

19877

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE JUL 22 2009

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 14, ARTICLE 3, DIVISION 9, BY AMENDING SECTION 143.0920 OF THE SAN DIEGO MUNICIPAL CODE RELATING TO DEVIATION REQUIREMENTS FOR AFFORDABLE/IN-FILL HOUSING AND SUSTAINABLE BUILDINGS.

WHEREAS, on June 3, 2003, the Council of the City of San Diego [Council] held a public hearing and approved amendments to the Local Coastal Program [LCP] and San Diego Municipal Code [Municipal Code] that included deviation requirements for affordable/in-fill housing and sustainable development; and

WHEREAS, amendments to the Municipal Code constitute amendments to the LCP and, therefore, require certification by the California Coastal Commission [Commission] to become effective; and

WHEREAS, on March 1, 2006, the Council held a public hearing and adopted an ordinance amending the Municipal Code provision governing deviation requirements for affordable/in-fill housing and sustainable development by adding language related to sustainable development; and

WHEREAS, following the March 1, 2006 Council action, the City of San Diego transmitted the ordinance/LCP amendment to the Commission for certification; and

WHEREAS, the Commission conducted a public hearing on April 8, 2009, to review the proposed amendments to the LCP and Municipal Code including deviation requirements for affordable/in-fill housing and sustainable development; and

WHEREAS, the Commission certified the proposed amendment to the LCP and Municipal Code related to deviation requirements for affordable/in-fill housing and sustainable development with suggested modifications; NOW, THEREFORE,

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

Section 1. That the San Diego Municipal Code is amended by amending Chapter 14, Article 3, Division 9 by amending Section 143.0920 to read as follows:

(a) An applicant may request a deviation from the applicable development regulations in the Land Development Code for affordable/in-fill housing and Sustainable Buildings in accordance with Section 143.0915 pursuant to a Site Development Permit decided in accordance with Process Four provided that the findings in Section 126.0504(a) and the supplemental findings in Section 126.0504 (m) are made.


(b) A deviation pursuant to Section 143.0920(a) may not be requested for the following:

1. Within the Coastal Overlay Zone, a deviation from the requirements of the Environmentally Sensitive Lands Regulations (Chapter 14, Article 3, Division 1).
2. A deviation from the requirements of the Coastal Height Limit Overlay Zone (Chapter 13, Article 2, Division 5).
3. Within the Coastal Overlay Zone, a deviation from the requirements of the Parking Impact Overlay Zone (Chapter 13, Article 2, Division 8).

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 3. Except in the Coastal Overlay Zone, this ordinance shall take effect and be in force on the thirtieth day from and after its final passage. Within the Coastal Overlay Zone, this ordinance shall be in force and effect on the date it is effectively certified by the California Coastal Commission as a City of San Diego Local Coastal Program amendment.

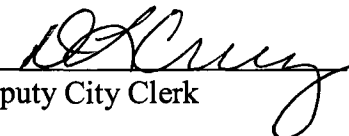
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Keith Bauerle
Deputy City Attorney

KB:hm
06/01/09
Or.Dept:DSD
O-2009-150
MMS #8981

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUL 7 2009.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 7-22-09
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor