

ORDINANCE NO. O-15067  
(New Series)

O.80-19  
REV.

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

NOV 5 1979

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  
amending Section 101.0910 to read as follows:

SEC. 101.0910 PLANNED COMMERCIAL DEVELOPMENTS

A. PURPOSE AND INTENT

[No amendment to this subsection.]

B. DEFINITION AND LOCATIONAL CRITERIA

[No amendment to this subsection.]

C. USES

[No amendment to this subsection.]

D. DESIGN CRITERIA

[No amendment to this subsection.]

E. MINIMUM DEVELOPMENTAL STANDARDS

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

[No amendment to subsections 1 through 13.]

14. The Planning Director, if it is deemed  
necessary, may require from the applicant a study  
or studies supporting the feasibility of a proposed  
Planned Commercial Development.

[No amendment to subsections 15 through 17.]

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 Director in approving a Planned Commercial Development Permit. Such additional controls may be imposed on:

[No amendment to subsections 1 through 15.]

16. Any other development controls deemed necessary by the Planning Director 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 Director may permit, by Planned Commercial Development Permit, a Planned Commercial Development within any commercial zone district except the CP (Commercial Parking) zone.

H. APPLICATION

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

[No amendment to subsections 1 and 2.]

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.

[No amendment to subsections 4 through 8.]

I. DECISION OF THE PLANNING DIRECTOR

1. The Planning Director shall grant a Planned Commercial Development Permit if the application is complete and conforms with all City regulations, policies, guidelines, design standards, density, and if it is found from the evidence presented that all the following facts exist:

a. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Community Plan.

b. The proposed use, 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.

c. The proposed use will comply with the relevant regulations in the Municipal Code.

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2. In granting or denying a permit, the Planning Director shall make a written finding in rendering the 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 and the Chairperson of the Community Planning Committee.

4. The decision of the Planning Director shall be final on the fifteenth day following the decision except when an appeal is taken to the Planning Commission, as provided in this section.

J. APPEAL FROM DECISION OF THE PLANNING DIRECTOR

1. An appeal from any decision of the Planning Director regarding a Planned Commercial Development Permit may be taken to the Planning Commission within fifteen (15) days after the decision of the Planning Director. 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 Planning Department upon forms provided by it. The appeal shall specify wherein there was error in the decision of the Planning Director. If an appeal is filed within the time specified, it shall automatically stay proceedings in the matter until a determination is made by the Planning Commission.

2. Upon filing of the appeal, the Planning Director shall set the matter for public hearing. The public hearing shall be noticed and held in accordance with the provisions of Section 101.0910. Notice of time and place and purpose of such hearing shall be given as follows:

a. By at least one (1) publication in the official newspaper of The City of San Diego not less than ten (10) days prior to the date of the hearing.

b. By mailing notices at least ten (10) 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.

3. Upon the hearing of the appeal, the Planning Commission may, by resolution, affirm, reverse or modify, in whole or in part, any determination of the Planning Director, subject to the same limitations as are placed upon the Planning Director 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 decision of the Planning Commission is final except as provided for below.

K. APPEAL FROM DECISION OF THE PLANNING COMMISSION

The decision of the Planning Commission shall be final on the fifteenth 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.
4. The development presents a City-wide planning issue on which guidance of the City Council is required and the matter is of City-wide significance.
5. The decision of the Planning Commission is inconsistent with applicable community plans or the General Plan for those areas not covered by a community plan.
6. The Planning Commission decision is in conflict with adopted Council policy or the Municipal Code.

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 COMMERCIAL DEVELOPMENT PERMIT OR FAILURE TO CONFORM TO OR COMPLY WITH CONDITIONS

1. Any Planned Commercial Development Permit granted by the City as herein provided shall be conditioned upon the privileges granted being utilized within twenty-four (24) months after the effective date thereof. Failure to utilize such permit within this 24-month period will automatically void same, unless an extension of time has been granted by the Planning Director 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 24-month period referred to in paragraph "1." above, the property covered by the Planned Commercial Development Permit granted by the Planning Director or by the Planning



Commission or City Council on appeal, shall not be used for any purpose or use other than that authorized by the permit.

3. The Planning Director shall determine whether the conditions and requirements of the permit have been met by the permittee. The determination by the Planning Director shall be final and conclusive on all affected parties.

M. EXTENSION OF TIME TO A PLANNED COMMERCIAL DEVELOPMENT PERMIT

1. The Planning Director may, by resolution, grant an extension of time up to 24 months on the time limit contained in a currently valid Planned Commercial Development Permit. To initiate a request for an extension of time, the property owner or owners shall file a written application with the Planning Director in the office of the Planning Department prior to the expiration of the Planned Commercial Development Permit. The Planning Director may grant the 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 Director may be appealed as provided in paragraph "L." of this section.

N. CANCELLATION OF A PLANNED COMMERCIAL DEVELOPMENT PERMIT

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

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Commission or City Council on appeal, may be cancelled at any time during the 24-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 Director may be cancelled at any time during the 24-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 Director.

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

c. That the Planning Director 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 Director, Planning Commission or City Council as follows:

1. The Director may impose such conditions as is deemed 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 Director or by the Planning Commission or City Council on appeal upon a written finding that facts set forth in paragraph "O.2" below, exist.

2. The Planning Director, or the Planning Commission or 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 of the following facts exist:

[No amendment to subsections 2a through 2c and subsection 3.]

P. COMBINED PROCEEDINGS

[No amendment to this subsection.]

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

The Planning Director 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

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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


[No amendment to this subsection.]

S. CERTIFICATE OF OCCUPANCY

[No amendment to this subsection.]

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

APPROVED: JOHN W. WITT, City Attorney

By   
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:clh  
7/12/79  
REV. 9/6/79  
640  
Or. Dept.:Planning

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SEC. 101.0910 PLANNED COMMERCIAL DEVELOPMENTS

A. PURPOSE AND INTENT

[No amendment to this subsection.]

B. DEFINITION AND LOCATIONAL CRITERIA

[No amendment to this subsection.]

C. USES

[No amendment to this subsection.]

D. DESIGN CRITERIA

[No amendment to this subsection.]

E. MINIMUM DEVELOPMENTAL STANDARDS

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

[No amendment to subsections 1 through 13.]

14. The Planning Commission Director, if it is deems deemed it necessary, may require from the applicant a study or studies supporting the feasibility of a proposed Planned Commercial Development.

[No amendment to subsections 15 through 17.]

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~~ Director in approving a Planned Commercial Development Permit.

Such additional controls may be imposed on:

(No amendments to subsections 1 through 15.)

16. Any other development controls deemed necessary by the Planning ~~Commission~~ Director 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~~ Director may permit, by Planned Commercial Development Permit, a Planned Commercial Development within any commercial zone district except the CP (Commercial Parking) zone.

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:

(No amendments to subsections 1. and 2.)

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.

(No amendments to subsections 4. through 8.)

I. ~~HEARING ON APPLICATION~~ DECISION OF THE PLANNING DIRECTOR

~~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.~~

1. The Planning Director shall grant a Planned Commercial Development Permit if the application is complete and conforms with all City regulations, policies, guidelines, design standards, density, and if it is found from the evidence presented that all the following facts exist:

~~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~~

~~1.2. After the public hearing, tThe Planning Commission may, Director shall, by resolution, grant a Planned~~



~~Commercial Development Permit if it finds is found  
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.~~

a. The proposed use will fulfill an individual  
and/or community need and will not adversely  
affect the General Plan or the Community  
Plan.

~~b. Such development will not, under the circum-  
stances 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.~~

b. The proposed use, 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

~~e. 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.~~

c. The proposed use will comply with the relevant regulations in the Municipal Code.

~~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.~~

~~2.2.2.~~ In granting or denying a permit, the Planning ~~Commission~~ Director shall make a written finding ~~which shall specify facts relied upon by said Planning Commission~~ in rendering ~~its~~ the 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. ~~3.4.~~ 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 and the Chairperson of the Community Planning Committees.

4. ~~4.5.~~ The decision of the Planning ~~Commission~~ Director shall be final on the ~~eleventh~~ fifteenth day following ~~its filing with the City Clerk, the~~ decision except when appeal is taken to the ~~City Council, Planning Commission~~ as provided in this section.

~~#J.~~ APPEAL FROM DECISION OF THE PLANNING ~~COMMISSION~~ DIRECTOR

1. An appeal from any decision of the Planning ~~Commis-  
sion~~ Director regarding a Planned Commercial Development Permit may be taken to the ~~City Council~~ Planning Commission within ~~ten~~ fifteen days after the decision of the Planning ~~Commission~~ Director. ~~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~~ <sup>Planning Department</sup> upon forms provided by ~~him~~ <sup>it</sup>. The appeal shall specify wherein there was error in the decision of the Planning ~~Commission~~ Director. 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~~ Planning Commission.

2. Upon filing of the appeal, the ~~City Clerk~~ Planning Director shall set the matter for public hearing. ~~at the earliest practicable date. 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.~~ The public hearing shall be noticed and held in accordance with the provisions of Sec. 101.0910. Notice of time and place and purpose of such hearing shall be given as follows:

a. 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.

b. 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.

3. Upon the hearing of the appeal, the ~~City Council~~ Planning Commission may, by resolution, affirm, reverse or modify in whole or in part any determination of the Planning ~~Commission~~ Director subject

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to the same limitations as are placed upon the Planning ~~Commission~~ Director 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.~~ The decision of the Planning Commission is final except as provided for below.

K. APPEAL FROM DECISION OF THE PLANNING COMMISSION

The decision of the Planning Commission shall be final on the fifteenth 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

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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.
4. The development presents a City-wide planning issue on which guidance of the City Council is required and the matter is of City-wide significance.
5. The decision of the Planning Commission is inconsistent with applicable community plans or the General Plan for those areas not covered by a community plan.
6. The Planning Commission decision is in conflict with adopted Council policy or the Municipal Code.

The City Council shall rely upon 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 COMMERCIAL DEVELOPMENT PERMIT OR FAILURE TO CONFORM TO OR COMPLY WITH CONDITIONS

1. Any Planned Commercial Development Permit granted by the City as herein provided shall be conditioned upon the privileges granted being utilized within ~~18~~ twenty-four (24) months after the effective date thereof. Failure to utilize such permit within this ~~18~~ 24-month period will automatically void same, unless an extension of time has been granted by the Planning Commission Director 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. 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~~ 24-month period referred to in this paragraph ~~"B."~~ "1." of-herein above, this-section, the property covered by the Planned Commercial Development Permit granted by the ~~Planning Commission~~ Director, or by the ~~City-Council~~ Planning Commission or City Council on appeal, shall not be used for any purpose or use other than that authorized by the permit.

3. The Planning Director shall determine whether the conditions and requirements of the permit have been met by the permittee. The determination by the Planning Director shall be final and conclusive on all affected parties.

**M. EXTENSION OF TIME TO A PLANNED COMMERCIAL DEVELOPMENT PERMIT**

1. The Planning ~~Commission~~ Director may, by resolution, grant an extension of time up to ~~18~~ 24 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~~ Director in the office of the Planning Department prior to the expiration of the Planned Commercial Development Permit. The Planning ~~Director~~ 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 ~~is found 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~~ Director may be appealed as provided in paragraph ~~"K."~~ "L." of this section.

**N. CANCELLATION OF A PLANNED COMMERCIAL DEVELOPMENT PERMIT**

1. A valid Planned Commercial Development Permit granted by the Planning ~~Commission~~ Director, or by the ~~City Council Planning Commission on appeal, or~~  
~~by the City Council on appeal,~~ may be cancelled at any time during the ~~18~~ 24-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.

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4. A Planned Commercial Development Permit granted by the Planning ~~Commission~~ Director may be cancelled at any time during the ~~18~~ 24-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~~ Director.
- b. That no applicable work or development has been initiated by the owner of the property.
- c. That the Planning ~~Commission~~ Director 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~~ Director ~~or Planning Commission~~ or City Council as follows:

1. The ~~Commission~~ Director may impose such conditions as ~~it is~~ deems deemed 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

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which the property is located may be increased, decreased or waived by either the Planning ~~Commission~~ Director, or by the ~~City Council~~ Planning Commission ~~on appeal~~, or ~~by the~~ City Council on appeal upon a written finding that facts set forth in paragraph "0.2" below, exist.

2. The Planning ~~Commission~~ Director, or the ~~City-Council~~ Planning Commission or 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 of the following facts exist:

(No amendments to subsections 2a through 2c and subsection 3.)

Passed and adopted by the Council of The City of San Diego on **NOV 5 1979**,  
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Lucy Killea	<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.

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

(Seal)

By *Ellen Bovard*, 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

**OCT 23 1979**

, and on **NOV 5 1979**.

~~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 *Ellen Bovard*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-15067** Adopted **NOV 5 1979**

CERTIFICATE OF PUBLICATION

RECEIVED  
CITY CLERK  
NOV 21 PM 4:10  
SAN DIEGO, CALIF.

San Diego, City of  
12th Floor, City Admin. Bldg.  
202 C St.  
San Diego, CA. 92101  
Attn: Ellen Bovard

IN THE MATTER OF  
AMENDING CHAPTER X, ARTICLE 1, DIVISION 9, OF  
THE SAN DIEGO MUNICIPAL CODE

NO.

**ORDINANCE NO. 0-15067**  
**(New Series)**  
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 9 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING 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, and it is hereby amended by amending Section 101.0910 to read as follows:  
**SEC. 101.0910 PLANNED COMMERCIAL DEVELOPMENTS**  
A. PURPOSE AND INTENT  
(No amendment to this subsection.)  
B. DEFINITION AND LOCATIONAL CRITERIA  
(No amendment to this subsection.)  
C. USES  
(No amendment to this subsection.)  
D. DESIGN CRITERIA  
(No amendment to this subsection.)  
E. MINIMUM DEVELOPMENTAL STANDARDS  
A Planned Commercial Development shall comply with the requirements of the underlying commercial zone except as otherwise provided herein:  
(No amendment to subsections 1 through 13.)  
14. The Planning Director, if it is deemed necessary, may require from the applicant a study or studies supporting the feasibility of a proposed Planned Commercial Development.  
(No amendment to subsections 15 through 17.)  
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 Director in approving a Planned Commercial Development Permit. Such additional controls may be imposed on:  
(No amendment to subsections 1 through 15.)  
16. Any other development controls deemed necessary by the Planning Director 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 Director may permit, by Planned Commercial Development Permit, a Planned Commercial Development within any commercial zone district except the CP (Commercial Parking) zone.  
H. APPLICATION  
Application for a permit for a Planned Commercial Development shall be made to the Planning Department in accordance with the procedures set forth in this section, as follows:  
(No amendment to subsections 1 and 2.)  
3. The application shall be filed with the Planning Department in accordance with the procedures set forth in Chapter X, Article 1, Division 9, of this Code.  
(No amendment to subsections 4 through 6.)

I, Camille Simpson, 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. 14894; and the

ORDINANCE NO. 0-15067 (New Series)

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:

November 19, 1979

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

Dated at San Diego, California this 19th day of Nov., 19 79.

Camille Simpson  
(Signature)

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## I. DECISION OF THE PLANNING DIRECTOR

1. The Planning Director shall grant a Planned Commercial Development Permit if the application is complete and conforms with all City regulations, policies, guidelines, design standards, density, and if it is found from the evidence presented that all the following facts exist:

a. The proposed use will fulfill and individual and/or community need and will not adversely affect the General Plan or the Community Plan.

b. The proposed use, 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.

c. The proposed use will comply with the relevant regulations in the Municipal Code.

2. In granting or denying a permit, the Planning Director shall make a written finding in rendering the 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 and the Chairperson of the Community Planning Committee.

4. The decision of the Planning Director shall be final on the fifteenth day following the decision except when an appeal is taken to the Planning Commission, as provided in this section.

## J. APPEAL FROM DECISION OF THE PLANNING DIRECTOR

1. An appeal from any decision of the Planning Director regarding a Planned Commercial Development Permit may be taken to the Planning Commission within fifteen (15) days after the decision of the Planning Director. 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 Planning Department upon forms provided by it. The appeal shall specify wherein there was error in the decision of the Planning Director. If an appeal is filed within the time specified, it shall automatically stay proceedings in the matter until a determination is made by the Planning Commission.

2. Upon filing of the appeal, the Planning Director shall set the matter for public hearing. The public hearing shall be noticed and held in accordance with the provisions of Section 101.0010. Notice of time and place and purpose of such hearing shall be given as follows:

a. By at least one (1) publication in the official newspaper of The City of San Diego not less than ten (10) days prior to the date of the hearing.

b. By mailing notices at least ten (10) 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.

3. Upon the hearing of the appeal, the Planning Commission may, by resolution, affirm, reverse or modify, in whole or in part, any determination of the Planning Director, subject to the same limitations as are placed upon the Planning Director 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 decision of the Planning Commission is final except as provided for below.

## K. APPEAL FROM DECISION OF THE PLANNING COMMISSION

The decision of the Planning Commission shall be final on the fifteenth 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.

4. The development presents a City-wide planning issue on which guidance of the City Council is required and the matter is of City-wide significance.

5. The decision of the Planning Commission is inconsistent with applicable community plans or the General Plan for those areas not covered by a community plan.

6. The Planning Commission decision is in conflict with adopted Council policy or the Municipal Code.

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 COMMERCIAL DEVELOPMENT PERMIT OR FAILURE TO CONFORM TO OR COMPLY WITH CONDITIONS

1. Any Planned Commercial Development Permit granted by the City as herein provided shall be conditioned upon the privileges granted being utilized within twenty-four (24) months after the effective date thereof. Failure to utilize such permit within this 24-month period will automatically void same, unless an extension of time has been granted by the Planning Director 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 24-month period referred to in paragraph "1." above, the property covered by the Planned Commercial Development Permit granted by the Planning Director or by the Planning Commission or City Council on appeal, shall not be used for any purpose or use other than that authorized by the permit.

3. The Planning Director shall determine whether the conditions and requirements of the permit have been met by the permittee. The determination by the Planning Director shall be final and conclusive on all affected parties.

## M. EXTENSION OF TIME TO A PLANNED COMMERCIAL DEVELOPMENT PERMIT

1. The Planning Director may, by resolution, grant an extension of time up to 24 months on the time limit contained in a currently valid Planned Commercial Development Permit. To initiate a request for an extension of time, the property owner or owners shall file a written application with the Planning Director in the office of the Planning Department prior to the expiration of the Planned Commercial Development Permit. The Planning Director may grant the 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 Director may be appealed as provided in paragraph "L." of this section.

## N. CANCELLATION OF A PLANNED COMMERCIAL DEVELOPMENT PERMIT

1. A valid Planned Commercial Development Permit granted by the Planning Director, or by the Planning Commission or City Council on appeal, may be cancelled at any time during the 24-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 Director may be cancelled at any time during the 24-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 Director.

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

c. That the Planning Director 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 Director, Planning Commission or City Council as follows:

1. The Director may impose such conditions as is deemed 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 Director or by the Planning Commission or City Council on appeal upon a written finding that facts set forth in paragraph "O.2." below, exist.

2. The Planning Director, or the Planning Commission or 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 of the following facts exist:

(No amendment to subsections 2a through 2c and subsection 3.)

## P. COMBINED PROCEEDINGS

(No amendment to this subsection.)

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

The Planning Director 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

(No amendment to this subsection.)

## S. CERTIFICATE OF OCCUPANCY

(No amendment to this subsection.)

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

Introduced on October 23, 1979.

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

November 5, 1979.

AUTHENTICATED BY:

PETE WILSON,

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR,

City Clerk of The City of San Diego, California.

By ELLEN BOVARD, Deputy.

(SEAL)

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