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COR.COPY

ORDINANCE NUMBER O- 20056 (NEW SERIES)

DATE OF FINAL PASSAGE SEP 15 2017

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 113.0103; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 4 BY AMENDING SECTIONS 126.0402 AND 126.0404; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5 BY AMENDING SECTION 126.0502, BY ADDING NEW SECTION 126.0503, AND BY RENUMBERING SECTION 126.0503 TO SECTION 126.0504, AND SECTION 126.0505 TO SECTION 126.0506, AND BY RENUMBERING AND AMENDING SECTION 126.0504 TO SECTION 126.0505; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 6 BY AMENDING SECTION 126.0602, BY ADDING NEW SECTION 126.0603, BY RENUMBERING SECTION 126.0603 TO SECTION 126.0604, AND SECTION 126.0605 TO SECTION 126.0606, AND BY RENUMBERING AND AMENDING SECTION 126.0604 TO SECTION 126.0605; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 7 BY AMENDING SECTION 126.0708; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 14 BY AMENDING SECTION 132.1402; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 143.0110; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 3 BY AMENDING SECTION 143.0302; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 4 BY AMENDING SECTIONS 143.0402 AND 143.0450; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 7 BY AMENDING SECTION 143.0745; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 9 BY RETITLING DIVISION 9, AND BY RETITLING AND AMENDING SECTIONS 143.0910, 143.0915, AND 143.0920; AND AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY AMENDING SECTION 155.0253, RELATING TO AFFORDABLE HOUSING, IN-FILL PROJECTS, AND SUSTAINABLE BUILDINGS.

WHEREAS, in the early 1980s, the City Council first approved a program to assist the permitting of affordable housing units in the shortest possible processing time along with reduced development permit and processing costs; and

WHEREAS, in 2003, the program was expanded and renamed to its current title “Affordable/In-Fill & Sustainable Development Program,” which is commonly referred to by industry and staff as “The Expedite Program” (Expedite Program); and

WHEREAS, the Expedite Program’s purpose is to offer flexibility in the application of development regulations, as well as to make an expedited permit review process available for projects that provide affordable and sustainable shelter; and

WHEREAS, over the past decade, new housing development has not kept pace with job or population growth, resulting in increased housing costs at a much faster rate than income levels; and

WHEREAS, with the growing population and a county median home price well over \$500,000, more families are finding it increasingly difficult to find an affordable place to live in San Diego; and

WHEREAS, the Expedite Program is being revised to incorporate new City initiatives, goals and strategies, which include increased and improved: (1) housing affordability; (2) development in economically disadvantaged neighborhoods; (3) development near public transit; (4) sustainable development; (5) reduced permit and review process timelines; and (6) consistency with the Climate Action Plan; NOW, THEREFORE,

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

Section 1. 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 Rooming house [No change in text.]

San Diego Promise Zone, as defined by the United States Department of Housing and Urban Development pursuant to the Federal Promise Zone Initiative, means

high poverty communities where the federal government partners with local leaders to increase economic activity, improve educational opportunities, leverage private investment, reduce violent crime, enhance public health, and address other priorities identified by the community.

School through Yard [No change in text.]

Section 2. That Chapter 12, Article 6, Division 4 of the San Diego Municipal Code is amended by amending sections 126.0402 and 126.0404, to read as follows:

§126.0402 When a Neighborhood Development Permit Is Required

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

(p) A Neighborhood Development Permit is required for *development* that provides affordable housing, in-fill projects, and/or sustainable buildings as described in Sections 126.0503, 126.0603, or 143.0915, where a Site Development Permit or Planned Development Permit would otherwise be required.

§126.0404 Findings for Neighborhood Development Permit Approval

A Neighborhood Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0404(a) and the supplemental *findings* in Section 126.0404(b) through (g) that are applicable to the proposed *development* as specified in this section.

These *findings* are not required for affordable housing that is provided pursuant to Chapter 14, Article 3, Division 7, unless the *development* will exceed the allowed incentives.

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

(c) Supplemental Findings--Environmentally Sensitive Lands Deviation

A Neighborhood Development Permit required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* where a deviation is requested in accordance with Sections 143.0150, 143.0151, and 143.0920 may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0404(a) and the supplemental *findings* in Section 126.0404(b):

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

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

(f) Supplemental Findings -- Affordable Housing, In-Fill Projects, or Sustainable Buildings Deviation

A Neighborhood Development Permit required in accordance with Section 143.0915 because a deviation is requested in accordance with Section 143.0920 may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0404(a):

(1) The *development* will materially assist in accomplishing the goal of providing affordable housing, in-fill projects, or sustainable buildings opportunities; and

(2) Any proposed deviations are appropriate for the proposed location.

(g) Supplemental Findings -- *Development with Density Greater than the Density Identified in an Adopted Land Use Plan*

A Neighborhood Development Permit required in accordance with Section 143.0402 because a *multiple dwelling unit development with density*

greater than the *density* identified in an adopted *land use plan* is requested may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0404(a):

- (1) The *development* will materially assist in accomplishing the goal of providing affordable housing, in-fill projects, or sustainable buildings opportunities; and
- (2) Any proposed deviations are appropriate at the proposed location.

Section 3. That Chapter 12, Article 6, Division 5 of the San Diego Municipal Code is amended by amending section 126.0502, by adding new section 126.0503, by renumbering section 126.0503 to section 126.0504, and section 126.0505 to section 126.0506, and by renumbering and amending section 126.0504 to section 126.0505, to read as follows:

§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*, except that if the *development* is affordable housing, an in-fill project, and/or a sustainable building, as described in Section 143.0915, it shall be processed in accordance with Section 126.0503:
 - (1) through (5) [No change in text.]
- (b) A Site Development Permit decided in accordance with Process Three is required for residential *development* that involves any of the following:
 - (1) *Development of mobilehome parks* within the RS or RX zones, as described in Section 143.0302.

- (2) Within the Mobilehome Park Overlay Zone, discontinuance of a *mobilehome park*, as described in Section 143.0630.
- (3) Within any multiple unit residential zone, multiple unit residential *development* that exceeds the number of *dwelling units* indicated in Table 126-05A on *lots* which are consolidated or otherwise joined together for the purpose of accommodating the *development*, except that if the *development* is affordable housing, an in-fill project, and/or a sustainable building, as described in Section 143.0915, it shall be processed in accordance with Section 126.0503.

Table 126-05A

**Multiple Dwelling Unit Developments
Requiring a Site Development Permit**

[No change in text]

- (4) Multiple unit residential *development* that varies from minimum parking requirements, as described in Section 142.0525(a).
 - (5) *Development* of a small *lot subdivision* in accordance with Section 143.0365.
- (c) A Site Development Permit decided in accordance with Process Three is required for the following types of *development*.
- (1) In the Community Plan Implementation Overlay Zone, as described in Section 132.1402, *development* in the area designated “Type B” or *development* in the area designated “Type A” that does not comply with the *development* standards in the applicable

community plan, except that if the *development* is affordable housing, an in-fill project, and/or a sustainable building, as described in Section 143.0915, it shall be processed in accordance with Section 126.0503.

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

(d) A Site Development Permit decided in accordance with Process Four is required for the following types of *development*.

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

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

§126.0503 Exemption from a Site Development Permit

Development consistent with the affordable housing, in-fill projects, and/or sustainable buildings regulations in Section 143.0915 that requires a Site Development Permit in accordance with Section 126.0502 may be permitted in accordance with a Neighborhood Development Permit decided in accordance with Process Two, provided the *findings* in Section 126.0404(a) are made. In the event that a deviation is requested, the supplemental *findings* in Section 126.0404(f) shall also be requested.

§126.0504 Decision Processes for Site Development Permits

[No change in text.]

§126.0505 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 126.0505(a) and the supplemental *findings* in Section 126.0505(b) through (n) that are applicable to the proposed *development* as specified in this section.

(a) [No change in text.]

(b) Supplemental Findings--Environmentally Sensitive Lands

A Site Development Permit required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0505(a):

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

(c) Supplemental Findings--Environmentally Sensitive Lands Deviations

A Site Development Permit required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* where a deviation is requested in accordance with Section 143.0150 may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0505(a) and the supplemental *findings* in Section 126.0505(b):

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

(d) Supplemental *Findings*--Environmentally Sensitive Lands Deviation from Federal Emergency Management Agency Regulations

A Site Development Permit required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* where a deviation is requested from the *Special Flood Hazard Area* regulations as specified in Section 143.0150(b) may be approved or conditionally approved only if the decision maker makes the following supplemental

findings in addition to the *findings* in Section 126.0505(a) and the supplemental *findings* in Sections 126.0505(b) and 126.0505(c):

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

- (e) Supplemental Findings--Steep Hillides Development Area Regulations
Alternative Compliance

A Site Development Permit required in accordance with Section 143.0110 because of potential impacts to *steep hillsides* where alternative compliance is requested in accordance with Section 143.0151 may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the findings in Section 126.0505(a) and the supplemental *findings* in Section 126.0505(b):

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

- (f) Supplemental Findings--Important Archaeological Sites and Traditional Cultural Properties

A Site Development Permit required in accordance with Section 143.0210 because of potential impacts to an *important archaeological site* or *traditional cultural property* may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0505(a):

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

- (g) Supplemental Findings--Historical Resources Deviation for Important Archaeological Sites and Traditional Cultural Properties

A Site Development Permit required in accordance with Section 143.0210 because of potential impacts to an *important archaeological site* or

traditional cultural property where a deviation is requested in accordance with Section 143.0260 may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0505(a):

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

- (h) Supplemental Findings--Historical Resources Deviation for Relocation of a Designated Historical Resource

A Site Development Permit required in accordance with Section 143.0210 because of potential impacts to *historical resources* where a deviation is requested in accordance with Section 143.0260 for relocation of a *designated historical resource* may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0505(a):

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

- (i) Supplemental Findings--Historical Resources Deviation for Substantial Alteration of a Designated Historical Resource or Within a Historical District

A Site Development *Permit* required in accordance with Section 143.0210 because of potential impacts to *designated historical resources* where a deviation is requested in accordance with Section 143.0260 for substantial alteration of a *designated historical resource* or within a *historical district* or new construction of a *structure* located within a *historical district* may be approved or conditionally approved only if the decision maker makes

the following supplemental *findings* in addition to the *findings* in Section 126.0505(a):

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

(j) Supplemental Findings--Clairemont Mesa Height Limit

A Site Development Permit required in accordance with Section 132.1306 because an exception from the Clairemont Mesa height limit is requested may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0505(a):

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

(k) Supplemental Findings--Mobilehome Park Discontinuance

A Site Development Permit required in accordance with Section 132.0702 because a discontinuance of a *mobilehome park* is proposed may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0505(a):

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

(l) Supplemental Findings--Deviation for Affordable Housing

A *development* that requires a Site Development Permit in accordance with Section 143.0750 because the *applicant* has requested a deviation from the applicable development regulations as an additional incentive to a *density* bonus for providing affordable housing may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0505(a):

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

(m) Supplemental Findings -- *Condominium Conversions*

A Site Development Permit required in accordance with Section 144.0509, because of potential impacts to the surrounding neighborhood, may be approved or conditionally approved only if the decision maker makes either of the following supplemental *findings* in addition to the *findings* in Section 126.0405(a):

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

(n) Supplemental Findings -- *Public Right-of-Way Encroachments*.

A Site Development Permit in accordance with Section 126.0502(d)(7) for any *encroachment* or object which is erected, placed, constructed, established or maintained in the *public right-of-way* when the *applicant* is not the *record owner* of the property on which the proposed *encroachment* will be located may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0505(a):

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

§126.0506 Violations of a Site Development Permit

[No change in text.]

Section 4. That Chapter 12, Article 6, Division 6 of the San Diego Municipal Code is amended by amending section 126.0602, by adding new section 126.0603, by renumbering section 126.0603 to section 126.0604, and section 126.0605 to section 126.0606, and by renumbering and amending section 126.0604 to section 126.0605, to read as follows:

§126.0602 When a Planned Development Permit May Be Requested

- (a) [No change in text.]
- (b) The following types of *development* may be permitted with a Planned Development Permit ~~to be~~ decided in accordance with Process Four.
 - (1) *Development* that does not comply with all base zone regulations or all development regulations (except as permitted in accordance with Section 126.0602(a)(2)), or that proposes to exceed limited deviations allowed by the regulations in Chapter 14, as described in Section 143.0410, except that if the *development* is affordable housing, an in-fill project, and/or a sustainable building as described in Section 143.0915, it may be permitted with Neighborhood Development Permit decided in accordance with Section 126.0603.
 - (2) through (3) [No change in text.]
- (c) [No change in text.]

§126.0603 Exemption from a Planned Development Permit

Development consistent with the affordable housing, in-fill projects, and/or sustainable buildings regulations in Section 143.0915 that requires a Planned Development Permit in accordance with Section 126.0602 may be permitted with a Neighborhood Development Permit decided in accordance with Process Two, provided the *findings* in Section 126.0404(a) are made. In the event that a deviation is requested, the supplemental *findings* in Section 126.0404(f) shall also be made.

§126.0604 Decision Process for Planned Development Permits

[No change in text.]

§126.0605 Findings for Planned Development Permit Approval

A Planned Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0605(a) and the supplemental *findings* in Section 126.0605(b)-(c) that are applicable to the proposed *development* as specified in this section.

(a) [No change in text.]

(b) Supplemental Findings--*Proposition A Lands*

A project involving rural cluster in the AR-1-1 zone or the OR-1-12 zone within *Proposition A Lands* where increased *density* is proposed may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0605(a):

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

(c) Supplemental Findings--*Off-site Affordable Dwelling Units*

A *development* using the Affordable Housing Density Bonus Regulations that proposes to locate affordable *dwelling units* off-site in accordance with Section 143.0745(b) may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0605(a):

(1) through (4) [No change in text.]

§126.0606 Violations of a Planned Development Permit

[No change in text.]

Section 5. That Chapter 12, Article 6, Division 7 of the San Diego Municipal Code is amended by amending section 126.0708, to read as follows:

§126.0708 Findings for Coastal Development Permit Approval

An application for a Coastal Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0708(a) and the supplemental *findings* in Section 126.0708(b) that are applicable to the proposed *development*.

- (a) [No change in text.]
- (b) Supplemental *Findings* -- Deviations to Environmentally Sensitive Lands Within the Coastal Overlay Zone

When a deviation is requested from the Environmentally Sensitive Lands Regulations because the *applicant* contends that application of the regulations would result in denial of all economically viable use, the Coastal Development Permit shall include a determination of economically viable use. A Coastal Development Permit, or a Site Development Permit in the Coastal Overlay Zone, required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* where a deviation is requested in accordance with Section 143.0150 may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 16.0708(a) and the supplemental *findings* in Section 126.0505(b).

The decision maker shall hold a public hearing on any application on a Coastal Development Permit that includes a deviation from the

Environmentally Sensitive Lands Regulations in the Coastal Overlay Zone.

Such hearing shall address the economically viable use determination.

Prior to approving a Coastal Development Permit for development within the Coastal Overlay Zone that requires a deviation from the

Environmentally Sensitive Lands Regulations, the decision maker shall make all of the following *findings*:

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

The *findings* adopted by the decision making authority shall identify the evidence supporting the *findings*.

Section 6. That Chapter 13, Article 2, Division 14 of the San Diego Municipal Code is amended by amending section 132.1402, to read as follows:

§132.1402 Where the Community Plan Implementation Overlay Zone Applies

(a) [No change in text.]

Table 132-14A

Community Plans with Property in the Community Plan Implementation Overlay Zone

[No change in text.]

(b) Table 132-14B shows the location of the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone.

Table 132-14B

Community Plan Implementation Overlay Zone Applicability

Type of <i>Development</i> Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) Interior building improvements that do not involve a change in use or provide additional <i>floor</i> area, or improvements that do not require a <i>construction permit</i>	None--Exempt from this division	No permit required by this division
(2) Any <i>development</i> within the boundaries shown on a map identified in Section 132.1402, where the map shows "Type A" and the proposed development complies with the development standards or criteria in the applicable community plan	Refer to the applicable community plan	No permit required by this division
(3) Any <i>development</i> within the boundaries shown on a map identified in Section 132.1402, where the map shows "Type A" and the proposed <i>development</i> does not comply with the <i>development</i> standards or criteria in the applicable community plan ⁽¹⁾	Refer to the applicable community plan	Site Development Permit/ Process Three
(4) Any <i>development</i> within the boundaries shown on a map identified in Section 132.1402, where the map shows "Type B" ⁽¹⁾	Refer to the applicable community plan	Site Development Permit/ Process Three

Footnotes for Table 132-14B

- (1) A *development* that is affordable housing, an in-fill project as described in Section 143.0915(b)(4), and/or a sustainable building may be permitted with a Neighborhood Development Permit decided in accordance with Process Two.

Section 7. 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>						
Type of Development Proposal		<i>Wetlands, listed species habitat⁽¹⁾</i>	<i>Other Sensitive Biological Resources other than Wetlands and listed species habitat⁽⁶⁾</i>	<i>Steep Hillside⁽⁶⁾</i>	<i>Sensitive Coastal Bluffs and Coastal Beaches</i>	Floodplains
1. <i>Single dwelling units on individual lots equal to or less than 15,000 square feet⁽²⁾ through 9. Any capital improvement program project that deviates from the Environmentally Sensitive Lands Regulations</i> [No change in text.]	R	[No change in text.]				
	P					
	U					

Legend to Table 143-01A

[No change in text.]

Footnotes for Table 143-01A

1 through 5 [No change in text.]

6 A *development* that is affordable housing, an in-fill project, and/or a sustainable building as described in Section 143.0915 may be permitted with a Neighborhood Development Permit decided in accordance with Process Two, subject to Section 143.0920(b).

(c) [No change in text.]

Section 8. 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.

Legend for Table 143-03A

[No change in text.]

**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 housing, in-fill projects, and sustainable buildings projects with deviations	143.0910, 143.0915, 143.0920	NDP/Process Two
<i>Development of a large retail establishment of 50,000 or more square feet gross floor area in all commercial and industrial zones, and in all planned districts, except the Centre City Planned District through Manufactured Slopes in Excess of 25% Gradient and 25 Feet in Height [No change in text.]</i>	[No change in text.]	[No change in text.]

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process
<i>Condominium Conversions</i> with Deviations from Development Regulations through Clairemont Mesa Height Limit Overlay Zone [No change in text.]	[No change in text.]	[No change in text.]

Section 9. That Chapter 14, Article 3, Division 4 of the San Diego Municipal Code is amended by amending sections 143.0402 and 143.0450, to read as follows:

§143.0402 When Planned Development Permit Regulations Apply

This Division applies to all *development* proposals for which a Planned Development Permit is requested, in accordance with Table 143-04A.

**Table 143-04A
Supplemental Planned Development Permit Regulations Applicability**

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process⁽¹⁾
Residential <i>development</i> requesting deviations from applicable zone regulations ⁽²⁾	143.0403, 143.0410, 143.0420	PDP/Process 4
Commercial and Industrial <i>development</i> requesting deviations from applicable zone regulations	143.0403, 143.0410, 143.0460	PDP/Process 4
<i>Developments</i> within <i>land use plans</i> where a Planned Development Permit is recommended when other discretionary actions are requested	143.0403, 143.0465	PDP/Process 3
<i>Development</i> that complies with the applicable <i>land use plan</i> designation, but contains uses that are not permitted in the underlying base zone	143.0403	PDP/Process 3

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process ⁽¹⁾
<i>Multiple dwelling unit development</i> requesting <i>density</i> greater than the <i>density</i> identified in an adopted <i>land use plan</i> ⁽³⁾	143.0403, 143.0410, 143.0455, 143.0915	PDP/Process 4
Rural cluster <i>development</i> in the AR and OR zones	143.0403, 143.0410, 143.0420, 143.0440	PDP/Process 4
Rural cluster <i>development</i> with increased <i>density</i> in the AR-1-1 and OR-1-2 zones within <i>Proposition A Lands</i> ⁽⁴⁾	143.0403, 143.0410, 143.0420, 143.0450	PDP/Process 5
Residential <i>development</i> in RS zones of <i>urbanized Communities</i> where a Planned Development Permit is requested	143.0403, 143.0410, 143.0420, 143.0430	PDP/Process 4

Footnotes for Table 143-04A

- 1 through 2 [No change in text.]
- 3 A *development* that is affordable housing, an in-fill project, and/or a sustainable building as described in Section 143.0915 may be permitted with a Neighborhood Development Permit in accordance with Process Two.
- 4 Rural cluster development with increased *density* is not available to properties within the Del Mar Mesa Specific Plan area. Refer to the Del Mar Mesa Specific Plan adopted on May 27, 1997, by O-18337 for the applicable development regulations.

§143.0450 Supplemental Planned Development Permit Regulations for Residential Rural Cluster Development with Increased Density

In addition to the general regulations for all Planned Development Permits and supplemental regulations for residential *developments*, the following regulations apply to all residential rural cluster *developments* requesting increased *density* that are located in the AR-1-1 and OR-1-2 zones within *Proposition A Lands*.

Approval of a proposed *development* in accordance with this section shall require the *findings* in Section 126.0405(b) to be made.

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

Section 10. That Chapter 14, Article 3, Division 7 of the San Diego Municipal Code is amended by amending section 143.0745, to read as follows:

§143.0745 Locating Required Affordable Dwelling Units Off-site

A *development* that complies with the Affordable Housing Density Bonus

Regulations may provide all or a portion of the required affordable *dwelling units* off-site in accordance with the following:

- (a) [No change in text.]
- (b) Off-site affordable *dwelling units* that do not meet the locational criteria in Section 143.0745(a) may be approved with a Process Four Planned Development Permit in accordance with Section 126.0605.
- (c) through (e) [No change in text.]

Section 11. That Chapter 14, Article 3, Division 9 of the San Diego Municipal Code is amended by retitling Division 9, and by retitling and amending sections 143.0910, 143.0915, and 143.0920, to read as follows:

Division 9: Affordable Housing, In-Fill Projects, and Sustainable Buildings Development Regulations

§143.0910 Purpose of Affordable Housing, In-Fill Projects, 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 housing, in-fill projects, and sustainable buildings while assuring that the *development* achieves the purpose and intent of the applicable *land use plan*.

§143.0915 When Supplemental Neighborhood Development Permit Regulations Apply for Affordable Housing, In-Fill Projects, and Sustainable Buildings

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

- (a) Affordable housing, which is any of the following:
- (1) [No change in text.]
 - (2) Residential *development* sponsored by or receiving funding from the San Diego Housing Commission, of which at least 15 percent of the total units are affordable to households with an income at or below 120 percent of area median income, as determined by the San Diego Housing Commission.
 - (3) Residential *development* subject to a federal, state, or local governmental agreement that restricts tenancy and rents at or below 80 percent of area median income, as determined by the San Diego Housing Commission, for a period of at least 55 years.
 - (4) Residential *development* where at least 10 percent of the *dwelling units* are affordable to households earning no more than 150 percent of area median income, as determined by the U.S. Department of Housing and Urban Development and published by the San Diego Housing Commission, for a period of at least 15 years
 - (5) Residential *development* for use by active military personnel and their families that is to be constructed by the federal government or through a contract with the federal government.
 - (6) Mixed-use *development* or *development* that otherwise combines residential with other land uses where at least 50 percent of the *gross floor area* of the total *development* is the type of project described in Section 143.0915(a)(1) through (5).

- (b) In-fill projects, which is any of the following:
- (1) Residential, commercial, or industrial *development* located within the *San Diego Promise Zone*.
 - (2) Residential or mixed-use *development*, where all or a portion of the *premises* is located within a *Transit Priority Area*.
 - (3) Residential *development* in accordance with Planned Development Permit Section 143.0402, where a *multiple dwelling unit development* with *density* greater than the *density* identified in an adopted *land use plan* is proposed.
 - (4) Residential *development* in the Community Plan Implementation Overlay Zone designated “Type A” or “Type B” that does not comply with the *development* standards, as described in Section 132.1402.
- (c) Sustainable buildings
- Residential and non-residential *development* projects that incorporate the Voluntary Tier 2 Measures of Title 24, Part 11 California Green Building Standards Code in effect at the time the building permit application is *deemed complete*.

§143.0920 Affordable Housing, In-Fill Projects, and Sustainable Buildings Deviations

Development identified in Section 143.0915 may be permitted with a Neighborhood Development Permit decided in accordance with Process Two, except as provided in Section 143.0920(d), for the following:

- (a) *Development* that proposes deviations from applicable Land Development Code regulations, provided that the *findings* in Section 126.0505(a) and the supplemental *findings* in Section 126.0505(b) through (n) are made.

- (b) *Development* located within *environmentally sensitive lands* in accordance with Section 143.0110, including *development* which may potentially impact *steep hillsides* where alternative compliance is requested in accordance with Section 143.0515, provided that the *findings* in Sections 126.0404(a) and (b), are made. In the event an *environmentally sensitive lands* deviation is requested, the supplemental *findings* in Section 126.0404(c) shall also be made.
- (c) *Multiple dwelling unit development* with *density* greater than the *density* identified in an adopted *land use plan*, provided that the *findings* in Section 126.0404(a) and (g) are made.
- (d) A deviation pursuant to Section 143.0920(a) may not be requested for the following:
 - (1) Within the Coastal Overlay Zone, a deviation from the requirements of the Environmentally Sensitive Lands Regulations (Chapter 14, Article 3, Division 1).
 - (2) A deviation from the requirements of the Coastal Height Limit Overlay Zone (Chapter 13, Article 2, Division 5).
 - (3) Within the Coastal Overlay Zone, a deviation from the requirements of the Parking Impact Overlay Zone (Chapter 13, Article 2, Division 8).

Section 12. That Chapter 15, Article 5, Division 2 of the San Diego Municipal Code is amended by amending section 155.0253, to read as follows:

§155.0253 Supplemental Development Regulations

The following additional supplemental development regulations apply in the Central Urbanized Planned District. These regulations shall supersede any regulations contained in Land Development Code Chapter 14, Article 3 that are inconsistent with or not expressly incorporated into the Central Urbanized Planned District regulations.

**Table 155-02F
Supplemental Development Regulations Applicability**

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process⁽¹⁾
Residential and mixed commercial/residential development in facility deficient neighborhoods shown on Map B-4104 under circumstances outlined in Section 155.0253(a)	155.0243(a)	Site Development Permit /Process 3
Residential development in a commercial zone on El Cajon Boulevard or University Avenue that is not part of a mixed-use (commercial-residential) project under circumstances outlined in Section 155.0253(b)	Section 155.0253(b) and Land Development Code Sections 126.0604, 126.0605, 126.0606 and 143.0410	Planned Development Permit/Process 3
Commercial development that varies from the required architectural features contained in Section 155.0244	Section 155.0253(c) and Land Development Code Sections 126.0604, 126.0605, 126.0606 and 143.0410	Planned Development Permit/Process 3

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process⁽¹⁾
Commercial and Industrial establishments exceeding 5,000 square feet gross floor area subject to the criteria contained in Section 155.0253	Section 155.0253(d) and Land Development Code Sections 126.0604, 126.0605, 126.0606 and 143.0410	Planned Development Permit/Process 3
Residential development that varies from the required architectural features contained in Section 155.0232	Section 155.0253(e) and Land Development Code Sections 126.0604, 126.0605, 126.0606 and 143.0410	Planned Development Permit/Process 3
Warehouses, Wholesale Distribution, and Light Manufacturing uses exceeding 10,000 square feet up to a maximum of 30,000 square feet, subject to the criteria contained in Section 155.0253(f)	Section 155.0253(f) and Land Development Code Sections 126.0604, 126.0605, 126.0606 and 143.0410	Planned Development Permit/Process 3

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

Section 13. That full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 14. That if O-2018-2 is not adopted prior to the adoption of this Ordinance, then Section 113.0103 is amended by adding the following definition between *Transit area* and *Unaccepted offer of dedication*:

Transit Priority Area means the area defined in California Public Resources Code Section 21099, as may be amended, or an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program.

Section 15. That prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

That 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 (collectively, Airports), this Ordinance shall take effect and be in force on the thirtieth day from and after the finding of consistency, 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.

That if the SDCRAA determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCPs for the Airports, the Ordinance shall be submitted to the City Council for reconsideration.

That if the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCPs for the 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.

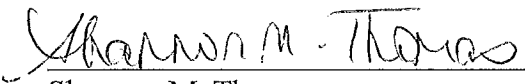
That a proposed decision by the City Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code section 21670 and require a two-thirds vote. The proposed decision and findings shall be forwarded to the SDCRAA, the California Department of Transportation, Division of Aeronautics, and the airport operators for

the Airports. 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.

That if the City Council makes a final decision to overrule a determination of inconsistency, this Ordinance shall take effect and be in force on the thirtieth day from and after that final decision, 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 California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Section 16. That no permits shall be issued for development that is inconsistent with the provisions of this Ordinance unless complete applications for such permits are submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective, which date is determined in accordance with Section 15, above.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

SMT:als
07/07/2017
07/20/2017 Cor.Copy
Or.Dept: DSD
Doc. No.: 1490374_5

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of SEP 12 2017.

ELIZABETH S. MALAND
City Clerk

By *Shirley Krueger*
Deputy City Clerk

Approved: 9/15/17
(date)

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 113.0103; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 4 BY AMENDING SECTIONS 126.0402 AND 126.0404; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5 BY AMENDING SECTION 126.0502, BY ADDING NEW SECTION 126.0503, AND BY RENUMBERING SECTION 126.0503 TO SECTION 126.0504, AND SECTION 126.0505 TO SECTION 126.0506, AND BY RENUMBERING AND AMENDING SECTION 126.0504 TO SECTION 126.0505; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 6 BY AMENDING SECTION 126.0602, BY ADDING NEW SECTION 126.0603, BY RENUMBERING SECTION 126.0603 TO SECTION 126.0604, AND SECTION 126.0605 TO SECTION 126.0606, AND BY RENUMBERING AND AMENDING SECTION 126.0604 TO SECTION 126.0605; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 7 BY AMENDING SECTION 126.0708; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 14 BY AMENDING SECTION 132.1402; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 143.0110; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 3 BY AMENDING SECTION 143.0302; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 4 BY AMENDING SECTIONS 143.0402 AND 143.0450; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 7 BY AMENDING SECTION 143.0745; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 9 BY RETITLING DIVISION 9, AND BY RETITLING AND AMENDING SECTIONS 143.0910, 143.0915, AND 143.0920; AND AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY AMENDING SECTION 155.0253, RELATING TO AFFORDABLE HOUSING, IN-FILL PROJECTS, AND SUSTAINABLE BUILDINGS.

§113.0103 Definitions

Abutting property through Rooming house [No change in text.]

San Diego Promise Zone, as defined by the United States Department of Housing and Urban Development pursuant to the Federal Promise Zone Initiative, means high poverty communities where the federal government partners with local leaders to increase economic activity, improve educational opportunities, leverage private investment, reduce violent crime, enhance public health, and address other priorities identified by the community.

School through Yard [No change in text.]

§126.0402 When a Neighborhood Development Permit Is Required

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

(p) A Neighborhood Development Permit is required for *development* that provides affordable housing, in-fill projects, and/or sustainable buildings as described in Sections 126.0503, 126.0603, or 143.0915, where a Site Development Permit or Planned Development Permit would otherwise be required.

§126.0404 Findings for Neighborhood Development Permit Approval

A Neighborhood Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0404(a) and the supplemental *findings* in Section 126.0404(b) through (e)(g) that are applicable to the proposed *development* as specified in this section.

These *findings* are not required for affordable housing that is provided pursuant to Chapter 14, Article 3, Division 7, unless the *development* will exceed the allowed incentives.

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

(c) Supplemental Findings--Environmentally Sensitive Lands Deviation

A Neighborhood Development Permit required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* where a deviation is requested in accordance with Sections 143.0150, 143.0151, and 143.0920 may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0404(a) and the supplemental *findings* in Section 126.0404(b):

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

(f) Supplemental Findings -- Affordable Housing, In-Fill Projects, or Sustainable Buildings Deviation

A Neighborhood Development Permit required in accordance with Section 143.0915 because a deviation is requested in accordance with Section 143.0920 may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0404(a):

(1) The *development* will materially assist in accomplishing the goal of providing affordable housing, in-fill projects, or sustainable buildings opportunities; and

(2) Any proposed deviations are appropriate at the proposed location.

(g) Supplemental Findings -- *Development with Density Greater than the Density Identified in an Adopted Land Use Plan*

A Neighborhood Development Permit required in accordance with Section 143.0402 because a *multiple dwelling unit development with density*

greater than the *density* identified in an adopted *land use plan* is requested may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0404(a):

- (1) The *development* will materially assist in accomplishing the goal of providing affordable housing, in-fill projects, or sustainable buildings opportunities; and
- (2) Any proposed deviations are appropriate at the proposed location.

§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*, except that if the *development* is affordable housing, an in-fill project, and/or a sustainable building, as described in Section 143.0915, it shall be processed in accordance with Section 126.0503:
 - (1) through (5) [No change in text.]
- (b) A Site Development Permit decided in accordance with Process Three is required for residential *development* that involves any of the following:
 - (1) *Development* with an affordable housing *density* bonus within the RE, RS, RX, RT, and AR zones.
 - ~~(2)~~(1) *Development* of *mobilehome parks* within the RS or RX zones, as described in Section 143.0302.

- ~~(3)~~(2) Within the Mobilehome Park Overlay Zone, discontinuance of a *mobilehome park*, as described in Section 143.0630.
- ~~(4)~~(3) Within any multiple unit residential zone, multiple unit residential *development* that exceeds the number of ~~dwelling units~~ *dwelling units* indicated in Table 126-05A on *lots* which are consolidated or otherwise joined together for the purpose of accommodating the *development*, except that if the *development* is affordable housing, an in-fill project, and/or a sustainable building, as described in Section 143.0915, it shall be processed in accordance with Section 126.0503.

Table 126-05A

**Multiple Dwelling Unit Developments
Requiring a Site Development Permit**

[No change in text]

- ~~(5)~~(4) Multiple unit residential *development* that varies from minimum parking requirements, as described in Section 142.0525(a).
- ~~(6)~~(5) *Development* of a small *lot subdivision* in accordance with Section 143.0365.
- (c) A Site Development Permit decided in accordance with Process Three is required for the following types of *development*.
- (1) In the Community Plan Implementation Overlay Zone, as described in Section 132.1402, *development* in the area designated “Type B” or *development* in the area designated “Type A” that does not comply with the *development* standards in the applicable

community plan, except that if the *development* is affordable housing, an in-fill project, and/or a sustainable building, as described in Section 143.0915, it shall be processed in accordance with Section 126.0503.

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

(d) A Site Development Permit decided in accordance with Process Four is required for the following types of *development*.

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

~~(9) A request for a deviation from the applicable development regulations for affordable/in-fill housing and sustainable building projects in accordance with Section 143.0920.~~

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

§126.0503 **Exemption from a Site Development Permit**

Development consistent with the affordable housing, in-fill projects, and/or sustainable buildings regulations in Section 143.0915 that requires a Site Development Permit in accordance with Section 126.0502 may be permitted in accordance with a Neighborhood Development Permit decided in accordance with Process Two, provided the *findings* in Section 126.0404(a) are made. In the event that a deviation is requested, the supplemental *findings* in Section 126.0404(f) shall also be made.

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

[No change in text.]

§126.05045 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 126.05045(a) and the supplemental *findings* in Section 126.05045(b) through ~~(e)~~(n) that are applicable to the proposed *development* as specified in this section.

(a) [No change in text.]

(b) Supplemental Findings--Environmentally Sensitive Lands

A Site Development Permit required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.05045(a):

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

(c) Supplemental Findings--Environmentally Sensitive Lands Deviations

A Site Development Permit required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* where a deviation is requested in accordance with Section 143.0150 may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.05045(a) and the supplemental *findings* in Section 126.05045(b):

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

(d) Supplemental *Findings*- -- Environmentally Sensitive Lands Deviation from Federal Emergency Management Agency Regulations

A Site Development Permit required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* where a deviation is requested from the *Special Flood Hazard Area* regulations as specified in Section 143.0150(b) may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.05045(a) and the supplemental *findings* in Sections 126.05045(b) and 126.05045(c):

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

- (e) Supplemental Findings--Steep Hillides Development Area Regulations
Alternative Compliance

A Site Development Permit required in accordance with Section 143.0110 because of potential impacts to *steep hillides* where alternative compliance is requested in accordance with Section 143.0151 may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the findings in Section 126.05045(a) and the supplemental *findings* in Section 126.05045(b):

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

- (f) Supplemental Findings--Important Archaeological Sites and Traditional
Cultural Properties

A Site Development Permit required in accordance with Section 143.0210 because of potential impacts to an *important archaeological site* or *traditional cultural property* may be approved or conditionally approved

only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.05045(a):

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

- (g) Supplemental Findings--Historical Resources Deviation for Important Archaeological Sites and Traditional Cultural Properties

A Site Development Permit required in accordance with Section 143.0210 because of potential impacts to an *important archaeological site* or *traditional cultural property* where a deviation is requested in accordance with Section 143.0260 may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.05045(a):

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

- (h) Supplemental Findings--Historical Resources Deviation for Relocation of a Designated Historical Resource

A Site Development Permit required in accordance with Section 143.0210 because of potential impacts to *historical resources* where a deviation is requested in accordance with Section 143.0260 for relocation of a *designated historical resource* may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.05045(a):

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

- (i) Supplemental Findings--Historical Resources Deviation for Substantial Alteration of a Designated Historical Resource or Within a Historical District

A Site Development *Permit* required in accordance with Section 143.0210 because of potential impacts to *designated historical resources* where a deviation is requested in accordance with Section 143.0260 for substantial alteration of a *designated historical resource* or within a *historical district* or new construction of a *structure* located within a *historical district* may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.05045(a):

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

- (j) Supplemental Findings--Clairemont Mesa Height Limit

A Site Development Permit required in accordance with Section 132.1306 because an exception from the Clairemont Mesa height limit is requested may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.05045(a):

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

- (k) Supplemental Findings--Mobilehome Park Discontinuance

A Site Development Permit required in accordance with Section 132.0702 because a discontinuance of a *mobilehome park* is proposed may be approved or conditionally approved only if the decision maker makes the

following supplemental *findings* in addition to the *findings* in Section 126.05045(a):

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

(l) Supplemental Findings--Deviation for Affordable Housing

A *development* that requires a Site Development Permit in accordance with Section 143.0750 because the *applicant* has requested a deviation from the applicable development regulations as an additional incentive to a *density* bonus for providing affordable housing may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.05045(a):

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

~~(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) The development will not be inconsistent with the purpose of the underlying zone;~~
- ~~(3) Any proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.~~

~~(n)(m)~~ Supplemental Findings - Condominium Conversions

A Site Development Permit required in accordance with Section 144.0509, because of potential impacts to the surrounding neighborhood, may be approved or conditionally approved only if the decision maker makes either of the following supplemental *findings* in addition to the *findings* in Section 126.04045(a):

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

~~(n)(n)~~ Supplemental Findings - Public Right-of-Way Encroachments.

A Site Development Permit in accordance with Section 126.0502(d)(7) for any *encroachment* or object which is erected, placed, constructed, established or maintained in the *public right-of-way* when the *applicant* is not the *record owner* of the property on which the proposed *encroachment* will be located may be approved or conditionally approved only if the

decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.05045(a):

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

§126.05056 Violations of a Site Development Permit

[No change in text.]

§126.0602 When a Planned Development Permit May Be Requested

(a) [No change in text.]

(b) The following types of *development* may be ~~requested~~ permitted with a Planned Development Permit ~~to be~~ decided in accordance with Process Four.

(1) *Development* that does not comply with all base zone regulations or all development regulations (except as permitted in accordance with Section 126.0602(a)(2)), or that proposes to exceed limited deviations allowed by the regulations in Chapter 14, as described in Section 143.0410, except that if the *development* is affordable housing, an in-fill project, and/or a sustainable building as described in Section 143.0915, it may be permitted with Neighborhood Development Permit decided in accordance with Section 126.0603.

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

(c) [No change in text.]

§126.0603 **Exemption from a Planned Development Permit**

Development consistent with the affordable housing, in-fill projects, and/or sustainable buildings regulations in Section 143.0915 that requires a Planned Development Permit in accordance with Section 126.0602 may be permitted with a Neighborhood Development Permit decided in accordance with Process Two, provided the findings in Section 126.0404(a) are made. In the event that a deviation is requested, the supplemental findings in Section 126.0404(f) shall also be made.

§126.0603 **Decision Process for Planned Development Permits**

[No change in text.]

§126.0604 **Findings for Planned Development Permit Approval**

A Planned Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.06045(a) and the supplemental *findings* in Section 126.06045(b)-(c) that are applicable to the proposed *development* as specified in this section.

(a) [No change in text.]

(b) Supplemental Findings--*Proposition A Lands*

A project involving rural cluster in the AR-1-1 zone or the OR-1-12 zone within *Proposition A Lands* where increased *density* is proposed may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.06045(a):

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

(c) Supplemental Findings--Off-site Affordable *Dwelling Units*

A *development* using the Affordable Housing Density Bonus Regulations that proposes to locate affordable *dwelling units* off-site in accordance with Section 143.0745(b) may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.06045(a):

(1) through (4) [No change in text.]

§126.06056 Violations of a Planned Development Permit

[No change in text.]

§126.0708 Findings for Coastal Development Permit Approval

An application for a Coastal Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0708(a) and the supplemental *findings* in Section 126.0708(b) that are applicable to the proposed *development*.

(a) [No change in text.]

(b) Supplemental *Findings* - == Deviations to Environmentally Sensitive Lands Within the Coastal Overlay Zone

When a deviation is requested from the Environmentally Sensitive Lands Regulations because the *applicant* contends that application of the regulations would result in denial of all economically viable use, the Coastal Development Permit shall include a determination of economically viable use. A Coastal Development Permit, or a Site Development Permit in the Coastal Overlay Zone, required in accordance

with Section 143.0110 because of potential impacts to *environmentally sensitive lands* where a deviation is requested in accordance with Section 143.0150 may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 16.0708(a) and the supplemental *findings* in Section 126.05045(b):

The decision maker shall hold a public hearing on any application on a Coastal Development Permit that includes a deviation from the Environmentally Sensitive Lands Regulations in the Coastal Overlay Zone.

Such hearing shall address the economically viable use determination. Prior to approving a Coastal Development Permit for development within the Coastal Overlay Zone that requires a deviation from the Environmentally Sensitive Lands Regulations, the decision maker shall make all of the following *findings*:

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

The *findings* adopted by the decision making authority shall identify the evidence supporting the *findings*.

§132.1402 Where the Community Plan Implementation Overlay Zone Applies

(a) [No change in text.]

Table 132-14A

Community Plans with Property in the Community Plan Implementation Overlay Zone

[No change in text.]

- (b) Table 132-14B shows the location of the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone.

Table 132-14B

Community Plan Implementation Overlay Zone Applicability

Type of <i>Development</i> Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) Interior building improvements that do not involve a change in use or provide additional <i>floor</i> area, or improvements that do not require a <i>construction permit</i>	None--Exempt from this division	No permit required by this division
(2) Any <i>development</i> within the boundaries shown on a map identified in Section 132.1402, where the map shows "Type A" and the proposed development complies with the development standards or criteria in the applicable community plan	Refer to the applicable community plan	No permit required by this division
(3) Any <i>development</i> within the boundaries shown on a map identified in Section 132.1402, where the map shows "Type A" and the proposed <i>development</i> does not comply with the <i>development</i> standards or criteria in the applicable community plan ⁽¹⁾	Refer to the applicable community plan	Site Development Permit/ Process Three
(4) Any <i>development</i> within the boundaries shown on a map identified in Section 132.1402, where the map shows "Type B" ⁽¹⁾	Refer to the applicable community plan	Site Development Permit/ Process Three

Footnotes for Table 132-14B

(1) A *development* that is affordable housing, an in-fill project as described in Section 143.0915(b)(4), and/or a sustainable building may be permitted with a Neighborhood Development Permit decided in accordance with Process Two.

§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⁽⁶⁾</i>	<i>Steep Hillsides⁽⁶⁾</i>	<i>Sensitive Coastal Bluffs and Coastal Beaches</i>	<i>Floodplains</i>
1. <i>Single dwelling units on individual lots equal to or less than 15,000 square feet⁽²⁾ through 9. Any capital improvement program project that deviates from the Environmentally Sensitive Lands Regulations [No change in text.]</i>	R	[No change in text.]			
	P				
	U				

Legend to Table 143-01A

[No change in text.]

Footnotes to Table 143-01A Footnotes for Table 143-01A

1 through 5 [No change in text.]

6 A development that is affordable housing, an in-fill project, and/or a sustainable building as described in Section 143.0915 may be permitted with a Neighborhood Development Permit decided in accordance with Process Two, subject to Section 143.0920(b).

(c) [No change in text.]

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

This ~~d~~Division applies to any ~~development~~ *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.

Legend for Table 143-03A

[No change in text.]

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

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process
A ffordable h ousing, A in-Fill H ousing p rojects, and S ustainable B uildings P rojects with D evelopments	143.0910, 143.0915, 143.0920	SDP N DP/Process F our T wo
<i>Development of a large retail establishment of 50,000 or more square feet gross floor area in all commercial and industrial zones, and in all planned districts, except the Centre City Planned District through Manufactured Slopes in Excess of 25% Gradient and 25 Feet in Height [No change in text.]</i>	[No change in text.]	[No change in text.]
Affordable Housing in RE, RS, RX, RT, AR Zones	143.0303, 143.0305, 143.0310, 143.0375, 143.0380, 143.0710, 143.0740	SDP/Process Three

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process
<i>Condominium Conversions</i> with Deviations from Development Regulations through Clairemont Mesa Height Limit Overlay Zone [No change in text.]	[No change in text.]	[No change in text.]

§143.0402 When Planned Development Permit Regulations Apply

This Division applies to all *development* proposals for which a Planned Development Permit is requested, in accordance with Table 143-04A.

**Table 143-04A
Supplemental Planned Development Permit Regulations Applicability**

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process⁽¹⁾
Residential <i>development</i> requesting deviations from applicable zone regulations ⁽²⁾	143.0403, 143.0410, 143.0420	PDP/Process 4
Commercial and Industrial <i>development</i> requesting deviations from applicable zone regulations	143.0403, 143.0410, 143.0460	PDP/Process 4
<i>Developments</i> within <i>land use plans</i> where a Planned Development Permit is recommended when other discretionary actions are requested	143.0403, 143.0465	PDP/Process 3
<i>Development</i> that complies with the applicable <i>land use plan</i> designation, but contains uses that are not permitted in the underlying base zone	143.0403	PDP/Process 3
<i>Multiple dwelling unit residential development with increased <u>requesting density greater than the density identified in an</u> per the adopted <i>land use plan</i></i> ⁽³⁾	143.0403, 143.0410, 143.0455, <u>143.0915</u>	PDP/Process 4

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process ⁽¹⁾
Rural cluster <i>development</i> in the AR and OR zones	143.0403, 143.0410, 143.0420, 143.0440	PDP/Process 4
Rural cluster <i>development</i> with increased <i>density</i> in the AR-1-1 and OR-1-2 zones within <i>Proposition A Lands</i> ⁽³⁾⁽⁴⁾	143.0403, 143.0410, 143.0420, 143.0450	PDP/Process 5
Residential <i>development</i> in RS zones of <i>urbanized Communities</i> where a Planned Development Permit is requested	143.0403, 143.0410, 143.0420, 143.0430	PDP/Process 4

Footnotes to for Table 143-04A

1 through 2 [No change in text.]

3 A development that is affordable housing, an in-fill project, and/or a sustainable building as described in Section 143.0915 may be permitted with a Neighborhood Development Permit in accordance with Process Two.

34 Rural cluster development with increased *density* is not available to properties within the Del Mar Mesa Specific Plan area. Refer to the Del Mar Mesa Specific Plan adopted on May 27, 1997, by O-18337 for the applicable development regulations.

§143.0450 Supplemental Planned Development Permit Regulations for Residential Rural Cluster Development with Increased Density

In addition to the general regulations for all Planned Development Permits and supplemental regulations for residential *developments*, the following regulations apply to all residential rural cluster *developments* requesting increased *density* that are located in the AR-1-1 and OR-1-2 zones within *Proposition A Lands*.

Approval of a proposed *development* in accordance with this section shall require the *findings* in Section 126.04045(b) to be made.

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

§143.0745 Locating Required Affordable Dwelling Units Off-site

A *development* that complies with the Affordable Housing Density Bonus Regulations may provide all or a portion of the required affordable *dwelling units* off-site in accordance with the following:

- (a) [No change in text.]
- (b) Off-site affordable *dwelling units* that do not meet the locational criteria in Section 143.0745(a) may be approved with a Process Four Planned Development Permit in accordance with Section 126.06045.
- (c) through (e) [No change in text.]

Division 9: Affordable Housing, In-Fill Housing Projects, and Sustainable Buildings Development Regulations

§143.0910 Purpose of Affordable Housing, In-Fill Housing Projects, 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 housing, in-fill housing projects, and sustainable buildings while assuring that the *development* achieves the purpose and intent of the applicable ~~land use plan~~ land use plan.

§143.0915 When Supplemental Neighborhood Development Permit Regulations Apply for Affordable Housing, In-Fill Housing Projects, and Sustainable Buildings Regulations Apply

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

- (a) Affordable housing, which is any of the following:
 - (a)(1) [No change in text.]
 - (b)(2) Residential *development* sponsored by or receiving funding from the ~~Comprehensive Affordable Housing Collaborative~~ (The

~~Redevelopment Division of the Community and Economic Development Department, Centre City Development Corporation, Southeastern Economic Development Corporation, and the San Diego Housing Commission),~~ of which at least 15 percent of the total units are affordable to households with an income at or below 120 percent average of area median income, as determined by the San Diego Housing Commission.

~~(e)(3)~~ Residential *development* subject to a federal, state, or local governmental agreement that restricts tenancy and rents at or below ~~60~~ 80 percent average of area median income, as determined by the San Diego Housing Commission, for a period of at least 55 years.

~~(d)(4)~~ Residential *development* where at least 10 percent of the or more dwelling units within the Urbanized Communities of the City provided that all of the dwelling units are affordable to households earning no more than 150% percent average of area median income, as determined by the U.S. Department of Housing and Urban Development and published by the San Diego Housing Commission, for a period of at least 15 years and where applicable, the development does not reduce the number of affordable units previously existing.

- ~~(e)~~(5) Residential *development* for use by active military personnel and their families which ~~that~~ is to be constructed by the federal government or through a contract with the federal government.
- ~~(f)~~ New residential, commercial, or industrial *development* that meet the “sustainable buildings” definition under City Council Policy 900-14.
- ~~(g)~~(6) Mixed-use *development* or *development* that otherwise combines residential with other land uses where at least 50 percent of the gross floor area ~~gross floor area~~ of the total *development* is the type of project described in Section 143.0915(a)(1) through ~~(d)~~(5).

(b) In-fill projects, which is any of the following:

- (1) Residential, commercial, or industrial *development* located within the San Diego Promise Zone.
- (2) Residential or mixed-use *development*, where all or a portion of the premises is located within a Transit Priority Area.
- (3) Residential *development* in accordance with Planned Development Permit Section 143.0402, where a *multiple dwelling unit development* with *density* greater than the *density* identified in an adopted *land use plan* is proposed.
- (4) Residential *development* in the Community Plan Implementation Overlay Zone designated “Type A” or “Type B” that does not comply with the *development* standards, as described in Section 132.1402.

(c) Sustainable buildings

Residential and non-residential development projects that incorporate the Voluntary Tier 2 Measures of Title 24, Part 11 California Green Building Standards Code in effect at the time the building permit application is deemed complete.

§143.0920 **Deviation Requirements for Affordable Housing, In-Fill Housing Projects, and Sustainable Buildings Deviations**

Development identified in Section 143.0915 may be permitted with a Neighborhood Development Permit decided in accordance with Process Two, except as provided in Section 143.0920(d), for the following:

- (a) An applicant may request a Development that proposes deviations from the applicable development Land Development Code regulations in the Land Development Code, for affordable/in-fill housing and Sustainable Buildings in accordance with Section 143.0915 pursuant to a Site Development Permit decided in accordance with Process Four provided that the findings findings in Section 126.05045(a) and the supplemental findings findings in Section 126.05045(m)(b) through (n) are made.
- (b) Development located within environmentally sensitive lands in accordance with Section 143.0110, including development which may potentially impact steep hillsides where alternative compliance is requested in accordance with Section 143.0515, provided that the findings in Sections 126.0404(a) and (b), are made. In the event an environmentally sensitive lands deviation is requested, the supplemental findings in Section 126.0404(c) shall also be made.

(c) Multiple dwelling unit development with density greater than the density identified in an adopted land use plan, provided that the findings in Section 126.0404(a) and (g) are made.

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

(1-) Within the Coastal Overlay Zone, a deviation from the requirements of the Environmentally Sensitive Lands Regulations (Chapter 14, Article 3, Division 1).

(2-) A deviation from the requirements of the Coastal Height Limit Overlay Zone (Chapter 13, Article 2, Division 5).

(3-) Within the Coastal Overlay Zone, a deviation from the requirements of the Parking Impact Overlay Zone (Chapter 13, Article 2, Division 8).

§155.0253 Supplemental Development Regulations

The following additional supplemental ~~development~~ development regulations apply in the Central Urbanized Planned District. These regulations shall supersede any regulations contained in Land Development Code Chapter 14, Article 3 that are inconsistent with or not expressly incorporated into the Central Urbanized Planned District regulations.

Table 155-02F
Supplemental Development Regulations Applicability

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process⁽¹⁾
Residential and mixed commercial/residential development in facility deficient neighborhoods shown on Map B-4104 under circumstances outlined in Section 155.0253(a)	155.0243(a)	Site Development Permit /Process 3
Residential development in a commercial zone on El Cajon Boulevard or University Avenue that is not part of a mixed-use (commercial-residential) project under circumstances outlined in Section 155.0253(b)	Section 155.0253(b) and Land Development Code Sections 126.0603 <u>4</u> , 126.0604 <u>5</u> , 126.0605 <u>6</u> and 143.0410	Planned Development Permit/Process 3
Commercial development that varies from the required architectural features contained in Section 155.0244	Section 155.0253(c) and Land Development Code Sections 126.0603 <u>4</u> , 126.0604 <u>5</u> , 126.0605 <u>6</u> and 143.0410	Planned Development Permit/Process 3
Commercial and Industrial establishments exceeding 5,000 square feet gross floor area subject to the criteria contained in Section 155.0253	Section 155.0253(d) and Land Development Code Sections 126.0603 <u>4</u> , 126.0604 <u>5</u> , 126.0605 <u>6</u> and 143.0410	Planned Development Permit/Process 3
Residential development that varies from the required architectural features contained in Section 155.0232	Section 155.0253(e) and Land Development Code Sections 126.0603 <u>4</u> , 126.0604 <u>5</u> , 126.0605 <u>6</u> and 143.0410	Planned Development Permit/Process 3
Warehouses, Wholesale Distribution, and Light Manufacturing uses exceeding 10,000 square feet up to a maximum of 30,000 square feet, subject to the criteria contained in Section 155.0253(f)	Section 155.0253(f) and Land Development Code Sections 126.0603 <u>4</u> , 126.0604 <u>5</u> , 126.0605 <u>6</u> and 143.0410	Planned Development Permit/Process 3

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

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Or.Dept: DSD
Doc. No.: 1488620_5

Passed by the Council of The City of San Diego on SEP 12 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>
Chris Cate	<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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 15 2017.

AUTHENTICATED BY:

KEVIN L. FAULCONER
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

JUL 24 2017

SEP 15 2017

, and on _____.

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-_____

20856