

ORDINANCE NUMBER O- 20128 (NEW SERIES)

DATE OF FINAL PASSAGE FEB 17 2012

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE 5,  
DIVISION 40 OF THE SAN DIEGO MUNICIPAL CODE BY  
AMENDING SECTION 145.4003 RELATING TO THE  
VOLUNTARY ACCESSIBILITY PROGRAM.

WHEREAS, on May 11, 2010, the Council of the City of San Diego (Council) adopted Ordinance No. O-19955 adding a voluntary accessibility program to encourage residential development that incorporates accessible design features; and

WHEREAS, effective June 17, 2010, Ordinance No. O-19955 applies outside of the Coastal Overlay Zone, but does not apply within the Coastal Overlay Zone until the California Coastal Commission (Coastal Commission) certifies it as a Local Coastal Program Amendment; and

WHEREAS, City staff submitted Ordinance No. O-19955 to the Coastal Commission for certification in June 2010; and

WHEREAS, on November 4, 2011, the Coastal Commission voted to conditionally certify the Voluntary Accessibility Program ordinance on the condition that the City amend San Diego Municipal Code section 145.4003 to further explicitly clarify that the Voluntary Accessibility Program incentives shall not be granted where inconsistent with the policies of the certified Local Coastal Program land use plans or the Environmentally Sensitive Lands (ESL) regulations; and

WHEREAS, the further clarification recommended by the Coastal Commission is not a substantive change to Ordinance No. O-19955; NOW, THEREFORE,

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

Section 1. That Chapter 14, Article 5, Division 40 of the San Diego Municipal Code is amended by amending section 145.4003 to read as follows:

**§ 145.4003 Voluntary Accessibility Program Regulations and Development Incentives**

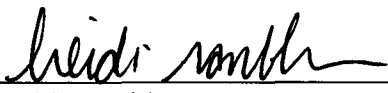
(a) through (e) [No change in text.]

(f) A bonus or incentive shall not be granted where it would allow *development* that is inconsistent with the policies in the certified *Local Coastal Program land use plan* or the allowed uses and development regulations of the Environmentally Sensitive Lands regulations.

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. That this ordinance shall take effect and be in force on the date the California Coastal Commission unconditionally certifies the provisions of this ordinance as a local coastal program amendment; provided however, that if such California Coastal Commission certification occurs within thirty days from and after the date of its final passage, this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

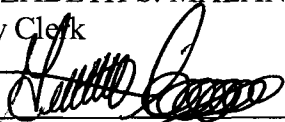
APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Heidi Vonblum  
Deputy City Attorney

HV:hm  
12/08/2011  
02/07/2012 COR.COPY  
Or.Dept.DSD  
Document No. 316929

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of FEB 07 2012.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 2-17-12  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor