ORDINANCE NUMBER O-_____**19360**_____ (NEW SERIES)

ADOPTED ON ___**FEB 2 8 2005**___

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 2
AND CHAPTER 11 ARTICLE 3 OF THE SAN DIEGO
MUNICIPAL CODE BY AMENDING DIVISION 1 SECTION
112.0102 AND 113.0103.

WHEREAS, under the City's existing Land Development Code [LDC], an applicant

cannot initiate the permit entitlement process with the Development Services Department until

the applicant can demonstrate "a legal right, interest, or entitlement" to all parcels or properties

inclusive of a proposed development plan (LDC §113.0103); and

WHEREAS, as the LDC's definition is currently worded, it is unclear whether a

proposed redevelopment project proposal with an approved and executed Disposition and

Development Agreement [DDA] meets the requirements of the LDC; and

WHEREAS, as a result, several redevelopment projects (including affordable housing

projects) are facing extreme delays, because staff does not have clear authority to start reviewing

the projects for their entitlements; and

WHEREAS, clarification of the LDC's definition of "Applicant" and "Application

Process" would allow earlier and more effective community input for redevelopment projects; it

would allow earlier and more effective discussion of permit, environmental, and design issues

that the project would have to address; it would shorten the overall time necessary for

entitlement review, which in turn would help to contain project costs and would facilitate

affordable housing projects being able to apply for funding; and

WHEREAS, on December 16, 2004, the Planning Commission voted unanimously (6-0-0) to recommend approval of the proposed amendment to the Land Development Code to clarify that the definition of "Applicant" and "Application Process" includes any redevelopment proposal with an approved and executed DDA; NOW, THEREFORE,

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

Section 1 That Chapter 11, Article 2, Division 1 of the San Diego Municipal Code be amended by amending section 112.0102 to read as follows:

§112.0102   Application Process

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

(a)   [No change in text]

(1) through (3) [No change in text]

(4)   Any person who has an approved and executed Disposition and Development Agreement with the Redevelopment Agency of the City of San Diego.

Section 2. That Chapter 11, Article 3, Division 1 of the San Diego Municipal Code be amended by amending section 113.0103, to read as follows:

§113.0103   Definitions

Abutting property through *Appealable area* [No change in text]

Applicant means any person who has filed an application for a permit, map, or other matter and that is the *record owner* of the real property that is the subject of the permit, map, or other matter; the record owner's authorized agent; or any
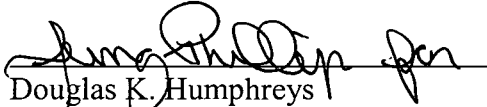
O- 19360

other person who can demonstrate a legal right, interest, or entitlement to the use of the real property subject to the application; including any person who has an approved and executed Disposition and Development Agreement with the Redevelopment Agency of the City of San Diego.

Archaeological site through *Yard* [No change in text].

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. This ordinance shall take effect and be in force on the thirtieth day after its passage. However, this ordinance will not apply within the Coastal Zone until the thirtieth day following the date the California Coastal Commission unconditionally certifies this ordinance as a local coastal program amendment. If this ordinance is not certified by the California Coastal Commission, or is certified with suggested modifications, this ordinance shall be void within the Coastal Zone.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By _____
Douglas K. Humphreys
Deputy City Attorney

DKH:ai
12//29/04
01/07/05 COR.COPY
Or.Dept:REDV
O-2005-83

O-19360