

(O-84-160)

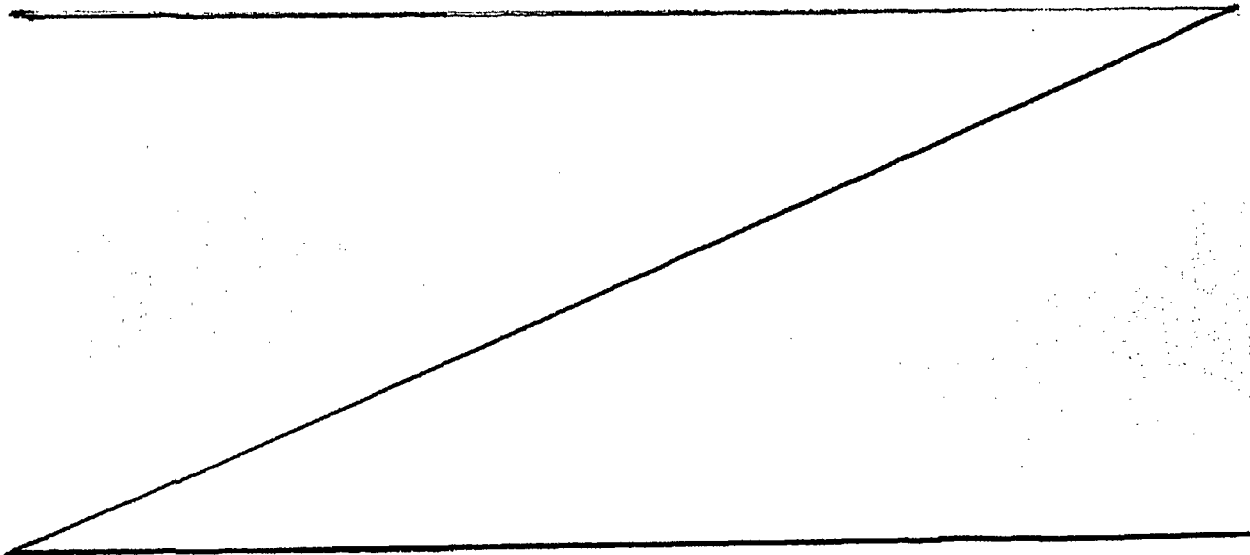
ORDINANCE NUMBER O-16205 (New Series)

Adopted on MAY 21 1984

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISIONS 2, 4, 5, 9 AND 10, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 101.0435.1, 101.0506, 101.0507, 101.0508, 101.0900, 101.0910, 101.0920, 101.0995 AND 101.1002 AND ADDING SECTIONS 101.0220, 101.0230 AND 101.0240, RELATING TO APPEAL AND APPROVAL PERIOD AMENDMENTS FOR DISCRETIONARY PERMITS.

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

Section 1. That Chapter X, Article 1, Divisions 4, 5, 9 and 10 of the San Diego Municipal Code be, and the same are hereby amended by amending Sections 101.0435.1, 101.0506, 101.0507, 101.0508, 101.0900, 101.0910, 101.0920, 101.0995 and 101.1002 to read as follows:



SEC. 101.0435.1 M-IP (MANUFACTURING - INDUSTRIAL PARK) ZONE

A. PURPOSE AND INTENT

The M-IP Zone is intended to provide for areas in which industrial parks may be located. Restrictions on permitted uses, property development and off-street parking regulations and the performance standards of the zone are intended to insure, to the extent possible, relatively high quality industrial development.

Property development regulations of the zone include a requirement that all lot areas not devoted to buildings, driveways and similar areas shall be landscaped in accordance with plans approved by the Planning Director. In addition, architectural site plans must be approved by the Planning Director. These requirements are intended to insure industrial parks which are both attractive and efficient.

This zone will normally be applied to areas comprising at least 50 acres under one or more ownerships. Such areas will generally adjoin freeways or other major vehicular thoroughfares. Since industrial sites will be landscaped and storage and loading areas screened, it is expected that areas zoned M-IP will provide attractive boundaries to heavily traveled highways.

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Because of the specialized nature of the M-IP Zone, in terms of providing locations for high-quality industrial development in park-like atmospheres, and because of the usual or frequent proximity of the M-IP Zone to equally sensitive land uses, special sign regulations different from those contained in Division 11 of this Article are appropriate in the M-IP Zone. The regulations for signs located in the M-IP Zone are located in paragraph "B.9." below. These regulations are intended to create a visual atmosphere and environment conducive to the concentration of specialized light industrial activities in sensitive locations, without undue commercial influence. The typical land use activity which seeks this type of location does not require sign allowances as great as that required for other kinds of industrial activity. The needs of the land use activities which desire M-IP Zone locations are primarily related to identification purposes, and the sign allowances herein provide for this situation.

B. PERMITTED USES

(No Amendment)

C. SPECIAL REGULATIONS

(No Amendment)

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D. PROPERTY DEVELOPMENT REGULATIONS

No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used unless the lot or premises and buildings comply with the following regulations and standards:

1.-3. (No Amendment)

4. Development Plan Approval:

- a. Prior to the issuance of any permits or the use of any premises, preliminary development plans shall be submitted to the Planning Director for approval.
- b. Decisions of the Planning Director can be appealed to the Planning Commission within 10 days after the decision is made by the Planning Director. Appeals shall be in writing and shall be filed with the Planning Department.
- c. The Planning Commission shall conduct a public hearing in accordance with the procedures set forth in SEC. 101.0230.

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d.-e. (No Amendment)

f. The decision of the Planning Commission shall be final on the eighth day following the decision except when an appeal is filed in the office of the City Clerk in accordance with SEC. 101.0240.

g. The premises shall be developed in substantial conformance with approved development plans, and substantial conformance shall be determined by the Planning Director.

5. Landscaping.

Prior to the use or occupancy of any lot or premises, all of the lot or premises not devoted to buildings, structures, driveways, sidewalks, parking, outdoor storage, or loading areas shall be suitably landscaped; provided, however, that landscaping within areas designated for expansion of facilities on the site plan referred to in paragraph "D.4." above need only be that required to adequately control dust and erosion. The total area landscaped, excluding any landscaping in parking lots, shall be not less than 25 percent of the total area of the premises. Prior to the issuance of any building permit, a complete landscaping plan shall be submitted to the Planning Director for approval.

This landscaping plan shall be in substantial conformance with standards adopted by the Planning Commission as set forth in the document entitled, **0-16205** "Development and Maintenance Standards - Landscaping" on

file in the office of the Planning Department.

Substantial conformance shall be determined by the Planning Director; said determination shall be subject to appeal in the manner set forth in this section.

Approved landscaping, including any required watering system, shall be installed prior to the use or occupancy of any lot or premises, and said landscaping and watering system shall be in substantial conformance with the approved landscaping plan. All required landscaping shall be permanently maintained in accordance with the adopted standards referred to in this paragraph.

6.-7. (No Amendment)

E. OFF-STREET PARKING REGULATIONS

1. (No Amendment)

2. The land used for required off-premises parking shall be located in the M-IP Zone and shall be owned or controlled by the owner or owners of the use requiring the off-premises parking. In this connection, the owner or lessee of record of the off-premises parking site shall furnish evidence satisfactory to the Planning Director that he owns or has sufficient interest in

such property to provide the off-premises parking required by this section. Where off-premises parking is to be provided on property owned by the applicant or is in another ownership, there shall have been recorded in the office of the County Recorder a covenant executed by the owners of such property on which the off-premises parking is proposed for the benefit of the City on a form approved by the City Attorney to the effect that the owners will continue to maintain such parking space so long as the off-premises parking is required by this Code. Such covenant will also recite that this title to and the right to use the lots upon which the parking spaces are to be provided will be subservient to the title to the premises where the primary use which it serves is situated and shall warrant that such lots are not and will not be made subject to any other covenant or contract for such use without the prior written consent of the City. In the event the owners of such use shall thereafter provide parking space equal in area under the same conditions as to ownership upon another lot other than the premises made subservient in a prior such covenant, the City will upon written application therefore accompanied by the filing of a similar covenant, release such original subservient premises from such prior covenant.

The owners shall furnish, at their own expense, such title reports or other evidence as the City may require to insure compliance with the provisions of paragraph "E." of this section.

Off-premises parking spaces required by paragraph "E." of this section shall be maintained so long as they are required by the provisions of this section. In no event shall off-premises parking facilities which are provided to meet the requirements of this section be considered as providing any of the required spaces for any other structure or use.

3. Where ambiguity exists in the application of these off-street parking requirements or when any use not specified in paragraph "B.", above, is found by the Planning Commission to be a permitted use in accordance with paragraph "B.8.", above, the off-street parking requirements shall be determined by the Planning Director.
4. All off-street parking facilities shall be constructed, operated, and maintained in compliance with Division 8 of this Article except that the portion of a parking area devoted to parking of vehicles referred to in paragraph "E.1.b", above, shall be developed in accordance

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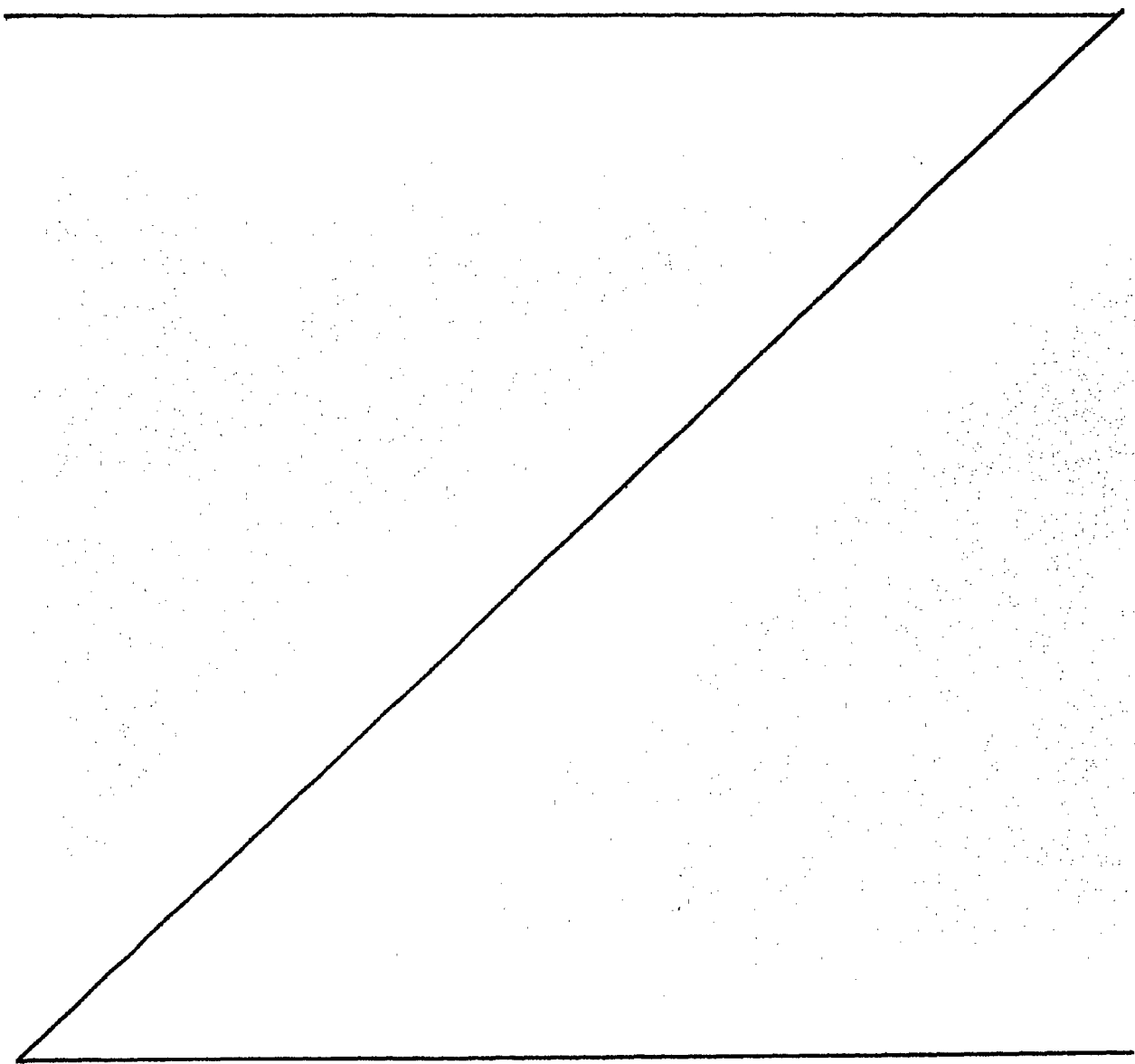
with plans approved by the Planning Director if any of the said vehicles exceed an overall width of six feet or an overall length of 20 feet.

F. EXTERNAL EFFECTS

The following effects shall not be permitted to emanate beyond the boundaries of the premises upon which a permitted use is located:

1. Air contaminants, including but not limited to smoke, charred paper, paper, dust, soot, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof or any emissions that endanger human health, cause damage to vegetation or property or cause soiling.
2. Loud, unnecessary or unusual noise which endangers health, peace or safety of others, or objectionable changes in temperature or direct or sky-reflected glare.
3. Radioactivity or electrical disturbance which unduly interferes with the normal operation of equipment or instruments.

The Planning Director shall be responsible for determining whether or not any premises fails to meet the requirements of paragraph "F." of this section. Any decision of the Planning Director may be appealed to the Planning Commission in accordance with the procedures set forth in SEC. 101.0230.



A. USES WHICH MAY BE CONSIDERED

(No Amendment)

B. APPLICATION - FORM AND CONTENTS

(No Amendment)

C. DECISION OF THE PLANNING COMMISSION

1. The Planning Commission shall hold a public hearing which has been noticed in accordance with the provisions of SEC. 101.0220. After the public hearing, the Planning Commission may, by resolution, grant a Conditional Use Permit, if, after considering the facts presented in the application and at the hearing, it is concluded that:

- a. The proposed use will not adversely affect the neighborhood, the General Plan or the Community Plan, and will not be detrimental to the health, safety and general welfare of persons residing or working in the area; and

- b. The proposed use will comply with all the relevant regulations in the Municipal Code.
2. If the Commission, after considering the facts presented on the application and at the hearing, is unable to reach the two conclusions set forth in paragraph "C.1." of this section, it shall deny the permit by resolution.
3. = 4. (No amendment)

D. APPEAL FROM DECISION OF THE PLANNING COMMISSION

1. An appeal from the decision of the Planning Commission granting or denying any Conditional Use Permit as provided in this section may be taken to the City Council if filed within ten days after the decision. Such appeal shall be filed with the City Clerk on forms provided. The appeal shall specify wherein there was error in the decision of the Planning Commission.
2. If an appeal is filed within the time specified, it automatically stays proceedings in the matter until determination is made by the City Council.
3. Upon filing of the appeal, the Clerk shall set the matter for public hearing, giving the same notice as

provided in paragraph "C" for hearing before the Planning Commission. The City Clerk shall send the Planning Commission a duplicate of the appeal and request the Planning Commission to transmit to the City Council a copy of its decision and findings, minutes of the hearing, and all other evidence, maps, papers, and exhibits upon which the Planning Commission made its decision.

4. Upon the hearing of such 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 the Code.
5. The resolution shall contain a finding of fact showing wherein the proposed Conditional Use Permit meets or fails to meet the requirements set forth in paragraph "C." of this section.
6. The resolution shall be filed with the Planning Director, the Zoning Administrator, Director of Building Inspection and the County Recorder of San Diego County and a copy shall be mailed to the applicant. The resolution shall not be filed with the County Recorder if the resolution is a denial of the Conditional Use Permit.

E. AMENDMENT TO PERMIT

(No Amendment)

F. EXTENSION OF TIME

1. - 3. (No Amendment)

4. An appeal from the decision of the Planning Commission in granting or denying an extension of time may be taken to the City Council in the same manner as provided in paragraph "D." of this section.

SEC. 101.0507 CONDITIONAL USE PERMIT GRANTED BY CITY COUNCIL

A. USES WHICH MAY BE CONSIDERED

(No Amendment)

B. APPLICATION - FORM AND CONTENTS

(No Amendment)

C. RECOMMENDATION OF THE PLANNING COMMISSION

1. The Planning Commission shall hold a public hearing which has been noticed in accordance with the provisions of SEC. 101.0220. After the public hearing, the Planning Commission may, by resolution, recommend the granting of a Conditional Use Permit, if after considering the facts presented on the application and at the hearing, it is concluded that:

a. The proposed use will not adversely affect the neighborhood, the General Plan or the Community Plan and will not be detrimental to the health, safety or general welfare of persons residing or working in the area; and

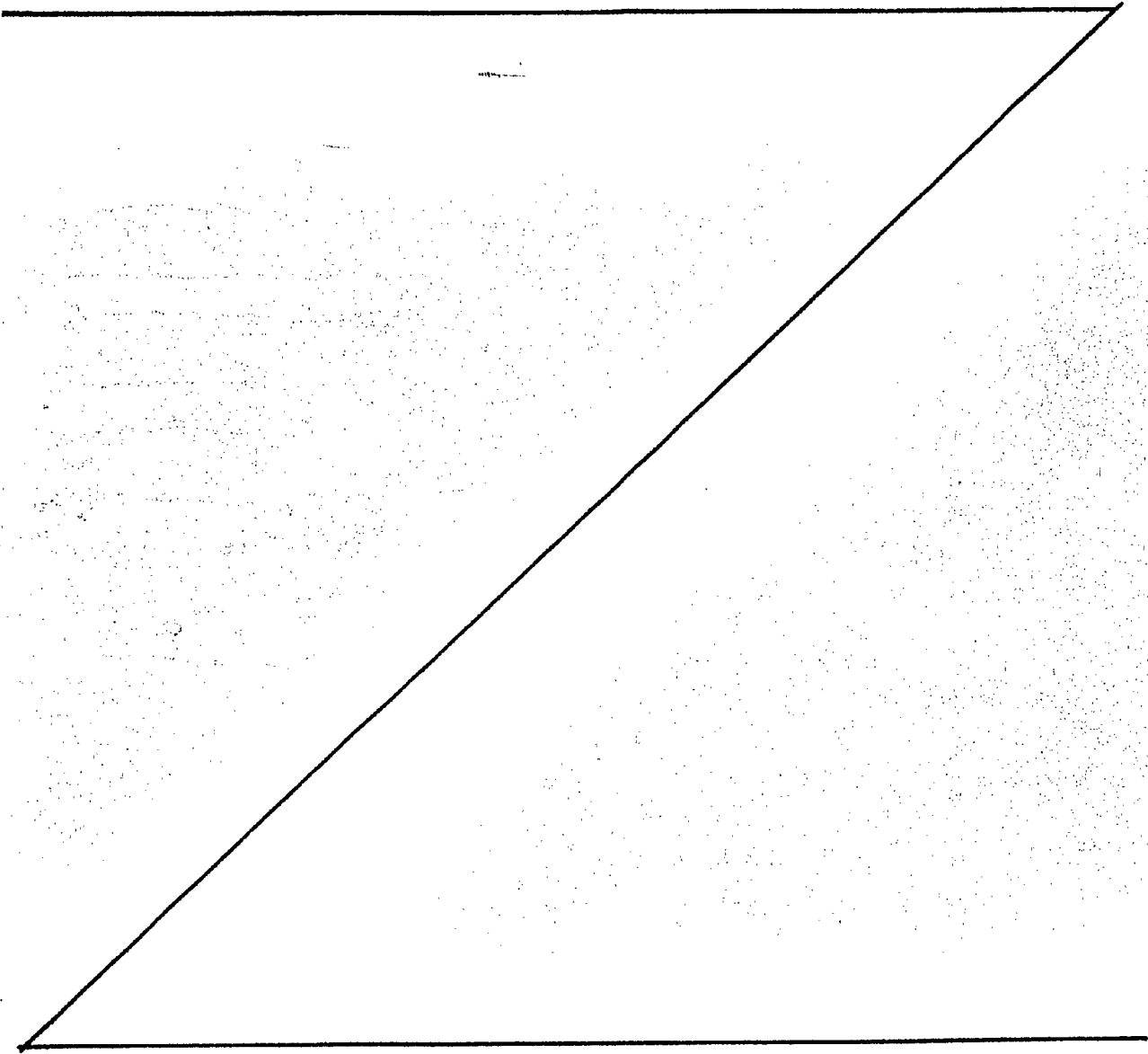
b. The proposed use will comply with all the relevant regulations in the Municipal Code.

2. If the Commission, after considering the facts presented on the application and at the hearing, is unable to reach the two conclusions set forth in paragraph "C.1" of this section, it shall be recommended by resolution that the permit be denied.

3.-4. (No Amendment)

D. HEARING SET BEFORE CITY COUNCIL

A copy of the resolution setting forth the recommendations of the Planning Commission and the finding of facts shall be filed with the City Clerk as soon as possible after the public hearing or continuance thereof. The City Clerk shall thereupon set the matter for public hearing before the City Council giving notice of the time, place and purpose of such hearing in accordance with SEC. 101.0220.



E. DECISION OF THE CITY COUNCIL

1. The City Council shall consider the Conditional Use Permit application at the public hearing on the date set for said hearing or on the date to which such hearing may be continued from time to time by the City Council.

2. Upon the conclusion of the hearing, the City Council may, by resolution, grant or deny the permit. The resolution shall contain a finding of facts showing wherein the conditional use shall fulfill or fail to fulfill the requirements as set forth in paragraph "C.1" of this section. The resolution shall be filed with the City Clerk, the Planning Director, the Zoning Administrator, the Director of Building Inspection and the County Recorder of San Diego County and a copy shall be mailed to the applicant. The resolution shall not be filed with the County Recorder if the resolution is a denial of the Conditional Use Permit.

3. In granting a Conditional Use Permit, the Council may impose such conditions as it deems necessary and desirable to protect the public health, safety and general welfare. Any regulations of the zone in which property is situated including, but not limited to,

signs, fences, walls, maximum building heights, density, minimum yards, maximum building coverage and off-street parking may be increased or decreased.

F. AMENDMENT TO PERMIT

1. The City Council may, by resolution, grant an amendment to a valid Conditional Use Permit which it has granted, if after considering the facts presented on the application and at the hearing, it can reach conclusions set forth in paragraph "C.1" of SEC. 101.0506.
2. The procedure for making application for an amendment to a valid Conditional Use Permit and for hearing before the Planning Commission and City Council shall be as set forth in SEC. 101.0507.
3. In recommending the granting or denying of an amendment to a valid Conditional Use Permit, the Planning Commission shall make a writing finding of the facts which shall specify the facts relied upon by the Commission in making its decision and in recommending conditions. Such finding of facts shall be incorporated in a resolution and a copy of the resolution shall be filed with the City Clerk as soon as possible after the public hearing or continuation thereof. The City Clerk shall thereupon set the matter for public hearing before the City Council.

4. Upon the conclusion of the hearing, the City Council may by resolution grant or deny the amendment. The resolution shall contain a finding of facts showing wherein the amendment fulfills or fails to fulfill the requirements as set forth in paragraph "C.1" of this section. A copy of the resolution shall be filed with the Planning Director, the Zoning Administrator, the Director of Building Inspection and the County Recorder of San Diego County, and a copy shall be mailed to the applicant.

5. In granting an amendment to a valid Conditional Use Permit, the Council may impose such conditions as it deems necessary and desirable to protect the public health, safety and general welfare. Any regulations of the zone in which the property is situated including, but not limited to, signs, fences, walls, maximum building heights, minimum yards, maximum building coverage and off-street parking may be increased or decreased.

G. EXTENSION OF TIME

1. The City Council may, by resolution, grant an extension of time to a valid Conditional Use Permit which it has granted if it finds that there has been no

material change of circumstances since the granting of the permit.

2. Application for an extension of time shall be in writing and shall be filed by the owner of the property covered by the permit. Application shall be filed with the City Clerk. The City Council may require a public hearing on such application if it determines that such a hearing is in the public interest. In the event a hearing is ordered by the Council, the procedure for noticing shall be as set forth in accordance with SEC. 101.0220.

3. A copy of the resolution granting or denying the extension of time shall be filed with the Planning Director, the Zoning Administrator, the Director of Building Inspection, and the County Recorder of San Diego County, and a copy shall be mailed to the applicant.

SEC. 101.0508

FAILURE TO UTILIZE ZONE VARIANCE OR
CONDITIONAL USE PERMIT OR FAILURE TO CONFORM
TO OR COMPLY WITH CONDITIONS

1. Any zone variance or Conditional Use Permit granted by the City as provided in this Code shall be conditioned upon the privileges granted being utilized within 36 months after the effective date thereof.
2. Failure to utilize such zone variance or Conditional Use Permit within the 36-month period will automatically void the same. If construction work is involved and if the City Council should find, after a public hearing noticed in accordance with the procedure set forth in SEC. 101.0220, that there has been no construction substantial in character accomplished under said zone variance or Conditional Use Permit prior to the expiration of the 36-month period, the zone variance or Conditional Use Permit shall be void.
3. Construction substantial in character shall be not less than 20 percent of the total footings, foundations or similar supporting structural elements required in the construction of structures or buildings authorized by a variance or Conditional Use Permit.

4. Except as provided in SEC. 101.0509, during the 36-month period referred to in paragraph "1." of this section the property covered by a Conditional Use Permit granted the Zoning Administrator, Board of Zoning Appeals, Planning Commission or City Council shall not be used for any purpose other than that authorized by the permit.

5. The Planning Director shall determine whether the conditions and requirements of a Conditional Use Permit or variance granted by the Planning Commission or City Council have been met by the permittee or grantee of a variance. The determination by the Planning Director shall be final and conclusive on all affected parties.

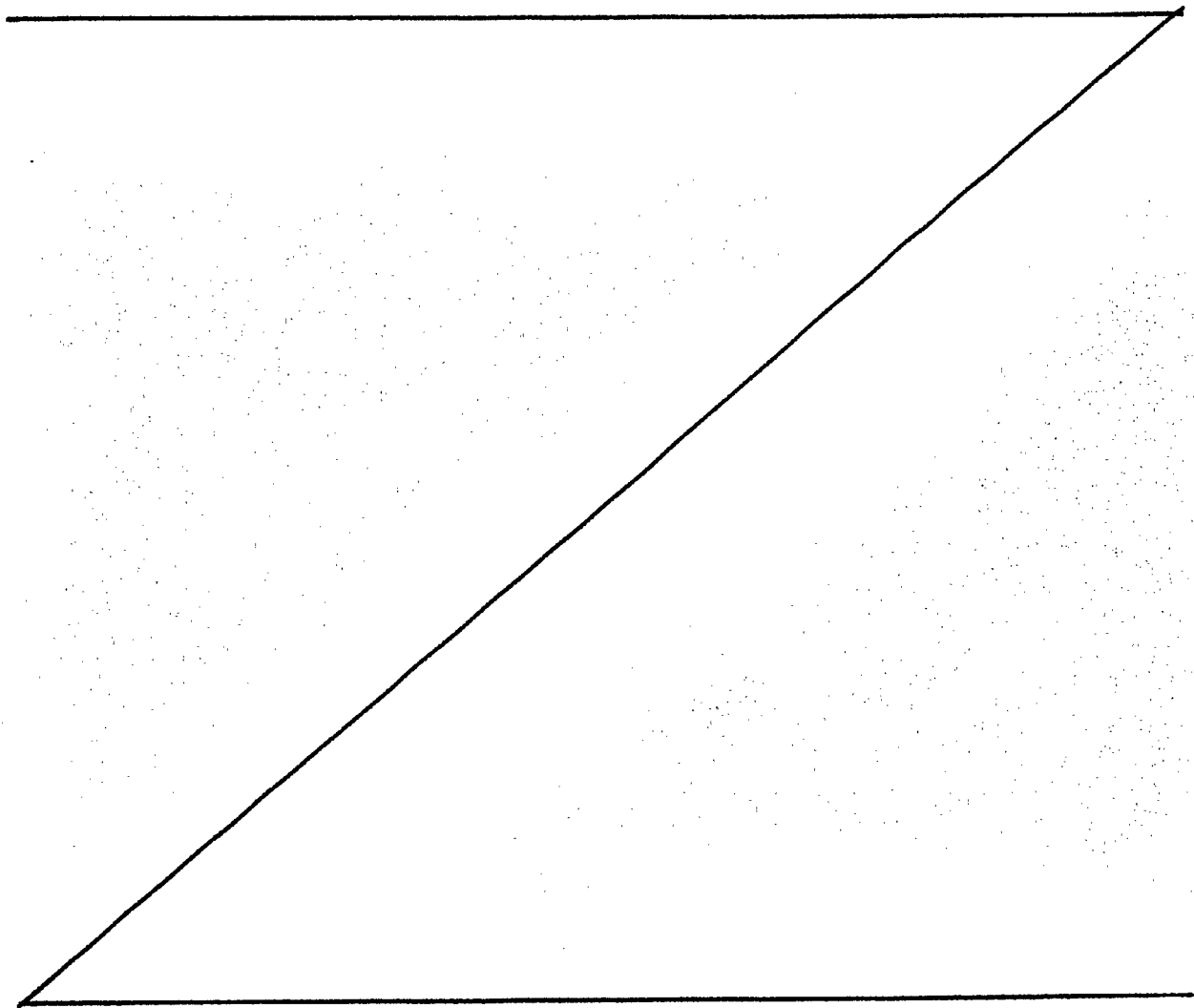
The Zoning Administrator shall determine whether the conditions and requirements of a Conditional Use Permit or variance granted by the Zoning Administrator or Board of Zoning Appeals have been met by the permittee or grantee of the variance. The determination by the Zoning Administrator shall be final and conclusive on all affected parties.

SEC. 101.0509 CANCELLATION OF A CONDITIONAL USE PERMIT

1. A valid Conditional Use Permit granted by the Zoning Administrator, Board of Zoning Appeals, Planning Commission or City Council may be cancelled at any time during the 36-month period referred to in paragraph "1." of SEC 101.0508.

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.



A. PURPOSE AND INTENT

(No Amendment)

B. DEFINITION

(No Amendment)

C. PLANNED RESIDENTIAL DEVELOPMENT PERMIT

(No Amendment)

D. APPLICATION

Application for a permit for a Planned Residential Development shall be made to the Planning Department in accordance with the procedures set forth below:

1. Application for a Planned Residential 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 ground for the application and shall be accompanied by adequate plans and a legal description of the property involved and an explanation and description of the proposed use.

2. A deposit, as indicated on the current fee schedule maintained in the Planning Department, shall be paid when application for a Planned Residential Development Permit is made.

3. - 8. (No Amendment)

E. DECISION OF THE PLANNING DIRECTOR

1. - 2. (No Amendment)

3. The Planning Director shall not approve any Planned Residential Development Permit unless the proposed development was publicly noticed in accordance with the provisions of SEC. 101.0220.

4. - 6. (No Amendment)

F. APPEAL FROM DECISION OF THE PLANNING DIRECTOR

An appeal from any decision of the Planning Director regarding a Planned Residential Development Permit must be filed with the Planning Department within 10 days of that decision. The appeal shall be noticed in accordance with SEC. 101.0220 and filed in accordance with the provisions of Sec. 101.0230.

G. APPEAL FROM DECISION OF THE PLANNING COMMISSION

The decision of the Planning Commission shall be final on the eighth day following their action unless a request to be heard on appeal is filed in the office of the City Clerk. The appeal shall be filed and heard in accordance with the provisions of SEC. 101.0240.

H. FAILURE TO UTILIZE PLANNED RESIDENTIAL DEVELOPMENT PERMIT OR FAILURE TO CONFORM TO OR COMPLY WITH CONDITIONS

(No Amendment)

I. EXTENSION OF TIME TO A PLANNED RESIDENTIAL DEVELOPMENT PERMIT

1. The Planning Director may, by resolution, grant an extension of time up to 36 months on the time limit

contained in a currently valid Planned Residential 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 Residential 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 paragraphs "F." and "G." herein.

J. CANCELLATION OF A PLANNED RESIDENTIAL DEVELOPMENT PERMIT

A valid Planned Residential Development Permit granted by the Planning Director, or by the Planning Commission on appeal, or by the City Council on appeal, may be cancelled at any time during the 36-month period referred to in paragraph "H." herein. 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. The permit becomes void 120 days after receipt of the communication in the office of the Planning Department.

K. DESIGN CRITERIA

(No Amendment)

L. MINIMUM DEVELOPMENTAL STANDARDS

(No Amendment)

M. DEVIATIONS FROM MINIMUM STANDARDS

(No Amendment)

N. COMBINED PROCEEDINGS

(No Amendment)

O. TENTATIVE MAP TO SHOW RESERVATION FOR OPEN SPACE

(No Amendment)

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

(No Amendment)

Q. FINAL MAP - CONDITIONS TO APPROVAL - AMENDED MAP

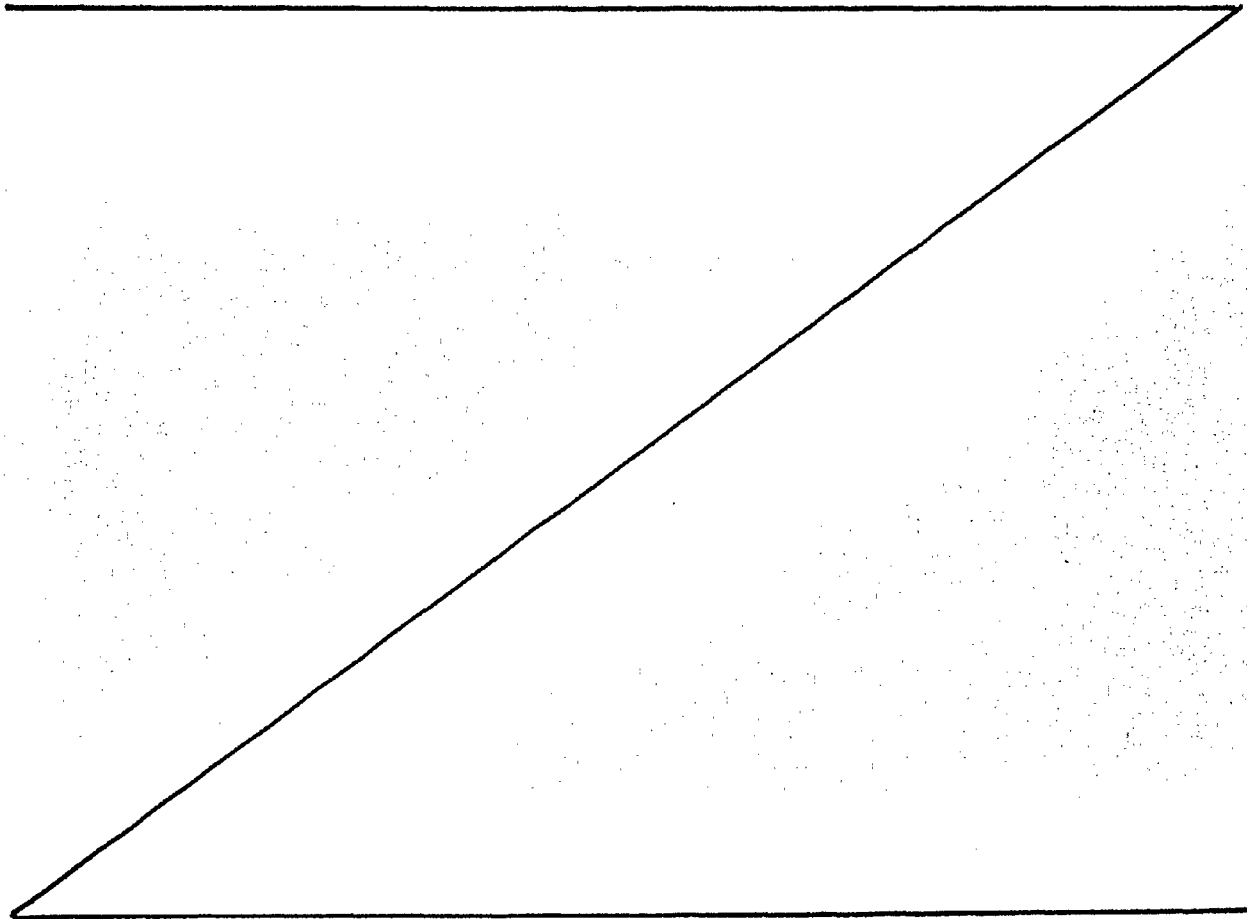
(No Amendment)

R. CERTIFICATE OF OCCUPANCY

(No Amendment)

S. FAILURE TO MAINTAIN

(No Amendment)



A. PURPOSE AND INTENT

(No Amendment)

B. DEFINITION AND LOCATIONAL CRITERIA

(No Amendment)

C. USES

(No Amendment)

D. DESIGN CRITERIA

(No Amendment)

E. MINIMUM DEVELOPMENTAL STANDARDS

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

1. - 3. (No Amendment)

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 Director.

5. - 7. (No Amendment)

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 Director.

9. - 11. (No Amendment)

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 Director prior to the granting of a Planned Commercial Development Permit. The circulation plan shall include the following:

a. - d. (No amendment)

13. - 18. (No Amendment)

F. PERMITTED DEVELOPMENT CONTROLS

(No Amendment)

G. PLANNED COMMERCIAL DEVELOPMENT PERMIT

(No Amendment)

H. APPLICATION

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

1. (No Amendment)

2. A deposit, as indicated on the current fee schedule maintained in the Planning Department, shall be paid when application for a Planned Commercial Development Permit is made.

3. (No Amendment)

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. - 8. (No Amendment)

I. DECISION OF THE PLANNING DIRECTOR

1. The Planning Director shall not approve any Planned Commercial Development Permit unless the proposed development was publicly noticed in accordance with the provisions of SEC. 101.0220.

2. - 4. (No Amendment)

J. APPEAL FROM DECISION OF THE PLANNING DIRECTOR

An appeal from any decision of the Planning Director regarding a Planned Commercial Development Permit must be filed with the Planning Department within 10 days of that decision. The appeal shall be noticed in accordance with SEC. 101.0220 and filed in accordance with the provisions of SEC. 101.0230.

K. APPEAL FROM DECISION OF THE PLANNING COMMISSION

The decision of the Planning Commission shall be final on the eighth day following action by the Planning Commission unless a request to be heard on appeal is filed in the office of the City Clerk in accordance with the provisions of SEC. 101.0240.

L. FAILURE TO UTILIZE PLANNED COMMERCIAL DEVELOPMENT PERMIT OR FAILURE TO CONFORM TO OR COMPLY WITH CONDITIONS

(No Amendment)

M. EXTENSION OF TIME TO A PLANNED COMMERCIAL DEVELOPMENT PERMIT

1. The Planning Director may, by resolution, grant an extension of time up to 36 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 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 "J." 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 36-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 36-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; and
- c. That the Planning Director approves the request for cancellation of the permit.

O. DEVIATIONS FROM MINIMUM STANDARDS

(No Amendment)

P. COMBINED PROCEEDINGS

(No Amendment)

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

The Subdivision Board 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)

S. CERTIFICATE OF OCCUPANCY

(No Amendment)

T. (No amendment)

A. PURPOSE AND INTENT

(No Amendment)

B. DEFINITION AND LOCATIONAL CRITERIA

(No Amendment)

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 embodies 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 use 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

(No Amendment)

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. - 3. (No Amendment)
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 Director. Landscape screening proposals shall require approval by the Planning Director, or on appeal, the Planning Commission.

5. - 11. (No Amendment)

12. The Planning Director, if he deems it necessary, may require from the applicant a study or studies supporting the feasibility of a proposed Planned Industrial Development.

13. - 15. (No Amendment)

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

1. - 16. (No Amendment)

17. Any other development controls deemed necessary by the Planning Director 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 Director 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 deposit as indicated on the current fee schedule maintained in the Planning Department shall be paid when application for Planned Industrial Development is made.

3. - 8. (No Amendment)

I. DECISION OF THE PLANNING DIRECTOR

1. The Planning Director shall grant a Planned Industrial 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.

2. In granting or denying a permit, the Planning Director shall make written findings which shall specify facts relied upon by the Planning Director in rendering a 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. The Planning Director shall not approve any Planned Industrial Development Permit unless the proposed development was publicly noticed in accordance with SEC. 101.0220.
4. A copy of the written findings 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.

J. APPEAL FROM DECISION OF THE PLANNING DIRECTOR

An appeal from any decision of the Planning Director regarding a Planned Industrial Development Permit must be

filed with the Planning Department within 10 days of that decision. The appeal shall be noticed in accordance with the provisions of SEC. 101.0220 and filed in accordance with SEC. 101.0230.

K. APPEAL FROM DECISION OF THE PLANNING COMMISSION

The decision of the Planning Commission shall be final on the eighth day following action by the Planning Commission unless a request to be heard on appeal is filed in the office of the City Clerk in accordance with the provisions of SEC. 101.0240.

L. FAILURE TO UTILIZE PLANNED INDUSTRIAL DEVELOPMENT PERMIT

(No Amendment)

M. EXTENSION OF TIME TO A PLANNED INDUSTRIAL DEVELOPMENT PERMIT

1. The Planning Director may, by resolution, grant an extension of time up to 36 months 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 Director shall consider the request in accordance with the appropriate procedures set forth in paragraph "I." 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 original permit was originally granted.

2. The decision of the Planning Director may be appealed as provided in paragraph "J." of this section.

N. CANCELLATION OF A PLANNED INDUSTRIAL DEVELOPMENT PERMIT

1. A valid Planned Industrial Development Permit granted by the Planning Director, Planning Commission, or by the City Council on appeal, may be cancelled at any time during the 36-month period referred to in paragraph "L." of this section.

2. - 3. (No Amendment)

O. DEVIATIONS FROM MINIMUM STANDARDS

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

Permit. The Planning Director shall consider the request in accordance with the appropriate procedures set forth in paragraph "I." 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 original permit was originally granted.

2. The decision of the Planning Director may be appealed as provided in paragraph "J." of this section.

N. CANCELLATION OF A PLANNED INDUSTRIAL DEVELOPMENT PERMIT

1. A valid Planned Industrial Development Permit granted by the Planning Director, Planning Commission, or by the City Council on appeal, may be cancelled at any time during the 36-month period referred to in paragraph "L." of this section.

2. - 3. (No Amendment)

O. DEVIATIONS FROM MINIMUM STANDARDS

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

1. Planning Director may impose such conditions as he 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 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 the following facts exist:

a. - c. (No Amendments)

3. (No Amendment)

P. COMBINED PROCEEDINGS

(No Amendment)

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

The Subdivision Board 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

(No Amendment)

S. CERTIFICATE OF OCCUPANCY

(No Amendment)

T. (No amendment)

CONDOMINIUM CONVERSION REGULATIONS

SEC. 101.0995 APPEAL FROM THE DECISION OF THE PLANNING
COMMISSION

- A. An appeal from the decision of the Planning Commission must be filed within ten days after the decision of the Planning Commission. The appeal may be filed by the applicant or by an affected tenant. The appeal shall be in writing and filed in duplicate with the City Clerk upon forms provided by the Clerk. The appeal shall specifically identify the section or sections of the Municipal Code with which the decision does not comply and the facts which disclose such noncompliance. 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.
- B. (No amendment)

A. APPLICATION FOR DISCONTINUANCE

1. (No amendment)
2. A deposit as indicated on the current fee schedule maintained in the Planning Department shall be paid when the application for discontinuance is submitted.
3. - 10. (No amendment)

B. DECISION OF THE PLANNING DIRECTOR

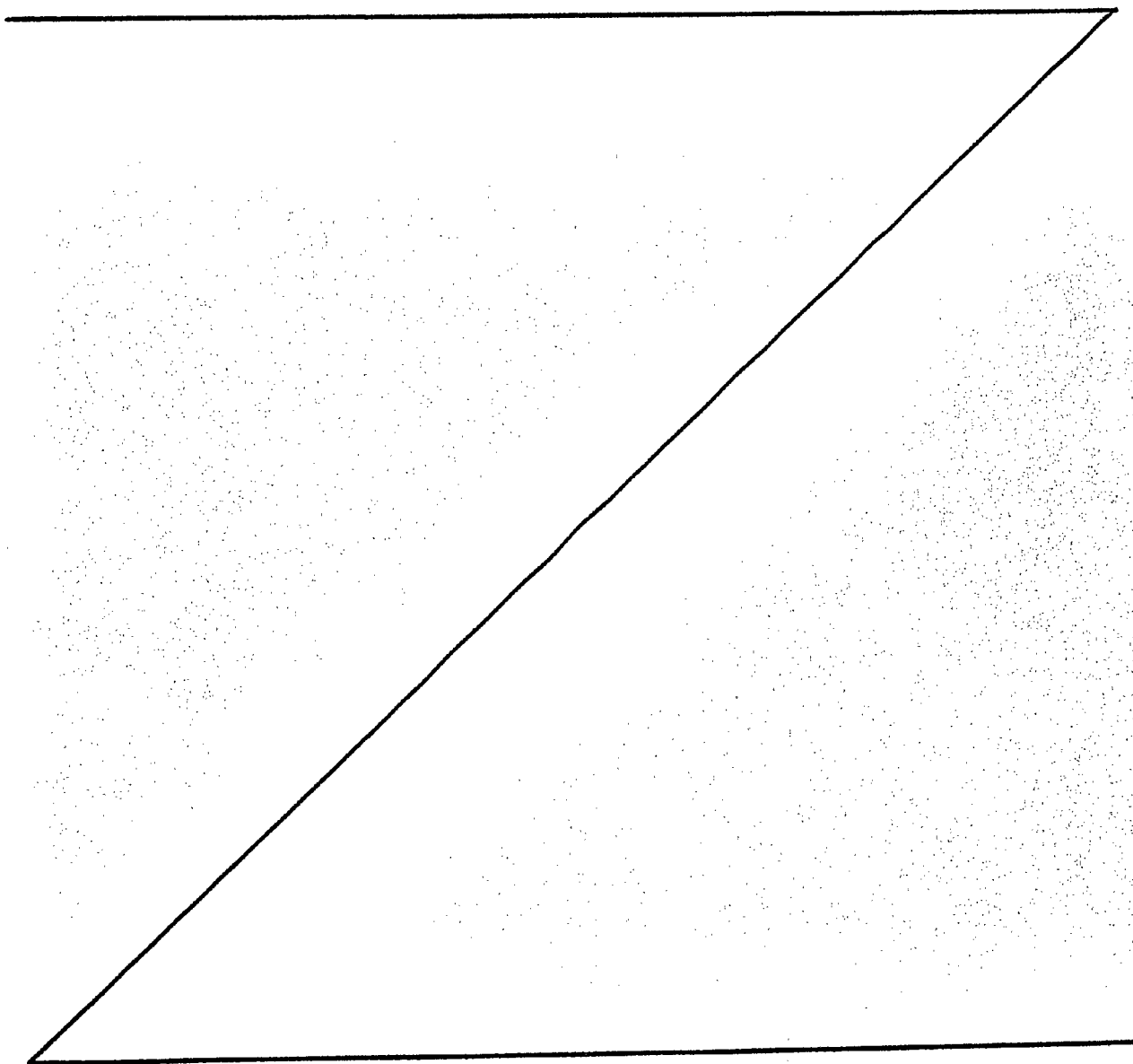
1. - 6. (No amendment)

C. APPEAL FROM THE DECISION OF THE PLANNING DIRECTOR

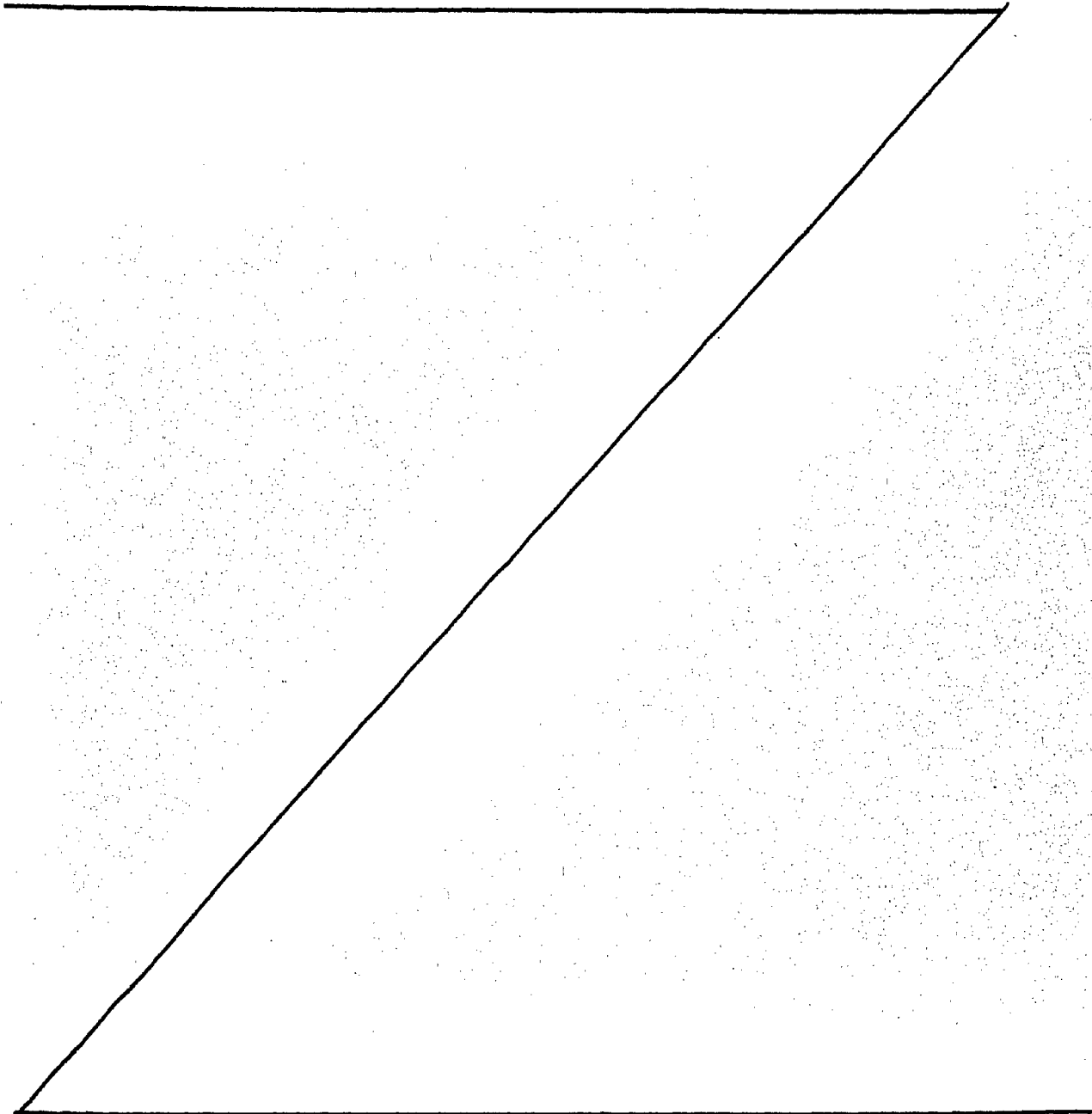
An appeal from the decision of the Planning Director on an application for discontinuance of a mobile home park must be filed with the Planning Department within 10 days following the decision of the Planning Director. The appeal shall be noticed in accordance with SEC. 101.0220 and filed in accordance with SEC. 101.0230.

D. APPEAL FROM THE DECISION OF THE PLANNING COMMISSION

The decision of the Planning Commission shall be final on the eighth day following action by the Planning Commission unless a request to be heard on appeal is filed in the Office of the City Clerk. The appeal shall be filed and heard in accordance with the provisions of SEC. 101.0240.



Section 2. That Chapter X, Article 1, Division 2 of the San Diego Municipal Code be, and the same is hereby amended by adding Sections 101.0220, 101.0230 and 101.0240 to read as follows:



A
SHS
Prior to a Planning Director, Planning Commission, or City Council action on a planned development or special permit, a date shall be set for a public hearing and notice shall be given of the time, place, and purpose of such hearing in the following manner:

1. By at least one publication thereof in a newspaper of general circulation that is published on five or more days in a calendar week in The City of San Diego, not less than ten days or 30 days prior to the date of the hearing (see "3." below); and
2. By depositing in the United States mail, postage prepaid, a notice of public hearing addressed to the owner or owners of each parcel of land within 300 feet of the exterior boundaries of the property under consideration according to the time schedule in "3." below. The last known name and address of each owner as shown on the records of the County Assessor may be used for this notice. This notice shall also be mailed to the affected community planning group(s) and any other group or organization which has requested notification by written request to the Planning Department.

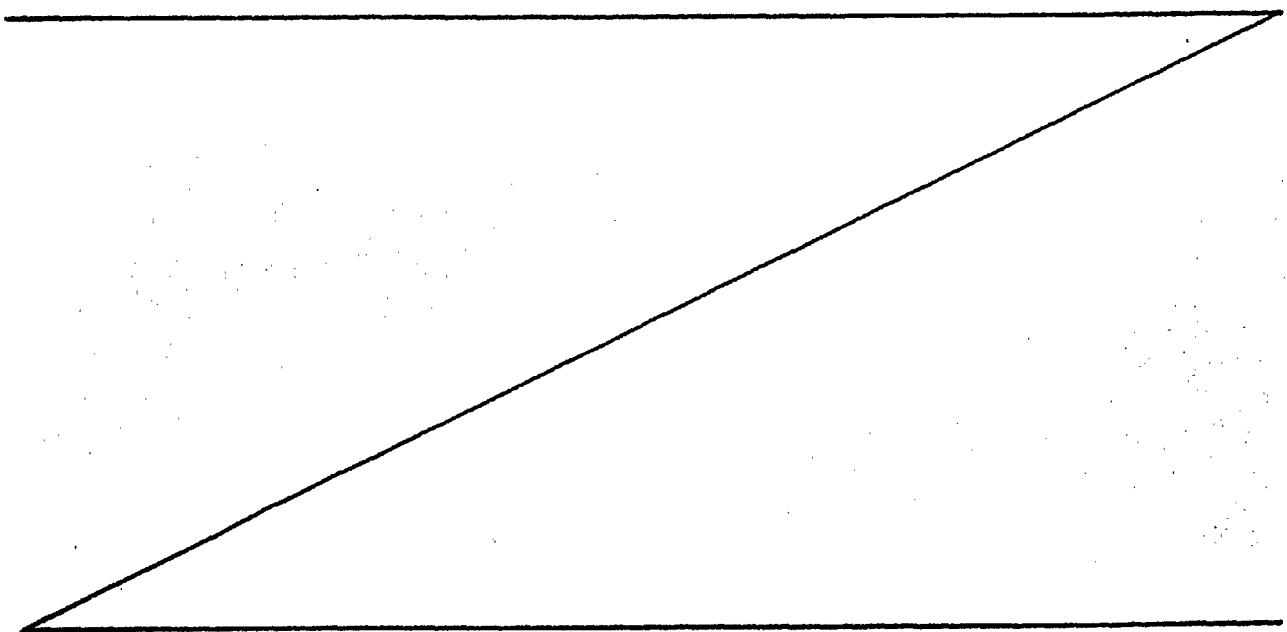
3. The following noticing periods shall be required for Planned Residential Development, Planned Commercial Development, Planned Industrial Development permits, M-IP Zone development plans, Hillside Review Permits and Conditional Use Permits, and other permits, where applicable:

- a. At least 30 days prior to a Planning Director hearing;
- b. At least 10 days prior to a Planning Commission hearing;
- c. At least 10 days prior to any Extension-of-Time hearing;
- d. At least 10 days prior to a City Council hearing.

^B
SHB The notice required under "2." above shall be headed "NOTICE OF PUBLIC HEARING" in letters not less than one-quarter inch in height and shall recite in legible characters:

1. The boundaries either by diagram, plat or brief description of the area proposed to be developed.

2. The date, time and place of the public hearing, the type of development permit being sought, and the case number.
3. The square footage of each proposed commercial and industrial use, and the proposed number of dwelling units for residential use.
4. The community planning area in which the proposed development is located, the existing zoning, and the legal description of the site.
5. A statement that any person may, but is not required to, appear and be heard before the Planning Director at the public hearing.



Sec. 101.0230

PROCEDURE FOR PLANNED DEVELOPMENTS/SPECIAL
PERMITS-APPEAL FROM THE DECISION OF THE
PLANNING DIRECTOR

An appeal from the decision of the Planning Director must be filed within ten days of that decision. The appeal may be taken by the applicant, any governmental body or agency, 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 the forms provided. The appeal shall specify wherein there was an error in the decision of the Planning Director. The filing of an appeal shall automatically stay proceedings in the matter until a determination is made by the Planning Commission.

Upon filing of the appeal, the Planning Department shall set the matter for public hearing. The public hearing shall be noticed at least 10 days prior to that date in accordance with the provisions of Sec. 101.0220.

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 by law and the provisions of the Municipal Code. The resolution must contain a finding of fact showing wherein the proposed planned development or other project meets, or fails to meet, the requirements of the specific permit applied for.

The decision of the Planning Commission shall be final on the eighth day following their taking action unless appealed to the City Council.

Sec. 101.0240 PROCEDURE FOR PLANNED DEVELOPMENTS/SPECIAL
 PERMITS-APPEAL FROM DECISION OF THE PLANNING
 COMMISSION

An appeal from the decision of the Planning Commission must be filed within seven days in the office of the City Clerk. When a request to be heard on 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 on the City Council is required and the matter is of City-wide significance.
5. The decision of the Planning Commission is inconsistent with the applicable community plans or the General Plan for those areas not covered by a community plan; or
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 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.

Section 3. 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:ib:632
01/19/84
Or.Dept:Plan.
O-84-160
Form=o.none

MAY 21 1984

Passed and adopted by the Council of The City of San Diego on _____
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"/>
Bill Cleator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Ellen Board, 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

MAY 8 1984

MAY 21 1984

~~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 Board, Deputy.

Office of the City Clerk, San Diego, California

Ordinance
Number

0-16205

Adopted

MAY 21 1984

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APR 1 1984

RECEIVED

RECEIVED

RECEIVED

RECEIVED

APR 8 1984

APR 1 1984

RECEIVED
CITY CLERK'S OFFICE
SAN DIEGO, CALIF.
1984 APR -4 PM 2:46

APR 1 1984

APR 1 1984

