

ORDINANCE NUMBER O- 19585 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 27 2007

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO REPEALING CHAPTER 10, ARTICLE 3, DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE, AND AMENDING CHAPTER 15, ARTICLE 1, DIVISION 1 TITLED "GENERAL PROVISIONS FOR PLANNED DISTRICTS," BY ADDING SECTIONS 151.0101, 151.0102, AND 151.0103; DIVISION 2 TITLED "PERMITS AND PROCEDURES FOR PLANNED DISTRICTS," SECTIONS 151.0201, 151.0202, 151.0203, AND 151.0204; DIVISION 3 TITLED "ZONES FOR PLANNED DISTRICTS," SECTION 151.0301; AND DIVISION 4 TITLED "GENERAL AND SUPPLEMENTAL REGULATIONS," SECTION 151.0401, ALL RELATING TO THE GENERAL PROVISIONS FOR PLANNED DISTRICTS.

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

Section 1. That Chapter 10, Article 3, Division 1, is repealed, and Chapter 15, Article 1, Division 1, of the San Diego Municipal Code is amended by adding Sections 151.0101, 151.0102, and 151.0103, to read as follows:

Article 1: Planned Districts

Division 1: General Provisions for Planned Districts

§151.0101 Purpose and Intent

The purpose of this division is to provide the means to adopt plans for certain areas of the City which provide land use, capital improvements and public facilities controls in lieu of conventional zoning to accomplish the following goals:

- (a) To preserve and enhance the cultural, aesthetic or economic value of neighborhoods having special importance due to their historical

significance or because of their being part of older, established communities and neighborhoods; and

- (b) To systematically implement a comprehensive plan for the phased growth of developing and undeveloped areas of the City.

§151.0102 Planned District Defined

Planned district means any legally described geographic area: (1) which has historical significance or serves as an established neighborhood or community; or (2) which is at the time of adoption developing or substantially undeveloped and for which a program of phased growth is desirable; and (3) which has been designated a planned district by the City Council. The District shall be wholly within the boundaries of a precise plan or coterminous with the boundaries of a Community Plan adopted by the City Council and on file in the office of the City Clerk. The plan must be detailed enough to permit the evaluation of proposed development controls for the District.

§151.0103 Applicable Regulations

- (a) The applicable zoning regulations in a planned district are those included in the planned district and any Land Development Code zoning regulations expressly incorporated into that planned district. Planned district regulations shall supersede any zoning regulations in the Land Development Code that are inconsistent or not expressly incorporated into the planned district regulations. Within the Coastal Overlay Zone, exceptions to the standards in a planned district shall not be granted except as specifically provided for in the planned district. Subdivision, building,

plumbing and mechanical, and electrical regulations are not zoning regulations for purposes of this section and are not superseded by adoption of a planned district.

(b) The following regulations apply in all planned districts:

- (1) Land Development Code, Chapter 11 (Land Development Procedures);
- (2) Land Development Code, Chapter 12 (Land Development Reviews); and
- (3) Child care facilities regulations contained in Land Development Code Section 141.0606

Section 2. That Chapter 15, Article 1, Division 2, of the San Diego Municipal Code is amended by adding Sections 151.0201, 151.0202, 151.0203 and 151.0204, to read as follows:

Article 1: Planned Districts

Division 2: Permits and Procedures for Planned Districts

§151.0201 Processing of Planned District Permits

Planned district permits will be processed in accordance with the Land Development Code as follows:

- (a) Where a planned district requires a ministerial planned district permit, the permit will be processed in accordance with Process One.
- (b) Where a planned district requires a discretionary planned district permit that is identified as a Process Two decision, an applicant shall apply for a Neighborhood Development Permit in accordance with Land Development Code Chapter 12, Article 6, Division 1 (General

Development Permit Procedures) and Division 4 (Neighborhood Development Permit Procedures). The findings required for approval will be the general findings for Neighborhood Development Permits in Land Development Code Section 126.0404(a), any applicable supplemental findings in Section 126.0404, and any additional findings provided in the planned district.

- (c) Where a planned district requires a discretionary planned district permit that is identified as a Process Three, Process Four, or Process Five decision, an applicant shall apply for a Site Development Permit in accordance with Land Development Code Chapter 12, Article 6, Division 1 (General Development Permit Procedures) and Division 5 (Site Development Permit Procedures). The findings required for approval will be the general findings for Site Development Permits in Land Development Code Section 126.0504(a), any applicable supplemental findings in Section 126.0504, and any additional findings provided in the planned district.
- (d) Where Section 151.0105 requires a Neighborhood Use Permit, an applicant shall apply for a Neighborhood Use Permit in accordance with Land Development Code Chapter 12, Article 6, Division 1 (General Development Permit Procedures) and Division 2 (Neighborhood Use Permit Procedures). The findings required for approval will be the general findings for Neighborhood Use Permits in Land Development Code

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Section 126.0205 and any additional findings provided in the planned district.

- (e) Where Section 151.0105 or the planned district requires a Conditional Use Permit, an applicant shall apply for a Conditional Use Permit in accordance with Land Development Code Chapter 12, Article 6, Division 1 (General Development Permit Procedures) and Division 3 (Conditional Use Permit Procedures). The findings required for approval will be the general findings for Conditional Use Permits in Land Development Code Section 126.0305 and any additional findings provided in the planned district.

§151.0202 Initiation of Planned District Amendments

The establishment, repeal, change in boundaries or change in development controls of a planned district may be initiated as follows:

- (a) The City Council or the Planning Commission may initiate the matters listed above by resolution.
- (b) Property owners that may be affected by the planned district regulations may file a petition with the City Manager. The petition must contain the signatures of the owners of at least 50 percent of the land located within the proposed or existing planned district.

§151.0203 Additional Notice

In addition to the persons entitled to be mailed notice as set forth in Section 111.0302(b), the City shall mail a Notice of Public Hearing to the owner of each parcel of land within the boundaries of the proposed planned district in

accordance with Section 111.0302, no later than ten (10) working days before the date of the public hearing.

§151.0204 Decision Process

- (a) The establishment, repeal, change in boundaries or change in development controls of a planned district may be approved or denied by the City Council in accordance with Process Five.
- (b) Planning Commission Recommendation.
 - (1) After the conclusion of a public hearing, the Planning Commission may recommend to the Council by affirmative vote of not less than a majority of its total voting members, the adoption of a planned district ordinance which will accomplish one or more of the following:
 - (A) Incorporate all or a portion of the property requested to be placed in the planned district and impose development controls;
 - (B) Change the boundaries, as set forth in said notice, of an established planned district and, when appropriate, impose development controls;
 - (C) Change the development controls of an established planned district; or
 - (D) Repeal the planned district.

- (2) In lieu of recommending adoption of an ordinance to accomplish one or more of the actions as set forth in this Section, the Planning Commission may recommend denial of the petition or proposal.
 - (3) The Planning Commission may recommend that the City Council adopt, change or repeal, any or all of the development controls listed in Section 151.0103.
 - (4) All recommended development controls shall recognize and reflect the special goals, objectives, requirements, criteria and standards of the adopted plans referred to in Section 151.0102.
- (c) City Council Decision.
- (1) At the conclusion of the public hearing, the City Council may take such action as it deems to be in the public interest as to the inclusion of property in a planned district or the exclusion of property from a district or the adoption or modification of development controls to a district.
 - (2) All development controls adopted by ordinance shall recognize and reflect the special goals, objectives, requirements, criteria and standards of the plan covering the area of which the planned district is a part.
 - (3) The City Council may establish a planned district review board to evaluate the appropriateness of any use, construction, alteration or demolition of buildings, structures or premises in relation to development controls established in a planned district. Any

development controls established in a planned district. Any ordinance establishing a planned district review board shall describe the precise powers and duties of the board, method of appointing members, tenure of office and other rules and regulations the City Council deems necessary.

Section 3. That Chapter 15, Article 1, Division 3, of the San Diego Municipal Code is amended by adding Section 151.0301, to read as follows:

Article 1: Planned Districts

Division 3: Zones for Planned Districts

§151.0301 Permitted Development Controls

In a planned district, no building or structure may be erected, constructed, altered, moved or enlarged on any premises nor may any premises be used unless the buildings, structures, and premises comply with the development controls in force in the planned district.

(a) The following development controls may be made applicable to all planned districts:

- (1) Architectural design
- (2) Color and texture of improvements
- (3) Construction materials
- (4) Development density
- (5) Grading and site development
- (6) Height and bulk of buildings
- (7) Landscaping

- (8) Land use, including accessory uses
- (9) Lot area and dimensions
- (10) Lot coverage
- (11) Off-street parking
- (12) On-street parking
- (13) Orientation of buildings
- (14) Public areas
- (15) Signs, provided that public interest signs shall be permitted in all planned districts
- (16) Street furniture
- (17) Yards
- (18) Site design
- (19) Density bonuses and/or incentives
- (20) Performance standards
- (21) Timing and operational controls
- (22) Any other regulations necessary to implement the adopted plan covering the area of which the planned district is a part

(b) In addition to the development controls listed in Section 151.0103(a), the following planning element and development controls for developing or undeveloped geographic areas in which a program of phased growth is desirable may be made applicable:

- (1) The location of housing, business, industry, open space, agriculture, recreation facilities, educational facilities, churches

and related religious facilities, public buildings and grounds, and solid and liquid waste disposal facilities, together with regulations establishing height, bulk and set-back limits for such land uses and facilities, including the location of areas, such as flood plains or excessively steep or unstable terrain;

- (2) The locations and extent of existing or proposed streets and roads, the tentative proposed widths with reference to prospective standards for their construction and maintenance, and the location and standards of construction, maintenance and use of all other transportation facilities whether public or private;
- (3) Standards for population density and building density, including lot size, permissible types of construction, and provisions for water supply, sewage disposal, storm water drainage and the disposal of solid waste;
- (4) Standards for the conservation, development and utilization of natural resources, including underground and surface waters, forests, vegetation and soils, rivers, creeks and streams, and fish and wildlife resources. Such standards must include, where applicable, procedures for flood control, for prevention and control of pollution of rivers, streams, creeks and other waters, regulation of land use and stream channels and other areas which may have a significant effect on fish, wildlife and other natural resources of the area, the prevention, control and correction of soil erosion caused

by subdivision roads or any other sources, and the protection of watershed areas;

- (5) A capital improvements program indicating the sources and means of financing all required capital improvements within the planned district; and
- (6) Standards for solar systems:
 - (A) Shadow Plans. When, in the opinion of the City Manager, structures and major landscaping at maturity for a development project may have an impact on the solar access of adjacent property, the applicant shall submit a satisfactory shadow plan prior to the approval of a planned district development permit.
 - (B) Design Criteria. Wherever possible, maximum feasible energy conservation measures, including both active and passive solar systems, shall be utilized.

Section 4. That Chapter 15, Article 1, Division 4, of the San Diego Municipal Code is amended by adding Section 151.0401, to read as follows:

Article 1: Planned Districts

Division 4: General and Supplemental Regulations

§151.0401 Uses Permitted in the Planned Districts

- (a) Where not otherwise specified in the planned district, the uses in Section 151.0401 may be permitted as limited uses or in accordance with the rules and procedures for Neighborhood Use Permits and Conditional Use

Permits in Land Development Code Chapters 11 and 12. In addition to the uses listed in this section, other uses may be approved with a Conditional Use Permit as provided in each planned district.

(b) Limited Uses

(1) The following uses, when permitted by the applicable planned district, are subject to the regulations for limited uses in the Land Development Code section specified for each use.

(A) Adult entertainment establishments, subject to Land Development Code Section 141.0601

(B) Alcoholic beverage outlets, subject to Land Development Code Section 141.0502

(C) Pushcarts on private property, subject to Land Development Code Section 141.0619.

(2) The following uses are permitted in the planned districts subject to the regulations for limited uses in the Land Development Code section specified for each use and the location restrictions specified for each use.

(A) Companion units in single dwelling unit and multiple dwelling unit residential zones, subject to Land Development Code Section 141.0302

(B) Garage and yard sales in residential zones, subject to Land Development Code Section 141.0305

- (C) Home occupations in residential zones, subject to Land Development Code Section 141.0308
- (D) Large family day care homes in zones where residential use is permitted, except in agricultural zoned areas of the Coastal Overlay Zone that contain the 100-year floodplain, subject to Land Development Code Section 141.0606
- (E) Recycling facilities as follows:
 - (i) Drop-off facilities in all commercial and industrial zones, subject to Land Development Code Section 141.0620;
 - (ii) Reverse vending machines in all industrial zones, subject to Land Development Code Section 141.0620;
 - (iii) Small collection facilities in all industrial zones, subject to Land Development Code Section 141.0620;
 - (iv) Small processing facilities accepting at least 98 percent of total annual weight of recyclables from commercial and industrial traffic in general industrial zones, subject to Land Development Code Section 141.0620; and
 - (v) Large processing facilities accepting at least 98 percent of total annual weight of recyclables from

commercial and industrial traffic in general
industrial zones, subject to Land Development Code
Section 141.0620.

(c) Neighborhood Use Permits

Except as otherwise provided in the planned district, the following uses may be permitted with a Neighborhood Use Permit decided in accordance with Process Two, subject to the location restrictions and the Land Development Code section specified for each use.

- (1) Pushcarts in the public right-of-way, subject to Land Development Code Section 141.0619
- (2) Recycling facilities as follows:
 - (A) Large collection facilities in all commercial and industrial zones, subject to Land Development Code Section 141.0620;
 - (B) Small processing facilities in general industrial zones, subject to Land Development Code Section 141.0620;
 - (C) Large processing facilities in general industrial zones, subject to Land Development Code Section 141.0620; and
 - (D) Green materials composting facilities in general industrial zones, subject to Land Development Code Section 141.0620.
- (3) Sidewalk cafes, subject to Land Development Code Section 141.0621

(d) Conditional Use Permits/Process Three

Except as otherwise provided in the planned district, the following uses may be permitted with a Conditional Use Permit decided in accordance with Process Three, subject to the location restrictions and the Land Development Code section specified for each use.

- (1) Alcoholic beverage outlets, subject to Land Development Code Section 141.0502
- (2) Automobile service stations, except in single dwelling unit residential zones or in the agricultural zoned areas of the Coastal Overlay Zone, subject to Land Development Code Section 141.0801
- (3) Bed and breakfast facilities in residential zones, subject to Land Development Code Section 141.0603
- (4) Boarding kennels in any agricultural, commercial, or industrial zone, subject to Land Development Code Section 141.0604
- (5) Child care facilities in residential zones, except in the agricultural zoned areas of the Coastal Overlay Zone that contain the 100-year floodplain, subject to Land Development Code Section 141.0606
- (6) Churches and places of religious ceremony, except in agricultural zoned areas of the Coastal Overlay Zone that are in the 100-year floodplain, subject to Land Development Code Section 141.0404
- (7) Communication antennas, subject to Land Development Code Section 141.0405

- (8) Community identification signs, subject to Land Development Code Section subject to Land Development Code Section 141.1104
- (9) Educational facilities--schools for kindergarten to grade 12 and colleges/universities, except in the agricultural zoned areas of the Coastal Overlay Zone that contain the 100-year floodplain, subject to Land Development Code Section 141.0407
- (10) Energy generation and distribution stations and communications switching stations, subject to Land Development Code Section 141.0408
- (11) Fraternity houses, sorority houses, and student dormitories, subject to Land Development Code Section 141.0304
- (12) Guest quarters in a single dwelling unit residential zone, subject to Land Development Code Section 141.0306
- (13) Historical buildings occupied by uses not otherwise allowed, subject to Land Development Code Section 141.0411
- (14) Housing for senior citizens in any residential or commercial zone, subject to Land Development Code Section 141.0310
- (15) Impound storage yards except in zones that permit residential development, subject to Land Development Code Section 141.0901

- (16) Instructional studios, except in the agricultural zoned areas of the Coastal Overlay Zone that contain the 100-year floodplain, subject to Land Development Code Section 141.0612
- (17) Newspaper publishing plants, except in the agricultural zoned areas of the Coastal Overlay Zone, subject to Land Development Code Section 141.1006
- (18) Outdoor storage and display of new, unregistered motor vehicles as a primary use, except in the agricultural zoned areas of the Coastal Overlay Zone that contain the 100-year floodplain, subject to Land Development Code Section 141.0802
- (19) Parking facilities as a primary use, except in the agricultural zoned areas of the Coastal Overlay Zone, subject to Land Development Code Section 141.0616
- (20) Private clubs, lodges, and fraternal organizations, except in the agricultural zoned areas of the Coastal Overlay Zone that contain the 100-year floodplain, subject to Land Development Code Section 141.0617
- (21) Radio and television broadcasting, microwave relay or similar systems facilities, subject to Land Development Code Section 141.0416
- (22) Recycling facilities as follows:

- (A) Mixed organics composting facilities in general industrial zones, subject to Land Development Code Section 141.0620;
- (B) Tire processing facilities in general industrial zones, subject to Land Development Code Section 141.0620
- (23) Residential care facilities for 12 or fewer persons in any zone that permits residential use, except in the agricultural zoned areas of the Coastal Overlay Zone that contain the 100-year floodplain, subject to Land Development Code Section 141.0312
- (24) Revolving projecting signs subject to Land Development Code Section 141.1101
- (25) Swap meets and other large outdoor retail facilities, except in the agricultural zoned areas of the Coastal Overlay Zone, subject to Land Development Code Section 141.0504
- (26) Theater marquees subject to Land Development Code Section 141.1103
- (27) Transitional housing facilities for 12 or fewer persons in any zone that permits residential use, except in the agricultural zoned areas of the Coastal Overlay Zone that contain the 100-year floodplain, subject to Land Development Code Section 141.0313
- (28) Veterinary clinics and hospitals in any agricultural, commercial, or industrial zone, except in the agricultural zoned areas of the

Coastal Overlay Zone that contain the 100-year floodplain, subject to Land Development Code Section 141.0624

- (29) Watchkeeper's quarters, subject to Land Development Code Section 141.0314

(e) Conditional Use Permits/Process Four

Except as otherwise provided in the planned district, the following uses may be permitted with a Conditional Use Permit decided in accordance with Process Four, subject to the location restrictions and the Land Development Code section specified for each use.

- (1) Camping parks in commercial zones, industrial zones except IP-1-1, and agricultural zones, subject to Land Development Code Section 141.0605
- (2) Cemeteries, mausoleums, and crematories, except in the agricultural zoned areas of the Coastal Overlay Zone that are in the 100-year floodplain, subject to Land Development Code Section 141.0403
- (3) Correctional placement centers in any zone except residential zones, neighborhood commercial zones, agricultural zoned areas of the Coastal Overlay Zone, or in the beach impact area of the Parking Impact Overlay Zone subject to Land Development Code Section 141.0406

- (4) Exhibit halls and convention facilities, except in the agricultural zoned areas of the Coastal Overlay Zone, subject to Land Development Code Section 141.0409
- (5) Golf courses, driving ranges, and pitch and putt courses, subject to Land Development Code Section 141.0609
- (6) Hazardous waste research facilities in any agricultural or industrial zone, subject to Land Development Code Section 141.1003
- (7) Homeless facilities in any zone that permits residential use subject to Land Development Code Section 141.0412
- (8) Hospitals, intermediate care facilities, and nursing facilities, except in the agricultural zoned areas of the Coastal Overlay Zone that are in the 100-year floodplain, subject to Land Development Code Section 141.0413
- (9) Junk yards in any agricultural or industrial zone, except in the Coastal Overlay Zone, subject to Land Development Code Section 141.0902
- (10) Marine-related uses in the Coastal Overlay Zone in any commercial zone except the CO and CN zones, subject to Land Development Code Section 141.1005
- (11) Mining and extractive industries, subject to Land Development Code Section 141.1001

- (12) Museums, except in the agricultural zoned areas of the Coastal Overlay Zone, subject to Land Development Code Section 141.0415
- (13) Nightclubs and bars over 5,000 square feet, except in the agricultural zoned areas of the Coastal Overlay Zone, subject to Land Development Code Section 141.0614
- (14) Privately operated recreational facilities over 10,000 square feet in size in zones that permit similar uses under 10,000 square feet in size, except in the agricultural zoned areas of the Coastal Overlay Zone, subject to Land Development Code Section 141.0618
- (15) Residential care facilities for 12 or more persons in any zone that permits residential use, subject to Land Development Code Section 141.0312
- (16) Social service institutions, except in the agricultural zoned areas of the Coastal Overlay Zone that are in the 100-year floodplain, subject to Land Development Code Section 141.0417
- (17) Theaters that are outdoors or over 5,000 square feet, except in the agricultural zoned areas of the Coastal Overlay Zone, subject to Land Development Code Section 141.0623
- (18) Transitional housing facilities for 12 or more persons in any zone that permits residential use, subject to Land Development Code Section 141.0313

(19) Wrecking and dismantling of motor vehicles in any agricultural or industrial zone, except in the Coastal Overlay Zone, subject to Land Development Code Section 141.1008

(f) Conditional Use Permits/Process Five

Except as otherwise provided in the planned district, the following uses may be permitted with a Conditional Use Permit decided in accordance with Process Five, subject to the location restrictions and the Land Development Code section specified for each use.

(1) Airports, except in agricultural zoned areas of the Coastal Overlay Zone that are in the 100-year floodplain, subject to Land Development Code Section 141.0401

(2) Amusement parks, except in the agricultural zoned areas of the Coastal Overlay Zone that are in the 100-year floodplain, subject to Land Development Code Section 141.0602

(3) Fairgrounds subject to Land Development Code Section 141.0608

(4) Hazardous waste treatment facilities in any agricultural or industrial zone, subject to Land Development Code Section 141.1002

(5) Helicopter landing facilities, except in agricultural zoned areas of the Coastal Overlay Zone that are in the 100-year floodplain, subject to Land Development Code Section 141.0610

- (6) Sports arenas and stadiums except in the agricultural zoned areas of the Coastal Overlay Zone, subject to Land Development Code Section 141.0622
- (7) Very heavy industrial uses, subject to Land Development Code Section 141.1007

Section 5. That the full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 6. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

Section 7. That this activity is not a project and is therefore not subject to the California Environmental Quality Act [CEQA] pursuant to State CEQA Guidelines Section 15060(c)(3).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Shannon M. Thomas
Shannon M. Thomas
Deputy City Attorney

SMT:als
12/26/06
Or.Dept:DSD
O-2007-65
MMS#3400

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAR 20 2007

ELIZABETH S. MALAND
City Clerk

By *Jana Richards*
Deputy City Clerk

Approved: 3-27-07
(date)

JSL
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor