

ORDINANCE NO. 10983 1 1973
(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,
DIVISION 9 OF THE SAN DIEGO MUNICIPAL CODE
BY ADDING SECTION 101.0910 RELATING TO
PLANNED COMMERCIAL DEVELOPMENTS.

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

Section 1. That Chapter X, Article 1, Division 9 of
the San Diego Municipal Code be amended by adding Section
101.0910 to read as follows:

SEC. 101.0910 PLANNED COMMERCIAL DEVELOPMENTS

A. PURPOSE AND INTENT

It is the purpose of the Planned Commercial Develop-
ment regulations to promote and facilitate imaginative,
innovative and comprehensively planned commercial develop-
ments integrating compatible activities which are harmo-
niously designed to compliment the surrounding community.

It is further the purpose of these regulations to
encourage the highest standards of architecture and
site planning which will foster compact commercial
developments with pedestrian convenience and human scale.

It is intended that the Planned Commercial Develop-
ment regulations will be utilized in creating new community
commercial centers as well as applied to properties in
established commercial zones as a viable alternative to

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existing regulations when it is in the public interest to do so. It is further intended that these regulations will provide a vehicle whereby development phasing programs may be established to ensure the orderly development of commercial facilities commensurate with the requirements necessitated by population growth in the supporting service area.

B. DEFINITION AND LOCATIONAL CRITERIA

A Planned Commercial Development is a predominantly commercial project designed and improved in accordance with a comprehensive project plan. It may be subject to a development phasing program reflecting anticipated needs of projected population growth in the service area of the project. A Planned Commercial Development may be located within any commercial zoning district except CP (Commercial Parking), and may include residential, office, institutional, cultural, selected, light manufacturing and recreational uses and facilities.

C. USES

The following uses may be permitted within any Planned Commercial Development subject to a Planned Commercial Development Permit; provided, however, that any limitations on permitted uses embodied within the regulations of the underlying zones referred to in this paragraph shall not apply:

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1. Any use permitted in the C, C-1, CA, CO, CN and CR Zones.
2. The following uses may be permitted:
 - a. Educational institutions, including, but not limited to, business and trade schools.
 - b. Nursery schools and daycare centers.
 - c. Public and private parking facilities.
 - d. Teaching of the fine arts, including, but not limited to, music, drawing, painting, sculpture, drama and dancing.
 - e. Veterinary clinics, provided, however, that attendant boarding kennels shall not be permitted.
 - f. Automobile service stations.
 - g. Hospitals and emergency medical facilities.
 - h. Nonprofit institutions whose primary purpose is the promotion of public health and welfare.
 - i. Radio or television transmission stations.
3. Residential uses including:
 - a. Single-family cluster developments as typified by townhouses, patio houses, rowhouses and atrium houses.
 - b. Multi-family developments, including rental apartments, condominiums and cooperatives.

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- c. Boarding and lodging houses.
- 4. Public facilities, including, but not limited to, the following:
 - a. Branch public libraries.
 - b. Municipal offices.
 - c. Fire stations and police precinct stations and community relations offices.
- 5. Limited light industrial "handicraft" uses as listed below; provided, however, that no such use shall exceed a gross floor area of 5,000 square feet and, further provided, that a minimum of 50 percent of the total gross floor area shall be reserved for retail sales.
 - a. Jewelry.
 - b. Pottery.
 - c. Leather goods.
 - d. Candle makers.
 - e. Cabinet makers.
 - f. Handcrafted footwear.
 - g. Woodworking.
 - h. Greeting cards.
 - i. Glass blowers.
 - j. Light metal working.
 - k. Watchmakers.

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6. Any other use which the Planning Commission may find to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of these regulations.
7. Accessory uses for any of the foregoing permitted uses including signs; provided, however, that signs shall conform to the provisions of Chapter X, Article 1, Division 7 of this Code except as otherwise provided for in the CS and CA-S Zones.

D. DESIGN CRITERIA

The Planned Commercial Development shall observe the following design criteria:

1. The overall plan shall be comprehensive, embracing land, buildings, landscaping and their interrelationships and shall not adversely affect the Progress Guide and General Plan for the City of San Diego or any adopted community or precise plan or the adopted plan of any governmental agency.
2. The plan shall provide for adequate permanent open areas, circulation, off-street parking, and pertinent pedestrian amenities. Building structures and facilities and accessory uses in the parcel shall be well integrated, oriented and related to the topographic and natural features of the site.

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3. The proposed development shall be compatible with existing and planned land use on adjoining properties and with circulation capacity of the area and shall not constitute a disruptive element to the neighborhood and community.
4. The internal street system shall be an integral feature of the overall design. It shall be designed for the efficient and safe flow of vehicles without creating a disruptive influence on the activity and function of any area or facility.
5. Common area and recreational facilities shall be located so as to be readily accessible to the occupants of residential uses.
6. Compatibility of architectural design and appearance, including signing throughout the development, and all such freestanding peripheral uses as service stations and drive-in or drive-through restaurants, shall be sought. In addition, architectural harmony with the surrounding neighborhood and community shall be achieved so far as practicable.
7. Where applicable, an adequate variety of uses and facilities shall be provided in order to meet the needs of the surrounding community.

8. Where construction of a Planned Commercial Development is to be phased over a predetermined time period, the phasing program shall be based upon the projected population growth of the designated economic support area.

E. MINIMUM DEVELOPMENTAL STANDARDS

A Planned Commercial Development shall comply with the requirements of the underlying commercial zone except as otherwise provided herein:

1. A minimum of 10 percent of the entire parcel area covered by the Planned Commercial Development Permit shall be placed in landscaped open areas. Such areas may include significant natural features of the site such as geologic outcroppings and unique vegetation. Landscaped areas within parking lots or areas shall not be included as part of this minimum required area.
2. A minimum of 10 percent of the total gross area of all parking lots or areas, not including parking structures or underground parking facilities, shall be landscaped. Such areas may include significant natural features of the site such as geologic outcroppings and unique vegetation.

3. Building coverage of the parcel shall not exceed 50 percent of the entire parcel area.
4. All uses shall be conducted entirely within an enclosed building. Outdoor storage of merchandise is permitted, provided the storage area is completely enclosed by walls, fences, buildings, landscape screening or a combination thereof. Walls or fences shall be solid and not less than six feet in height and; provided, further, that no merchandise, material or equipment is stored to a height greater than any adjacent wall, fence, building, or landscape screening. Landscape screening proposals shall require approval by the Planning Commission.
5. No mechanical equipment, tank, duct, elevator enclosure, cooling tower or mechanical ventilator or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed structure whose top and sides may include grillwork, louvers and latticework.
6. No merchandise, supplies or equipment shall be stored on the roof of any building.

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7. Merchandise customarily displayed outdoors may be displayed in open unenclosed areas on the premises of a Planned Commercial Development in which they would normally be displayed or offered for sale.
8. For all boundaries of the Planned Commercial Development not immediately adjoining dedicated and improved public streets and highways, there shall be erected screening walls of solid material or landscape screening. The height and design of such walls or landscape screening and the materials utilized shall be determined by the Planning Commission.
9. The provision of off-street parking shall conform to the requirements of the underlying commercial zone.
10. All areas within the boundaries of the Planned Commercial Development which are required to be landscaped shall be landscaped with live plant material and provided with a permanent underground watering system in accordance with the standards adopted by the Planning Commission as set forth in the document entitled, "Development and Maintenance Standards - Landscaping," on file in the office of the Planning Department.

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11. The maximum floor area ratio (FAR) shall be that of the underlying commercial zone. Any specific structure, including residential buildings, may exceed the permitted FAR provided that the total FAR for the entire project does not exceed that of the underlying zone.
12. It shall be required that a comprehensive and detailed vehicular and pedestrian circulation plan, including public transit services, be submitted and approved by the Planning Commission prior to the granting of a Planned Commercial Development Permit. The circulation plan shall include the following:
 - a. Public and private vehicular access to and from major and collector streets and, if applicable, to freeways in close proximity.
 - b. Methods of adequately separating vehicular and pedestrian circulation patterns.
 - c. Pedestrian access patterns to various pedestrian-oriented areas of the Planned Commercial Development from parking areas and public transportation stops or terminals.
 - d. Separation of service and delivery areas from customer and resident parking areas as well as from other vehicular and pedestrian circulation patterns.

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13. A minimum of 50 percent of all gross ground floor or principal pedestrian level area shall be utilized for retail commercial and personal services.
14. The Planning Commission, if it deems it necessary, may require from the applicant a study or studies supporting the feasibility of a proposed Planned Commercial Development.
15. Utilities. Public utility systems and service facilities shall be located underground within the boundaries of the development as provided for in Section 102.0221 of this Code.
16. Antennas. Only television and radio antennas which are located indoors or which are designed to serve all the occupants of the development shall be permitted.
17. Private streets, alleys, walkways and parking areas. All streets, alleys, walkways and parking areas within the development which are not dedicated to public use shall be improved in accordance with standards established by the City Engineer. Provision acceptable to the City shall be made for the preservation and maintenance of all such streets, alleys, walkways, and parking areas.

18. Densities for residential development shall comply with the requirements of the underlying commercial zone.

F. PERMITTED DEVELOPMENT CONTROLS

In addition to the minimum development controls included in paragraph "E." of this section certain other controls may be imposed by the Planning Commission in approving a Planned Commercial Development Permit. Such additional controls may be imposed on:

1. Architectural design.
2. Color and texture of improvements.
3. Construction materials.
4. Grading and site development.
5. Height and bulk of buildings.
6. Landscaping.
7. Land use, including accessory uses.
8. Lot area and dimensions.
9. Lot coverage.
10. Off-street parking.
11. On-street parking.
12. Orientation of buildings.
13. Public areas.
14. Yards.

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15. Street furniture.
16. Any other development controls deemed necessary by the Planning Commission to adequately regulate the Planned Commercial Development and to effectively implement an adopted community plan or the General Plan.

G. PLANNED COMMERCIAL DEVELOPMENT PERMIT

The Planning Commission may permit, by Planned Commercial Development Permit, a Planned Commercial Development within any commercial zone district except the CP (Commercial Parking).

H. APPLICATION

Application for a permit for a Planned Commercial Development shall be made to the Planning Commission through the Planning Department in accordance with the procedures set forth in this section, as follows:

1. Application for a Planned Commercial Development Permit may be made by the record owner or owners of the property on which the development is proposed to be constructed. Application shall be filed with the Planning Department upon forms provided by it and shall state fully the circumstances and conditions relied upon as grounds

for the application and shall be accompanied by adequate plans and a legal description of the proposed use.

2. A deposit equal to that charged for a Conditional Use Permit under Section 101.0204.1 shall be paid when application for a Planned Commercial Development Permit is made.
3. The application shall be filed with the Planning Commission through the Planning Department in accordance with the procedures set forth in Chapter X, Article 1, Division 5, of this Code.
4. If required by the Planning Director, the application shall be accompanied by a tentative map which shall be filed with the Planning Department in accordance with procedures set forth in Chapter X, Article 2 of this Code. Any decision of the Planning Director may be appealed to the Planning Commission in accordance with the provisions of Section 102.0302 of the Municipal Code.
5. The application shall be accompanied by a plot plan showing the following:
 - a. Location, name and width of existing and proposed streets, alleys, easements and interior pedestrian ways including all

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- abutting streets and streets proposed to provide primary access to the proposed development from a major street or freeway.
- b. Location of existing and proposed buildings and structures.
 - c. General plan for proposed landscaping and permanent watering system.
 - d. Proposed off-street parking facilities, including the location, number and dimensions of private and public parking spaces, aisles and driveways.
 - e. Height, type and location of proposed walls and fences.
 - f. Grading plan showing existing topography and proposed finished grades.
 - g. A tabulation of the various land uses proposed, showing the total site area and the total floor area for each use.
 - h. A tabulation of all natural or landscaped open areas shown on the plot plan indicating the square footage of each type.
6. The application shall be accompanied by architectural drawings in sufficient detail to indicate the design of the proposed buildings.

7. If the applicant contemplates the construction of a Planned Commercial Development in increments, the application shall so state and shall include a proposed construction schedule to be coordinated with projected population growth of the support area.
8. If the applicant proposes to provide open areas and recreational facilities to be used by the occupants of the development, he shall so state in his application and the application shall include a plan, acceptable to the City, for the preservation and maintenance of the common elements of the property.

I. HEARING ON APPLICATION

If the Planning Director determines that the application is complete, the Planning Commission shall set the matter for public hearing at the earliest practicable date. The public hearing shall be noticed and held in accordance with the provisions of this section. Notice of time and place and purpose of such hearing shall be given as follows:

1. By at least one publication in the official newspaper of The City of San Diego, not less than ten days prior to the date of the hearing.

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2. By mailing notices at least ten days prior to the date of such hearing to all record owners of property within 300 feet of the exterior boundaries of the property involved. The last known name and address of each owner as shown on the records of the County Assessor may be used for the aforementioned notice. Where property within 300 feet of the exterior boundaries of the property involved in the application is contiguous to and under the same ownership as the subject property, the owners of the property adjoining and within 300 feet of the exterior boundaries of the additional property owned by the applicant shall be notified in the same manner as herein provided.

J. DECISION OF THE PLANNING COMMISSION

1. After the public hearing, the Planning Commission may, by resolution, grant a Planned Commercial Development Permit if it finds from the evidence presented at the hearing that all the following facts exist:
 - a. The proposed development at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood, the community and the City.

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- b. Such development will not, under the circumstances of the particular case, be detrimental to the health, safety and general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
 - c. All applicable design criteria set forth in paragraph "D." and all applicable minimum standards set forth in paragraph "E." of this section will be met.
 - d. The granting of this permit will not adversely affect the Progress Guide and General Plan for the City of San Diego, or any adopted community or precise plan or the adopted plan of any governmental agency.
2. In granting or denying a permit, the Planning Commission shall make a written finding which shall specify facts relied upon by said Planning Commission in rendering its decision and in attaching conditions and safeguards, and shall fully set forth wherein the facts and circumstances fulfill or fail to fulfill the requirements of this section.

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3. A copy of this written finding of fact shall be filed with the City Clerk, the Planning Director, the Zoning Administrator and the Director of Building Inspection and shall be mailed to the applicant.
4. The decision of the Planning Commission shall be final on the eleventh day following its filing with the City Clerk, except when appeal is taken to the City Council, as provided in this section.

K. APPEAL FROM DECISION OF THE PLANNING COMMISSION

1. An appeal from any decision of the Planning Commission regarding a Planned Commercial Development Permit may be taken to the City Council within ten days after the decision of the Planning Commission has been filed with the City Clerk. The appeal may be taken by the applicant, any governmental body or agency, or by any owner of land located within the City or by any resident of the City. The appeal shall be in writing and filed in duplicate with the City Clerk upon forms provided by him. The appeal shall specify wherein there was error in the decision of the Planning Commission. If an appeal is filed within the time specified, it shall automatically stay proceedings in the matter until a determination is made by the City Council.

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2. Upon filing of the appeal, the City Clerk shall set the matter for public hearing. He shall give notice of the time, place and purpose of such hearing in the manner as provided in this section. In addition, the City Clerk shall send the Planning Commission a duplicate copy of the appeal and request the Commission to transmit to the City Council a copy of its decision, findings, minutes of the hearing and all other evidence, maps, papers and exhibits upon which the Planning Commission made its decision.
3. Upon the hearing of the appeal, the City Council may, by resolution, affirm, reverse or modify in whole or in part any determination of the Planning Commission, subject to the same limitations as are placed upon the Planning Commission by law and the provisions of this Code. The resolution must contain a finding of fact showing wherein the proposed Planned Commercial Development meets or fails to meet the requirements herein. The Clerk shall transmit a copy of the resolution and finding of fact to the Planning Director and the Zoning Administrator, and shall mail a copy to the applicant.

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L. FAILURE TO UTILIZE PLANNED COMMERCIAL DEVELOPMENT PERMIT

1. Any Planned Commercial Development Permit granted by the City as herein provided shall be conditioned upon the privileges granted being utilized within 18 months after the effective date thereof. Failure to utilize such permit within this 18-month period will automatically void same, unless an extension of time has been granted by the Planning Commission as set forth in paragraph "M." of this section. Construction must actually be commenced within the stated period and must be diligently prosecuted to completion. If the City should find that there has been no construction substantial in character performed under said permit, or that there has been a lapse of work for six months, the permit shall be void.
2. During the 18-month period referred to in paragraph "L." of this section, the property covered by the Planned Commercial Development Permit granted by the Planning Commission, or by the City Council on appeal, shall not be used for any purpose or use other than that authorized by the permit.

M. EXTENSION OF TIME TO A PLANNED COMMERCIAL DEVELOPMENT PERMIT

1. The Planning Commission may, by resolution, grant an extension of time up to 18 months on the time limit contained in a currently valid Planned Commercial Development Permit. To initiate a request for extension of time, the property owner or owners shall file a written application with the Planning Commission in the office of the Planning Department prior to the expiration of the Planned Commercial Development Permit. The Planning Commission shall hear the request at a noticed public hearing in accordance with procedures set forth in paragraph "J." of this section and may grant the extension of time if it finds from the evidence submitted during the public hearing that there has been no material change of circumstances since the permit was originally granted.
2. The decision of the Planning Commission may be appealed as provided in paragraph "K." of this section.

N. CANCELLATION OF A PLANNED COMMERCIAL DEVELOPMENT PERMIT

1. A valid Planned Commercial Development Permit granted by the Planning Commission, or by the

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City Council on appeal, may be cancelled at any time during the 18-month period referred to in paragraph "L." of this section.

2. Cancellation may be initiated by the owner of the property covered by the permit by means of a communication directed to the Planning Director in the office of the Planning Department.
3. The permit becomes void 120 days after receipt of the communication in the office of the Planning Department.
4. A Planned Commercial Development Permit granted by the Planning Commission may be cancelled at any time during the 18-month period referred to in paragraph "L." provided:
 - a. That the request for cancellation is initiated by the owner of the property by means of a communication to the Planning Commission.
 - b. That no applicable work or development has been initiated by the owner of the property.
 - c. That the Planning Commission approves the request for cancellation of the permit.

O. DEVIATIONS FROM MINIMUM STANDARDS

Deviation from the requirements of this section may be granted by the Planning Commission or City Council as follows:

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1. The Commission may impose such conditions as it deems necessary to protect the public health, safety and general welfare in accordance with the purpose and intent of the zoning regulations. The requirements of paragraphs "D." and "E." of these regulations and the regulations of the zone in which the property is located may be increased, decreased or waived by either the Planning Commission or by the City Council on appeal, upon a written finding that facts set forth in paragraph "O.2." below, exist.
2. The Planning Commission, or the City Council on appeal, may grant a deviation only when it shall appear from the applicant's statement or from the evidence presented at the public hearing that all the following facts exist:
 - a. Because of special circumstances applicable to the property, including ^{BUT NOT LIMITED TO} size, shape, topography, location or surroundings, the strict application of the requirements deprives such property of privileges enjoyed by other property in the vicinity under identical zone classification.
 - b. Any deviation granted will assure that the adjustment thereby authorized does not

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constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which property is situated because of the conditions imposed.

c. The granting of the deviation does not adversely affect the Progress Guide and General Plan for the City of San Diego, or any adopted community or precise plan of the City, or the adopted plan of any other appropriate governmental agency.

3. No deviation from the requirements that utilities be located underground shall be granted except as provided in Section 102.0221 of this Code.

P. COMBINED PROCEEDINGS

All proceedings with regard to a tentative map submitted with an application for a Planned Commercial Development Permit shall be combined with the proceedings for the permit.

Q. SUBDIVISION - TENTATIVE MAP - CONDITIONS TO WAIVER OF SUBDIVISION REGULATIONS

The Planning Commission may approve a tentative map which provides for a division of the parcel into two or more lots though the map may not comply with the provisions of Chapter X, Article 2 of this Code pertaining to minimum

requirements for streets, lots and block design and the provisions of this Code requiring that each lot be connected directly to the City sewer system.

R. FINAL MAP - CONDITIONS TO APPROVAL - AMENDED MAP

If the recording of a subdivision map has been imposed as a condition of a Planned Commercial Development Permit, building permits shall not be issued for any construction within the proposed Planned Commercial Development unless a final approved map has been recorded. A final map which deviates from the conditions imposed by the permit issued for the Planned Commercial Development shall not be approved.

S. CERTIFICATE OF OCCUPANCY

A certificate of occupancy shall not be issued for any structure in a Planned Commercial Development until all improvements required by the permit have been completed to the satisfaction of the Department of Building Inspection.

OR BONDED FOR

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Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By Frederick C. Conrad
Frederick C. Conrad, Chief Deputy

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MAY 1 1978

Received
City Clerk's Office
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A.D.

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Passed and adopted by the Council of The City of San Diego on
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jim Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
Mayor of The City of San Diego, California.

EDWARD NIELSEN
City Clerk of The City of San Diego, California.

(Seal)

By Mary Anne Nease, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JAN 1 8 1973

FEB 1 1973

, and on

I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN
City Clerk of The City of San Diego, California.

(Seal)

By Mary Anne Nease, Deputy.

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Office of the City Clerk, San Diego, California	
Ordinance Number	10983 Adopted
	FEB 1 1973

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CITY CLERK'S OFFICE

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SAN DIEGO, CALIF. *JS*

*
City of San Diego
Community Concourse
12th Floor
202 "C" Street
San Diego, California

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

PLANNED COMMERCIAL DEVELOPMENTS

I, **Patricia M. Applestill** hereby certify that **San Diego Daily Transcript** is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the **principal clerk** of said newspaper; that the

ORDINANCE NO. 10983 (NEW SERIES)

is a true and correct copy of which this certificate is annexed was published in said newspaper on

February 9, 1973

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on

February 21, 1973

Patricia M. Applestill
(Signature)

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ORDINANCE NO. 10983

(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 9 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 101.0910 RELATING TO PLANNED COMMERCIAL DEVELOPMENTS.

BE IT ORDAINED, by the Council of The City of San Diego, as follows: Section 1. That Chapter X, Article 1, Division 9 of the San Diego Municipal Code be amended by adding Section 101.0910 to read as follows:

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It is further the purpose of these regulations to encourage the highest standards of architecture and site planning which will foster compact commercial developments with pedestrian convenience and human scale.

It is intended that the Planned Commercial Development regulations will be utilized in creating new community commercial centers as well as applied to properties in established commercial zones as a viable alternative to existing regulations when it is in the public interest to do so. It is further intended that these regulations will provide a vehicle whereby development phasing programs may be established to ensure the orderly development of commercial facilities commensurate with the requirements necessitated by population growth in the supporting service area.

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2. The following uses may be permitted:
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 - a. Branch public libraries.
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 - i. Glass blowers.
 - j. Light metal working.
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7. Accessory uses for any of the foregoing permitted uses including signs; provided, however, that signs shall conform to the provisions of Chapter X, Article 1, Division 7 of this Code except as otherwise provided for in the CS and CA-S Zones.

D. DESIGN CRITERIA

The Planned Commercial Development shall observe the following design criteria:

1. The overall plan shall be comprehensive, embracing land, buildings, landscaping and their interrelationships and shall not adversely affect the Progress Guide and General Plan for the City of San Diego or any adopted community or precise plan or the adopted plan of any governmental agency.
2. The plan shall provide for adequate permanent open areas, circulation, off-street parking, and pertinent pedestrian amenities. Building structures and facilities and accessory uses in the parcel shall be well integrated, oriented and related to the topographic and natural features of the site.
3. The proposed development shall be compatible with existing and planned land use on adjoining properties and with circulation capacity of the area and shall not constitute a disruptive element to the neighborhood and community.

4. The internal street system shall be an integral feature of the overall design. It shall be designed for the efficient and safe flow of vehicles without creating a disruptive influence on the activity and function of any area or facility.
 5. Common area and recreational facilities shall be located so as to be readily accessible to the occupants of residential uses.
 6. Compatibility of architectural design and appearance, including signing throughout the development, and all such freestanding peripheral uses as service stations and drive-in or drive-through restaurants, shall be sought. In addition, architectural harmony with the surrounding neighborhood and community shall be achieved so far as practicable.
 7. Where applicable, an adequate variety of uses and facilities shall be provided in order to meet the needs of the surrounding community.
 8. Where construction of a Planned Commercial Development is to be phased over a predetermined time period, the phasing program shall be based upon the projected population growth of the designated economic support area.
- E. MINIMUM DEVELOPMENTAL STANDARDS**
- A Planned Commercial Development shall comply with the requirements of the underlying commercial zone except as otherwise provided herein:
1. A minimum of 10 percent of the entire parcel area covered by the Planned Commercial Development Permit shall be placed in landscaped open areas. Such areas may include significant natural features of the site such as geologic outcroppings and unique vegetation. Landscaped areas within parking lots or areas shall not be included as part of this minimum required area.
 2. A minimum of 10 percent of the total gross area of all parking lots or areas, not including parking structures or underground parking facilities, shall be landscaped. Such areas may include significant natural features of the site such as geologic outcroppings and unique vegetation.
 3. Building coverage of the parcel shall not exceed 50 percent of the entire parcel area.
 4. All uses shall be conducted entirely within an enclosed building. Outdoor storage of merchandise is permitted, provided the storage area is completely enclosed by walls, fences, buildings, landscape screening or a combination thereof. Walls or fences shall be solid and not less than six feet in height and; provided, further, that no merchandise, material or equipment is stored to a height greater than any adjacent wall, fence, building, or landscape screening. Landscape screening proposals shall require approval by the Planning Commission.
 5. No mechanical equipment, tank, duct, elevator enclosure, cooling tower or mechanical ventilator or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed structure whose top and sides may include grillwork, louvers and latticework.
 6. No merchandise, supplies or equipment shall be stored on the roof of any building.
 7. Merchandise customarily displayed outdoors may be displayed in open unenclosed areas on the premises of a Planned Commercial Development, in which they would normally be displayed or offered for sale.
 8. For all boundaries of the Planned Commercial Development not immediately adjoining dedicated and improved public streets and highways, there shall be erected screening walls of solid material or landscape screening. The height and design of such walls or landscape screening and the materials utilized shall be determined by the Planning Commission.
 9. The provision of off-street parking shall conform to the requirements of the underlying commercial zone.
 10. All areas within the boundaries of the Planned Commercial Development which are required to be landscaped shall be landscaped with live plant material and provided with a permanent underground watering system in accordance with the standards adopted by the Planning Commission as set forth in the document entitled, "Development and Maintenance Standards—Landscaping," on file in the office of the Planning Department.
 11. The maximum floor area ratio (FAR) shall be that of the underlying commercial zone. Any specific structure, including residential buildings, may exceed the permitted FAR provided that the total FAR for the entire project does not exceed that of the underlying zone.
 12. It shall be required that a comprehensive and detailed vehicular and pedestrian circulation plan, including public transit services, be submitted and approved by the Planning Commission prior to the granting of a Planned Commercial Development Permit. The circulation plan shall include the following:
 - a. Public and private vehicular access to and from major and collector streets and, if applicable, to freeways in close proximity.
 - b. Methods of adequately separating vehicular and pedestrian circulation patterns.
 - c. Pedestrian access patterns to various pedestrian-oriented areas of the Planned Commercial Development from parking areas and public transportation stops or terminals.
 - d. Separation of service and delivery areas from customer and resident parking areas as well as from other vehicular and pedestrian circulation patterns.
 13. A minimum of 50 percent of all gross ground floor or principal pedestrian level area shall be utilized for retail commercial and personal services.
 14. The Planning Commission, if it deems it necessary, may require from the applicant a study or studies supporting the feasibility of a proposed Planned Commercial Development.
 15. Utilities. Public utility systems and service facilities shall be located underground within the boundaries of the development as provided for in Section 102.0221 of this Code.
 16. Antennas. Only television and radio antennas which are located indoors or which are designed to serve all the occupants of the development shall be permitted.
 17. Private streets, alleys, walkways and parking areas. All streets, alleys, walkways and parking areas within the development which are not dedicated to public use shall be improved in accordance with standards established by the City Engineer. Provision acceptable to the City shall be made for the preservation and maintenance of all such streets, alleys, walkways, and parking areas.
 18. Densities for residential development shall comply with the requirements of the underlying commercial zone.

F. PERMITTED DEVELOPMENT CONTROLS

In addition to the minimum development controls listed in paragraph "D." of this section certain other controls may be imposed by the Planning Commission in approving a Planned Commercial Development Permit. Such additional controls may be imposed on:

1. Architectural design.
2. Color and texture of improvements.
3. Construction materials.
4. Grading and site development.
5. Height and bulk of buildings.
6. Landscaping.
7. Land use, including accessory uses.
8. Lot area and dimensions.
9. Lot coverage.
10. Off-street parking.
11. On-street parking.
12. Orientation of buildings.
13. Public areas.
14. Yards.
15. Street furniture.
16. Any other development controls deemed necessary by the Planning Commission to adequately regulate the Planned Commercial Development and to effectively implement an adopted community plan or the General Plan.

G. PLANNED COMMERCIAL DEVELOPMENT PERMIT

The Planning Commission may permit, by Planned Commercial Development Permit, a Planned Commercial Development within any commercial zone district except the CP (Commercial Parking).

H. APPLICATION

Application for a permit for a Planned Commercial Development shall be made to the Planning Commission through the Planning Department in accordance with the procedures set forth in this section, as follows:

1. Application for a Planned Commercial Development Permit may be made by the record owner or owners of the property on which the development is proposed to be constructed. Application shall be filed with the Planning Department upon forms provided by it and shall state fully the circumstances and conditions relied upon as grounds for the application and shall be accompanied by adequate plans and a legal description of the proposed use.
2. A deposit equal to that charged for a Conditional Use Permit under Section 101.0204.1 shall be paid when application for a Planned Commercial Development is made.
3. The application shall be filed with the Planning Commission through the Planning Department in accordance with the procedures set forth in Chapter X, Article 1, Division 5, of this Code.
4. If required by the Planning Director, the application shall be accompanied by a tentative map which shall be filed with the Planning Department in accordance with procedures set forth in Chapter X, Article 2 of this Code. Any decision of the Planning Director may be appealed to the Planning Commission in accordance with the provisions of Section 102.0302 of the Municipal Code.
5. The application shall be accompanied by a plot plan showing the following:
 - a. Location, name and width of existing and proposed streets, alleys, easements and interior pedestrian ways including all abutting streets and streets proposed to provide primary access to the proposed development from a major street or freeway.
 - b. Location of existing and proposed buildings and structures.
 - c. General plan for proposed landscaping and permanent watering system.
 - d. Proposed off-street parking facilities, including the location, number and dimensions of private and public parking spaces, aisles and driveways.
 - e. Height, type and location of proposed walls and fences.
 - f. Grading plan showing existing topography and proposed finished grades.
 - g. A tabulation of the various land uses proposed, showing the total site area and the total floor area for each use.
 - h. A tabulation of all natural or landscaped open areas shown on the plot plan indicating the square footage of each type.
6. The application shall be accompanied by architectural drawings in sufficient detail to indicate the design of the proposed buildings.
7. If the applicant contemplates the construction of a Planned Commercial Development in increments, the application shall so state and shall include a proposed construction schedule to be coordinated with projected population growth of the support area.
8. If the applicant proposes to provide open areas and recreational facilities to be used by the occupants of the development, he shall so state in his application and the application shall include a plan, acceptable to the City, for the preservation and maintenance of the common elements of the property.

I. HEARING ON APPLICATION

If the Planning Director determines that the application is complete, the Planning Commission shall set the matter for public hearing at the earliest practicable date. The public hearing shall be noticed and held in accordance with the provisions of this section. Notice of time and place and purpose of such hearing shall be given as follows:

1. By at least one publication in the official newspaper of The City of San Diego, not less than ten days prior to the date of the hearing.
2. By mailing notices at least ten days prior to the date of such hearing to all record owners of property within 300 feet of the exterior boundaries of the property involved. The last known name and address of each owner as shown on the records of the County Assessor may be used for the aforementioned notice. Where property within 300 feet of the exterior boundaries of the property involved in the application is contiguous to and under the same ownership as the subject property, the owners of the property adjoining and within 300 feet of the exterior boundaries of the additional property owned by the applicant shall be notified in the same manner as herein provided.

J. DECISION OF THE PLANNING COMMISSION

1. After the public hearing, the Planning Commission may, by resolution, grant a Planned Commercial Development Permit if it finds from the evidence presented at the hearing that all the following facts exist:
 - a. The proposed development at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood, the community and the City.
 - b. Such development will not, under the circumstances of the particular case, be detrimental to the health, safety and general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
 - c. All applicable design criteria set forth in paragraph "D." and all applicable minimum standards set forth in paragraph "E." of this section will be met.
 - d. The granting of this permit will not adversely affect the Progress Guide and General Plan for the City of San Diego, or any adopted community or precise plan or the adopted plan of any governmental agency.

2. In granting or denying a permit, the Planning Commission shall make a written finding which shall specify facts relied upon by said Planning Commission in rendering its decision and in attaching conditions and safeguards, and shall fully set forth wherein the facts and circumstances fulfill or fail to fulfill the requirements of this section.

3. A copy of this written finding of fact shall be filed with the City Clerk, the Planning Director, the Zoning Administrator and the Director of Building Inspection and shall be mailed to the applicant.

4. The decision of the Planning Commission shall be final on the eleventh day following its filing with the City Clerk, except when appeal is taken to the City Council, as provided in this section.

K. APPEAL FROM DECISION OF THE PLANNING COMMISSION

1. An appeal from any decision of the Planning Commission regarding a Planned Commercial Development Permit may be taken to the City Council within ten days after the decision of the Planning Commission has been filed with the City Clerk. The appeal may be taken by the applicant, any governmental body or agency, or by any owner of land located within the City or by any resident of the City. The appeal shall be in writing and filed in duplicate with the City Clerk upon forms provided by him. The appeal shall specify wherein there was error in the decision of the Planning Commission. If an appeal is filed within the time specified, it shall automatically stay proceedings in the matter until a determination is made by the City Council.

2. Upon filing of the appeal, the City Clerk shall set the matter for public hearing. He shall give notice of the time, place and purpose of such hearing in the manner as provided in this section. In addition, the City Clerk shall send the Planning Commission a duplicate copy of the appeal and request a copy of its decision, findings, minutes of the hearing and all other evidence, maps, papers and exhibits upon which the Planning Commission made its decision.

3. Upon the hearing of the appeal, the City Council may, by resolution, affirm, reverse or modify in whole or in part any determination of the Planning Commission, subject to the same limitations as are placed upon the Planning Commission by law and the provisions of this Code. The resolution must contain a finding of fact showing wherein the proposed Planned Commercial Development meets or fails to meet the requirements herein. The Clerk shall transmit a copy of the resolution and finding of fact to the Planning Director and the Zoning Administrator, and shall mail a copy to the applicant.

L. FAILURE TO UTILIZE PLANNED COMMERCIAL DEVELOPMENT PERMIT

1. Any Planned Commercial Development Permit granted by the City as herein provided shall be conditioned upon the privileges granted being utilized within 18 months after the effective date thereof. Failure to utilize such permit within this 18-month period will automatically void same, unless an extension of time has been granted by the Planning Commission as set forth in paragraph "M." of this section. Construction must actually be commenced within the stated period and must be diligently prosecuted to completion. If the City should find that there has been no construction substantial in character performed under said permit, or that there has been a lapse of work for six months, the permit shall be void.

2. During the 18-month period referred to in paragraph "L." of this section, the property covered by the Planned Commercial Development Permit granted by the Planning Commission, or by the City Council on appeal, shall not be used for any purpose or use other than that authorized by the permit.

M. EXTENSION OF TIME TO A PLANNED COMMERCIAL DEVELOPMENT PERMIT

1. The Planning Commission may, by resolution, grant an extension of time up to 18 months on the time limit contained in a currently valid Planned Commercial Development Permit. To initiate a request for extension of time, the property owner or owners shall file a written application with the Planning Commission in the office of the Planning Department prior to the expiration of the Planned Commercial Development Permit. The Planning Commission shall hear the request at a noticed public hearing in accordance with procedures set forth in paragraph "J." of this section and may grant the extension of time if it finds from the evidence submitted during the public hearing that there has been no material change of circumstances since the permit was originally granted.

2. The decision of the Planning Commission may be appealed, as provided in paragraph "K." of this section.

N. CANCELLATION OF A PLANNED COMMERCIAL DEVELOPMENT PERMIT

1. A valid Planned Commercial Development Permit granted by the Planning Commission, or by the City Council on appeal, may be cancelled at any time during the 18-month period referred to in paragraph "L." of this section.

2. Cancellation may be initiated by the owner of the property covered by the permit by means of a communication directed to the Planning Director in the office of the Planning Department.

3. The permit becomes void 120 days after receipt of the communication in the office of the Planning Department.

4. A Planned Commercial Development Permit granted by the Planning Commission may be cancelled at any time during the 18-month period referred to in paragraph "L." provided:

a. That the request for cancellation is initiated by the owner of the property by means of a communication to the Planning Commission.

b. That no applicable work or development has been initiated by the owner of the property.

c. That the Planning Commission approves the request for cancellation of the permit.

O. DEVIATIONS FROM MINIMUM STANDARDS

Deviation from the requirements of this section may be granted by the Planning Commission or City Council as follows:

1. The Commission may impose such conditions as it deems necessary to protect the public health, safety and general welfare in accordance with the purpose and intent of the zoning regulations. The requirements of paragraphs "D" and "E" of these regulations and the regulations of the zone in which the property is located may be increased, decreased or waived by either the Planning Commission or by the City Council on appeal, upon a written finding that facts set forth in paragraph "O.2." below exist.
2. The Planning Commission, or the City Council on appeal, may grant a deviation only when it shall appear from the applicant's statement or from the evidence presented at the public hearing that all the following facts exist:
 - a. Because of special circumstances applicable to the property, including but not limited to size, shape, topography, location or surroundings, the strict application of the requirements deprives such property of privileges enjoyed by other property in the vicinity under identical zone classification.
 - b. Any deviation granted will assure that the adjustment thereby authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which property is situated because of the conditions imposed.
 - c. The granting of the deviation does not adversely affect the Progress Guide and General Plan for the City of San Diego, or any adopted community or precise plan of the City, or the adopted plan of any other appropriate governmental agency.
3. No deviation from the requirements that utilities be located underground shall be granted except as provided in Section 102.0221 of this Code.

P. COMBINED PROCEEDINGS

All proceedings with regard to a tentative map submitted with an application for a Planned Commercial Development Permit shall be combined with the proceedings for the permit.

Q. SUBDIVISION - TENTATIVE MAP - CONDITIONS TO WAIVER OF SUBDIVISION REGULATIONS

The Planning Commission may approve a tentative map which provides for a division of the parcel into two or more lots though the map may not comply with the provisions of Chapter X, Article 2 of this Code pertaining to minimum requirements for streets, lots and block design and the provisions of this Code requiring that each lot be connected directly to the City sewer system.

R. FINAL MAP - CONDITIONS TO APPROVAL - AMENDED MAP

If the recording of a subdivision map has been imposed as a condition of a Planned Commercial Development Permit, building permits shall not be issued for any construction within the proposed Planned Commercial Development unless a final approved map has been recorded. A final map which deviates from the conditions imposed by the permit issued for the Planned Commercial Development shall not be approved.

S. CERTIFICATE OF OCCUPANCY

A certificate of occupancy shall not be issued for any structure in a Planned Commercial Development until all improvements required by the permit have been completed or bonded for to the satisfaction of the Department of Building Inspection.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Introduced on January 18, 1973.

Passed and adopted by the Council of The City of San Diego on February 1, 1973.

AUTHENTICATED BY:

PETE WILSON,
Mayor of The City of San Diego, California,
EDWARD NIELSEN,
City Clerk of The City of San Diego, California,
By MARY ANNE MEASE, Deputy.

(SEAL)
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