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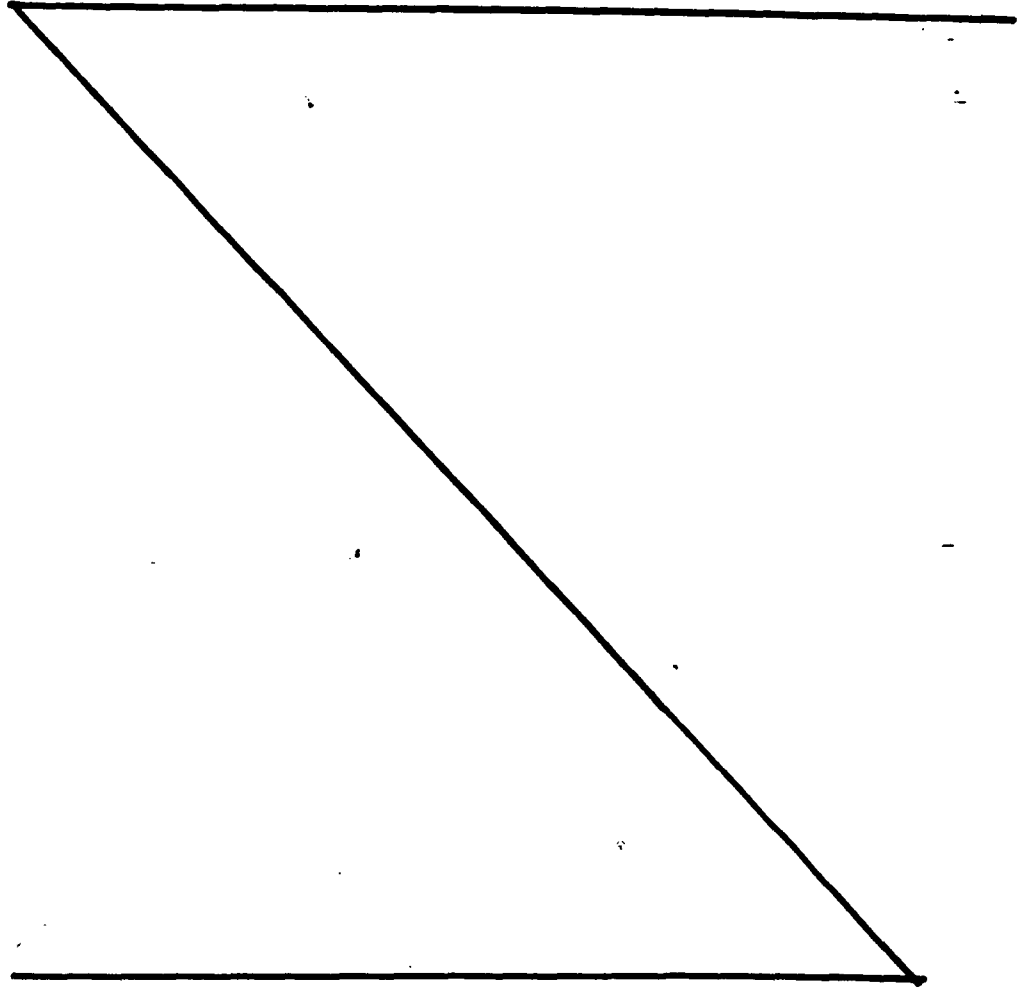
ORDINANCE NO. 12450
(New Series)

O. 78-290
(Rev.)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 9
OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 101.0920
RELATING TO PLANNED INDUSTRIAL 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, and it is hereby amended by adding Section 101.0920
to read as follows:



12450

SEC. 101.0920 PLANNED INDUSTRIAL DEVELOPMENTS

A. PURPOSE AND INTENT

It is the purpose of the Planned Industrial Development regulations to promote and facilitate imaginative, innovative and comprehensively planned industrial developments integrating compatible activities which are harmoniously 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 industrial developments where convenience of access and circulation and human scale are important considerations.

It is intended that the Planned Industrial Development regulations will be utilized in creating new industrial centers as well as applied to properties in established industrial zones as a viable alternative to existing regulations when it is in the public interest to do so.

B. DEFINITION AND LOCATIONAL CRITERIA

A Planned Industrial Development is a predominantly industrial project designed and improved in accordance with a comprehensive project

plan. A Planned Industrial Development may be located within any industrial zoning district and may include incidental commercial, office, institutional, selected manufacturing and other related uses and facilities. It will also permit the processing of all necessary development permits at the same time.

C. USES

The following uses may be permitted within any Planned Industrial Development subject to a Planned Industrial Development Permit; provided, however, that any limitations on permitted uses embodied within those regulations of the underlying zones shall apply only if stipulated as a condition set forth in the Planned Industrial Development Permit:

1. Any use permitted in the underlying industrial zone.
2. Uses permitted only by Conditional Use Permits except those involving any form of residential habitation unless for watchman's trailers.
3. Any other uses 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.

D. DESIGN CRITERIA

The Planned Industrial 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 within the parcel shall be well integrated, and 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 areas and recreational facilities shall be located so as to be readily accessible to employees of the center.
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 industrial and related facilities.

E. MINIMUM DEVELOPMENTAL STANDARDS

A Planned Industrial Development shall comply with the property development and other regulations of the underlying industrial zone except as otherwise provided herein:

1. A minimum of 10 percent of the entire parcel area covered by the Planned Industrial Development Permit shall be placed in landscaped open areas; provided, however, that where the requirements of the underlying zone are greater, then those requirements shall prevail. 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 the maximum permitted coverage of the underlying zone.

4. All uses shall be conducted entirely within an enclosed building. Outdoor storage of material 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. Landscape screening proposals shall require approval by the Planning Director, or on appeal, 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. For all boundaries of the Planned Industrial 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 Director or the Planning Commission.

8. The provision of off-street parking shall conform, in general, to the requirements of the underlying industrial zone.
9. All areas within the boundaries of the Planned Industrial Development which are required to be landscaped shall be 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.
10. The maximum floor area ratio (FAR) shall be that of the underlying zone.
11. 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 Director or the Planning Commission prior to the granting of a Planned Industrial 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 any freeways in close proximity to the center.
 - b. Methods of adequately separating vehicular and pedestrian circulation patterns.

- c. Pedestrian access patterns to various pedestrian-oriented areas of the Planned Industrial 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.
12. The Planning Commission, if it deems it necessary, may require from the applicant a study or studies supporting the feasibility of a proposed Planned Industrial Development.
 13. Public utility distribution and similar systems and service facilities shall be located underground within the boundaries of the development as provided for in Section 102.0221 of this Code.
 14. Only television and radio antennas which are located indoors or which are designed to serve all the occupants of the development shall be permitted.
 15. 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. Provisions acceptable to the City shall be made for the preservation and maintenance of all such streets, alleys, walkways, and parking areas.

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 Industrial 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. Signs
17. Any other development controls deemed necessary by the Planning Commission to adequately regulate the Planned Industrial Development and to effectively implement an adopted community plan or the General Plan.

G. PLANNED INDUSTRIAL DEVELOPMENT PERMIT

The Planning Commission may permit, by Planned Industrial Development Permit, a Planned Industrial Development within any industrial zone district.

H. APPLICATION

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

1. Application for a Planned Industrial 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 fee or deposit equal to that charged for a Conditional Use Permit as set forth under Section 101.0204.1 shall be paid when application for a Planned Industrial Development Permit is made.

3. The application shall be filed with 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.
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 Industrial 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 employees 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 Industrial Development Permit if it finds from the evidence presented at the hearing that all the following facts exist:
 - a. The proposed project will fulfill a need and will not adversely affect the neighborhood, the General Plan, or the Community Plan;
 - b. The proposed project, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity; and
 - c. The proposed project will comply with all the relevant regulations in the Municipal Code.

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 sixteenth day following its filing with the City Clerk, except when it is taken to the City Council as provided in this section.

K. APPEAL FROM DECISION OF THE PLANNING COMMISSION

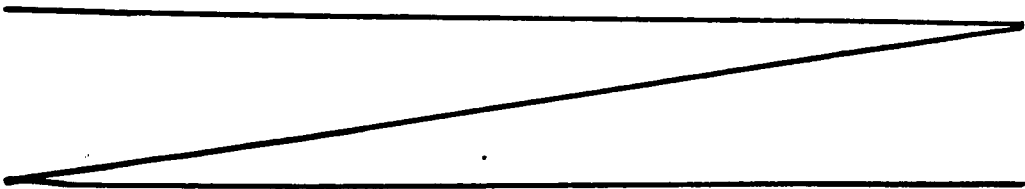
The decision of the Planning Commission shall be final on the 15th day following action by the Planning Commission unless an appeal is filed in the office of the City Clerk. An appeal shall not be accepted by the City Clerk unless it is approved for filing by a Council member or the Mayor.

When an approved appeal is filed with the City Clerk, it shall be placed on the Council docket for the limited purpose of determining whether the City Council will hear the appeal.

The City Council will accept an appeal for hearing when any of the following situations are found to exist:

1. The appellant was denied the opportunity to make a full and complete presentation to the Planning Commission;
2. New evidence is now available that was not available at the time of the Planning Commission hearing; or
3. The Planning Commission decision was arbitrary because no evidence was presented to the Planning Commission that supports the decision.

The City Council shall rely upon the record of the proceedings before the Planning Commission and the written appeal. No oral presentations shall be made to the City Council by proponents or opponents of the project. A vote on a motion to set the appeal for hearing shall not constitute a vote on the merits of the appeal. If at least five (5) members of the Council vote in favor of hearing the appeal, the City Clerk shall set the appeal for hearing before the City Council and give notice of the appeal in the manner required by the Municipal Code.



L. FAILURE TO UTILIZE PLANNED INDUSTRIAL DEVELOPMENT PERMIT

1. Any Planned Industrial Development Permit granted by the City as herein provided shall be conditioned upon the privileges granted being utilized within two years after the effective date thereof. Failure to utilize such permit within this two-year period will automatically void same, unless an extension of time has been granted by the Planning Director or 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.

2. During the two-year period referred to in Paragraph "L." of this section, the property covered by the Planned Industrial Development Permit granted by the Planning Director or by the Planning Commission shall not be used for any purpose or use other than that authorized by the permit.

M. EXTENSION OF TIME TO A PLANNED INDUSTRIAL DEVELOPMENT PERMIT

1. The Planning Commission may, by resolution, grant an extension of time up to two years on the time limit contained in a currently valid Planned Industrial Development Permit. To initiate a request for extension of time, the property owner or owners shall file a written application with the Planning

Department prior to the expiration of the Planned Industrial Development Permit. The Planning Commission shall consider the request in accordance with the appropriate procedures set forth in Paragraphs "I." and "J." of this section and may grant an extension of time if it is found from the evidence submitted 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 INDUSTRIAL DEVELOPMENT PERMIT

1. A valid Planned Industrial Development Permit granted by the Planning Commission, or by the City Council on appeal, may be cancelled at any time during the two-year 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.

O. DEVIATIONS FROM MINIMUM STANDARDS

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

1. Planning 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 the Planning Commission, or by the City Council on appeal, upon a written finding that facts set forth in Paragraph "D.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 Chapter X, Article 2, of this Code.

P. COMBINED PROCEEDINGS

All proceedings with regard to a tentative map submitted with an application for a Planned Industrial Development Permit shall be reviewed during 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, Articles 1 and 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 Industrial Development Permit, building permits shall not be issued for any construction within the proposed Planned Industrial 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 Industrial Development shall not be approved.

S. CERTIFICATE OF OCCUPANCY

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

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:clh
5/4/78
Or.Dept.:Planning
REV. 10/11/78
650

Passed and adopted by the Council of The City of San Diego on OCT 2 1978
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Bill Mitchell	<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"/>
Bill Lowery	<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"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Hase	<input 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.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By Betty Gooding 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

SEP 19 1978, and on OCT 2 1978

~~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.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By Betty Gooding Deputy.

Office of the City Clerk, San Diego, California		
Ordinance Number	12450	Adopted OCT 2 1978

Handwritten initials

ATTORNEY(S):

San Diego, City of
12th Floor, City Admin. Bldg.
202 C St.
San Diego, Ca 92101
Attn: Betty Goldberg

CERTIFICATE OF PUBLICATION

No. 12450

IN THE MATTER OF

PLANNED INDUSTRIAL DEVELOPMENTS

ORDINANCE NO. 12450

(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 9 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 101.0820 RELATING TO PLANNED INDUSTRIAL 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, and it is hereby amended by adding Section 101.0820 to read as follows:

SEC. 101.0820 PLANNED INDUSTRIAL DEVELOPMENTS

A. PURPOSE AND INTENT

It is the purpose of the Planned Industrial Development regulations to promote and facilitate imaginative, innovative and comprehensively planned industrial developments integrating compatible activities which are harmoniously designed to complement 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 industrial developments where convenience of access and circulation and human scale are important considerations.

It is intended that the Planned Industrial Development regulations will be utilized in creating new industrial centers as well as applied to properties in established industrial zones as a viable alternative to existing regulations when it is in the public interest to do so.

B. DEFINITION AND LOCATIONAL CRITERIA

A planned Industrial Development is a predominantly industrial project designed and improved in accordance with a comprehensive project plan. A Planned Industrial Development may be located within any industrial zoning district and may include incidental commercial, office, institutional, selected manufacturing and other related uses and facilities. It will also permit the processing of all necessary development permits at the same time.

C. USES

The following uses may be permitted within any Planned Industrial Development subject to a Planned Industrial Development Permit; provided, however, that any limitations on permitted uses embodied within these regulations of the underlying zones shall apply only if stipulated as a condition set forth in the Planned Industrial Development Permit:

1. Any use permitted in the underlying industrial zone.
2. Uses permitted only by Conditional Use Permits except those involving any form of residential habitation unless for watchmen's trailers.
3. Any other uses 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.

D. DESIGN CRITERIA

The planned Industrial 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 within the parcel shall be well integrated, and 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.

PATRICIA M. SPAULDING

I, Patricia M. Spaulding, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14594; and the

ORDINANCE NO. 12450

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to-wit:

October 26, 1978

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 26th day of October, 1978.

Patricia M. Spaulding
Signature

75-4 455 25

PLANNED INDUSTRIAL DEVELOPMENT PERMIT

The Planning Commission may grant, by Planned Industrial Development Permit, a Planned Industrial Development within any general use district.

II. APPLICATION

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

1. Application for a Planned Industrial 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 site-plan and a legal description of the proposed use.
2. A fee or deposit equal to that charged for a Conditional Use Permit as set forth under Section 101.0204.1 shall be paid when application for a Planned Industrial Development Permit is made.
3. The application shall be filed with 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.
5. The application shall be accompanied by a plat plan showing the following:
 - a. Location, size 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 utility easements and systems.
 - c. General plan for proposed landscaping and tree preservation.
 - d. Proposed drainage system, including the location of storm drains and catch basins.
 - e. Location of existing and proposed fire hydrants and fire stations.
 - f. Location of existing and proposed bus stops and bus shelters.
 - g. Location of existing and proposed bicycle paths and bicycle lanes.
 - h. Location of existing and proposed playgrounds and recreational areas.
 - i. Location of existing and proposed parking and automobile storage areas.
6. A tabulation of the various land uses proposed, showing the total site area and the total floor area for each use.
7. A tabulation of all natural or landscaped open areas shown on the plat plan indicating the square footage of each category.
8. The applicant shall be accompanied by architectural drawings in sufficient detail to illustrate the design of the proposed building.
9. If the applicant contemplates the use of a Planned Industrial Development in increments, the application shall include a proposed construction schedule to be coordinated with projected population growth of the area to be developed.
10. If the applicant proposes to provide open areas and recreational facilities to be used by the employees 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 notice at least ten days prior to the date of such hearing to all record owners of property within 200 feet of the anterior 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 200 feet of the anterior 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 200 feet of the anterior 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 Industrial Development Permit if it finds, from the evidence presented at the hearing that all the following facts exist:
 - a. The proposed project will fulfill a need and will not adversely affect the neighborhood, the General Plan, or the Community Plan.
 - b. The proposed project, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity, and
 - c. The proposed project will comply with all the relevant regulations in the Municipal Code.
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 seventh day following its filing with the City Clerk, except when it is taken to the City Council as provided in this section.

APPEALS FROM DECISION OF THE PLANNING COMMISSION
The decision of the Planning Commission shall be final on the day following action by the Planning Commission unless an appeal is filed in the office of the City Clerk. An appeal shall not be processed by the City Clerk unless it is approved for filing by a Council member or the Mayor. When an approved appeal is filed with the City Clerk, it shall be placed on the Council calendar for the limited purpose of determining whether the City Council will hear the appeal. The City Council will accept an appeal for hearing whenever one of the following situations are found to exist:

1. The applicant was denied the opportunity to make a full and complete presentation to the Planning Commission;
2. There is some error or mistake that was not available at the date of the Planning Commission hearing; or
3. The Planning Commission decision was arbitrary because no evidence was presented to the Planning Commission that supports the decision.

The City Council shall rely upon the record of the proceedings before the Planning Commission and the written appeal. No oral presentations shall be made to the City Council by proponents or opponents of the project. A vote on a motion to set the appeal for hearing shall not constitute a vote on the merits of the appeal. If at least five of the members of the Council vote in favor of hearing the appeal, the City Clerk shall set the appeal for hearing before the City Council and give notice of the appeal in the manner provided in the Municipal Code.

L. FAILURE TO UTILIZE PLANNED INDUSTRIAL DEVELOPMENT PERMIT

Any Planned Industrial Development Permit granted by the City or approved as provided herein shall be conditioned upon the privilege granted being utilized within two years after the effective date thereof. Failure to utilize such permit within this two-year period will automatically void same, unless an extension of time has been granted by the Planning Director or 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.

2. During the two-year period referred to in Paragraph "L." of this section, the property covered by the Planned Industrial Development Permit granted by the Planning Director or by the Planning Commission shall not be used for any purpose or use other than that authorized by the permit.

M. EXTENSION OF TIME TO A PLANNED INDUSTRIAL DEVELOPMENT PERMIT

1. The Planning Commission may, by resolution, grant an extension of time up to two years on the time limit contained in a currently valid Planned Industrial Development Permit. To initiate a request for extension of time, the property owner or owners shall file a written application with the Planning Department prior to the expiration of the Planned Industrial Development Permit. The Planning Commission shall consider the request in accordance with the appropriate procedures set forth in Paragraphs "I." and "J." of this section and may grant an extension of time if it is found from the evidence submitted that there has been a 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 INDUSTRIAL DEVELOPMENT PERMIT

1. A valid Planned Industrial Development Permit granted by the Planning Commission, or by the City Council on appeal, may be cancelled at any time during the two-year 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 holder will 180 days after receipt of the cancellation notice in the office of the Planning Department.

O. DEVIATIONS FROM MINIMUM STANDARDS

Deviations from the requirements of this section may be granted by the Planning Commission as follows:

1. Planning 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 the Planning Commission, or by the City Council on appeal, upon a written finding that facts set forth in Paragraph "O." 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 deprive such property of privileges enjoyed by other property in the vicinity under identical use 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 listed;
- c. The granting of the deviation does not adversely affect the Program Goals and General Plan for the City of San Diego, any adopted community or precise plan of the City, or the adopted plan of any other appropriate governmental agency;
- d. No deviation from the requirements that facilities be located underground shall be granted except as provided in Chapter X, Article 2, of this Code.

P. CONTINUED PROCEEDINGS

All proceedings with regard to a tentative map submitted with an application for a Planned Industrial Development Permit shall be reviewed during the process for the permit.

Q. TENTATIVE MAP - NEGATIVE MAP - CONDITIONS TO WAIVER OF ZONING REGULATIONS

The Planning Commission may approve a tentative map which provides for a lot to be parcelled into two or more lots through the use of a negative map with the jurisdiction of Chapter X, Article 1 and 2, of this Code, subject to minimum standards for streets, lots and lots of area, and the provisions of this Code regarding that such lot be parcelled directly to the lot owner.

