

ORDINANCE NUMBER O- 20309 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 22 2013

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 2, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 112.0103; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 3 BY AMENDING SECTIONS 112.0301, 112.0306, AND 112.0308; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 4 BY AMENDING SECTION 112.0401; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 5 BY AMENDING SECTION 112.0501; AMENDING CHAPTER 11, ARTICLE 2, BY ADDING DIVISION 6 SECTIONS 112.0601 THROUGH 112.0604; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 113.0103; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 1 BY AMENDING SECTIONS 126.0104 AND 126.0112; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5 BY AMENDING SECTIONS 126.0502 AND 126.0503; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 7 BY AMENDING SECTION 126.0707; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 4 BY AMENDING SECTION 132.0402; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 143.0110; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 2 BY AMENDING SECTIONS 143.0210 AND 143.0260; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 3 BY AMENDING SECTION 143.0302; AMENDING CHAPTER 15, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 151.0201, ALL RELATING TO LAND USE REGULATIONS.

WHEREAS, amendments to the Municipal Code and Local Coastal Program will create new decision processes for streamlining Capital Improvement Program (CIP) projects that require a Coastal Development Permit (CDP) or Site Development Permit (SDP); and

WHEREAS, the current decision process for a SDP for most CIP projects are Process Three; however, projects related to historical resources and that deviate from environmentally sensitive lands regulations are subject to Process Four; and

WHEREAS, the current decision processes for a CDP for CIP projects are Process Two in the non-appealable area of the Coastal Overlay Zone and Process Three in the appealable area of the Coastal Overlay Zone; and

WHEREAS, the two new decision processes for CIP projects, Process CIP-Two and Process CIP-Five, will streamline the decision making process while maintaining the existing environmental review process and providing continued opportunity for public input; and

WHEREAS, the new processes designate the City Council as the final decision maker on all CIP projects that require a SDP or a CDP; and

WHEREAS, Process CIP-Two is similar to the existing Process Two, except appeals are heard by the City Council instead of the Planning Commission, and Process CIP-Five is heard by the City Council without requiring a recommendation from the Planning Commission;

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 is amended by amending section 112.0103, to read as follows:

§112.0103 Consolidation of Processing

When an *applicant* applies for more than one permit, map, or other approval for a single *development*, the applications shall be consolidated for processing and shall be reviewed by a single decision maker. The decision maker shall act on the consolidated application at the highest level of authority for that *development* as set forth in Section 111.0105. The *findings* required for approval of each permit shall be considered individually, consistent with Section 126.0105. Where the

consolidation of processing combines Process Two, Process Three, Process Four, or Process Five with Process CIP-Two or Process CIP-Five, the consolidation shall be made as follows:

- (a) Consolidation of Process Two and Process CIP-Two shall be consolidated into Process CIP-Two.
- (b) Consolidation of Process Three, Process Four, or Process Five with Process CIP-Five shall be consolidated into Process CIP-Five, except that any consolidation with a Process Five for rezoning shall be consolidated into Process Five.

Section 2. That Chapter 11, Article 2, Division 3 of the San Diego Municipal Code is amended by amending sections 112.0301, 112.0306, and 112.0308, to read as follows:

§112.0301 Types of Notice

- (a) Notice of Application. A Notice of Application is required for an application for a permit, map, or other matter acted upon in accordance with Process Three, Process Four, Process Five, or Process CIP-Five.
(1) through (2) [No change in text.]
- (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 or Process CIP-Two.
(1) through (2) [No change in text.]
- (c) Notice of Public Hearing. A Notice of Public Hearing shall be provided before a decision is made on an application for a permit, map, or other

matter acted upon in accordance with Process Three, Process Four, Process Five, or Process CIP-Five, or an appeal of a Process Two, Process CIP-Two, Process Three, or Process Four decision, or of an *environmental* determination. A Notice of Public Hearing shall also be provided before a decision is made by the City Council in accordance with Section 132.1555 (Overrule Process).

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

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

§112.0306 Notice for Coastal Development Permits

All notices for a Coastal Development Permit shall include a statement that the *development* is within the Coastal Overlay Zone, the date of filing of the application and the number assigned to the application. When a Coastal Development Permit is to be considered under Process Two, Process CIP-Two, or at a public hearing, the City Manager shall mail a Notice of Future Decision or Notice of Public Hearing to the California Coastal Commission and all persons requesting notice on Coastal Development Permits. This notice shall be provided in addition to the other notices required by this division. Notices for appealable Coastal Development Permits shall include provisions for appeals to the California Coastal Commission.

§112.0308 Notice for Appeal Hearings

The notice for appeal hearings of Process Two, Process Three, Process Four, or Process CIP-Two decisions, or of an *environmental determination* shall be provided in accordance with sections 112.0301(c), 112.0302, and 112.0303.

Section 3. That Chapter 11, Article 2, Division 4 of the San Diego Municipal Code is amended by amending section 112.0401, to read as follows:

§112.0401 Procedures for Public Hearings

(a) Rules for Decision Makers. The City Manager shall establish rules and procedures to regulate the public hearing proceedings for Process Two, Process Three, Process Four, Process Five, Process CIP-Two and Process CIP-Five decisions consistent with the requirements set forth in this chapter.

(b) through (c) [No change in text.]

Section 4. That Chapter 11, Article 2, Division 5 is amended by amending section 112.0501 to read as follows:

§112.0501 Overview of Decision Process

Application for permits, maps, or other matters shall be acted upon in accordance with one of the five decision processes established in this division and depicted on Diagram 112-05A, except that applications for *capital improvement program projects* shall be acted upon in accordance with Chapter 11, Article 2, Division 6. The subject matter of the *development* application determines the process that shall be followed for each application. The provisions of Chapter 12 that pertain to each permit, map, or other matter describe the decision process in more detail. Diagram 112-05A is provided for convenience of reference only and does not define, describe, or limit the scope, meaning, or intent of any provision of the Land Development Code. This diagram describes the City of San Diego's

processes only and does not describe other decision processes that may be required by other agencies, such as the State Coastal Commission.

Diagram 112-05A

[No change in text.]

Section 5. That Chapter 11, Article 2, of the San Diego Municipal Code is amended by adding by Division 6 and sections 112.0601 through 112.0604, to read as follows:

Chapter 11: Land Development Procedures

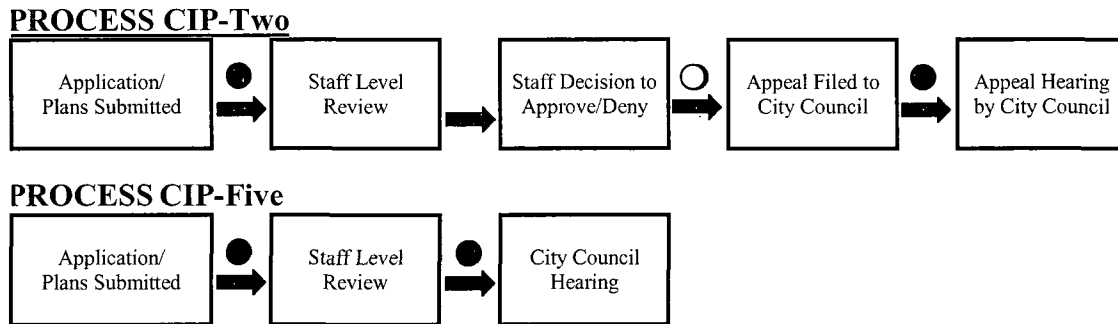
Article 2: Required Steps in Processing

Division 6: Decision Process – Capital Improvement Program Projects

§112.0601 Overview of Decision Process

Applications for *capital improvement program projects* requiring a Site Development Permit in accordance with the Environmentally Sensitive Lands Regulations and Historical Resources Regulations or a City-issued Coastal Development Permit shall be acted upon in accordance with one of the two decision processes established in this division and depicted on Diagram 112-06A. The subject matter of the *development* application determines the process that shall be followed for each application. The provisions of Chapter 12 that pertain to each permit, map, or other matter describe the decision process in more detail. Diagram 112-06A is provided for convenience of reference only and does not define, describe, or limit the scope, meaning, or intent of any provision of the Land Development Code. This diagram does not describe the decision processes that may be required by other agencies, such as the State Coastal Commission.

Diagram 112-06A
Decision Processes for Capital Improvement Program Projects



Key

- Public Notice to all Property Owners, Tenants, Community Planning Groups within 300 Feet of the development, and Anyone Requesting Notice
- Public Notice to Applicant, Community Planning Groups within 300 feet, and Anyone Requesting Notice

§112.0602 Process CIP-Two

An application for a Site Development Permit for a *capital improvement program project* determined to be in compliance with the Environmentally Sensitive Lands Regulations and Historic Resources Regulations without deviation, or a City-issued Coastal Development Permit in the *non-appealable area* of the Coastal Overlay Zone for a *capital improvement program project*, shall be acted upon in accordance with Process CIP-Two. An application for a Process CIP-Two decision may be initially approved, conditionally approved, or denied by a staff person designated by the City Manager pursuant to Section 111.0205. A public hearing will not be held. An appeal hearing is available upon written request, in accordance with Section 112.0603. A Process CIP-Two decision shall be made in the following manner.

- (a) Notice. The designated staff person shall mail a Notice of Future Decision to the persons identified in Section 112.0302(b). Persons who wish to receive notice of the approval or denial of the application may request this information from the staff person. The request must be received no later than 10 *business days* after the date on which the Notice of Future Decision is mailed.
- (b) Decision Process. The designated staff person may approve, conditionally approve, or deny the application without a public hearing. The decision shall be made no less than 11 *business days* after the date on which the Notice of Future Decision is mailed to allow for sufficient time for public comment.

This 11 *business days* minimum time frame for a staff decision will be extended by a period not to exceed an additional 20 *business days* to allow time for a recommendation by a recognized community planning group, if requested by the group's chair, or the chair's designee. Notification of the decision shall be given to the *applicant* and to those persons who request notification in accordance with this section, no later than 2 *business days* after the *decision date*.

§112.0603 Process CIP-Two Appeal Hearing

The City Council shall hear appeals of Process CIP-Two decisions subject to the following requirements.

- (a) Persons Who Can Appeal. The following persons may request an appeal hearing after the designated staff person's decision:
- (1) An *applicant*; or
 - (2) Any other person who files an application for a Process CIP-Two appeal hearing in accordance with Section 112.0603(b).
- (b) Request for a Process CIP-Two Appeal Hearing. A Process CIP-Two decision may be appealed by filing an application for a Process CIP-Two appeal hearing with the City Manager no later than 12 *business days* after the *decision date*.
- (c) Grounds for Appeal. A Process CIP-Two decision may be appealed on any of the following grounds:
- (1) Factual Error. The statements or evidence relied upon by the decision maker when approving, conditionally approving, or denying a permit, map, or other matter were inaccurate;
 - (2) New Information. New information is available to the applicant or the interested person that was not available through reasonable efforts or due diligence at the time of the decision;
 - (3) *Findings* Not Supported. The decision maker's stated *findings* to approve, conditionally approve, or deny the permit, map, or other matter are not supported by the information provided to the decision maker; or

- (4) Conflicts. The decision to approve, conditionally approve, or deny the permit, map or other matter is in conflict with a *land use plan*, a City Council policy, or the Municipal Code.
- (d) Scheduling an Appeal Hearing. The City Manager shall assign a date for an appeal hearing before the City Council no later than 10 calendar days after the date on which an application for the appeal hearing is filed with the City Manager. The appeal hearing shall generally be held within 60 calendar days following the filing of the application for the hearing. The appeal hearing shall be noticed in accordance with Section 112.0308.
- (e) Power to Act on the Decision at Appeal Hearing. At the conclusion of the appeal hearing, the City Council may affirm, reverse, or modify the staff decision.

§112.0604 Process CIP-Five

An application for a Site Development Permit for a *capital improvement program project* that deviates from the Environmentally Sensitive Land Regulations or Historic Resources Regulations, or a City-issued Coastal Development Permit in the *appealable area* of the Coastal Overlay Zone, shall be acted upon in accordance with Process CIP-Five. An application for a Process CIP-Five decision may be approved, conditionally approved, or denied by the City Council. A Process CIP-Five decision shall be made in the following manner.

- (a) Notice. The City Manager shall mail a Notice of Application to the persons described in Section 112.0302(b) no later than 10 *business days*

after the date on which an application for a permit, map, or other matter is *deemed complete*.

- (b) Decision Process. The City Council shall hold a public hearing to consider the application. The hearing shall be noticed in accordance with Sections 112.0301(c), 112.0302, and 112.0303. The City Council may approve, conditionally approve, or deny the application at the conclusion of the hearing.

Section 6. That Chapter 11, Article 3, Division 1 of the San Diego Municipal Code is amended by amending section 113.0103, to read as follows:

§113.0103 Definitions

Abutting property through Business day [No change in text.]

Capital improvement program project means a tangible City project with a life expectancy greater than one year that is counted as a fixed asset with values for capitalization purposes. Capitalized assets have values for assessment of prosperity and financing purposes.

Certificate of Correction through Yard [No change in text.]

Section 7. That Chapter 12, Article 6, Division 1 of the San Diego Municipal Code is amended by amending sections 126.0104 and 126.0112, to read as follows:

§126.0104 Decision Processes for a Development Permit

A decision on an application for a *development permit* shall be made in accordance with Process Two, Process Three, Process Four, Process Five, Process CIP-Two or Process CIP- Five as indicated in Chapter 12, Article 6, Divisions 1 through 8, for each type of *development permit*.

§126.0112 Minor Modifications to a Development Permit

A proposed minor modification to an approved *development permit* may be submitted to the City Manager to determine if the revision is in *substantial conformance* with the approved permit. If the revision is determined to be in *substantial conformance* with the approved permit, the revision shall not require an amendment to the *development permit*. Within the Coastal Overlay Zone, any *substantial conformance* determination shall be reached through a Process Two review, except that a *substantial conformance* determination for a *capital improvement program project* shall be reached through a Process CIP-Two review.

Section 8. That Chapter 12, Article 6, Division 5 of the San Diego Municipal Code is amended by amending sections 126.0502 and 126.0503, to read as follows:

§126.0502 When a Site Development Permit is Required

(a) [No change in text.]

(1) City public works projects, except for *capital improvement program projects*, on a *premises* containing *environmentally sensitive lands*, as described in Section 143.0110.

(2) through (5) [No change in text.]

(b) [No change in text.]

(c) [No change in text.]

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

(4) *Public improvements* required in association with private *development* that involve *development* of more than 3,000 feet of property frontage, as described in Section 142.0612, except that *capital improvement program projects* shall be subject to Process CIP-Two.

(5) *Public improvements* required in association with private *development* for which adopted City standards do not apply, as described in Section 142.0612, except that *capital improvement program projects* shall be subject to Process CIP-Two.

(6) through (8) [No change in text.]

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

(f) A Site Development permit in accordance with Process CIP-Two is required for the following types of *development*.

(1) *Capital improvement program projects* on a *premises* containing *environmentally sensitive lands* where the *development* is determined to be in compliance with the Environmentally Sensitive Lands Regulations without deviation.

(2) *Capital improvement program projects* on a *premises* containing *historical resources* where the *development* is determined to be in compliance with the Historical Resources Regulations without deviation, unless exempt under Section 143.0220.

(g) A Site Development Permit in accordance with Process CIP-Five is required for the following types of *development*.

- (1) *Capital improvement program projects* on a *premises* containing *environmentally sensitive lands* that deviate from the Environmentally Sensitive Lands Regulations.
- (2) *Capital improvement program projects* on a *premises* containing *historical resources* that deviate from the Historical Resources Regulations, unless exempt under Section 143.0220.

§126.0503 Decision Processes for Site Development Permits

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

(d) Process CIP-Two

A decision on an application for a Site Development Permit for the types of *development* listed in Section 126.0502(f) shall be made in accordance with Process CIP-Two.

(e) Process CIP- Five

A decision on an application for a Site Development Permit for the types of *development* listed in Section 126.0502(g) shall be made in accordance with Process CIP-Five.

Section 9. That Chapter 12, Article 6, Division 7 of the San Diego Municipal Code is amended by amending section 126.0707, to read as follows:

§126.0707 Decision Process for a Coastal Development Permit

- (a) A decision on an application for a City-issued Coastal Development Permit in the *non-appealable area* of the Coastal Overlay Zone shall be made in accordance with Process Two, except that a decision on an application for a *capital improvement program project* in the *non-*

appealable area of the Coastal Overlay Zone shall be made in accordance with Section 126.0707(c). The decision may be appealed to the Planning Commission in accordance with Section 112.0504.

- (b) A decision on an application for a City-issued Coastal Development Permit in the *appealable area* of the Coastal Overlay Zone shall be made in accordance with Process Three, except that a decision on a *capital improvement program project* in the *appealable area* of the Coastal Overlay Zone shall be made in accordance with Section 126.0707(c). The decision may be appealed to the Planning Commission in accordance with Section 112.0506.
- (c) A decision on an application for a City-issued Coastal Development Permit for a *capital improvement program project* shall be made as follows:
 - (1) In the *non-appealable area* of the Coastal Overlay Zone, the decision shall be made in accordance with Process CIP-Two. The decision may be appealed to the City Council in accordance with Section 112.0603.
 - (2) In the *appealable area* of the Coastal Overlay Zone, the decision shall be made in accordance with Process CIP-Five.
- (d) 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 a provision for public access, open space, or conservation easements or the relocation or redesign of

proposed site improvements. In any *subdivision* or other land division, such conditions shall be imposed at the time of the *subdivision* or other land division, rather than through subsequent development permits. When conditions pertaining to public access, open space, or conservation easements are imposed, the City Manager shall notify the Executive Director of the Coastal Commission as set forth in Section 126.0719.

- (e) When more than one permit, map or other approval is required for a single *development*, the applications shall be consolidated and the action of the decision maker shall be considered one consolidated action. In the Coastal Overlay Zone, the *findings* for each approval shall be consolidated and shall constitute the *findings* of the Coastal Development Permit. For decisions involving *coastal development* within the *appealable area*, the entire consolidated decision is appealable to the Coastal Commission.
- (f) Any *coastal development* involving a *subdivision* pursuant to the Subdivision Map Act and any other division of land requires a Coastal Development Permit. The land division shall be processed as part of the Coastal Development Permit in accordance with the Subdivision Regulations (Chapter 14, Article 4) and Subdivision Procedures (Chapter 12, Article 5). Any tentative map, lot line adjustment, merger, public right-of-way vacation or public easement abandonment may be approved or conditionally approved only if the decision maker makes the *findings* pursuant to Section 126.0708.

Section 10. That Chapter 13, Article 2, Division 4 of the San Diego Municipal

Code is amended by amending section 132.0402, to read as follows:

§132.0402 Where the Coastal Overlay Zone Applies

(a) and (b) [No change in text.]

**Table 132-04A
Coastal Overlay Zone Applicability**

Type of <i>Development Proposal</i>	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) through (2) [No change in text.]	[No change in text.]	
(3) <i>Coastal development, except a capital improvement program project, in this overlay zone that is not exempt under (1) of this table or that is not in the area described in (2) of this table</i>	[No change in text.]	
(4) <i>Coastal development for a capital improvement program project in this overlay zone that is not exempt under (1) of this table or that is not in the area described in (2) of this table and is in the non-appealable area of this overlay zone</i>	See use and development regulations of the base zone and Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations	Coastal Development Permit/Process CIP-Two
(5) <i>Coastal development for a capital improvement program project in this overlay zone that is not exempt under (1) of this table or that is not in the area described in (2) of this table and is in the appealable area of this overlay zone</i>	See use and development regulations of the base zone and Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations	Coastal Development Permit/Process CIP-Five

Diagram 132-04A [No change in text.]

Section 11. That Chapter 14, Article 3, Division 1 of the San Diego Municipal

Code is amended by amending section 143.0110, to read as follows:

§143.0110 When Environmentally Sensitive Lands Regulations Apply

This Division applies to all proposed *development* when *environmentally sensitive lands* are present on the *premises*.

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

Table 143-01A

Applicability of Environmentally Sensitive Lands Regulations

<i>Environmentally Sensitive Lands Potentially Impacted by Project</i>						
<i>Type of Development Proposal</i>		<i>Wetlands, listed species habitat⁽¹⁾</i>	<i>Other Sensitive Biological Resources other than Wetlands and listed species habitat</i>	<i>Steep Hill-sides</i>	<i>Sensitive Coastal Bluffs and Coastal Beaches</i>	<i>Floodplains</i>
1. through 5. [No change in text.]	R	[No change in text.]				
	P					
	U					
6. Any development that proposes deviations from any portion of the <i>Environmentally Sensitive Lands Regulations</i> , except <i>capital improvement program projects</i>	R	[No change in text.]				
	P					
	U					
7. [No change in text.]	R	[No change in text.]				
	P					
	U					
8. Any <i>capital improvement program project</i> determined to be in compliance with the <i>Environmentally Sensitive Lands Regulations</i> without deviation	R	143.0141(a), (b)	143.0141	143.0142	143.0143, 143.0144	143.0145, 143.0146
	P	SDP/ Process CIP-Two	SDP/ Process CIP-Two	SDP/ Process CIP-Two	SDP/ Process CIP-Two	SDP/ Process CIP-Two
	U	143.0130(d), (e)	--	--	143.0130(a), (b)	143.0130(c)
9. Any <i>capital improvement program project</i> that deviates from the <i>Environmentally</i>	R	143.0141(a), (b), 143.0150	143.0141, 143.0150	143.0142, 143.0150 ⁽⁴⁾	143.0143, 143.0144, 143.0150	143.0145, 143.0146, 143.0150
	P	SDP/ Process CIP-Five	SDP/ Process CIP-Five	SDP/ Process CIP-Five	SDP/ Process CIP-Five	SDP/ Process CIP-Five

<i>Sensitive Lands Regulations</i>	U	143.0130(d), (e)	--	--	143.0130(a), (b)	143.0130(c)
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Legend to Table 143-01A [No change in text.]

Footnotes to Table 143-01A [No change in text.]

(c) [No change in text.]

Section 12. That Chapter 14, Article 3, Division 2 of the San Diego Municipal Code is amended by amending sections 143.0210 and 143.0260, to read as follows:

§143.0210 When Historical Resources Regulations Apply

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

(e) [No change in text.]

(1) through (2) [No change in text.]

(A) [No change in text.]

(B) *Multiple dwelling unit residential, commercial, or industrial development on any size lot, or any subdivision on any size lot, or any City public works construction project other than any capital improvement program project, or any project specific land use plan when a historical resource is present.*

(C) *Development that proposes to deviate from the development regulations for historical resources as described in this division, except for any capital improvement program project.*

(3) Site Development Permit in Accordance With Process CIP-Two. *Capital improvement program projects* that comply with the regulations of this division without deviation.

(4) Site Development Permit in Accordance With Process CIP-Five. *Capital improvement program projects* that deviate from any of the regulations of this division.

Table 143-02A

Applicability of Historical Resources Regulations

Type of Development Proposal	Historical Resources Potentially Impacted by Project			
		<i>Designated Historical Resources or Historical Districts</i>	<i>Traditional Cultural Properties</i>	<i>Important Archaeological Sites</i>
1. Any project exempt from obtaining a development permit in accordance with Section 143.0220	R	[No change in text.]		
	P			
2. [No change in text.]	R	[No change in text.]		
	P			
3. <i>Multiple dwelling unit, non-residential development, subdivisions and public works construction projects on any size Lot, other than capital program improvement projects</i>	R	[No change in text.]		
	P			
4. [No change in text.]	R	[No change in text.]		
	P			
5. <i>Development, other than capital improvement program projects, that deviates from any of the regulations in this division.</i>	R	[No change in text.]		
	P			
6. <i>Capital improvement program projects that comply with the regulations of this division without deviation</i>	R	143.0251	143.0252	143.0253
	P	SDP/ Process CIP- Two	SDP/ Process CIP-Two	SDP/ Process CIP- Two
7. <i>Capital improvement program projects that deviate from any of the regulations in this division</i>	R	143.0251	143.0252	143.0253
	P	SDP/ Process CIP- Five	SDP/ Process CIP-Five	SDP/ Process CIP- Five

Legend to Table 143-02A [No change in text.]

§143.0260 Deviations from the Historical Resources Regulations

(a) If a proposed *development* cannot to the maximum extent feasible comply with this division, a deviation may be considered in accordance with decision Process Four, or Process CIP-Five for *capital improvement program projects*.

(b) through (c) [No change in text.]

Section 13. That Chapter 14, Article 3, Division 3 of the San Diego Municipal Code is amended by amending section 143.0302, to read as follows:

§143.0302 When Supplemental Neighborhood Development Permit and Site Development Permit Regulations Apply

This division applies to any development proposal for which a Neighborhood Development Permit or Site Development Permit is required as described in Sections 126.0402 and 126.0502, in accordance with Table 143-03A.

**Table 143-03A
Supplemental Neighborhood Development Permit or Site Development Permit
Regulations Applicability**

Type of <i>Development Proposal</i>	Applicable Sections	Required <i>Development Permit/Decision Process</i>
Affordable/In-Fill Housing and Sustainable Building Projects with Deviations through Site Containing <i>Environmentally Sensitive Lands</i>	[No change in text.]	
Any <i>capital improvement program project</i> on a Site Containing <i>Environmentally Sensitive Lands</i>	143.0101-143.0160, 143.0303, 143.0305, 143.0350, 143.0375, 143.0380	SDP/Process CIP-Two or SDP/Process CIP-Five
Any <i>capital improvement program project</i> on a Site Containing <i>Historical Resources</i>	143.0201, 143.0260, 143.0303, 143.0305, 143.0360, 143.0375, 143.0380	SDP/Process CIP-Two or SDP/Process CIP-Five
Site Containing <i>Historical</i>	[No change in text.]	

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process
<i>Resources through Public Improvements on More Than 3,000 Feet of Frontage or Where City Standards Do Not Apply</i>		
<i>Any capital improvement program project on More Than 3,000 Feet of Frontage or Where City Standards Do Not Apply</i>	142.0601-142.0670, 143.0303, 143.0305, 143.0375,143.0380	SDP/Process CIP-Two
Manufactured Slopes in Excess of 25% Gradient and 25 Feet in Height through Clairemont Mesa Height Limit Overlay Zone	[No change in text.]	
Legend to Table 143-03A [No change in text.]		

Section 14. That Chapter 15, Article 1 Division 2 of the San Diego Municipal Code is amended by amending section 151.0201, to read as follows:

§151.0201 Processing of Planned District Permits

Planned district permits will be processed in accordance with the Land Development Code as follows:

- (a) [No change in text.]
- (b) Where a planned district requires a discretionary planned district permit that is identified as a Process Two decision, one of the following shall apply:
 - (1) An applicant shall apply for a Neighborhood Development Permit in accordance with Land Development Code Chapter 12, Article 6, Division 1 (General Development Permit Procedures) and Division 4 (Neighborhood Development Permit Procedures). The findings required for approval will be the general findings for Neighborhood Development Permits in Land Development Code

Section 126.0404(a), any applicable supplemental findings in Section 126.0404, and any additional findings provided in the planned district.

- (2) An applicant for a *capital improvement program project*, as defined in Section 113.0103, shall apply for a Site Development Permit in accordance with Land Development Code Chapter 12, Article 6, Division 1 (General Development Permit Procedures) and Division 5 (Site Development Permit Procedures) in accordance with Process CIP-Two. The findings required for approval will be the general findings for Site Development Permits in Land Development Code Section 126.0504(a), any applicable supplemental findings in Section 126.0504, and any additional findings provided in the planned district.
- (c) Where a planned district requires a discretionary planned district permit that is identified as a Process Three, Process Four, or Process Five decision, an applicant shall apply for a Site Development Permit in accordance with Land Development Code Chapter 12, Article 6, Division 1 (General Development Permit Procedures) and Division 5 (Site Development Permit Procedures), except that a *capital improvement program project*, as defined in Section 113.0103, shall be processed in accordance with Process CIP-Five. The findings required for approval will be the general findings for Site Development Permits in Land Development Code Section 126.0504(a), any applicable supplemental

findings in Section 126.0504, and any additional findings provided in the planned district.

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

Section 15. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 16. That prior to becoming effective, this ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

If the SDCRAA finds this ordinance consistent with the Airport Land Use Compatibility Plans (ALUCP) for San Diego International Airport, Marine Corps Air Station (MCAS) Miramar, Gillespie Field, Montgomery Field, and Brown Field Airports, this ordinance shall take effect and be in force as of the date of the finding of consistency by the SDCRAA Board, provided that and not until at least 30 days have passed from the date of final passage, except that the provisions of this ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

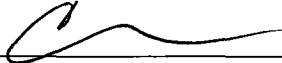
If the SDCRAA determines that this ordinance is inconsistent or conditionally consistent, subject to proposed modifications with the ALUCPs for San Diego International Airport, MCAS Miramar, Gillespie Field, Montgomery Field, or Brown Field Airports, the ordinance shall be submitted to the City Council for reconsideration.

If the SDCRAA determines that this ordinance is conditionally consistent with the ALUCPs for San Diego International Airport, MCAS Miramar, Gillespie Field, Montgomery Field, or Brown Field Airports, but that consistency is subject to proposed modifications, the City Council may amend this ordinance to accept the proposed modifications, and this ordinance as amended shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this ordinance as amended inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

If the SDCRAA determines this ordinance is inconsistent with the ALUCPs for San Diego International Airport, MCAS Miramar, Gillespie Field, Montgomery Field, or Brown Field Airports, a proposed decision by the City Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code section 21670 and require a two-thirds vote; the proposed decision and findings shall be forwarded to the SDCRAA, California Department of Transportation, Division of Aeronautics, and the airport operators for the San Diego International Airport, MCAS Miramar, Gillespie Field, Montgomery Field, or Brown Field Airports; and the City Council shall hold a second hearing not less than 45 days from the date the proposed decision and findings were provided, at which hearing any comments submitted by the public agencies shall be considered and a final decision to overrule a determination of inconsistency shall require a two-thirds vote. Then, this ordinance shall take effect and be in force thirty days from the date of the final decision to overrule the determination of inconsistency except that the provisions of this ordinance inside the Coastal Overlay Zone,

which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 

Corrine L. Neuffer
Deputy City Attorney

CLN:jls:sc:dkr
12/26/13
Or.Dept: DSD
Doc. No. 584142_5

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

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

Mayor

Vetoed: _____
(date)

Mayor

See attached memo and signature page.

Office of
The City Attorney
City of San Diego

MEMORANDUM

DATE: December 26, 2013

TO: Raquel Rodgers, Office of the City Clerk

FROM: Corrine L. Neuffer

SUBJECT: Revised Ordinance 20309, Date of Passage of Final Passage October 22, 2013.

In your e-mail dated December 23, 2013, you brought a clerical error to our attention. Ordinance No. 20309 adopted October 22, 2013, amending various Land Development Code sections, including amending Chapter 11, Article 2, by adding Division 6 section 112.0601 through 112.0604, inadvertently referred to Chapter 11, Article 2 as "Required Steps in Processing Site Development and Coastal Development Permits for Capital Improvement Program Projects." This Ordinance was not intended to change the title for Chapter 11, Article 2, which should continue to remain as "Required Steps in Processing." In accordance with San Diego Municipal Code section 11.0207, the City Attorney is authorized to make such revisions by memorandum.

I have included the Revised Ordinance and Revised Strikeout Ordinance to correctly reflect the title language for Chapter 11, Article 2.

CLN:dkr
Enclosures
Doc. No.: 695916

RECEIVED
14 JAN -9 PM 3:31

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of ~~OCT 08 2013~~.

ELIZABETH S. MALAND
City Clerk

By Mary Zuniga for Gilbert Sanchez
Deputy City Clerk

Approved pursuant to Charter section 265(i).

Approved: _____
(date)

Mayor

Vetoed: _____
(date)

Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE – ~~Struck Out~~

NEW LANGUAGE – Double Underlined

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 2, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 112.0103; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 3 BY AMENDING SECTIONS 112.0301, 112.0306, AND 112.0308; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 4 BY AMENDING SECTION 112.0401; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 5 BY AMENDING SECTION 112.0501; AMENDING CHAPTER 11, ARTICLE 2, BY ADDING DIVISION 6 SECTIONS 112.0601 THROUGH 112.0604; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 113.0103; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 1 BY AMENDING SECTIONS 126.0104 AND 126.0112; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5 BY AMENDING SECTIONS 126.0502 AND 126.0503; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 7 BY AMENDING SECTION 126.0707; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 4 BY AMENDING SECTION 132.0402; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 143.0110; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 2 BY AMENDING SECTIONS 143.0210 AND 143.0260; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 3 BY AMENDING SECTION 143.0302; AMENDING CHAPTER 15, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 151.0201, ALL RELATING TO LAND USE REGULATIONS.

Chapter 11: Land Development Procedures

Article 2: Required Steps in Processing

Division 1: Applications

§112.0103 Consolidation of Processing

When an *applicant* applies for more than one permit, map, or other approval for a single *development*, the applications shall be consolidated for processing and shall be reviewed by a single decision maker. The decision maker shall act on the consolidated application at the highest level of authority for that *development* as set forth in Section 111.0105. The *findings* required for approval of each permit shall be considered individually, consistent with Section 126.0105. Where the consolidation of processing combines Process Two, Process Three, Process Four, or Process Five with Process CIP-Two or Process CIP-Five, the consolidation shall be made as follows:

- (a) Consolidation of Process Two and Process CIP-Two shall be consolidated into Process CIP-Two.
- (b) Consolidation of Process Three, Process Four, or Process Five with Process CIP-Five shall be consolidated into Process CIP-Five, except that any consolidation with a Process Five for rezoning shall be consolidated into Process Five.

Chapter 11: Land Development Procedures

Article 2: Required Steps in Processing

Division 3: Notice

§112.0301 Types of Notice

- (a) Notice of Application. A Notice of Application is required for an application for a permit, map, or other matter acted upon in accordance with Process Three, Process Four, ~~or Process Five,~~ or Process CIP-Five.
(1) through (2) [No change in text.]
- (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 or Process CIP-Two.
(1) through (2) [No change in text.]
- (c) Notice of Public Hearing. A Notice of Public Hearing shall be provided before a decision is made on an application for a permit, map, or other matter acted upon in accordance with Process Three, Process Four, ~~or Process Five,~~ or Process CIP-Five, or an appeal of a Process Two, Process CIP-Two, Process Three, or Process Four decision, or of an *environmental determination*. A Notice of Public Hearing shall also be provided before a decision is made by the City Council in accordance with Section 132.1555 (Overrule Process).
(1) through (3) [No change in text.]
- (d) through (e) [No change in text.]

§112.0306 Notice for Coastal Development Permits

All notices for a Coastal Development Permit shall include a statement that the *development* is within the Coastal Overlay Zone, the date of filing of the application and the number assigned to the application. When a Coastal Development Permit is to be considered under Process Two, Process CIP-Two, or at a public hearing, the City Manager shall mail a Notice of Future Decision or Notice of Public Hearing to the California Coastal Commission and all persons requesting notice on Coastal Development Permits. This notice shall be provided in addition to the other notices required by this division. Notices for appealable Coastal Development Permits shall include provisions for appeals to the California Coastal Commission.

§112.0308 Notice for Appeal Hearings

The notice for an appeal hearings of a Process Two, Process Three, Process Four, or Process CIP-Two decisions, or of an *environmental determination*, shall be provided in accordance with sections 112.0301(c), 112.0302, and 112.0303.

Chapter 11: Land Development Procedures

Article 2: Required Steps in Processing

Division 4: Public Hearings

§112.0401 Procedures for Public Hearings

- (a) Rules for Decision Makers. The City Manager shall establish rules and procedures to regulate the public hearing proceedings for Process Two, Process Three, Process Four, ~~and Process Five~~, Process CIP-Two and

Process CIP-Five decisions consistent with the requirements set forth in this chapter.

(b) through (c) [No change in text.]

Chapter 11: Land Development Procedures

Article 2: Required Steps in Processing

Division 5: Decision Process

§112.0501 Overview of Decision Process

Application for permits, maps, or other matters shall be acted upon in accordance with one of the five decision processes established in this division and depicted on Diagram 112-05A, except that applications for *capital improvement program projects* shall be acted upon in accordance with Chapter 11, Article 2, Division 6.

The subject matter of the *development* application determines the process that shall be followed for each application. The provisions of Chapter 12 that pertain to each permit, map, or other matter describe the decision process in more detail. Diagram 112-05A is provided for convenience of reference only and does not define, describe, or limit the scope, meaning, or intent of any provision of the Land Development Code. This diagram describes the City of San Diego's processes only and does not describe other decision processes that may be required by other agencies, such as the State Coastal Commission.

Diagram 112-05A

[No change in text.]

Chapter 11: Land Development Procedures

Article 2: Required Steps in Processing

Division 6: Decision Process – Capital Improvement Program Projects

§112.0601 Overview of Decision Process

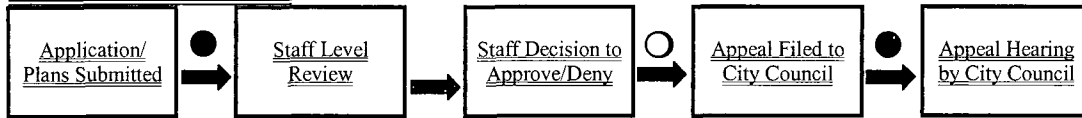
Applications for capital improvement program projects requiring a Site Development Permit in accordance with the Environmentally Sensitive Lands Regulations and Historical Resources Regulations or a City-issued Coastal Development Permit shall be acted upon in accordance with one of the two decision processes established in this division and depicted on Diagram 112-06A.

The subject matter of the development application determines the process that shall be followed for each application. The provisions of Chapter 12 that pertain to each permit, map, or other matter describe the decision process in more detail.

Diagram 112-06A is provided for convenience of reference only and does not define, describe, or limit the scope, meaning, or intent of any provision of the Land Development Code. This diagram does not describe the decision processes that may be required by other agencies, such as the State Coastal Commission.

Diagram 112-06A
Decision Processes for Capital Improvement Program Projects

PROCESS CIP-Two



PROCESS CIP-Five



Key

- Public Notice to all Property Owners, Tenants, Community Planning Groups within 300 Feet of the development, and Anyone Requesting Notice
- Public Notice to Applicant, Community Planning Groups within 300 feet, and Anyone Requesting Notice

§112.0602 Process CIP-Two

An application for a Site Development Permit for a capital improvement program project determined to be in compliance with the Environmentally Sensitive Lands Regulations and Historical Resources Regulations without deviation, or a City-issued Coastal Development Permit in the non-appealable area of the Coastal Overlay Zone for a capital improvement program project, shall be acted upon in accordance with Process CIP-Two. An application for a Process CIP-Two decision may be initially approved, conditionally approved, or denied by a staff person designated by the City Manager pursuant to Section 111.0205. A public hearing will not be held. An appeal hearing is available upon written request, in accordance with Section 112.0603. A Process CIP-Two decision shall be made in the following manner.

(a) Notice. The designated staff person shall mail a Notice of Future Decision to the persons identified in Section 112.0302(b). Persons who wish to receive notice of the approval or denial of the application may request this information from the staff person. The request must be received no later than 10 *business days* after the date on which the Notice of Future Decision is mailed.

(b) Decision Process. The designated staff person may approve, conditionally approve, or deny the application without a public hearing. The decision shall be made no less than 11 *business days* after the date on which the Notice of Future Decision is mailed to allow for sufficient time for public comment.

This 11 *business days* minimum time frame for a staff decision will be extended by a period not to exceed an additional 20 *business days* to allow time for a recommendation by a recognized community planning group, if requested by the group's chair, or the chair's designee. Notification of the decision shall be given to the *applicant* and to those persons who request notification in accordance with this section, no later than 2 *business days* after the *decision date*.

§112.0603 **Process CIP-Two Appeal Hearing**

The City Council shall hear appeals of Process CIP-Two decisions subject to the following requirements.

- (a) Persons Who Can Appeal. The following persons may request an appeal hearing after the designated staff person's decision:
- (1) An applicant; or
 - (2) Any other person who files an application for a Process CIP-Two appeal hearing in accordance with Section 112.0603(b).
- (b) Request for a Process CIP-Two Appeal Hearing. A Process CIP-Two decision may be appealed by filing an application for a Process CIP-Two appeal hearing with the City Manager no later than 12 business days after the decision date.
- (c) Grounds for Appeal. A Process CIP-Two decision may be appealed on any of the following grounds:
- (1) Factual Error. The statements or evidence relied upon by the decision maker when approving, conditionally approving, or denying a permit, map, or other matter were inaccurate;
 - (2) New Information. New information is available to the applicant or the interested person that was not available through reasonable efforts or due diligence at the time of the decision;
 - (3) Findings Not Supported. The decision maker's stated findings to approve, conditionally approve, or deny the permit, map, or other matter are not supported by the information provided to the decision maker; or

- (4) Conflicts. The decision to approve, conditionally approve, or deny the permit, map, or other matter is in conflict with a *land use plan*, a City Council policy, or the Municipal Code.
- (d) Scheduling an Appeal Hearing. The City Manager shall assign a date for an appeal hearing before the City Council no later than 10 calendar days after the date on which an application for the appeal hearing is filed with the City Manager. The appeal hearing shall generally be held within 60 calendar days following the filing of the application for the hearing. The appeal hearing shall be noticed in accordance with Section 112.0308.
- (e) Power to Act on the Decision at Appeal Hearing. At the conclusion of the appeal hearing, the City Council may affirm, reverse, or modify the staff decision.

§112.0604 **Process CIP-Five**

An application for a Site Development Permit for a *capital improvement program project* that deviates from the Environmentally Sensitive Land Regulations or Historical Resources Regulations, or a City-issued Coastal Development Permit in the *appealable area* of the Coastal Overlay Zone, shall be acted upon in accordance with Process CIP-Five. An application for a Process CIP-Five decision may be approved, conditionally approved, or denied by the City Council. A Process CIP-Five decision shall be made in the following manner.

- (a) Notice. The City Manager shall mail a Notice of Application to the persons described in Section 112.0302(b) no later than 10 *business days* after the date on which an application for a permit, map, or other matter is *deemed complete*.
- (b) Decision Process. The City Council shall hold a public hearing to consider the application. The hearing shall be noticed in accordance with Sections 112.0301(c), 112.0302, and 112.0303. The City Council may approve, conditionally approve, or deny the application at the conclusion of the hearing.

Chapter 11: Land Development Procedures

Article 3: Land Development Terms

Division 1: Definitions

§113.0103 Definitions

Abutting property through *Business day* [No change in text.]

Capital improvement program project means a tangible City project with a life expectancy greater than one year that is counted as a fixed asset with values for capitalization purposes. Capitalized assets have values for assessment of prosperity and financing purposes.

Certificate of Correction through *Yard* [No change in text.]

Chapter 12: Land Development Reviews

Article 6: Development Permits

Division 1: General Development Permit Procedures

§126.0104 Decision Processes for a Development Permit

A decision on an application for a *development permit* shall be made in accordance with Process Two, Process Three, Process Four, ~~or Process Five,~~ Process CIP-Two or Process CIP- Five as indicated in Chapter 12, Article 6, Divisions 1 through 8, for each type of *development permit*.

§126.0112 Minor Modifications to a Development Permit

A proposed minor modification to an approved *development permit* may be submitted to the City Manager to determine if the revision is in *substantial conformance* with the approved permit. If the revision is determined to be in *substantial conformance* with the approved permit, the revision shall not require an amendment to the *development permit*. Within the Coastal Overlay Zone, any *substantial conformance* determination shall be reached through a Process Two review, except that a *substantial conformance* determination for a *capital improvement program project* shall be reached through a Process CIP-Two review.

Chapter 12: Land Development Reviews

Article 6: Development Permits

Division 5: Site Development Permit Procedures

§126.0502 When a Site Development Permit is Required

(a) [No change in text.]

(1) City public works projects, except for *capital improvement program projects*, on a *premises* containing *environmentally sensitive lands*, as described in Section 143.0110.

(2) through (5) [No change in text.]

(b) [No change in text.]

(c) [No change in text.]

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

(4) *Public improvements* required in association with private *development* that involve *development* of more than 3,000 feet of property frontage, as described in Section 142.0612, except that *capital improvement program projects* shall be subject to Process CIP-Two.

(5) *Public improvements* required in association with private *development* for which adopted City standards do not apply, as described in Section 142.0612, except that *capital improvement program projects* shall be subject to Process CIP-Two.

(6) through (8) [No change in text.]

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

(f) A Site Development permit in accordance with Process CIP-Two is required for the following types of development.

(1) Capital improvement program projects on a premises containing environmentally sensitive lands where the development is determined to be in compliance with the Environmentally Sensitive Lands Regulations without deviation.

(2) Capital improvement program projects on a premises containing historical resources where the development is determined to be in compliance with the Historical Resources Regulations without deviation, unless exempt under Section 143.0220,

(g) A Site Development Permit in accordance with Process CIP-Five is required for the following types of development.

(1) Capital improvement program projects on a premises containing environmentally sensitive lands that deviate from the Environmentally Sensitive Lands Regulations.

(2) Capital improvement program projects on a premises containing historical resources that deviate from the Historical Resources Regulations, unless exempt under Section 143.0220,

§126.0503 Decision Processes for Site Development Permits

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

(d) Process CIP-Two

A decision on an application for a Site Development Permit for the types of development listed in Section 126.0502(f) shall be made in accordance with Process CIP-Two.

(e) Process CIP- Five

A decision on an application for a Site Development Permit for the types of development listed in Section 126.0502(g) shall be made in accordance with Process CIP-Five.

Chapter 12: Land Development Reviews

Article 6: Development Permits

Division 7: Coastal Development Permit Procedures

§126.0707 Decision Process for a Coastal Development Permit

- (a) A decision on an application for a City-issued Coastal Development Permit in the *non-appealable area* of the Coastal Overlay Zone shall be made in accordance with Process Two, except that a decision on an application for a capital improvement program project in the non-appealable area of the Coastal Overlay Zone shall be made in accordance with Section 126.0707(c). The decision may be appealed to the Planning Commission in accordance with Section 112.0504.
- (b) A decision on an application for a City-issued Coastal Development Permit in the *appealable area* of the Coastal Overlay Zone shall be made

in accordance with Process Three, except that a decision on a *capital improvement program project in the appealable area* of the Coastal Overlay Zone shall be made in accordance with Section 126.0707(c). The decision may be appealed to the Planning Commission in accordance with Section 112.0506.

(c) A decision on an application for a City-issued Coastal Development Permit for a *capital improvement program project* shall be made as follows:

(1) In the *non-appealable area* of the Coastal Overlay Zone, the decision shall be made in accordance with Process CIP-Two. The decision may be appealed to the City Council in accordance with Section 112.0603.

(2) In the *appealable area* of the Coastal Overlay Zone, the decision shall be made in accordance with Process CIP-Five.

~~(e)~~(d) 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 a provision for public access, open space, or conservation easements or the relocation or redesign of proposed site improvements. In any *subdivision* or other land division, such conditions shall be imposed at the time of the *subdivision* or other land division, rather than through subsequent development permits. When conditions pertaining to public access, open space, or conservation

easements are imposed, the City Manager shall notify the Executive Director of the Coastal Commission as set forth in Section 126.0719.

~~(d)~~(e) When more than one permit, map or other approval is required for a single *development*, the applications shall be consolidated and the action of the decision maker shall be considered one consolidated action. In the Coastal Overlay Zone, the *findings* for each approval shall be consolidated and shall constitute the *findings* of the Coastal Development Permit. For decisions involving *coastal development* within the *appealable area*, the entire consolidated decision is appealable to the Coastal Commission.

~~(e)~~ (f) Any *coastal development* involving a *subdivision* pursuant to the Subdivision Map Act and any other division of land requires a Coastal Development Permit. The land division shall be processed as part of the Coastal Development Permit in accordance with the Subdivision Regulations (Chapter 14, Article 4) and Subdivision Procedures (Chapter 12, Article 5). Any tentative map, lot line adjustment, merger, public right-of-way vacation or public easement abandonment may be approved or conditionally approved only if the decision maker makes the *findings* pursuant to Section 126.0708.

§132.0402 Where the Coastal Overlay Zone Applies

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

**Table 132-04A
Coastal Overlay Zone Applicability**

Type of <i>Development</i> Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) through (2) [No change in text.]	[No change in text.]	
(3) <i>Coastal development, except for capital improvement program projects</i> , in this overlay zone that is not exempt under (1) of this table or that is not in the area described in (2) of this table	[No change in text.]	
(4) <i>Coastal development for a capital improvement program project in this overlay zone that is not exempt under (1) of this table or that is not in the area described in (2) of this table and is in the non-appealable area of this overlay zone</i>	See use and development regulations of the base zone and Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations	Coastal Development Permit/Process CIP-Two
(5) <i>Coastal development for a capital improvement program project in this overlay zone that is not exempt under (1) of this table or that is not in the area described in (2) of this table and is in the appealable area of this overlay zone</i>	See use and development regulations of the base zone and Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations	Coastal Development Permit/Process CIP-Five

Diagram 132-04A [No change in text.]

Chapter 14: General Regulations

Article 3: Supplemental Development Regulations

Division 1: Environmentally Sensitive Lands Regulations

§143.0110 When Environmentally Sensitive Lands Regulations Apply

This Division applies to all proposed *development* when *environmentally sensitive lands* are present on the *premises*.

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

Table 143-01A
Applicability of Environmentally Sensitive Lands Regulations

<i>Environmentally Sensitive Lands Potentially Impacted by Project</i>						
<i>Type of Development Proposal</i>		<i>Wetlands, listed species habitat⁽¹⁾</i>	<i>Other Sensitive Biological Resources other than Wetlands and listed species habitat</i>	<i>Steep Hillides</i>	<i>Sensitive Coastal Bluffs and Coastal Beaches</i>	<i>Floodplains</i>
1. through 5. [No change in text.]	R	[No change in text.]				
	P					
	U					
6. Any development that proposes deviations from any portion of the <i>Environmentally Sensitive Lands Regulations, except capital improvement program projects</i>	R	[No change in text.]				
	P					
	U					
7. [No change in text.]	R	[No change in text.]				
	P					
	U					
8. Any <i>capital improvement program project determined to be in compliance with the Environmentally Sensitive Lands Regulations without deviation</i>	R	<u>143.014 1(a), (b)</u>	<u>143.0141</u>	<u>143.0142</u>	<u>143.0143, 143.0144</u>	<u>143.0145, 143.0146</u>
	P	<u>SDP/ Process CIP-Two</u>	<u>SDP/ Process CIP-Two</u>	<u>SDP/ Process CIP-Two</u>	<u>SDP/ Process CIP-Two</u>	<u>SDP/ Process CIP-Two</u>
	U	<u>143.013 0(d), (e)</u>	==	==	<u>143.0130(a), (b)</u>	<u>143.0130(c)</u>

9. <u>Any capital improvement program project that deviates from the Environmentally Sensitive Lands Regulations</u>	<u>R</u>	<u>143.014</u> <u>1(a),</u> <u>(b),</u> <u>143.015</u> <u>0</u>	<u>143.0141,</u> <u>143.0150</u>	<u>143.0142,</u> <u>143.0150(a)</u>	<u>143.0143,</u> <u>143.0144,</u> <u>143.0150</u>	<u>143.0145,</u> <u>143.0146,</u> <u>143.0150</u>
	<u>P</u>	<u>SDP/</u> <u>Process</u> <u>CIP-</u> <u>Five</u>	<u>SDP/</u> <u>Process</u> <u>CIP-Five</u>	<u>SDP/</u> <u>Process</u> <u>CIP-Five</u>	<u>SDP/</u> <u>Process CIP-</u> <u>Five</u>	<u>SDP/</u> <u>Process CIP-Five</u>
	<u>U</u>	<u>143.013</u> <u>0(d),</u> <u>(e)</u>	<u>=</u>	<u>=</u>	<u>143.0130(a),</u> <u>(b)</u>	<u>143.0130(c)</u>

Legend to Table 143-01A [No change in text.]

Footnotes to Table 143-01A [No change in text.]

(c) [No change in text.]

Chapter 14: General Regulations

Article 3: Supplemental Development Regulations

Division 2: Historical Resources Regulations

§143.0210 When Historical Resources Regulations Apply

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

(e) [No change in text.]

(1) through (2) [No change in text.]

(A) [No change in text.]

(B) *Multiple dwelling unit residential, commercial, or industrial development on any size lot, or any subdivision on any size lot, or any City public works construction project other than*

any capital improvement program project, or any project specific *land use plan* when a *historical resource* is present.

(C) *Development* that proposes to deviate from the development regulations for *historical resources* as described in this division, except for any capital improvement program project.

(3) Site Development Permit in Accordance With Process CIP-Two.
Capital improvement program projects that comply with the regulations of this division without deviation.

(4) Site Development Permit in Accordance With Process CIP-Five.
Capital improvement program projects that deviate from any of the regulations of this division.

Table 143-02A

Applicability of Historical Resources Regulations

Type of <i>Development Proposal</i>	Historical Resources Potentially Impacted by Project		
	<i>Designated Historical Resources or Historical Districts</i>	<i>Traditional Cultural Properties</i>	<i>Important Archaeological Sites</i>
1. <u>Any Projects project</u> exempt from obtaining a development permit in accordance with Section 143.0220	R	[No change in text.]	
	P		
2. [No change in text.]	R	[No change in text.]	
	P		
3. <i>Multiple dwelling unit</i> , non-	R	[No change in text.]	

residential <i>development, subdivisions</i> and public works construction projects on any size <i>Lot, other than capital improvement program projects</i>	P			
4. [No change in text].	R P	[No change in text.]		
5. <i>Development, other than capital improvement program projects, that deviates from any of the regulations in this division.</i>	R P	[No change in text.]		
6. <i>Capital improvement program projects that comply with the regulations of this division without deviation</i>	R	<u>143.0251</u>	<u>143.0252</u>	<u>143.0253</u>
	P	<u>SDP/</u> <u>Process CIP-</u> <u>Two</u>	<u>SDP/</u> <u>Process</u> <u>CIP-Two</u>	<u>SDP/</u> <u>Process CIP-</u> <u>Two</u>
7. <i>Capital improvement program projects that deviate from any of the regulations in this division</i>	R	<u>143.0251</u>	<u>143.0252</u>	<u>143.0253</u>
	P	<u>SDP/</u> <u>Process CIP-</u> <u>Five</u>	<u>SDP/</u> <u>Process</u> <u>CIP-Five</u>	<u>SDP/</u> <u>Process CIP-</u> <u>Five</u>

Legend to Table 143-02A [No change in text.]

143.0260 Deviations from the Historical Resources Regulations

- (a) If a proposed *development* cannot to the maximum extent feasible comply with this division, a deviation may be considered in accordance with decision Process Four, or Process CIP-Five for capital improvement program projects.
- (b) through (c) [No change in text.]

Chapter 14: General Regulations**Article 3: Supplemental Development Regulations****Division 3: Supplemental Neighborhood Development Permit
and Site Development Permit Regulations****§143.0302 When Supplemental Neighborhood Development Permit and Site
Development Permit Regulations Apply**

This division applies to any development proposal for which a Neighborhood Development Permit or Site Development Permit is required as described in Sections 126.0402 and 126.0502, in accordance with Table 143-03A.

**Table 143-03A
Supplemental Neighborhood Development Permit or Site Development Permit
Regulations Applicability**

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process
Affordable/In-Fill Housing and Sustainable Building Projects with Deviations through Site Containing <i>Environmentally Sensitive Lands</i>	[No change in text.]	
<u>Any capital improvement program project on a Site Containing <i>Environmentally Sensitive Lands</i></u>	<u>143.0101-143.0160, 143.0303, 143.0305, 143.0350, 143.0375, 143.0380</u>	<u>SDP/Process CIP-Two or SDP/Process CIP-Five</u>
<u>Any capital improvement program project on a Site Containing <i>Historical Resources</i></u>	<u>143.0201, 143.0260, 143.0303, 143.0305, 143.0360, 143.0375, 143.0380</u>	<u>SDP/Process CIP-Two or SDP/Process CIP-Five</u>
Site Containing <i>Historical Resources</i> through <i>Public Improvements</i> on More Than 3,000 Feet of Frontage or Where City Standards Do Not Apply	[No change in text.]	

Type of Development Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process
<u>Any capital improvement program project on More Than 3,000 Feet of Frontage or Where City Standards Do Not Apply</u>	<u>142.0601-142.0670, 143.0303, 143.0305, 143.0375,143.0380</u>	<u>SDP/Process CIP-Two</u>
Manufactured Slopes in Excess of 25% Gradient and 25 Feet in Height through Clairemont Mesa Height Limit Overlay Zone	[No change in text.]	

Legend to Table 143-03A [No change in text.]

§151.0201 Processing of Planned District Permits

Planned district permits will be processed in accordance with the Land

Development Code as follows:

- (a) [No change in text.]
- (b) Where a planned district requires a discretionary planned district permit that is identified as a Process Two decision, one of the following shall apply:

- (1) aAn applicant shall apply for a Neighborhood Development Permit in accordance with Land Development Code Chapter 12, Article 6, Division 1 (General Development Permit Procedures) and Division 4 (Neighborhood Development Permit Procedures). The findings required for approval will be the general findings for Neighborhood Development Permits in Land Development Code Section 126.0404(a), any applicable supplemental findings in

Section 126.0404, and any additional findings provided in the planned district.

- (2) An applicant for a *capital improvement program project*, as defined in Section 113.0103, shall apply for a Site Development Permit in accordance with Land Development Code Chapter 12, Article 6, Division 1 (General Development Permit Procedures) and Division 5 (Site Development Permit Procedures) in accordance with Process CIP-Two. The findings required for approval will be the general findings for Site Development Permits in Land Development Code Section 126.0504(a), any applicable supplemental findings in Section 126.0504, and any additional findings provided in the planned district.
- (c) Where a planned district requires a discretionary planned district permit that is identified as a Process Three, Process Four, or Process Five decision, an applicant shall apply for a Site Development Permit in accordance with Land Development Code Chapter 12, Article 6, Division 1 (General Development Permit Procedures) and Division 5 (Site Development Permit Procedures), except that a *capital improvement program project*, as defined in Section 113.0103, shall be processed in accordance with Process CIP-Five. The findings required for approval will be the general findings for Site Development Permits in Land

Development Code Section 126.0504(a), any applicable supplemental findings in Section 126.0504, and any additional findings provided in the planned district.

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

CLN:jls:sc:dkr
12/26/13
Or.Dept:DSD
Doc. No. 596365_3

Passed by the Council of The City of San Diego on OCT 08 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 22 2013.

AUTHENTICATED BY:

TODD GLORIA, COUNCIL PRESIDENT
as interim Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.
By [Signature], 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

SEP 23 2013, and on OCT 22 2013.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.
By [Signature], Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 20309