

Chapter 11: Land Development Procedures

Article 2: Required Steps in Processing

Division 1: Applications

§112.0101 and §112.0101 [No change in text.]

§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 process combines Processes Two, Process Three, Process Four, or Process Five; with Process CIP-2 or Process CIP-5 the consolidation shall be made as follows:

- (a) Consolidation of Process Two and Process CIP-2 shall be consolidated into Process CIP-2.
- (b) Consolidation of Process Three, Process Four, or Process Five with Process CIP-5 shall be consolidated into Process CIP-5 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-2.

(1) and (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.

(1) and (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, Process CIP-2, or Process CIP-5, or an appeal of Process Two, Process Three, Process Four decision, or of an *environmental*

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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) and (e) [No change in text.]

§112.0302 through §112.0305 [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-2, 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.

§112.0307 [No change in text.]

§112.0308 Notice for Appeal Hearings

The notice for an appeal hearing of a Process Two, Process Three, Process Four, Process CIP-2 decision, or of an *environmental determination* shall be provided in accordance with sections 112.0301(c), 112.0302, and 112.0303.

§112.0309 and §112.0310 [No change in text.]

Chapter 11: Land Development Procedures

Article 2: Required Steps in Process

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-2, and Process CIP-5 consistent with the requirements set forth in this chapter.

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

Chapter 11: Land Development Procedures

Article 2: Required Steps in Processing

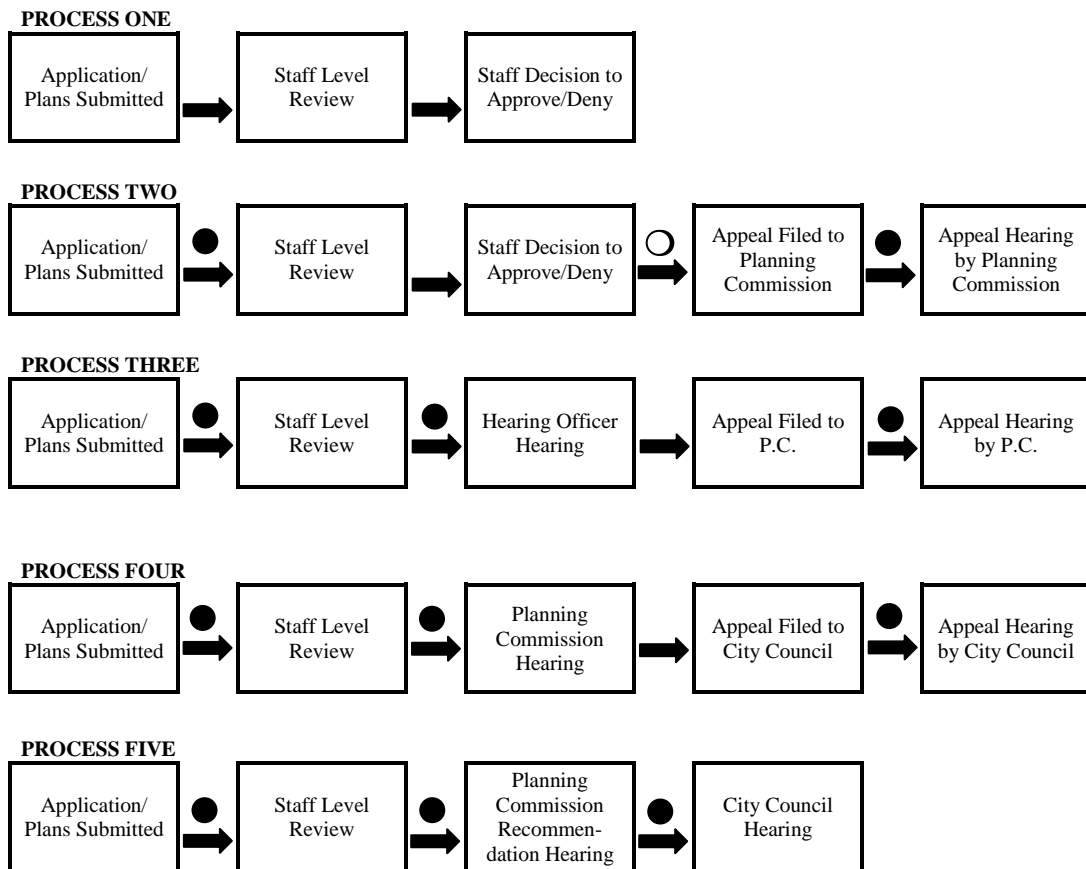
Division 5: Decision Process

§ 112.0501 Overview of Decision Process

Applications 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 projects specified in Chapter 11, Article 2, Division 6 shall be acted upon in accordance that division.

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
Decision Processes with Notices**



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- Public Notice to Property Owners and Tenants within 300 Feet and to Community Planning Groups
- “Limited” Notice to Applicant and Anyone Requesting Notice

§112.0502 Process One

An application for a permit, map, or other matter acted upon in accordance with Process One may be approved or denied by a staff person designated by the City Manager pursuant to Section 111.0205. A public hearing will not be held.

§112.0503 Process Two

An application for a permit or other matter acted upon in accordance with Process Two 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 112.0504. A Process 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*.

§112.0504 Process Two Appeal Hearing

The Planning Commission shall hear appeals of Process 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 Two appeal hearing in accordance with Section 112.0504(b).

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- (b) Request for a Process Two Appeal Hearing. A Process Two decision may be appealed by filing an application for a Process Two appeal hearing with the City Manager no later than 12 *business days* after the *decision date*.
- (c) Grounds for Appeal. A Process 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 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 Planning Commission 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 Planning Commission may affirm, reverse, or modify the staff decision.

§112.0505 Process Three

An application for a permit, map, or other matter acted upon in accordance with Process Three may be approved, conditionally approved, or denied by a Hearing Officer 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 Hearing Officer may approve, conditionally approve, or deny the application at a public hearing noticed in accordance with Section 112.0301(c), 112.0302, and 112.0303.
- (c) Waiver of Appeal Period. Before the close of the public hearing, an *applicant* may request that the appeal period be waived. The Hearing Officer shall grant the request

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only after determining for the record that there are no *interested persons* and that the *applicant* has waived all rights to appeal.

§112.0506 Process Three Appeals

The Hearing Officer's decision may be appealed to the Planning Commission, as specified in Chapter 12, Article 6 for the type of *development* and review required. An appeal from a Hearing Officer's decision that involves applications consolidated in accordance with Section 112.0103 shall be heard by the Planning Commission. An appeal from a Process Three decision shall be made in the following manner.

- (a) **Persons Who Can Appeal.** A Process Three decision may be appealed by the following persons:
 - (1) An *applicant*; or
 - (2) An *interested person*.
- (b) **Time for Filing an Appeal.** A Process Three decision may be appealed by filing an application with the City Manager no later than 10 *business days* after the date of the Hearing Officer's decision.
- (c) **Grounds for Appeal.** A Process Three 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 that person's reasonable efforts or due diligence at the time of the decision; or
 - (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 the Appeal Hearing.** The appeal hearing before the Planning Commission shall be held, or the City Manager shall set a date for the appeal hearing, no later than 30 calendar days after the date on which the application for an appeal is filed. The appeal hearing shall be noticed in accordance with Section 112.0308.
- (e) **Power to Act on Appeal.** After the conclusion of the public hearing, the Planning Commission may affirm, reverse, or modify the decision being appealed.

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An application for a permit, map, or other matter acted upon in accordance with Process Four may be approved, conditionally approved, or denied by the Planning Commission 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 Planning Commission may approve, conditionally approve, or deny the application at a public hearing noticed in accordance with Sections 112.0301(c), 112.0302, and 112.0303.
- (c) Waiver of Appeal Period. Before the close of the public hearing, an *applicant* may request that the appeal period be waived. The Planning Commission shall grant the request only after determining for the record that there are no *interested persons* and that the *applicant* has waived all rights to appeal.

§112.0508 Process Four Appeals

The Planning Commission's decision may be appealed to the City Council in the following manner.

- (a) Persons Who Can Appeal. A Process Four decision may be appealed to the City Council by the following persons:
 - (1) An *applicant*; or
 - (2) An *interested person*.
- (b) Time for Filing an Appeal. A Process Four decision may be appealed by filing an application with the City Clerk's office no later than 10 *business days* after the date of the Planning Commission's decision.
- (c) Grounds for Appeal. A Process Four 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 that person's 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;

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- (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; or
- (5) Citywide Significance. The matter being appealed is of citywide significance.
- (d) Scheduling Appeal Hearings. The appeal hearing before the City Council shall be held, or the City Clerk shall set a date for the appeal hearing, no later than 30 calendar days after the date on which the application for an appeal is filed. The appeal hearing shall be noticed in accordance with Section 112.0308.
- (e) Power to Act on Appeal. After the conclusion of the public hearing, the City Council may affirm, reverse, or modify the decision being appealed.

§112.0509 Process Five

A Process Five decision on a permit, map, or other matter shall be made by the City Council 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) Planning Commission Recommendation. Before the City Council decision, the Planning Commission 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 hearing may be continued if desired by the Commission to solicit and obtain information needed to make a recommendation. However, the hearing shall be concluded no later than 60 calendar days after the initial hearing date.
At the conclusion of the public hearing, the Planning Commission shall make a written recommendation to the City Council to approve, conditionally approve, or deny the application. If the Planning Commission fails to act within this 60-day period the matter shall proceed to City Council without a recommendation.
- (c) Decision Process. After receiving the Planning Commission's recommendation or expiration of the 60-day time period with no recommendation, 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.
- (d) Exception to Process Five. The City Council may waive the requirement of Section 112.0509(b) that the Planning Commission make a recommendation before a decision by the City Council when the City Council determines that action is required by a provision of the Municipal Code or is required to facilitate timely action by the City on a matter in accordance with state law.

DRAFT**§112.0510 Contents of Appeal Applications**

- (a) An application for an appeal of a Process Two decision shall include the following information:
 - (1) The name, address, and telephone number of the person filing the appeal;
 - (2) The name of the *applicant*;
 - (3) The decision being appealed and the date of the decision;
 - (4) The grounds for the appeal; and
 - (5) Any information or exhibits supporting the appeal that are available at the time the appeal is filed.
- (b) An application for an appeal of a Process Three or Process Four decision shall include the information required in Section 112.0510(a) and information that establishes the basis on which the appellant is an *interested person*.
- (c) An application for an appeal of an *environmental determination* shall include the following information:
 - (1) The name, address, and telephone number of the person filing the appeal;
 - (2) The name of the *applicant*; and
 - (3) The specific grounds, clearly identified, upon which the appellant claims the lower decision maker's *environmental determination* was made in error. All grounds must be specified in the appeal. Any grounds not stated in the appeal will not be considered.

§112.0511 No Development During Appeal Period

Development authorized by a permit, map, or other matter may not occur before the *date of final action*.

§ 112.0520 Environmental Determination Appeals

- (a) Persons Who Can Appeal

Notwithstanding other provisions of this Code, any person may appeal an *environmental determination* not made by the City Council.

- (b) Time for Filing an Appeal

An application to appeal a decision described in Section 112.0520(a) shall be filed in the Office of the City Clerk within 10 *business days* from the date of the posting of the Notice of Right to Appeal Environmental Determination.

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(c) Scheduling Appeal Hearings.

The appeal hearing before the City Council shall be held, or the City Clerk shall set a date for the appeal hearing, no later than 30 calendar days after the date on which the application for an appeal is filed. The appeal hearing shall be noticed in accordance with Section 112.0308.

(d) Power to Act on Appeal. The City Council shall consider the appeal and shall, by a majority vote:

- (1) Deny the appeal, approve the *environmental determination* and adopt the CEQA findings and statement of overriding considerations of the previous decision-maker, where appropriate;
- (2) Grant the appeal and set aside the *environmental determination*, in accordance with Section 112.0520(e).

(e) If the City Council grants the appeal under Section 112.0520(d)(2):

- (1) The lower decision-maker's decision to approve the project shall be held in abeyance. The City Council shall retain jurisdiction to act on the revised environmental document and associated project at a subsequent public hearing.
- (2) The Development Services Director shall reconsider the *environmental determination* in accordance with Section 128.0103 and prepare a revised environmental document as appropriate, in consideration of any direction from the City Council.
- (3) At a subsequent hearing, the City Council shall again consider the *environmental determination* and associated projects, and take action in accordance with Section 112.0520(e)(3)(A), (B), or (C) to:
 - (A) Certify or adopt the environmental document; adopt CEQA *findings* and statement of overriding considerations as appropriate; and affirm the previous decision to approve the associated project;
 - (B) Certify or adopt the environmental document; adopt CEQA *findings* and statement of overriding considerations as appropriate; condition and approve the associated project as modified; or
 - (C) Find that the environmental document is insufficient, in which case the document shall not be certified. The associated project shall be denied and the decision shall be deemed the final administrative action.

Chapter 11: Land development Procedures

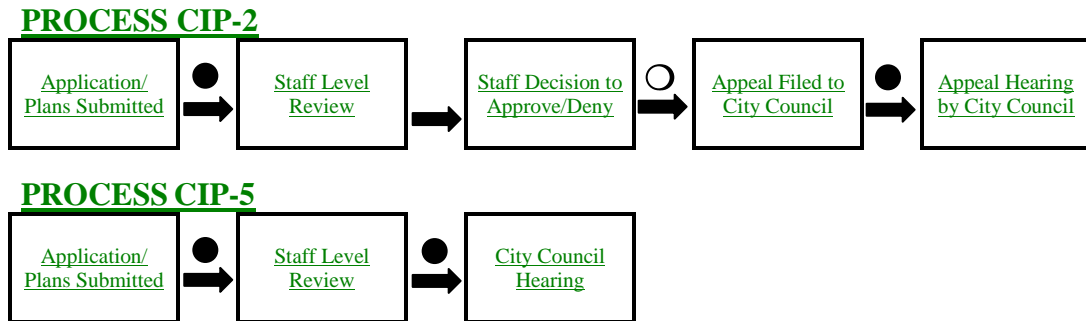
Article 2: Required Steps in Processing a Site Development Permit or a Coastal Development Permit for Capital Improvement Projects

Division 6: Decision Process

§ 112.0601 Overview of Decision Process

Applications for capital improvement projects requiring a City-issued Coastal Development Permit, or a Site Development Permit required for a premises containing environmentally sensitive lands or historical resources 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 Projects



Key

- Public Notice to Property Owners and Tenants within 300 Feet, and to Community Planning Groups
- “Limited” Notice to Applicant and Anyone Requesting Notice

§ 112.0602 Process CIP-2

An application for a Site Development Permit for a capital improvement project determined to be in compliance with the environmentally sensitive lands regulations, historical resource regulations, or coastal development regulations for a City-issued Coastal Development Permit in the non-appealable area of the Coastal Overlay Zone, and in compliance with the applicable development regulations without deviation shall be acted upon in accordance with Process CIP-2. An application for a Process CIP-2 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-2 decision shall be made in the following manner.

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- (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-2 Appeal Hearing

Appeals of Process CIP-2 decisions shall be subject to the requirements of Section 112.0504 except that the City Council shall hear the appeal.

§ 112.0604 Process CIP-5

An application for a Site Development Permit for a *capital improvement project* that requests a deviation from the *environmentally sensitive lands* regulations or from the applicable *development* regulations, *historical resource* 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-5. An application for a Process CIP-5 may be approved, conditionally approved, or denied by the City Council. A Process CIP-5 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**

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§113.0101 and through §113.0102 [No change in text.]

§113.0103 Definitions

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

Capital Improvement 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

§126.0101 through §126.0103 [No change in text.]

§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 as indicated in Chapter 12, Article 6, Divisions 1 through 8; or Process CIP-2, or Process CIP-5 as indicated in Chapter 12, Article 6, Divisions 5 and 7, for each type of *development permit*.

§126.0104 through §126.0111 [No change in text.]

§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 project* shall be reached through a Process CIP-2.

§126.0113 through §126.0155 [No change in text.]

Chapter 12: Land Development Reviews

Article 6: Development Permits

Division 5: Site Development Permit Procedures

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§126.0501 [No change in text.]

§126.0502 **When a Site Development Permit is Required**

- (a) A Site Development Permit decided in accordance with Process Three is required where *environmentally sensitive lands* are present for the following types of *development*.
- (1) City public works projects on a *premises* containing *environmentally sensitive lands*, as described in Section 143.0110 except that capital improvement projects shall be subject to Section 126.0502(f).
 - (2) and (3) [No change in text.]
- (b) through (e) [No change in text.]
- (f) A Site Development Permit in accordance with Process CIP-2 is required for the following types of *development*.
- (1) Capital improvement projects on a premises containing environmentally sensitive lands determined to be in compliance with the Environmentally Sensitive Lands Regulations in Chapter 14, Article 3, Division 1, and in compliance with the applicable development regulations without deviation.
 - (2) Capital improvement projects on a premises containing historical resources, unless exempt under Section 143.0220, determined to be in compliance with the Historical Resources Regulations in Chapter 14, Article 3, Division 2, and in compliance with the applicable development regulations without deviation.
- (g) A Site Development Permit in accordance with Process CIP-5 is required for the following types of *development*.
- (1) Capital improvement projects on a premises containing environmentally sensitive lands that requests a deviation from the environmentally sensitive lands regulations in Chapter 14, Article 3, Division 1.
 - (2) Capital improvement projects on a premises containing historical resources, unless exempt under Section 143.0220, that requests a deviation from the Historical Resources Regulations in Chapter 14, Article 3, Division 2.

§126.0503 **Decision Processes for Site Development Permits**

(a) through (c) [No change in Text]

(d) Process CIP-2

A decision on an application for a Site Development Permit for the types of *development* listed in 126.0502(f)(2) shall be made in accordance with Process CIP-2.

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(e) Process CIP-5

A decision on an application for a Site Development Permit for the types of *development* listed in 126.0502(f)(3) shall be made in accordance with Process C.

§126.0504 through §126.0505 [No change in text.]

Chapter 12: Land Development Reviews

Article 6: Development Permits

Division 7: Coastal Development Permit Procedures

§126.0701 through §126.0706 [No change in text.]

§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 project* in the *non-appealable area* of the Coastal Overlay Zone shall be made in accordance with Process CIP-2. 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 an application for a *capital improvement project* in the *appealable area* of the Coastal Overlay Zone shall be made in accordance with Process CIP-5. The decision may be appealed to the Planning Commission in accordance with Section 112.0506.

(b) through (e) [No change in Text]

§126.0708 through §126.0724 [No change in text.]

Chapter 13: Zones

Article 2: General Development Regulations

Division 4: Coastal Overlay Zone

§132.0401 [No change in text.]

§132.0402 Where the Coastal Overlay Zone Applies

- (a) [No change in text.]

- (b) Table 132-04A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone. Coastal Development Permit procedures are provided in Chapter 12, Article 6, Division 7.

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

Type of <i>Development</i> Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) through (3) [No change in text.]		
(4) <u>Coastal development for a capital improvement 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</u>	<u>See use and development regulations of the base zone and Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations</u>	<u>Coastal Development Permit/Process CIP-2 or CIP-5</u>

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

Chapter 14: General Regulations

Article 3: Supplemental Development Regulations

Division 3: Supplemental Neighborhood Development Permit and Site Development Permit Regulations

§143.0301 [No change in text.]

§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</u>	<u>143.0101-143.0160, 143.0303,</u>	<u>SDP/Process CIP-2 or</u>

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Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process
<u>Project on a Site Containing Environmentally Sensitive Lands</u>	<u>143.0305, 143.0350, 143.0375, 143.0380</u>	<u>CIP-5</u>
Site Containing <i>Historical Resources</i> through Clairemont Mesa Height Limit Overlay Zone	[No change in text.]	

Legend to Table 143-03A	
NDP	NDP means Neighborhood Development Permit
SDP	SDP means Site Development Permit

§143.0303 through §143.0380 [No change in text.]

Chapter 15: Planned Districts

Article 1: Planned Districts

Division 2: Permits and Procedures for Planned Districts

§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~~ 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 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-2. 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 project, as defined in Section 113.0103, shall be processed in accordance with Process CIP-2. 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) and (e) [No change in text.]

§151.0202 through §151.0204 [No change in text.]