

Attachment E

**AN ORDINANCE AMENDING SECTION 7609 OF
THE COUNTY OF SAN DIEGO ZONING
ORDINANCE RELATING TO MINOR DEVIATION
OF PLAN (Strike-out/Underline Copy)**

ORDINANCE NO. _____ (NEW SERIES)

**AN ORDINANCE AMENDING SECTION 7609 OF THE COUNTY OF SAN DIEGO ZONING ORDINANCE
RELATING TO MINOR DEVIATION OF PLAN (Strike-out/Underline Copy)**

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the County of San Diego Zoning Ordinance should be updated by amending Section 7609. Minor Deviation of Plan. The Board finds that these amendments are reasonable and necessary to streamline operations and business efficiency; provides consistency between California Code of regulations and local permit processes; and supports efforts to protect environmental resources.

Section 2. Section 7609 of the County of San Diego Zoning Ordinance is hereby amended to read as follows:

7609 MINOR DEVIATION FROM PLAN.

A Minor Deviation to an Administrative Permit, Variance, Site Plan Permit or Use Permit may be authorized in accordance with the following provisions:

- a. Intent. This section provides for situations where it is necessary to deviate from an approved permit decision and associated approved plans in a minor way which is in substantial conformance with the purpose and intent of the related Administrative Permit, Variance, Site Plan Permit or Use Permit and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. This section provides for flexibility in the implementation of an Administrative Permit, Variance, Site Plan Permit or Use Permit by permitting a Minor Deviation to be administratively granted by the Director. It is not the intent of this section to allow a deviation from the plan which would violate the intent and purpose of the related Administrative Permit, Variance, Site Plan Permit or Use Permit or any of its conditions, or to allow any action or use for which an Administrative Permit, Variance, Site Plan Permit or Use Permit would otherwise be required by The Zoning Ordinance and which is not specifically allowed by the approved decision.
- b. Jurisdiction. The Director may authorize a Minor Deviation from a plan referred to in an Administrative Permit, Variance, Site Plan Permit or Use Permit granted by the Board of Supervisors, the Planning Commission, or the Director.
- c. Required Findings. A Minor Deviation from an approved permit shall be authorized only after finding that:
 1. The requested deviation does not constitute a substantial change in the Administrative Permit, Variance, Site Plan Permit, or Use Permit, as allowed pursuant to the permit decision;
 2. The requested deviation will not adversely affect adjacent property or property owners; and
 3. A Summary table and complete description of all proposed changes has been added to the project file, prepared and signed by the property owner(s), indicating the total cumulative percent change of an area, size, height or other deviation from the original permit approval. Any subsequent deviation shall include a revised summary and calculation pursuant to this subsection.

- d. Limitations. A deviation from an approved permit, or deviations having a cumulative effect, may be allowed in accordance with the following limitations:
1. A cumulative increase or decrease from the original approved plan of up to 10 percent of the following:
 - i. The gross area of any yard, open space, working area, parking area or other area regulated by the permit, provided that no decrease may be permitted in any required yard for which an exception pursuant to Section 4813 or a Variance is required;
 - ii. the size of any building or structure or of the total land area covered by any building or structure;
 - iii. the height of any building or structure or of any part thereof, or of the depth or area of an excavation, slope or working area;
 - iv. In the cases of Use Permits and Site Plan permits, the number of buildings or structures shown on the original approved plan provided the total land area covered by all buildings and structures does not increase or decrease more than 10 percent; or
 - v. A sign or sign program subject to a Community Design Review, Historic Landmark, Historic District or Design Review special area regulations designator may be approved upon due consideration of the recommendation of the applicable Design Review Board, Historic Site Board, Historic District Review Board, or Community or Subregional Planning Group. However, a change of copy, colors or print type, without a change to the overall size of the sign is not subject Design Review Board of Community or Subregional Planning Group Review.
 - vi. In calculating the cumulative increase or decrease from the original approved plan, project change(s) required to comply with changes in State or Federal regulatory requirements shall be provided an additional 10 percent change allowance if all of the following are met:
 - i. A determination shall be made that the project change(s) do not result in a new or substantially increased significant impact in accordance with the California Environmental Quality Act (CEQA).
 - ii. A determination shall be made that the project change(s) do not result in the creation of a situation that would be detrimental to the health, safety, or welfare of the public.
 - iii. A determination shall be made that the project change(s) do not result in the elimination of project features required to meet other County of San Diego code requirements, including, but not limited to the following:
 - (1) Elimination of a trail that provides a connection through the project that is needed for regional connectivity.
 - (2) Reduction in the overall amount of parkland approved with the original project.
 - (3) Elimination of roads that are needed for emergency access, travel time, or to handle the traffic generated by the project.

- (4) Reduction of area needed for required water supply well or onsite wastewater treatment system and reserve area.

Section 3. This ordinance shall take affect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the San Diego Commerce, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this ____th day of ____, 2021.

Approved as to form and legality

By: Randall Sjoblom, Senior Deputy County Counsel