

ORLA. #512
2-21-06

(O-2006-86)

ORDINANCE NUMBER O- 19466 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 01 2006

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5, BY AMENDING SECTION 126.0504; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 9, BY AMENDING SECTIONS 143.0910, 143.0915, AND 143.0920, OF THE SAN DIEGO MUNICIPAL CODE, ALL RELATING TO THE LAND DEVELOPMENT CODE.

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

Section 1. That Chapter 12, Article 6, Division 5, of the San Diego Municipal Code is amended by amending Section 126.0504, to read as follows:

§126.0504 Findings for Site Development Permit Approval

A Site Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0504(a) and the supplemental *findings* in Section 126.0504(b) through (n) that are applicable to the proposed *development* as specified in this section.

(a) through (l) [No change.]

(m) Supplemental Findings - Deviations for Affordable/In-Fill Housing Projects and Sustainable Buildings

A development that requires a Site Development Permit in accordance with Section 143.0920 because the applicant has requested a deviation from the applicable development regulations for affordable/in-fill housing and Sustainable Building projects may be approved or conditionally

approved only if the decision maker makes the following supplemental findings in addition to the findings in Section 126.0504(a):

(1) The proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City, and/or the proposed development will materially assist in reducing impacts associated with fossil fuel energy use by utilizing alternative energy resources, self-generation and other renewable technologies (e.g. photovoltaic, wind, and/or fuel cells) to generate electricity needed by the building and its occupants;

(2) and (3) [No change.]

(n) [No change.]

Section 2. That Chapter 14, Article 3, Division 9, of the San Diego Municipal Code is amended by amending Sections 143.0910, 143.0915, and 143.0920, to read as follows:

§143.0910 Purpose of Affordable/In-Fill Housing and Sustainable Buildings Development Regulations

The purpose of these regulations is to provide flexibility in the application of development regulations for projects providing affordable shelter and a balance of housing opportunities for all economic segments of the community. The intent is to provide an additional incentive to facilitate the development of affordable/in-fill housing and Sustainable Buildings while assuring that the *development* achieves the purpose and intent of the applicable land use plan.

§143.0915 When Affordable/In-Fill Housing and Sustainable Buildings Regulations Apply

These regulations apply to the following types of residential *development*:

(a) Residential *development* in accordance with Section 142.1306(a).

(b) through (g) [No Change.]

§143.0920 Deviation Requirements for Affordable/In-Fill Housing and Sustainable Buildings

An applicant may request a deviation from the applicable development regulations 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.


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. That City departments are instructed not to issue any permit for development that is inconsistent with this ordinance unless application for such permit was submitted and deemed complete by the City Manager prior to the date the applicable provisions of this ordinance become effective.

Section 5. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this ordinance applicable 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.

Section 6. That the City Manager be directed to forward to the California Coastal Commission the amendments required to be certified as Local Coastal Program amendments.

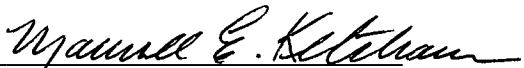
APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Hilda Ramirez Mendoza
Deputy City Attorney

HRM:cfq
12/08/05
Or.Dept:DSD
O-2006-86
MMS#2207

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at its meeting of FEB 21 2006.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 3-1-06
(Date)


JERRY SANDERS, Mayor

Vetoed: _____
(Date)

JERRY SANDERS, Mayor