

ORDINANCE NUMBER O- 17775 (NEW SERIES)

ADOPTED ON MAY 26 1992

AN ORDINANCE AMENDING THE SAN DIEGO MUNICIPAL CODE BY ADDING A NEW CHAPTER XI, ENTITLED "LAND DEVELOPMENT," ARTICLE 1, ENTITLED "ADMINISTRATION AND PROCEDURES"; BY ADDING DIVISION 1, ENTITLED "GENERAL PROVISIONS AND DEFINITIONS," SECTIONS 111.0101, 111.0103, 111.0104, 111.0105, 111.0106 AND 111.0107; BY ADDING DIVISION 2, ENTITLED "APPLICATIONS," SECTIONS 111.0201, 111.0202 AND 111.0203; BY ADDING DIVISION 3, ENTITLED "NOTICE," SECTIONS 111.0301, 111.0302, 111.0303, 111.0304, 111.0305, 111.0306, 111.0307, 111.0308 AND 111.0309; BY ADDING DIVISION 4, ENTITLED "PUBLIC HEARINGS," SECTION 111.0401; BY ADDING DIVISION 5, ENTITLED "DECISION PROCESS," SECTIONS 111.0501, 111.0502, 111.0503, 111.0504, 111.0505, 111.0506, 111.0507, 111.0508, 111.0509, 111.0510, 111.0511 AND 111.0512; BY ADDING DIVISION 6, ENTITLED "REVOCATIONS," SECTIONS 111.0601, 111.0602 AND 111.0603; BY ADDING DIVISION 7, ENTITLED "LAND USE PLANS AND LOCAL COASTAL PROGRAMS," SECTIONS 111.0701, 111.0702, 111.0703, 111.0704 AND 111.0705; BY ADDING DIVISION 8, ENTITLED "ZONING," SECTIONS 111.0801, 111.0802, 111.0803, 111.0804, 111.0805, 111.0806, 111.0807 AND 111.0808; BY ADDING DIVISION 9, ENTITLED "DEVELOPMENT AGREEMENTS," SECTIONS 111.0901, 111.0902, 111.0903, 111.0904, 111.0905, 111.0906, 111.0907, 111.0908, 111.0909 AND 111.0910; BY ADDING DIVISION 10, ENTITLED "SUBDIVISIONS," SECTIONS 111.1001, 111.1003, 111.1004, 111.1005, 111.1010, 111.1020, 111.1030, 111.1040 AND 111.1045; BY ADDING DIVISION 11, ENTITLED "SITE DEVELOPMENT," SECTIONS 111.1101, 111.1104, 111.1107, 111.1110, 111.1111, 111.1113, 111.1116, 111.1119, 111.1122, 111.1125, 111.1128 AND 111.1129; BY ADDING DIVISION 12, ENTITLED "COASTAL DEVELOPMENT PERMIT," SECTIONS 111.1201, 111.1202, 111.1203, 111.1204, 111.1205, 111.1206, 111.1207, 111.1208, 111.1209, 111.1210, 111.1211, 111.1212, 111.1213, 111.1214 AND 111.1215; BY ADDING DIVISION 13, ENTITLED "BUILDING,"

SECTIONS 111.1301, 111.1302, 111.1303,
111.1304, 111.1305, 111.1306 AND 111.1307,
ALL RELATING TO ZONING.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That the San Diego Municipal Code be and the same is hereby amended by adding Chapter XI, entitled "Land Development," Article 1, entitled, "Administration and Procedures," to read as follows:

CHAPTER XI

LAND DEVELOPMENT

**ARTICLE 1
ADMINISTRATION AND PROCEDURES**

Section 2. That Chapter XI, Article 1, of the San Diego Municipal Code be and the same is hereby amended by adding Division 1, entitled "General Provisions and Definitions," Sections 111.0101, 111.0103, 111.0104, 111.0105, 111.0106 and 111.0107 to read as follows:

DIVISION 1

GENERAL PROVISIONS AND DEFINITIONS

SEC. 111.0101 PURPOSE AND INTENT

The purpose of this Article is to describe the procedures and requirements used in the application of land use regulations. It is the City Council's intent that these procedures and requirements facilitate fair and effective decision-making and encourage public participation.

SEC. 111.0103 HIERARCHY OF AUTHORITY

For purposes of this Chapter, the hierarchy of decision-making authority for acting upon an application for a permit, map or other matter, listed in descending order, shall be as follows:

- (a) City Council
- (b) Planning Commission
- (c) *Board of Zoning Appeals*
- (d) *Hearing Officer*
- (e) *Department staff.*

SEC. 111.0104 ADDITIONAL REQUIREMENTS

Each application for a permit, map or other matter shall be further regulated by the applicable provisions of the Municipal Code which pertain to the permit, map or other matter.

SEC. 111.0105 DIAGRAMS

The diagrams contained in this Chapter are provided for illustrative purposes only and shall have no force or effect over any of the provisions of the Municipal Code. If a contradiction arises between a diagram and any provision of the Municipal Code, the provision of the Municipal Code shall prevail.

SEC. 111.0106 HEADINGS

The headings set forth in this Chapter are inserted for convenience of reference only and do not define, describe or limit the scope, meaning or intent of any provision of this Chapter.

SEC. 111.0107 DEFINITIONS

Unless the context otherwise indicates, the words set forth in bold text have the following meanings:

"Amended Map" means either a map, as set forth in *Subdivision Map Act* Chapter 3, Article 7, that is used to correct errors that are larger in scope or extent than suitable for a *Certificate of Correction* or to amend an existing *Final* or *Parcel Map* when changes in circumstances have made some or all previously approved conditions invalid.

"Appealable Area" means the area, as defined by Public Resources Code section 30603, within the *Coastal Zone* which constitutes the appeal jurisdiction of the *Coastal Commission*. The *Appealable Area* is shown on Map Drawing No. C-730, on file in the office of the City Clerk as Document No. OO-17067-1. The *Appealable Area* consists of the following:

(a) The area between the sea and the *First Public Roadway* paralleling the sea, or within three hundred feet (300') of the inland extent of any beach or the mean high tide line where there is no beach, whichever is the greater distance; or

(b) The area upon tidelands, submerged lands, or public trust lands or within one hundred feet (100') of any wetland estuary, stream or within three hundred feet (300') of the top of the seaward face of any coastal bluff edge.

:

"Applicant" means one or more of the persons described by Municipal Code section 111.0202(a), who filed an application for a permit, map or other matter with the *Responsible Department*.

"Board of Zoning Appeals" means the board described in Municipal Code section 101.0501 that hears and determines appeals from those *Process Three* decisions shown on Diagram 2.

"Certificate of Compliance" means a document, as described in *Subdivision Map Act* section 66499.35, in which the City certifies that the real property described therein complies with the *Subdivision Map Act* and the Municipal Code.

"Certificate of Correction" means a recorded document as set forth in *Subdivision Map Act* Chapter 3, Article 7 that is used to correct errors on a limited portion of a recorded *Final* or *Parcel Map*.

"City Wide Significance" means an issue(s) which extends beyond community plan area boundaries and impacts the City or a subregion or region of the City.

"Coastal Commission" means the California Coastal Commission.

"Coastal Development" means one or more of the following activities within the *Coastal Zone*: the placement or erection of any solid materials or structures on land or in or under water; the discharge or disposal of any dredged material or any gaseous, liquid, solid or thermal waste; the

grading, removing, dredging, mining or extraction of any materials; the change in the density or intensity of use of land including, but not limited to, the subdivision of land pursuant to the *Subdivision Map Act* and any other division of land, including lot splits except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; the change of intensity of use of water or of access thereto; the construction, reconstruction, demolition or alteration of the size of any structure, including any private, public or municipal utility facility; the removal or harvesting of major vegetation other than for agricultural purposes; or the harvesting of kelp.

"Coastal Development Permit" means a permit required by Public Resources Code section 30600(a) for *Coastal Development* within the *Coastal Zone*.

"Coastal Emergency" means a sudden, unexpected occurrence within the *Coastal Zone* that demands immediate action to prevent or mitigate loss of or damage to life, health, property or essential public services.

"Coastal Zone" means the land and water area described by Public Resource Code section 30103 and is shown on Map Drawing No. C-730.1, on file in the office of the City Clerk as Document No. 00-17067-1.

"Community Planning Group" means a community planning committee as described by Council Policy 600-24 established

and recognized by the City Council to advise the City Council.

"Concerned Person" means a person who expressed an interest in a *Process Two* decision to the decision-maker in writing prior to the *Decision Date*.

"Conditional Certificate of Compliance" means a document, as described in *Subdivision Map Act* section 66494.35, in which the City certifies that if specified conditions are met, the real property described therein would comply with the *Subdivision Map Act* and the Municipal Code.

"Condominium Conversion" means the change in ownership from a single structure or group of structures used for residential rental units to individual ownership of apartments or units under a condominium plan or to a cooperative or stock apartment project pursuant to the applicable provisions of the laws of the state of California.

"County Recorder" means the office of the County Recorder for the County of San Diego.

"Date of Final Action" means the date all rights of appeal are exhausted for a permit or other matter. If no appeal is filed, the date shall be the eleventh (11th) *Day* after the decision is rendered on a permit or other matter; except for a decision rendered in accordance with *Process Two*, in which case the date shall be the sixteenth (16th) *Day* after the decision is rendered on a permit or other

matter. If an appeal is filed, the *Date of Final Action* shall be the date the decision on that appeal is made.

"Days" means any day except a Saturday, Sunday or holiday listed in Municipal Code section 21.04, unless otherwise specified.

"Decision Date" means the date a designated staff person approves or denies a permit or other matter in accordance with *Process Two*.

"Deemed Complete" means that the *Responsible Department* has determined that an application includes all of the information, materials, fees and deposits required by Municipal Code section 111.0202(b), (c) and (d).

"Department" means an administrative department of the City as established by the Charter or by ordinance.

"Final Map" means a map as defined by *Subdivision Map Act* section 66426. As used in this Chapter, the term "Final Map" includes all vesting *Final Maps*.

"First Public Roadway" means the nearest through public access route (open to vehicular traffic) paralleling the ocean shoreline, which forms a continuous link from the northernmost to the southernmost limits of the City shoreline. The *First Public Roadway* is designated on Map Drawing No. C-731, filed in the office of the City Clerk under Document No. 00-17069.

"Grading" means any clearing, grubbing, excavation, embankment, fill or agricultural clearing on public or

private property including the construction of slopes and facilities incidental to such work.

"Hearing Officer" means an employee of a *Responsible Department* appointed by the City Manager to render an impartial decision on an application for a permit, map or other matter.

"Interested Person" means a person who may appeal a *Process Three* or *Four* decision because that person:

(a) was present at the public hearing from which the appeal arose and who had filed a speaker slip with that decision-maker; or

(b) has expressed an interest in the decision in writing to that decision-maker prior to the close of the public hearing.

"Land Use Plans" means the City's Progress Guide and General Plan, community plans, specific plans or precise plans.

"Local Coastal Program" means the City's *Land Use Plans*, zoning ordinances, zoning district maps and other implementing actions, approved by the City and certified by the Coastal Commission, which when taken together, meet the requirements of and implement the provisions and policies of the California Coastal Act of 1976 (Public Resources Code section 30000 et seq.) at the City level.

"Major Energy Facility" means any public or private processing, producing, generating, storing, transmitting or recovering facility for electricity, natural gas, petroleum,

coal or other source of energy within the *Coastal Zone*, as defined by Public Resources Code section 30107, which exceeds one hundred thousand dollars (\$100,000.00) in its estimated cost of construction. This amount may be adjusted from time to time in accordance with *Coastal Commission* regulations.

"Major Public Works Project" means any public works project within the *Coastal Zone*, defined by Public Resources Code section 30114, which exceeds one hundred thousand dollars (\$100,000.00) in its estimated cost of construction. This amount may be adjusted from time to time in accordance with *Coastal Commission* regulations.

"Minor Modification" means a correction or a revision to an approved permit or *Tentative Map* that meets the test of *Substantial Conformance* as determined by the *Responsible Department* in accordance with *Process One*.

"Notice of Application" means the notice as set forth in Municipal Code section 111.0301(a) that provides a general description and location of the proposed project, the community planning area in which the project is located and the names of those persons to contact for more information about the project.

"Notice of Final City Action" means a notice that describes the City's approval of a *Coastal Development Permit* that is provided by the City to the *Coastal Commission* and any other person or group requesting such notice.

"Notice of Future Decision" means a notice as set forth in Municipal Code section 111.0301(b) that provides the general description and location of the project and the date a decision on the project will be approved or denied in accordance with *Process Two*.

"Notice of Public Hearing" means a notice as set forth in Municipal Code section 111.0301(c) that describes the date, location and time of the public hearing on an application for a permit, map or other matter.

"Parcel Map" means a map as defined by *Subdivision Map Act* section 66426. As used in this Chapter the term **"Parcel Map"** includes a vesting *Parcel Map*.

"Permit Holder" means an *Applicant* or the *Applicant's* successor(s) and the person using the property that is subject to the permit or approval.

"Rezoning Ordinance" means an ordinance adopted by the City Council that delineates the zoning of territory not incorporated into the City.

"Process One" means the decision-making process described in Municipal Code section 111.0502 for approving or denying an application for a permit, map or other matter.

"Process Two" means the decision-making process described in Municipal Code section 111.0503 for approving or denying an application for a permit or other matter.

"Process Three" mean the decision-making process described in Municipal Code section 111.0505 for approving,

conditionally approving or denying an application for a permit, map or other matter.

"Process Four" means the decision-making process described in Municipal Code section 111.0507 for approving, conditionally approving or denying an application for a permit, map or other matter.

"Process Five" means the decision-making process described in Municipal Code section 111.0509 for approving, conditionally approving or denying an application for a permit, map or other matter.

"Public Improvement" means work and improvements which are for a public purpose or which are necessary or incidental to a public purpose including, but not limited to, the construction, reconstruction and repair of all or part of any such work or improvement.

"Record Owner" means the owner of real property as established by the deed records of San Diego County.

"Responsible Department" means the department that processes an application for a permit, map or other matter.

"Site Development" means any improvement for which a permit or other matter is required by the Municipal Code including, but not limited to, *Grading, Public Improvements*, paving, parking, landscaping and drainage; but excluding structural improvements or *Subdivision Map* improvements.

"Subdivider" means a person, firm, corporation, partnership or association who divides, proposes to divide, or causes to be divided real property into a subdivision;

except that employees and consultants of such persons or entities acting in such capacity are not "*Subdividers*."

"**Subdivision Map Act**" means the provisions found at California Government Code section 66410 et seq.

"**Substantial Conformance**" means that a revision to an approved permit or *Tentative Map* complies with the objectives, standards, guidelines and conditions for that permit or *Tentative Map* and the revision does not result in a potential impact to the use or the intensity of development.

"**Tentative Map**" means a map as defined by *Subdivision Map Act* section 66424.5 that shows the design and improvements of a proposed subdivision and the existing conditions in and around it. For purposes of this Chapter the term *Tentative Map* includes all forms of tentative maps such as tentative *Parcel Maps* and vesting *Tentative Maps*, unless otherwise noted.

"**Updates**" means an amendment of a *Land Use Plan* that reflects community changes and new policies undertaken by the Planning Department as part of a work program approved by the City Council.

Section 3. That Chapter XI, Article 1, of the San Diego Municipal Code be and the same is hereby amended by adding Division 2, entitled "Applications," Sections 111.0201, 111.0202 and 111.0203 to read as follows:

DIVISION 2
APPLICATIONS

SEC. 111.0201 PREAPPLICATION CONFERENCE

Prior to the submittal of an application for a permit, map or other matter, a prospective *Applicant* may request a preapplication conference with a representative from the *Responsible Department*. The person requesting a preapplication conference may be required to pay a fee that is established by City Council resolution. At the preapplication conference, based upon the information provided by the *Applicant* about the proposed project, the *Responsible Department's* representative shall inform the *Applicant* of the policies, regulations and requirements in effect at the time of the conference. The *Responsible Department's* representative may examine possible alternatives or modifications relating to the project.

Notwithstanding the foregoing, the *Applicant* is responsible for knowing and understanding the governing regulations, policies and laws applicable to the proposed project.

SEC. 111.0202 APPLICATION PROCESS

An application for a permit, map or other matter shall be filed with the *Responsible Department*, in accordance with the following requirements:

- (a) *The Applicant*. An *Applicant* may be required by the *Responsible Department* to submit evidence of the

Applicant's authority to file the application. An application may be made by the following persons:

(1) The *Record Owner* of the real property which is the subject of such permit, map or other matter; or

(2) the property owner's authorized agent; or

(3) any other person who can demonstrate a legal right, interest or entitlement to the use of the real property subject to the application.

(b) Submittal Requirements. The application shall be made on a form provided by the *Responsible Department* and shall be accompanied by the materials, information, fees and deposits that are required on the date the application is filed with the *Responsible Department*, unless otherwise specified by the Municipal Code. After the application has been *Deemed Complete*, the *Responsible Department* may not subsequently request any new or additional materials, information, fees and deposits which were not specified at the time of application, except as provided by state law. The City may, however, in the course of processing the application, request that the *Applicant* clarify, simplify, or convert the information required for the application.

(c) Materials and Information. Each *Responsible Department* shall prepare a list specifying in detail

the materials and information required to be submitted with each application for a permit, map or other matter filed with that department. These lists may be revised on a quarterly basis or as needed to comply with revisions to local, state or federal law. The revised list shall be posted at the *Responsible Department* within ten (10) *Days* of the revision and shall become effective thirty (30) *Days* after posting. A revised submittal requirement shall not be applied to any application filed with the *Responsible Department* prior to the effective date of that revision. Copies of the lists shall be made available to all *Applicants* and to any persons who request the information.

(d) **Fees and Deposits.** The City Council shall by resolution establish a schedule of fees and deposits for the processing of permits, maps and other matters. The schedule of fees and deposits may be changed or modified by City Council resolution and shall be available at the *Responsible Department*. An application shall not be processed and shall not be *Deemed Complete* unless the fees are paid in full and the deposit is sufficient to cover the estimated future costs of processing the application.

SEC. 111.0203 CONSOLIDATION OF PROCESSING

When the *Applicant* applies for more than one (1) permit, map or approval, or a combination thereof, for a single project, the action taken on the permits, maps and

approvals shall be consolidated for processing and review by a single decision-maker. A single application form shall be provided to the *Applicant* for the consolidated project. The application for a consolidated project shall be acted upon by the decision-maker at the highest level of authority for that project as set forth in Municipal Code section 111.0103.

Section 4. That Chapter XI, Article 1, of the San Diego Municipal Code be and the same is hereby amended by adding Division 3, entitled "Notice," Sections 111.0301, 111.0302, 111.0303, 111.0304, 111.0305, 111.0306, 111.0307, 111.0308 and 111.0309 to read as follows:

DIVISION 3

NOTICE

SEC. 111.0301 TYPES OF NOTICE

(a) *Notice of Application.* A *Notice of Application* shall be provided for an application for a permit, map or other matter acted upon in accordance with *Process Three, Four or Five*.

(1) *Content.* A *Notice of Application* shall include the following information:

(A) A general description of the proposed project including, when applicable, the type of permit, project name, square footage of any proposed construction and the number of proposed residential units; and

(B) The location and size of the property that is the subject of the application; and

(C) The community planning area in which the proposed development is located and the name of the contact person, if any, designated by the *Community Planning Group*; and

(D) The name and telephone number of the person at the City to contact for additional information; and

(E) The name of the *Applicant* and, with the consent of the *Applicant*, the *Applicant's* address and telephone number.

(2) **Distribution.** The *Responsible Department* shall mail a *Notice of Application* to the persons described in Municipal Code section 111.0302(b) within ten (10) *Days* after the application has been *Deemed Complete*. The *Applicant* shall be responsible for posting a *Notice of Application* on the real property that is the subject of the application within five (5) *Days* after the *Applicant* has received a copy of the notice from the *Responsible Department*.

(b) **Notice of Future Decision.** A *Notice of Future Decision* shall be provided for an application

for a permit or other matter acted upon in accordance with *Process Two*.

(1) **Content.** The *Notice of Future Decision* shall include the following information:

(A) The date the permit or other matter will be approved or denied; and

(B) A general description of the proposed project including, when applicable, the type of permit, project name, square footage of any proposed construction and number of proposed residential units; and

(C) The location and size of the proposed project that is the subject of the application; and

(D) The process to appeal such decision, including the definition of a *Concerned Person* for purposes of appeal; and

(E) The name and telephone number of the person at the City to contact for additional information; and

(F) The name of the *Applicant* and, with the consent of the *Applicant*, the *Applicant's* address and telephone number.

(2) **Distribution.** The staff person approving or denying an application for a permit or other matter shall mail a *Notice of Future Decision* to the persons described in Municipal

Code section 111.0302(b) no later than twenty (20) *Days* prior to the *Decision Date*. The *Applicant* shall be responsible for posting a *Notice of Future Decision* on the real property that is the subject of the application within five (5) *Days* after the *Applicant* has received a copy of the notice from the *Responsible Department*.

(c) *Notice of Public Hearing*. A *Notice of Public Hearing* shall be provided for a public hearing on an application for a permit, map or other matter acted upon in accordance with *Process Three, Four or Five*.

(1) *Content*. The *Notice of Public Hearing* shall include the following information:

(A) The general subject of the public hearing including the type of development permit and the project name; and

(B) The location and boundaries of the property that is the subject of the application; and

(C) The community planning area in which the proposed development is located; and

(D) A general description of the proposed project, which shall include the square footage of any proposed commercial or industrial use and any proposed number of dwelling units for residential use; and

(E) The name of the *Applicant* and, with the consent of the *Applicant*, the *Applicant's* address and telephone number; and

(F) The identity of the decision-maker holding the public hearing; and

(G) The date, time and place of the public hearing; and

(H) The procedure and requirements for filing an appeal by an *Interested Person*, including the definition of an *Interested Person* for purposes of appeal; and

(I) The name and telephone number of the person at the City to contact for additional information.

(2) **Distribution.** Except as otherwise provided by the Municipal Code, the *Responsible Department* shall mail a *Notice of Public Hearing* to the persons described in Municipal Code section 111.0302(b) no later than ten (10) *Days* before the date of the public hearing on the application.

SEC. 111.0302 NOTICE BY MAIL

(a) **General Provisions.** When a provision of this Municipal Code requires a *Notice of Application*, *Notice of Future Decision*, *Notice of Public Hearing* or other notice to be mailed, the City may deposit in the United States Mail a postage prepaid, sealed envelope

addressed to the appropriate persons. Service by mail shall be deemed to have been completed at the time of deposit in the United States Mail. Notice by hand delivery may be substituted for notice by mail at the discretion of the City.

(b) **Persons Entitled to Notice.** Except as provided in Section 111.0302(c), the *Notice of Application, Notice of Future Decision* and *Notice of Public Hearing* shall be mailed to the following:

- (1) the *Applicant*; and
- (2) all residential addresses located within three hundred feet (300') of the exterior boundaries of the real property that is the subject of the application, including each residential address within a condominium or apartment complex; and
- (3) the owners of any real property, as shown on the latest equalized assessment roll of the San Diego County Assessor, located within three hundred feet (300') of the exterior boundaries of the real property that is the subject of the application.
- (4) the *Community Planning Group(s)*, if any, that represents the area in which the project is located; and
- (5) any person who has, by written request, asked to be notified of the project.

(c) **Advertised Notice.** If the combined total of residential addresses and owners to whom notice would be mailed in accordance with Municipal Code section 111.0302(b) is greater than 1,000, notice may be accomplished by placing a display advertisement of at least one-eighth page in a newspaper of general daily circulation within the City.

(d) **Notice Address.**

(1) A notice to the *Applicant* shall be mailed to the address shown on the application or as indicated on a written change of address form filed by the *Applicant* with the City.

(2) A notice to each owner of real property located within three hundred feet (300') of the real property that is the subject of the application shall be mailed to the last known name and address of each owner as shown on the latest equalized assessment roll of the San Diego County Assessor.

(3) A notice mailed to a residential address shall be addressed "Resident."

SEC. 111.0303 PUBLISHED NOTICE

When a provision of this Municipal Code requires a *Notice of Public Hearing* to be published, the City shall submit the *Notice of Public Hearing* for publication in at least one newspaper of general daily circulation within the

City. A published notice is effective on the date of publication.

SEC. 111.0304 POSTED NOTICE

When a provision of this Municipal Code requires a *Notice of Application* or a *Notice of Future Decision* to be posted, the *Applicant* shall post the notice in the following manner:

(a) **Copies Provided.** The *Responsible Department* shall provide the *Applicant* with copies of the *Notice of Application* or *Notice of Future Decision*.

(b) **Placement of Notice.** The *Applicant* shall post the *Notice of Application* or *Notice of Future Decision* along the street frontage of the real property that is the subject of the application. The notices shall be spaced a maximum of two hundred feet (200') apart on the real property. No more than three (3) notices shall be required for any real property. If the street frontage is fewer than two hundred feet (200'), only one notice is required.

(c) **Verification of Posting.** The *Applicant* shall verify in writing on a form prescribed by the *Responsible Department* that such posting has occurred within this five (5) *Day* posting period. The verification shall be deemed conclusive proof of such posting.

(d) **Error in Posting.** The posting required by Section 111.0304 is intended only to supplement other

notice requirements provided by this Division. A decision on an application for a permit, map or other matter shall not be invalidated because of any error or irregularity with regard to the posting of a notice in accordance with this section.

SEC. 111.0305 NOTICE FOR LAND USE PLANS OR ZONING ORDINANCES

When a *Land Use Plan* or a zoning or rezoning ordinance is to be considered at a public hearing, the *Responsible Department* shall submit a *Notice of Public Hearing* as set forth in Municipal Code section 111.0303 for publication no later than ten (10) *Days* before the date of the public hearing. This notice shall be provided in addition to the other notice provisions of this Division.

SEC. 111.0306 NOTICE FOR COASTAL DEVELOPMENT PERMITS

When a *Coastal Development Permit* is to be considered at a public hearing, the *Responsible Department* shall mail a *Notice of Public Hearing* to the *Coastal Commission* and all persons requesting notice on *Coastal Development Permits*. This notice shall be provided in addition to the other notice provisions of this Division.

SEC. 111.0307 NOTICE FOR LOCAL COASTAL PROGRAMS AND IMPLEMENTING ORDINANCES

When a *Local Coastal Program* amendment or an implementing ordinance for a *Local Coastal Program* is to be considered at a public hearing, the *Responsible Department* shall mail, not less than ten (10) *Days* before the public hearing, a *Notice of Public Hearing* to the persons set forth

in Municipal Code section 111.0302(b) and to the persons and agencies required by *Coastal Commission* regulations. The *Responsible Department* shall also submit a *Notice of Public Hearing* as set forth in Municipal Code section 111.0303 for publication no later than ten (10) *Days* before the date of the public hearing.

SEC. 111.0308 NOTICE FOR APPEAL HEARINGS

The notice for an appeal hearing shall be provided in the same manner as the notice for the original hearing.

SEC. 111.0309 FAILURE TO RECEIVE NOTICE

The failure of any person to receive notice pursuant to this Division shall not constitute grounds for any court to invalidate any action taken by the City for which the notice was provided.

Section 5. That Chapter XI, Article 1, of the San Diego Municipal Code be and the same is hereby amended by adding Division 4, entitled "Public Hearings," Section 111.0401 to read as follows:

DIVISION 4

PUBLIC HEARINGS

SEC. 111.0401 PROCEDURES FOR PUBLIC HEARINGS

(a) **Rules For Decision-Makers.** Decision-makers for *Process Two, Three, Four and Five* may establish rules and procedures which regulate the proceedings before them. The rules and procedures developed by the decision-makers shall be consistent with the requirements set forth in this Chapter.

(b) **Written Recommendation.** Before each public hearing, the *Responsible Department*, whenever possible, shall provide a written recommendation to the decision-maker.

(c) **Record of Public Hearing.** A written summary shall be prepared for each public hearing by a designated staff person. The public hearing shall be recorded whenever possible. The written summary of the hearing shall constitute the record for any hearing for which a recording is not available. The recording, if available, the written summary, a written staff report and any other documentary evidence submitted to the decision-maker conducting the hearing shall constitute the official record of the hearing. Any person is entitled to review any item in the official record, including listening to or reviewing tapes, subject to the restrictions set forth in City Charter section 215.

Section 6. That Chapter XI, Article 1, of the San Diego Municipal Code be and the same is hereby amended by adding Division 5, entitled "Decision Process," Sections 111.0501, 111.0502, 111.0503, 111.0504, 111.0505, 111.0506, 111.0507, 111.0508, 111.0509, 111.0510, 111.0511 and 111.0512 to read as follows:

DIVISION 5

DECISION PROCESS

SEC. 111.0501 OVERVIEW OF DECISION PROCESS

Applications for permits, maps or other matters are acted upon in accordance with one of the five decision processes defined in this Division and depicted on Diagram 1. The subject matter of the application determines the process that shall be followed for each application. The provisions of the Municipal Code which pertain to each permit, map or other matter shall describe the decision process for that permit, map or other matter.

SEC. 111.0502 PROCESS ONE

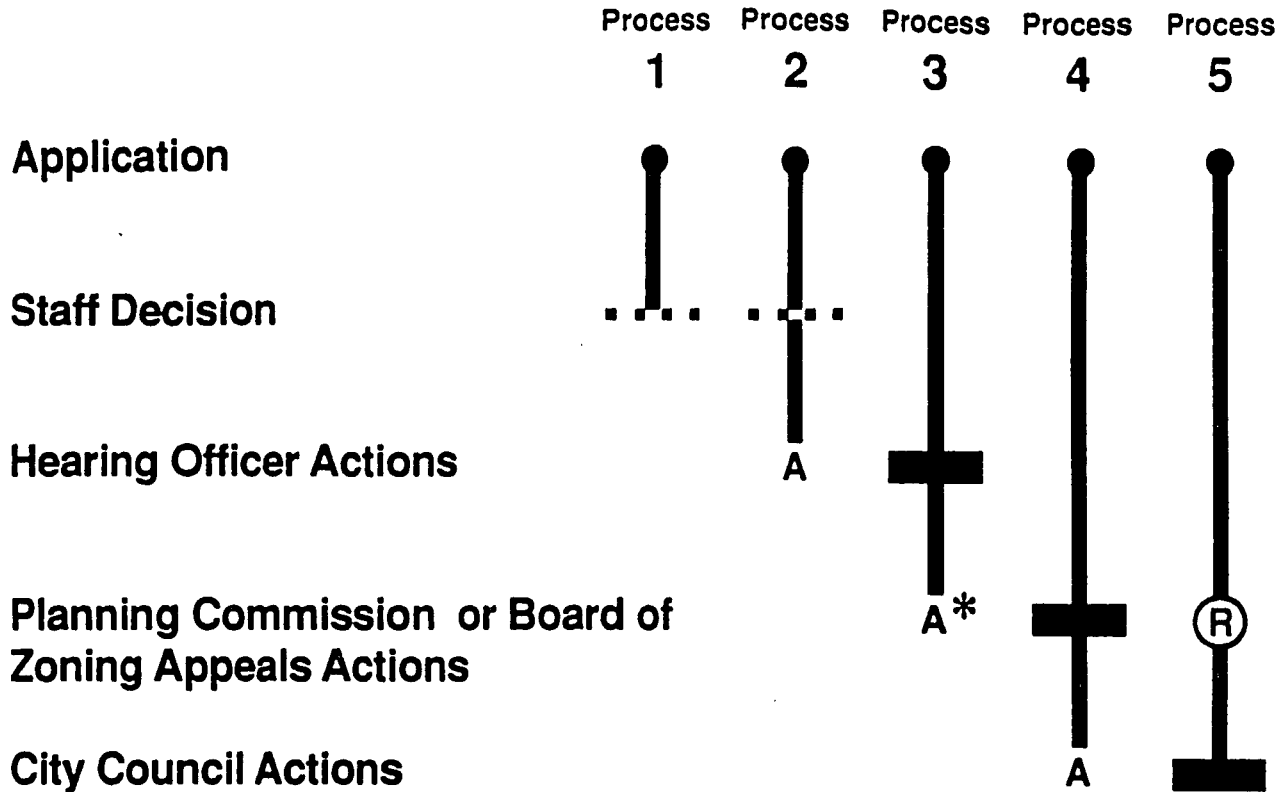
An application for a permit, map or other matter acted upon in accordance with *Process One* may be approved or denied by a staff person designated by the *Responsible Department* without a public hearing.

SEC. 111.0503 PROCESS TWO

An application for a permit or other matter acted upon in accordance with *Process Two* may be approved or denied by a staff person designated by the *Responsible Department* without a public hearing. A *Process Two* decision shall be made in the following manner:

- (a) *Notice of Future Decision.* Upon the filing of an application for a permit or other matter, the designated staff person shall assign a *Decision Date* on which the permit or other matter will be approved or denied. The designated staff person shall mail a

Decision Processes



- Ⓡ Recommendation (Hearing)
- ┆┆┆┆ Decision (No Hearing)
- █ Decision (Hearing)
- A Appeal (Hearing)
- * Process 3 Decisions are appealable to either the Board of Zoning Appeals or the Planning Commission. (See Decision Level Chart)

Note on Process 3:
 On an interim basis, the City Council may grant a request for an extraordinary appeal of a Process 3 decision.

Notice of Future Decision to the persons described in Municipal Code section 111.0302(b). Those persons who wish to receive notice of the approval or denial of the application may file their request for such information with the staff person in writing prior to the *Decision Date*.

(b) *Decision Process*. On the *Decision Date* the designated staff person may approve or deny the application without a public hearing. A copy of the decision shall be mailed no later than two (2) *Days* after the *Decision Date* to those persons who had requested such information.

SEC. 111.0504 PROCESS TWO APPEALS

The designated staff person's decision may be appealed to the *Hearing Officer* in the following manner:

(a) *Persons Who Can Appeal*. The following persons may appeal a *Process Two* decision to a *Hearing Officer*:

- (1) An *Applicant*; or
- (2) A *Concerned Person*.

(b) *Time for Filing an Appeal*. An appeal of a *Process Two* decision may be initiated by filing an appeal application with the *Responsible Department* within fifteen (15) *Days* after the *Decision Date*. Within five (5) *Days* after the appeal application has been filed, the *Responsible Department* shall provide written notice of the pending appeal to all *Concerned*

Persons and the Applicant. A *Concerned Person* or the *Applicant* may provide the *Responsible Department* with information and exhibits regarding the appeal.

(c) **Appeal Decision.** The *Hearing Officer* shall act upon the appeal application without a public hearing after considering the original application, the appeal application, a copy of the decision made by the staff person and all information and exhibits, if any, submitted by *Concerned Persons* or the *Applicant*.

(d) **Issues on Appeal.** The issues considered by the *Hearing Officer* shall be limited to any of the following matters:

(1) **Incorrect Decision.** The staff member's decision to approve or deny the permit or other matter was made in error or was inconsistent with the applicable provisions of the Municipal Code; or

(2) **Incorrect Facts.** The facts relied upon by the staff member when approving or denying the permit or other matter were inaccurate; or

(3) **New Information.** New information is available at the time of the appeal which was not available to the *Applicant* or the *Concerned Person* through that person's reasonable efforts or due diligence at the time of the hearing on the permit or other matter.

(e) **Notification of Final Decision.** Within five (5) *Days* after the *Hearing Officer* has rendered a decision on the appeal, the *Hearing Officer* shall notify the *Applicant* and any *Concerned Persons* in writing of that decision. The *Hearing Officer's* decision shall be final.

SEC. 111.0505 PROCESS THREE

An application for a permit, map or other matter acted upon in accordance with *Process Three* may be approved, conditionally approved or denied by a *Hearing Officer* in the following manner:

(a) **Notice of Application.** Within ten (10) *Days* after the date the *Responsible Department* has determined that an application for a permit, map or other matter is *Deemed Complete*, the *Responsible Department* shall mail a *Notice of Application* to the persons described in Municipal Code section 111.0302(b).

(b) **Decision Process.** The *Hearing Officer* may approve, conditionally approve or deny the application at a public hearing noticed in accordance with Municipal Code section 111.0301(c).

SEC. 111.0506 PROCESS THREE APPEALS

The *Hearing Officer's* decision may be appealed to either the Planning Commission or the *Board of Zoning Appeals* as indicated on Diagram 2. An appeal from a *Hearing Officer's* decision that involves a project that has been

consolidated in accordance with Municipal Code section 111.0203 shall be heard by the Planning Commission. An appeal from a *Process Three* decision shall be made in the following manner:

(a) Persons Who Can Appeal. A *Process Three* decision may be appealed to the Planning Commission or the *Board of Zoning Appeals* by the following persons:

- (1) An *Applicant*; or
- (2) An *Interested Person*.

(b) Time for Filing an Appeal. A *Process Three* decision may be appealed by filing an application with the Planning Department no later than ten (10) *Days* after the date of the *Hearing Officer's* decision.

(c) Grounds for Appeal. A *Process Three* decision may be appealed on any of the following grounds:

(1) **Factual Error.** The facts relied upon by the decision-maker when approving, conditionally approving or denying a permit, map or other matter were inaccurate; or

(2) **New Information.** New information is now available to the *Applicant* or the *Interested Person* which was not available through that person's reasonable efforts or due diligence at the time of the decision; or

(3) **Findings not Supported.** The decision to approve, conditionally approve or deny a permit,

map or other matter is not supported by the applicable findings made by the decision-maker; or

(4) **Conflict with Other Matters.** The decision to approve, conditionally approve or deny a permit, map or other matter is in conflict with a *Land Use Plan*, a council policy or the Municipal Code.

(d) **Scheduling Appeal Hearings.** Within thirty (30) *Days* after an application for an appeal of a *Process Three* decision has been filed with the Planning Department, the Planning Department shall assign a date for an appeal hearing before the *Board of Zoning Appeals* or the Planning Commission. The appeal hearing shall be noticed in accordance with Municipal Code section 111.0308.

(e) **Power to Act on Appeal.** After the conclusion of the public hearing, the *Board of Zoning Appeals* or the Planning Commission may affirm, reverse or modify, in whole or in part, the decision being appealed.

SEC. 111.0507 PROCESS THREE EXTRAORDINARY APPEAL TO CITY COUNCIL

(a) **Request for an Extraordinary Appeal.** An *Interested Person* or the *Applicant* may request that the City Council hear an extraordinary appeal of a decision that was made in accordance with *Process Three* by the Planning Commission or the *Board of Zoning Appeals*. The person requesting the appeal must have participated

in the decision that was made by the Planning Commission or the *Board of Zoning Appeals* by either being present at the appeal hearing and filling out a speaker slip or having expressed an interest in the appeal decision in writing to the decision-maker. The request to appeal to the City Council may be initiated by filing an application with the City Clerk within ten (10) *Days* after the *Board of Zoning Appeals'* or Planning Commission's decision. The application shall include the following: the finding(s) listed in Municipal Code section 111.0507(c) upon which the request is based, an explanation of the circumstances that support the finding(s), and all information and exhibits necessary to support the request for the appeal.

(b) **Procedure.** The request for an extraordinary appeal shall be placed on the City Council docket for the limited purpose of the City Council determining whether to hear the appeal. The City Council shall hear the appeal if at least five (5) members of the City Council vote in favor of the request for the appeal. The decision to hear the appeal shall be based upon the findings listed in Municipal Code section 111.0507(c). The City Council's decision whether to hear the appeal shall be in writing and shall recite the findings upon which the decision is made. The City Council shall rely upon the information

and exhibits, if any, contained in the application requesting the appeal and the record of the proceeding before the *Board of Zoning Appeals* or the Planning Commission when deciding whether to hear the appeal. No oral presentation shall be made to the City Council by proponents or opponents of the request for appeal. A vote on a motion to set the appeal for hearing shall not constitute a vote on the merits of the appeal.

(c) **Findings for an Extraordinary Appeal.** An extraordinary appeal of a decision that was made by the Planning Commission or the *Board of Zoning Appeals* shall be heard if the City Council finds one or more of the following:

(1) The person requesting the appeal was denied the opportunity to make a full and complete presentation to the *Board of Zoning Appeals* or the Planning Commission; or

(2) New information is now available to the *Interested Person* or the *Applicant* which was not available through that person's reasonable efforts or due diligence at the time of the hearing before the *Board of Zoning Appeals* or the Planning Commission; or

(3) The *Board of Zoning Appeals'* or the Planning Commission's decision on the appeal is not supported by the applicable findings made at the appeal hearing; or

(4) The matter being appealed is of city-wide significance; or

(5) The decision of the *Board of Zoning Appeals* or the Planning Commission may be in conflict with a *Land Use Plan*, a Council policy or the Municipal Code.

(d) City Council Hearing on an Extraordinary Appeal. If the City Council votes in favor of hearing the appeal, the City Clerk shall schedule the appeal hearing and provide notice of the hearing in the manner set forth in Section 111.0308. At the conclusion of the appeal hearing, the City Council may affirm, reverse or modify, in whole or in part, the decision of the *Board of Zoning Appeals* or the Planning Commission.

(e) Expiration of Section 111.0507.

Section 111.0507 shall be operative until all of Chapter XI entitled "Land Development" has become effective. At that time, Section 111.0507 shall expire and be of no further force or effect.

SEC. 111.0508 PROCESS FOUR

An application for a permit, map or other matter acted upon in accordance with *Process Four* may be approved, conditionally approved or denied by the Planning Commission in the following manner:

(a) Notice of Application. Within ten (10) Days after the date the *Responsible Department* has determined that an application for a permit, map or

other matter is *Deemed Complete*, the *Responsible Department* shall mail a *Notice of Application* to the persons described in Municipal Code section 111.0302(b).

(b) **Decision Process.** The Planning Commission may approve, conditionally approve or deny the application at a public hearing noticed in accordance with Municipal Code section 111.0301(c).

SEC. 111.0509 PROCESS FOUR APPEALS

The Planning Commission's decision may be appealed to the City Council in the following manner:

(a) **Persons Who Can Appeal.** A *Process Four* decision may be appealed to the City Council by the following persons:

- (1) An *Applicant*; or
- (2) An *Interested Person*.

(b) **Time for Filing an Appeal.** A *Process Four* decision may be appealed by filing an application with the City Clerk's office no later than ten (10) *Days* after the date of the Planning Commission's decision.

(c) **Grounds for Appeal.** A *Process Four* decision may be appealed on any of the following grounds:

- (1) **Factual Error.** The facts relied upon by the decision-maker when approving, conditionally approving or denying a permit, map or other matter were inaccurate; or

(2) **New Information.** New information is now available to the *Applicant* or the *Interested Person* which was not available through that person's reasonable efforts or due diligence at the time of the decision; or

(3) **Findings not Supported.** The decision to approve, conditionally approve or deny a permit, map or other matter is not supported by the applicable findings made by the decision-maker; or

(4) **Conflict with Other Matters.** The decision to approve, conditionally approve or deny a permit, map or other matter is in conflict with a *Land Use Plan*, a council policy or the Municipal Code; or

(5) **City-Wide Significance.** The matter being appealed is of city-wide significance.

(d) **Scheduling Appeal Hearings.** Within thirty (30) *Days* after an application for an appeal of a *Process Four* decision has been filed with the City Clerk, the City Clerk shall assign a date for an appeal hearing before the City Council. The appeal hearing shall be noticed in accordance with Municipal Code section 111.0308.

(e) **Power to Act on Appeal.** After the conclusion of the public hearing, the City Council may affirm, reverse or modify, in whole or in part, the decision being appealed.

SEC. 111.0510 PROCESS FIVE

Unless otherwise provided, after receiving a recommendation from the Planning Commission, a *Process Five* decision on a permit, map or other matter shall be made by the City Council, in the following manner:

(a) **Notice of Application.** Within ten (10) *Days* after the date the *Responsible Department* has determined that an application for a permit, map or other matter is *Deemed Complete*, the *Responsible Department* shall mail a *Notice of Application* to the persons described in Municipal Code section 111.0302(b).

(b) **Planning Commission Recommendation.** The Planning Commission shall hold a public hearing noticed in accordance with Municipal Code section 111.0301(c). At the conclusion of the public hearing, the Planning Commission shall make a written recommendation to the City Council to approve, conditionally approve or deny the application.

(c) **Decision Process.** After receiving the Planning Commission's recommendation, the City Council shall hold a public hearing, noticed in accordance with Municipal Code section 111.0301(c), to consider the application. The City Council may approve, conditionally approve or deny the application at the conclusion of the hearing. The decision of the City Council shall be final.

(d) **Exception to Process Five.** The City Council may waive the requirement that the Planning Commission make a recommendation on a matter prior to action by the City Council, when such action is required by a provision of this Municipal Code or is required to facilitate timely action by the City on such matter in accordance with state law.

SEC. 111.0511 CONTENTS OF APPEAL APPLICATION

An application for an appeal of a *Process Two, Three* or *Four* decision shall include the following information:

(a) the name, address and telephone number of the person filing the appeal; and

(b) the name of the *Applicant*; and

(c) the decision being appealed and the date of the decision; and

(d) whether the appellant is a *Concerned* or an *Interested Person*; and

(e) the reason for the appeal; and

(f) any information or exhibits supporting the appeal which are available at the time the appeal is filed.

SEC. 111.0512 NO CONSTRUCTION DURING APPEAL

No development or construction authorized by a permit, map or other matter may occur on or after the date an appeal application has been filed and before the date the decision on the appeal has been rendered.

Section 7. That Chapter XI, Article 1, of the San Diego Municipal Code be and the same is hereby amended by adding Division 6, entitled "Revocations," Sections 111.0601, 111.0602 and 111.0603 to read as follows:

DIVISION 6

REVOCATIONS

SEC 111.0601 NOTICE OF INTENT TO REVOKE

Except as otherwise provided, if the *Responsible Department* determines that there has been a violation of the terms, conditions, lawful requirements or provisions of any permit or approval issued by the City, the *Responsible Department* may issue a notice of intent to revoke to the *Permit Holder*. The notice of intent to revoke shall inform the *Permit Holder* of the violation and provide a reasonable time for compliance with the applicable conditions or regulations. If the *Permit Holder* fails to correct the violations outlined in the notice of intent to revoke within the specified period of time, the *Responsible Department* may schedule a hearing to revoke or modify the permit or approval.

SEC. 111.0602 REVOCATION HEARING

The hearing provisions of *Process Three* shall apply when determining whether to revoke or modify a permit with the following additional requirements:

- (a) **Notice.** The *Responsible Department* shall mail a notice of the revocation hearing to the *Permit Holder* and to any persons who request such notice no

later than ten (10) *Days* before the date of the revocation hearing. A *Notice of Application* is not required.

(b) **Presentation of Evidence.** The *Responsible Department* shall present evidence of any violations at the hearing and the *Permit Holder* shall be provided an opportunity to rebut the evidence.

(c) **Findings.** The permit or approval may be revoked or modified if the *Hearing Officer* finds any of the following:

(1) The permit or approval was obtained by misrepresentation or fraud; or

(2) The permit or approval was approved in error; or

(3) One or more of the conditions of the permit or approval have not been satisfied or have been violated; or

(4) The use permitted by the permit or approval violates any statute, ordinance, law or regulations; or

(5) The use permitted by the permit or approval is detrimental to the public health, safety or welfare or constitutes a nuisance.

SEC. 111.0603 REVOCATION APPEAL

The *Hearing Officer's* decision may be appealed only to the Planning Commission in the following manner:

(a) **Persons Who Can Appeal.** A revocation decision may be appealed by the following persons:

- (1) An *Applicant*; or
- (2) The *Permit Holder*; or
- (3) Any person who participated in the revocation proceedings before the *Hearing Officer* by either being present at the hearing and filling out a speaker slip or having expressed an interest in the revocation proceedings in writing to the *Hearing Officer* prior to the decision on the revocation.

(b) **Filing an Appeal.** An appeal of a revocation decision may be initiated by filing an application with the *Responsible Department* no later than ten (10) *Days* after the date of the *Hearing Officer's* decision.

(c) **Scheduling Appeal Hearings.** The *Responsible Department* shall forward the appeal application to the Planning Department within ten (10) *Days* after the application has been filed. Within thirty (30) *Days* after an application has been filed with the *Responsible Department*, the Planning Department shall schedule a hearing before the Planning Commission. The appeal hearing shall be noticed in accordance with Municipal Code section 111.0308.

(d) **Power to Act on Appeal.** After the conclusion of the public hearing, the Planning Commission may

revoke or modify the permit or approval based upon the findings listed in Municipal Code section 111.0602(c).

Section 8. That Chapter XI, Article 1, of the San Diego Municipal Code be amended by adding Division 7, entitled "Land Use Plans and Local Coastal Programs," Sections 111.0701, 111.0702, 111.0703, 111.0704 and 111.0705 to read as follows:

DIVISION 7

LAND USE PLANS AND LOCAL COASTAL PROGRAMS

SEC. 111.0701 PURPOSE AND INTENT

It is the purpose and intent of this Division to establish procedures for the adoption, amendment and implementation of the City's *Land Use Plans* and *Local Coastal Programs*.

SEC. 111.0702 INITIATION

(a) **Resolution.** An amendment to a *Land Use Plan* or a *Local Coastal Program* may be initiated by the City Council or Planning Commission by resolution. *Updates to Land Use Plans* may be initiated only by City Council.

(b) **Application.** The Planning Department or a person may request that the Planning Commission initiate an amendment to a *Land Use Plan* or *Local Coastal Program* by filing an application to initiate with the Planning Department in accordance with Municipal Code section 111.0202.

(1) If the Planning Commission determines that the application meets the criteria described

in Municipal Code section 111.0703, the amendment may be initiated.

(2) If the Planning Commission determines that the criteria described in Municipal Code section 111.0703 have not been met, the Planning Commission shall mail a written notice to the *Applicant* that the requested amendment has not been initiated within two (2) *Days* of their decision. Within ten (10) *Days* after the Planning Commission's decision that the criteria have not been met, the *Applicant* may file with the City Clerk a written request that the application to initiate be considered by the City Council. The City Council may approve or deny the request to initiate.

(3) The Planning Department may include a larger area or additional land in the proposed amendment.

SEC. 111.0703 CRITERIA FOR INITIATION

(a) **Initial Criteria.** An amendment to a *Land Use Plan* or a *Local Coastal Program* may be initiated if any of the following criteria apply:

(1) The amendment is appropriate due to a mapping or textual error or omission made when the original *Land Use Plan* or *Local Coastal Program* was adopted or during subsequent amendments; or

(2) Denial of initiation would jeopardize the public health, safety or general welfare; or

(3) The amendment is appropriate due to a material change in circumstances since the adoption of a *Land Use Plan* or *Local Coastal Program* whereby denial of initiation would result in a hardship to the *Applicant* by denying any reasonable use of the subject real property.

(b) **Supplemental Criteria.** If any of the above criteria do not apply, an amendment to a *Land Use Plan* or *Local Coastal Program* may be initiated if all of the following criteria are met:

(1) The proposed *Land Use Plan* or *Local Coastal Program* amendment is consistent with the goals and objectives of the Progress Guide and General Plan; and

(2) The proposed *Land Use Plan* or *Local Coastal Program* amendment appears to offer a public benefit to the community or City; and

(3) Public services appear to be available to serve the proposed increase in density or intensity of use; and

(4) City staff is available to process the proposed *Land Use Plan* or *Local Coastal Program* amendment without any work being deferred on General Fund-supported programs or on-going *Updates*.

SEC. 111.0704 CONSOLIDATION OF HEARING DATES

(a) **Common Hearing Dates.** Proposed amendments to *Land Use Plans* and *Local Coastal Programs* within the same geographical area shall be consolidated for approval or denial by the City Council at a common hearing. The hearing dates for each geographical area shall be determined by the Planning Department. The Planning Department shall maintain a map and schedule of hearing dates for proposed amendments to *Land Use Plans* or *Local Coastal Programs* for each of the various geographical regions of the City.

(b) **Actions Not Subject to Consolidation.** The adoption of a *Land Use Plan*, an *Update* and the associated amendment to the Progress Guide and General Plan shall not be subject to consolidation.

(c) **Waiver from Consolidation.**

(1) **City Council.** At its discretion, the City Council may waive consolidation of a City Council-initiated *Land Use Plan* or *Local Coastal Program* amendment if one or more of the following criteria are met:

(A) The amendment is limited to a change in road or street classification; or

(B) The amendment involves revisions of development standards or design guidelines which do not affect type or intensity of land

use designated by the *Land Use Plan or Local Coastal Program*; or

(C) The amendment is for public facilities, public redevelopment or public revitalization projects of unusual significance for which consolidation would result in a hardship to property owners or the community; or

(D) The amendment is necessary to avoid a public health, safety or general welfare emergency.

(2) *Applicant*. Prior to a hearing before the City Council, an *Applicant* may file a written request that the Planning Department grant a waiver from consolidation if one or more of the criteria listed in Section 111.0704(c)(1) are met. If the requested waiver is denied by the Planning Department, the Planning Department shall within two (2) *Days* of its decision provide written notice to the *Applicant* of the denial. The *Applicant* may, within ten (10) *Days* after the waiver has been denied, request that the Planning Department forward the waiver to the Planning Commission for approval or denial.

SEC. 111.0705 DECISION PROCESS

(a) *Process Five*. An amendment to a *Land Use Plan* or a *Local Coastal Program* may be approved or

denied by the City Council in accordance with *Process Five*. A recommendation for approval by the Planning Commission shall be made by the affirmative vote of the majority of the total membership of the Planning Commission.

(1) At least six (6) weeks before the City Council hearing to approve or deny an amendment to the *Local Coastal Program* a notice of availability of review draft shall be made available to the public by the Planning Department.

(2) The City Council may make a minor change to a proposed *Land Use Plan* or *Local Coastal Program* amendment during the hearing. Any material change proposed by the City Council shall be referred back to the Planning Commission for its recommendation. The failure of the Planning Commission to provide a recommendation on the material change within forty-five (45) *Days* after the conclusion of the public hearing before the Planning Commission on the material change shall be deemed a recommendation for approval.

(b) Certification of *Local Coastal Program* Amendments. An amendment to a *Local Coastal Program* requires certification by the *Coastal Commission* in accordance with *Coastal Commission* regulations. If the *Coastal Commission* certifies the amendment with modifications, the City Council shall conduct a public

hearing noticed in accordance with Municipal Code sections 111.0301(c) and 111.0307 within six (6) months of the *Coastal Commission* action on the proposed modifications.

Section 9. That Chapter XI, Article 1, of the San Diego Municipal Code be amended by adding Division 8, entitled "Zoning," Sections 111.0801, 111.0802, 111.0803, 111.0804, 111.0805, 111.0806, 111.0807 and 111.0808 to read as follows:

DIVISION 8

ZONING

SEC. 111.0801 PURPOSE AND INTENT

It is the purpose and intent of this Division to establish consistent procedures for the adoption and amendment of zoning ordinances.

SEC. 111.0802 INITIATION OF ZONING

The placement of property in a zone, a proposed change of zone, or an implementing ordinance for a *Local Coastal Program* may be initiated in the following manner:

(a) **Resolution.** The City Council or the Planning Commission may initiate by resolution the zoning related matters listed above; or

(b) **Application.** The Planning Director or an owner of the real property affected by the ordinance, zone or rezone may initiate the zoning related matters listed above by filing an application in accordance with Municipal Code section 111.0804.

SEC. 111.0803 INITIATION OF PLANNED DISTRICT ORDINANCES

The establishment, repeal, change in boundaries or change in development controls of a planned district may be initiated in the following manner:

(a) The Planning Commission or the City Council may initiate by resolution the matters listed above; or

(b) Property owners that may be affected by the planned district ordinance may file a petition with the Planning Department. The petition shall contain the signatures of the *Record Owners* of at least fifty percent (50%) of the land located within the proposed or established planned district.

SEC. 111.0804 APPLICATION

An application to initiate zoning, rezoning or an implementing ordinance for a *Local Coastal Program* shall be filed with the Planning Department in accordance with Municipal Code section 111.0202.

(a) **Reapplication.** An application for zoning or rezoning which involves the same zoning or rezoning proposal of the same real property or essentially the same parcel of land, which has been denied by the City Council, shall not be accepted for processing by the Planning Department within twelve (12) months of the denial.

(b) **Withdrawal or Abandonment of Application.** An *Applicant* who has applied for zoning or rezoning may withdraw or abandon that application at any time. A

withdrawal or abandonment shall be considered a denial of the request for zoning or rezoning for purposes of determining the period which must elapse before another application may be submitted. The twelve (12) month period shall be calculated from the date the request to withdraw or notice of abandonment is received by the Planning Department.

SEC. 111.0805 DECISION PROCESS

An application for a zoning, a rezoning, a planned district ordinance or an implementing ordinance for a *Local Coastal Program* may be approved or denied by the City Council in accordance with *Process Five*.

SEC. 111.0806 CERTIFICATION OF IMPLEMENTING ORDINANCES FOR LOCAL COASTAL PROGRAMS

The adoption or amendment of an implementing ordinance for a *Local Coastal Program* requires the certification of the *Coastal Commission*. If the *Coastal Commission* certifies an implementing ordinance with modifications, the City Council shall conduct a public hearing noticed in accordance with Municipal Code sections 111.0301(c) and 111.0307 within six (6) months of the *Coastal Commission's* action on the proposed modification.

SEC. 111.0807 INTERIM EMERGENCY ZONING

Once a change of zone is initiated and prior to the adoption of that change of zone, the City Council may adopt an ordinance providing that no development inconsistent with the provisions of the most restrictive zone under

consideration may take place pending a determination by the City Council on the proposed change of zone. An interim emergency zoning ordinance may be initiated only by the City Council or the Planning Commission.

(a) Notice. No public notice is required for the initial adoption of an interim emergency zoning ordinance.

(b) Decision Process. The City Council may approve or deny a proposed interim emergency zoning ordinance without Planning Commission recommendation. The adoption of an interim emergency zoning ordinance shall be approved by a two-thirds vote of the elected members of the City Council.

(c) Findings. An interim emergency zoning ordinance may be adopted only if the City Council finds all of the following:

(1) a development may be inconsistent with the zoning initiated by the City or would preempt the City's ability to implement adopted plans and policies; and

(2) a development would be detrimental to the public health, safety, or general welfare; and

(3) the development appears imminent.

(d) Effective Date. An interim emergency zoning ordinance shall become effective upon adoption and shall remain in effect for one hundred eighty (180) *Days*.

(e) **Extensions.** The City Council may extend an interim emergency zoning ordinance for two (2) one hundred eighty (180) day periods or until an appropriate *Land Use Plan* is adopted for the subject real property, whichever occurs first. The City Council may extend an interim emergency zoning ordinance in accordance with *Process Five*. The extension may be approved by a two-thirds vote of the elected members of the City Council.

SEC. 111.0808 PREZONING ORDINANCE

Pending incorporation of territory adjoining the City, the City Council may adopt a *Prezoning Ordinance* for the purpose of delineating the zoning that will apply to such real property in the event of subsequent annexation to the City. A *Prezoning Ordinance* may only be initiated by a recommendation by the Planning Commission or by the City Council. A *Prezoning Ordinance* shall become effective upon the annexation of the affected real property. *Prezoning Ordinances* may be approved or denied by the City Council in accordance with *Process Five*.

Section 10. That Chapter XI, Article 1, of the San Diego Municipal Code be amended by adding Division 9, entitled "Development Agreements," Sections 111.0901, 111.0902, 111.0903, 111.0904, 111.0905, 111.0906, 111.0907, 111.0908, 111.0909 and 111.0910 to read as follows:

DIVISION 9

DEVELOPMENT AGREEMENTS

SEC. 111.0901 PURPOSE AND INTENT

The purpose and intent of a Development Agreement is to promote and facilitate orderly and planned growth and development through the provision of certainty in the development approval process by the City and through corresponding assurances by the developers.

The purpose of these regulations, is as follows:

(a) To eliminate uncertainty in the development approval process which results in a waste of resources that contributes to escalating costs of development and which, in turn, discourages investment and produces higher prices for consumers; and

(b) To assure applicants for development projects that, upon approval of their project, they may proceed in accordance with existing policies, rules and regulations; and

(c) To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic costs of government; and

(d) To provide a mechanism for adding supplementary regulations to existing ordinances or development standards for particular projects and to provide a mechanism for allowing exemptions from ordinances or regulations in order to promote

flexibility and to respond more selectively to given development proposals; and

(e) To enable the transfer of development rights within project boundaries to secure or protect open space and to enable more efficient use of the property without penalty to the applicant or violation of good planning principles; and

(f) To encourage the implementation of *Land Use Plans* through a more flexible development procedure; and

(g) To encourage the achievement of growth management goals and objectives, including assurances of adequate public facilities at the time of development, proper timing and sequencing of development, effective capital improvement programming and appropriate development incentives; and

(h) To streamline the development approval process by coordinating various discretionary approvals presently occurring in separate processes.

These regulations are adopted pursuant to the authority granted by California Government Code sections 65864 through 65869.5.

SEC. 111.0902 APPLICATION

An application for a development agreement shall be filed with the Planning Department in accordance with Municipal Code section 111.0202 and the following provisions:

(a) **Persons Who May Apply.** An application may be filed by any person having a legal or equitable interest in the subject real property. If made by the holder of an equitable interest, the application shall be accompanied by a title report and by a statement of consent to proceed with the proposed agreement executed by the holder of the legal interest and acknowledged before a Notary Public for the state of California.

(b) **Accompanying Documents.** The application shall be accompanied by the proposed adopting ordinance and development agreement.

(c) **Review of Documents.** Upon submission of an application for a development agreement, the Planning Director shall review the documents for compliance with technical requirements and consistency with the applicable *Land Use Plans, Local Coastal Programs* and City policies.

(d) **Fees.** The filing of an application for a development agreement by the holder of a legal or equitable interest in the subject real property shall be accompanied by the payment of a filing fee. This fee shall be in addition to any other required fees for permits relative to development of the subject real property and shall be for the purpose of defraying the costs associated with City review and action on the application.

SEC. 111.0903 CONTENTS OF DEVELOPMENT AGREEMENT

A development agreement shall contain all the provisions listed in California Government Code section 65865.2 including, but not limited to, a provision specifying the party responsible for the cost of the periodic review.

SEC. 111.0904 DECISION PROCESS

An application for a development agreement shall be approved or denied in the following manner:

(a) **Planning Commission Recommendation.** The Planning Commission shall recommend approval or denial of the development agreement by resolution and shall include written findings specifying the facts and information relied upon by the Planning Commission in rendering its recommendation. A copy of the resolution shall be filed with the City Clerk and with the Planning Director.

(b) **City Council Action.** The City Council may approve or deny an application for a development agreement after receiving the Planning Commission's recommendation. The City Council shall take action to approve the development agreement by ordinance. The City Council's action shall be final.

(c) **City Council Finding.** In approving a development agreement, the City Council shall find the development agreement consistent with the applicable

Land Use Plans, Local Coastal Program and City policies.

(d) **Notice of Denial.** If the development agreement is denied, the City Clerk shall mail a written notice of the denial to the *Applicant* and to the Planning Commission within ten (10) *Days* following the denial.

SEC. 111.0905 EFFECTIVE DATE

The effective date of the development agreement shall be determined by the terms of the development agreement.

SEC. 111.0906 RECORDATION

Within ten (10) *Days* following complete execution of a development agreement, the City Clerk shall forward to the *County Recorder* for recordation a fully executed copy of the development agreement and ordinance which shall describe the land subject thereto. The agreement shall be binding upon, and the benefits of the agreement shall inure to the parties and all successors in interest to the parties to the agreement.

SEC. 111.0907 PERIODIC REVIEW

The Planning Department shall review an adopted development agreements, at least every twelve (12) months, at which time the owner(s) of the property subject to the development agreement shall be required to demonstrate good faith compliance with the terms of the agreement. The Planning Department shall submit a report to the City Council of its review. If, after reviewing the report, the

City Council finds on the basis of substantial evidence that the owner has not complied in good faith with the conditions of the agreement, the City Council may terminate or modify the agreement.

SEC. 111.0908 AMENDMENT OR CANCELLATION

A development agreement may be amended or canceled, in whole or in part, by mutual consent of the parties to the agreement or their successors in interest. Amendment or cancellation may be approved or denied by the City Council in accordance with *Process Five*.

SEC. 111.0909 CONFORMANCE WITH EXISTING AND SUBSEQUENTLY ADOPTED REGULATIONS

(a) **Local Regulations.** Unless otherwise provided by the development agreement, rules, regulations and official policies of the City governing permitted uses of the land, governing density and governing design, improvement and construction standards and specifications applicable to the subject real property, shall be those rules, regulations and official policies in force at the time of execution of the agreement. The adoption of a development agreement, however, shall not prevent the City, in subsequent actions applicable to the property or to the City in general, from applying new rules, regulations and policies which do not conflict with those applicable to the real property at the time of execution of the development agreement. The existence of the development agreement shall not

prevent the City from denying or conditionally approving any subsequent project application on the basis of such existing or new rules, regulations and policies.

(b) **State and Federal Regulations.** In the event that state or federal laws or regulations, enacted after a development agreement has been entered into, prevent or preclude compliance with one or more provisions of the development agreement, the provisions of the agreement shall be modified or suspended as may be necessary to comply with such state or federal laws or regulations, and every such development agreement shall so provide.

SEC. 111.0910 ENFORCEMENT

A development agreement shall be enforceable by any party thereto, notwithstanding any change in any applicable general or specific plan, zoning, subdivision or building regulation adopted by the City which alters or amends the rules, regulations or policies specified in this chapter or in the development agreement itself.

Section 11. That Chapter XI, Article 1, of the San Diego Municipal Code be amended by adding Division 10, entitled "Subdivisions," Sections 111.1001, 111.1003, 111.1004, 111.1005, 111.1010, 111.1020, 111.1030, 111.1040 and 111.1045 to read as follows:

DIVISION 10

SUBDIVISIONS

SEC. 111.1001 PURPOSE AND INTENT

The purpose and intent of this Division is to establish a procedure for processing applications to subdivide land within the City and to supplement the provisions of the *Subdivision Map Act* and the Municipal Code.

SEC. 111.1003 MAP WAIVER PROCEDURE

A *Subdivider* may request a waiver of *Parcel or Final Map* requirements as provided by the *Subdivision Map Act* in one of the following ways:

(a) *Certificate of Compliance*. For exemptions or exclusions provided by the *Subdivision Map Act* or the Municipal Code, the *Subdivider* may submit an application for a *Certificate of Compliance*, in accordance with Municipal Code section 111.0202.

(b) *Request for Waiver*. The *Subdivider* may request a waiver of *Parcel or Final Map* requirements when submitting a *Tentative Map*.

SEC. 111.1004 LOT LINE ADJUSTMENTS

(a) *Application*. An application for a lot line adjustment shall be filed with the City Engineer in accordance with Municipal Code section 111.0202.

(b) *Decision Process*. An application for a lot line adjustment may be approved or denied by the City Engineer in accordance with *Process One*.

(c) **Recordation.** If the City Engineer approves the lot line adjustment, the City Engineer shall forward a *Certificate of Compliance* to the *County Recorder* for recordation.

(d) **Parcel Maps.** Lot line adjustments may also be approved or denied by filing a *Parcel Map* in accordance with Municipal Code section 111.1020.

SEC. 111.1005 CERTIFICATE OF COMPLIANCE

(a) **Application.** An application for a *Certificate of Compliance* shall be filed with the City Engineer in accordance with Municipal Code section 111.0202.

(b) **Decision Process.** The City Engineer shall determine, in accordance with *Process One*, whether the real property complies or does not comply with the applicable provisions of the *Subdivision Map Act* and the Municipal Code. If the City Engineer determines that the real property complies with the applicable provisions of the *Subdivision Map Act* and the Municipal Code, the City Engineer shall issue a *Certificate of Compliance* to the Applicant. If the City Engineer determines that the real property does not comply with these provisions, the City Engineer shall issue a *Conditional Certificate of Compliance* to the Applicant.

(c) **Recordation.** The City Engineer shall forward a *Certificate of Compliance* or a *Conditional*

Certificate of Compliance to the County Recorder for recordation.

SEC. 111.1010 TENTATIVE MAPS

(a) Application. An application for a *Tentative Map* shall be filed with the Planning Department in accordance with Municipal Code section 111.0202.

(b) Decision Process. The Planning Commission may approve, conditionally approve or deny a *Tentative Map* in accordance with *Process Four* except for those *Tentative Maps* which include proposals for a vacation of public rights-of-way or an abandonment of a public service easement. *Tentative Maps* which include proposals for a vacation of public rights-of-way or an abandonment of a public service easement shall be approved or denied by the City Council in accordance with *Process Five*.

(1) Findings at Conclusion of Hearing. A *Tentative Map* may be approved, conditionally approved or denied based upon the findings of fact set forth in this Chapter. The decision-maker shall record the decision and findings in writing following the conclusion of the *Tentative Map* hearing.

(2) Conditions. The *Tentative Map* may be conditioned to carry out the purposes and requirements of the applicable land use regulations.

(c) **Expiration.** An approved or conditionally approved *Tentative Map* shall expire thirty-six (36) months after its approval or conditional approval. Upon expiration of an approved or conditionally *Tentative Map*, no *Final Map* or *Parcel Map* on all or any portion of the real property included within the expired *Tentative Map* shall be filed with the City Engineer without the approval of a new *Tentative Map*.

(d) **Extension of Time.** The expiration date of a *Tentative Map* may be extended by the Planning Commission in accordance with *Process Four* one or more times, provided however the extension(s) do not exceed a total of thirty-six (36) months, except for those extensions of time provided by *Subdivision Map Act* section 66452.6(a)(b)(c) which may be extended by the City Engineer in accordance with *Process One*.

(e) **Modifications and Amendments.**

(1) **Minor Modifications.** Except as otherwise provided, a revision to a previously approved *Tentative Map* which is in *Substantial Conformance* with that *Tentative Map* shall be considered a *Minor Modification* to the previously approved *Tentative Map*. The Planning Department shall determine whether the revision is in *Substantial Conformance* with the previously approved *Tentative Map* in accordance with *Process One*.

(2) **Amendment.** Except as otherwise provided, any revision to a *Tentative Map* which does not significantly alter the *Tentative Map* but exceeds the guidelines of a *Minor Modification* described in Section 111.1010(e)(1) shall require an amendment to the *Tentative Map*.

(A) An application for an amendment to a *Tentative Map* shall be filed with the Planning Department in accordance with Municipal Code section 111.0202.

(B) A decision on the amendment shall be considered in the same manner and by the same decision-maker that approved the original *Tentative Map*.

SEC. 111.1020 FINAL MAPS AND PARCEL MAPS

(a) **Application.** Applications for *Final Maps* and *Parcel Maps* shall be filed with the City Engineer in accordance with Municipal Code section 111.0202. If a *Final* or *Parcel Map* requires a *Tentative Map*, the City Engineer shall not accept an application for a *Final* or *Parcel Map* until a *Tentative Map* has been approved.

(b) **Decision Process.** All *Final Maps* and *Parcel Maps* which require dedications, agreements, or other conditions that need City Council approval shall be acted upon by the City Council as outlined in Chapter 3, Article 4 of the *Subdivision Map Act*. All

other *Parcel Maps* shall be acted upon by the City Engineer in accordance with *Process One*.

(c) **Recordation.** After approval of a *Final Map* or *Parcel Map*, the City shall present the map to the *County Recorder* for recordation in accordance with Chapter 3, Article 6 of the *Subdivision Map Act*. Upon acceptance by the *County Recorder*, the *Subdivider* shall be notified that the map is of public record.

(d) **Extension of Vesting Rights.** An application for an extension of a vesting right for a vesting *Final Map* or vesting *Parcel Map* shall be filed with the City Engineer in accordance with Municipal Code section 111.0202. Extensions of vesting rights may be acted upon by the Planning Commission in accordance with *Process Four*.

SEC. 111.1030 REVERSIONS, VACATIONS AND ABANDONMENTS

(a) **General Provisions.** This section governs the processing of requests to revert previously subdivided land to acreage, to vacate public rights-of-way, and to abandon public service easements.

(b) **Procedure.** Reversions are processed pursuant to Chapter 6, Article 1, of the *Subdivision Map Act* by either an application for reversion or by resubdivision. Vacations and abandonments are processed by either filing an application for vacation or abandonment pursuant to Streets and Highways Code sections 8300-8363 or by resubdivision.

(1) **Application Process.** An application for a reversion, vacation, or abandonment shall be filed with the City Engineer in accordance with Municipal Code section 111.0202.

(A) **Decision Process.** An application for a reversion, vacation, or abandonment may be approved or denied by resolution of the City Council in accordance with *Process Five*, with the following exceptions:

(i) A public hearing for a right-of-way vacation shall be noticed in accordance with Streets and Highways Code section 8322.

(ii) Prior to a hearing before the City Council for a right-of-way vacation, the City Council shall approve a Resolution of Intention that specifies the time and place of the hearing in accordance with Streets and Highways Code section 8320.

(iii) Abandonment of a public service easement and a summary vacation of a right-of-way do not require a Planning Commission recommendation or a Resolution of Intention. The City Council may approve or deny such matters by consent.

(B) Findings. Following the conclusion of the public hearing, the City Council shall record its decision in writing and the findings upon which the decision is based.

(C) Recordation. If the reversion, vacation, or abandonment is approved, the resolution and any accompanying documents shall be forwarded to the *County Recorder* for recordation. A resolution that contains conditions of approval shall not be recorded until the City Engineer has determined that all of the conditions have been met.

(2) Resubdivisions. A reversion, vacation, or abandonment may also be accomplished by a resubdivision pursuant to *Subdivision Map Act* section 66499.20½ in the following manner:

(A) The *Applicant* shall file a *Tentative Map* and a *Parcel Map* or *Final Map* in accordance with the provisions of this Division.

(B) The *Tentative Map*, *Parcel Map* or *Final Map* shall be acted upon by the City Council in accordance with *Process Five*.

SEC. 111.1040 CORRECTION AND AMENDMENT OF MAPS

(a) Application. An application to correct or to amend a recorded map shall be filed with the City

Engineer in accordance with Municipal Code section 111.0202.

(b) Decision Process.

(1) If the proposed corrections or amendments to the recorded map consist of technical errors or omissions, the City Engineer may approve or deny a *Certificate of Correction* or *Amended Map* in accordance with *Process One*.

(2) If the proposed amendments modify or eliminate conditions of approval of the recorded map or result in substantial non-conformance with the approved *Tentative Map*, the *Certificate of Correction* or *Amended Map* shall be approved or denied by the City Council in accordance with *Process Five*.

(c) Recordation. If the *Certificate of Correction* or *Amended Map* is approved, the City Engineer shall forward the document to the *County Recorder* for recordation.

SEC. 111.1045 CONDOMINIUM CONVERSIONS

(a) Maps. *Condominium Conversions* shall be processed in the same manner as a *Tentative Map* and *Parcel Map* or *Final Map* as set forth in *Subdivision Map Act* section 66412.

(b) Additional Notice. In addition to notice requirements in Municipal Code section 111.0301(c), the *Notice of Public Hearing* shall be mailed to all tenants

residing at the proposed *Condominium Conversion* project and shall include a summary of the tenant benefits as provided by Municipal Code section 101.0994.

(c) **Cancellation of Permit.** The cancellation of an existing *Condominium Conversion* permit may be approved or denied in accordance with *Process One*.

Section 12. That Chapter XI, Article 1, of the San Diego Municipal Code be amended by adding Division 11, entitled "Site Development," Sections 111.1101, 111.1104, 111.1107, 111.1110, 111.1111, 111.1113, 111.1116, 111.1119, 111.1122, 111.1125, 111.1128 and 111.1129 to read as follows:

DIVISION 11

SITE DEVELOPMENT

SEC. 111.1101 PURPOSE AND INTENT

The purpose and intent of this Division is to establish a procedure for processing permits for *Site Development* to ensure that the development complies with the applicable requirements of the Municipal Code.

SEC. 111.1104 APPLICATION

An *Applicant* shall file an application for a permit for *Site Development* with the *Responsible Department* in accordance with Municipal Code section 111.0202.

SEC. 111.1107 DECISION PROCESS

An application for a permit for *Site Development* shall be acted upon in accordance with one (1) of the five (5) decision processes depicted on Diagram 2. The appropriate process is indicated by an "x" on Diagram 2.

SEC. 111.1110 FINDINGS

The appropriate decision-maker shall record its decision in writing and shall include the findings upon which the decision is based.

SEC. 111.1111 CONDITIONS OF APPROVAL

A permit for *Site Development* acted upon in accordance with *Process Three, Four or Five* may be conditioned to carry out the purposes and the requirements of the applicable land use regulations.

SEC. 111.1113 RECORDATION

The City Council shall by resolution establish a list of permits for *Site Development* that shall be recorded with the *County Recorder*. If a permit has been approved and no further action can be taken on the permit, the *Applicant* shall sign and return a copy of the approved permit to the *Responsible Department*. The City shall forward the permit and the resolution approving the permit to the *County Recorder* for recordation. Prior to City's submittal of the permit for recordation, the *Applicant* may file a request in writing to the *Responsible Department* that the City obtain a certified copy of the permit from the *County Recorder*. The *Applicant* shall pay the fees necessary to obtain the certification.

SEC. 111.1116 ISSUANCE OF PERMIT

The *Applicant* shall not commence any work, construction or use on the property authorized by a permit for *Site Development* until the permit has been issued.

(a) **Recorded Permits.** An approved permit that is required to be recorded shall be issued to the *Applicant* within five (5) *Days* after the original recorded permit or a certified copy of such permit has been returned to the City from the *County Recorder*.

(b) **Non-Recorded Permits.** All other permits not required to be recorded shall be issued five (5) *Days* after the *Date of Final Action* of the permit.

SEC. 111.1119 EXPIRATION OF PERMIT

Except as otherwise provided, a permit shall become null and void thirty-six (36) months after the *Date of Final Action* of the permit if:

- (a) no construction has commenced; or
- (b) construction has been discontinued for a period of three (3) consecutive years; or
- (c) no evidence exists of substantial use in progress.

If the project has been approved to be built in phases, each subsequent phase shall have thirty-six (36) months after the date of commencement of construction or use of the previous phase in which to start construction or use of the subsequent phase, unless the terms of the permit provide otherwise.

SEC. 111.1122 TIME EXTENSION

Except as otherwise provided, the expiration of an approved permit may be extended for good cause and if there has been no significant change in circumstances since the

granting of such permit. The approved permit may be extended one or more times provided however the extension(s) do not exceed a total of thirty-six (36) months beyond the expiration date. If a time extension is granted, the permit shall comply with the provisions of the Municipal Code in effect at the time of the extension.

(a) Request for Extension. An *Applicant* may file a written request for an extension of time with the *Responsible Department* prior to the expiration of the permit but no earlier than sixty (60) *Days* prior to the expiration date. If an application for an extension of time has been filed, the permit shall be automatically extended for a period of sixty (60) *Days* from the expiration date or until a decision on the extension of time has been rendered, whichever occurs last.

(b) Decision Process. A decision on an extension of time shall be considered in the same manner and by the decision-maker that approved the original permit. The decision-maker may impose new conditions and revise existing conditions when granting an extension for a permit which has been approved by *Process Three, Four* or *Five*. In the case of all extensions, the decision shall contain the findings of fact relied upon in reaching the decision.

SEC. 111.1125 MODIFICATIONS AND AMENDMENTS

(a) *Minor Modifications.* Except as otherwise provided, a revision to a previously approved permit for *Site Development* which is in *Substantial Conformance* with the previously approved permit shall be considered a *Minor Modification* to that permit. The *Responsible Department* shall determine whether the revision is in *Substantial Conformance* with the previously approved permit for *Site Development* in accordance with *Process One*.

(b) *Amendments.* A proposed revision to a previously approved permit for *Site Development* which does not significantly alter the original permit but exceeds the guidelines established for a *Minor Modification* described in Section 111.1125(a) shall require an amendment to the previously approved permit.

(1) An application for an amendment to a permit shall be filed with the *Responsible Department* in accordance with Municipal Code section 111.0202.

(2) A decision on the amendment shall be considered in the same manner and by the same decision-maker who approved the original permit.

(c) **New Permit.** An *Applicant* shall file an application for a new permit for any proposed revision that significantly alters the original permit.

SEC. 111.1128 GRADING PERMITS

(a) **Purpose and Intent.** It is the purpose and intent of this section to provide additional provisions for *Site Development* which requires a grading permit.

(b) **Decision Process.**

(1) **Grading Permits.** An application for a grading permit may be approved or denied by the City Engineer or Building Official in accordance with *Process One*.

(2) **Grading Review Permits.** If the *Grading* work exceeds the thresholds defined in Municipal Code Chapter 6, Article 2, a grading review permit or other discretionary permit shall be required in addition to and before a grading permit may be approved or denied by the City. A grading review permit may be approved, conditionally approved or denied in accordance with *Process Three*.

(c) **Expiration.** A grading permit shall expire three hundred sixty-five calendar days after the date of issuance, except for those grading permits issued as part of a subdivision improvement agreement which shall expire in accordance with the terms of that agreement. All work authorized by the grading permit shall be completed prior to its expiration.

(d) **Extension.** The *Responsible Department* may, for good cause, extend the expiration date of a grading permit one or more times provided however the extension(s) do not exceed a total of six (6) months. An *Applicant* may file a written request for an extension of time with the *Responsible Department* prior to the expiration of the permit, but no earlier than sixty (60) calendar days prior to the expiration date.

(e) **Construction Changes.** Any proposed construction change to a grading permit may be approved or denied by the *Responsible Department* in accordance with *Process One* prior to the commencement of the construction change.

A proposed construction change to a grading permit that was approved in conjunction with another permit or map may be approved if the proposed change is consistent with the objectives and substance of the other approved permit or map. If the proposed changes are in conflict with the objectives and substance of the other approved permit or map, then the other permit or map must be amended prior to the consideration of the construction change.

SEC. 111.1129 PUBLIC IMPROVEMENT PERMITS

(a) **Purpose and Intent.** It is the purpose and intent of this section to provide additional provisions for *Site Development* which require a public improvement permit.

(b) Decision Process.

(1) Public Improvement Permit. An application for a public improvement permit may be approved or denied by the City Engineer or Building Official in accordance with *Process One*.

(2) Major Public Improvement Permit. A major public improvement permit shall be required, if the *Public Improvement* work exceeds the thresholds defined in Municipal Code Chapter 6, Article 2. A major public improvement permit may be approved, conditionally approved or denied by the City Council in accordance with *Process Five*, except that no Planning Commission recommendation is required.

(c) Expiration. A public improvement permit shall expire three hundred sixty-five calendar days after the date of issuance, except for those public improvement permits issued as part of a subdivision improvement agreement which shall expire in accordance with the terms of that agreement. All work authorized by the public improvement permit shall be completed prior to its expiration.

(d) Extension. The *Responsible Department* may extend, for good cause, the expiration date of a public improvement permit one or more times provided however the extension(s) do not exceed a total of six (6) months. An application for an extension of time shall

be filed with the *Responsible Department* prior to, but no earlier than sixty (60) calendar days prior to the expiration date.

(e) **Construction Changes.** Any proposed construction change to a public improvement permit may be approved or denied by the *Responsible Department* in accordance with *Process One* prior to the commencement of the construction change.

A proposed construction change to a public improvement permit that was approved in conjunction with another permit or map may be approved if the proposed change is consistent with the objectives and substance of the other approved permit or map. If the proposed changes are in conflict with the objectives and substance of the other approved permit or map, then the other permit or map must be amended prior to the consideration of the construction change.

Section 13. That Chapter XI, Article 1 of the San Diego Municipal Code be amended by adding Division 12, entitled "Coastal Development Permits," Sections 111.1201, 111.1202, 111.1203, 111.1204, 111.1205, 111.1206, 111.1207, 111.1208, 111.1209, 111.1210, 111.1211, 111.1212, 111.1213, 111.1214 and 111.1215 to read as follows:

DIVISION 12

COASTAL DEVELOPMENT PERMITS

SEC. 111.1201 PURPOSE AND INTENT

It is the purpose and intent of this Division to provide additional provisions for *Site Development* that requires a *Coastal Development Permit*. A *Coastal Development Permit* shall be processed in a manner consistent with the City's certified *Local Coastal Program*, the California Coastal Act of 1976 (Public Resources Code section 30000 et seq.), and California Administrative Code, Title 14, Division 5.5, Chapter 8, Subchapter 2, Article 17.

SEC. 111.1202 COASTAL DEVELOPMENT PERMITS REQUIRED

(a) **Permits Issued by the City.** A *Coastal Development Permit* must be obtained from the City for all proposed *Coastal Development*, except as specifically exempted by Municipal Code section 105.0204 or except if the proposed development lies totally within or partially within the "Coastal Commission Permit Jurisdiction" or in the "Deferred Certification Area," as set forth below.

(b) **Permits Issued by the Coastal Commission.** A *Coastal Development Permit* for all proposed *Coastal Development* which lies totally within or partially within the "Coastal Commission Permit Jurisdiction" or in the "Deferred Certification Area" shall be required to be obtained from the *Coastal Commission* in accordance with the procedures specified by the *Coastal*

Commission. The "Coastal Commission Permit Jurisdiction" and the "Deferred Certification Area" are shown on Map No. 730.1, on file in the Planning Department, the office of the San Diego Coastal Commission and in the office of the City Clerk as Document No. OO-17067-1.

SEC. 111.1203 APPLICATION

An *Applicant* shall file an application for a City-issued *Coastal Development Permit* with the Planning Department in accordance with Municipal Code section 111.0202.

SEC. 111.1204 DETERMINATION OF APPELLATE JURISDICTION

The Planning Director shall determine whether the proposed *Coastal Development* lies within the *Appealable Area* at the time the application for a *Coastal Development Permit* is submitted to the Planning Department. The Planning Director's determination may be reviewed by the Executive Director of the *Coastal Commission* in accordance with *Coastal Commission* regulations.

SEC. 111.1205 DECISION PROCESS

An application for a City-issued *Coastal Development Permit* may be approved, conditionally approved or denied in accordance with *Process Three*.

(a) **Findings.** An application for a *Coastal Development Permit* may be approved or conditionally approved only if the findings of fact described in Municipal Code section 105.0208 are made.

(b) **Conditions.** Conditions may be imposed by the decision-maker when approving a *Coastal Development Permit* to carry out the purpose and the requirements of this Division. The conditions may include, but need not be limited to, a provision for public access, open space or conservation easements, or the relocation or redesign of proposed site improvements. When conditions pertaining to public access, open space or conservation easements are imposed, the City shall notify the Executive Director of the *Coastal Commission* as set forth in Municipal Code section 111.1215.

SEC. 111.1206 NOTICE OF FINAL CITY ACTION

(a) **Notice of Final City Action by Mail.** Within five (5) Days after the Date of *Final Action* of a *Coastal Development Permit*, the Planning Director shall mail a *Notice of Final City Action* to the *Coastal Commission* and to any other person requesting the notice.

(b) **Contents of Notice of Final City Action.** The *Notice of Final City Action* shall include the following:

- (1) the conditions of approval for the *Coastal Development Permit*; and
- (2) the written findings required to approve the *Coastal Development Permit*; and

(3) the procedure for appealing the City's action to the *Coastal Commission* for decisions which are appealable to the *Coastal Commission*.

SEC. 111.1207 COASTAL COMMISSION APPEAL PROCEDURE

(a) **Appealable Permits.** A *Coastal Development Permit* which has been approved by the City may be appealed to the *Coastal Commission* if the *Coastal Development* that is authorized by the permit is located within the *Appealable Area*.

(b) **Public Works Project or Energy Facility.** A decision to approve or deny a *Coastal Development Permit* for a *Major Public Works Project* or a *Major Energy Facility* may be appealed to the *Coastal Commission* if it is located anywhere within the *Coastal Zone*.

(c) **Permits Not Appealable.** The City's decision to deny a *Coastal Development Permit* within the *Appealable Area* may not be appealed to the *Coastal Commission* unless the coastal permit is for a *Major Public Works Project* or a *Major Energy Facility*.

(d) **Filing an Appeal with the Coastal Commission.** An appeal to the *Coastal Commission* shall be filed with the *Coastal Commission* within ten (10) Days after the Commission's acceptance of the *Notice of Final City Action*. The forms and procedures for filing an appeal shall be filed in accordance with *Coastal Commission* regulations.

(e) **Exhaustion of City Appeal.** A decision on a *Coastal Development Permit* may be appealed to the *Coastal Commission* after exhausting the appeal procedure of the City as set forth in Municipal Code section 111.0506.

(f) **Coastal Commission Responsibility.**

(1) If the *Coastal Commission* determines that a substantial issue exists in an appeal of a *City Coastal Development Permit*, the development authorized by that permit shall become the responsibility of the *Coastal Commission*. All future responsibility pertaining to the development authorized by that *Coastal Development Permit* shall lie with the *Coastal Commission*, including any future amendments, extensions or enforcement of the conditions of approval to the permit.

(2) If an appeal is filed with the *Coastal Commission* and the *Coastal Commission* does not determine that a substantial issue exists, the City's action is upheld and the City's decision on the permit is final.

SEC. 111.1208 RECORDATION

A *Coastal Development Permit* that has been issued by the City shall be recorded with the *County Recorder* once the *Applicant* has signed and returned the *Coastal Development Permit* to the Planning Department. The recordation of

easement documents shall comply with Municipal Code section 111.1215.

SEC. 111.1209 EFFECTIVE DATE AND ISSUANCE OF PERMIT

(a) Appealable Permits.

(1) Decisions Appealable to Coastal Commission. Decisions which are appealable to the *Coastal Commission* shall become effective and shall be issued on the eleventh (11th) *Day* after the *Coastal Commission* has accepted the *Notice of Final City Action* from the City, provided an appeal application has not been filed with the *Coastal Commission*. The effective date shall be suspended and the permit will not be issued if a valid appeal is filed with the *Coastal Commission* or the Planning Director is notified by the *Coastal Commission* that the *Notice of Final City Action* has not been accepted.

(2) No Substantial Issue is Found. If a decision on a *Coastal Development Permit* is appealed to the *Coastal Commission* and the *Coastal Commission* finds no substantial issue with the City's decision on the *Coastal Development Permit*, the City's decision on such permit shall become effective and the City shall issue the permit if approved, upon receipt of the notice of the *Coastal Commission's* determination.

(3) **Finding of Substantial Issue.** If a decision on a *Coastal Development Permit* is appealed to the *Coastal Commission* and the *Coastal Commission* determines that a substantial issue exists, the effective date and issuance of such permit shall be regulated by the *Coastal Commission*.

(b) **Nonappealable Permits.** A decision on a *Coastal Development Permit* which cannot be appealed to the *Coastal Commission* shall become effective and the permit shall be issued after the eleventh (11th) Day after the *Date of Final Action*.

SEC. 111.1210 EXPIRATION OF PERMIT

A *Coastal Development Permit* granted in accordance with this Division shall become null and void thirty-six (36) months after the *Date of Final Action* if:

- (a) no construction has commenced; or
- (b) construction has been discontinued for a period of three (3) consecutive years; or
- (c) no evidence exists of substantial use in progress.

If the project has been approved to be built in phases, each successive phase shall have three (3) years after the date of commencement of construction or use of the previous phase in which to start construction or use of the subsequent phase, unless the terms of the permit provide otherwise.

SEC. 111.1211 TIME EXTENSION

The expiration of a *Coastal Development Permit* may be extended in accordance with the provisions set forth in Municipal Code section 111.1122, one or more times provided however the extension(s) do not exceed a total of thirty-six (36) months.

SEC. 111.1212 MODIFICATIONS AND AMENDMENTS

Minor Modifications and amendments to previously approved *Coastal Development Permits* issued by the City shall be acted upon in accordance with Municipal Code section 111.1125.

SEC. 111.1213 PERMITS ISSUED BY THE COASTAL COMMISSION

Any person who has a valid *Coastal Development Permit* from the *Coastal Commission* is not required to obtain a *Coastal Development Permit* from the City. The *Coastal Commission* shall be exclusively responsible for the issuance of an amendment to a *Coastal Development Permit* which has been approved by the *Coastal Commission*, regardless of the jurisdictional boundaries governing applications for *Coastal Development Permits*. The City may not grant a *Coastal Development Permit* for any proposed development on a site which has an approved *Coastal Development Permit* issued by the *Coastal Commission* unless such permit has expired or been forfeited to the *Coastal Commission*.

SEC. 111.1214 COASTAL EMERGENCY PERMITS

(a) **Application.** In the case of a *Coastal Emergency*, an *Applicant* shall apply for an emergency

Coastal Development Permit in person, by letter to the Planning Director or by telephone if time constraints do not allow either of the other alternatives.

(b) Contents of Application. The application shall include the following information:

- (1) nature of *Coastal Emergency*; and
- (2) cause of *Coastal Emergency*; and
- (3) location of *Coastal Emergency*; and
- (4) remedial, protective or preventive work required to deal with the *Coastal Emergency*; and
- (5) circumstances during the *Coastal Emergency* that justify the course of action taken or to be taken, including probable consequences of failing to take emergency action.

(c) Verification. The Planning Director shall verify the facts, including the existence and nature of the *Coastal Emergency*, to the extent that time allows.

(d) Decision on Permit. The Planning Director may approve, conditionally approve or deny the emergency *Coastal Development Permit*.

(e) Finding. The Planning Director may approve or conditionally approve an emergency *Coastal Development Permit* if all of the following findings are made:

- (1) A *Coastal Emergency* exists that requires action more quickly than would be permitted by the

normal procedures for acquiring a *Coastal Development Permit*; and

(2) Public comment on the proposed *Coastal Emergency* action has been solicited and reviewed to the extent feasible; and

(3) The proposed emergency work would be consistent with the *Local Coastal Program*.

(f) Conditions. The Planning Director may approve an emergency *Coastal Development Permit* with conditions, including an expiration date and the necessity for a regular permit application later.

(g) Notice. The Planning Director shall provide public notice of the emergency work, with the extent and type of notice determined by the nature and time constraints of the *Coastal Emergency*.

SEC. 111.1215 PUBLIC ACCESS, OPEN SPACE OR CONSERVATION EASEMENTS

(a) Documents to be Approved. The City shall forward any legal documents used in complying with required conditions of a *Coastal Development Permit* that pertains to public access, open space or conservation easements to the Executive Director of the *Coastal Commission* for approval prior to the issuance of the *Coastal Development Permit*.

(b) Revisions to Documents. If the Executive Director of the *Coastal Commission* recommends revisions to the format of the legal documents, the *Coastal*

Development Permit shall not be issued until all deficiencies have been resolved to the satisfaction of the Executive Director of the *Coastal Commission*.

(c) **Permit Issued.** A *Coastal Development Permit* shall not be issued until the legal documents have been recorded and verification of such recordation has been sent to, and receipt acknowledged, by the Executive Director of the *Coastal Commission*.

Section 14. That Chapter XI, Article 1 of the San Diego Municipal Code be amended by adding Division 13, entitled "Building," Sections 111.1301, 111.1302, 111.1303, 111.1304, 111.1305, 111.1306 and 111.1307 to read as follows:

DIVISION 13

BUILDING

SEC. 111.1301 PURPOSE AND INTENT

It is the purpose and intent of this Division to provide a procedure for processing removal, relocation, demolition, building, plumbing, electrical and mechanical permits.

SEC. 111.1302 APPLICATION

Applications for removal, relocation, demolition, building, plumbing, electrical and mechanical permits shall be filed with the Building Inspection Department in accordance with Municipal Code section 111.0202.

SEC. 111.1303 ISSUANCE

All permits approved pursuant to this Division shall be issued as set forth in Municipal Code section 111.1116, unless otherwise specified.

SEC. 111.1304 REMOVAL, RELOCATION AND DEMOLITION PERMITS

(a) **Supplemental Provisions.** The provisions of this section shall be supplemented by the provisions of Municipal Code Chapter IX, Article 1 entitled, "Building Code".

(b) **Decision Process.** An application for a removal, relocation or demolition permit may be approved or denied by the Building Official in accordance with *Process One*. A resource protection ordinance permit shall be required prior to an approval of a removal, relocation or demolition permit for a designated or eligible historic structure or site.

(c) **Expiration.**

(1) **Removal and Relocation Permits.** A removal and relocation permit shall expire if all the work authorized by the permit is not commenced within sixty (60) calendar days and completed and approved within ninety (90) calendar days from the date the permit is issued. There shall be no extensions.

(2) **Demolition Permits.** A demolition permit shall expire if the work authorized by the permit is not commenced within sixty (60) calendar days

or is not completed within ninety (90) calendar days from the date the permit is issued. Prior to the expiration of a demolition permit, the *Applicant* may request in writing that the Building Official extend the permit for a sixty (60) calendar day period if work is delayed for reasons beyond the *Applicant's* control.

SEC. 111.1305 BUILDING PERMITS

(a) **Supplemental Provisions.** The provisions of this section shall supplement the provisions of Municipal Code Chapter IX and the Uniform Building Code as adopted by the City.

(b) **Decision Process.** An application for a building permit may be approved or denied by the Building Official in accordance with *Process One*.

(c) **Modifications and Deviations.** An *Applicant* may request in writing that the Building Official grant a modification or minor deviation from the relevant provisions of Municipal Code Chapter IX or Uniform Building Code in accordance with Municipal Code section 91.0106.

(d) **Expiration.** A building permit shall expire if the building or work authorized is not commenced within one hundred eighty (180) calendar days from the date the permit is issued or if the building or work is abandoned for the same period. Once a building permit has expired, no extension shall be granted. In order

to proceed with the project, the *Permit Holder* shall obtain a new permit and Municipal Code section 91.0303 shall apply.

(e) **Extension.** Prior to the expiration of a building permit, the *Permit Holder* may apply for an extension from the Building Official in accordance with Municipal Code section 91.0303.

(f) **Suspension or Revocation.** The Building Official may suspend or revoke a permit in writing in accordance with Municipal Code section 91.0303.

SEC. 111.1306 ELECTRICAL, PLUMBING AND MECHANICAL PERMITS

(a) **Supplemental Provisions.** The provisions of this section shall supplement the provisions of Municipal Code Chapter IX, Articles 2 and 3, the National Electrical Code, the Uniform Plumbing Code, and the Uniform Mechanical Code, as adopted by the City. For purposes of this Division, mechanical permits shall include heating, ventilation, air conditioning and refrigeration permits.

(b) **Decision Process.** An application for an electrical, plumbing or mechanical permit shall be approved or denied by the Building Official in accordance with *Process One*.

(c) **Expiration of Electrical Permits.**

(1) An electrical permit shall expire if the work authorized is not commenced within one hundred eighty (180) calendar days from the date

the permit is issued or if the work is abandoned for the same period. In any event, an electrical permit shall expire three hundred sixty-five (365) calendar days from the date the permit is issued. There shall be no extensions granted.

(2) A new electrical permit is required to finish any work not finished because of the expiration of a permit. Unfinished work may be removed without a permit. All work under a new permit shall comply with the codes and standards in effect at the time the new permit is issued.

(d) Expiration of Plumbing and Mechanical Permits. The expiration date of an approved plumbing and mechanical permit may be extended as set forth in Municipal Code section 93.0305.

SEC. 111.1307 TEMPORARY PERMITS

The Building Official may issue a permit for temporary electrical, plumbing, or mechanical installations as set forth in Municipal Code, Chapter IX, Article 3, Division 3. Section 15. This ordinance shall take effect and be in force on January 4, 1993. The provisions of this ordinance shall not be applicable within the Coastal Zone until the thirtieth (30th) day following the date the California Coastal Commission unconditionally certifies this ordinance as a local coastal program amendment or January 4, 1993 whichever occurs last.

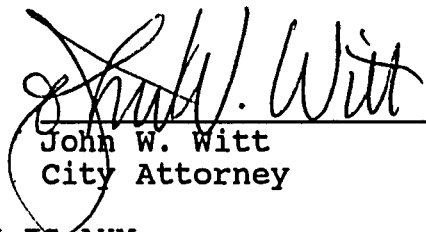
Section 16. In areas of the City of San Diego other than the Coastal Zone, any project, for which plans have been

submitted to the Building Inspection Department prior to January 4, 1993 and such plans comply with the minimum requirements as established by the Building Inspection Department, shall be exempt from the provisions of this ordinance.

Section 17. Any project within the Coastal Zone which meet the following criteria shall be exempt from the provisions of this ordinance: a coastal development permit has been issued for the project prior to the date this ordinance becomes effective within the coastal zone, the plans for the project have been submitted to the Building Inspection Department and the plans comply with the minimum requirements of the Building Inspection Department.

APPROVED: JOHN W. WITT, City Attorney

By



John W. Witt
City Attorney

JWW:JS:AYM:pev
03/17/92
04/23/92 Rev.1
05/19/92 Rev.2
Or.Dept:Plan
SO-92-120
Form=o.code

Decision Levels

1	Staff Decision, No Hearing, No Appeal
2	Staff Decision, No Hearing, Appeal to Hearing Officer
3	Hearing Officer Decision, Appeal to the Planning Commission or Board of Zoning Appeals
4	Planning Commission Decision, Appeal to City Council
5	City Council Decision, following Planning Commission Recommendation

LEGISLATIVE ACTION

	1	2	3	4	5
Community/Precise Plan Adoption or Amendment					X
Development Agreements					X
Local Coastal Plan Amendment					X
Specific Plan Adoption or Amendment					X
Zoning/Rezoning					X

SUBDIVISION

	1	2	3	4	5
Certificate of Compliance	X				
Tentative Map				X	
Parcel Map	X				
Lot Line Adjustments	X				
Final Map					X
Certificate of Correction/Amendment of Approved Map					
Errors or omissions	X				
Modification of approved conditions					
or substantial non-conformity				X	
Reversion					X
Right of Way Vacation or Easement Abandonment					X

Diagram 2

SITE DEVELOPMENT

<u>CITY-WIDE SITE REGULATION</u>	1	2	3	4	5
Child Care Centers			X *		
Comprehensive Sign Plans			X *		
Discontinuance of Mobile Home Parks				X	
Grading Permit	X				
Grading Review			X		
Large Family Day Care Home	X				
Manufacturing/Industrial Zone			X		
Multi-Family Zone FAR Exceptions		X			
Public Improvement Permit	X				
Major Public Improvement Permit					X ¹
Pushcarts		X			
Reclamation Plan				X	
Reconstruction	X				
Relocation (resulting in single house on lot)	X				
Satellite Antennas (> 10' dia., other deviations)			X *		
Sidewalk Cafes		X			
Small Lots	X				
Sign Permits (Special Sign Districts only)	X				
Temporary Uses (< 10 mo.s)	X				
Temporary Construction Storage Yards and/or Project Offices	X				
Temporary Real Estate Offices and/or Model Homes	X				
Transfer of Density Bonus			X		
Zoning Use Certificate	X				

<u>TAILORED ZONING</u>	1	2	3	4	5
Airport Approach Overlay Zone Conformance with Regulations	X				
Variance				X	
Barrio Logan Planned District			X *		
Carmel Valley Planned District			X		
Cass Street Planned District (Permitted Uses Complying with Reg.s)	X				
(SUP, CUP)			X		
Community Plan Implementation Overlay Zone (Type A)	X				
(Type B)			X		
Golden Hill Planned District (Full Compliance Under Threshold)	X				
(Specified Exceptions Under Threshold)		X			
(Over Threshold, Other Deviations)			X		
Institutional Overlay Zone (Demolition, SUP)					X

* Process 3 decisions marked with an asterisk are appealable to the Board of Zoning Appeals. Appeals of all other Process 3 decisions are heard by the Planning Commission.

¹ No recommendation from the Planning Commission is required.

SITE DEVELOPMENT

<u>TAILORED ZONING</u>	1	2	3	4	5
La Jolla Planned District					
(Below Threshold)	X				
(Variance, SUP)			X		
La Jolla Shores Planned District			X		
Live/Work Quarters	X				
Mid-City Planned District					
(Full compliance, Below Threshold)	X				
(Specified Exceptions, Below Threshold)		X			
(Over threshold, Other Deviations)			X		
Mission Beach Planned District		X			
(CUP or variance)			X		*
Mission Valley Planned District					
(Full Compliance, Below Threshold)	X				
(Deviation < 20%, Below Threshold)		X			
(Over threshold, Specified Zones, Transfer of Density)			X		*
Mount Hope Planned District				X	
Old Town Planned District					
(Minor Projects, Alterations < 20%)	X				
(Other Projects)				X	
Otay Mesa Development District					
(Full Compliance, Below Threshold)	X				
(Variance, Below Threshold)		X			
(Deviations, Some Uses)				X	
Pedestrian/Commercial Overlay Zone	X				
San Ysidro Planned District					
(Below Threshold)	X				
(Deviations from regulations)		X			
(Over threshold)				X	
Southeast San Diego Planned District					
(Below Threshold)	X				
(Alcoholic Beverage Sales CUP)				X	*
(Over Threshold, Historic Permits)				X	
West Lewis Street Planned District					
(< 1,000 sq.ft.)	X				
(≥ 1,000 sq.ft., facade alterations)				X	

<u>RESOURCE OVERLAYS</u>	1	2	3	4	5
Coastal Development			X ²		
Hillside Review Overlay Zone				X	
(Single-Family Development)			X		
Resource Protection Overlay Zone				X	
Sensitive Coastal Resource				X	

* Process 3 decisions marked with an asterisk are appealable to the Board of Zoning Appeals. Appeals of all other Process 3 decisions are heard by the Planning Commission.

² The City's final approval of a Coastal Development Permit may be appealed to the Coastal Commission if the subject property is located within the Coastal Commission's appeal jurisdiction.

SITE DEVELOPMENT

<u>PLANNED DEVELOPMENT</u>	1	2	3	4	5
Planned Residential Development			X		
Future Urbanizing Area					X
Planned Infill Residential Development			X		
Planned Commercial Development			X		
Planned Industrial Development			X		

<u>VARIANCE</u>	1	2	3	4	5
Variance					
Limited Relief		X			
General-Relief			X *		
Height Limitation Zone Exception - Clairemont Mesa					X

<u>CONDITIONAL USES</u>	1	2	3	4	5
Agricultural Commerce in Future Urbanizing Area			X *		
Airports					X
Alcoholic Beverage Sales					
(In connection with Automobile Service Stations)			X *		
(All Other)			X		
Amusement Parks					X
Boarding Kennels			X		
Camping Parks				X	
Cemeteries				X	
Churches			X *		
Community Identification Signs			X		
Companion Units			X		
Educational Institutions (except Elementary Schools)		X			
Electromagnetic Communications Facilities, Major				X	
Enterprises Involving a Large Number of People or Automobiles				X	
Facilities for Wrecking/Dismantling Automobiles				X	
Fairgrounds					X
Fraternity or Sorority Houses			X		
Golf Courses				X	
Guest Quarters			X		
Hazardous Waste					
New Research, Development and Demonstration Facilities				X	
Disposal Facilities					X
Hospitals, Urgent Care Facilities, Nursing Homes				X	
Housing Facilities for the Elderly/Handicapped			X *		
Illumination of Tennis Courts			X *		
Impound Storage Yards			X		
Living Units			X		

* Process 3 decisions marked with an asterisk are appealable to the Board of Zoning Appeals. Appeals of all other Process 3 decisions are heard by the Planning Commission.

0-17775

SITE DEVELOPMENT

<u>CONDITIONAL USES</u>	1	2	3	4	5
Marine Related Uses in Coastal Zone				X	
Mobile Homes for Watchmen		X			
Moved Buildings			X *		
Natural Resource Development or Utilization				X	
Newspaper Publishing Plants			X		
Non-Profit Public Health or Welfare Enterprises				X	
Outdoor Storage/Display of New & Unregistered Vehicles			X		
Parking Facilities			X		
Parking in A-1 Coastal Zone				X	
Private Clubs/Lodges			X		
Racetracks					X
Research and Development Enterprises			X *		
Residential Care Facilities (7-12 people)			X		
Residential Care Facilities (13+ people)				X	
Rotating/Revolving Signs			X *		
Schools (Elementary)			X		
Service Stations			X *		
Solar Systems			X		
Structures Operated by a Public Utility or Other Body Having the Power of Eminent Domain			X *		
Tandem Parking			X *		
Teaching Fine Arts			X		
Temporary Off-Premises Subdivision Directional Signs		X			
Theater Marquee Signs		X			
Treatment or Counseling of Sex Offenders				X	
Utilities Distribution Stations			X *		
Veterinary Clinics & Hospitals			X		

BUILDING/STRUCTURAL PERMITS

	1	2	3	4	5
Airport Environs Overlay Zone	X				
Combined Building Permit	X				
Demolition					
(Non-Historic Sites, Non-Coastal)	X				
(Historic Sites)				X	
Electrical Permit	X				
HVAC Permit	X				
Mechanical Permit	X				
Plumbing Permit	X				
Removal	X				
Structural Permit	X				

0-17775

Office of
The City Attorney
City of San Diego

MEMORANDUM

236-6220

RECEIVED
90 JAN 11 PM 2:05
SAN DIEGO, CALIF. M

REVISED

DATE: January 8, 1993
TO: Jan Johnson, City Clerk's Office
FROM: City Attorney
SUBJECT: Zoning Code Update Project

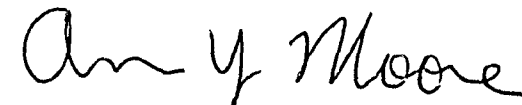
At our meeting of January 5, 1993, we were advised by the City Clerk's office that the Legis program is incapable of showing words in bold text. Therefore, we decided to amend Section 111.0107 to read as follows:

"Each defined term will appear in quotation marks and the first letter of each term will be capitalized. Unless the context otherwise indicates, the defined terms shall have the following meanings:"

Since this amendment is merely an administrative change resulting from a technical deficiency of our computer system and does not alter the meaning of the Municipal code in any fashion, it is the opinion of this office that you may amend Section 111.0107 immediately without any formal action being taken by the City Council.

JOHN W. WITT, City Attorney

By



Ann Y. Moore
Deputy City Attorney

AYM:pev
cc: Janis Sammartino
Cristie McGuire
Betsy Weisman

Passed and adopted by the Council of The City of San Diego on
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

MAY 26 1992

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Linda Luzano*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAY 12 1992

MAY 26 1992

, and on

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Linda Luzano*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17775 Adopted MAY 26 1992

RECEIVED

92 MAY 20 PM 3: 18

CITY CLERKS OFFICE
SAN DIEGO, CA

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE

92 JUN 12 AM 9:50

SAN DIEGO, CALIF. *48*

OFFICE OF THE CITY CLERK
CITY ADMINISTRATION BUILDING, 2ND FLOOR
202 C STREET
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING THE SAN DIEGO MUNICIPAL
CODE BY ADDING A NEW CHAPTER XI,...

ORDINANCE NUMBER 0-17775 (NEW SERIES)

AN ORDINANCE AMENDING THE SAN DIEGO MUNICIPAL CODE BY ADDING A NEW CHAPTER XI, ENTITLED "LAND DEVELOPMENT," ARTICLE 1, "ADMINISTRATION AND PROCEDURES"; ADDING DIVISION 1, ENTITLED "GENERAL PROVISIONS AND DEFINITIONS," SECTIONS 111.0101, 111.0102, 111.0103, 111.0104, 111.0105, 111.0106 AND 111.0107; ADDING DIVISION 2, ENTITLED "APPLICATIONS," SECTIONS 111.0201, 111.0202 AND 111.0203; ADDING DIVISION 3, ENTITLED "NOTICE," SECTIONS 111.0301, 111.0302, 111.0303, 111.0304, 111.0305, 111.0306, 111.0307, 111.0308 AND 111.0309; ADDING DIVISION 4, ENTITLED "PUBLIC HEARINGS," SECTION 111.0401; ADDING DIVISION 5, ENTITLED "DECISION PROCESS," SECTIONS 111.0501, 111.0502, 111.0503, 111.0504, 111.0505, 111.0506, 111.0507, 111.0508, 111.0509, 111.0510 AND 111.0511; ADDING DIVISION 6, ENTITLED "REVOCA-TIONS," SECTIONS 111.0601 AND 111.0602; ADDING DIVISION 7, ENTITLED "LAND USE PLANS AND LOCAL COASTAL PROGRAMS," SECTIONS 111.0701, 111.0702, 111.0703, 111.0704 AND 111.0705; ADDING DIVISION 8, ENTITLED "ZONING," SECTIONS 111.0801, 111.0802, 111.0803, 111.0804, 111.0805, 111.0806 AND 111.0807; ADDING DIVISION 9, ENTITLED "DEVELOPMENT AGREEMENTS," SECTIONS 111.0901, 111.0902, 111.0903, 111.0904, 111.0905, 111.0906, 111.0907, 111.0908, 111.0909 AND 111.0910; ADDING DIVISION 10, ENTITLED "SUBDIVISIONS," SECTIONS 111.1001, 111.1003, 111.1004, 111.1005, 111.1010, 111.1020, 111.1030, 111.1040 AND 111.1045; ADDING DIVISION 11, ENTITLED "SITE DEVELOPMENT," SECTIONS 111.1101, 111.1104, 111.1107, 111.1110, 111.1111, 111.1113, 111.1116, 111.1119, 111.1122, 111.1125, 111.1128 AND 111.1129; ADDING DIVISION 12, ENTITLED "COASTAL DEVELOPMENT PERMIT," SEC-TIONS 111.1201, 111.1202, 111.1203, 111.1204, 111.1205, 111.1206, 111.1207, 111.1208, 111.1209, 111.1210, 111.1211, 111.1212, 111.1213, 111.1214 AND 111.1215; ADDING DIVISION 13, ENTITLED "BUILDING," SECTIONS 111.1303, 111.1302, 111.1303, 111.1304, 111.1305, 111.1306 AND 111.1307, ALL RELATING TO ZONING.

I, Corey Donahue, am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER 0-17775 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

JUNE 9

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 9th day of JUNE, 19 92.

Corey Donahue

(Signature)

This ordinance establishes the administration and procedures for land development activity within the City. This ordinance establishes five processes in which land use decisions are made. An application for a permit or map acted upon in accordance with either Process One or Two may be approved or denied without a public hearing by the department staff person who processed the application. An application for a permit or map acted upon in accordance with either Process Three, Four or Five may be approved, conditionally approved or denied at a notice public hearing respectively by a Hearing Officer, the Planning Commission and the City Council. The ordinance provides one appeal hearing for matters acted upon in accordance with Process Three and Four. A Process Two decision may be appealed to hearing Officer without a public hearing. The functions of the Subdivision Review Board and the Board of Zoning Appeals have been transferred primarily to the Planning Commission. The position of Hearing Officer has been created to take over the zoning administrator's duties.

A complete copy of this Ordinance is available for inspection in the office of the City Clerk, City Administration Building, 2nd floor 202 C Street, San Diego, CA 92101.

INTRODUCED ON MAY 12, 1992
Passed and Adopted by the Council of the City of San Diego on MAY 26, 1992.

AUTHENTICATED BY:
MAUREEN O'CONNOR
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of the City of San Diego, CA

(SEAL) By Linda Lugano, Deputy

12 3/8" = 164.56