

**Article 6: Development Permits**

**Division 6: Planned Development Permit Procedures**

*(Added 12-9-1997 by O-18451 N.S.)*

**§126.0601 Purpose of the Planned Development Permit Procedures**

The purpose of these procedures is to establish a review process for *development* that allows an *applicant* to request greater flexibility from the strict application of the regulations than would be allowed through a deviation process. The intent is to encourage imaginative and innovative planning and to assure that the *development* achieves the purpose and intent of the applicable *land use plan* and that it would be preferable to what would be achieved by strict conformance with the regulations.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

**§126.0602 When a Planned Development Permit May Be Requested**

- (a) The following types of *development* may be requested with a Planned Development Permit decided in accordance with Process Three.
  - (1) Residential *development* within the areas described in this section when the community plan recommends a Planned Development Permit in conjunction with another requested discretionary action, as described in Section 143.0402:
    - (A) Within the Carmel Mountain Ranch Community Plan area, residential *development* within certain areas as identified in the community plan;
    - (B) Within the Midway-Pacific Highway Corridor Community Plan area, mixed-use residential and commercial *development*;
    - (C) Within the Mira Mesa Community Plan area, residential *development* that includes a rezone or *subdivision*;
    - (D) Within the Miramar Ranch North Community Plan area, all proposed residential *development*;

- (E) Within the Rancho Penasquitos Community Plan area, *subdivisions* creating 5,000 square foot *lots* consistent with the low *density* residential land use category;
  - (F) Within the Sabre Springs Community Plan area, residential *development* on those parcels identified in Section 4.4 of the community plan;
  - (G) Within the Scripps Miramar Ranch Community Plan area, residential *development* in Areas C or E as identified in the community plan; and
  - (H) Within the Torrey Pines Community Plan area, all new *multiple-dwelling unit development*.
- (2) Commercial *development* within the areas listed below when the community plan recommends a Planned Development Permit in conjunction with another requested discretionary action, as described in Section 143.0402:
- (A) Within the Carmel Mountain Ranch Community Plan area, commercial *development* located within the area designated for planned commercial *development* on Figure 35 of the community plan;
  - (B) Within the Kearny Mesa Community Plan area, any visitor accommodation facilities;
  - (C) Within the Midway-Pacific Highway Corridor Community Plan area, all commercial and residential mixed-use *development*;
  - (D) Within the Mira Mesa Community Plan area, commercial *development* that includes a rezone or *subdivision*;
  - (E) Within the Miramar Ranch North Community Plan area, all commercial *development*;
  - (F) Within the Navajo Community Plan area, commercial *development* that includes a rezone or *subdivision*;
  - (G) Within the Otay Mesa-Nestor Community Plan area, commercial *development* of property identified by the Plan's Commercial Land Use Map as requiring discretionary review;

- (H) Within the Peninsula Community Plan, commercial *development* on the block bounded by Lowell Street, Keats Street, Rosecrans Street, and Locust Street; and
  - (I) Within the Rancho Penasquitos Community Plan area, commercial *development* located in the Towne Centre.
- (3) Industrial *development* within the areas listed below when the community plan recommends a Planned Development Permit in conjunction with another requested discretionary action, as described in Section 143.0402:
- (A) Within the Kearny Mesa Community Plan area, industrial *development* in the area known as Allred-Collins East;
  - (B) Within the Mira Mesa Community Plan area, industrial *development* that includes a rezone or *subdivision*;
  - (C) Within the Navajo Community Plan area, industrial *development* that includes a rezone or *subdivision*;
  - (D) Within the Sabre Springs Community Plan area, *development* on parcels 3 and 9 of the Sabre Springs Industrial Park;
  - (E) Within the Scripps Miramar Ranch Community Plan area, *development* of a 3.7-acre storage facility as identified in the community plan and all *development* in the Scripps Business Park; and
  - (F) Within the Torrey Pines Community Plan area, *development* in the Carrol Canyon Corridor as identified in the community plan.
- (b) The following types of *development* may be requested with a Planned Development Permit to be decided in accordance with Process Four.
- (1) *Development* that does not comply with all base zone regulations or all development regulations, or proposes to exceed limited deviations allowed by the regulations in Chapter 14, as described in Section 143.0402.

- (2) Rural Cluster *development* in the OR and AR zones, as described in Section 143.0402.
- (3) *Developments* involving a Planned Development Permit within RS zones in *Urbanized Communities* as described in Section 143.0402.
- (c) The following types of *development* may be requested with a Planned Development Permit to be decided in accordance with Process Five.

Rural cluster residential *development* in the AR-1-1 and OR-1-2 zones that proposes a *density* that exceeds one dwelling unit per 10 acres but is not more than one dwelling unit per 4 acres, with no potential for *development* on the remainder of the *premises*, as described in Section 143.0402.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000; amended 6-19-2000 by O-18814 N.S.)

(Amended 4-8-2008 by O-19734 N.S; effective 5-8-2008.)

**§126.0603 Decision Process for Planned Development Permits**

- (a) A decision on an application for a Planned Development Permit for the type of *development* listed in Section 126.0602(a) shall be made in accordance with Process Three. The decision may be appealed to the Planning Commission in accordance with Section 112.0506.
- (b) A decision on an application for a Planned Development Permit for the types of *development* listed in Section 126.0602(b) shall be made in accordance with Process Four.
- (c) A decision on an application for a Planned Development Permit for the *development* listed in Section 126.0602(c) shall be made in accordance with Process Five.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

**§126.0604 Findings for Planned Development Approval**

A Planned Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0604(a) and the supplemental *findings* in Section 126.0604(b) that are applicable to the proposed *development* as specified in this section.

(a) Findings for all Planned Development Permits

- (1) The proposed *development* will not adversely affect the applicable *land use plan*;
- (2) The proposed *development* will not be detrimental to the public health, safety, and welfare;
- (3) The proposed *development* will comply with the regulations of the Land Development Code;
- (4) The proposed *development*, when considered as a whole, will be beneficial to the community; and
- (5) Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

(b) Supplemental Findings--*Proposition A Lands*

A project involving rural cluster in the AR-1-1 zone or the OR-1-12 zone within *Proposition A Lands* where increased *density* is proposed may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0604(a):

- (1) The proposed *development* will assist in accomplishing the goal of permanently preserving lands designated as part of the through the provision of public and private open space easements or *dedications*;
- (2) The proposed *development* will not foreclose future decisions regarding the size of major primary arterials, expressways, or *freeways* that may traverse the property;
- (3) The proposed *development* will be adjacent to areas presently served by water and sewer lines, thereby avoiding leapfrog *development*;

- (4) The proposed *development* will be at least fiscally neutral, thereby not imposing a burden upon the City's capital and operating budgets;
- (5) The proposed *development* will provide housing on the property affordable to lower income *families*, as certified by the San Diego Housing Commission;
- (6) The proposed *development* comprehensively addresses framework planning issues including land use, character, and scale of *development*; environmental resources; and public facilities and the increase in *density* will not adversely affect the biological goals and objectives of the Multiple Species Conservation Program Subarea Plan;
- (7) Within *Proposition A Lands* the proposed *development* will be consistent with the approved subarea plan; and
- (8) The *applicant* and property owner have agreed in a recorded document that in return for the present increase in *density* granted by the City Council, no future *development* rights shall remain on the property.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 4-8-2008 by O-19734 N.S.; effective 5-8-2008.)

### §126.0605 Violations of a Planned Development Permit

It is unlawful for any person to maintain, use, or develop any *premises* without a Planned Development Permit if such a permit is required for the use or *development*, or to maintain, use, or develop any *premises* contrary to the requirements or conditions of an existing Planned Development Permit. Violations of any provision of this division shall be subject to the enforcement provisions contained in Chapter 12, Article 1. Violation of this division shall be treated as strict liability offenses regardless of intent.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)