

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO REPEALING CHAPTER 10, ARTICLE 3, DIVISION 22, OF THE SAN DIEGO MUNICIPAL CODE, AND AMENDING CHAPTER 15 BY ADDING ARTICLE 18, DIVISION 1 TITLED “GENERAL RULES,” SECTIONS 1518.0101, 1518.0102, AND 1518.0103; DIVISION 2 TITLED “PERMITS AND PROCEDURES,” SECTIONS 1518.0201, 1518.0202, AND 1518.0203; DIVISION 3 TITLED “ZONING,” SECTIONS 1518.0301, AND 1518.0302; DIVISION 4 TITLED “GENERAL AND SUPPLEMENTAL REGULATIONS,” SECTIONS 1518.0401, AND 1518.0402, ALL RELATING TO THE SAN YSIDRO PLANNED DISTRICT.

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

Section 1. That Chapter 10, Article 3, Division 22, is repealed, and Chapter 15 of the San Diego Municipal Code is amended by adding Article 18, Division 1, Sections 1518.0101, 1518.0102, and 1518.0103 to read as follows:

Article 18: San Ysidro Planned District

Division 1: General Rules

§1518.0101 Purpose and Intent

It is the purpose of these regulations to provide reasonable development criteria for the construction or alteration of quality commercial and industrial development throughout the San Ysidro community. The intent is to implement the San Ysidro Community Plan through the use of the applied urban design standards contained in this implementing ordinance.

§1518.0102 Boundaries

The San Ysidro Planned District Ordinance specifically applies to areas designated on certain Map Drawing No. C-801.2, and described in the appended boundary description filed in the office of the City Clerk. (See Appendix B, Illustration 1).

§1518.0103 Applicable Regulations

Where not otherwise specified in the San Ysidro Planned District Ordinance, the following provisions of the Land Development Code apply:

Chapter 11 (Land Development Procedures);

Chapter 12 (Land Development Reviews) except Article 6,

Division 6 (Planned Development Permit Procedures);

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 (Landscaping 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);

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

Chapter 14, Article 3 (Supplemental Development

Regulations) except Division 4 (Planned Development Permit Regulations);
Chapter 14, Article 4 (Subdivision Regulations);
Chapter 14, Article 5 (Building Code Regulations);
Chapter 14, Article 6 (Electrical Code Regulations); and
Chapter 14, Article 7 (Plumbing and Mechanical Code
Regulations).

Where there is a conflict between the Land Development Code and this **Planned
District Ordinance**, **the San Ysidro Planned District Ordinance** applies.

Section 2. That Chapter 15 of the San Diego Municipal Code is amended by adding
Article 18, Division 2, Sections 1518.0201, 1518.0202, and 1518.0203 to read as follows:

Article 18: San Ysidro Planned District

Division 2: Permits and Procedures

§1518.0201 General Permit Procedures

- (a) No permit may be issued for the erection, construction, establishment, or enlargement of any structure or for the occupancy of any building or structure or for the grading, subdivision or street actions for any site shown on Map Drawing No. C-801.2 in the San Ysidro community until an applicant obtains approval from the appropriate decision maker in compliance with the development criteria contained herein. Applications for grading permits, tentative maps and street actions shall not be accepted unless concurrent application is made for a San Ysidro Development Permit and/or building permit, or until the City Manager determines such action may proceed independent of said permits.

- (b) A San Ysidro Development Permit is not required for the issuance of permits for tenant improvements and facade improvements that do not increase the square-foot floor area of the structure.
- (c) The procedure for application and for taking action on requests for variance, conditional use permit, subdivision, and change of street name shall be the same as set forth in Land Development Code Chapter 12, Article 5 (Subdivision Procedures) and Chapter 12, Article 6 (Development Permit Procedures).
- (d) Any change in use shall require landscaping, fencing, signage, outdoor storage enclosures, on-site parking where possible, and a toxics disclosure statement where applicable to be provided as required by the Southeastern San Diego Planned District **Ordinance**.
- (e) Ministerial Review
 - (1) Applications for building permits for additions consisting of less than 25 percent of the gross square foot floor area of the existing structure for up to 1,000 square feet and attached to the existing structure shall be made pursuant to Land Development Code Chapter 12, Article 9, Division 1 (General Construction Permit Procedures and Authorities) and Chapter 12, Article 9, Division 2 (Building Permit Procedures) and shall be reviewed for conformance with the development standards of this division in accordance with Process One.

(2) Additions greater than 25 percent to less than 50 percent of the gross square foot floor area of an existing structure, commercial development less than 5,000 square feet, and industrial development less than 7,000 square feet shall be reviewed for conformance with the development standards of this division in accordance with Process One.

(f) Administrative Review

The City Manager or designee may conduct further review and approve or deny an application for an exception from the provisions of the San Ysidro **Planned District Ordinance** 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 product (all structures on the premises) deviating 20 percent or less from applicable development regulations pertaining to: required yards or setbacks, offsetting planes, or coverage. However, the City Manager or designee 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 City Manager or designee 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 City Manager or designee shall be based upon substantial conformance with the regulations and the purpose and intent of the San Ysidro **Planned District Ordinance**. 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 City Manager or designee's decision may be appealed to the **Planning Commission** in accordance with Land Development Code Section 112.0504.

§1518.0202 San Ysidro Development Permit

- (a) A San Ysidro Development Permit shall be required for:
 - (1) Additions to structures greater than or equal to 50 percent of the existing gross square foot floor area.
 - (2) Commercial development greater than or equal to 5,000 square feet of gross floor area.
 - (3) Industrial development greater than or equal to 7,000 square feet of gross floor area.
 - (4) Development of any project in the areas shown on Map Drawing No. C-801.2, sheet 2, with the exception of tenant improvements and facade improvements as per Section **1518.0201(b)**.
 - (5) Mixed use projects consisting of commercial and residential development.
 - (6) Variances from development standards not covered in Section **1518.0201(f)**, or requests for deviations in excess of **20** percent of standards listed in Section **1518.0201(f)**.
- (b) An application for a San Ysidro Development 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).

- (c) An application for a San Ysidro Development Permit may be approved, conditionally approved or denied, by a Hearing Officer, in accordance with Process Three. The Hearing Officer's decision may be appealed to the Planning Commission in accordance with Land Development Code Section 112.0506. If the Hearing Officer determines that the application is complete and conforms with all City regulations, policies, guidelines, design standards and density, the Hearing Officer may approve or conditionally approve a San Ysidro Development Permit if all of the following facts exist:

- (1) The proposed use and project design meet the purpose and intent of the San Ysidro Planned District Ordinance, comply with the recommendations of the San Ysidro Community Plan, and will not adversely affect the San Ysidro Community Plan, the General Plan or other applicable plans adopted by the City Council;
- (2) The proposed development shall be compatible with existing and planned land use on adjoining properties and shall not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community shall be achieved as far as practicable;
- (3) 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; and

- (4) The proposed use will comply with the relevant regulations in the Municipal Code.
- (d) A San Ysidro Development Permit shall not be approved for the development of a site with existing Municipal Code violations or to an applicant cited for Municipal Code violations, until said violations are remedied.
- (e) Prior to the Hearing Officer taking action on an application for a San Ysidro Development Permit, copies of the application shall be forwarded and reviewed by the San Ysidro Community Planning Committee. The Community Planning Committee shall provide the Hearing Officer with a written recommendation on the application within 30 calendar days of receipt of the proposal.
- (f) The San Ysidro Community Planning Committee shall review discretionary permits in the manner established by Council Policy 600-24 which provides for community review of ongoing projects and plan implementation.

§1518.0203 Neighborhood Focus

Additional focused development criteria are established per neighborhood/special district requirements as contained in Appendix C.

Section 3. That Chapter 15 of the San Diego Municipal Code is amended by adding Article 18, Division 3, Sections 1518.0301, and 1518.0302 to read as follows:

Article 18: San Ysidro Planned District

Division 3: Zoning

§1518.0301 Commercial Zone Regulations - CSF, CSR and CT

(a) Zones and Categories

The development and use of land within the CSF, CSR, and CT Zones shall be regulated by the provisions set forth in the Southeastern San Diego Planned District **Ordinance** regulations, Municipal Code Section **1519.0304**, except as otherwise stated herein. These zones shall apply as shown on Map Drawing Nos. C-801.2 and 836.1 (Appendix C).

(b) Permitted Uses

(1) Permitted uses shall be those listed in Municipal Code Chapter **15**, Article **19** (Southeastern San Diego Planned District **Ordinance**) Appendix A, except as provided in **the San Ysidro Planned District Ordinance** (Appendix A).

(2) Any other use which the Planning Commission may find to be similar in character or compatible to the uses permitted in the specific zone or zones. The adopted resolution embodying such finding shall be filed in the Office of the City Clerk.

(3) Any other use allowed with a Conditional Use Permit decided in accordance with Process Five as identified in Section **151.0401**.

§1518.0302 Industrial Zone Regulations - I-1

- (a) The development and use of land within the I-1 Zone shall be regulated by the provisions set forth in the **Southeastern San Diego Planned District Ordinance** Section **1519.0305**, except as otherwise stated herein. These zones shall apply as shown on Map Drawing Nos. C-801.2 (Appendix C).
- (b) Permitted Uses
 - (1) Permitted uses shall be those listed in Municipal Code Chapter **15**, Article **19** (Southeastern San Diego Planned District **Ordinance**) Appendix A, except as provided in **the San Ysidro Planned District Ordinance** (Appendix A).
 - (2) Any other use which the Planning Commission may find to be similar in character or compatible to the uses permitted in the specific zone or zones. The adopted resolution embodying such finding shall be filed in the Office of the City Clerk.
 - (3) Any other use allowed with a Conditional Use Permit decided in accordance with Process Five as identified in Section **151.0401**.

Section 4. That Chapter 15 of the San Diego Municipal Code is amended by adding Article 18, Division 4, Sections 1518.0401, and 1518.0402 to read as follows:

Article 18: San Ysidro Planned District

Division 4: General and Supplemental Regulations

§1518.0401 Fence Regulations

All fences constructed on site shall be of wrought iron, wood, concrete or other masonry materials. Plant materials, including thorned species, may be used in lieu

of fencing where appropriate. Plant material fencing shall be installed and maintained in accordance with the provisions of Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations). All other applicable provisions of Land Development Code Chapter 14, Article 2, Division 3 (Fence and Wall Regulations), shall apply. Chain-link fencing may be allowed in accordance with Land Development Code Chapter 14, Article 2, Division 3, and for temporary security of unsafe structures or sites.

§1518.0402 Public Facility Regulations

All public facilities, redevelopment projects, open spaces, streets, sidewalks, street furniture, street signs, lighting installations and other incidental structures or monuments shall conform to the purpose and intent of **the San Ysidro Planned District Ordinance**, and shall be subject to the same regulations, conditions and standards established herein.

Section 5. That a full reading of this ordinance is dispensed with prior to its final 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
Deputy City Attorney

SMT:als
12/27/06
Or.Dept:DSD
O-2007-69
MMS#3748

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor