

ORDINANCE NUMBER 0- 16290 (New Series) (Rev) (O-85-30)

Adopted on OCT 1 1984

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, OF  
THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 11,  
SECTIONS 103.1100, 103.1102, 103.1104,, 103.1104.1,  
103.1104.2, 103.1104.3, 103.1104.4, 103.1106,  
103.1108, 103.1108.1, 103.1108.2, 103.1108.3, 103.1108.4,  
103.1110 AND 103.1112, RELATING TO THE OTAY MESA  
DEVELOPMENT DISTRICT.

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

Section 1. That Chapter X, Article 3, of the San Diego  
Municipal Code be, and the same is hereby amended by adding  
Division 11, Sections 103.1100, 103.1102, 103.1104, 103.1104.1,  
103.1104.2, 103.1104.3, 103.1104.4, 103.1106, 103.1108,  
103.1108.1 103.1108.2, 103.1108.4, 103.1110, and 103.1112, to  
read as follows:

Division 11

SEC. 103.1100 OTAY MESA DEVELOPMENT DISTRICT -  
PURPOSE AND INTENT

The purpose of this district is to create and promote the development of the City's largest and potentially most significant industrial area. It is also the purpose of this District to control the use, development intensity, and development design of a primarily industrial area which includes a large commercial subdistrict and a border station serving mixed use subdistrict.

It is intended that this District will provide for a full range of industrial uses emphasizing base sector manufacturing and also including wholesaling and distribution, assembly operations, and necessary support services. Because of its location adjacent to the international border, its accessibility to Mexico, and its abundance of large, readily developable parcels, Otay Mesa is a unique area. It has the potential of becoming a major industrial center, not only in San Diego County, but also in the southwestern United States. It is situated near, and accessible to the Mesa de Otay industrial complex in Tijuana B.C., Mexico. It is intended that this District provide the necessary facilities and services to complement the Otay Mesa border

crossing. It is also intended that this District provide commercial use types necessary to support both the industrial area and the border crossing.

This District provides for, and encourages, agricultural activities as an interim use throughout its area of applicability.

SEC. 103.1102            AREA OF APPLICABILITY OF OTAY MESA DEVELOPMENT  
DISTRICT

The regulations contained herein shall apply in the Otay Mesa Development District, the boundaries of which are shown on Map Drawing No. C-680.2 and described in the appended boundary description filed in the office of the City Clerk under Document No. **00-16290**. The District contains approximately 3,647 acres of industrially designated land, 240 acres of commercially designated land, and a 450-acre Otay International Center Precise Plan Subdistrict.

SEC. 103.1104            ADMINISTRATIVE REGULATIONS OF THE OTAY MESA  
DEVELOPMENT DISTRICT

SEC. 103.1104.1        ADMINISTRATION OF THE DISTRICT

- A. The Planning Director shall administer the Otay Mesa Development District.
  
- B. It is the duty of the Planning Director to administer and ensure compliance with the regulations and procedures contained within this Division in the manner prescribed herein for both public and private developments; to recommend to the Planning Commission any changes to the regulations, provided such changes are necessary for the proper execution of the adopted Otay Mesa Community Plan, and to adopt rules of procedure to supplement those contained within this District.

The Planning Director may approve, modify, or disapprove any applications for a permit after receiving the recommendations or comments from the Otay Mesa Development Council and based upon the conditions of compliance or noncompliance with the adopted regulations and approved criteria and standards.

SEC. 103.1104.2 OTAY MESA DEVELOPMENT COUNCIL

A. OTAY MESA DEVELOPMENT COUNCIL CREATED

- 1. There is hereby created an Otay Mesa Development Council which shall be composed of seven members who shall serve without compensation. The members shall be appointed by

the Mayor and confirmed by the Council. The members shall serve two-year terms and each member shall serve until his successor is duly appointed and qualified. The members shall be appointed in such a manner that the terms of not more than four members shall expire in any one year. The expiration date shall be April 1. During April of each year, the Mayor may designate one member as Chairman; however, in the absence of such designation, the Board shall, on or after May 15, select a Chairman from among its members.

2. At the time of appointment and during incumbency four members shall be residents or business operators within the district, two shall be property owners within the District, and one member shall be appointed at large. Members of the Council shall include persons who shall be specifically qualified by reason of interest, training or experience in land development, landscape, architecture, planning, urban design or other relevant business or profession to judge the effects of a proposed development upon the property values, and development of surrounding areas.
3. The Council may adopt rules of procedure to supplement those contained within this Division. Four voting members shall constitute a quorum for the transaction of

business and a majority vote; and not less than four affirmative votes shall be necessary to make any Council decision.

4. The Planning Director or his designated representative shall serve as Secretary of the Council and as an ex officio member and maintain records of all official actions of the Council. The Secretary shall not be entitled to vote.
5. All officers of the City shall cooperate with the Council and render all reasonable assistance to it.
6. The Council shall render a report annually on March 31, or on request, to the Mayor.

**B. POWERS AND DUTIES**

It shall be the duty of the Council to review all applications for permits, within the Otay Mesa Development District, and to submit its recommendations or comments on these matters in writing within 30 days to the Planning Director. When the California Environmental Quality Act requires that an Environmental Impact Report be prepared in conjunction with an application within the District, the Council shall review this report before submitting its

recommendation to the Planning Director. It shall also recommend to the Planning Commission any changes to the regulations, provided such changes are necessary for the proper execution of the adopted plan. It will recommend rules of procedure to supplement those contained within this Division when appropriate.

SEC. 103.1104.3 PERMIT APPLICATION, REVIEW, AND APPROVAL  
PROCEDURES

- A. Prior to the issuance of any permits or the use of any premises, development plans shall be submitted to the Planning Director for approval in accordance with SEC. 103.1110, paragraph 4.
- B. A deposit, as indicated on the current fee schedule maintained in the Planning Department, shall be paid when application for an Otay Mesa Development District Permit is made.
- C. When the Planning Director determines each application is complete, he shall refer each application to the Development Council provided, however, applications submitted pursuant to Sec. 103.1108.4 shall be sent to the Development Council after approval by the Planning Director for informational purposes.

D. If, after reviewing the recommendation of the Development Council, the Planning Director determines that the application conforms with all City regulations, policies, guidelines, design standards, density, and facilities requirements, the Planning Director shall grant a development permit after a public hearing has been held in accordance with SEC. 101.0220.

E. The Planning Director shall, by resolution, grant the development permit if it is found from the evidence presented that all of the following facts exist:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Community Plan.
2. 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,
3. The proposed use will comply with the relevant regulations in the Municipal Code.



- F. An appeal from the decision of the Planning Director regarding a project in the Development District must be filed in writing with the Planning Department within 10 days of the Director's decision. The appeal hearing shall be noticed in accordance with the provisions of SEC. 101.0220 and filed in accordance with the provisions of SEC. 101.0230.
- G. An appeal from the decision of the Planning Commission must be filed with the City Clerk within 7 days of that decision. The appeal shall be filed and heard in accordance with the provisions of SEC. 101.0240.
- H. All proceedings with regard to a tentative map submitted with an application for a project in the Development District shall be reviewed concurrently with the proceedings for the development permit.

SEC. 103.1104.4

FINANCING OF PUBLIC FACILITIES

A. PURPOSE AND INTENT

The public health, safety, and welfare require that residents in newly developing areas be adequately served with access, parks, schools, open space, libraries, fire stations and other public facilities concurrent with the need.

B. FINANCIAL RESPONSIBILITY

All necessary public facilities shall be provided by the project applicant, either directly by the applicant or by other means such as a charge against the area within the Planned District in accordance with the adopted Otay Mesa Community Plan.

C. FINANCIAL PROGRAM

1. Municipal Facilities.

The Municipal Facilities required for the Otay Mesa community shall be financed through these programs:

a. Development Impact Fee

- 1) For facilities which already exist outside of the Otay Mesa community, but which require additions or expansions to existing facilities to meet the requirements of the Otay Mesa community: i.e., police and public work facilities.
- 2) For new facilities necessitated by the Otay Mesa community: i.e., fire station and transportation facilities.

- 3) For facilities which extend beyond the limit of the Otay Mesa community, whose service area is also greater than the Otay Mesa community and the need for which is not solely created by the Otay Mesa community: Improvements so constructed may be subject to a reimbursement by the trust fund.
  
- 4) For facilities within or without the community which are intended for the use of residents such as: street scene improvements (landscaping of the medians and rights-of-way along major streets), traffic signals at the intersection of major streets, and other transportation facilities.

b. Improvement District.

An Improvement District under the provisions of State Law or local procedural ordinance may be created to create assessments against the land to generate funds to finance facilities which are related to each individual planned district area by amount of benefit received. The facilities to be provided by this improvement district may include, but not be limited to; major perimeter streets;

both municipal and other public utilities and drainage facilities contained therein. The boundary of each improvement district will be the centerline of the bordering perimeter streets, or other applicable limit, of each individual development plan area within the Otay Mesa community as the City shall determine.

c. On-Site Municipal Improvements.

The on-site municipal facilities, those within the individual neighborhood and not provided by "a" or "b" above, such as: streets, storm drains, and sewer, water, gas, power, and telephone utilities, will be provided by the subdivider under the conventional bonded subdivision agreement.

d. Off-Site Municipal Improvements.

The off-site municipal improvements are those outside of an individual development plan area at the time of its development and not provided under the conventional subdivision process for off-site improvements. The off-site improvements so constructed may be subject to a reimbursement agreement between the person who constructed the improvements and The City of San Diego.

Reimbursement pursuant to that agreement will be generated by the subdivider (s) of the subsequent development plan areas, where adjacent, and will be paid to the appropriate subdivider (s) as and when such funds are generated within the subareas covered by the reimbursement agreement.

- e. Any other programs approved by the City Council.

D. IMPLEMENTATION

No final subdivision map or development permit for the development of property shall be approved by the Planning Director unless and until the following have been accomplished:

1. A financing plan for all public facilities needed to support the Project, as required by the Otay Mesa Community Plan, has been adopted pursuant to Council Policy 600-28.
2. There has been established a Development Impact Fee applicable to the property covered by the development plan, or a greater area, and the City Council has by resolution set the amount of such fee.

E. DEVELOPMENT AGREEMENT

The requirements of Section D above shall be deemed to be met if the Project applicant has entered into a binding development agreement, approved by the City Council, pursuant to California Government Code 65864 through 65869.5 and San Diego Municipal Code 105.0101 et seq. Said agreement, in addition to the mandatory elements required by law, shall require that the Project applicant pay its pro rata share of all public facilities needed to support the Project.

SEC. 103.1106 PLANNING, ZONING AND SUBDIVISION REGULATIONS  
WHICH SHALL APPLY IN THE OTAY MESA DEVELOPMENT  
DISTRICT

Chapter X, Articles 1 and 2 (Procedures, Zoning, and Subdivision Regulations) of the Municipal Code shall apply in the Otay Mesa Development District. Where there are conflicts between the General Regulations and the Otay Mesa Development District, the District regulations will prevail.

SEC. 103.1108 OTAY MESA DEVELOPMENT DISTRICT - PERMITTED  
USES

SEC. 103.1108.1 INDUSTRIAL SUBDISTRICT USES

Industrial development in the Industrial Subdistrict identified on Map Drawing No C-680.2 shall be permitted under either of two options.

Option 1: Development under the M-LI Zone (Municipal Code SEC. 101.0434.1) permitted uses and property development regulations shall be permitted subject to the approval of the Planning Director. The Planning Director shall, by resolution, grant development rights if it is found from the evidence presented that all of the following facts exist.

- a. The proposed use is consistent with the land use designation in the Otay Mesa Community Plan.
- b. The proposal is in compliance with SEC. 103.1104.4 "Financing of Public Facilities."
- c. The project has been processed in compliance with the California Environmental Quality Act.

Following approval by the Planning Director and the subsequent issuance of a building permit, a copy of the building permit shall be forwarded to the Otay

Mesa Development Council and the Planning Department  
by the Building Inspection Department.

Option 2: Development under the Otay Mesa Development District permitted uses set forth in this section, and property development regulations set forth in SEC. 103.1110 of this district. Pursuant to Option 2, the following uses are permitted:

A. Research Services

1. Scientific research and development activities, including headquarters or administrative offices and laboratories.
2. Manufacturing limited to prototype fabrication and/or production of products requiring advanced technology and skills and directly related to research and development activities on the premises.
3. Manufacturing of biochemical research and diagnostic compounds to be used primarily by universities, laboratories, hospitals, and clinics for scientific research and developmental testing purposes.



4. Production of experimental products, and the manufacturing of such products as may be necessary to the development of production or operating systems where such systems are to be installed and operated at another location.

5. Medical, dental, biological and X-ray laboratories.

**B. General Industrial**

Establishments engaged in the custom manufacturing, manufacturing, fabricating, assembly, testing, repair, servicing, and processing of a wide range of products.

**C. Automotive and Equipment**

1. Aircraft, automobile and boat repair shops
2. Aircraft and accessories sales or rental
3. Boats and accessories sales or rental
4. Farm and construction vehicles, farm equipment, farm and garden supplies, sales or rental

**D. Wholesaling, Storage and Distribution**

1. Storage warehouses
2. Wholesale distribution of:

- a. Drugs, chemicals, and allied products
- b. Dry goods and apparel
- c. Groceries and related products
- d. Electrical goods
- e. Hardware, plumbing, and heating equipment and supplies
- f. Machinery, equipment and supplies
- g. Tobacco and tobacco products
- h. Beer, wine and distilled alcoholic beverages
- i. Paper, paper products, and kindred supplies
- j. Furniture and home furnishings
- k. Fuel and ice
- l. Agricultural Products

E. Construction Sales and Service

1. Equipment and tool rental establishments
2. Storage yards for building materials storage contractor's plant or storage yard, concrete pipe storage, impound storage yard
3. Lumber sales
4. Building and building maintenance materials
5. Fire-fighting equipment and supplies sales
6. Swimming pools and supplies sales

F. Business Support Services. These uses shall be limited to five percent of the gross lot area. See SEC. 103.1110, paragraph C.

1. Data processing services
2. Office furniture and office equipment display, sales, and service
3. Cleaning and dyeing works
4. Laundry and dry cleaners
5. Drafting, blueprinting and photocopying
6. Commercial printers
7. Office supply establishment, including stationers
8. Addressing, secretarial and telephone answering services
9. Pharmacies (sales of drugs, medicine and medical supplies only)
10. Medical appliance sales
11. Restaurants
12. Travel Bureaus

G. Major Utilities and Services

1. Trade schools instructing in subjects related to a use permitted within the Industrial Subdistrict
2. Emergency Hospitals
3. Central electric plants
4. Public utility electric substations

## H. Agricultural Uses

Uses Permitted in the A-1 Zones (Agricultural) except for single-dwelling and churches.

## SEC. 103.1108.2 COMMERCIAL SUBDISTRICT USES

In the Commercial Subdistrict identified on Map Drawing No C-680.2, the property development regulations set forth in SEC. 103.1110 of this development district shall apply, and no building or improvement or portion thereof, shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for one or more of the following purposes:

- A. Uses identified as business support uses in SEC. 103.1108.1 paragraph F
- B. Business and professional office uses
- C. Labor unions and trade associations
- D. Medical, dental, biological and X-ray laboratories
- E. Hotels and motels

F. Retailing of consumer convenience goods and dispensing of consumer services from the following establishments:

1. Barber shops
2. Beauty shops
3. Drug stores
4. Recreational facilities
5. Stationers
6. Automobile and truck sales and rental agencies
7. Automobile wash establishments
8. Financial institutions (including currency exchanges)
9. Photographic equipment, supplies, and film processing stores
10. Restaurants and bars, including live entertainment
11. Tire sale, repair and recapping establishments if entirely within an enclosed building

- 12. Custom shops for curtains, draperies, floor coverings, upholstery and wearing apparel
  - 13. Laundries if entirely within an enclosed building
  - 14. Lithography shops and printing establishments
- G. Wholesaling or warehousing of goods and merchandise, provided that the floor area occupied for such use per establishment does not exceed 5,000 square feet.

SEC. 103.1108.3      ADDITIONAL USES - COMMERCIAL AND INDUSTRIAL  
SUBDISTRICT

Other uses shall be permitted within the commercial and industrial subdistrict as follows:

- A. Accessory uses for any of the foregoing permitted uses including signs. As specified in Municipal Code SEC. 101.1100 "Citywide Sign Regulations", for sign regulatory purposes this Otay Mesa Development District shall be deemed to be an industrial zone.
- B. Any uses which, in the opinion of the Planning Director or Planning Commission, are similar in character to the uses enumerated in this section and which are clearly within the

intent and purpose of this Development District. Any such finding by the Planning Director shall be final unless an appeal in writing is filed with the Planning Department within 10 days from the date of that finding. In the event of such appeal, the Director shall cause the matter to be presented to the Commission at a public hearing and the Commission shall make the final determination. The adopted resolution embodying any such finding shall be filed in the office of the City Clerk.

SEC. 103.1108.4 OTAY INTERNATIONAL CENTER PRECISE PLAN  
SUBDISTRICT

In the Otay International Center Precise Plan Subdistrict identified on Map Drawing No. C-680.2, the property development regulations as set forth within the Otay International Center Precise Plan shall apply, and no building or improvement or portion thereof, shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for one or more of the land uses permitted on the parcel by the Precise Plan.

SEC. 103.1110 OTAY MESA DEVELOPMENT DISTRICT - PROPERTY  
DEVELOPMENT REGULATIONS

No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged, nor shall any legal

lot or premises be used unless the legal lot or premises and building comply with the following regulations and standards:

A. Lot Development:

	Subdistrict	
	Industrial	Commercial
Lot Area	30,000 sq. ft.	10,000 sq. ft.
Street Frontage	100 ft. <sup>1</sup>	100 ft.
Lot Width	100 ft.	100 ft.
Lot Depth	150 ft.	100 ft.
Minimum Yards		
Front	15 ft.	10 ft.
Interior Side	15 ft.	0 ft.
(abutting res. zone)	30 ft.	
Street Side	15 ft.	10 ft.
Rear	25 ft.	10 ft.
(abutting res. zone)	50 ft.	
Floor Area Ratio	2.0	2.0



<sup>1</sup> Any lot which fronts on a turnaround or curving street having a radius of curvature of less than 100 feet, the minimum frontage shall be 60 feet.

B. Development Plan Approval:

1. Prior to the issuance of any permits or the use of any premises, development plans shall be submitted to the Planning Director for approval.
2. Plans shall include a site plan showing location of existing and proposed buildings, signs, parking areas, storage and loading areas and generalized landscaping. Also, building elevation plans indicating treatment of exterior building surface materials and relationships to pertinent topographical features shall be included. In reviewing and approving development plans, the Planning Director or Planning Commission shall limit review and consideration to the following:
  - a. Landscaping, including preservation of large shrubs and trees, and also including the use of landscaping to screen building walls.
  - b. Preservation of existing topography where feasible.

- c. Layout of site with respect to location and width of driveways and private streets.
- d. Orientation and location of principal buildings in respect to adjacent property.
- e. Location of business support services, if any.
- f. Signs in relation to site location and fronting streets.
- g. Parking lot location, traffic flow, marking of spaces, placement of lighting and screening from adjacent property.
- h. Location of loading docks and off-street loading facilities in relation to adjacent property.
- i. Outdoor storage area location and screening in relation to adjacent property, streets and highways.
- j. Building materials utilized for exterior walls and, when appropriate, roofs.

- k. Building elevations in relation to minimum yard requirements and topographical features of the premises.
  - l. Design guidelines provided in the Community Environmental Design Element of the Otay Mesa Community Plan.
  - m. Environmental constraints, if any, identified during site-specific review of the development proposal.
3. Prior to the issuance of any permits or the use of any premises a plan for the financing of public facilities as provided in SEC. 103.1104.4 of this development district shall be approved by the Planning Director.
  4. The premises shall be developed in substantial conformance with approved development plans, and substantial conformance shall be determined by the Planning Director.
  5. In approving development plans, the Planning Director or Planning Commission may grant a suspension or variance of any of the Property Development Regulations as set forth in this section, provided such suspension or

variance shall be based on sufficient showing that there are special circumstances or conditions affecting the property in question and that such suspension or variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and that the granting of the suspension or variance will not adversely affect the General Plan of the City.

C. Business Support Services.

Commercial services listed in paragraph "F" of SEC. 103.1108.1 shall be limited to five percent of the gross floor area of each legal lot. They shall not be a freestanding structure, must be oriented away from the public right-of-way, and shall be permitted one wall sign. If a business size of greater than five percent of gross total lot area is desired, see SEC. 103.1112 on Transfer of Development Rights. Location restrictions of this paragraph shall apply regardless of business size.

D. 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 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 15 percent of the total area of the premises.

A strip of land within premises abutting major streets and primary arterials shall be suitably landscaped with shrubs, trees, and ground cover. Said strip shall have a minimum depth of 15 feet in the Industrial Subdistrict and five feet in the Commercial Subdistrict. Landscaping in strips shall be included in calculating required landscape area.

Prior to the issuance of any building permit, a complete landscaping plan shall be submitted to the Planning Director for approval. Approved landscaping, including any required watering system, shall be in substantial conformance with the approved landscaping plan. All required landscaping shall be permanently maintained in accordance with the standards adopted by the Planning Director.

E. Driveway Width.

Driveway width should be limited to 30 feet for each 100 foot segment of property line abutting the street, but no single

driveway should have a width of more than 30 feet measured at the property line. Driveway width for an interior lot having a front property line less than 100 feet in length shall be not more than one-third the length of the front property line or 30 feet, whichever is greater.

F. Off-Street Loading Facilities.

Loading or unloading facilities shall be so sized and located as to not require that trucks be located in required front or street side yards during loading and unloading activities.

G. SPECIAL REGULATIONS

1. All uses, except storage and loading, shall be conducted entirely within an enclosed building. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences 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 or fence.

2. No mechanical equipment, tank, duct, elevator enclosure, cooling tower or mechanical ventilator or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed structure whose top and sides may include grillwork, louvers and latticework.
3. No merchandise, material or equipment shall be stored on the roof of any building.

#### H. OFF-STREET PARKING REGULATIONS

1. Every premises used for one or more of the permitted uses listed in SEC. 103.1108 shall be provided with minimum off-street parking accommodations on the same premises or on a lot or premises lying within 500 feet horizontal distance from the premises on which the permitted use or uses are located, as follows:

- a. Industrial Subdistrict

For storage warehouse and agricultural uses one space for each one and one-half employees on the shift having the greatest number of employees plus

one parking space for each company vehicle. Spaces for company vehicles shall be large enough to accommodate the type of vehicles.

For all other uses - one parking space for each 300 square feet of gross floor area.

b. Commercial Subdistrict

For hotels, motels, and time shares - one parking space for each guest room or suite. For theaters and places of assembly not otherwise provided for in this section - one parking space for each three fixed seats, or one space for each 21 square feet of gross floor area where there are no fixed seats. For other permitted uses - one parking space for each 300 square feet of gross floor area.

2. The land used for required off-premises parking 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 this section.

Off-premises parking spaces required by 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 SEC. 103.1108 is found by the Planning Director to be a permitted use in accordance with paragraph "B" of SEC. 103.1108.4 above, the off-street parking requirements shall be determined by the Planning Director.

In the Industrial Subdistrict where it can be demonstrated that the standard of one parking space for each 300 square feet of gross floor area presents a hardship, the Planning Director may permit the alternative standard of one space for each one and one-half employees on the shift having the greatest number of employees plus one parking space for each company vehicle.

4. All off-street parking facilities shall be constructed, operated, and maintained in compliance with Article 1, Division 8 of this chapter.

SEC. 103.1112

OTAY MESA DEVELOPMENT DISTRICT - TRANSFER OF  
DEVELOPMENT RIGHTS OPTION

A. PURPOSE AND INTENT

The purpose of the transfer of development rights option is to provide a program in the industrial subdistrict whereby the owner(s) of property which have not utilized their five percent of gross lot area for business support services may sell their development rights for these uses.

This transfer is optional, and the negotiation shall be made exclusively between the private parties owning the subject properties.

B. DETERMINATION OF DEVELOPMENT RIGHTS

The "development rights" associated with a lot shall herein be defined as as the maximum square footage which may be transferred from one legal lot to a second legal lot, calculated on permitted area for business support services on the first legal lot.

C. CONDITIONS FOR TRANSFERRING DEVELOPMENT RIGHTS

1. Any legal lot in the Industrial Subdistrict which is processed in accordance with Option 2 (SEC. 103.1108.1) may be involved with a transfer of development rights agreement.
2. Any legal lot from which business support uses are transferred may utilize the vacated square footage for any other category of industrial uses permitted in the Industrial Subdistrict.
3. Any legal lot to which business support uses are transferred must accommodate the acquired square footage within the permitted floor area ratio.
4. The transfer of development rights shall be limited to a transfer of the total five percent of the gross lot area. Partial transfers shall not be permitted.

D. REGISTRATION OF DEVELOPMENT RIGHTS

The party acquiring development rights shall register all development rights transfers prior to their utilization, with the Planning Department. Failure to register transfer and utilization transactions shall render the right to utilize acquired development rights null and void.

1. Registration shall include a copy of the contract between the property owner(s) and the development rights acquired which reflects that the contract has been recorded with the County Recorder, and which shall include:

- a. Street address, legal description and Assessor's number of the property from which the development rights are being transferred;
- b. Name and address of the owner(s) of the property from which the development rights are being transferred and the development rights acquired;
- c. Street address, legal description and Assessor's parcel number of the property to which the development rights are being transferred;
- d. Name and address of the owner(s) of the property to which the development rights are being transferred; and,
- e. Square footage of development rights transferred by the property owner(s).

E. CONDITIONS FOR UTILIZING ACQUIRED DEVELOPMENT RIGHTS

Development and redevelopment projects utilizing acquired development rights shall comply with all the regulations of the Otay Mesa Development District.


1. Transfer Area. Development rights shall be acquired from and utilized in the Industrial Subdistrict as shown on Map Drawing No. C-680.2.
2. Maximum Business Support Services. Acquired development rights for business support services plus permitted area on a legal lot for business support services together may total no more than 20 percent of the gross area of the lot which receives the development rights.
3. Application. Applications to use acquired development rights shall be filed by the owner(s) of the property where the acquired development rights are to be used, and shall be filed concurrently with applications for permits and/or with the submittal of development plans to the Planning Director.

Section 2. That Ordinance O-10862 (New Series) be, and the same is hereby repealed to the extent that said ordinance is inconsistent with this ordinance.

Section 3. That the provisions of this ordinance shall apply to those areas of the City of San Diego shown on Drawing No. C-680.2 upon the effective date of this ordinance and shall apply to those areas of the County of San Diego shown on Drawing No. C-680.2 upon the effective date of the annexation of said areas to the City of San Diego.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

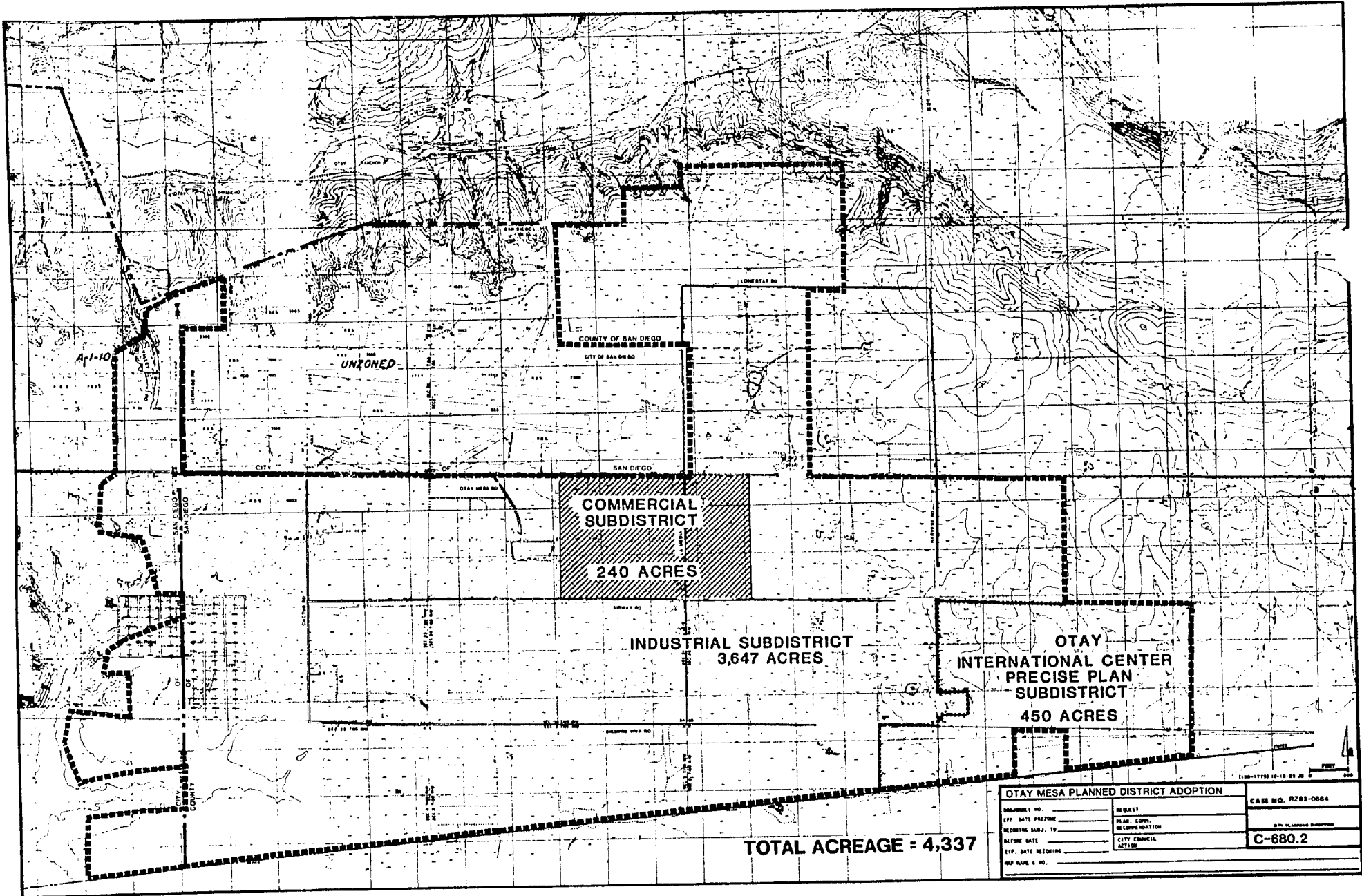
APPROVED: John W. Witt, City Attorney

By   
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:ib:630  
08/09/84  
Or.Dept:Plan.  
O-85-30  
Form=o.none  
Rev. 9-11-84



0-16200



**TOTAL ACREAGE = 4,337**

OTAY MESA PLANNED DISTRICT ADOPTION			CAB NO. RZ85-0864
ORIGINATOR NO.	REQUEST		
EFF. DATE PREZING	PLAN. COMM. RECOMMENDATION		
REZONING SUBJ. TO			
ADOP. DATE	CITY COUNCIL ACTION		
EFF. DATE REZONING			
POP NAME & NO.			

C-680.2

01539

Passed and adopted by the Council of The City of San Diego on OCT 1 1984  
 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McCol1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Barbara Baxter, Deputy.

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

SEP 11 1984, and on OCT 1 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 Barbara Baxter, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16290 Adopted: OCT 1 1984

RECEIVED  
CITY CLERK'S OFFICE

1984 OCT 17 AM 9:27  
SAN DIEGO, CALIF.

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO  
202 C Street, 12th Floor  
San Diego, CA 92101

IN THE MATTER OF

NO.

ORDINANCE NUMBER O-16290

**ORDINANCE NUMBER O-16290  
(NEW SERIES)**

**AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 11, SECTIONS 103.1100, 103.1102, 103.1104, 103.1104.1, 103.1104.2, 103.1104.3, 103.1104.4, 103.1106, 103.1108, 103.1108.1, 103.1108.2, 103.1108.3, 103.1108.4, 103.1110 AND 103.1112, RELATING TO THE OTAY MESA DEVELOPMENT DISTRICT.**  
The ordinance establishes the Otay Mesa Development District within the southern portion of The City of San Diego adjacent to the International border. The ordinance establishes a comprehensive land use plan and regulatory program for the District which includes 3657 acres of industrially designated land, 240 acres of commercially designated land and 450-acre area identified as the Otay International Center Precise Plan Subdistrict.  
The regulations of the District ordinance are applicable to those portions of the District lying within The City of San Diego and will become applicable to those portions of the District lying within the County of San Diego upon annexation of the County area to The City of San Diego.  
A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 12th Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.  
Introduced Sep. 11, 1984  
Passed and adopted by the Council of The City of San Diego Oct. 1, 1984  
**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 BARBARA BERRIDGE, Deputy  
Publish Oct. 15, 1984 5266

I, Michael L. Ungashick, 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 NUMBER O-16290  
(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:

October 15, 1984

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

Dated at San Diego, California this 15th day of Oct., 19 84.

6.82" x 9.76 = 61.60

Michael L. Ungashick  
(Signature)

0154'