

ORDINANCE NUMBER O-16783 (NEW SERIES)

ADOPTED ON DECEMBER 16, 1986

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, DIVISION 11, OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 103.1104.3 AND 103.1106, BY RENUMBERING AND AMENDING SECTIONS 103.1102, 103.1104, 103.1104.1, 103.1104.2, 103.1104.4, 103.1108, 103.1108.1, 103.1108.2, 103.1108.3, 103.1108.4, 103.1110 AND 103.1112, AND BY ADDING SECTIONS 103.1105, 103.1106 AND 103.1109, 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, Division 11, of the San Diego Municipal Code be and the same is hereby amended by repealing Sections 103.1104.3 and 103.1106.

Section 2. That Chapter X, Article 3, Division 11, of the San Diego Municipal Code be and the same is hereby amended by renumbering the following Sections:

FORMER SECTION NUMBER	NEW SECTION NUMBER
103.1102	103.1101
103.1104	103.1102
103.1104.1	103.1102.A.
103.1104.2	103.1102.C.
103.1104.4	103.1102.D.
103.1108	103.1103
103.1108.1	103.1103.A.
103.1108.2	103.1103.B.

103.1108.3	103.1103.C.
103.1108.4	103.1104
103.1110	103.1107
103.1112	103.1108

Section 3. That Chapter X, Article 3, Division 11, of the San Diego Municipal Code be and the same is hereby amended by amending the above-referenced renumbered sections to read as follows:

SEC. 103.1100 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 mixed use subdistrict. One of the objectives of this Division is to expedite the processing of development permit applications.

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. 103.1101 AREA OF APPLICABILITY

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 3,604 acres of industrially designated land, 240 acres of commercially designated land, 182 acres of canyon and hillside areas, 43 acres of land designated as the Brown Field Flight Activity Zones, 222 acres of land designated as the Brown Field Approach Zones, and a 450-acre Otay International Center Precise Plan Subdistrict.

SEC. 103.1102 ADMINISTRATIVE REGULATIONS

A. GENERAL PROVISIONS

1. The Planning Director shall administer the Otay Mesa Development District. The Planning Director shall ensure compliance with the regulations and procedures of this section. In evaluating the appropriateness of any development for which a permit is applied under this Division, the Planning Director shall utilize the Otay Mesa Community Plan as presently adopted or hereinafter amended.

2. The Department of Building Inspection shall not issue any building permit for the erection, construction, conversion, establishment, alteration or enlargement of any building or structure in any portion of the Otay Mesa Development District until approval of the Planning Director

has been obtained by the applicant or owner. Each application for a building permit or occupancy permit shall state therein the purpose for which the proposed building, structure or improvement is intended to be used. Approval of the Planning Director is not required for interior modifications, repairs or remodeling, nor any exterior repairs or alterations for which a building permit or occupancy permit is not required.

3. Nonconforming uses may be continued provided no enlargement or addition to such uses are made as specified and in conformance with Sections 101.0301, 101.0302 and 101.0303 of this Code.

4. Where not otherwise specified in this Division, the provisions of Chapter X, Article 1, Divisions 1 through 12 and 18, and Chapter X, Article 2, of this Code, shall apply. All other provisions of Chapter X, Article 1, of this Code are superseded except as otherwise indicated by the regulations set forth herein. Where there is a conflict between the provisions of Chapter X, Article 1, and the provisions of this Division, the provisions of this Division shall apply.

5. The following ministerial projects shall not be required to obtain a Otay Mesa Development District Permit. The Planning Director shall approve a ministerial project not requiring an Otay Mesa Development District Permit (Section 103.1102.B.) if it is found from the application submitted that all of the following facts exist:

a. The proposed use is consistent with the land use designation and text of the Otay Mesa Community Plan.

b. The proposal is in compliance with the Otay Mesa Development District, particularly Section

103.1102.B (Financing of Public Facilities), Section 103.1103 (Permitted Uses), and Section 103.1107 (Property Development Regulations).

6. The following discretionary projects shall be required to obtain an Otay Mesa Development District Permit as described in this Division:

a. Any project that uses transfer of development rights and any project that uses acquired development rights.

b. Any project within the Canyon and Hillside Subdistrict (Section 103.1105).

c. Any project which deviates from the regulations of the Otay Mesa Development District.

d. Any project which includes a hotel or motel.

e. Any project for which a tentative map has not been approved subsequent to March 14, 1985 (Otay Mesa Reorganization).

f. Any project within the Otay International Center Precise Plan Subdistrict (Section 103.1104).

B. OTAY MESA DEVELOPMENT DISTRICT PERMIT

1. Application, including development processing procedures, property development requirements fee/deposit schedule, notification and appeal procedures for an Otay Mesa Development District Permit shall be consistent with the

Planned Commercial Development Permit (Section 101.0910) for commercial projects and with the Planned Industrial Permit (Section 101.0920) for industrial projects.

2. In reviewing and approving development plans, the Planning Director, Planning Commission or City Council shall limit review and consideration to the following:

- a. Landscaping, pursuant to Section 103.1107.B.
- 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 existing and proposed structures with respect to the site and adjacent properties.
- 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 the 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 as presently adopted or hereinafter amended and in Section 103.1107.G.

m. Environmental constraints, if any identified during site-specific review of the development proposal.

n. Needed public improvements.

o. The location, size and spacing of projects using business support services in combination with acquired development rights. The location, size and spacing of such projects shall be consistent with the commercial and transportation goals of the Otay Mesa Community Plan and the Progress Guide and General Plan for The City of San Diego.

3. The Planning Director shall, by resolution, grant an Otay Mesa Development District Permit if it is found from the evidence presented that all of the following facts exist:

a. The application is complete and conforms with all City regulations, policies, guidelines, design standards and density;

b. The proposed use and project design meet the purpose and intent of the Otay Mesa Development District and the Otay Mesa Community Plan;

c. 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;

d. The proposed use will comply with the relevant regulations in the Municipal Code; and

e. A plan for the financing of public facilities as provided in Section 103.1102.B. of this district has been approved by the City Engineer.

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 an Otay Mesa Development District Permit, the Planning Director, Planning Commission or City Council 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 Progress Guide and General Plan of the City.

6. An appeal from the decision of the Planning Director must be filed in writing with the Planning Department within ten days of the Director's decision. The appeal hearing shall be conducted in accordance with the provisions of Section 101.0220 (procedures for planned developments/special permits-noticing) and Section 101.0230

(procedures for planned developments/special permits-appeal from the decision of the Planning Director).

C. OTAY MESA DEVELOPMENT COUNCIL

1. Otay Mesa Development Council Created

a. 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.

b. 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 upon the property values, and development of surrounding areas.

c. The Council may adopt rules of procedure to supplement those contained within this Division. Four voting members shall constitute a quorum for the

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

d. 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.

e. All officers of the City shall cooperate with the Council and render all reasonable assistance to it.

f. The Council shall render a report annually on March 31, or on request, to the Mayor.

2. Powers and Duties

It shall be the duty of the Council to review and comment on the Facilities Benefit Assessment Program and on major public improvements, particularly drainage facilities. The Council shall submit its recommendations or comments on these items to the Planning Commission and City Council. The Council 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.

The Council shall also consider items of broader scope that may affect the Otay Mesa Development District and, when appropriate, offer its recommendations on these matters to the Planning Director.

D. FINANCING OF PUBLIC FACILITIES

1. 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.

2. 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 district in accordance with the adopted Otay Mesa Community Plan.

3. Financial Program

a. Municipal Facilities.

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

(1) Facilities Benefit Assessment or
Development Impact Fee.

(a) 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.

(b) For new facilities necessitated by the Otay Mesa community: i.e., fire station and transportation facilities.

(c) 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: costs for improvements so constructed may be partially offset by reimbursements from development in those service areas greater than the Otay Mesa Community.

(d) 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 right-of-way along major streets), traffic signals at the intersection of major streets, and other transportation facilities.

(2) 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; transit improvements, 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.

(3) 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.

(4) 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 persons 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.

(5) Any other programs approved by the City Council.

(4) Implementation

No final subdivision map, building permit or Otay Mesa Development District Permit for the development of the property shall be approved by the Planning Director unless and until the following have been accomplished:

a. 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.

b. There has been established either a Facilities Benefit Assessment or 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 Facilities Benefit Assessment or Development Impact Fee.

5. Financing Agreement

The requirements of paragraph 4. above shall be deemed to be met if the project applicant has entered into a binding financing agreement, approved by the City Council. Said agreement shall require that the project applicant pay its pro rata share of all public facilities needed to support the Project.

SEC. 103.1103 PERMITTED USES

A. INDUSTRIAL SUBDISTRICT

No building or improvement or portion thereof shall be erected, constructed, converted, established or enlarged, nor

shall any premises be used except for one or more of the following purposes:

All uses permitted in the M-LI Zone (Section 101.0434.1).

1. Research Services

a. Scientific research and development activities. Administrative offices shall be permitted in conjunction with the primary use where such office use is accessory and subordinate to the primary use.

b. Manufacturing, fabrication, and/or production of products requiring advance technology and skills and directly related to research and development activities on the premises.

c. Manufacturing of biochemical research and diagnostic compounds for scientific research and developmental testing purposes.

d. 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.

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

2. General Industrial

Establishments engaged in the custom manufacturing, manufacturing, fabricating, assembly, testing, repair, servicing, and processing of a wide range of products. Administrative offices shall be permitted in conjunction with

the primary use where such office use is accessory and subordinate to the primary use.

3. Motor Vehicles and Equipment

- a. Aircraft, automobile and boat repair shops.
- b. Aircraft and accessories, sales or rental.
- c. Boats and accessories, sales or rental.
- d. Farm and construction vehicles, farm equipment, farm and garden supplies, sales or rental.

4. Construction Sales and Service

- a. Equipment and tool rental establishments.
- b. Storage yards for building materials storage contractor's plant or storage yard, concrete pipe storage, impound storage yard.
- c. Lumber sales.
- d. Building and building maintenance materials.
- e. Fire-fighting equipment and supplies sales.
- f. Swimming pools and supplies sales.

5. Wholesaling, Storage and Distribution

- a. Storage warehouses.
- b. Wholesale distribution of:

- (1) Drugs, chemicals, and allied products.
 - (2) Dry goods and apparel.
 - (3) Groceries and related products.
 - (4) Electrical goods.
 - (5) Hardware, plumbing, and heating equipment and supplies.
 - (6) Machinery, equipment and supplies.
 - (7) Tobacco and tobacco products.
 - (8) Beer, wine and distilled alcoholic beverages.
 - (9) Paper, paper products, and kindred supplies.
 - (10) Furniture and home furnishings.
 - (11) Fuel and ice.
 - (12) Agricultural products.
 - (13) Motor vehicles and automotive equipment.
- c. Truck terminals and freight forwarding facilities.
- d. Customs brokerage operations.
- e. Postal services.

6. Business Support Services

These uses shall be limited to five percent of the gross ownership area. Projects utilizing business support service uses may be processed ministerially by using the commercial subdistrict property development regulations contained in Section 103.1107.

The use of any property for business support service uses shall require that notice to the Planning Director be given by certified mail for the purpose of recording the location and quantities of property to be used for such purposes. Such notice shall be filed with the Planning Director prior to Planning Director approval of the ministerial permit.

Business support service uses shall be the same as commercial subdistrict uses except that hotels, motels, and automobile and truck sales and rental agencies shall not be permitted.

7. Major Utilities and Services

- a. Trade schools instructing in subjects related to a use permitted within the Industrial Subdistrict.
- b. Emergency Hospitals.
- c. Central electric plants.
- d. Public utility electric substations.
- e. Data processing facilities.

8. Agricultural Uses

Uses permitted in the A-1 Zones (Agricultural) except for single-family dwellings and churches.

B. COMMERCIAL SUBDISTRICTS

No building or improvement or portion thereof shall be erected, constructed, converted, established or enlarged, nor shall any premises be used except for one or more of the following purposes:

1. Uses identified as business support uses in Section 103.1103.A.7.

2. Business and professional office uses.

3. Labor unions and trade associations.

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

5. Hotels and motels.

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

a. Barber shops.

b. Beauty shops.

c. Drug stores.

- d. Recreational facilities.
 - e. Stationers.
 - f. Automobile and truck sales and rental agencies.
 - g. Automobile wash establishments.
 - h. Financial institutions (including currency exchanges).
 - i. Photographic equipment, supplies, and film processing stores.
 - j. Restaurants and bars, including live entertainment.
 - k. Tire sale, repair and recapping establishments if entirely within an enclosed building.
 - l. Custom shops for curtains, draperies, floor covering, upholstery and wearing apparel.
 - m. Laundries if entirely within an enclosed building.
 - n. Lithography shops and printing establishments.
7. 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.

C. ADDITIONAL USES - COMMERCIAL AND INDUSTRIAL SUBDISTRICTS

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

1. Accessory uses for any of the foregoing permitted uses including signs. As specified in Section 101.1100 (Citywide Sign Regulations), for sign regulatory purposes this Otay Mesa Development District shall be deemed to be an industrial zone.

2. Any uses which, in the opinion of the Planning Director or Planning Commission, are similar in character to the uses enumerated in this Division and which are clearly within the intent and purpose of this district. Any such finding by the Planning Director shall be final unless an appeal in writing is filed with the Planning Department within ten days from the date of that finding. In the event of such appeal, the Planning Director shall cause the matter to be presented to the Planning Commission at a public hearing and the Planning Commission shall make the final determination. The adopted resolution embodying any such finding shall be filed in the office of the City Clerk.

**SEC. 103.1104 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. 103.1107 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. ¹	100 ft.
Lot Width	100 ft.	100 ft.
Lot Depth	150 ft.	100 ft.
Minimum Yards		
Front Yard Setback	20 ft.	15 ft.
Interior Side Yard Setback	15 ft.	0 ft.
(abutting res. zone)	30 ft.	
Street Side Yard Setback	20 ft.	15 ft.
Rear Yard Setback	25 ft.	10 ft.
(abutting res. zone)	50 ft.	
Floor Area Ratio	2.0	2.0

¹Any 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.

1. Front, rear and street side yard setbacks on all Class I roadways as identified on Map Drawing No. C-680.2 shall be 30 feet.

2. Two adjoining lots which have a common interior side or rear lot line and which are developed concurrently may be developed with zero side yard setbacks on said common lot line, provided that the opposite side yard setback is not less than 30 feet.

3. All applications for the development of buildings or objects higher than 150 feet above ground level within this district shall be required to obtain Federal Aviation Administration determination as provided in Section 103.1106.C.

B. LANDSCAPING

The following landscaping requirements shall apply:

1. Front and Street Side Yard Setbacks as Defined in Paragraph A. Above

a. Industrial Subdistrict - Front and street side yard setbacks shall be 100 percent landscaped. Driveways, pedestrian ways outside the right-of-way, and other City-required improvements are exempted from this requirement.

b. Commercial Subdistrict - A minimum of 75 percent of front and street side yard setbacks shall be landscaped. Driveways, pedestrian ways outside the right-of-way, and other City-required improvements are exempted from this requirement.

c. Properties with front, rear and street side yard setbacks that are adjacent to Class I roadways identified and designated on Map Drawing No. C-680.2 shall landscape 100 percent of the required minimum yard setback area. Where any portion of a building is set back more than 30 feet from the right-of-way, an equal reduction in the depth of the 100 percent landscaped yard setback will be permitted; however, in no instance shall the 100 percent landscaped yard setback be less than 20 feet. Where the yard setback adjacent to the right-of-way on Class I roadways is

reduced to less than 30 feet the portion that is not required to be landscaped may be used for parking or a combination of parking and driveways.

2. Interior Side and Rear Yards - Industrial and Commercial Subdistricts

a. A five-foot-wide landscape strip shall be planted in all interior side yard setbacks from the front or street side yard to a point five feet beyond the front or street side of the building.

b. Developments that utilize the zero side yard setback option described in Paragraph A. above shall not be required to landscape the common interior side yard setback area unless said area is used for parking.

3. Parking Areas

An area equivalent to three percent of the parking area shall be landscaped within the parking area.

4. Points

a. Front, street side, and interior side yards shall be planted with a combination of trees and shrubs to achieve a minimum of .025 points per square foot of total area.

b. Parking areas shall be planted with a combination of trees and shrubs to achieve a minimum of .015 points per square foot of total area.

c. The following point schedule shall be used:

Trees	Points
48-inch box	100
36-inch box	55
24-inch box	30
15-gallon	10
5-gallon	3
Shrubs	
15-gallon	10
5-gallon	4
1-gallon	2
Existing Trees in Required Landscaped Areas	
8-inch caliper or greater	120
4 - 8-inch caliper	100

5. Maintenance

All required landscaped areas shall be maintained free of debris and litter and all plant material shall be maintained in a healthy growing condition. Diseased or dead plant material shall be satisfactorily treated or replaced within 30 days with material of an equivalent point value.

6. Irrigation

An automatic irrigation system shall be provided as required for proper irrigation, development and maintenance of the vegetation. The design of the system shall provide adequate support for the vegetation selected.

7. The following application procedures shall apply:

a. Permit applications shall be accompanied by a site plan and supplementary information required to establish conformance.

b. At the time of an application for a certificate of occupancy, the applicant will provide verification that the landscape improvements are in substantial conformance with the approved landscape plan.

c. If, at the time of an application for a certificate of occupancy, the required landscaping is not yet in place, the Planning Director may, at his discretion, require the owner to make fiscal arrangements by bond, certificate of deposit, or a nonrevocable letter of credit to ensure that the landscaping is installed. This option shall be considered by the Planning Director only in cases when demonstrated extenuating circumstances prevent the installation of landscape improvements before the issuance of the occupancy permit. The fiscal arrangements shall reflect the cost of required landscaping not yet in place to ensure that such landscaping is installed. Any owner wishing to make such fiscal arrangements must also grant license to the City or its licensed and contracted agent, to enter upon the land for the purposes of installing the required landscaping, in the event that such landscaping is not in place by the date specified in the agreement. Such fiscal arrangements shall be released when landscape improvement verification is received.

C. DRIVEWAY WIDTHS AND LOCATIONS

1. Properties having less than 200 feet of frontage shall be permitted two driveways if the lot has at least 150 feet of frontage; the maximum width shall be 30 feet, and minimum spacing shall be 60 feet between driveways.

2. Driveway areas for properties having 200 feet or more of frontage shall be limited to one driveway per 100 feet of frontage; the maximum width shall be 30 feet, and minimum spacing shall be 60 feet between driveways.

3. No more than two driveways may be located on any street frontage, including alley access.

4. On corner lots, driveways should be located at least 30 feet from the end of the curb radius.

5. Except where interior side yard setbacks are shared as driveways, no driveway should be located closer than 15 feet to an interior property line.

D. OFF-STREET LOADING FACILITIES

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

E. SPECIAL REGULATIONS

All uses, except storage, loading and outdoor work, shall be conducted entirely within an enclosed building. Outdoor work; storage of merchandise, material, and equipment is permitted in interior side or rear yards, provided the area is completely enclosed by sight obscuring walls, fences, or a combination thereof.

Fences and Walls

Regulations governing fences and walls shall be the same as set forth in Section 101.0620 (City-wide Fence Regulations.)

In addition to the above, the following regulations shall apply:

1. Chain link fences shall be vinyl coated.
2. Coiled, spiralled, or rolled fencing such as razor wire or concertina wire shall not be permitted.

F. OFF-STREET PARKING REGULATIONS

1. Every premises used for one or more of the permitted uses listed in Section 103.1103 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

(1) For storage and warehouse uses: one space for each 1,000 square feet of floor area.

(2) Agricultural uses shall require parking as set forth in Section 101.0404 (A-1 Zone).

(3) For uses permitted in Section 103.1103.A.1. through A.5.

(a) A building of 50,000 square feet or less: three spaces for each 1,000 square feet.

(b) A building of 50,000 to 100,000 square feet: 2.5 spaces for each 1,000 square feet.

(c) A building of more than 100,000 square feet: two spaces per 1,000 square feet.

(4) For business support services uses: 3.3 spaces for each 1,000 square feet when limited to five percent of the gross lot area, and four spaces for each 1,000 square feet when more than five percent of the gross lot area is used for business support services. Restaurants shall provide one space for each 80 square feet of gross floor area or one space for every 2.5 seats, whichever is more.

(5) All other uses: three spaces for each 1,000 square feet.

b. Commercial Subdistrict.

(1) For hotels, motels, and time shares - one parking space for each guest room or suite.

(2) 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.

(3) For restaurant uses - one parking space for each 80 square feet of gross floor area or one space for every 2.5 seats, whichever is more.

(4) For other permitted uses: five parking spaces for each 1000 square feet of gross floor area.

The alteration or conversion of any property which results in increasing the need for parking facilities shall require that an agreement or covenant be executed by the owners of the affected properties. Such agreement or covenant shall be recorded in the office of the County Recorder and a copy shall be filed with the Planning Director.

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 or controlled by a person other than the applicant, there shall have been recorded in the office of the County Recorder an agreement or covenant executed by the owners of such property on which the off-premises parking is proposed for the benefit of the City 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 agreement or 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 agreement or 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 agreement or covenant, the City

will upon written application therefore accompanied by the filing of a similar agreement or 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 Section 103.1103 is found by the Planning Director to be a permitted use in accordance with Section 103.1103.A.3. above, the off-street parking requirements shall be determined by the Planning Director.

Where an Otay Mesa Development District Permit (discretionary permit) is used in the Industrial Subdistrict and 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.

G. DESIGN STANDARDS

1. Building Materials and Construction Types

a. Industrial Subdistrict

Any building using other than concrete tilt-up or precast concrete as the basic type of construction for 75 percent of the exterior walls shall require an Otay Mesa Development District Permit.

b. Commercial Subdistrict and Business Support Services Where Processed Ministerially

Any building using other than concrete tilt-up, precast concrete, or wood-frame construction as the basic type of construction for 75 percent of the exterior walls shall require an Otay Mesa Development District Permit. Exterior surfaces of wood-frame constructed walls shall be wood or stucco.

2. Wall Surface Treatment

a. Buildings with any single exterior wall surface area exceeding 5,000 square feet shall provide architectural reveals to break up the surfaces of individualized wall panels. Architectural reveals shall have a minimum depth of 3/4-inch and be applied to an area greater than one per cent of the exterior surface area of all building walls. Building wall reliefs, appliques, and building plane variations may be substituted in place of architectural reveals at the discretion of the Planning Director. Where such substitutions are provided they shall meet the same minimal dimensional requirements as architectural reveals above.

b. Buildings with any single exterior wall surface area exceeding 20,000 square feet, in addition to architectural reveals (a. above), shall contain variations in the exterior wall surface texture of all walls. Variations in texture may include molded patterns, painted, or sandblasted surfaces and shall be applied to the upper portion of all exterior walls. Variations in texture shall be applied so that at least ten percent but not more than 40 percent of any applicable exterior wall surface is treated.

3. Roofs

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 fully screened by:

a. The extension of the building side walls to a height no less than the highest piece of equipment or appurtenances; or

b. A structure whose walls or sides may include grillwork, louvers, and/or latticework.

4. Lighting

a. Lighting in all subdistricts of the Otay Mesa Development District shall comply with ~~The City~~ of San Diego Light Pollution Law set forth in Sections 101.1300 through 101.1309).

b. In addition, where attached to buildings, lighting fixtures and structures shall be architecturally integrated into the building.

5. Glazing

Silver colored reflective glass shall not be permitted.

6. Screening

All storage and outdoor work areas shall be screened with sight-obscuring walls or fences from public rights-of-way and neighboring properties. All walls and fences shall be constructed of materials and finishes that are compatible with adjacent buildings.

a. Storage shall not be permitted within required front or street side yard setback areas, or in rear yards that are adjacent to the right-of-way.

b. Refuse containers shall be screened with six feet or higher sight-obscuring walls or fences and shall be located at least 25 feet from pedestrian building entries and entry drives.

c. Exterior facilities such as plumbing, heating, cooling, electrical, chemical processing, compressors, motors, and incinerators shall be screened with sight-obscuring walls or fences.

7. On-site Access and Circulation

a. Properties within the Commercial Subdistrict may take access onto Otay Mesa Road and Airway Road by providing an additional traffic lane in front of all commercial properties as approved by the City Engineer.

b. Where the maneuvering of trucks and service vehicles may conflict with employee pedestrian circulation, pedestrian accessways shall be clearly marked and identified.

8. Signage

Signs in all subdistricts of the Otay Mesa Development District shall comply with the City-wide Sign Regulations set forth in Section 101.1100, et. seq.

SEC. 103.1108 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 ownership 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 or an ownership shall herein be defined as the maximum square footage which may be transferred from one legal lot or ownership to a second legal lot or ownership, calculated on permitted area for business support services on the first legal lot or ownership.

C. CONDITIONS FOR TRANSFERRING DEVELOPMENT RIGHTS

1. The owner of any property in the Industrial Subdistrict may enter into a transfer of development rights agreement.

2. Any property 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 property 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 or ownership area. Partial transfers shall not be permitted.

5. Any project utilizing the transfer of development rights shall be required to obtain an Otay Mesa Development District Permit (Section 103.1102.B.).

D. REGISTRATION 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.

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:

1. Street address, legal description and Assessor's parcel number of the property from which the development rights are being transferred;

2. Name and address of the owner(s) of the property from which the development rights are being transferred and the development rights acquired;

3. Street address, legal description and Assessor's parcel number of the property to which the development rights are being transferred;

4. Name and address of the owner(s) of the property to which the development rights are being transferred; and,

5. 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 for any property ownership for business support services together may total no more than 20 percent of the gross area of the ownership which receives the development rights, and no single business support services development shall exceed five acres in size.

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 4. That Chapter X, Article 3, Division 11 of the San Diego Municipal Code be and the same is hereby amended by adding Sections 103.1105, 103.1106 and 103.1109, to read as follows:

SEC. 103.1105 CANYON AND HILLSIDE SUBDISTRICT

The Canyon and Hillside Subdistrict, as identified on Map Drawing No. C-680 shall be applied to properties having slopes with a natural gradient in excess of 25 percent and a minimum elevation differential of 50 feet.

All projects within this Subdistrict shall require an Otay Mesa Development District Permit (Section 103.1102.A.2.). The regulations contained in Section 101.0454 (HR (Hillside Review) Overlay Zone) and the Property Development Regulations contained in Section 103.1107 (Otay Mesa Development District) shall be used in processing the Otay Mesa Development District Permit.

PERMITTED USES

Industrial Subdistrict uses may be considered as appropriate uses in conjunction with processing of the discretionary Otay Mesa Development District Permit.

**SEC. 103.1106 BROWN FIELD FLIGHT ACTIVITY SUBDISTRICT AND
APPROACH ZONE**

The Brown Field Flight Activity Subdistrict and Approach Zone, as identified on Map Drawing No. C-680.2, shall be applied to properties adjacent to the ends of the runways which aircraft use on either arrivals or departures.

The Property Development Regulations contained in Section 103.1107 shall be used in processing the application.

A. PERMITTED USES - FLIGHT ACTIVITY SUBDISTRICT

No building or improvement, or portion thereof, shall be erected, constructed, converted, established or enlarged, nor shall any premises be used except for one or more of the following purposes:

1. Wholesaling, storage and distribution, however, warehousing or storage of flammables, explosives, and corrosives shall not be permitted.

2. Agricultural uses permitted in the A-1 Zones (Agricultural) except for single-dwellings and churches.

B. PERMITTED USES - APPROACH ZONES

Permitted uses in the approach zones shall be the same as the permitted uses in the underlying Industrial or Commercial Subdistricts.

C. FEDERAL AVIATION ADMINISTRATION DETERMINATION REQUIRED

In addition to compliance with Section 103.1107 (Property Development Regulations) all proposed projects within the Brown Field Flight Activity Subdistrict and Approach Zones shall obtain

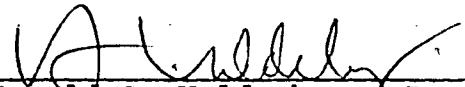
a letter from the Air Traffic Division of the Western Pacific Regional Office of the Federal Aviation Administration stating that the proposed construction has been determined not to be a hazard to air navigation and such determination has become final.

SEC. 103.1109 ANNUAL REVIEW

The Planning Commission shall conduct a public hearing one year after the enactment of this Division for the purpose of reviewing this Division.

Section 5. 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 
Harold O. Valderhaug, Deputy
for Frederick C. Conrad
Chief Deputy City Attorney

FCC:cc:600
10/29/86
11/05/86 REV. 1
12/05/86 REV. 2
03/20/87 REV. 3
Or.Dept:Plan.
O-87-95
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UNREGISTERED COPY

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

DEC 16 1986

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<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 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 Struiksmma	<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"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

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

(Seal)

By *Ellen Bovard* Deputy.

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

NOV 24 1986

DEC 16 1986

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

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

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

(Seal)

By *Ellen Bovard* Deputy.

Office of the City Clerk, San Diego, California

C1601

Ordinance
Number

0-16783

Adopted

DEC 16 1986

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO
202 C STREET, 12TH FLOOR
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3,
DIVISION 11,

ORDINANCE NUMBER O-16783 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, DIVISION 11, OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 103.1104.3 AND 103.1106, BY RENUMBERING AND AMENDING SECTIONS 103.1102, 103.1104, 103.1104.1, 103.1104.2, 103.1104.4, 103.1106, 103.1106.1, 103.1106.2, 103.1106.3, 103.1106.4, 103.1110 AND 103.1112, AND BY ADDING SECTIONS 103.1105, 103.1108 AND 103.1109, RELATING TO THE OTAY MESA DEVELOPMENT DISTRICT.

The ordinance amends the Municipal Code by reorganizing and renumbering provisions of the Otay Mesa Development District, Municipal Code Section 103.1100, et seq. Additional subdistricts are established and identified as Canyon and Hillside Subdistrict and Brown Field Flight Activity Subdistrict and Approach Zone. Development regulations are provided for these additional subdistricts. Provision is made for review of the District by the Planning Commission one year following the enactment of this ordinance.

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 on November 24, 1986

Passed and adopted by the Council of The City of San Diego on December 15, 1986

AUTHENTICATED BY: MAUREEN O'CONNOR

Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California

By **ELLEN BOYARD**, Deputy

Pub. December 29

06717

I, THOMAS D. KELLEHER, 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-16783
(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:

DECEMBER 29, 1986

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

Dated at San Diego, California this 29 day of DEC, 19 86.



(Signature)

01602

5 3/4" x \$10.24 = \$58.88