.79%	100.00%
VILLAGE RESIDENTIAL (VR-30)	6.46%	93.54%	0.00%	0.00%	0.00%	100.00%
<b>Grand Total</b>	<b>1.64%</b>	<b>96.66%</b>	<b>0.30%</b>	<b>0.02%</b>	<b>1.38%</b>	<b>100.00%</b>

Source: County of San Diego General Plan; County of San Diego Zoning Ordinance.

**Building Type:** Residential building types include single-detached, semi-detached, duplex, stacked, triplex, attached (three to eight units on separate lots), multi-dwelling, and mixed residential/nonresidential. The building type regulations in the Zoning Code may prevent properties from achieving maximum densities by preventing high-density properties from constructing multi-family buildings. For example, there are approximately 73 parcels in the County with densities of 24 du/ac, but which have building designators of “C,” which only allows for single-family homes and nonresidential structures. Therefore, the building type regulations may be actual constraints on housing production. The County has included a program, 3.1.3.A,



to review and revise development designators to ensure they do not prevent achieving the maximum allowable density.

**Maximum Floor Area and Floor Area Ratio:** These typically do not apply to residential uses.

**Height:** This designator determines the maximum height and number of stories permitted. The Zoning Ordinance offers 17 different combinations. Maximum height limitations can vary from 15 feet to 60 feet. Any height in excess of 60 feet requires a major use permit. The maximum number of stories can vary from one to four for maximum height requirements up to 45 feet. If the permitted height is 45 feet or more, any number of stories is permitted provided all building code requirements and FAR limitations are met. The most frequently utilized height/story limitations imposed in residential zones are 35 feet or two stories. These limitations may be exceeded with the approval of a major use permit. Similar to lot size regulations, height limitations are not themselves a constraint, but a review of County zoning data revealed that height limits of 35 feet and 2 stories (designator G) is applied to most of the VR-20, VR-24, and VR-30 designated properties. These height limits may make it difficult to achieve the maximum General Plan densities. The height limits represent actual constraints to housing production where they prevent the maximum density from being achieved. While the height and story limit can be exceeded with a major use permit, the uncertainty, expense, and time associated with obtaining the use permit may create a constraint on housing production.

**Setbacks:** The existing Zoning Ordinance provides 22 standardized setback options regulating front, side, and rear yards. A twenty-third option allows setbacks to be established during planned development, use permit, or site plan review procedures. Front and exterior side yard setbacks are measured from the abutting right-of-way centerline, while interior side and rear yard setbacks are typically measured from the lot line. Setbacks may limit the buildable area of the lot, and may be considered potential constraints.

**Open Space:** The County regulates both private and public open space requirements. Currently, there are 16 combinations of private and public requirements for on-site open space. Public open space requirements vary from none to 500 square feet per unit (depending on the zone, with a majority of the multi-family zones requiring around 150 square feet of group open space). Private open space requirements for multi-family zones typically vary from none to 100 square feet per unit. Public and private open space requirements may also vary by CPA. In higher-density land uses, there is limited requirement for open space, with roughly 81 percent of properties having no minimum open space requirement.

**Parking:** Existing parking requirements for multi-family dwellings vary according to the number of bedrooms in a unit. Units containing zero to two bedrooms require 1.5 parking spaces per



unit, and units containing three or more bedrooms require two parking spaces per unit. Residential uses are permitted to use rear yard setback areas for open parking. Guest parking is usually required at a ratio of one space for every five units. However, as much as one-half of the required guest parking may be met by parking in an abutting public or private street, provided that the street is improved to County standards. In addition, if a development has four or more units and an indoor recreation facility that exceeds 1,000 square feet, one parking space for every 10 units is required to accommodate the facility. At higher densities, parking is often a large factor in determining the unit yield. Generally, the existing parking requirements can be considered potential constraints to housing development because they may prevent properties from developing at their maximum densities.

**Planned Development:** Currently, planned developments are allowed to deviate from the requirements of the underlying zone, except with respect to density and total required open space. With respect to open space, 40 percent of the total land area must be dedicated to open space, at least one-half of which should be usable open space.

Together, the development regulations may prevent properties from achieving their maximum densities designated in the General Plan. Although the permitted number of units is not reduced, development may be restricted within setbacks and open space, which can make it impossible to achieve the maximum permitted housing density on a site. Programs included with this Housing Element and the 2011 General Plan will ensure that zones within Village areas include setback, building height, and open space requirements that facilitate, rather than impede, the attainment of the maximum density allowed by the zone and the General Plan.

## **VARIETY OF HOUSING TYPES**

Housing Element law calls for the provision of housing opportunities for those with special needs, including but not limited to the elderly, persons with disabilities, persons experiencing homelessness, and farmworkers. These opportunities can be made available through a variety of housing types which are identified below.

### **Single-Family Units**

Single-family residential uses are primarily permitted in the Village, Rural and Semi-Rural regional categories.

### **Multi-Family Units**

Multi-family residential uses are primarily permitted in the Village regional category. A variety of densities and housing types are permitted.



## Single-Room Occupancy Units

Single-room occupancy units take the form of multi-family housing for very low-income persons. The unit consists of a single room and may rely on shared bath and/or kitchen facilities.

If the individual unit does not include a kitchen, the project would be permitted as a group residential use in zones RU, RC, C31, and C34 and with a major use permit in zones RR, RRO, C36, C37, A70, and A72. If the individual unit includes a kitchen, the project would be permitted as a multi-family residential use in RM, RV, RU, RC, C31, and C34 zones and with a major use permit in C36, C37, A70, and A72 zones.

## Accessory Dwelling Units (ADUs)

The County allows ADUs on all properties with single-family residences (or those that will have single-family residences) and multi-family lots. ADUs may have floor areas up to 50 percent of the primary residence's floor area (up to 1,200 square feet) and are limited to 24 feet in height. Since January 2018, the County has issued permits for more than 600 ADUs or junior ADUs.<sup>24</sup>

The County's Zoning Ordinance has not yet been updated to incorporate the various recent changes to state law in 2018 and 2019. This 6th Cycle Housing Element includes a program to update the ADU Ordinance and a program to explore incentives for facilitating the development of ADUs.

## Mobile Homes and Mobile Home Parks

According to SANDAG estimates for 2018, 12,276 mobile homes and other similar types of housing are located in the unincorporated area, representing over 7 percent of the total housing stock. Among the 24 CPAs, Desert, Lakeside, North Mountain, and Rainbow have over 15 percent of their housing units made up of mobile homes (see *Table 6-A-24: Housing Types: 2018*). From January 2017 through June 2020, 210 mobile homes have been constructed in the unincorporated area.<sup>25</sup>

**Land Use Controls:** A mobile home approved by the State HCD or certified under the National Mobile Home Construction and Safety Standards Act may be located on a private lot in any residential zone, provided that it complies with all other County codes and is installed on a permanent foundation system. Mobile homes on permanent foundations that are not within mobile home parks are regulated the same as other residential developments in the respective zone.

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<sup>24</sup> County of San Diego, Planning and Development Services, 2021.

<sup>25</sup> Based on Unit Permits Issued Primary Use Code 1110, 1140, 1150.



Mobile home parks are permitted in all residential land use designations (*Table 6-B-5*), subject to the approval of a major use permit. A standard mobile home park is required to have a minimum lot area of 5 acres.

## **HOUSING OPPORTUNITIES**

### **Emergency Shelters**

AB 139 requires the need for emergency shelter to be assessed based on the capacity necessary to accommodate the most recent point-in-time count, the number of beds available on a year-round and seasonal basis, the number of beds that go unused on an average monthly basis, and the percentage of those in emergency shelters that move to permanent housing.

The San Diego Regional Task Force on the Homeless (RTFH, Inc.) is the only organization that counts the number of persons experiencing homelessness in the unincorporated County. According to the RTFH, an estimated 193 such persons were counted in the unincorporated County area in 2020.<sup>26</sup> Comparatively, the RTFH counted 336 unsheltered persons in the unincorporated County area in 2016.<sup>27</sup>

An emergency shelter is a facility that provides shelter to individuals and families experiencing homelessness on a short-term basis. To accommodate this population in the more urbanized areas of the unincorporated County, emergency shelters are allowed as a by-right use in zones M50, M52, M54, and M58. These zones encompass 2,654 acres of lands in the unincorporated County. The highest concentrations of these lands are located in the western communities of Lakeside, Spring Valley, Fallbrook, Alpine and Ramona, where jobs and services are most available. These zones tend to be located in the most urbanized portions of the unincorporated area, with access to infrastructure, schools, public transit, and grocery stores. Additionally, uses in these zones often consist of parking or storage lots that are easy to convert to emergency shelters. A review of LoopNet, a commercial real-estate listing website, indicated that there were several vacant and available properties for lease in these zones in April 2021. Available properties were located in the communities of Lakeside, Spring Valley, Valle de Oro, Ramona, and Fallbrook.

AB 101 provides a different type of housing for persons experiencing homelessness, called low barrier navigation centers (LBNCs). LBNC is defined in the bill as a “Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness

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<sup>26</sup> San Diego Regional Task Force on the Homeless. 2020. “WeAllCount Results.”

<sup>27</sup> County of San Diego. 2017. “Housing Element Background Report.”



to income, public benefits, health services, shelter, and housing.” LBNCs must be allowed by right in mixed-use and nonresidential zones where multi-family uses are permitted. Additionally, AB 139 requires that parking standards be based on staffing, not the number of beds in the shelter. The County’s Zoning Ordinance has not been updated to address these new requirements. This 6th Cycle Housing Element includes a program to address these requirements.

### **Transitional Housing and Supportive Housing**

Transitional housing is a type of supportive housing used to facilitate the movement of individuals and families experiencing homelessness to permanent housing. Transitional housing offers case management and support services with the goal to return people to independent living; usually persons return to independent living between 6 and 24 months. Generally, transitional housing has a tenancy term of up to two years, preparing an individual or family for permanent housing. Supportive housing, in its broadest definition, is housing linked with social services tailored to the needs of the population being housed. Supportive services can be provided either on-site or off-site. Typically, supportive housing is permanent housing.

The County Zoning Ordinance distinguishes between group care facilities for six or fewer people (family care home) and group care facilities for seven or more (group care). A state-authorized or certified family care home that provides 24-hour service is considered a residential use that is allowed in all residential and agricultural zones, provided that no other family care home or group care facility is located within 300 feet. This distance requirement does not apply to residential care facilities for the elderly. For six or fewer persons, a transitional or supportive housing project that requires state community care licensing would be considered a family care home. For seven or more persons, a transitional or supportive housing project that requires state community care licensing would be considered a group care facility, which is permitted in RC, C31, C34, C35, C37, and C46 zones, and with a major use permit in RS, RD, RM, RV, RU, RMH, RR, A70, A72, S90, and S92 zones. The requirement for a major use permit may pose constraints on transitional and supportive housing, so the County is including a program to study the continued need of requiring use permits in the above listed zones.

For six or fewer persons, a transitional or supportive housing project that does not require a state license would be considered residential and is allowed in all residential and agricultural zones. This transitional and supportive housing is classified as either family residential or group residential, depending on the design of the structures. Therefore, any zone that allows for family or group residential will allow some form of transitional or supportive housing.





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For seven or more persons, a transitional or supportive housing project that does not require a state license would be considered group residential housing if the individual units do not have a kitchen. Group residential housing is permitted in RU, RC, C31, and C34 zones and with a major use permit in RR, RRO, C36, C37, A70, A72, S90, and S92 zones. Recognizing that the group facilities with seven or more residents may be considered a “family” under legal precedent, the County has included a program to study the necessity of a requiring a major use permit in the applicable zones listed above, and revise the code as necessary to remove identified constraints.

Transitional or supportive housing that functions as a regular rental apartment project with individual kitchens is permitted as a multi-family residential use in RM, RV, RU, RC, C31, and C34 zones and with a major use permit in C36, C37, A70, and A72 zones.

Transitional and supportive housing is defined as a residential use, subject only to those restrictions that apply to other residential uses of the same type in the same zone. AB 2162, passed in 2017, requires supportive housing to be a use by right in zones where multi-family and mixed uses are permitted, including nonresidential zones permitting multi-family uses. The 6th Cycle Housing Element includes a program to address this requirement.

### **Senior Housing**

The County encourages the development of rental housing for moderate- and lower-income seniors by offering a density bonus program that exceeds the State Density Bonus Law. Developments up to 45 units per acre may be permitted on parcels with a General Plan density of at least 10.9 units per acre if all of the following findings are made:

- All units will be rented to moderate-, low-, or very low-income elderly households.
- An administrative permit, pursuant to the County Zoning Ordinance, shall be approved by the Director of Planning & Development Services.
- Sufficient services and facilities shall be available to support the project, including public mass transportation.

### **Housing for Persons with Disabilities**

**Land Use Controls:** The Lanterman Development Disabilities Service Act (Sections 5115 and 5116) of the California Welfare and Institutions Code declares that mentally and physically disabled persons are entitled to live in normal residential surroundings. The use of property for the care of six or fewer persons with disabilities is a residential use for the purposes of zoning. A state-authorized or certified family care home, foster home, or group home serving six or fewer



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persons with disabilities or dependent and neglected children on a 24-hour-a-day basis is considered a residential use that is permitted in all residential zones.

The County Zoning Ordinance permits a family care home in all residential zones, provided that no other such home, family care institution, or group care facility is located within 300 feet. This distance requirement does not apply to foster family homes or residential care facilities for the elderly. Family care home is defined in the code as “a state-authorized, certified, or licensed family care home, foster home, or group home serving six or fewer elderly, mentally disordered or otherwise handicapped persons, or dependent or neglected children and providing such care and service on a 24-hour-a-day basis. No facility shall qualify as a family care home if it is operated in such manner that facilities, activities, or events are thereon shared by more than six elderly, mentally disordered or otherwise handicapped persons, or dependent or neglected children.”

The County Zoning Ordinance defines a family care institution as “a state-authorized, certified, or licensed family care home, foster home, or group home which does not qualify as a family care home.” Family care institutions are considered group care, which is permitted in RC, C31, C34, C35, C37, and C46 zones, and with a major use permit in RS, RD, RM, RV, RU, RMH, RR, A70, A 72, S90, and S92 zones.

According to the California Department of Social Services, the unincorporated area has about 168 licensed residential care facilities<sup>28</sup> with a total capacity of approximately 3,262 beds.<sup>29</sup>

Local governments may restrict access to housing for households failing to qualify as a “family” by the definition specified in the Zoning Ordinance. Specifically, a restrictive definition of “family” that limits the number of and differentiates between related and unrelated individuals living together may illegally limit the development and siting of group homes for persons with disabilities but not for housing families that are similarly sized or situated.<sup>30</sup>

The County Zoning Ordinance defines a family as “an individual, or two or more persons (related or unrelated) living together as a single housekeeping unit.” This definition is all-encompassing and does not present a constraint to housing for persons with disabilities or other special needs.

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<sup>28</sup> Licensed residential care facilities include adult residential facilities, group homes, residential care facilities for the elderly, and small family homes.

<sup>29</sup> San Diego Fair Housing Resources Board. 2020. “San Diego Regional Analysis of Impediment to Fair Housing Choice,” page 93.

<sup>30</sup> California court cases (City of Santa Barbara v. Adamson, 1980 and City of Chula Vista v. Pagard, 1981, etc.) have ruled an ordinance as invalid if it defines a “family” as (a) an individual; (b) two or more persons related by blood, marriage, or adoption; or (c) a group of not more than a specific number of unrelated persons as a single housekeeping unit. These cases have explained that defining a family in a manner that distinguishes between blood-related and non-blood related individuals does not serve any legitimate or useful objective or purpose recognized under the zoning and land use planning powers of a municipality, and therefore violates rights of privacy under the California Constitution.



**Building Codes:** The County enforces the 2019 California Building Standards Code. The County adopted a local amendment to this code on January 29, 2020, to better serve local climatic, geological, and topographical conditions. These amendments include standards that go above and beyond state standards for wildfire resiliency and flooding hazard. These amendments do not impede the development or improvement of housing for persons with disabilities. Additionally, the amended code requires applicants to pay a fee for the County to conduct a review and inspection of a project for compliance with the disabled accessibility standards provided in Title 24, Part 2 of the California Code of Regulations.<sup>31</sup>

**Reasonable Accommodation:** Under state and federal laws, local governments are required to provide “reasonable accommodation” to persons with disabilities when exercising planning and zoning powers. On October 29, 2014, the Board of Supervisors adopted an amendment to the County Code to add Chapter 8 to Title 8, Division 6, for reasonable accommodation, which provides procedures to request reasonable accommodation for persons with disabilities seeking equal access to housing under the federal Fair Housing Act and the California Fair Employment and Housing Act in the application of zoning laws and other land use regulations, policies, and procedures.

A request for reasonable accommodation may be submitted to Planning & Development Services by any person with a disability or by an entity acting on behalf of a person or persons with disabilities. Requests would include contact information, address, use of property, basis of claim that the individual is considered disabled, zoning regulation from which reasonable accommodation is being requested, and why the accommodation is necessary. Requests are reviewed by the Director of Planning & Development Services or their designee and a determination with findings is made within 45 days. The request is either granted, granted with modifications, or denied. The determination can be appealed.

## **Farm Employee Housing**

The unincorporated County has over 700,000 acres zoned for agricultural uses. The County recognizes the need for affordable housing for farmworkers, and provisions in its Zoning Ordinance facilitate and encourage the development of farmworker housing. From 2017 through mid-2020, three farmworker housing units were constructed within the unincorporated area.<sup>32</sup> In addition, Fallbrook View Apartments in the unincorporated community of Fallbrook offers 80 units targeted to farmworkers and their families.

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<sup>31</sup> County of San Diego. 2020. “An Ordinance Repealing and Reenacting the County Building, Residential, Electrical, Plumbing and Mechanical Codes.”

<sup>32</sup> Based on the unit permits issued database provided by the County. Permit data from 2017-June 1, 2020 filtered by scope code – 1120 indicates that two units of permanent and one unit of temporary farmworker housing were permitted.



**Land Use Controls:** Per state law, farmworker housing for six or fewer employees is permitted as a single-family residential use but is subject to maximum density requirements. Farmworker housing that consists of no more than 12 units designed for use by single-family households or of group quarters for no more than 36 beds is considered an agricultural use, and therefore permitted on properties designated for agricultural uses.

In 2009, the County of San Diego adopted amendments to the Farm Employee Housing Program that removed density as a limitation to the provision of farmworker housing. Farm employee housing, defined as occupancy by 12 or fewer farm employees and their families of a living unit or 36 or fewer beds in a group quarters, is allowed as an accessory use to active commercial agriculture. Farm employee housing consisting of five or more farm employees requires approval of a building permit from the County and a permit to operate from the State of California. Farm employee housing of up to four farm employees requires a building permit and a permit to operate, and must be located on the same parcel as the agricultural operation or on another parcel under the same ownership. In 2019, the Board approved changes to the farm employee housing program to remove administrative permits for all farm employee housing. All farm employee housing is now allowed with ministerial approval.

**PERMIT PROCESSING PROCEDURES**

Permit processing times vary according to the permit type and complexity of the proposed development. Generally, applications for residential developments may occur as tentative parcel maps (minor subdivisions), tentative maps (major subdivisions), large-scale developments (specific plans), major use permits (planned residential development), minor use permits (oversized ADUs), and site plan review. Oftentimes multiple permits (e.g., tentative map, major use permit, site plan) are processed concurrently. Concurrent environmental review ranging from the adoption of a negative declaration to certification of a final environmental impact report (EIR) may also be required. *Table 6-B-7: Permit Processing Procedures: 2020* summarizes the various processes required for residential development, the approving bodies involved, and typical time frame. Typical time frames shown in *Table 6-B-7* are based on average processing times from fiscal year 2017-2018 and fiscal year 2018-2019.

**Table 6-B-7: Permit Processing Procedures: 2020**

	Approval Body			Public Hearings Required	Typical Time Frame	Typically Required For
	PDS	PC	BoS			
Building Permit	D			No	1-3 months	All
Administrative/Site Plan Review	D	A		Appeal Only	6-12 months	Varies



**Table 6-B-7, continued**

	Approval Body			Public Hearings Required	Typical Time Frame	Typically Required For
	PDS	PC	BoS			
Minor Use Permit	D	A		Yes	6-14 months	Nonresidential uses
Major Use Permit		D	A	Yes	12-18 months	Nonresidential uses
Tentative Parcel Map	D	A		Yes	10-20 months	Single Family (Tract) and Multi-family
Tentative Map		D	A	Yes	18-36 months	Single Family (Tract) and Multi-family
General Plan Amendment			D	Yes	32-46 months	Varies
Specific Plan			D	Yes	32-36 months	Varies

PDS = Planning & Development Services PC = Planning Commission

BoS = Board of Supervisors

D = Decision

A = Appeal

**Building Permit:** A building permit is a ministerial approval required for every residential project before construction begins. At this step, the building plans are reviewed, and permit and mitigation fees are paid. A building permit is the last step for projects that have been entitled or are allowed by right.

Overall processing time to obtain a new single family dwelling building permit is typically six months to one year from submittal to issuance of the permit. Plan check turnaround times for “log-in” plan checks vary due to workload. Typical backlog time for initial plan check after application submittal and payment of plan check fees is approximately four weeks for residential projects and six weeks for commercial projects. Overall processing time between initial submittal and permit issuance is often prolonged due to multiple re-check cycles. About half of projects submitted require more than two plan check cycles. The best way to save time in the process is by submitting quality plans, thoroughly addressing all plan check correction items, and by returning plans for re-check in a timely manner.

The County’s building permit review steps can be found at this website:

<https://www.sandiegocounty.gov/content/dam/sdc/pds/docs/pds441a.pdf>

Key steps in the building permit process include:

1. Building Permit Pre-Submittal Review. This is a counter visit to confirm and obtain the required approvals and conditions (Zoning, Building, Land Development, DEH)



2. Submit a complete application
3. Obtain school, water, sewer agency clearances (concurrent with Department reviews)
4. Department reviews the plans (30 days)
5. Applicant revises plans to address Department corrections (30-45 days, typical)
6. (Repeat Steps 4 and 5 until all corrections are approved. 2 rounds are assumed)
7. Permit issued

**Minor Use Permit:** A minor use permit is under the jurisdiction of Planning & Development Services. Uses typically requiring a minor use permit in residential zones are civic buildings, schools, and minor utilities.

**Major Use Permit:** A major use permit is under the jurisdiction of the Planning Commission. Uses typically requiring a major use permit in residential zones are civic uses, such as administrative services, childcare, group homes, and community recreation, and major utilities and commercial uses, such as professional services, retail services, and food and beverage services. Major use permits may be used to receive exemptions from height limits, setback requirements, and other development standards upon a discretionary review. If required for a residential project, the use permit would run concurrent with any other discretionary approval such as the site plan permit.

## **Typical Process**

For a typical single-family home, no discretionary approval is required, and the application can be processed within 30 to 90 days. The only approvals needed are for building and, occasionally, grading permits.

A typical multi-family development requires site plan/design review. The design review process is discussed in the following subsection. If site plan approval is required and the project is exempt from CEQA, the approval process typically takes six to eight months. The building permit process often requires several submittals by the applicant before the permit is issued. If the applicant promptly resubmits, the permit may be issued in three to four months. For a typical subdivision, the process is much more complicated and generally takes longer than 18 months due to the tentative map, environmental, and design review processes. Discretionary review focuses primarily on planning and environmental considerations. Planning issues may include conformance with the Subdivision Map Act, the appropriate community plan, the County Zoning Ordinance, and the General Plan. Compliance with an adopted specific plan is also addressed if



a project proposal implements a component of an adopted specific plan. Modification to the proposal may be requested by County staff to achieve conformance with these documents.

Community or subregional planning groups, acting in an advisory capacity, are responsible for reviewing and evaluating development proposals. Zoning in designated areas may also require that the community's Design Review Board advise the decision maker regarding a project's conformance with community design guidelines (CDG). Typically, design review is not required for single-family homes that are not part of a subdivision. However, design review is nearly always required for multi-family projects. Therefore, development applicants are encouraged to attend one or more planning group meetings prior to submittal and during application processing.

Environmental review includes addressing potential impacts relating to infrastructure, traffic and circulation, biological and archaeological issues, noise, community character, and aesthetics. Depending on the project, the County may adopt a negative declaration or a mitigated negative declaration, require extended studies, or require the preparation of an EIR. CEQA documentation varies significantly based on the nature and complexity of the project, the potential impacts, and the type of documentation that is required. Typically, the CEQA documentation process for the majority of projects will range between 6 -18 months. Environmental reviews are required by state law, but are potential constraints to housing production due to the cost, time, and risk of litigation associated with larger and more complex projects.

### **Site Plan and Community Design Review**

Design review is one of several review procedures used by the County to protect the public welfare and environment. The process is a comprehensive evaluation of those characteristics of a development which have an impact on neighboring properties. A site plan review is required for development in the C34, C42, C46, RRO, and S80 zoning districts, or any zone that includes a B or D Special Area Designator. Residential development in RRO of four or fewer single-family dwellings or two or fewer two-family dwellings does not require a site plan review. Developments in C34 that only contain residential or civic uses do not require a site plan review.

Site plan review is also required for all projects that require a community design review, which generally includes all multi-family, commercial, and industrial uses. Therefore, site plan review will be required for most affordable and higher-density housing projects that would meet the lower- and moderate-income RHNA requirements. Additionally, site plan review is required in areas where the Resource Protection Ordinance applies.

Site plan review requires a parallel and concurrent community design review, which involves referral to, review by, and advisory recommendation from the Community Planning Group (CPG)



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or the Design Review Board, a subcommittee of the CPG. More than 80 percent of properties designated for densities higher than 10.9 du/ac are subject to site plan and design review requirements.<sup>33</sup> The requirement that multi-family projects undergo a design review makes the process a potential constraint on housing production, due to the additional, cost, time, and community groups that may be involved in obtaining design review approval.

However, the process for site plan permits is very streamlined and direct. A complete application is reviewed by County staff for compliance with the zoning and General Plan requirements. It is also referred to the relevant CPG for an advisory review and recommendation. The CPG has 45 days to respond, after which, the Planning Director may grant approval. No public hearing is required unless the Director's decision is appealed to the Planning Commission.

As with all applications, the total time from application to approval varies depending on the nature and complexity of the project, the completeness and accuracy of the application, the responsiveness of the applicant to review comments and requested or required changes, and the number of review cycles. Site plans are generally considered as major or minor.

Minor site plans (exempt from CEQA) are estimated to require six to eight months assuming two rounds of resubmittals and that the applicant resubmits the revised documents within 45 days. Processing times vary by project. The County provides a detailed project timeline in the project review scoping letter. Major site plans (not exempt from CEQA) are estimated to require 10 - 12 months assuming two rounds of resubmittals and that the applicant resubmits the corrections within 45 days. However, 1-2 years is typical given that applicants often require more than 45 days to make their resubmittals and may require more than 2 resubmittals.

The following are the key steps in the site plan process:

1. Optional Pre-Application Meeting with County
2. Submit Complete Site Plan Application
3. Project Review Cycle – County referrals and reviews:
  - a. Community Planning Group for advisory review (45 days)
  - b. County Departments (30 days initial, 15 days subsequent review)
4. Applicant Revisions and Responses (45 days assumed, often longer)

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<sup>33</sup> This number excludes properties currently utilized as mobile home parks, and is based off B and D special designators pursuant to Section 5025 of the Zoning Code.





## 6TH CYCLE HOUSING ELEMENT UPDATE APPENDIX 6-B ■ CONSTRAINTS

5. Repeat Steps 3-5 until no further corrections are required (2 resubmittals typical)
6. Consolidated County Review Comments – Detailed Scoping Letter
  - a. County PDS issues a detailed letter to the applicant detailing corrections. Additional studies and other documents may also be required to allow PDS to analyze the project and complete environmental review.
7. Project Conditioning (and finalizes CEQA Document, where applicable)
  - a. After it has been determined that no additional corrections are needed, the PDS Project Planning Division will compile all conditions for the project. These conditions will be placed within the project decision and may need to be satisfied prior to issuance of a building permit or occupancy.
  - b. Director Site Plan Decision – After finalizing review, PDS will issue a decision approving or denying the project. This decision is appealable to the Planning Commission. Prior to approving a site plan, the Director shall find that the proposed development meets the intent and specific standards and criteria prescribed in pertinent sections of the Zoning Ordinance; and
  - c. That the proposed development is compatible with the San Diego County General Plan; and
  - d. That any applicable standards or criteria waived by the Director have been or will be fulfilled by the condition(s) of a use permit or variance.
8. Director Site Plan Decision Time Period. The Director shall act within 60 days of receipt of a complete application for site plan review. The 60-day period may be extended with the written consent of the applicant. All decisions of the Director become final and effective on the eleventh day following the date of decision unless an appeal of the decision is filed.
9. CEQA Documentation (typically 6-18 months, if required). Documentation begins as soon as there is a stable project description. Technical reports and studies are prepared concurrent with the project review cycles. Near the end of the review cycle, projects subject to CEQA:
  - a. Require public review of CEQA documentation, and may require responses to public comments and/or revisions to the CEQA documentation.
  - b. May also require a CEQA public hearing prior issuance of a decision on the site plan by the Planning Director.



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The County has nine urbanized communities that have adopted their own CDG. Each of those communities also has a Design Review Board charged with reviewing development applications for consistency with the adopted CDGs and making recommendations to the CPG. The CPG, in turn, makes advisory recommendations on behalf of the community to the Planning Director and County PDS.

The County has additional methods that further streamline the site plan process. In 2013, the County developed a process to streamline design review, established objective standards, and provided clear guidance to project applicants. The process included extensive engagement and support of representatives of the development community, including the Building Industry Association (BIA) and each of the nine CPGs and design review boards. The project resulted in the creation of a new process and Zoning Ordinance amendments that created a ministerial (non-discretionary) process and design guideline checklists that are objective and clear, improve development certainty, and mitigate cost impacts.

Pursuant to the provisions of Section 5757(a)(4) of the Zoning Ordinance, projects located in one of the nine urbanized villages with adopted CDGs can bypass the discretionary site plan permit approval by the Planning Director. This is done through use of the Site Plan Design Review Exemption Checklist process. The County prepared objective design standards checklists for these nine communities: Alpine, Bonsall, Fallbrook, Lakeside, Julian, Spring Valley, Ramona, Valley Center, and Sweetwater, plus the Interstate 15 corridor in North County. The CDGs and the associated checklists, applicant's guide, and process instructions are available to the public at the zoning counter and also on the County's website. The Design Review Board acts in an advisory capacity to the decision maker.

The Planning Director determines that the project complies with the objective standards set forth in the Design Review Checklist for the applicable community in which the project is located. The site plan is referred to the CPG/Design Review Board, which has 45 days to make a recommendation to the Planning Director. The applicable community Design Review Board may recommend to the Planning Director whether to grant a Design Review Checklist Exemption. The recommendation shall be in writing, signed by the chairperson or other authorized member of the Design Review Board, and shall be accompanied by a copy of the Design Review Checklist and stamped plot plans on which the recommendation was based. Upon the Planning Director's certification of compliance, the project is eligible to obtain the relevant ministerial construction permits, such as minor grading permits and building permits.

Each community with design guidelines has a checklist with all of the specific and objective requirements of the relevant design guidelines. The checklists specify objective standards for site layout, architecture, landscaping, signage, lighting, building equipment and services, and



multi-family developments. These checklists make it easy for project applicants to comply with design requirements by providing clear, objective guidance in a short-form checklist.

While all regulations have some effect on development costs, they are necessary to protect the public health, safety, and welfare. The County has and continues to review, improve, and innovate to reduce the administrative burden while providing necessary and appropriate levels of review and community involvement. When adopted in 2013, the County's analysis projected that its process would reduce typical approval times and County project review costs from 1-2 years and \$10,000-\$15,000 to 1-6 months and a flat fee of \$1,278. The current fee is now \$946. The existing process is not an unreasonable constraint, but rather has served as model for other communities to follow.

Additionally, on February 12, 2020, the Board of Supervisors (Board) approved implementation of 14 options to streamline the discretionary review process, grouped into seven categories including promoting and expanding applicability of checklist exemptions for site plans by 2023. Checklists have been drafted and stakeholder outreach has begun. Estimated completion is April 2022.<sup>34</sup> The revised process and staff support will further encourage applicants to use checklist exemptions for projects.

There is another streamline option that allows another site plan exemption. Section 7156.b of the Zoning Ordinance allows the Planning Director to exempt minor site plan improvements and modifications from the discretionary approval upon a finding that the proposed development or improvement is minor in nature, and the public purpose for which the site plan permit would normally be required will not be harmed by granting an exemption from said requirement.

In situations where a project entitlement does not meet objective design standards, it will go through the community design review process described below.

### ***Steps in the Community Design Review Process***

The community design review process results in an advisory review and recommendation of the Community Planning Group (CPG) or the Design Review Board (DRB) to the decision of the Planning Director. The process involves review of the projects and discussions with the applicant, and facilitates greater communication and understanding between the applicant, the elected community representatives, and the residents of the community. As described more fully below, plans are generally evaluated against the applicable local plans and policies contained within the Community Plan, and where adopted, CDGs. As an advisory board, there are no required findings or binding actions of the CPG or DRB. The County has objective design checklists

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<sup>34</sup> Planning & Development Services 2020 Progress Report: Streamlining the Development Permit Process, December 2020.



prepared for each community. These objective checklists provide clear guidance to County staff, community review boards, and developers on the community's design guidelines.

1. **Staff Conference:** Before planning and design begins, it is recommended that the developer or designer meet with the County planning staff. The nature of the project and site should be described. The planning staff member will clarify review procedures and submittal requirements. Critical design issues and design guidelines important to the project may be discussed. The County also offers a preliminary review process.
2. **Preliminary Design Review Board Meeting (Optional):** This step is optional but recommended for large or complex projects and projects requiring extensive grading or alteration of natural features.

Preliminary review allows the developer to meet with the Design Review Board to discuss basic intentions and plans before investing time in detailed design. At this stage, site design, location of buildings, grading, basic form of buildings and landscape concepts are important. Building elevations and other information may be discussed but should be kept in preliminary form.

Preliminary review is an informal process that enables the applicant to receive input from the Design Review Board and get its opinion on the basic concept of the development proposal. Generally, the board will not take official action or vote on a project until the project application is formally submitted.

3. **Requests for Waiver of Design Review:** Occasionally, on minor projects, the Design Review Board may recommend a waiver of the formal design review process. To qualify for a waiver, it must be determined that the nature of the project is such that subjecting it to the formal design review process would not materially contribute to the attainment of the design objectives and guidelines.

To consider a waiver request, the Design Review Board will require drawings of sufficient detail to explain the project. The applicant should also provide photographs of the site to help explain the project to the Design Review Board.

4. **Design Review (Site Plan Review):** The formal design review process is accomplished by the County through the site plan review described above. This process involves a mandatory appearance before the Design Review Board.

Applications are filed with Planning & Development Services. Within five days of receipt of a complete application, copies of the application are transmitted to each member of



the Design Review Board. The chairperson then schedules the item for review at the next available board meeting and informs the applicant of the time, date, and place for the hearing.

Evaluation of the project by the Design Review Board is limited to the topics contained in the Design Review Guidelines. The board makes a recommendation to the County's applicable approval authority, citing specific guidelines to which the project conforms or does not conform.

County staff also evaluates the project for conformance to the design guidelines. After consideration of the staff and Design Review Board recommendations, the Director of Planning & Development Services renders a decision. The decision may be appealed in accordance with the County's appeal procedures. In the event the Design Review Board's recommendation is not received within 45 days after transmittal of the application, a decision may be made without a recommendation by the board. Upon making a decision, the County will transmit a copy of the decision to the Design Review Board. Though the County has several processes to expedite design review and ensure that objective standards are used, the Housing Element has a program to make additional improvements to the existing process. 3.1.1.F includes actions to further encourage project applicants to use the objective exemption checklists, address potential quorum constraints with community review groups, and better implement existing protocol under which the Director may take action on a project if a community group has not taken action within 60 days. These improvements are expected to further improve and expedite the design review process beyond the existing objective exemption checklists.

### **EXPEDITED REVIEW FOR AFFORDABLE HOUSING**

On December 15, 2015, the Board of Supervisors approved the Expediting Permit Processing for Lower Income Housing Developments policy (Board Policy A-68) to reduce the time required to exercise the regulatory function with regard to housing developments that provide affordable housing.

The purpose of the policy is to facilitate the approval and development of affordable housing by streamlining the regulatory process to the greatest extent possible. The policy is based on guidance from the California Housing Finance Agency (CalHFA) that encourages procedures which would expedite the processing of zoning changes, use permits, building permits, environmental clearance, and any other type of permit, approval or clearance required by the County prior to construction or rehabilitation of a housing development financed by CalHFA. As such, the Board of Supervisors instructed the County to expedite the processing of permits and



other clearances required by the County prior to construction or rehabilitation of a housing development to be occupied in whole or in part by lower income persons.

Based on this policy, an applicant seeking an expedited permit process for construction or rehabilitation of an affordable housing development or a housing development financed by CalHFA would submit a written request to the Department of Housing and Community Development Services (HCDS) so the HCDS can determine if the proposed development would provide housing for lower income persons as defined above.

HCDS would then convey its determination to the applicant and the Department of Planning & Development Services (PDS). Once the qualifications of the project are verified, the PDS project manager would expedite permit process timeline to the extent feasible. The PDS project manager would then distribute an expedited project review schedule to the applicant. Whenever the review time indicated in the expedited project review schedule is exceeded, the PDS project manager would contact the appropriate party. Subsequently, within the means and within the reasonable use of discretion by PDS, the PDS project manager would facilitate feasible corrective measures and if necessary, authorize a revised expedited project review schedule. With adherence to this policy, the review and approval of affordable housing projects in the County are expected to be expedited to the greatest extent feasible. As the policy applies to all developments with affordable housing, it is expected to significantly reduce permit processing constraints from sites identified to accommodate lower-income units for the RHNA.

Even though traditionally this policy was applied to projects funded through CalHFA, the expedited process is available to any project that provides affordable housing, including projects that do not receive funding from CalHFA but provide affordable housing using other regulatory incentives such as density bonuses. For these projects, the PDS asks that applicants sign an affordable housing commitment form to ensure that projects that receive the benefits of the expedited review process provide affordable housing.

### **Improving the Discretionary Permit Processing Procedures**

**Red Tape Reduction Program:** On April 13, 2011, the Board of Supervisors (Board) adopted a resolution establishing the Red Tape Reduction Task Force. The purpose of this task force was to evaluate the land development permitting process and identify any areas for improvement that would reduce both the time and costs associated with obtaining a permit. The task force elected to focus its efforts on potential improvements to the discretionary land use permitting process.

**Current Efforts to Remove Constraints:** On February 12, 2020, the Board approved implementation of 14 options to streamline the discretionary review process. The Board



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approved the programs specifically to proactively remove any constraints on development associated with permitting and processing. The options were grouped into the following seven categories: (1) Engineering Self-Certification, (2) Permit & California Environmental Quality Act (CEQA) Evaluation Requirements, (3) Final Engineering Flexibility, (4) Expanding Checklist Exemptions, (5) Project Issue Resolution, (6) Increase Internal Coordination & Account Ability, and (7) Formal Working Group. The Board also requested a progress report to the Board by the end of calendar year 2020 on the progress of implementing all the recommendations and actions in each of the seven categories and receive recommendations from the Land Development Technical Working Group. *Table 6-B-8* below provides the status of recommendations and actions in the 2020 Progress Report.

**Table 6-B-8: Constraint Reduction Programs**

Options	Description	Timeframe	Status
<b>Engineering Self-Certification</b>			
<b>Commercial Tenant Improvements</b>	Develop and implement self-certification requirements for commercial tenant improvements. The self-certification would only apply to those that have no structural changes and an occupancy of less than 50 people. Time and Cost Savings: Seven weeks of time savings. Cost savings to be determined through a future fee study. PDS processes approximately 38 commercial tenant improvements each year.	August 2021 Short Term (<1.5 Years)	<b>COMPLETED</b> Ahead of Schedule
<b>Single-Family Minor Grading Permits</b>	Develop and implement self-certification requirements for a single-family dwelling unit that does not exceed 2,500 cubic yards of soil or 200 cubic yards of import or export (typical amount of grading for a custom single-family home in the County). Time and Cost Savings: Five weeks of review time and a savings of approximately \$500 for each permit. PDS processes approximately 120 minor grading permits for single-family homes each year.	August 2021 Short Term (<1.5 Years)	<b>COMPLETED</b> Ahead of Schedule
<b>Private Roads</b>	Develop and implement self-certification requirements for Tentative Parcel Maps (TPM) with private roads that are constructed on-site and remain privately owned and maintained. Four or fewer lots are processed through a TPM and typically require less extensive road and traffic related improvements. Major subdivisions require more extensive road and traffic related improvements. Time and Cost Savings: Four months of review time and savings of \$4,500 for each permit. PDS processes approximately 10 private road permits each year.	August 2021 Short Term (<1.5 Years)	<b>ON SCHEDULE</b> July 2021



Table 6-B-8, continued

Options	Description	Timeframe	Status
<b>Minor Grading Permits (pad only)</b>	<p>Develop and implement self-certification requirements for grading permits that do not exceed 2,500 cubic yards of soil or 200 cubic yards of import or export and do not include a custom single-family residence. This program may apply to both single- and multi-family housing projects.</p> <p>Time and Cost Savings: Nine months of review time and savings of approximately \$4,000 for each permit. PDS processes approximately seven minor grading permits for pads each year.</p>	August 2021 Short Term (<1.5 Years)	<b>ON SCHEDULE</b> April 2021
<b>Residential Driveways</b>	<p>Direct staff to develop and implement self-certification requirements for residential driveways, which are individual or shared access ways from a public or private road.</p> <p>Time and Cost Savings: Two weeks of review time and a savings of approximately \$500 for each permit. The County processes approximately 110 residential driveway permits each year.</p>	August 2021 Short Term (<1.5 Years)	<b>ON SCHEDULE</b> April 2021
<b>Traffic Control Permits</b>	<p>Develop and implement self-certification requirements for Traffic Control Permits, which are required prior to construction and address construction within or in close proximity to County right-of-way, such as grading haul routes or construction entrances. This program may apply to both single- and multi-family housing projects.</p> <p>Time and Cost Savings: Eight to twelve-week time savings. No cost savings because there is no existing cost for a permit. The County processes approximately 1,300 traffic control permits each year.</p>	August 2021 Short Term (<1.5 Years)	<b>ON SCHEDULE</b> April 2021
<b>Landscape Plans</b>	<p>Develop and implement self-certification requirements for landscape plans for custom single-family homes that depict the location, type, and container sizes of all plant materials and the efficient irrigation system to support the landscaping.</p> <p>Time and Cost Savings: One month of review time and savings of approximately \$1,000 - \$1,500 for each permit. PDS processes approximately 22 landscape plans for custom single-family homes each year.</p>	August 2021 Short Term (<1.5 Years)	<b>ON SCHEDULE</b> July 2021
<b>Permit &amp; CEQA Evaluation Requirements</b>			
<b>Flood Submittal Requirements</b>	<p>Revise the County's Guidelines to allow for an alternative submittal for applicants to conduct a schematic flood analysis to address CEQA requirements during the discretionary permit process and require final engineering level flood analysis acceptable to the Department of Public Works (DPW) and the Federal Emergency Management Agency (FEMA). This program</p>	August 2021 Short Term (<1.5 Years)	<b>ON SCHEDULE</b> Return to the Board –August 2021





**Table 6-B-8, continued**

Options	Description	Timeframe	Status
	<p>may apply to both single- and multi-family housing projects.</p> <p>Time and Cost Savings: Two to six months at the discretionary review phase and a cost of approximately \$15,000 to \$30,000. DPW and PDS review approximately 11 flood submittals each year.</p>		
<p><b>Stormwater Submittal Requirements</b></p>	<p>Revise the County's Guidelines to allow for an alternative submittal for applicants to conduct a schematic stormwater analysis to address CEQA requirements during the discretionary permit process and require a final engineering level stormwater analysis prior to approval of any grading and/or improvement plans. This program may apply to both single- and multi-family housing projects.</p> <p>Time and Cost Savings: Five to nine months at the discretionary review phase and a cost of approximately \$10,000. DPW and PDS review approximately 1,000 stormwater submittals each year.</p>	<p>August 2021 Short Term (&lt;1.5 Years)</p>	<p><b>ON SCHEDULE</b> Return to the Board –August 2021</p>
<p><b>Final Engineering Flexibility</b></p>			
<p><b>Allow changes up to 10% with criteria without requiring a modification or revised map</b></p>	<p>Update the Zoning and Subdivision Ordinances and return to the Board to exempt projects from subsequent County review for projects solely to comply with regulatory requirements of outside agencies unless there are impacts to parks, trails, or other project features that would substantially affect the project.</p> <p>Establish criteria to describe the scope and degree of change allowed, regarding the number of housing units and/or lots, overall project design including park land, trails, and road standards. This program may apply to both single- and multi-family housing projects.</p> <p>Time and Cost Savings: approximately 11.5 months, savings will be variable based on the scope and complexity of change for each permit up to approximately \$30,000. PDS processes approximately one Revised Map and four Modifications each year.</p>	<p>August 2021 – February 2023 Medium Term (1.5 – 3 Years)</p>	<p><b>AHEAD OF SCHEDULE</b> August 2021</p>
<p><b>Expanding Checklist Exemptions</b></p>			
<p><b>Encourage Use of Site Plan Waivers &amp; Checklist Exemptions</b></p>	<p>Highlight waiver and exception options prior to applying for a site plan. This program may apply to both single- and multi-family housing projects.</p> <p>Time and Cost Savings: Four months and a savings of approximately \$7,000 to process a site plan for applicants for each site plan permit. PDS processes approximately three site plan exemptions each year.</p>	<p>Immediate</p>	<p><b>COMPLETED</b></p>



**Table 6-B-8, continued**

Options	Description	Timeframe	Status
<p><b>Expand the Type of Checklists for Site Plan Exemptions</b></p>	<p>Update the Zoning Ordinance to develop additional checklists for site plan applications. Site plans that can be waived or exempted are currently indicated with a zoning designation (i.e., requirement in zoning box) for a design review. Work with Community Planning and Sponsor Groups and obtain public input prior to developing new checklist exemptions. This program may apply to both single and multi-family housing projects.</p> <p>Time and Cost Savings: Six months and a savings of approximately \$7,000 to process a site plan for applicants for each site plan permit. PDS processes approximately three site plan exemptions each year. Site plan exemptions cost \$946.</p>	<p>August 2021 – February 2023 Medium Term (1.5 – 3 Years)</p>	<p><b>ON SCHEDULE</b> April 2022</p>
<p><b>Shift Discretionary Permits to Ministerial</b></p>	<p>Update the County Code and return to the Board to convert the following discretionary approvals/permits to ministerial approvals/permits:</p> <p>Administrative Permits (additional story for a main residence; animal raising; borrow permit for excavation of material for use at another location; host home used for rental income; fence height; mobile finance business office; on- and off-site signage; oversized accessory structures; and small daycare of less than 14 children)</p> <p>Time Extensions for Tentative Parcel Maps and Tentative Maps with no project changes and to the extent allowed by law. This program may apply to both single and multi-family housing projects.</p> <p>Time and Cost Savings: Four months, savings will vary based on the scope and complexity of change. PDS approves approximately 11 Administrative Permits each year and approximately 12 Time Extensions for Tentative Parcel Maps and Tentative Maps without project changes each year.</p>	<p>August 2021 – February 2023 Medium Term (1.5 – 3 Years)</p>	<p><b>AHEAD OF SCHEDULE</b> April 2022</p>
<p><b>Project Issue Resolution</b></p>			
<p><b>Project Issue Resolution</b></p>	<p>Staff has implemented changes to the County's electronic permitting system (Accela) to include issue resolution meetings, including the number of meetings, issues raised, and determinations. The Second Opinion practice involves obtaining input from senior staff on an issue, while the Project Issue Resolution Conference policy is a meeting held with a customer or applicant and County Counsel and/or Executive Management after evaluation by senior staff through the second opinion.</p>	<p>N/A</p>	<p><b>COMPLETED</b></p>



Table 6-B-8, continued

Options	Description	Timeframe	Status
<b>Coordination &amp; Accountability</b>			
<b>Short Term (Six Months)</b>	<p>Update the County's pre-application checklists to include information on all CEQA topics, including flood areas, geology, biology, and stormwater.</p> <p>Conduct CEQA training sessions with industry representatives and consultants to discuss the preparation and requirements for technical studies.</p> <p>Refine technical study submittal requirements to provide a more detailed scope of work at the start of a project to reduce iterations, which will reduce overall processing time.</p> <p>This program may apply to both single- and multi-family housing projects.</p>	Short Term	<b>COMPLETED</b> On Schedule
<b>Mid Term (1.5 Years)</b>	<p>Update the pre-application and scoping process to include a more specific and detailed scope of work at the start of a project, including defining schedule, budget and specific tasks and milestones for the entire project, and identifying phasing options for applicants.</p> <p>Improve our Project Management System (Accela) by automatically assigning tasks to all Departments with a dashboard that includes notifications when tasks have been assigned and when they are due as well as when submittals are received, and comment letters are sent out.</p> <p>This program may apply to both single- and multi-family housing projects.</p>	Mid Term	On Schedule
<b>Long Term (3 Years)</b>	<p>Establish a practice of allowing for red-lining (making minor revisions or adding handwritten notes to plans in pen rather than making the changes in the software that was used to prepare the plans), including electronically, for small changes to reduce iteration letters.</p> <p>Update the County's standard project conditions to provide more clarity and transparency for applicants and the public.</p> <p>Update the County's CEQA consultant list.</p>	Long Term	On Schedule
<b>Formal Working Group</b>			
<b>Continue existing Land Development Technical Working Group</b>	<p>The Technical Working Group at their meeting on October 29, 2020 provided the following recommendations to the Board on the efforts to streamline the discretionary permit process:</p> <ul style="list-style-type: none"> <li>Implement the 14 actions directed by the Board to streamline the discretionary review process.</li> </ul>	Ongoing	Ongoing



**Table 6-B-8, continued**

Options	Description	Timeframe	Status
	<ul style="list-style-type: none"> <li>▪ Expand online services, including discretionary permit application submittals and electronic submittal of plans.</li> <li>▪ Implement the BPR in order to reduce time and costs.</li> <li>▪ Continue the use of performance measures, focusing on review times and provide to the Formal Working Group and the public.</li> </ul>		

2020 Progress Report: Streamlining the Discretionary Permit Process, Department of Planning and Development Services. December 2020; County of San Diego Board Letter: Options to Streamline the Discretionary Permit Process February 12, 2020.

When completed, these programs are anticipated to accelerate the development process and mitigate potential constraints associated with project entitlement and processing. While many of the programs noted above apply to and may primarily affect single-family home developments, several will expedite and create efficiencies for all housing projects, including the construction of multi-family and affordable units. In particular, programs addressing permit and CEQA evaluation requirements, final engineering flexibility, checklist exemptions, and coordination and accountability are anticipated to alleviate constraints on development created by the permit process.

Additionally, County PDS staff regularly meet with members of the development community to identify additional best practices for constraint removal. The Land Development Technical Working Group is made up of staff from multiple County departments (PDS, DPW, Environmental Health, etc.) and members of the local development community. The Board has directed the continuance of the technical working group, which will provide ongoing recommendations and solutions directly designed to speed up development reviews and reduce costs. The group will continue to make recommendations to the Board of Supervisors and relevant County departments on process improvement, which will help to mitigate procedural constraints on housing development.

While the County's existing procedures may act as a potential constraint on development due to the associated review time and cost, the planned County actions will remove constraints to the maximum extent feasible, limiting the necessary time and cost of project review.

**Increasing Coordination and Accountability**

A Business Process Re-Engineering (BPR) of the land development process is underway and will be implemented in phases. A BPR is an analysis of existing workflows and business processes to



improve the way work is done to reduce time and costs. Staff started implementation of the BPR with a full evaluation of the site plan permit requirements and process. Staff prepared updated application forms and requirements, which include an Applicant's Guide, Submittal Requirements form, and a flow chart diagram showing typical workflow. The Applicant's Guide details the purpose of a site plan, when a user might need a site plan, explains the different types of site plans, and what ordinances, policies and requirements may be relevant to the review of a site plan. Also included is a list of other agencies and County departments that may be involved in the review. The guide describes the step-by-step process of how to submit a site plan application to the County. This information will be included in the Applicant's Guide for all other permit types.

Providing this information in one document will help answer initial questions and guide customers through the process. The updated application forms and submittal requirements will help streamline the submittal process by explaining what is needed to process a discretionary permit, the necessary forms, and who to contact with questions. In addition to the public-facing application materials, staff is working to update and refine internal procedures for discretionary permit processing to ensure consistency among all projects. Updated procedures also identify expected review times for internal reviewers, divisions, and other departments, which will reduce overall processing times. Internal procedures are key to reducing the number of reviews, when to brief management and elevate issues, how many review cycles should occur, and when or if a project needs to be distributed for public review. The procedures are meant to be living documents that will be refined as processes change, such as the online submittal of applications.

### **Comprehensive General Plan Update**

On August 3, 2011, the County adopted its first comprehensive update to the County General Plan since 1979. A major factor in the update process was the desire to reduce future growth in unsustainable areas that lacked infrastructure and refocus future growth to areas where densities could be increased. After appropriate land uses were assigned, the environmental impacts were studied. The EIR adopted by the County now provides a basis for streamlining planned development under CEQA Section 15183, which requires future development to apply the mitigation measures in the EIR without needing to complete a separate CEQA document. This is a significant step in reducing the time and costs associated with all discretionary development.



## **CEQA Requirements**

In 2006, Planning & Development Services initiated a study to explore changes in permitting procedures that could substantially reduce processing time. The Business Process Reengineering (BPR) efforts identified improvements that could be made to the environmental review process to reduce processing time by an estimated 35 to 50 percent, by decreasing the number of times a technical study would need to be corrected and resubmitted.

The major components of the BPR work program include the following:

- Mandatory Major Project Pre-Application Process
- Development of Guidelines for Determining Significance for several environmental subject areas
- Development of Report Format and Content Requirements for several environmental subject areas
- Replacement of County's preexisting Environmental Consultant's List process with a new Request for Qualifications (RFQ) Process that identifies consultants approved to complete work on behalf of the County
- Memorandum of Understanding (MOU) requirement that spells out the relationships between County staff, consultants and project applicants
- Ongoing Training Program for CEQA Consultants
- Several process changes

Since implementation of these components, several technical studies have been submitted under the process and have utilized the Guidelines for Determining Significance and Report Format and Content Requirements. The program has proved successful with many of these studies accepted on the first submittal.

In 2020, the County adopted new CEQA impact thresholds to implement SB 743, which eliminates traffic impacts based on the operational level of service (LOS) measurement as the criteria for determining potential significant traffic-related adverse impacts. LOS had the effect of encouraging development in greenfield areas with low existing traffic volumes with capacity to absorb new development, typically more low-density rural and suburban areas, and penalize urban areas with existing facilities, including transit. This contributed to urban sprawl and disinvestment in smart growth areas. LOS is replaced by vehicle miles traveled (VMT). VMT rewards the overall reduction or efficiency of projects. This can be a result of the project location, travel efficiency of the proposed uses, or operational programs such as trip demand



management, such as incentives for use of transit, ridesharing, commuting on foot or bike, and removing subsidies for single-occupancy vehicle parking. A project's projected total VMT is compared to the average for the unincorporated County. Where a project can demonstrate that it will generate VMT less than 85 percent of the Unincorporated average, there is no significant impact. Certain areas have been predefined to be below 85 percent of the area average; any projects within these areas are presumed to have no significant impact on VMT. This revised CEQA threshold effectively removes one of the most common and costly constraints on development for projects in these areas.

### **Accessory Dwelling Units**

In 2017 and 2019, the County simplified and streamlined its regulations on ADUs and junior ADUs, allowing for by-right approval provided that specific criteria and standards are met. Prior to 2019, junior ADUs (ADUs  $\leq$  500 s.f.) were generally not allowed in the unincorporated County; the revisions to ADU and junior ADU regulations represent a reduction of governmental constraints on housing production.

The County has further streamlined the process for obtaining accessory unit approval by publishing sets of preapproved accessory unit floor plans for accelerated building code review. Since January 2018, the County has issued building permits for more than 600 ADUs or junior ADUs.

### **Form-Based Code**

The County has developed and updated a form-based code (FBC) for the Village core areas of specific communities to replace the development regulations of the Zoning Ordinance and the design review standards. The County currently implements FBCs in the communities of Ramona and Alpine, and may implement an FBC in the Valle de Oro commercial corridor. The regulations and standards in FBCs, presented in both diagrams and words, are keyed to a regulating plan that designates the appropriate form, scale, and design of development rather than only distinctions in land use types. This allows for more flexibility in mixing land uses such as residential and commercial and give developers clear direction at the early stages of a project.

## **DEVELOPMENT FEES AND EXACTIONS**

County fees are determined by the cost to the County for processing permits. These permit-processing fees are a full cost recovery system (as required by Board of Supervisors Policy B-29) with the intention that the developer (rather than the taxpayer) bears the cost of processing required applications. However, the costs of these permits are often passed on to the consumer in the form of higher housing prices. A study by the Fermanian Business & Economic Institute at



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Point Loma Nazarene University found that in 2013, regulatory costs (including infrastructure costs) account for an average of 21 to 31 percent of the price of new housing units in the unincorporated County.<sup>35</sup> Another analysis conducted by the Turner Center for Housing Innovation at the University of California, Berkeley, found that development fees represent between 6 and 18 percent of the median home prices in their respective cities.<sup>36</sup>

Generally, development fees are classified under one of three categories:

1. **Ministerial and Discretionary Application and Review Fees/Deposits.** These fees are paid prior to County review of the permit application. Smaller, ministerial actions are often approved with the payment of a flat fee, while more complex and extended projects require the payment of an initial deposit, with additional deposits likely to be required on a fee recovery basis.
2. **Building and Construction Fees.** These fees are based on the type and size of construction or projected valuation of the project.
3. **Impact Fees.** These fees are required by County departments or other agencies to mitigate and account for any facility impacts.

For 2020, typical planning and permit processing fees and initial deposits are presented in *Table 6-B-9*. Building construction permit fees are summarized in *Table 6-B-10*. Planning and review fees are typically paid at the initial project application, and grading/building and impact fees are generally paid prior to obtaining the permit.

**Table 6-B-9: County of San Diego, PDS, Zoning Division Schedule of Filing Fees and Deposits (PDS-369 Revised 2/20/2020)**

	PDS Planning	DEH Septic/ Wells	DEH Sewer	PDS Trails Review	SWQMP
CEQA Exemption Review	\$714 (F/D) <sup>1</sup>				
Application for Env. Initial Study (Large)	\$5,960 (D) <sup>1</sup>				
Application for Env. Initial Study (Avg)	\$4,037 (D) <sup>1</sup>				
General Plan Amendment	\$16,227 (D)			\$567 (F)	
Major Use Permit (Standard Application)	\$10,224 (D,V,L)	\$1,434 (D)	\$1,434 (D)	\$188 (F)	\$2,875 (D)

<sup>35</sup> Fermanian Business & Economic Institute at Point Loma Nazarene University. 2014. "Opening San Diego's Door to Lower Housing Costs." <https://www.housingyoumatters.org/images/HousingYouMatters.pdf>.

<sup>36</sup> Turner Center for Housing Innovation at UC Berkeley. 2018. "It All Adds Up: The Cost of Housing Development Fees in Seven California Cities." <https://turnercenter.berkeley.edu/development-fees>





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**Table 6-B-9. continued**

	PDS Planning	DEH Septic/ Wells	DEH Sewer	PDS Trails Review	SWQMP
Minor Use Permit (Standard Application)	\$5,351 (D)				
Rezone (Rezone)	\$10,872 (D)	\$611 (F)			
Site Plan (Standard Application)	\$6,319 (D,V)	\$572 (F)		\$376 (F)	\$1,088 (D)
Site Plan, B-Designator (Community Design Review)	\$3,702 (D,V)	\$572 (F)		\$376 (F)	\$1,088 (D)
Site Plan, D-Designator (Design Review)	\$3,702 (D,V)	\$572 (F)		\$376 (F)	\$1,088 (D)
Design Review Checklist Exemption Application	\$946 (F)				
Specific Plan (Standard Application)	\$18,750 (D)	\$611 (F)		\$376 (F)	
Tentative Map Application (Major Subdivision)	\$19,099 (D,L)	\$3,170 (D)	\$3,170 (D)	\$376 (F)	\$2,875 (D)
Tentative Parcel Map Application (Minor Subdivision)	\$11,711 (D,L)	\$1,685 (D)	\$611 (F)	\$188 (F)	\$2,875 (D)
Variance (Standard Application)	\$3,945 (D,V)	\$611 (F)			
Standard Project Storm Water Quality Management Plan					\$1,088 (D)
Priority Development Project Storm Water Quality Management Plan					\$2,875 (D)

(D) Deposit. Amount listed is "Intake Deposit" only. Additional deposits may be required.

(F) Fee.

(L) A Landscape intake deposit or fee may apply; refer to the Landscape and Irrigation Plans case type for applicable deposit.

(V) Subject to violation fee; see 362(b)(8).



**Table 6-B-10: County of San Diego PDS Building Permit Fees: 2019**

	FY 2013-14 Fee Schedule	
	Plan Review	Permit
Single-Family/Duplex	\$1,774 + \$0.274/sf	\$1,854 + \$0.161/sf
One & Two-Family Tract – Model Phase	\$2,271 + \$0.163/sf	\$809 + \$0.153/sf
One & Two-Family Tract – Subsequent Phase	\$787 minimum for each unique floor plan	\$669 + \$0.112/sf
Guest House/Accessory Dwelling Unit <sup>1</sup>	\$1,490 + \$0.315/sf	\$1,222 + \$0.411/sf
Grading Permit	\$842	\$609
Building Permit Fee Based on Valuation		
\$1.00 to \$50,000.00	\$374.00 for the first \$10,000.00 plus \$1.00 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00	
\$50,001.00 to \$100,000.00	\$414.50 for the first \$50,000.00 plus \$4.50 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00	
\$100,001.00 to \$500,000.00	\$639.50 for the first \$100,000.00 plus \$3.50 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00	
\$500,001.00 to \$1,000,000.00	\$2,039.50 for the first \$500,000.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00	
\$1,000,001.00 and up	\$3,539.50 for the first \$1,000,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof	

SOURCE: County of San Diego Planning & Development Services, PDS-613 (revised 06/26/2019).

1 Fees are waived for building permits, on-site wastewater fees, development impact fees, park fees, and traffic impact fees.

In addition to the County's application and permit fees, other development impact fees are charged for parks, fire, schools, sewer and water connections, flood control, and drainage to provide the infrastructure that is considered necessary for a healthy environment. Many of these impact fees are levied by public service districts and vary by district. For example, school district fees in the unincorporated County range from \$1.14 to \$4.85 per square foot, and water district fees range from \$11,140 to \$22,518 per unit. Of these fees, the County administers fees for parks, transportation, and drainage in the unincorporated County.

The Park Land Dedication Ordinance requires that residential projects dedicate land for parks, pay an in-lieu fee, or combine the two to provide adequate funding and parkland throughout the County. The County is divided into 24 local park planning areas that coincide with community and subregional plan boundaries in the County's General Plan. Each park planning area requires different rates of impact fees or dedication per dwelling unit, to reflect the cost of land acquisition and construction costs in each area. The fees and dedication requirements also vary between single- and multi-family dwelling units.



The County currently collects drainage fees for new and redevelopment based on the total square footage of the proposed structure. The fees that are collected are used to upgrade or construct new drainage facilities. The current drainage development fee and special drainage areas boundaries were adopted by the Board of Directors of the San Diego County Flood Control District on May 23, 1989.

The transportation impact fee (TIF) program provides a mechanism whereby County residential and nonresidential developers can contribute a fee to the program instead of mitigating cumulative traffic impacts through physical road construction. The County based the fee on the Mitigation Fee Act and CEQA cumulative mitigation strategies, and it is based on a per-unit basis. Since the General Plan update was adopted, the TIFs have been recalculated, which resulted in an overall fee reduction. In addition, development in the Village category receives a discounted fee and development within a defined Village core area receives an even greater discount.

The San Diego County Fire Authority also requires the payment of a fire mitigation fee for new development. The fee is assessed based on \$0.75 per square foot. The average dwelling unit in the County is 2,400 square feet, for an average fee of \$1,796.<sup>37</sup>

### **Project Fee Estimates**

In 2019, the Building Industry Association (BIA) of San Diego conducted a fee survey based on permit fees and impact/capacity fees for a prototypical four-bedroom, three-bathroom, single-family dwelling with 2,700 square feet of living area, 600-square-foot garage, 240-square-foot patio, fireplace, gas and electric hookups and type V wood frame construction. The County's permit fees for this prototype were estimated at \$8,014. The estimated average impact fees for traffic, parks, fire, drainage, and flood were estimated at \$13,783 per unit. As noted above, there is a high variability in school, water, and sewer district fees based on project location, which has a significant effect on the fee total.

The survey included a fee analysis for a multi-family residential townhome community with 100 1,600-square-foot units, consisting of 3 bedrooms, 2.5 baths, attached garage, and an assumed density of 18 du/ac. The County's permit fees were estimated at \$1,389 per unit, and traffic, parks, fire, and drainage impact fees were estimated at \$11,404 per unit.

The BIA survey also reviewed fees for a prototypical multi-family garden apartment project that consisted of ten buildings with 25 950-square-foot units, with a surface parking lot, all on a 10-

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<sup>37</sup> San Diego County Fire Authority. 2020. "Fire Mitigation Fee (FMF) Program."



acre site. The County's permit fees were estimated at \$1,002 per unit. The traffic, parks, fire, and drainage impact fees were estimated to be \$10,155.

The County recognizes that permit and impact fees may reduce the feasibility of building more affordable housing units. Therefore, the Board of Supervisors adopted an ordinance to waive all development impact and permit fees on ADUs through January 2024.<sup>38</sup>

While the fees required or administered by the County are necessary to provide for adequate infrastructure and facilities and provide fee recovery for staff processing time, the fees constitute a potential constraint on housing production.

### **ARTICLE 34**

Article 34 of the California Constitution requires a majority vote of the electorate to approve the development, construction, or acquisition by a public body of any "low rent project" within that jurisdiction. In other words, for any projects to be built and/or operated by a public agency where at least 50 percent of the occupants are low income and rents are restricted to affordable levels, the jurisdiction must seek voter approval (Article 34 authority).

In the past, Article 34 might have prevented certain projects from being constructed. In practice, most public agencies have learned to structure projects to avoid triggering Article 34, such as limiting public assistance to 49 percent of the units in the project. Furthermore, the state legislature has amended the Health and Safety Code to clarify ambiguities relating to the applicability of Article 34.<sup>39</sup>

### **BUILDING CODES**

The State of California adopts and amends several model codes published by national organizations, such as the International Code Council, National Fire Protection Association, and the International Association of Plumbing and Mechanical Officials, and consolidates them into the California Building Standards Code, which is Title 24 of the California Code of Regulations. The California Building Standards Code contains twelve parts: Administrative Code, Building Code, Residential Code, Electrical Code, Mechanical Code, Plumbing Code, Energy Code, Historical Building Code, Fire Code, Existing Building Code, Green Building Standards Code, and Reference Standards Code. These codes promote public health and safety and ensure that safe and decent housing is constructed in the unincorporated County area. The codes serve to protect residents from hazards and risks and are not considered to be undue constraints to

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<sup>38</sup> County of San Diego. 2019. "Noticed Public Hearing: Waiver of Development Impact and Permit Fees for Accessory Dwelling Units."

<sup>39</sup> Sections 37001, 37001.3, and 37001.5 of the Health and Safety Code clarify the applicability of Article 34.



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housing production. The state published the 2019 California codes on July 1, 2019, which became effective January 1, 2020. The County has adopted and implemented state building codes as required by law.

California Health and Safety Code Section 18941.5 allows jurisdictions to amend the California Building Standards Code if the provisions established by such local amendments meet or exceed the state standards.

The majority of the County's local amendments to state building standards are identical to, or are minor clarifications of, local amendments in past ordinances previously approved by the Board of Supervisors. These local amendments were approved in previous code updates approved by the Board. They include:

- Additional and enhanced child-drowning prevention measures for residential swimming pools (effective in the County since 1998).
- Features in new single-family residential construction accommodating future installation of photovoltaic (PV) energy generation, and electric vehicle charging systems (effective in the County since 2015).
- Allowances for construction of nonresidential and multi-family structures in the Federal Emergency Management Agency's mapped alluvial fan flood areas. The allowance for construction requires elevation of qualifying structures above base flood depth to ensure such structures remain safe and functional during flood events (effective in the County since 2017).
- Additionally, there have been multiple, progressive updates to the County's local amendments to increase resiliency of new home construction within areas prone to wildfire beyond those required by the state code, such as those noted below.

The County is responsible for enforcing the California Building Standards Code, which ensures that all structures are built to applicable standards. Because of the jurisdiction's expansive area, the County's enforcement procedures for code violations are complaint-based. The County's Housing Repair Loans and Grants Program offers low-cost loans to low-income homeowners in needs of housing repairs. This money can be spent on code violations identified by the County.

### **SITE IMPROVEMENTS**

Site improvements are required to ensure that minimum standards for public facilities are maintained to protect public health, safety, and welfare. Site improvements can include improvements on-site, along property street frontage, or off-site improvements. On-site



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improvements include private recreational facilities and open space, grading, and connections for wet and dry utilities. These are essential for the proper function and operation of the site. Frontage improvements exist at the transition between on-site and off-site. They include streetscape improvements such as sidewalks, parkways, curb and gutter, and street lighting.

Off-site improvements are required to mitigate impacts of the project, such as improvements to the transportation network or off-site facilities that serve the development such as parks, libraries, emergency service facilities (e.g., fire, police and ambulance), water, sanitary sewers, drainage and stormwater facilities, and other utilities.

It is the responsibility of the development to pay for new or improved facilities needed to serve the project. Off-site improvements are provided through payment of development impact fees, or may be paid for or constructed directly by the developer. The nature and extent of required off-site improvements are often identified in a development's associated environmental document to mitigate for impacts caused by the development.

Site improvements vary greatly depending on the improvements needed. Off-site improvement costs increase the cost of development and can be a constraint and burden on development. However, the improvements and their costs are necessary to accommodate the demands additional residents place on community resources and infrastructure. Costs can vary dramatically. Development in areas with existing infrastructure and facilities is most efficient. Often new development can be accommodated by the facilities, or with relatively modest upgrades. The additional users and financial contributions often improve the maintenance and operation of existing facilities to the benefit of existing users and customers. Developments that require entirely new facilities are the most expensive on a per unit basis. However, these costs are generally transferred to the new homeowner in the form of higher housing costs and taxes.

### **TRANSPARENCY OF FEES, POLICIES, CODES, AND PROCEDURES**

The County strives to make it as easy as possible for property owners and developers to identify the applicable codes, fees, regulations, and procedures that may apply to their properties or projects. Searchable maps with all zoning and general plan information for each parcel in the County are readily available online, and the County maintains the General Plan, Zoning Ordinance, and Administrative Code online in easily accessible and searchable web-based format. The County maintains its current fee schedule for processing fees and exactions on its website, and provides a free Microsoft Excel tool for estimating project fees. Finally, PDS staffs the Zoning Information Counter, which provides another option for obtaining information about the County's regulations and procedures. Staff at the counter are available to answer questions and to provide assistance to members of the County community who are not able to access the



County website. The County will continue to maintain compliance with AB 1483 by updating its online information regularly and staffing the Zoning Counter as ongoing administrative tasks.

### **OTHER LOCALLY ADOPTED ORDINANCES**

The County currently does not have other locally adopted ordinances that would increase the cost of housing production. The Board of Supervisors voted in February 2021 to develop an inclusionary housing ordinance, which will require that future development include some portion of below market-rate housing. The future inclusionary ordinance could create a potential constraint on the production of housing by increasing the overall cost of development. To mitigate these constraints, the County has commissioned a market feasibility study to provide recommended levels of affordable requirements, as well as in-lieu/alternative compliance options. By utilizing current market research, trends, and professional recommendations as the basis for the inclusionary ordinance, the potential constraint can be effectively mitigated.

### **ENVIRONMENTAL CONSTRAINTS**

The unincorporated area has unique topography, ecosystems, and natural resources that are fragile, irreplaceable, and vital to the quality of life for all residents. The County has the second highest biodiversity in the nation and the greatest number of endangered species of any county within the continental United States.

Special development controls, such as the County's geographical information system (GIS), have been established to identify and protect wetlands, floodplains, steep slopes, historic sites, archaeological sites, and sensitive biological habitats. In 1989, the County adopted the Resource Protection Ordinance to guarantee the preservation of these sensitive lands and require studies for certain discretionary projects. In October 1997, the Board of Supervisors adopted the Biological Mitigation Ordinance to enable the County to achieve the conservation goals that are contained in the Multiple Species Conservation Plan. The Biological Mitigation Ordinance protects County biological resources and prevents their loss by directing development outside of the biological resource core areas, preserving land that can be combined into contiguous areas of habitat or linkages, and establishing mitigation standards that are applied to discretionary projects. Residential densities in these areas are kept very low and the conservation subdivision program will encourage new development to occur in the least sensitive areas.

Additionally, the County requires project compliance with the Habitat Loss Permit Ordinance, the Groundwater Ordinance, the Stormwater Ordinance, and the Noise Ordinance. The Groundwater Ordinance does not limit the number of wells or the amount of groundwater



extraction of existing landowners. However, it does identify specific measures to mitigate potential groundwater impacts of projects requiring specified discretionary permits. The Groundwater Ordinance does not apply to developments whose water is supplied by a water service agency, such as a member of the San Diego CWA. In addition, major use permits or modifications which involve ranch support facilities are exempt from the ordinance.

The County's Noise Element protects inhabitants of noise-sensitive land uses such as hospitals, schools, and residences from excessive exposure to noise generators such as traffic. Previously, the element utilized a "one size fits all" approach but it was amended to relax the private open space standards for multi-family and mixed-use developments. These types of land uses occur in the more urbanized areas of the unincorporated County where traffic noise is typically louder for longer periods of time than in rural areas. This change added flexibility to the potential locations and design of multi-family and mixed-use developments.

The GIS mapping tools as well as all the environmental ordinances are used to determine the appropriate land uses assigned through the General Plan. One of the guiding principles is to ensure that development accounts for physical constraints and the natural hazards of the land. For example, when determining the appropriate placement for Village densities that support multi-family housing, these resources are avoided where possible. The Sites Inventory excludes sites with sensitive resources, areas substantially affected by slopes, and areas outside of the County Water Authority boundary.

### **Initial Study Research Packet**

The County has created an online tool, known as the Initial Study Research Packet (ISRP), for property owners, developers, and business owners to review the potential environmental constraints of a parcel located in the County prior to development of the subject property. The ISRP is based on County maintained parcel and environmental resource information. An ISRP report includes parcel specific information, such as information about existing infrastructure, General Plan designation and zoning, aerial photographs, and environmental resources protected in the County (e.g., sensitive habitat, wetlands, and steep slopes). While the ISRP does not directly analyze the potential environmental impacts from a certain project on a specific parcel, the ISRP tool does increase transparency for project applicants by providing background information and preliminary constraints on the parcel to help inform development decisions. If an applicant decides to pursue development of the parcel, the ISRP provides a foundation for any required environmental review by the County, such as compliance with CEQA and other state laws. The ISRP is an important planning tool as it helps lessen the chance that previously unknown environmental resources would be impacted during project development. Therefore,





the ISRP represents an ongoing program to mitigate non-governmental constraints on housing production within the County.

## **INFRASTRUCTURE CONSTRAINTS**

Limited sewer capacity and the long-term availability of water are significant constraints to residential development in the unincorporated area. The impact of these constraints could potentially increase the cost to provide these services, leading also to higher housing costs.

### **WATER SERVICES**

Water in San Diego County comes from three sources: imported water, locally stored water, and groundwater. The incorporated areas and a portion of the unincorporated area are within the boundaries of the San Diego County Water Authority (CWA). The CWA is a member of the Metropolitan Water District (MWD), which imports water from the Colorado River and Northern California on behalf of six Southern California counties. The CWA supplies up to 80 percent of the San Diego region's water, with stored runoff and groundwater providing the balance.

Portions of the unincorporated County that are located within the CWA boundaries are served by 15 CWA member agencies. These agencies own and operate water storage facilities, which hold local runoff as well as imported water. Portions of the unincorporated area outside the CWA boundaries are generally served by 14 other water districts or companies, all but one of which are entirely dependent on local groundwater.

Future water demand can be estimated using population projections, buildout scenarios based on designated land uses, and average per capita water use. Based on the unincorporated area's projected population of 543,426 by 2020 and estimated usage of one-half acre-foot per four-person household, future residential water demand is expected to be 67,928 acre-feet per year. CWA's Regional Water Facilities Master Plan seeks to expand and diversify its water supply through methods such as increased storage capacity, use of recycled water, and large-scale water desalination plants.

Beyond the CWA boundaries, residents in the unincorporated area will likely continue to be dependent on groundwater. Available groundwater is therefore an important criterion in establishing the location and intensity of future development. Any development that proposes the use of groundwater not provided by a water service agency is restricted to residential density controls (minimum parcel size), groundwater investigations, and well tests. If data demonstrates that groundwater resources are adequate to meet the groundwater demands of both the



proposed development and the groundwater basin, an exemption to these requirements may be granted.

### **SEWAGE DISPOSAL SERVICES**

Within the unincorporated County, two general types of sewage disposal systems exist: sewage treatment facilities and individual, on-site septic systems. Most of the area depends on groundwater and therefore must rely on septic. However, limited portions of the unincorporated County located within the CWA may gain access to public sewer service from a neighboring municipality or an independent sanitation district. In other areas, sewer service may be provided by small wastewater treatment facilities designed to serve a specific development or by a small County sanitation district (community services district). Disposed water is treated by the City of San Diego Metropolitan Sewerage System or through joint-agency agreements.

### **DRY UTILITIES**

Dry utilities consist of telecommunications infrastructure (such as broadband internet, television, and phone services), as well as access to electricity. The unincorporated County is served by multiple telecommunications providers, and energy services are provided by San Diego Gas and Electric Company (SDG&E). Both telecommunications and SDG&E services are widely available in the Village and Semi-Rural areas of the County, with more limited access in the rural regions. As the County is focusing new residential growth in Villages, and all sites within the RHNA Sites Inventory are within Villages, the availability of dry utilities does not pose substantial constraints on housing production.