



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: June 7, 2017

REPORT NO. PC 17-052

HEARING DATE: June 15, 2017

SUBJECT: Amendments to the City's Municipal Code and Local Coastal Program to expand and improve the City's Affordable Housing/In-Fill Projects & Sustainable Building Expedite Program. Process Five

SUMMARY

Issue: Should the Planning Commission recommend City Council approval of the proposed amendments to the Land Development Code and the City's Local Coastal Program to expand and improve the City's Affordable Housing/In-Fill Projects & Sustainable Building Development Regulations?

Staff Recommendation: Recommend approval of the proposed Land Development Code (LDC) amendments to the City Council.

City Strategic Plan Goal and Objectives:

Goal #3: Create and sustain a resilient and economically prosperous City; Objective #1: Create dynamic neighborhoods that incorporate mobility, connectivity, and sustainability; Objective #3: Diversify and grow the local economy.

Environmental Review: The proposed amendments were reviewed for consistency with the Land Development Code (LDC) Environmental Impact Report (EIR) No. 96-0333/SCH No. 96081056 (certified by the San Diego City Council November 19, 1997), in accordance with Public Resources Code Section 21166 and California Environmental Quality Act (CEQA) Guidelines Section 15162. Based on this evaluation, Planning Department staff determined that the proposed amendments to the LDC would not result in new impacts or changed circumstances that would require a new environmental document, and that the previous environmental document adequately covers the proposed amendments.

Housing Impact Statement: The proposed LDC amendments would apply to all community plans city-wide. The proposed amendments expand and improve the City's current regulations, designed to encourage and promote the construction of affordable, infill and sustainable buildings by expediting and reducing the permit processing timeline. All projects will be subject to the Affordable Housing/In-fill Projects and Sustainable Buildings Regulations (Chapter 14, Article 3, Division 9).

BACKGROUND

A. The Mayor's Housing Initiative:

Over the past decade, new housing development has not kept pace with job or population growth, resulting in housing costs that have increased at a much faster rate than income levels. With a growing population and a county median home price well over \$500,000, more and more families are finding it increasingly difficult to find an affordable place to live in San Diego. Additionally, many economic analysts have reported that the single greatest threat to our region's economy is the high cost of local housing.

In response, the Mayor has developed a series of goals, strategies and initiatives that will be developed to help increase housing production in the City. This plan is called Housing-SD and includes multiple approaches that are intended to improve housing affordability, improve review processes, facilitate more affordable housing and support Climate Action Plan.

On February 15, 2017, the Smart Growth & Land Use Committee made a similar pledge to address housing affordability and adopted a Work Program that included several actionable items, many of which are included in the Mayor's Housing Initiative.

The proposed amendments as discussed in this staff report are the second to be discussed of the action items identified in the Mayor's Housing Initiative (Companion Unit Ordinance Amendments, considered by the Planning Commission on May 25, 2017, was the first).

B. The Expedite Program

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 and also reduced development permit and processing costs. 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**. The purpose of the program is to offer flexibility in the application of development regulations, as well as make available an expedited permit review process for projects providing affordable and/or sustainable structures. The Expedite Program goal is to reduce the permitting time by approximately 50% of that of standard project processing times.

For the reasons and purposes detailed in the Mayor's Housing Initiative, the Expedite Program is being revised to incorporate new City initiatives, goals and strategies that include increased and improved:

- Housing affordability
- Development in economically disadvantaged neighborhoods
- Development near public transit
- Sustainable development
- Reduced permit and review process timelines
- Compliance with the Climate Action Plan

The proposed changes will also assist staff in better managing and enhancing performance standards, and the updated and clarified eligibility criteria will help increase the program's ability to encourage development of affordable housing, in-fill projects and sustainable buildings.

DISCUSSION

The Expedite Program is currently regulated by the Land Development Code (LDC) as well as Council Policies (CP). Below summaries the relevant code sections/policies affected and how they are being amended. *The Planning Commission only has oversight of the proposed changes to the LDC. The discussion and attachments involving Council policies are informational only to help provide context.*

A. Council Policy 600-27

The current policy (Attachment 1), last adopted on May 20, 2003, per Resolution No. 298001, is largely comprised of very detailed operational procedures and eligibility criteria that explain how the Expedite Program is implemented. This is not a common use of a Council policy, however in absence of adopted regulations, Council policies are intended to establish a deliberate system of principles to help guide decisions. Typically, policies are adopted by a governing body, whereas the procedures or protocols to implement the policies are developed and adopted by the implementing departments.

As such, staff is recommending revisions of CP 600-27 (Attachment 2) to focus on setting only citywide policy direction for affordable and sustainable development. Project eligibility will be removed and applicable development regulations instead will be defined in the Municipal Code (Attachment 4). The procedures and process will be incorporated into a revised Development Services Information Bulletin 538.

B. Council Policy 900-14

CP 900-14 (Attachment 3) was initially adopted in 1997, during a time when little was being required at the State level on sustainability practices. However, a lot has changed since then. The California Green building code was first adopted in 2010, when the State introduced standards that required significant sustainable construction practices in the categories of energy efficiency, water efficiency, waste reduction, conservation and environmental quality. The state building codes were significantly expanded upon in 2013, and again in 2016.

Given the State's actions relative to sustainable building standards, on May 11, 2010, the City Council determined that the various private-sector sustainability policies outlined in CP 900-14 should be combined as part of CP 600-27. At that hearing, Council amended CP 900-14 to only apply to City owned and leased buildings. However, as part of their action, Council directed staff to continue to implement the private sector permit expedite components of the policy until CP 600-27 is amended.

There are no proposed changes to Current Policy 900-14 with this action.

C. Affordable/In-Fill and Sustainable Development Regulations

Currently, the LDC (§143.0915 & §143.0920) identifies affordable and sustainable development project types that are allowed to deviate from certain development standards with a Process Four Site Development Permit (SDP). In an effort to encourage the use of the Expedite Program, staff

is proposing to expand the eligibility criteria to include one or more of the following affordable, in-fill and sustainable residential or residential mixed use development project types.

- Projects where at least 10% of the units are reserved for low/very low income families;
- Projects located in the federally established **San Diego Promise Zone**;
- Projects located in the **Transit Priority Area**;
- Projects that propose a higher density that is allowed in a community plan;
- Projects that incorporate voluntary Tier 2 sustainable development standards pursuant to the California Green Building Standards.

Eligible projects that fit into one of the categories above then qualify for the following permit expedite benefits:

- Deviations from development standards may be processed with a Neighborhood Development Permit (NDP) Process Two.
- Additional deviations, including Environmentally Sensitive Lands, can be processed with an NDP Process Two.
- Projects within the Community Plan Implementation Overlay Zone can be processed with an NDP Process Two.

It is anticipated that these modifications could significantly expand the use of the Expedite Program and reduce permit processing times for qualifying projects by a factor of several months.

D. Information Bulletin 538

The Development Services Department will revise Information Bulletin 538, to be consistent with the proposed code changes when adopted, to provide basic information on the Expedite Program qualifications and the permit review process. Some of the more significant points that will be described in the bulletin, which implement the policies reflected in updated Policy 600-27, are as follows:

- Eligible discretionary projects processing goal is 50% faster, at least 80% of the time.
- Eligible ministerial permits will be processing goal is 25% faster, at least 80% of the time.
- Eligible affordable projects shall be processed as Expedite (discretionary) and Express (ministerial) at no additional charge to the applicant.
- Eligible sustainable projects will continue to pay an additional Expedite Program fee, in addition to standard permitting fees.

RECOMMENDATIONS

Community Planners Committee (CPC): On April 25, 2017, the Community Planners Committee voted 18-3-1 to recommend approval of the proposed changes with the following conditions:

- The process should be reduced from Process Four to a Process Three, not a Process Two.
- Clearly define what is required for a sustainable project.
- Require calculations of solar power at submittal.
- Modify all other bulletins & policies to be consistent with the new changes.

Code Monitoring Team (CMT): On May 10, 2017, the Code Monitoring Team voted 10-0-0 to recommend approval of the proposed code changes with the following conditions:

- Revise the San Diego Promise Zone definition to defer to the Federal definition.
- Clarify finding language.
- Include language that affordable density bonus findings are not required when a discretionary permit is required.
- Revise the Sustainable Building definition
- Create a Planned District Ordinance priority list that would reduce the Site Development Permit Process Three and Process Four to a Process Two on a future code update.

Technical Advisory Committee (TAC): On May 10, 2017, the Technical Advisory Committee met however, only five member were present. A minimum of seven members are required for a quorum. Although not an official vote, all members present supported the Code Monitoring Team recommendation. The code changes will again be presented to TAC on June 14, 2017, to obtain an official vote that will be included in the City Council report.

ALTERNATIVES

The Planning Commission may recommend to the City Council that it not adopt the proposed amendments or that it adopt the proposed amendments with modifications.

CONCLUSION

Evidence has shown that the cost of delivering new housing units can be greatly impacted by government processes. Uncertain timelines, burdensome regulations, and exhaustive discretionary review make it harder to quickly and inexpensively develop new housing stock. The proposed changes to the Expedite Program are designed to help streamline the permitting process to encourage affordable and sustainable development in the City of San Diego.

Respectfully submitted,


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- Attachments:
1. Council Policy 600-27 – Current
 2. Council Policy 600-27 – Amended Draft
 3. Council Policy 900-14 – Current
 4. Proposed Code Amendments

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COUNCIL POLICY**CURRENT**

SUBJECT: AFFORDABLE/IN-FILL HOUSING AND SUSTAINABLE BUILDINGS
EXPEDITE PROGRAM
POLICY NO.: 600-27
EFFECTIVE DATE: May 20, 2003

BACKGROUND:

The City is currently experiencing a severe lack of affordable housing affecting all sectors of society including but not limited to new graduates, senior citizens, single parents, first-time home buyers, disabled, employees in healthcare, education, biotech, and tourism. Many diverse interests have come to realize the correlation between the availability of affordable housing and the quality of life of our residents, as well as the continued economic vitality of our city. Many economic and housing analysts have reported that the single greatest threat to our region's economy is the high cost of local housing.

Many factors have contributed to the current under supply of affordable housing. New housing development has not kept pace with job or population growth, resulting in housing costs that have increased at a much faster rate than incomes in the last decade. This divergence of income and home price leaves fewer than 25 percent of county residents with the ability to afford the median-priced home. Similar statistics exist for the rental market. Many families are dealing with the increases in housing costs by dangerously paying much higher portions of their incomes than is sustainable or by doubling up on occupancy.

The City of San Diego is in the midst of a declared state of emergency for affordable housing, and has taken numerous steps to address the crisis. One important step is the adoption of an Inclusionary Housing Ordinance that requires all new residential development to set aside at least 10 percent of the units to be affordable to families at 65 percent (rental) and 100 percent (for-sale) of the Area Median Income (AMI). Another important step is the City Council's adoption of the Comprehensive Affordable Housing Collaborative's Notice of Funding Availability (NOFA), which will leverage redevelopment low and moderate income housing set-aside funds to create up to \$55 million in affordable housing financing, which will assist in the development of over 2,100 new affordable housing units Citywide within the next five years. In an effort to produce more affordable housing in the shortest possible time and to reduce development costs to the greatest extent, it is desirable to expedite the permit processing of such projects.

PURPOSE:

To establish a policy for:

1. Expediting the development review process for in-fill and affordable housing projects;
2. Defining those in-fill and affordable housing projects that qualify for expedited permit processing;
3. Prioritizing projects in the event the expedite program's carrying capacity is exceeded.

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The following development projects shall be eligible for expedited permit processing under this policy:

- A. Residential development projects where at least 10 percent of the units are set aside for households with an income at or below 65 percent AMI for rental units and at or below 100 percent AMI for for-sale units as set forth in the City's Inclusionary Housing Ordinance.
- B. Residential development projects that receive 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) where at least 15 percent of the units are set aside for households with an income at or below 120 percent AMI, as determined by the San Diego Housing Commission.
- C. Residential development projects underwritten to utilize Federal, State or Local funds and which result in a regulatory agreement that restricts tenancy and rents at or below 60 percent AMI.
- D. Urban In-fill housing projects of 10 units or more within "Urbanized" areas of the City as defined in the Progress Guide and General Plan. These in-fill projects are eligible for expedited processing under this policy provided that all of the dwelling units are affordable to households earning no more than 150 percent AMI for both rental and for-sale (first ownership cycle only) units. In-fill housing projects need to provide a larger number of affordable housing units than they replace.
- E. Military Housing constructed by the Federal Government or through a contract with the Federal Government, for use by active military personnel and their families.
- F. New residential, commercial, and industrial development projects which meet the "sustainable buildings" definition under City Council Policy 900-14.
- G. Mixed-use development projects (development projects that combine residential with other land uses) where at least 50 percent of the gross floor area of the entire development project site is dedicated to residential dwelling units affordable as described in A, B, C and/or D above.

Projects that elect to pay In-Lieu fees to satisfy the affordable housing requirement are not eligible for expedited permit processing under this policy (except for E and F above).

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Process:

The following procedure will be adopted to assist and expedite the discretionary permit process for all projects eligible under this policy. Ministerial building permits and engineering approvals will also be expedited through the express plan check process.

Mandatory Preliminary Review Meetings. Mandatory preliminary review meetings allow for early feedback regarding project proposals and helps developers to fashion a proposal that best meets the City's guidelines and the community's expectations and desires. Further, preliminary review meetings provide an opportunity to identify important stakeholders in the community review process, particularly community planning groups. Preliminary Review Meetings enable staff to identify issues for the project applicant prior to formal design and submittal of the project application and documents. Also, the applicant shall fund the environmental initial study at this stage, enabling staff and the applicant to determine the scope of the project and any additional information or studies that may be required.

Completeness Check. 5 business days for initial determination.

First Review Cycle. 20 business days.

Project Review Meeting. Within 10 days after the first review cycle a project review meeting will be scheduled to further clarify outstanding issues and resolve project conflicts. Assuming all project issues have been resolved and necessary documentation provided to the City, the project could proceed to a public hearing based upon the availability of the environmental document.

Subsequent Review Cycles (if needed). 10 business days.

Public Hearing. Upon completion of the third review cycle and availability of the environmental document, at the applicant's request the City will schedule the project for a public hearing. City staff will recommend denial of any project that has not demonstrated compliance with the applicable regulations or submitted adequate documentation to complete project review.

Carrying Capacity:

A key component to the success of this program will be identifying the "carrying-capacity" of the expedite program in order to maintain efficiency and effectiveness within established timelines. This expedite program will be staffed appropriately thereby maintaining the ability to meet established timetables, however workload is unpredictable. During those periods when workload exceeds the carrying capacity of the expedite program, the Program Manager of the Affordable/In-Fill Housing Expedite Program will begin deferring projects through the normal development review process, and provide expedited permit processing (both discretionary and ministerial) based on the following priority list:

Priority 1: City of Villages Pilot Projects selected by the City Council that provide affordable housing as defined in the eligibility section of the Policy.

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- Priority 2: Residential development projects that qualify as both “Affordable Housing” and “Sustainable Building” projects as defined by City Council Policies 600-27 and 900-14.
- Priority 3: Residential development projects that qualify for the 9 percent tax credit or multifamily revenue bonds.
- Priority 4: Residential development projects which provide more than 10 percent of the required “affordable housing” units and all of the affordable units are provided on-site as well as mixed-use projects as defined in Council Policy 600-27, residential, commercial, or industrial projects which meet the “sustainable buildings” definition under City Council Policy 900-14. (Within Priority 4, projects that set aside the highest percentage of units affordable to households at the lowest income levels and projects that propose the highest percentage of “sustainable energy supply” will have higher priority compared to projects with lower percentages.)
- Priority 5: Residential development project sponsored by and/or receiving funding from the Comprehensive Affordable Housing Collaborative (the Redevelopment Division of the Community and Economic and Development Department, Centre City Development Corporation, Southeastern Economic Development Corporation, and the San Diego Housing Commission) where at least 15 percent of the units are set aside for households with an income at or below 120 percent AMI.
- Priority 6: Residential development projects where at least 10 percent of the units on-site are set aside at no more than 65 percent AMI for rental units and at no more than 100 percent AMI for for-sale units as set forth in the City’s Inclusionary Housing Ordinance.
- Priority 7: Residential development projects where at least 10 percent of the units off-site are set aside at no more than 65 percent AMI for rental units and at no more than 100 percent AMI for for-sale units as set forth in the City’s Inclusionary Housing Ordinance.
- Priority 8: Urban In-fill housing project of 10 units or more as defined in Council Policy 600-27.
- Priority 9: Military Housing constructed by the Federal Government or through a contract with the Federal Government, for use by active military personnel and their families.

REFERENCES:

Related existing Council Policies:
900-14, Sustainable Building Policy

HISTORY:

Adopted by Resolution R-251516 03/31/1980
Amended by Resolution R-257053 08/24/1982
Amended by Resolution R-284238 07/05/1994
Amended by Resolution R-298001 05/20/2003

SUBJECT: AFFORDABLE & SUSTAINABLE DEVELOPMENT
POLICY NO.: 600-27
EFFECTIVE DATE: DRAFT

BACKGROUND:

Over the past decade, new housing development has not kept pace with job or population growth, resulting in housing costs that have increased at a much faster rate than income levels. Many diverse interests have come to realize the correlation between the availability of affordable housing and the quality of life of our residents, as well as the continued economic vitality of our city. Evidence has shown that the cost of delivering new housing units can be greatly impacted by government processes. Uncertain timelines and exhaustive permit review make it harder to quickly and inexpensively develop quality housing stock.

Additionally, studies have shown that construction practices have been at a high cost to the environment. The built environment consumes over 40 percent of total energy produced in this country and there remains the constant need to conserve finite resources and ensure that development practices are sustainable. Sustainable and energy efficient homes not only help protect the environment, they assist in keeping operating costs low in the long run, which helps achieve housing affordability.

While the City has undergone several process improvements and adopted policies and strategies that have helped promote housing construction and encourage sustainable building practices, more can be done; specifically in the area of reducing unnecessary regulations and streamlining reviews for affordable housing and sustainable development projects.

PURPOSE:

To establish a policy for expediting and streamlining the permit review processes in order to promote more affordable housing and sustainable development.

POLICY:

- A. Revise codes and regulations to help streamline permitting processes and remove unnecessary barriers in order to increase the supply of affordable and sustainable development projects.
- B. Create and implement a permit priority/expedite program that accelerates the discretionary and ministerial permit review times for new development projects that add to the City's overall affordable housing and sustainable building stock.
 1. City review times for discretionary permits under this policy should be 50 percent faster than standard project reviews, at least 80 percent of the time.
 2. City review times for ministerial permits under this policy should be 25 percent faster than standard project reviews, at least 80 percent of the time.
- C. The following are project types that the Council finds eligible for expedited review and permit process streamlining pursuant to this Council Policy.

1. Development projects that incorporate into the project design a percentage of housing dedicated for very low and low income families and workforce housing. Development projects that elect to pay In-Lieu fees to satisfy any affordable housing requirement should not be eligible.
 2. Residential or mixed-use development projects located within Transit Priority Areas as identified in the City's Climate Action Plan.
 3. Residential, commercial or industrial development located within the San Diego Promise Zone, as defined by the United States Department of Housing and Urban Development.
 4. Development projects that incorporate sustainable design and materials that go beyond State code requirements.
 5. Programs and legislative changes that further implement the City's Climate Action Plan.
- D. The City shall support local, State and Federal legislation that promotes or allows affordable housing, sustainable development, conservation of natural resources, and energy efficiency technology.
- E. The City shall actively promote and advertise the expedite program, and any code and regulation modifications consistent with this Council Policy, in an effort to raise awareness and encourage use.

HISTORY:

Adopted by Resolution R-251516 03/31/1980
 Amended by Resolution R-257053 08/24/1982
 Amended by Resolution R-284238 07/05/1994
 Amended by Resolution R-298001 05/20/2003

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SUBJECT: SUSTAINABLE BUILDING POLICY
POLICY NO.: 900-14
EFFECTIVE DATE: May 20, 2003

BACKGROUND:

Existing buildings and the building development industry consume nearly half of the total energy used in the United States. The City of San Diego's commitment to become increasingly efficient with resources, including energy, water, and materials associated with construction projects, is demonstrated in Council Policy 900-14 "Green Building Policy" adopted in 1997, Council Policy 900-16 "Community Energy Partnership," adopted in 2000, and the updated Council Policy 900-14 "Sustainable Buildings Expedite Program" adopted in 2001.

On April 16, 2002, the Mayor and City Council adopted CMR 02-060 which requires City projects to achieve the U.S. Green Building Council's LEED silver standard for all new buildings and major renovations over 5,000 square feet. This places San Diego among the most progressive cities in the nation in terms of sustainable building policies.

As a participant in the International Council for Local Environmental Initiatives (ICLEI) Cities for Climate Protection Program, as a Charter member in the California Climate Action Registry and as an active member of the U.S. Green Building Council, the City of San Diego is committed to reducing greenhouse gas emissions by implementing more sustainable practices, including green building technologies.

PURPOSE:

The purpose of this policy is to reassert the City's commitment to green building practices in City facilities, and to provide leadership and guidance in promoting, facilitating, and instituting such practices in the community.

POLICY:

The following principles will be required for all newly constructed facilities and major building renovation projects for City facilities:

LEED (Leadership in Energy and Environmental Design):

The LEED (Leadership in Energy and Environmental Design) Green Building Rating System is a voluntary, consensus-based national standard for developing high-performance, sustainable buildings. Members of the U.S. Green Building Council representing all segments of the building industry developed LEED and continue to contribute to its evolution.

The City of San Diego is committed to achieving LEED "Silver" Level Certification for all new City facilities and major building renovation projects over 5,000 square feet.

SUSTAINABLE BUILDING MEASURES:

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In addition to achieving LEED “Silver” Level Certification, Council Policy 900-14 encourages the following sustainable building measures for all newly constructed facilities and major renovation projects regardless of square footage:

1. Design and construct mechanical and electrical systems to achieve the maximum energy efficiency achievable with current technology. Consultants shall use computer modeling programs, (Energy Pro) to analyze the effects of various design options and select the set of options producing the most efficient integrated design. Energy efficiency measures shall be selected to achieve energy efficiencies at least 22.51% better than California’s Title 24.2001 standards for both new construction and major renovation projects.
2. Incorporate self-generation using renewable technologies to reduce environmental impacts associated with fossil fuel energy use. Newly constructed City facilities shall generate a minimum of 10%, with a goal of 20% from renewable technologies (e.g., photovoltaic, wind and fuel cells).
3. Eliminate the use of CFC based refrigerants in newly constructed facilities and major building renovations and retrofits for all heating, ventilation, air conditioning and refrigerant-based building systems.
4. Incorporate additional commissioning and measurement and verification procedures as outlined by LEED 2.0 Rating System, Energy and Atmospheres, credit 3 and credit 5 for all projects over 20,000 sq. ft.
5. Reduce the quantity of indoor air contaminants that are odorous or potentially irritating to provide installer(s) and occupant(s) health and comfort. Low-emitting materials will include adhesives, paints, coatings carpet systems, composite wood and agri-fiber products.
6. In order to maximize energy efficiency measures within these requirements, projects will combine energy efficiency measures requiring longer payback periods, with measures requiring shorter payback periods to determine the overall project period.
7. Comply with the storm water development requirements in the Storm Water Management and Discharge Control Ordinance (Municipal Code § 43.03), and the City’s grading and drainage regulations and implementing documents (MC § 142.01 and 142.02, respectively).

In addition to achieving the minimum sustainable building measure this Council Policy encourages the following measures be incorporated into newly constructed facilities and major renovation projects whenever possible:

1. Use high efficiency irrigation technology, drought tolerant native plants and recycled site water to reduce potable water for irrigation by 50%. Additionally, building water consumption should be reduced by 30%.
2. Limit disruption of natural water flows and minimize storm water runoff by minimizing building footprints and other impervious areas, increasing on-site infiltration, preserving

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and/or restoring natural drainage systems, and reducing contaminants introduced into San Diego's bays, beaches and the ocean.

3. Facilitate the reduction of waste generated by building occupants that is hauled to and disposed of in landfills. Provide an easily accessible area that serves the entire building and is dedicated to the separation, collection and storage of materials for recycling. Recycling should include paper, glass, plastic and metals at a minimum.
4. Incorporate building products that have recycled content reducing the impacts resulting from the extraction of new materials. Newly constructed City facilities shall have a minimum of 25% of building materials that contain in aggregate, a minimum weighted average of 20% post consumer recycled content materials.
5. Reduce the use and depletion of finite raw and long-cycle renewable materials by replacing them with rapidly renewable materials. Newly constructed City facilities should consider incorporating rapidly renewable building materials for 5% of the total building materials.
6. Establish minimum indoor air quality (IAQ) performance to prevent the development of indoor air quality problems in buildings, maintaining the health and well being of the occupants. Newly constructed City facilities will comply with IAQ by conforming to ASHRAE 62-1999.
7. City buildings will be designed to take the maximum advantage of passive and natural sources of heat, cooling, ventilation and light.

The Environmental Services Department, Energy Conservation and Management Division has been designated by this Council Policy as the clearing authority for issues relating to energy for the City of San Diego. The Energy Conservation and Management Division will enter into a Memorandum of Understanding with those City Departments who design, renovate and build new city owned facilities to insure all new City facilities reflect the intent of Council Policy 900-14.

PRIVATE-SECTOR/INCENTIVES:

It shall be the policy of the City Council to expedite the ministerial process for projects which meet the following criteria:

1. Residential projects that provide 50% of their projected total energy use utilizing renewable energy resources, (e.g., photovoltaic, wind and fuel cells).
2. Commercial and industrial projects that provide 30% of their projected total energy use utilizing renewable energy resources, (e.g., photovoltaic, wind and fuel cells).
3. Residential and commercial and industrial projects that exceed the State of California Title 24 energy requirements by:
 - a. 15% better than California's Title 24.2001 for Residential Buildings.
 - b. 10% better than California's Title 24.2001 for Commercial and Industrial Buildings.

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It shall be the policy of the City Council to expedite the discretionary process for projects which meet the following criteria:

1. Incorporate the U.S. Green Building Council, Leadership in Energy and Environmental Design (LEED) 2.0 Rating System “Silver” Level Certification for commercial development projects.
2. Incorporate self-generation through renewable technologies (e.g., photovoltaic, wind and fuel cells) to reduce environmental impacts associated with fossil fuel energy use for commercial and industrial projects generating a minimum of 30% or more of the designed energy consumption from renewable technologies such as photovoltaic, wind and fuel cells.
3. Residential discretionary projects of 4 units or more within urbanized communities as defined in the Progress Guide and General Plan that provide 50% of their projected total energy use utilizing renewable energy resources.

HEALTH AND RESOURCE CONSERVATION:

1. Projects will be designed to avoid inflicting permanent adverse impact on the natural state of the air, land and water, by using resources and methods that minimize pollution and waste, and do not cause permanent damage to the earth, including erosion.
2. Projects will include innovative strategies and technologies such as porous paving to conserve water, reduce effluent and run-off, thus recharging the water table.
3. When feasible, native plants will be used in landscaping to reduce pesticide, fertilizer, and water usage.
4. Buildings will be constructed and operated using materials, methods, mechanical and electrical systems that ensure a healthful indoor air quality, while avoiding contamination by carcinogens, volatile organic compounds, fungi, molds, bacteria, and other known toxins.
5. Projects will be planned to minimize waste through the use of a variety of strategies such as: a) reuse of materials or the highest practical recycled content; b) raw materials derived from sustainable or renewable sources; c) materials and products ensuring long life/durability and recyclability; d) materials requiring the minimum of energy and rare resources to produce and use; and e) materials requiring the least amount of energy to transport to the job site.

OUTREACH / EDUCATION:

1. An education and outreach effort will be implemented to make the community aware of the benefits of “Green Building” practices.

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2. The City will sponsor a recognition program for innovative Green Building projects implemented in the public as well as private sector in an effort to encourage and recognize outstanding environmental protection and energy conservation projects.

IMPLEMENTATION:

The City will seek cooperation with other governmental agencies, public interest organizations, and the private sector to promote, facilitate, and implement Green Building and energy efficiency in the community.

LEGISLATION:

The City will support State and Federal legislation that promotes or allows sustainable development, conservation of natural resources, and energy efficiency technology.

REFERENCES:

Related existing Council Policies:

400-11, Water Conservation Techniques

400-12, Water Reclamation/Reuse

900-02, Energy Conservation and Management

900-06, Solid Waste Recycling

HISTORY:

Adopted by Resolution R-289457 11/18/1997

Amended by Resolution R-295074 06/19/2001

Amended by Resolution R-298000 05/20/2003

Article 3: Land Development Terms

(Added 12-9-1997 by O-18451 N.S.)

Division 1: Definitions

(“Definitions” added 12-9-1997 by O-18451 N.S.)

§113.0103

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

Article 6: Development Permits

Division 4: Neighborhood Development Permit Procedures

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§126.0401 Purpose of The Neighborhood Development Permit Procedures

[No change in text]

§126.0402 When a Neighborhood Development Permit Is Required

- (a) A Neighborhood Development Permit is required for the following types of *development* on sites with *previously conforming premises* or uses:

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

(b) through (o) [No change in text]

(p) A Neighborhood Development Permit is required for development meeting the eligibility criteria for Affordable Housing/In-Fill Projects and Sustainable Buildings pursuant to Sections 143.0915, 126.0503, or 126.0603.

§126.0403 Decision Process for a Neighborhood Development Permit

[No change in text]

§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. Affordable Housing Density Bonus development pursuant to Section 143.0710 is not subject to findings unless the proposed *development* will exceed the allowed incentives.

- (a) Findings for all Neighborhood Development Permits

- (1) The proposed *development* will not adversely affect the applicable *land use plan*;
- (2) The proposed *development* will not be detrimental to the public health, safety, and welfare; and
- (3) The proposed *development* will comply with the applicable regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

(b) Supplemental Findings--Environmentally Sensitive Lands

A Neighborhood 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 126.0404(a):

(1) through (4) [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 Section 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) Supplemental Findings-- Important Archaeological Sites and Traditional Cultural Properties

[No change in text]

(e) Supplemental Findings – Additional Intensity for Non-residential Development in the Brown Field or Montgomery Field Airport Influence Areas. The *applicant* shall demonstrate that the building has been designed to minimize risk and increase the safety of the occupants beyond the minimum requirements of the California Building Code through evaluation of the following:

[No change in text]

(f) Supplemental Findings – Affordable Housing/In-Fill Projects or Sustainable Building 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 proposed development will assist in accomplishing the goal of providing affordable housing/in-fill projects or sustainable building opportunities;

(2) The proposed deviations are appropriate for this location.

(g) Supplemental Findings – Development with increased density per adopted land use plan

A Neighborhood Development Permit in accordance with Section 143.0402, because the applicant has proposed a multiple dwelling unit residential development with increased density per the adopted land use plan, 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 proposed development will assist in accomplishing the goal of providing affordable housing/in-fill projects or sustainable building opportunities;

(2) The proposed deviations are appropriate for this location.

Article 6: Development Permits

Division 5: Site Development Permit Procedures

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§126.0501 Purpose of the Site Development Permit Procedures

[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) though (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 indicated in Table 126-05A on *lots* which are consolidated or otherwise joined together for the purpose of accommodating the *development*. This section does not apply to Affordable Housing, In-Fill Projects or Sustainable Buildings, as described in section 143.0915.

Table 126-05A
Multiple Dwelling Unit Developments
Requiring a Site Development Permit

Multiple dwelling unit zones	Number of dwelling units on consolidated <i>lots</i>
RM-1-1	3 Dwelling Units
RM-1-2	4 Dwelling Units
RM-1-3	7 Dwelling Units
RM-2-4	9 Dwelling Units

Multiple dwelling unit zones	Number of dwelling units on consolidated <i>lots</i>
RM-2-5	11 Dwelling Units
RM-2-6	16 Dwelling Units
RM-3-7	19 Dwelling Units
RM-3-8	20 Dwelling Units
RM-3-9	20 Dwelling Units
RM-4-10	20 Dwelling Units
RM-4-11	20 Dwelling Units

~~(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. This section does not apply to Affordable Housing, In-Fill Projects or Sustainable Buildings, as described in section 143.0915. :
 - (2) though (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) though 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) though (g) [No change in text]

§126.0503 Exemption from a Site Development Permit

Development consistent with Affordable Housing/In-Fill Development and Sustainable Buildings in accordance with Section 143.0915 that requires a Site Development Permit in accordance with the applicable Sections in 126.0502 may be processed in accordance with a Process Two Neighborhood Development Permit provided the findings in Section 126.0404(a) are made, including supplemental findings in Section 126.0404(f), if a deviation is requested.

§126.0503³⁴ Decision Processes for Site Development Permits

[No change in text]

§126.050~~45~~ 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 126.050~~45~~(a) and the supplemental *findings* in Section 126.050~~45~~(b) through ~~(e)~~(n) that are applicable to the proposed *development* as specified in this section.

(a) Findings for all Site Development Permits

(1) through (3) ~~[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 126.050~~45~~(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 126.050~~45~~(a) and the supplemental *findings* in Section 126.050~~45~~(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 126.050~~45~~(a) and the supplemental *findings* in Sections 126.050~~45~~(b) and 126.050~~45~~(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 126.050_45(a) and the supplemental *findings* in Section 126.050_45(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 126.050_45(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 126.050_45(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 126.050_45(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 126.050 45(a):

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- (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 126.050 45(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 126.050 45(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 126.050 45(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 126.0404 ~~5~~(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 126.050 ~~4~~5(a):

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

§126.050~~5~~6 Violations of a Site Development Permit

[No change in text]

Article 6: Development Permits
Division 6: Planned Development Permit Procedures

§126.0601 Purpose of the Planned Development Permit Procedures

[No change in text]

§126.0602 When a Planned Development Permit May Be Requested

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

§126.0603 Exemption from a Planned Development Permit

Development consistent with Affordable Housing/In-Fill Development and Sustainable Buildings in accordance with Section 143.0915 that requires a Planned Development Permit in accordance with the applicable Sections in 126.0602 may be processed in accordance with a Process Two Neighborhood Development Permit provided the findings in Section 126.0404(a) are made, including supplemental findings in Section 126.0404(f), if a deviation is requested.

§126.060~~34~~ Decision Process for Planned Development Permits

(a) through (c))

[No change in text]

§126.060~~45~~ 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 126.060~~45~~(a) and the supplemental *findings* in Section 126.060~~45~~(b)-(c) that are applicable to the proposed *development* as specified in this section.

(a) (1) through 3 [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 126.060~~45~~(a):

(1) though (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 126.060 45(a):

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

§126.060~~56~~ Violations of a Planned Development Permit

[No change in text]

Article 6: Development Permits Division 7: Coastal Development Permit Procedures

§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) Finding for all Coastal Development Permits

(1) though (4) [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 126.0708(a) and the supplemental *findings* in Section 126.050~~45~~(b):

Article 2: Overlay Zones

Division 14: Community Plan Implementation Overlay Zone

§132.1401 Purpose of the Community Plan Implementation Overlay Zone

[No change in text]

§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 table]

(b) [No change in text]

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

Type of <i>Development</i> Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(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

- ¹. Affordable Housing/In-Fill Projects/Sustainable Buildings as described in Section 143.0915(b)(4) shall be processed with a Neighborhood Development Permit/Process Two.

§143.0110 When Environmentally Sensitive Lands Regulations Apply

[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 Hill-sides⁽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⁾</i>	R	143.0141(a),(b)	143.0141	143.0142 except (a) ⁽⁵⁾	143.0143, 143.0144	143.0145 143.0146
	P	NDP/ Process Two	NDP/ Process Two	NDP/ Process Two	SDP/ Process Three	NDP/ Process Two
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
2. <i>Single dwelling units on lots or multiple lots totaling more than 15,000 square feet</i>	R	143.0141(a),(b)	143.0141	143.0142	143.0143, 143.0144	143.0145
	P	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
3. <i>Multiple dwelling unit and non-residential development and public works projects</i>	R	143.0141(a),(b)	143.0141	143.0142	143.0143, 143.0144	143.0145 143.0146
	P	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three
	U	143.0130(d),(e)		--	143.0130(a), (b)	143.0130(c)
4. <i>Any subdivision of a premises</i>	R	143.0141(a),(b)	143.0141	143.0142 ⁽³⁾	143.0143, 143.0144	143.0145 143.0146
	P	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four
	U	143.0130(d),(e)	--	--	143.0130 (a), (b)	143.0130 (c)
5. <i>Project-specific land use plans</i>	R	143.0141(a),(b), 143.0115	143.0141, 143.0115	143.0142, 143.0115	143.0143, 143.0144, 143.0115	143.0115, 143.0145 143.0146

Environmentally Sensitive Lands Potentially Impacted by Project						
Type of Development Proposal		Wetlands, listed species habitat⁽¹⁾	Other Sensitive Biological Resources other than Wetlands and listed species habitat⁽⁶⁾	Steep Hillides⁽⁶⁾	Sensitive Coastal Bluffs and Coastal Beaches	Floodplains
	P	SDP/Process Four/Five	SDP/Process Four/Five	SDP/Process Four/Five	SDP/Process Four/Five	SDP/Process Four/Five
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
6. Any development that proposes deviations from any portion of the <i>Environmentally Sensitive Lands Regulations</i> , except capital improvement program projects	R	143.0141(a),(b), 143.0150	143.0141, 143.0150	143.0142, 143.0150 ⁽⁴⁾	143.0143, 143.0144, 143.0150	143.0145, 143.0146, 143.0150
	P	SDP/Process Four	SDP/Process Four	SDP/Process Four	SDP/Process Four	SDP/Process Four
	U	143.0130(d),(e)-	--	--	143.0130(a), (b)	143.0130(c)
7. Development other than single dwelling units on individual lots, that proposes alternative compliance for development area in steep hillsides.	R	--	--	143.0142 except (a), 143.0151	--	--
	P	--	--	SDP/Process Four	--	--
	U	--	--	--	--	--
8. Any capital improvement program project determined to be in compliance with the <i>Environmentally Sensitive Lands Regulations</i> without deviation	R	143.0141(a), (b)	143.0141	143.0142	143.0143, 143.0144	143.0145, 143.0146
	P	SDP/Process CIP-Two	SDP/Process CIP-Two	SDP/Process CIP-Two	SDP/Process CIP-Two	SDP/Process CIP-Two
	U	143.0130(d), (e)	--	--	143.0130(a), (b)	143.0130(c)
9. Any capital improvement program project that deviates from the <i>Environmentally Sensitive Lands Regulations</i>	R	143.0141(a), (b), 143.0150	143.0141, 143.0150	143.0142, 143.0150 ⁽⁴⁾	143.0143, 143.0144, 143.0150	143.0145, 143.0146, 143.0150
	P	SDP/Process CIP-Five	SDP/Process CIP-Five	SDP/Process CIP-Five	SDP/Process CIP-Five	SDP/Process CIP-Five
	U	143.0130(d), (e)	--	--	143.0130(a), (b)	143.0130(c)

Legend to Table 143-01A	
R	Development regulation sections (in addition to Section 143.0140) applicable to the <i>environmentally sensitive lands</i> present.
P	Type of Permit/Decision process required. Neighborhood Development Permit (NDP) Site Development Permit (SDP)
U	Regulations that identify permitted uses when they are different than the applicable zone due to the <i>environmentally sensitive lands</i> present.

Footnotes to Table 143-01A

- ¹ State and federal laws and regulations regulate adverse impacts to *wetlands* and listed species habitat. The City does not have incidental take authorization for listed species within federal jurisdictional waters.
- ² This includes the *development* of one or more *lots* as long as the total area of the *lots* does not exceed 15,000 feet and the *lots* were not joined in ownership to any contiguous *lot* or parcel on or before the adoption date of this division so that the total area of contiguous ownership exceeded 15,000 square feet.
- ³ Outside the Coastal Overlay Zone, *subdivision* of a *premises* less than 15,000 square feet (for *single dwelling unit development*) is not subject to Section 143.0142(a).
- ⁴ *Development* other than a *single dwelling unit* on an individual *lot* may use alternative compliance for development area in *steep hillsides* that does not comply with Section 143.0142(a).
- ⁵ Within the Coastal Overlay Zone, *single dwelling units* on individual *lots* equal to or less than 15,000 square feet are subject to Section 143.0142(a).
- ⁶ Affordable Housing/In-Fill Projects/Sustainable Buildings as described in Section 143.0915 shall be processed with a Neighborhood Development Permit/Process Two subject to Section 143.0920(b).

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

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

**§143.0301 Purpose of Supplemental Neighborhood Development Permit and Site
Development Permit Regulations**

[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.

Legend for Table 143-03A

NDP	Neighborhood Development Permit
SDP	Site Development Permit

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

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process
Affordable <u>Housing</u> /In-Fill <u>Housing Projects</u> and Sustainable Building Projects with Deviations	143.0910, 143.0915, 143.0920	<u>SDP NDP</u> /Process <u>Four Two</u>
<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</i>	143.0303, 143.0305, 143.0355, 143.0375	NDP/Process Two
<i>Development of a large retail establishment of 100,000 or more square feet gross floor area in all commercial and industrial zones, and in all planned districts</i>	143.0303, 143.0305, 143.0355, 143.0375	SDP/Process Four
Site Containing <i>Environmentally Sensitive Lands</i>	143.0101-143.0160, 143.0303, 143.0305, 143.0350, 143.0375, 143.0380	NDP/Process Two or SDP/Process Three or Four
<i>Any capital improvement program project on a Site Containing Environmentally Sensitive Lands</i>	143.0101-143.0160, 143.0303, 143.0305, 143.0350, 143.0375, 143.0380	SDP/Process CIP-Two or SDP/Process CIP-Five
<i>Any capital improvement program project on a Site Containing Historical Resources</i>	143.0201, 143.0260, 143.0303, 143.0305, 143.0360, 143.0375, 143.0380	SDP/Process CIP-Two or SDP/Process CIP-Five

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process
Site Containing <i>Historical Resources</i>	143.0201, 143.0260, 143.0303, 143.0305, 143.0360, 143.0375, 143.0380	NDP/Process Two or SDP/Process Four
<i>Fences or Retaining Walls</i> Exceeding the Permitted Height	143.0303, 143.0305, 142.0350, 143.0375	NDP/Process Two
Relocated Building Onto a Site With an Existing Building	143.0303, 143.0305, 143.0345, 143.0375	NDP/Process Two
Site with <i>Previously Conforming</i> Conditions	127.0102-127.0106, 143.0303, 143.0305, 143.0375	NDP/Process Two
Nonresidential <i>Development</i> Exceeding the Maximum Permitted Parking	142.0540(b), 143.0303, 143.0305, 143.0375	NDP/Process Two
Shared Parking for Uses Not Listed in Section 142.0545(c)	142.0545(b)(7), 143.0303, 143.0305, 143.0375	NDP/Process Two
Commercial <i>Development</i> With Tandem Parking	142.0555(b), 143.0303, 143.0305, 143.0375	NDP/Process Two
<i>Previously Conforming Parking</i> for a discontinued use	142.0510(d)(4), 143.0303, 143.0305, 143.0375	NDP/Process Two
<i>Mobilehome Parks</i> in RM Zones	143.0303, 143.0305, 143.0340, 143.0375	NDP/Process Two
<i>Mobilehome Parks</i> in RS, RX Zones	143.0303, 143.0305, 143.0340, 143.0375	SDP/Process Three
Discontinuance of <i>Mobilehome Park</i>	143.0610-143.0640, 132.0701-132.0705, 143.0303, 143.0305, 143.0375	SDP/Process Three
Multiple Dwelling Unit <i>Development</i> that Varies from Minimum Parking Requirements	142.0525(b), 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
Nonresidential <i>Development</i> (With TDM Plan) that	142.0525(b), 143.0303, 143.0305,	SDP/Process Three

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process
Varies from Minimum Parking Requirements	143.0375, 143.0380	
Community Plan Implementation Overlay Zone	132.1401-132.1405, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
Mission Trails Design District	132.1201-132.1205, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
<i>Development of a small lot subdivision</i> in accordance with Section 143.0365	143.0303, 143.0305, 143.0310, 143.0365, 143.0375	SDP/Process Three
<i>Development Within the Urban Village Overlay Zone</i>	132.1101-132.1110, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
<i>Public improvements</i> on More Than 3,000 Feet of Frontage or Where City Standards Do Not Apply	142.0601-142.0670, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
<i>Any capital improvement program project</i> on More Than 3,000 Feet of Frontage or Where City Standards Do Not Apply	142.0601-142.0670, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process CIP-Two
Manufactured Slopes in Excess of 25% Gradient and 25 Feet in Height	142.0101-142.0149, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three
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
<i>Condominium Conversions</i> with Deviations from Development Regulations	143.0303, 143.0305, 143.0360, 143.0375	SDP/Process Four

Article 3: Supplemental Development Regulations

Division 4: Planned Development Permit Regulations

(Added 12-9-1997 by O-18451 N.S.)

§143.0401 Purpose of Planned Development Permit Regulations

[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</i> residential <i>development</i> with increased <i>density</i> per the adopted <i>land use plan</i> ⁽³⁾	143.0403, 143.0410, 143.0455, <u>143.0915</u>	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> ⁽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 Table 143-04A

- ¹ The Planned Development Permit shall be decided in accordance with the highest level decision process that could have applied to the *development*.

² A Planned Development Permit may not be requested for a *single dwelling unit* on an individual, *single dwelling unit lot*.

³ Affordable Housing/In-Fill Projects and Sustainable Buildings may be processed pursuant to a Neighborhood Development Permit in accordance with Section 143.0915.

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 126.060 5(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* offsite 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 126.0606.

(c) though (e) [No change in text]

Article 3: Supplemental Development Regulations

Division 9: Affordable Housing/In-Fill Housing Projects and Sustainable Buildings Development Regulations (Added 6-3-2003 by O-19186 N.S.)

§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.

(Added 6-3-2003 by O-19186 N.S.)

(Amended 3-1-2006 by O-19466 N.S; effective 4-1-2006.)

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

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

(a) Affordable Housing

~~(b)~~ Residential *development* (including both for-sale and for-rent affordable housing *dwelling units*) in accordance with Section 142.1305 Chapter 14, Article 2, Division 13: Inclusionary Affordable Housing Regulations.

~~(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 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 area median income, as determined by the San Diego Housing Commission for a period of no less than 55 years. -

~~(d)~~ (4) Residential *development* ~~of where a minimum of 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~~ area median income, as determined by the U.S. Department of Housing and Urban Development and published by the Housing Commission, for a period of no less than 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 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) ~~(f)~~ ——— 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 (5d).

——— In-Fill Projects

~~(b)~~ _____

~~(h)~~ (1) ——— Residential, commercial, or industrial development located within the San Diego Promise Zone.

~~(i)(h)~~ (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 Section 143.0402, where the applicant has proposed a multiple dwelling unit residential development with increased density per the adopted land use plan.

(4) Residential development in the Community Plan Implementation Overlay Zone designated “Type A or 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 Voluntary Tier 2 Measures of Title 24, Part 11 California Green Building Standard Code (CGBSC) 2016, as adopted and amended in Chapter 14, Article 2, Division 1, or Voluntary Tier 2 Measures of CGBSC in effect at the time the building permit application is deemed complete, whichever is more restrictive.

(Added 6-3-2003 by O-19186 N.S.)

(Amended 3-1-2006 by O-19466 N.S; effective 4-1-2006.)

(Amended 4-8-2008 by O-19734 N.S; effective 5-8-2008.)

(Amended 11-13-08 by O-19805 N.S; effective 12-13-2008.)

(Amended 4-5-2016 by O-20634 N.S.; effective 5-5-2016.)

[Editors Note: Amendments as adopted by O-20634 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language

http://docs.sandiego.gov/municode_strikeout_ord/O-20634-SO.pdf

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

The following *development* in accordance with Section 143.0915 may be processed pursuant to a Neighborhood Development Permit in accordance with a Process Two decision, except as provided in Section 143.0920 (d). -

(a) Development that proposes ~~D~~deviations from the applicable development 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 in Section 126.0504~~5~~ (a) and the supplemental findings in Section 126.0504 ~~5~~(~~mb~~) 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 143.0151, provided that the -findings in Sections 126.0404(a) and (b) are made. In the event a deviation is requested, supplemental findings in Section 126.0404(c) shall also be made.

(c) Multiple dwelling unit residential *development* with increased density per the 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-(1)~~ Within the Coastal Overlay Zone, a deviation from the requirements of the Environmentally Sensitive Lands Regulations (Chapter 14, Article 3, Division 1).

- ~~2~~(2) A deviation from the requirements of the Coastal Height Limit Overlay Zone (Chapter 13, Article 2, Division 5).
- ~~3~~(3) Within the Coastal Overlay Zone, a deviation from the requirements of the Parking Impact Overlay Zone (Chapter 13, Article 2, Division 8).

(Added 6-3-2003 by O-19186 N.S.)

(Amended 3-1-2006 by O-19466 N.S.; effective 4-1-2006.)

(Amended 7-22-2009 by O-19877 N.S; effective 8-21-2009.)

§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 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 126.060 34 , 126.060 45 , 126.060 56 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 126.060 34 , 126.060 45 , 126.060 56 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 126.060 34 , 126.060 45 , 126.060 56 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 126.060 34 , 126.060 45 , 126.060 56 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 126.060 34 , 126.060 45 , 126.060 56 and 143.0410	Planned Development Permit/Process 3