

(O-98-68)

ORDINANCE NUMBER O- **18492** (NEW SERIES)

ADOPTED ON **APR 07 1998**

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, DIVISION 11 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 103.1102, 103.1103, 103.1105, 103.1106, 103.1107, 103.1108, ALL RELATING TO 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 is amended by amending section 103.1102, to read as follows:

SEC. 103.1102 Administrative Regulations

A. GENERAL PROVISIONS

1. The City Manager shall administer the Otay Mesa Development District. The City Manager shall ensure compliance with the regulations and procedures of this section. The Otay Mesa Community Plan as presently adopted or as amended from time to time, shall be used in reviewing any development permit applied for under this Division.

2. The City Manager 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 an Otay Mesa Development Permit 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 Otay Mesa Development District is not required for interior modifications, repairs or remodeling, nor for any exterior repairs or alterations for which a building permit or occupancy permit is not required.

3. Expansion or enlargement of previously conforming uses not permitted in this Planned District. Land Development Code Chapter 12, Article 7, Division 1 (General Review Procedures for Previously Conforming Premises and Uses) applies to previously conforming uses with the exception of those provisions which permit expansion or enlargement of a previously conforming use.

4. Where not otherwise specified in this Division, the following provisions of the Land Development Code apply:

Chapter 11 (Land Development Procedures);

Chapter 12 (Land Development Reviews);

Chapter 13 (Zones);

Chapter 14, Article 1 (Separately Regulated Use Regulations);

Chapter 14, Article 2, Division 1 (Grading Regulations);

Chapter 14, Article 2, Division 2 (Drainage Regulations);

Chapter 14, Article 2, Division 3 (Fence Regulations);

Chapter 14, Article 2, Division 4 (Landscape Regulations);

Chapter 14, Article 2, Division 5 (Parking Regulations);

Chapter 14, Article 2, Division 6 (Public Facility Regulations);

Chapter 14, Article 2, Division 8 (Refuse and Recyclable Materials Storage

Regulations);

Chapter 14, Article 2, Division 12 (Sign Regulations);

Chapter 14, Article 3 (Supplemental Development Regulations);

Chapter 14, Article 4 (Subdivision Regulations);

Chapter 14, Article 5 (Building Regulations);

Chapter 14, Article 6 (Electrical Regulations); and

Chapter 14, Article 7 (Plumbing and Mechanical Regulations)

Where there is a conflict between the Land Development Code and this division, this division applies.

5. The following projects may be approved or denied by the City Manager in accordance with Process One, and do not require an Otay Mesa Development District Permit.

a. through c. [No change.]

6. and 7. [No change.]

B. OTAY MESA DEVELOPMENT DISTRICT PERMIT

1. An application for an Otay Mesa Development District Permit, including fees or deposits, shall be processed in the same manner as an application for a Site Development Permit, in accordance with Land Development Code Chapter 11, Article 2 (Required Steps in Processing) and Chapter 12, Article 6, Division 5 (Site Development Permit Procedures).

2. In reviewing and approving development plans, the Hearing Officer shall limit review and consideration to the following:

a. through o. [No change.]

3. An application for an Otay Mesa Development District Permit may be approved, conditionally approved or denied by a Hearing Officer in accordance with Process Three. A Hearing Officer may approve or conditionally approve an Otay Mesa Development District Permit if the hearing officer finds the following:

a. through e. [No change.]

4. The premises shall be developed in substantial conformance with approved development plans, and substantial conformance shall be determined by the City Manager.

5. In approving an Otay Mesa Development District Permit, a suspension or variance of any of the Property Development Regulations, as set forth in this section, may be approved by the Hearing Officer, provided such suspension or variance is based on sufficient showing that there are special circumstances or conditions affecting the property in question, that granting suspension or variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and that granting of suspension or variance will not adversely affect the Progress Guide and General Plan of the City.

6. [No change.]

7. The Hearing Officer's decision may be appealed to the Planning Commission in accordance with Land Development Code Section 112.0506.

C. OTAY MESA DEVELOPMENT COUNCIL

1. Otay Mesa Development Council Created

a. through c. [No change.]

d. The City Manager 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. and f. [No change.]

2. Powers and Duties

[No change in first paragraph.]

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 City Manager.

D. FINANCING OF PUBLIC FACILITIES

1. and 2. [No change.]

3. Financial Program

a. Municipal Facilities.

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

(1) through (5) [No change.]

(6) Implementation

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

a. and b. [No change.]

7. [No change.]

Section 2. That Chapter X, Article 3, Division 11, of the San Diego Municipal Code is amended by amending section 103.1103, to read as follows:

SEC. 103.1103 Permitted Uses

A. INDUSTRIAL SUBDISTRICT

[No change in first paragraph.]

All uses permitted in the IH-2-1 zone (Land Development Code Section 131.0622).

1. through 5. [No change.]

6. Business Support Services

[No change in first paragraph.]

The use of any property for business support service uses requires notice be given by certified mail to the City Manager for the purpose of recording the location and quantities of property to be used for such purposes. The notice shall be filed with the City Manager prior to the City Manager's approval or denial of the ministerial permit.

[No change in third paragraph.]

7. [No change.]

8. Agricultural Uses

Uses permitted in the AR-1-2 or AR-1-1 zones (Land Development Code Section 131.0322) except for single-family dwellings and churches.

B. [No change.]

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 Land Development Code Chapter 14, Article 2, Division 12 (Sign Regulations), for sign regulatory purposes this Otay Mesa Development District shall be deemed to be an industrial zone.

2. Any other uses which the Planning Commission finds, in accordance with Process Four, to be similar in character to the uses enumerated in this Division and which are clearly within the intent and purpose of this district. The adopted resolution embodying any such finding shall be filed in the office of the City Clerk.

Section 3. That Chapter X, Article 3, Division 11, of the San Diego Municipal Code is amended by amending section 103.1105, to read as follows:

SEC. 103.1105 Canyon and Hillside Subdistrict

[No change in first paragraph.]

All projects within this Subdistrict require an Otay Mesa Development District Permit (Section 103.1102.A.2.). The regulations contained in Land Development Code Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations) 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 [No change.]

Section 4. That Chapter X, Article 3, Division 11, of the San Diego Municipal Code is amended by amending section 103.1106, to read as follows:

SEC. 103.1106 Brown Field Flight Activity Subdistrict and Approach Zone

[No change in first and second paragraphs.]

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. [No change.]

2. Agricultural uses permitted in the AR-1-1 or AR-2-1 zones (Land Development Code Section 131.0322) except for single-dwellings and churches.

B. and C. [No change.]

Section 5. That Chapter X, Article 3, Division 11, of the San Diego Municipal Code is amended by amending section 103.1107, to read as follows:

SEC. 103.1107 Property Development Regulations

[No change in first paragraph.]

A. [No change.]

B. LANDSCAPING

Where not otherwise specified in this division, landscaping shall be provided in

accordance with Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations). Where there is a conflict between the Land Development Code and this division, this division applies.

The following landscaping requirements apply:

1. through 6.

7. The following application procedures apply:

a. Permit applications shall be accompanied by a site plan and supplementary information required to establish that all landscaping shall be developed in conformance with the Landscape Guidelines of the Land Development Manual.

b. At the time of an application for a certificate of occupancy, the applicant will provide verification that the landscape improvements are in conformance with the approved landscape plan and in conformance with the Landscape Guidelines of the Land Development Manual.

c. If, at the time of an application for a certificate of occupancy, the required landscaping is not yet in place, the City Manager 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 City Manager 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

Driveway width and spacing shall be in conformance with Land Development Code Section 142.0560.

D. [No change.]

E. SPECIAL REGULATIONS

[No change in first paragraph.]

Fences and Walls

Regulations governing fences and walls are those set forth in Land Development Code Chapter 14, Article 2, Division 3 (Fence Regulations)

In addition to the above, the following regulations apply:

1. and 2. [No change.]

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, in accordance with Land

Development Code Chapter 14, Article 2, Division 5 (Parking Regulations).

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 filed with the City Manager.

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 City Manager that he owns or has sufficient interest in such property to provide the off-premises parking required by this section.

[No change in remainder of subsection 2.]

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 Commission to be a permitted use in accordance with Section 103.1103(C)(2), the off-street parking requirements shall be determined by the City Manager.

G. DESIGN STANDARDS

1. [No change.]

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 City Manager. Where such substitutions are provided they shall meet the same minimal dimensional requirements as architectural reveals above.

b. [No change.]

3. [No change.]

4. Lighting

a. Lighting in all subdistricts of the Otay Mesa Development

District shall comply with Land Development Code Section 142.0740.

b. [No change.]

5. through 7. [No change.]

8. Signage

Signs in all subdistricts of the Otay Mesa Development District shall comply with Land Development Code Chapter 14, Article 2, Division 12 (Sign Regulations).

Section 6. That Chapter X, Article 3, Division 11, of the San Diego Municipal Code is amended by amending section 103.1108, to read as follows:

SEC. 103.1108 Transfer of Development Rights Option

A. through C. [No change.]

D. REGISTRATION DEVELOPMENT RIGHTS

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

[No change in second paragraph.]

1. through 5. [No change.]

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. and 2. [No change.]

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 City Manager.

Section 7. This ordinance shall take effect and be in force on the date the Coastal Commission unconditionally certifies as a local coastal program amendment the provisions of the Land Development Code subject to Coastal Commission jurisdiction, adopted by the City

Council on December 9, 1997, by Ordinance No. O-18451.

APPROVED: CASEY GWINN, City Attorney

By Prescilla Dugard
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Deputy City Attorney

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03/06/98

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