

51-15

(O-93-152) COR. COPY  
07/12/93

ORDINANCE NUMBER O-17972 (NEW SERIES)

ADOPTED ON SEP 13 1993

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3,  
DIVISION 14, OF THE SAN DIEGO MUNICIPAL CODE  
BY AMENDING SECTION 103.1406 RELATING TO THE  
CASS STREET COMMERCIAL PLANNED DISTRICT  
DECISION PROCESS.

WHEREAS, May 18, 1993, was declared "Regulatory Relief Day";  
and

WHEREAS, one purpose of Regulatory Relief Day was to  
streamline and consolidate where appropriate, the City's land use  
regulatory procedures; and

WHEREAS, the Planning Department has reviewed San Diego  
Municipal Code section 103.1406 having to do with the Cass Street  
Commercial Planned District Decision Process and has suggested  
several amendments to the code section to streamline the  
regulatory process; NOW, THEREFORE,

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

Section 1. That Chapter X, Article 3, Division 14, of the  
San Diego Municipal Code be and the same is hereby amended by  
amending Section 103.1406, to read as follows:

**SEC. 103.1406 Decision Process**

**A. ADMINISTRATIVE REVIEW**

1. Projects that meet these planned  
district regulations, and are not subject to other  
discretionary decisions, may be approved or denied  
by the Planning Director in accordance with

"Process One." Projects that require the issuance of variations from the regulations contained in this Division, or require discretionary review, shall be subject to Section 103.1406(B).

2. Improvements requiring an encroachment permit shall be reviewed by the Planning Director and the encroachment permit may be approved or denied, in accordance with "Process One," by the City Engineer.

3. The Planning Director may conduct further review and approve or deny an application for an exception from the provisions of the Cass Street Commercial Planned District in accordance with "Process Two," when the application is for limited relief in the case of new construction or remodeling which would result in a finished project (all structures on the premises) deviating twenty percent (20%) or less from applicable development regulations pertaining to: required yards or setbacks, or facade offsets. However, the Planning Director shall require additional landscaping that may be feasibly placed on the site or parkway according to City-wide landscape standards, and/or other architectural features or improvements.

The Planning Director shall in no case provide Administrative Review or approve an

application for an exception from floor area ratio, height, density, amount of parking, or use.

The decision of the Planning Director shall be based upon substantial conformance with the regulations and the Purpose and Intent of the Cass Street Commercial Planned District. The granting of a deviation shall be for the purpose of providing design flexibility resulting in a project which benefits surrounding properties and the community.

The Planning Director's decision may be appealed to a "Hearing Officer" in accordance with Section 111.0504.

B. CASS STREET COMMERCIAL DEVELOPMENT PERMIT


1. Except as set out in Section 103.1406(B)(3), requests for variances, conditional use permits, Special Use Permits, other special permits, final or parcel maps, or other City discretionary permits, shall be acted upon in accordance with the applicable provisions of Chapter X, Article 1 and Article 2.

2. The decisionmaker may approve the request if a set of specific written findings can be made that the request is consistent with this Division's purpose and intent and is the basis for his/her decision. The written findings shall identify the benefits and impacts to the community.

3. Public improvements and encroachment permits shall be reviewed by the Planning Director and City Engineer for consistency with this Division. These permits are subject to approval by the City Engineer and may be appealed under the provisions of Section 62.0116.

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

APPROVED: JOHN W. WITT, City Attorney

By   
Allisyn L. Thomas  
Deputy City Attorney

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04/29/93  
07/12/93 COR.COPY  
Or.Dept:Plan.  
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STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~  
NEW LANGUAGE: Shaded

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3,  
DIVISION 14, OF THE SAN DIEGO MUNICIPAL CODE  
BY AMENDING SECTION 103.1406 RELATING TO THE  
CASS STREET COMMERCIAL PLANNED DISTRICT  
DECISION PROCESS.

**SEC. 103.1406 Decision Process**

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~~Exception:~~ 2. Improvements requiring an encroachment permit shall be reviewed by the Planning Director and the encroachment permit may be approved or denied, in accordance with "Process One," by the City Engineer.

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07/12/93 COR.COPY  
Or.Dept:Plan.  
SO-93-152  
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SEP 13 1993

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

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<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"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

SUSAN GOLDING  
Mayor of The City of San Diego, California.

(Seal)

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

By *Blanda B. Barnes* 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

AUG 10 1993

SEP 13 1993

....., and on .....

~~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 *Blanda B. Barnes* Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17972

SEP 13 1993

..... Adopted .....



RECEIVED  
93 JUL 29 AM 11:35  
CITY CLERKS OFFICE  
SAN DIEGO, CA

APR 10 1993

CERTIFICATE OF PUBLICATION

RECEIVED  
CITY CLERK'S OFFICE  
93 SEP 28 AM 9: 57  
SAN DIEGO, CALIF.

OFFICE OF THE CITY CLERK  
CITY ADMINISTRATION BUILDING  
202 C STREET, 2ND FLOOR  
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

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

I, Corey Donahue, 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 0-17972 (NEW SERIES)**  
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, DIVISION 14, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 103.1406 RELATING TO THE CASS STREET COMMERCIAL PLANNED DISTRICT DECISION PROCESS.  
This ordinance allows for the Planning Director to approve ministerial decisions on applications that request minor deviations from the regulations contained in Chapter X, Article 3, Division 14, of the San Diego Municipal Code.  
A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101  
INTRODUCED ON AUGUST 10 1993  
Passed and Adopted by the Council of The City of San Diego on SEP 13 1993  
AUTHENTICATED BY:  
SUSAN GOLDING  
Mayor of the City of San Diego, CA  
CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, CA  
SEAL  
By RHONDA R. BARNES, Deputy  
Pub. Sept. 27 279778

ORDINANCE NUMBER 0-17972 (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:

SEPT. 27

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

Dated at San Diego, California this 27th day of SEPT., 19 93.

*Corey Donahue*  
\_\_\_\_\_  
(Signature)

2 1/4" x 2 = \$ 61.44