

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



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original staff report

W27d

Addendum

January 6, 2015

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **W27d**, City of San Diego LCP Amendment
No. LCP-6-SAN-14-0825 (Industrial Zones), for the Commission
Meeting of January 7-9

The following letters are attached:

- Letter of opposition from Linda Greenberg and Ed Plant from the Working Waterfront Group
- Letter of comment from John Bolduc of the Port of San Diego
- Letter of opposition from Commander F.C. Jones of the U.S. Navy

Members
BAE Systems San Diego Ship
Repair
BNSF Railway
Chesapeake Fish Company
Coordinated Maritime
Services
CP Kelco
Dixieline Lumber and Home
Services
Dole Fresh Fruit
Driscoll Boat Works
Dynergy, Inc.
Environmental Health
Coalition
General Dynamics NASSCO
Goodrich Corporation
Harborside Refrigerated
Services
Harvest Meat Company
Incorporated
Honor Marine Electronics
Industrial Environmental
Association
International Longshore and
Warehouse Union
Knight & Carver Yacht Center
Koehler Kraft Co. Inc.
Marine Group Boat Works
National City Chamber of
Commerce
Nielsen Beaumont
Marine, Inc.
Northrop Grumman
Continental Maritime
Otay Mesa Chamber
of Commerce
Pacific Merchant Shipping
Association
Pacific Ship Repair and
Fabrication, Inc.
Pasha Automotive Services
Port of San Diego
Port of San Diego
Ship Repair Association
R.E. Staite Engineering
San Diego & Imperial
Valley Railroad
San Diego Freight Rail
Consulting
San Diego-Imperial
Counties Labor Council
San Diego Port Tenants
Association
San Diego Regional
Chamber of Commerce
San Diego Ship Repair
Association
San Diego World Trade
Center
Sempra Energy
Shelter Island Boatyard
Solar Turbines
South County Economic
Development Council
Stevedoring Services of
America
Sun Harbor Marina
The Jankovich Company
Westflex Industrial
Weyerhaeuser

THE
WORKING WATERFRONT
ON SAN DIEGO BAY

W27d

January 2, 2015

Ms. Deborah Lee
Deputy Director, San Diego Coast District
California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4421

RECEIVED
JAN 02 2015

RE: San Diego LCP Amendment No. LCP-6-SAN-14-0825

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Dear Ms. Lee,

The Working Waterfront Group, a coalition of water-dependent industrial businesses located proximate to San Diego Bay including a large constituency in the Barrio Logan Community Plan Area, respectfully requests that the above referenced Local Coastal Plan Amendment exclude Barrio Logan.

Barrio Logan is home to three shipyards, Tenth Avenue Marine Terminal, a strategic military port and Naval Base San Diego which is the homeport of approximately 60 Navy vessels and 50 separate commands with approximately 48,000 military and civilian employees. Numerous maritime businesses in Barrio Logan support the Navy and the shipyards. According to the San Diego Regional Economic Development Corporation, there are approximately 46,000 employees in the maritime sector in the San Diego region with total direct revenue from the maritime cluster of over \$14 billion. Projected job growth in exclusively maritime industries through 2020 is 6,000 new jobs.

The creation of the IP-3-1 zone in the proposed LCP Amendment would cause significant economic disruption in Barrio Logan because this zoning designation does not permit Heavy Manufacturing, Marine Industry or Marine Related Uses Within the Coastal Overlay Zone as indicated in San Diego Municipal Code Chapter 13, Article 1, Division 6, Section 131.0622, Table 131-06B. A copy of this document is enclosed.

The adoption of the Business Park Residential Permitted Community Plan Implementation Overlay Zone allowing residential development of up to 49% lot coverage does not guaranty the merits of land use mix will be evaluated on a site specific basis in the future. In the Otay Mesa Community Plan Update, the most recently adopted Community Plan Implementation Zone (5/18/14), there are two CPIOZ overlays. CPIOZ Type A is applicable where development is consistent with Community Plan Update "as related to certain plan policies". This allows the Process One Ministerial Permit Review Process. CPIOZ Type B requires Process Two Discretionary Review Permit Process. City of San Diego Development Services in the

Letter of opposition 3

Members

BAE Systems San Diego Ship Repair
BNSF Railway
Chesapeake Fish Company
Coordinated Maritime Services
CP Kelco
Dixieline Lumber and Home Services
Dole Fresh Fruit
Driscoll Boat Works
Dynege, Inc.
Environmental Health Coalition
General Dynamics NASSCO
Goodrich Corporation
Harborside Refrigerated Services
Harvest Meat Company Incorporated
Honor Marine Electronics
Industrial Environmental Association
International Longshore and Warehouse Union
Knight & Carver Yacht Center
Koehler Kraft Co. Inc.
Marine Group Boat Works
National City Chamber of Commerce
Nielsen Beaumont Marine, Inc.
Northrop Grumman Continental Maritime
Olay Mesa Chamber of Commerce
Pacific Merchant Shipping Association
Pacific Ship Repair and Fabrication, Inc.
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Port of San Diego Ship Repair Association
R.E. Staite Engineering
San Diego & Imperial Valley Railroad
San Diego Freight Rail Consulting
San Diego-Imperial Counties Labor Council
San Diego Port Tenants Association
San Diego Regional Chamber of Commerce
San Diego Ship Repair Association
San Diego World Trade Center
Sempra Energy
Shelter Island Boatyard
Solar Turbines
South County Economic Development Council
Stevedoring Services of America
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Community Participation in the Development Process describes both the Discretionary Permit Process which provides for community and general public input and the Ministerial Permit Review Process which states "Ministerial permit review is utilized for projects designed and built in conformance with the adopted community plan designation and underlying zoning. Ministerial review requires review and approval by only by City staff and other government agencies. CPIOZ Type A projects (i.e. building permits) are not subject to public review or participation prior to final approval. A copy of the City of San Diego Development Services provisions is enclosed.

The proposed Local Coastal Plan Amendment is inconsistent with the City of San Diego General Plan's Economic Prosperity Element – March 2008. A copy of this document is enclosed. Key points include the following:

Page EP-4

Discussion

The City's policies anticipate a future economy supported by technology, telecommunications, biotechnology, earth and environmental sciences, education, health products and services, maritime, tourism, professional services, trade defense, and unnamed industries that will emerge...

EP-5

A city with sufficient land capacity for base sector industries to sustain a strong economic base.

EP-9

There needs to be a means to minimize land use conflicts and preserve the most important types of industrial land, or prime industrial land, from residential, public assembly and other sensitive reception land uses.

EP-10

Accommodate the expansion of existing industrial uses to facilitate their retention in the area where they are located.

EP-30

San Diego's Working Waterfront to continue to become a more vital part of the region's economy and quality of life.

EP-33

Protect and promote good working waterfront jobs that provide self-sufficient wages.

The September 2012 Performance Audit of the City of San Diego's Economic Development Program states on page 27 "Further, the element states that the diminishing supply of industrial land is a potential challenge to the growth and retention of base sector industries providing middle-income job opportunities in the City. Without aligning land use policy with the economic development strategy, the city cannot take the necessary steps to define and carry out economic development priorities." A copy of this document is enclosed.

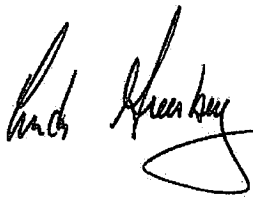
Members

BAE Systems San Diego Ship Repair
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There is no assurance that existing maritime businesses in Barrio Logan will be protected by San Diego Municipal Code Chapter 12, Article 7, Division 1, General Review Procedures for Previously Conforming Premises and Uses. A copy of this document is enclosed. Section 127.0101 states "The intent of these procedures is to allow certain, potentially compatible, *previously conforming premises* and uses, subject to special regulations and conditions, unless the *previously conforming premises* or uses adversely impact the public health, safety, or welfare." The language has not been clearly defined regarding special regulations and conditions and creates uncertainty for the existing maritime industries in Barrio Logan.

We appreciate the Coastal Commission's consideration to this request and welcome the opportunity to answer any questions you may have.

Sincerely,



Linda Greenberg
Co-Chair
lgreenberg@lee-associates.com
858.713.9321



Ed Plant
Co-Chair
efp@hrs-sdrs.com
619.702.9334

Encl.

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January 5, 2015

Ms. Tinya Hoang, Coastal Planner
San Diego Coast District Office
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

Agenda Item No. W27d
Application No. LCP-6-SAN-14-0825
San Diego Unified Port District

RE: City of San Diego Local Coastal Program (LCP) Amendment No. LCP-6-SAN-14-0825

Dear Ms. Hoang:

Thank you for the opportunity to provide comments on the City of San Diego's (City) request to amend their certified Local Coastal Program (LCP) Implementation Plan to include two new industrial zones, a new Industrial Park zone IP-3-1 and a new International Business and Trade zone IBT-1-1.

The mission of the San Diego Unified Port District (District) is to protect the Tidelands Trust resources by providing economic vitality and community benefit through a balanced approach to maritime industry, tourism, water and land recreation, environmental stewardship, and public safety. It is the duty of the District to oversee public and private investment on the tidelands in a manner that best serves the interests of the public, in particular the people of the State of California. As a result of the District's role, the District is often asked to review land use proposals in neighboring jurisdictions that are adjacent or in close proximity to the District's jurisdiction.

The District understands that the two proposed new zones (IBT-1-1 and IP-3-1) are intended to support mass transit opportunities and other alternative forms of transportation by collocating workforce housing within industrial areas. We also understand that no specific locations are currently proposed for rezoning and applying any of these zones to a specific area would require a future LCP amendment and site specific rezone. In the event that a future LCP amendment is proposed to implement either of these new zones and such a proposal is in close proximity to State tidelands, we respectfully request to be notified of any such proposal.

Ms. Tinya Hoang, Coastal Planner

January 5, 2015

Page 2 of 2

The District remains dedicated to protecting and improving the environmental conditions of San Diego Bay, the State Tidelands and our neighboring communities, while maintaining a thriving and economically vital Working Waterfront.

Thank you for the opportunity to comment on the City's request to amend its LCP. Please feel free to contact Lesley Nishihira, Department Manager at (619) 686-6469 or via email at lnishihira@portofsandiego.org, if you have any follow up questions.

Sincerely,

A handwritten signature in blue ink that reads "John A. Bolduc". The signature is fluid and cursive, with the first name "John" being more prominent and the last name "Bolduc" following in a similar style.

John A. Bolduc
Acting President/CEO



DEPARTMENT OF THE NAVY

COMMANDING OFFICER
NAVAL BASE SAN DIEGO
3455 SENN ROAD
SAN DIEGO, CALIFORNIA 92136-5084

11000
Ser N00/0045
January 5, 2015

Ms. Deborah Lee
San Diego Coast District
7575 Metropolitan Drive Ste. 103
San Diego, CA 92108-4402

California Coastal Commission
45 Fremont Street Suite 2000
San Francisco, CA 94105-2219

Dear Coastal Commissioners and Staff:

SUBJECT: AMENDMENT LCP-6-SAN-14-0825

I am writing to you as the Commanding Officer of Naval Base San Diego (NBSD) responsible for the Navy's largest west coast surface warfare ship port and associated support facilities. In this capacity, I am charged with engaging state and local officials with decision making authority to educate them on the potential impacts their decisions may have on the Navy's very important national security mission in San Diego and throughout the world. Efforts to efficiently implement and administer land use policy are generally supported by the Navy. Coastal Commission approval of the Land Development Code (LDC) is a very important planning building block that will guide development in areas in and around NBSD. As such, we must inform you that the Navy strongly disagrees with the creation and potential future application of the proposed IP-3-1 or any other currently available zoning option, which negatively impacts the ship repair industry, particularly in Barrio Logan.

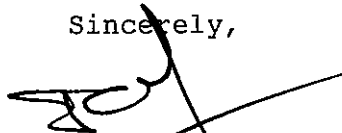
The Navy's fundamental interest is operational sustainability and the prevention of negative impacts to the maritime mission of Naval Base San Diego. We engaged extensively with the City of San Diego on their recent update to the General Plan in Barrio Logan and will continue this dialogue as the Plan is revised later this year. The Commission has until October 2015 to take action on this item. Due to the potential impacts to current land use, it may be prudent for the Commission to delay action to allow for more thorough consideration. Any loss to our ability to support the warfighter, by reduction of port and pier services, is not an acceptable result. In this case, the creation of the new industrial zone IP-3-1 allows for the co-location of residential housing and industry. Further, if applied, the proposed IP-3-1 zone has the potential to impact current land use because it expressly prohibits marine industry and provides for residential development. This would clearly negatively impact the maritime mission.

SUBJECT: AMENDMENT LCP-6-SAN-14-0825

In San Diego, the Navy relies on the commercial ship repair industry in Barrio Logan to maintain the 57 (and increasing) surface ships that call San Diego home. Aligning with national strategic priorities, San Diego will be home to more ships in the near future, and the demand for shipboard repair work will grow. Additionally, new ship types are being added to the mix which will inevitably require new repair capabilities. Creation and implementation of industrial zone IP-3-1 in Barrio Logan would result in an adverse impact to current land use.

Navy leadership remains concerned, in part based on historical precedent, that modest and incremental encroachment over time will result in unintended significant and strategically important effects. Continued support of the Navy and our critical mission is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to be 'F. C. Jones', written over a circular stamp.

F. C. JONES
Commander, U.S. Navy
Commanding Officer,
Naval Base San Diego

Copy to:
Mr. Tom Tomlinson
Interim Director
City of San Diego Planning Department
1222 First Avenue, MS 413
San Diego, CA 92101

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



December 18, 2014

W27d

TO: COMMISSIONERS AND INTERESTED PERSONS

**FROM: SHERILYN SARB, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT
TINYA HOANG, COASTAL PLANNER, SAN DIEGO COAST DISTRICT**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF SAN DIEGO LCP AMENDMENT
No. LCP-6-SAN-14-0825 for Commission Meeting of January 7-9, 2015**

SYNOPSIS

The subject LCP implementation plan amendment was submitted and filed as complete on August 11, 2014. The amendment involves the creation of two new industrial zones. A one-year time extension was granted on October 10, 2014. As such, the last month for Commission action on this item is October 2015. This amendment request was one of two items submitted by the City of San Diego that constituted its second LCP amendment submittal for this calendar year. The second item affects the Centre City planning area and that item is separately scheduled for the January 2015 hearing as well. This report only addresses the Land Development Code amendment to incorporate the two new industrial zones for future use.

SUMMARY OF AMENDMENT REQUEST

The City of San Diego has adopted amendments to the Land Development Code (LDC) that would create two new industrial zones: IP-3-1, a new type of Industrial Park Zone, and IBT-1-1, a new International Business and Trade Zone. At this time, no specific rezonings are being proposed; the subject LCP amendment simply incorporates the two new zones for possible use in the future. Future application would therefore necessitate separate LCP amendments in the future if and when application of one of the proposed zones was applied to a specific site. The IP-3-1 zone allows research and development, office and residential uses and would be applied in conjunction with a Business Park Residential Permitted Community Plan Implementation Overlay Zone (BPRP CPIOZ) in the applicable community plan. There are no existing BPRP Overlay Zones within the coastal zone. Therefore, application of this zone would only be proposed in association with a companion land use plan amendment to adopt the BPRP CPIOZ. Currently, the City's LDC does not permit residential use within the industrial zones; the application of the CPIOZ would allow the merits of the land use mix to be evaluated on a site-specific basis in the future. The IP-3-1 zone would allow residential uses provided that the residential development comprises no more than 49% of the lot area of the BPRP CPIOZ. Residential development would comply with development regulations of the residential

zone of the BPRP CPIOZ except that lot area, lot dimensions, floor area ratio and setback requirements of the IP-3-1 zone would apply.

The second new zone being proposed, the IBT-1-1 zone, provides for a wide variety of base sector industrial and office uses, and would be applied in portions of communities adjacent to the international border, other ports of entry, and areas in transition to higher intensity industries. Implementation of IBT-1-1 would also require a rezone, resulting in a future IP amendment. The proposed code amendments do not modify any of the otherwise required development standards.

SUMMARY OF STAFF RECOMMENDATION

The proposed implementation plan amendment would create two new industrial zones that can be applied citywide, and the standard of review is its consistency with and ability to carry out the provisions of the certified Land Use Plans (LUPs). In the case of the City of San Diego, the certified LUPs consist of the community plans, which contain policies that guide land use priorities within industrial areas. Within the Coastal Zone, there are industrially zoned properties within the Barrio Logan, Centre City, Mira Mesa, Pacific Beach, San Ysidro, Torrey Pines and University City communities.

In industrial areas, mass transit, alternative forms of transportation and the collocation of uses are being encouraged in order to address traffic impacts and promote smart growth efforts. The IP-3-1 zone would allow for the collocation of workforce housing and jobs within the industrial zone. This zoning could reduce work commutes, providing an additional opportunity to reduce car trips. However, the proximity of industrial and residential uses in IP-3-1 raises the potential issue of land use incompatibility, including impacts to noise, air quality, traffic, public health and safety. The proposed IP-3-1 zone would allow for light manufacturing, but would restrict heavy and marine industrial uses, warehousing and distribution, thus reducing negative impacts. Conflicts between industrial and residential uses would also be minimized because the IP-3-1 zone would be only be applied in conjunction with a BPRP CPIOZ, where residential development is limited to no more than 49% of the lot area. Implementing the IP-3-1 zone would require future LCP amendments, and the specific merits of the land use change would be evaluated for the applicable community plan.

The primary goal of the IBT-1-1 zone is to promote international trade with Mexico in communities adjacent to the border. The application of this zone in San Ysidro, which borders Mexico, may not be consistent with the priorities of its community plan which suggests that future industrial growth should occur further inland in Otay Mesa. However, in most cases, any future rezoning would occur on already industrially-designated lands or the rezoning would require a companion land use plan amendment. In any case, the implementation of IBT-1-1 would require another IP amendment, at a minimum, in the future and the specific merits of the rezoning and/or land use redesignation would be evaluated on a site-specific basis in the future.

All other provisions of the LDC would remain in effect, including regulations protecting environmentally sensitive lands and historical resources. As such, the amendment request

conforms with the certified land use plans and the Commission approves the amendment as submitted.

The appropriate resolution and motion begin on Page 5. The findings for approval of the Implementation Plan Amendment as submitted begin on Page 5.

BACKGROUND

The City adopted these two new zones in conjunction with an update to the Otay Mesa Community Plan. The Otay Mesa Community Plan is out of the coastal zone so that element of the City's action is not before the Commission. For the adoption of the two new industrial zones, Commission staff was briefed by City staff on its drafting and consultation between the respective offices continued through its adoption. Once the amendment request was submitted, Commission scheduled it for Commission review.

ADDITIONAL INFORMATION

Further information on the City of San Diego LCP Amendment No. LCP-6-SAN-14-0825 may be obtained from Tinya Hoang, Coastal Planner, at (619) 767-2370.

PART I. OVERVIEW

A. LCP HISTORY

The City of San Diego has a long history of involvement with the community planning process; as a result, in 1977, the City requested that the Coastal Commission permit segmentation of its Land Use Plan (LUP) into twelve parts in order to have the LCP process conform, to the maximum extent feasible, with the City's various community plan boundaries. In the intervening years, the City has intermittently submitted all of its LUP segments, which are all presently certified, in whole or in part.

When the Commission approved segmentation of the LUP, it found that the implementation phase of the City's LCP would represent a single unifying element. This was achieved in January 1988, and the City of San Diego assumed permit authority on October 17, 1988 for the majority of its coastal zone. The IP consisted of portions of the City's Municipal Code, along with a number of Planned District Ordinances (PDOs) and Council Policies. Late in 1999, the Commission effectively certified the City's Land Development Code (LDC) that includes, in part, Chapters 11 through 14 of the municipal code. It replaced the first IP in its entirety and went into effect in the coastal zone on January 1, 2000.

Since effective certification of the City's LCP, there have been numerous major and minor amendments processed. These have included everything from land use revisions in several segments, to the rezoning of single properties, and to modifications of citywide ordinances.

B. STANDARD OF REVIEW

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

C. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires local governments to provide the public with maximum opportunities to participate in the development of the LCP amendment prior to its submittal to the Commission for review. The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTION

Following a public hearing, staff recommends the Commission adopt the following resolution and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided.

- I. MOTION:** *I move that the Commission reject the Implementation Program Amendment No. LCP-6-SAN-14-0825 for the City of San Diego as submitted.*

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AS SUBMITTED:

The Commission hereby certifies the Implementation Program Amendment for the City of San Diego as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plans, and certification of the Implementation Program Amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment.

PART III. FINDINGS FOR APPROVAL OF THE CITY OF SAN DIEGO IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED**A. AMENDMENT DESCRIPTION**

The City of San Diego has adopted amendments to the LDC that would create two new industrial zones that could be applied citywide: IP-3-1, a new type of Industrial Park Zone, and IBT-1-1, a new International Business and Trade Zone ([Exhibit 1](#)). The Industrial Park Zones provide for high quality science and business park development and have development standards that are intended to create a campus-like environment characterized by comprehensive site design and substantial landscaping. The new IP-3-1 zone is differentiated from the existing IP zones in that it allows research and development, office and residential uses and would be applied with a Business Park Residential Permitted Community Plan Implementation Overlay Zone (BPRP CPIOZ) within an applicable community plan. Currently, the City's LDC does not permit

residential use within industrial zones. The IP-3-1 zone would allow residential uses provided that the residential development comprises no more than 49% of the lot area of the BPRP CPIOZ. In particular, multiple dwelling units are permitted, with other residential uses, such as housing for senior citizens, residential care facilities and transitional housing, being permitted with limitations or conditions. Residential development would comply with the development regulations of the BPRP CPIOZ residential zone, with the exception of the lot area, lot dimensions, floor area ratio and setback requirements, which would comply with the IP-3-1 zone standards. Future implementation of IP-3-1 would require a rezone, and therefore an implementation plan (IP) amendment. In addition, it would include adoption of a BPRP CPIOZ, requiring an amendment to the applicable certified land use plan.

The IBT-1-1 provides for a wide variety of base sector industrial and office uses, and would be applied in portions of communities adjacent to the international border, other ports of entry, and areas in transition to higher intensity industries. Implementation of IBT-1-1 would also require a rezone, resulting in a future IP amendment. The proposed code amendments do not modify any of the otherwise required development standards.

B. FINDINGS FOR APPROVAL

The proposed implementation plan amendment would create two new industrial zones that can be applied citywide. The standard of review for LCP implementation amendments is their consistency with and ability to carry out the provisions of the certified Land Use Plans. In the case of the City of San Diego, it has developed community planning areas based on its established neighborhoods and future urbanizing areas. Predicated on those community planning areas, the City utilized the geographic segmentation provisions of the LCP regulations and developed its land use plan component covering twelve different communities. Each community plan or LCP Land Use Plan contains policies that guide land use, including priorities within industrial areas when applicable. Within the Coastal Zone, there are industrially zoned properties within the Barrio Logan, Centre City, Mira Mesa, Pacific Beach, San Ysidro, Torrey Pines and University City communities.

The IP-3-1 zone would allow for the collocation of workforce housing and jobs within the industrial zone. This zoning could reduce work commutes and thus reduce traffic impacts. In industrial areas, mass transit, alternative forms of transportation and the collocation of uses are being encouraged in order to address traffic impacts and promote smart growth efforts. In its Industrial Element, the University City Community Plan proposes possible parking reductions for industrial establishments that provide transportation or incentives for alternative forms of transportation, such as carpools, shuttle buses, bicycles, or mass transit. The Torrey Pines Community Plan's Industrial Element has a provision to minimize traffic impacts from new industrial development through the implementation of Transportation Demand Management Programs. It also encourages carpools, opportunities for staggered shifts, four-day work weeks, and other similar alternatives, and services such as child care centers, restaurants, and post offices in order to minimize the need for car trips. By locating housing close to jobs, the IP-3-1 zone would provide an additional opportunity to reduce traffic impacts. In addition, IP-3-

1 permits commercial services, such as eating and drinking establishments, and child care facilities, in accordance with the Torrey Pines Community Plan. Thus, the IP-3-1 zone is consistent with the provisions of these certified land use plans.

However, the proximity of industrial and residential uses in IP-3-1 raises the potential issue of land use incompatibility. Industrial uses could negatively impact adjacent residential uses, affecting noise, air quality, traffic, public health and safety. While work commutes could be reduced with the collocation of jobs and housing, traffic conflicts and congestion may arise if there is heavy truck traffic from industrial activities. The Mira Mesa Community Plan contains a policy requiring developers of large industrial projects to designate truck access routes to freeways through nonresidential areas in order to reduce traffic conflicts and congestion. In its Industrial Element, the Barrio Logan Community Plan supports exclusively industrial areas, in order to address land use conflicts that currently occur between the existing industrial and residential uses. Industrial activities in Barrio Logan include heavy and marine industrial uses, warehousing, distribution, and storage. These activities create noise and visual pollution and traffic conflicts that negatively impact residences. The proposed IP-3-1 zone would allow for light manufacturing, but would restrict heavy and marine industrial uses, warehousing and distribution, thus reducing truck traffic and other negative impacts. In addition, IP-3-1 would only be applied in conjunction with a BPRP CPIOZ, which limits residential development to no more than 49% of the lot area. Therefore, conflicts between industrial and residential uses would be minimized. Furthermore, implementing the IP-3-1 zone would require additional LCP amendments: an IP amendment to rezone properties and an LCP amendment to adopt the BPRP CPIOZ; this land use plan amendment would allow the specific merits of the land use change to be evaluated. As such, the creation of the IP-3-1 zone can be found consistent with the certified land use plans.

The primary goal of the IBT-1-1 zone is to promote international trade with Mexico in communities adjacent to the border. The community of San Ysidro, bordering Mexico and located in the Coastal Zone, has industrial parks containing mostly warehouse, light manufacturing and distributing uses. The San Ysidro Community Plan provides for limited industrial development as it is expected that future industrial development will be in neighboring Otay Mesa rather than in San Ysidro; light industrial land use designations will be maintained and/or expanded in different portions of the community, while new commercial uses will be allowed in industrial areas where the demand for industrial park uses has declined. Given that the goal of the IBT-1-1 zone is to enhance industrial areas for international trade, the implementation of this zone in San Ysidro may not be consistent with the priorities of its land use plan. However, the implementation of IBT-1-1 would require a rezone, and thus another IP amendment in the future. Therefore, again, the specific merits would be evaluated on a site-specific basis in the future.

All other provisions of the LDC would remain in effect, including Environmentally Sensitive Lands regulations that address habitat, wetlands, steep hillsides, bluffs and beaches (Chap 14 Article 3 Division 1), and regulations protecting historical resources (Chap 14 Article 3 Division 2). As such, the amendment request conforms with the certified land use plans and the Commission approves the amendment as submitted.

PART IV. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.9 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. The Commission's LCP review and approval program has been found by the Secretary of the Resources Agency to be functionally equivalent to the EIR process and pursuant to CEQA section 21080.5, the Resources Agency certified the Commission's program. Thus, under CEQA Section 21080.5, the Commission, in its implementation of its certified regulatory program, is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, under CEQA section 21080.5(d)(2)(A), the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions in its review of the submittal. At the local level, the City adopted the two new industrial zones as a part of the Otay Mesa Community Plan Update, for which it conducted a Programmatic Environmental Impact Report. The Otay Mesa community planning area is out of the coastal and that element is therefore not before the Commission. However, the City noted that the adoption of the two new industrial zones alone would be exempt from CEQA.

In the case of the subject LCP amendment request, the Commission finds that the adoption of zones for future application does not raise any environmental concerns and future application of the zones to actual sites would have to go through a separate evaluation. Therefore, the Commission finds that the proposed amendment, as submitted, will not result in any significant adverse environmental effects for which feasible mitigation measures would be required. Thus, the proposed amendment is consistent with CEQA section 21080.5(d)(2)(A).

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW-SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 131.0531; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTIONS 131.0602, 131.0622, 131.0623, 131.0631, 131.0643, AND 131.0665 AND ADDING SECTION 131.0606; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 14 BY AMENDING SECTION 132.1402, RETITLING DIAGRAM 132-14A FROM COLLEGE AREA COMMUNITY PLAN IMPLEMENTATION OVERLAY ZONE TO CLAIREMONT MESA COMMUNITY PLAN IMPLEMENTATION OVERLAY ZONE, DELETING DIAGRAM 132-14B TITLED COLLEGE AREA COMMUNITY PLAN IMPLEMENTATION OVERLAY ZONE, AND ADDING A NEW DIAGRAM 132-14B TITLED OTAY MESA COMMUNITY PLAN IMPLEMENTATION OVERLAY ZONE; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTION 142.0530; AMENDING CHAPTER 15, ARTICLE 17, DIVISION 1 BY REPEALING SECTIONS 1517.0101, 1517.0102, 1517.0103, AND 1517.0104; AMENDING CHAPTER 15, ARTICLE 17, DIVISION 2 BY REPEALING SECTIONS 1517.0201, 1517.0202, 1517.0203, 1517.0204, AND 1517.0205; AMENDING CHAPTER 15, ARTICLE 17, DIVISION 3 BY REPEALING SECTIONS 1517.0301, 1517.0302, 1517.0303, 1517.0304, 1517.0305, AND 1517.0306; AMENDING CHAPTER 15, ARTICLE 17, DIVISION 4 BY REPEALING SECTIONS 1517.0401, 1517.0402, 1517.0403, AND 1517.0404, RELATING TO THE OTAY MESA COMMUNITY PLAN UPDATE AND MAKING CORRECTIONS TO THE COMMUNITY PLAN IMPLEMENTATION OVERLAY ZONE DIAGRAMS.

§131.0531 Development Regulations Tables of Commercial Zones

The following development regulations apply in each of the commercial zones as shown in Tables 131-05C, 131-05D, and 131-05E.



(a) CN Zones

Table 131-05C
Development Regulations of CN Zones

Development Regulations [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones		
	1st & 2nd >>	CN-		
	3rd >>	1-	1-	1-
	4th >>	1	2	3
Max permitted residential density⁽¹⁾ through Max structure height (ft)		[No change in text.]		
Max floor area ratio		1.0 ^(3,4)	1.0 ^(3,4)	1.0 ^(3,4)
<i>Floor Area Ratio</i> bonus for mixed use/ Minimum percentage of bonus required for residential use [See Section 131.0546(a)]		[No change in text.]		
Pedestrian paths [See Section 131.0550] through Loading Dock and Overhead Door Screening Regulations [See Section 142.1030]		[No change in text.]		

Footnotes for Table 131-05C

1 through 3 [No change in text.]

4 Within the Otay Mesa Community Plan area, the maximum floor area ratio is 0.30.

(b) CR, CO, CV, and CP Zones

Table 131-05D
Development Regulations of CR, CO, CV, CP Zones

Development Regulations [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones						
	1st & 2nd >>	CR-		CO-		CV-		CP-
	3rd >>	1-	2-	1-		1-		1-
	4th >>	1		1	2	1	2	1
Max permitted residential density ⁽¹⁾ through Min lot coverage (%)		[No change in text.]						
Max floor area ratio		1.0 ^(4,5)	0.75 ^(4,5)	1.5 ^(4,5)	2.0 ^(4,5)	2.0 ^(4,5)	1.0 ^(4,5)	
Floor Area Ratio bonus for mixed use/ Minimum percentage of bonus required for residential use [See Section 131.0546(a)]		[No change in text.]						
Floor Area Ratio bonus for child care [See Section 131.0546(b)]		applies	--	applies	--	--	--	
Pedestrian paths [See Section 131.0550] through Loading Dock and Overhead Door Screening Regulations [See Section 142.1030]		[No change in text.]						

Footnotes for Table 131-05D

1 through 4 [No change in text.]

5 Within the Otav Mesa Community Plan area, the maximum floor area ratio is 0.30.

(c) CC Zones

Table 131-05E
Development Regulations of CC Zones

Development Regulation [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones																	
	1st & 2nd >>	CC-																	
	3rd >>	1-	2-	4-	5-	1-	2-	4-	5-	1-	2-	4-	5	3-	4-	5-	3-	4-	5-
	4th >>	1			2			3			4			5					
Max permitted residential density <u>density</u> (¹) through Lot <u>Lot</u> dimensions, Max Lot <u>Lot</u> Depth (ft)	[No change in text.]																		
Setback requirements																			
Min Front <i>setback</i> (ft) through Min <i>lot coverage</i> (%)	[No change in text.]																		
Max floor area ratio	0.75 ^(4,5)			2.0 ^(4,5)			0.75 ^(4,5)			1.0 ^(4,5)			2.0 ^(4,5)						
<i>Floor Area Ratio</i> bonus for mixed use/ Minimum percentage of bonus required for residential use [See Section 131.0546(a)]	[No change in text.]																		
Pedestrian paths [See Section 131.0550] through Loading Dock and Overhead Door Screening Regulations [See Section 142.1030]	[No change in text.]																		

Footnotes for Table 131-05E

1 through 4 [No change in text.]

5 Within the Otay Mesa Community Plan area, the maximum *floor area ratio* is 0.30.

§131.0602 Purpose of the IP (Industrial--Park) Zones

- (a) [No change in text.]
- (b) The IP zones are differentiated based on the uses allowed as follows:
- IP-1-1 allows research and development uses with some limited manufacturing;
 - IP-2-1 allows a mix of light industrial and office uses;
 - IP-3-1 allows for research and development, office, and residential uses.

§131.0606 Purpose of the IBT (International--Business and Trade) Zone

The purpose of the IBT zone is to provide for a wide variety of base sector industrial and office uses. It is intended to apply in portions of communities adjacent to the international border, other ports of entry, and areas in transition to higher intensity industries.

§131.0622 Use Regulations Table for Industrial Zones

The uses allowed in the industrial zones are shown in Table 131-06B.

Legend for Table 131-06B

[No change in text.]

**Table 131-06B
Use Regulations for Industrial Zones**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones									
	1st & 2nd>>		IP-			IL-			IH-		IS-	IBT-
	3rd >>		1-	2-	<u>3-</u>	1-	2-	3-	1-	2-	1-	<u>1-</u>
	4th >>		1	1	<u>1</u>	1	1	1	1	1	1	<u>1</u>
Open Space												
Active Recreation			P	P	<u>P</u>	-	P	P	-	P	P	-
Passive Recreation			P	P	<u>P</u>	-	-	-	-	-	-	-
Natural Resources Preservation			-	-	-	-	-	-	-	-	-	-
Park Maintenance Facilities			-	-	-	-	-	-	-	-	-	-
Agriculture												
Agricultural Processing			-	-	-	-	-	-	-	-	-	-
Aquaculture Facilities			-	-	-	P	P	P	P	P	P	-
Dairies			-	-	-	-	-	-	-	-	-	-
Horticulture Nurseries & Greenhouses			-	-	-	P	-	P	P	P	-	-
Raising & Harvesting of Crops			-	-	-	P	-	P	P	P	-	-
Raising, Maintaining & Keeping of Animals			-	-	-	-	-	-	-	-	-	-
Separately Regulated Agriculture Uses												
Agricultural Equipment Repair Shops			-	-	-	P	P	P	P	P	P	-
Commercial Stables			-	-	-	-	-	-	-	-	-	-
Community Gardens			-	-	-	N	N	N	N	N	N	-
Equestrian Show & Exhibition Facilities			-	-	-	-	-	-	-	-	-	-
Open Air Markets for the Sale of Agriculture-related Products & Flowers			-	-	-	-	-	-	-	-	-	-
Residential												
Mobilehome Parks			-	-	-	-	-	-	-	-	-	-

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone	Zones									
	Designator	IP-			IL-			IH-		IS-	IBT-
	1st & 2nd>>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	3rd >>	1	1	1	1	1	1	1	1	1	1
4th >>	1	1	1	1	1	1	1	1	1	1	1
Multiple Dwelling Units		-	-	P ⁽¹⁷⁾	-	-	-	-	-	-	-
Rooming House [See Section 131.0112(a)(3)(A)]		-	-	-	-	-	-	-	-	-	-
Single Dwelling Units		-	-	-	-	-	-	-	-	-	-
Separately Regulated Residential Uses											
Boarder & Lodger Accommodations		-	-	-	-	-	-	-	-	-	-
Companion Units		-	-	-	-	-	-	-	-	-	-
Employee Housing:											
6 or Fewer Employees		-	-	-	-	-	-	-	-	-	-
12 or Fewer Employees		-	-	-	-	-	-	-	-	-	-
Greater than 12 Employees		-	-	-	-	-	-	-	-	-	-
Fraternities, Sororities and Student Dormitories		-	-	-	-	-	-	-	-	-	-
Garage, Yard, & Estate Sales		-	-	-	-	-	-	-	-	-	-
Guest Quarters		-	-	-	-	-	-	-	-	-	-
Home Occupations		-	-	L	-	-	-	-	-	-	-
Housing for Senior Citizens		-	-	L	-	-	-	-	-	-	-
Live/Work Quarters		-	-	-	-	-	-	-	-	L	-
Residential Care Facilities:											
6 or Fewer Persons		-	-	L	-	-	-	-	-	-	-
7 or More Persons		-	-	L	-	-	-	-	-	-	-
Transitional Housing:											
6 or Fewer Persons		-	-	L	-	-	-	-	-	-	-
7 or More Persons		-	-	C	-	-	-	-	-	-	-
Watchkeeper Quarters		L	L	L	L	L	L	L	L	L	L
Institutional											
Churches & Places of Religious Assembly		-	-	-	-	-	-	-	-	-	-
Separately Regulated Institutional Uses											
Airports		C	C	C	C	C	C	C	C	C	C
Botanical Gardens & Arboretums		-	-	-	-	-	-	-	-	-	-
Cemeteries, Mausoleums, Crematories		C	C	C	C	C	C	C	C	C	-
Correctional Placement Centers		C	C	C	C	C	C	C	C	C	-
Educational Facilities:											
Kindergarten through Grade 12		-	C	-	-	C	C	-	-	C	-
Colleges / Universities		C	C	C	-	C	C	-	C	C	C
Vocational / Trade School		-	-	-	-	L	L	-	L	L	L
Energy Generation & Distribution Facilities		C	C	C	P	C	P	P	P	C	-
Exhibit Halls & Convention Facilities		-	C	-	C	C	C	C	C	C	C
Flood Control Facilities		L	L	L	L	L	L	L	L	L	L
Historical Buildings Used for Purposes Not Otherwise Allowed		C	C	C	C	C	C	C	C	C	C
Homeless Facilities:											
Congregate Meal Facilities		-	C	-	-	C	C	-	C	C	-
Emergency Shelters		-	C	-	-	C	C	-	C	C	-
Homeless Day Centers		-	C	-	-	C	C	-	C	C	-

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd>>	IP-			IL-			IH-		IS-	IBT-
	3rd>>	1-	2-	<u>3-</u>	1-	2-	3-	1-	2-	1-	<u>1-</u>
	4th>>	1	1	<u>1</u>	1	1	1	1	1	1	<u>1</u>
Hospitals, Intermediate Care Facilities & Nursing Facilities		C	C	<u>C</u>	-	C	C	-	C	C	=
Interpretive Centers		-	-	=	-	-	-	-	-	-	=
Museums		-	-	=	-	-	-	-	-	-	=
Major Transmission, Relay, or Communications Switching Stations		C	C	<u>C</u>	C	C	C	P	C	C	<u>C</u>
Satellite Antennas		L	L	<u>L</u>	L	L	L	L	L	L	<u>L</u>
Social Service Institutions		C	C	<u>C</u>	C	C	C	-	-	C	=
Wireless communication facility:											
Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a non-residential use		L	L	<u>L</u>	L	L	L	L	L	L	<u>L</u>
Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a residential use		N	N	<u>N</u>	N	N	N	N	N	N	<u>N</u>
Wireless communication facility in the public right-of-way with above ground equipment		C	C	<u>C</u>	C	C	C	C	C	C	<u>C</u>
Wireless communication facility outside the public right-of-way		L	L	<u>L</u>	L	L	L	L	L	L	<u>L</u>
Retail Sales											
Building Supplies & Equipment		-	-	=	P ^(6,15)	P ⁽¹⁵⁾	P ⁽¹⁵⁾	-	P ^(6,15)	P ⁽¹⁵⁾	=
Food, Beverages and Groceries		-	-	=	-	-	P ⁽¹⁵⁾	-	-	-	=
Consumer Goods, Furniture, Appliances, Equipment		-	-	=	-	P ^(2,15)	P ⁽¹⁵⁾	-	-	P ^(3,15)	=
Pets & Pet Supplies		-	-	=	-	-	P ⁽¹⁵⁾	-	-	-	=
Sundries, Pharmaceuticals, & Convenience Sales		-	P ^(5,15)	<u>P^(5,15)</u>	P ^(5,15)	P ^(5,15)	P ⁽¹⁵⁾	P ^(5,15)	P ^(5,15)	P ^(4,15)	=
Wearing Apparel & Accessories		-	-	=	-	P ^(3,15)	P ^(3,15)	-	-	P ^(3,15)	=
Separately Regulated Retail Sales Uses											
Agriculture Related Supplies & Equipment		-	-	=	-	P	P	P	P	P	=
Alcoholic Beverage Outlets		-	-	=	-	-	L	-	-	-	=
Farmers' Markets											
Weekly Farmers' Market		-	-	=	-	-	L	-	-	-	=
Daily Farmers' Market Stands		-	-	=	-	-	L	-	-	-	=
Plant Nurseries		-	-	=	-	-	P	-	P	P	=
Retail Farms		-	-	=	-	-	L	-	-	-	=
Swap Meets & Other Large Outdoor Retail Facilities		-	-	=	C	C	C	C	C	C	=
Commercial Services											
Building Services		-	-	=	P	P	P	-	P	P	<u>P</u>
Business Support		-	P ⁽⁸⁾	<u>P⁽⁸⁾</u>	P ⁽⁸⁾	P	P	-	P ⁽⁸⁾	P	<u>P⁽⁸⁾</u>
Eating & Drinking Establishments		-	P ⁽⁷⁾	<u>P⁽⁷⁾</u>	P ⁽⁷⁾	P ⁽⁷⁾	P	-	P ⁽⁷⁾	P ⁽⁴⁾	<u>P⁽⁷⁾</u>
Financial Institutions		-	P	=	-	P	P	-	-	P	P

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	IP-			IL-			IH-		IS-	IBT-
	3rd >>>	1-	2-	<u>3-</u>	1-	2-	3-	1-	2-	1-	<u>1-</u>
	4th >>>	1	1	<u>1</u>	1	1	1	1	1	1	<u>1</u>
Funeral & Mortuary Services		-	-	<u>=</u>	-	P	P	-	P	-	<u>=</u>
Instructional Studios		-	-	<u>=</u>	-	-	P ⁽¹⁶⁾	-	-	-	<u>=</u>
Maintenance & Repair		-	-	<u>=</u>	P	P	P	-	-	P	<u>P</u>
Off-site Services		-	P	<u>=</u>	P	P	P	-	P	P	<u>P</u>
Personal Services		-	-	<u>=</u>	-	P ⁽⁹⁾	P ⁽⁹⁾	-	-	-	<u>=</u>
Assembly & Entertainment		-	-	<u>=</u>	-	P ^(11,16)	P ⁽¹⁶⁾	-	-	P ^(12,16)	<u>=</u>
Radio & Television Studios		-	P	<u>=</u>	P	P	P	-	P	P	<u>P</u>
Visitor Accommodations		-	-	<u>=</u>	-	-	-	-	-	-	<u>=</u>
Separately Regulated Commercial Services Uses											
Adult Entertainment Establishments:											
Adult Book Store		-	-	<u>=</u>	-	L	L	-	L	L	<u>=</u>
Adult Cabaret		-	-	<u>=</u>	-	-	L	-	-	-	<u>=</u>
Adult Drive-in Theater		-	-	<u>=</u>	-	L	L	-	-	-	<u>=</u>
Adult Mini-Motion Picture Theater		-	-	<u>=</u>	-	L	L	-	-	L	<u>=</u>
Adult Model Studio		-	-	<u>=</u>	-	L	L	-	-	-	<u>=</u>
Adult Motel		-	-	<u>=</u>	-	-	-	-	-	-	<u>=</u>
Adult Motion Picture Theater		-	-	<u>=</u>	-	L	L	-	-	L	<u>=</u>
Adult Peep Show Theater		-	-	<u>=</u>	-	L	L	-	-	L	<u>=</u>
Adult Theater		-	-	<u>=</u>	-	L	L	-	-	L	<u>=</u>
Body Painting Studio		-	-	<u>=</u>	-	L	L	-	-	-	<u>=</u>
Massage Establishment		-	-	<u>=</u>	-	-	L	-	-	-	<u>=</u>
Sexual Encounter Establishment		-	-	<u>=</u>	-	-	-	-	-	-	<u>=</u>
Bed & Breakfast Establishments:											
1-2 Guest Rooms		-	-	<u>=</u>	-	-	-	-	-	-	<u>=</u>
3-5 Guest Rooms		-	-	<u>=</u>	-	-	-	-	-	-	<u>=</u>
6+ Guest Rooms		-	-	<u>=</u>	-	-	-	-	-	-	<u>=</u>
Boarding Kennels/Pet Day Care Facilities		-	N	<u>=</u>	N	L	L	N	N	N	<u>N</u>
Camping Parks		-	-	<u>=</u>	-	-	-	-	-	-	<u>=</u>
Child Care Facilities:											
Child Care Centers		L	L	<u>L</u>	-	L	L	-	L	L	<u>L</u>
Large Family Child Care Homes		-	-	<u>L</u>	-	-	-	-	-	-	<u>=</u>
Small Family Child Care Homes		-	-	<u>L</u>	-	-	-	-	-	-	<u>=</u>
Eating and Drinking Establishments Abutting Residentially Zoned Property		-	-	<u>=</u>	-	-	L	-	-	-	<u>=</u>
Fairgrounds		-	C	<u>=</u>	C	C	C	C	C	C	<u>=</u>
Golf Courses, Driving Ranges, and Pitch & Putt Courses		-	C	<u>=</u>	C	C	C	C	C	C	<u>=</u>
Helicopter Landing Facilities		C	C	<u>C</u>	C	C	C	C	C	C	<u>C</u>
Massage Establishments, Specialized Practice		-	-	<u>=</u>	-	-	L	-	-	-	<u>=</u>
Medical Marijuana Consumer Cooperatives		-	-	<u>=</u>	-	-	C	-	-	C	<u>C</u>
Mobile Food Trucks		P	P	<u>P</u>	P	P	P	P	P	P	<u>P</u>
Nightclubs & Bars over 5,000 square feet in size		-	-	<u>=</u>	-	-	-	-	-	-	<u>=</u>

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	<u>3-</u>	1-	2-	3-	1-	2-	1-	<u>1-</u>
	4th >>	1	1	<u>1</u>	1	1	1	1	1	1	<u>1</u>
Parking Facilities as a <i>Primary Use</i> :											
Permanent Parking Facilities		C	C	<u>C</u>	P	C	P	P	P	C	<u>C</u>
Temporary Parking Facilities		C	C	<u>C</u>	N	C	N	N	N	C	<u>N</u>
Private Clubs, Lodges and Fraternal Organizations		-	C	=	C	C	C	C	C	C	<u>C</u>
Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size ⁽¹³⁾		C	C	<u>C</u>	C	C	C	C	C	C	=
Pushcarts:											
Pushcarts on Private Property		L	L	<u>L</u>	L	L	L	L	L	L	<u>L</u>
Pushcarts in Public Right-of-Way		N	N	<u>N</u>	N	N	N	N	N	N	<u>N</u>
Recycling Facilities:											
Large Collection Facility		L	N	<u>L</u>	N	N	N	L	L	N	<u>N</u>
Small Collection Facility		L	L	<u>L</u>	L	L	L	L	L	L	<u>L</u>
Large Construction & Demolition Debris Recycling Facility		-	-	=	N	-	C	C	N	-	<u>C</u>
Small Construction & Demolition Debris Recycling Facility		-	-	=	N	-	C	N	N	-	<u>C</u>
Drop-off Facility		L	L	<u>L</u>	L	L	L	L	L	L	<u>L</u>
Green Materials Composting Facility		-	-	=	N	-	N	N	N	-	<u>N</u>
Mixed Organic Composting Facility		-	-	=	C	-	C	N	N	-	<u>C</u>
Large Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial & Industrial Traffic		-	C	=	L	L	L	L	L	C	<u>L</u>
Large Processing Facility Accepting All Types of Traffic		-	C	=	N	N	N	N	N	C	<u>L</u>
Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables From Commercial & Industrial Traffic		-	N	=	L	L	L	L	L	N	<u>L</u>
Small Processing Facility Accepting All Types of Traffic		-	N	=	N	N	N	N	N	N	<u>N</u>
Reverse Vending Machines		L	L	<u>L</u>	L	L	L	L	L	L	<u>L</u>
Tire Processing Facility		-	-	=	C	-	C	C	C	-	=
Sidewalk Cafes		-	L	=	L	L	L	-	L	L	<u>L</u>
Theaters that are outdoor or over 5,000 square feet in size		-	C	=	-	C	C	-	C	-	=
Sports Arenas & Stadiums		-	C	=	-	C	C	-	C	-	=
Urgent Care Facilities		-	L	=	-	L	P	-	L	L	=
Veterinary Clinics & Animal Hospitals		-	N	=	N	L	L	N	N	N	<u>N</u>
Zoological Parks		-	-	=	-	-	-	-	-	-	=
Offices											
Business & Professional		-	P	<u>P</u>	-	P	P	-	-	P	<u>P</u>
Government		-	P	<u>P</u>	-	P	P	-	P	P	<u>P</u>

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	<u>3-</u>	1-	2-	3-	1-	2-	1-	<u>1-</u>
	4th >>	1	1	<u>1</u>	1	1	1	1	1	1	<u>1</u>
Medical, Dental, & Health Practitioner	-	-	-	<u>=</u>	-	P	P	-	-	P	<u>P</u>
Regional & Corporate Headquarters	P ⁽¹⁾	P	P	<u>P⁽¹⁾</u>	P ⁽¹⁾	P	P	-	P ⁽¹⁴⁾	P	<u>P⁽¹⁾</u>
Separately Regulated Office Uses											
Real Estate, Sales Offices & Model Homes	-	-	-	<u>=</u>	-	-	-	-	-	-	<u>=</u>
<i>Sex Offender Treatment Treatment & and Counseling Counseling Facilities</i>	-	L	L	<u>=</u>	-	L	L	-	-	L	<u>=</u>
Vehicle & Vehicular Equipment Sales & Service											
Commercial Vehicle Repair & Maintenance	-	-	-	<u>=</u>	P	P	P	P	P	P	<u>P</u>
Commercial Vehicle Sales & Rentals	-	-	-	<u>=</u>	P	P	P	P	P	P	<u>=</u>
Personal Vehicle Repair & Maintenance	-	-	-	<u>=</u>	P	P	P	-	-	P	<u>=</u>
Personal Vehicle Sales & Rentals	-	-	-	<u>=</u>	P	P	P	-	P	P	<u>=</u>
Vehicle Equipment & Supplies Sales & Rentals	-	-	-	<u>=</u>	P	-	P	P	P	P	<u>=</u>
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses											
Automobile Service Stations	L	L	L	<u>L</u>	L	L	L	L	L	L	<u>C</u>
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>primary use</i>	-	-	-	<u>=</u>	P	P	P	P	P	P	<u>P</u>
Wholesale, Distribution, Storage											
Equipment & Materials Storage Yards	-	-	-	<u>=</u>	P	P	P	P	P	P	<u>P</u>
Moving & Storage Facilities	-	-	-	<u>=</u>	P	P	P	P	P	P	<u>=</u>
Warehouses	-	-	-	<u>=</u>	P	P	P	P	P	P	<u>P</u>
Wholesale Distribution	-	P	P	<u>=</u>	P	P	P	P	P	P	<u>P</u>
Separately Regulated Wholesale, Distribution, and Storage Uses											
Impound Storage Yards	-	-	-	<u>=</u>	P	P	P	P	P	P	<u>=</u>
Junk Yards	-	-	-	<u>=</u>	C	C	C	C	C	C	<u>=</u>
Temporary Construction Storage Yards Located off-site	L	L	L	<u>L</u>	L	L	L	L	L	L	<u>L</u>
Industrial											
Heavy Manufacturing	-	-	-	<u>=</u>	-	-	-	P	P	-	<u>=</u>
Light Manufacturing	P ⁽¹⁰⁾	P	P	<u>P⁽¹⁰⁾</u>	P	P	P	P	P	P	<u>P</u>
Marine Industry	-	-	-	<u>=</u>	P	P	P	P	P	P	<u>P</u>
Research & Development	P	P	P	<u>P</u>	P	P	P	P	P	P	<u>P</u>
Trucking & Transportation Terminals	-	-	-	<u>=</u>	P	-	P	P	P	P	<u>P</u>
Separately Regulated Industrial Uses											
<i>Hazardous Waste Research Facility</i>	C	C	C	<u>C</u>	C	C	C	C	C	C	<u>C</u>
<i>Hazardous Waste Treatment Facility</i>	C	C	C	<u>C</u>	C	C	C	C	C	C	<u>=</u>
Marine Related Uses Within the Coastal Overlay Zone	-	-	-	<u>=</u>	P	P	P	P	P	P	<u>P</u>
Mining and Extractive Industries	-	C	C	<u>=</u>	C	C	C	C	C	C	<u>=</u>
Newspaper Publishing Plants	C	P	P	<u>C</u>	P	P	P	P	P	P	<u>P</u>
Processing & Packaging of Plant Products & Animal By-products Grown Off-premises	-	-	-	<u>=</u>	P	P	P	P	P	P	<u>P</u>
Very Heavy Industrial Uses	-	-	-	<u>=</u>	-	-	-	C	C	-	<u>=</u>

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	<u>3-</u>	1-	2-	3-	1-	2-	1-	<u>1-</u>
	4th >>	1	1	<u>1</u>	1	1	1	1	1	1	<u>1</u>
Wrecking & Dismantling of Motor Vehicles		-	-	<u>-</u>	C	C	C	P	C	C	<u>-</u>
Signs											
Allowable Signs		P	P	<u>P</u>	P	P	P	P	P	P	<u>P</u>
Separately Regulated Signs Uses											
Community Entry Signs		L	L	<u>L</u>	L	L	L	L	L	L	<u>L</u>
Neighborhood Identification Signs		-	-	<u>-</u>	-	-	-	-	-	-	<u>-</u>
Comprehensive Sign Program		N	N	<u>N</u>	N	N	N	N	N	N	<u>N</u>
Revolving Projecting Signs		N	N	<u>N</u>	N	N	N	N	N	N	<u>N</u>
Signs with Automatic Changing Copy		N	N	<u>N</u>	N	N	N	N	N	N	<u>N</u>
Theater Marquees		-	-	<u>-</u>	-	N	N	-	-	-	<u>-</u>

Footnotes for Table 131-06B

1 through 16 [No change in text.]

17 See Section 131.0623(i).

§131.0623 Additional Use Regulations of Industrial Zones

The additional use regulations identified in this section are applicable to uses where indicated in Table 131-06B.

(a) through (d) [No change in text.]

(e) Light manufacturing and assembly uses in the IP-1-1 and the IP-3-1 zones are limited to the following:

(1) through (7) [No change in text.]

(f) through (h) [No change in text.]

(i) Residential uses in the IP-3-1 zone are permitted subject to the following:

(A) Residential development is permitted in accordance with the

Business Park - Residential Permitted CPIOZ of the applicable community plan:

(B) Residential development comprises no more than 49 percent of the total lot area within the Business Park - Residential Permitted CPIOZ; and

(C) Residential development complies with the development regulations of the residential zone identified in the Business Park - Residential Permitted CPIOZ of the applicable community plan, except that the lot area, lot dimensions, floor area ratio, and setback requirements of the IP-3-1 zone shall apply.

§131.0631 Development Regulations Table for Industrial Zones

The following development regulations apply in the industrial zones as shown in Table 131-06C.

Table 131-06C
Development Regulations for Industrial Zones

Development Regulations [See Section 131.0630 for Development Regulations of Industrial Zones]	Zone Designator	Zones									
	1st & 2nd >> 3rd >> 4th >>	IP-			IL-			IH-		IS-	IBT-
		1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
		1			1			1		1	1
Max permitted residential density ⁽¹⁰⁾		1,000			=			=		=	=
Supplemental residential regulations [see Section 131.0623(i)]		applies			=			=		=	=
Lot <u>Lot</u> Area											
Min Lot <u>Lot</u> Area (sf)		40,000			15,000 ⁽¹⁾			30,000		10,000	40,000
Max Lot <u>Lot</u> Area (sf)		-			-			-		15,000	=
Min Lot <u>Lot</u> Dimensions											
Lot <u>Lot</u> Width (ft)		100			75			100		50	100
Street Frontage (ft)		100 ⁽²⁾			75			100		50	100 ⁽²⁾
Lot <u>Lot</u> Depth (ft)		200			100			150		100	200
Setback Requirements											
Min Front <u>Setback</u> (ft)		20 ⁽³⁾			15 ⁽³⁾			20 ⁽³⁾		10	20 ⁽³⁾
Std Front <u>Setback</u> (ft)		25 ⁽³⁾			20 ⁽³⁾			25 ⁽³⁾			25 ⁽³⁾
[See Section 131.0643(b)]											
Min Side <u>Setback</u> (ft)		15			10			15		5/0 ⁽⁸⁾	15
Min Street Side <u>Setback</u> (ft)		20 ⁽⁴⁾			15 ^{(4),(5)}			20 ^{(4),(5)}		10 ⁽⁹⁾	20 ⁽⁴⁾
Std Street Side <u>Setback</u> (ft)					20 ^{(4),(5)}			25 ^{(4),(5)}			
Min Side <u>Setback</u> Abutting Residential (ft)		30			25			30		10	30
Min Rear <u>Setback</u> (ft)		25			0 ⁽⁶⁾			20		10	25
Std Rear <u>Setback</u> (ft)					15 ⁽⁶⁾						
Min Rear <u>Setback</u> Abutting Residential (ft)		50			25			30		15	50
Max Structure Height [See Section 131.0644]		-			-			-		-	=
Max Floor Area Ratio		2.0 ⁽⁷⁾⁽¹¹⁾			2.0 ⁽⁷⁾⁽¹¹⁾			2.0 ⁽¹¹⁾		2.0 ⁽¹¹⁾	2.0 ⁽⁷⁾⁽¹¹⁾
Street Wall Requirements [See Section 142.1030]		-			applies			applies		-	=
Outdoor Amenities [See Section 131.0665]		applies			applies			applies		-	applies
Refuse and Recyclable Material Storage		applies			applies			applies		Applies	applies

Development Regulations [See Section 131.0630 for Development Regulations of Industrial Zones]	Zone Designator	Zones									
	1st & 2nd >>	IP-			IL-			IH-		IS-	<u>IBT-</u>
	3rd >>	1-	2-	<u>3-</u>	1-	2-	3-	1-	2-	1-	<u>1-</u>
	4th >>	1			1			1		1	<u>1</u>
[See Section 142.0805]											
Loading Dock and Overhead Door Screening Regulations [See Section 142.1030]		applies			applies			applies		applies	<u>applies</u>

Footnotes for Table 131-06C

1 through 9 [No change in text.]

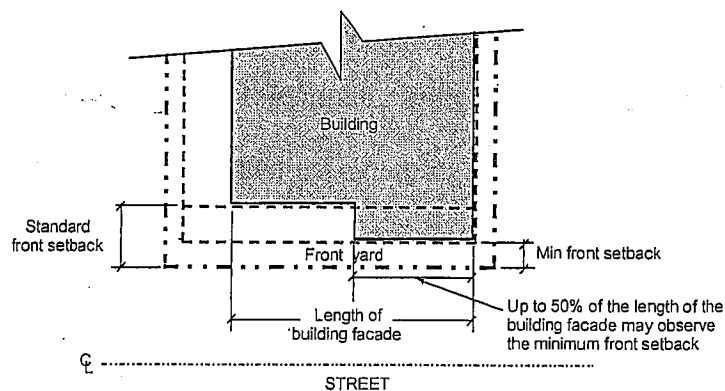
10 One dwelling unit per specified minimum square feet of lot area as determined in accordance with Section 113.0222.

11 Within the Otay Mesa Community Plan area, the maximum floor area ratio is 0.50 unless a final map has been recorded prior to [INSERT the effective date of this ordinance]. This restriction does not apply to residential development in accordance with Section 131.0623(i).

§131.0643 Setback Requirements in Industrial Zones

- (a) Front Setback in the IP, IL, and IH, and IBT Zones. Up to 50 percent of the length of the *building facade* may observe the minimum front *setback* provided the remaining percentage observes the standard front *setback*.

This may occur on a floor-by-floor basis. See Diagram 131-06A.

Diagram 131-06A**Front Setback in the IP, IL, and IH Zones**

- (b) [No change in text.]

- (c) Parking *Encroachment* in Street Side Yard of IP, IL, and IH₂ and IBT Zones. Parking may encroach up to 5 feet into the required standard street side yard of the IP, IL, and IH zones, but may not be covered or enclosed.
- (d) [No change in text.]
- (e) Standard/Minimum *Street Side Setback* in the IL₂ and IH₂ and IBT Zones. Up to 50 percent of the length of the *street side building facade* may observe the minimum *street side setback* provided the remaining percentage observes the standard *street side setback*. This may occur on a floor-by-floor basis.
- (f) through (g) [No change in text.]

§131.0665 Outdoor Amenities in Industrial Zones

In the IP, IL, and IH₂ and IBT zones, *development* on a *premises* that exceeds 10 acres in area shall include an outdoor eating and/or recreational facility. The outdoor amenity shall be at least 2,000 square feet in total area and shall be developed as usable space.

§132.1402 Where the Community Plan Implementation Overlay Zone Applies

- (a) This overlay zone applies to properties that are identified in a community plan as areas requiring supplemental development regulations or processing of a *development permit* and that have been incorporated by ordinance into this overlay zone. Table ~~132-14A~~ 132-14A lists the community plan areas in which this overlay zone has been applied and the corresponding rezone maps that indicate which properties are within the boundaries of the overlay zone. These maps are filed in the office of the

City Clerk. The properties within this overlay zone are shown generally on
Diagrams ~~132-14A~~ 132-14A through 132-14M.

Table 132-14A

Community Plans with Property in the Community Plan Implementation Overlay Zone

Community Plan	Map Number Showing Boundaries of CPIOZ Area
Clairemont Mesa (See Diagram 132-14A)	C-771.1, B-3951
Linda Vista (See Diagram 132-14C)	C-750
Midway/Pacific Highway Corridor (See Diagram 132-14D)	C-782
Navajo (See Diagram 132-14E)	C-954
<u>Otay Mesa (See Diagram 132-14B)</u>	<u>C-956, B-4300</u>
Pacific Beach (See Diagram 132-14F)	B-37371, B-3857
Peninsula (See Diagram 132-14G)	C-744, C-781
Rancho Bernardo (See Diagram 132-14H)	C-773.1
Rancho Penasquitos (See Diagram 132-14I)	B-4025
Skyline Paradise Hills (See Diagram 132-14L)	B-4272
Southeastern San Diego (See Diagram 132-14M)	B-4272
University (See Diagram 132-14J)	C-725, C-751.2
Uptown (See Diagram 132-14K)	C-780.2

(b) [No change in text.]



DIAGRAM 132-14A

College Area Clairemont Mesa Community Plan Implementation
Overlay Zone

This is a reproduction of Map Nos. C-771.1 & B-3951 for illustration purposes only.

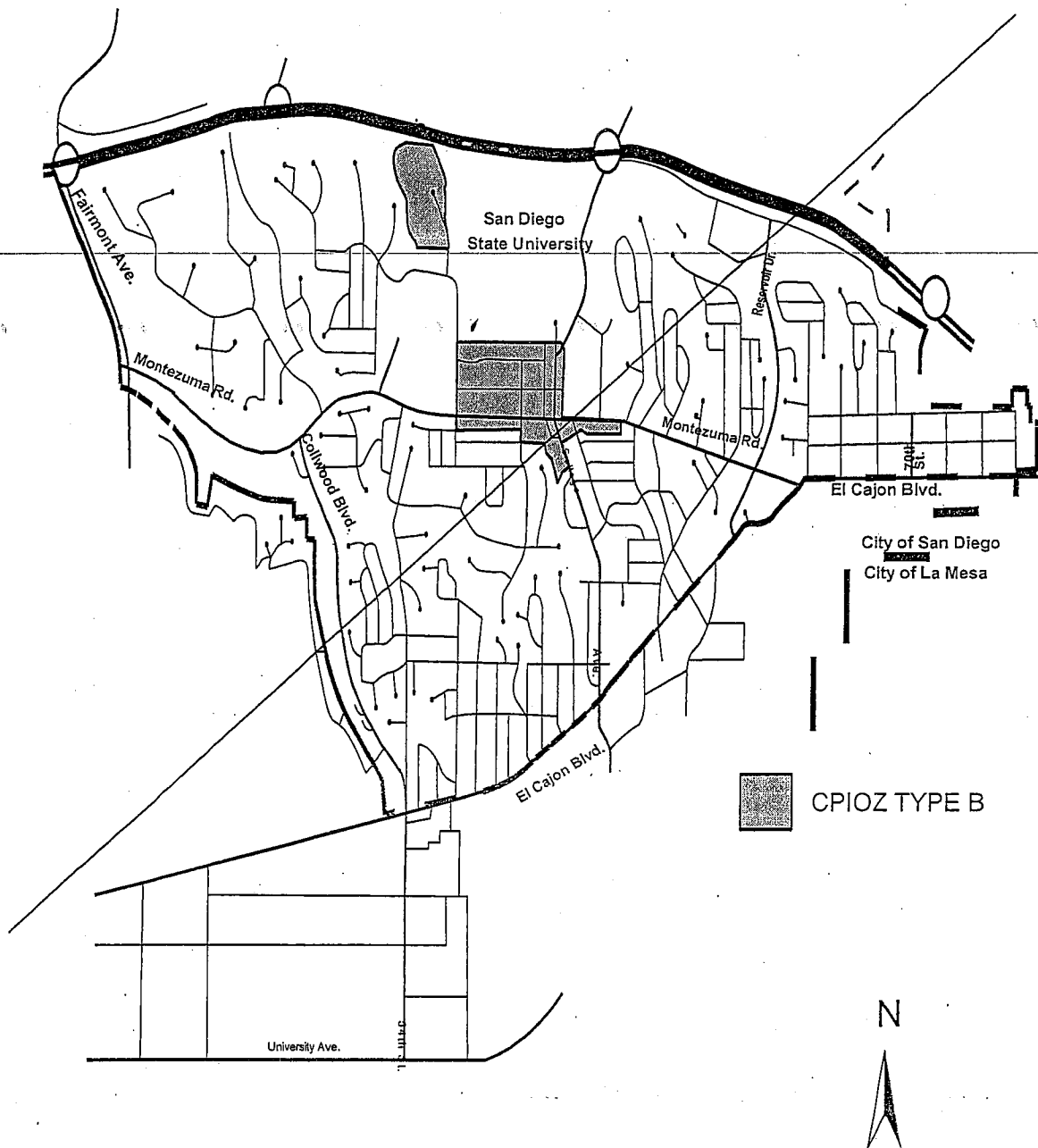


DIAGRAM 132-14B

College Area Community Plan Implementation Overlay Zone

This is a reproduction of Map Nos. C-761.1 for illustration purposes only.

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

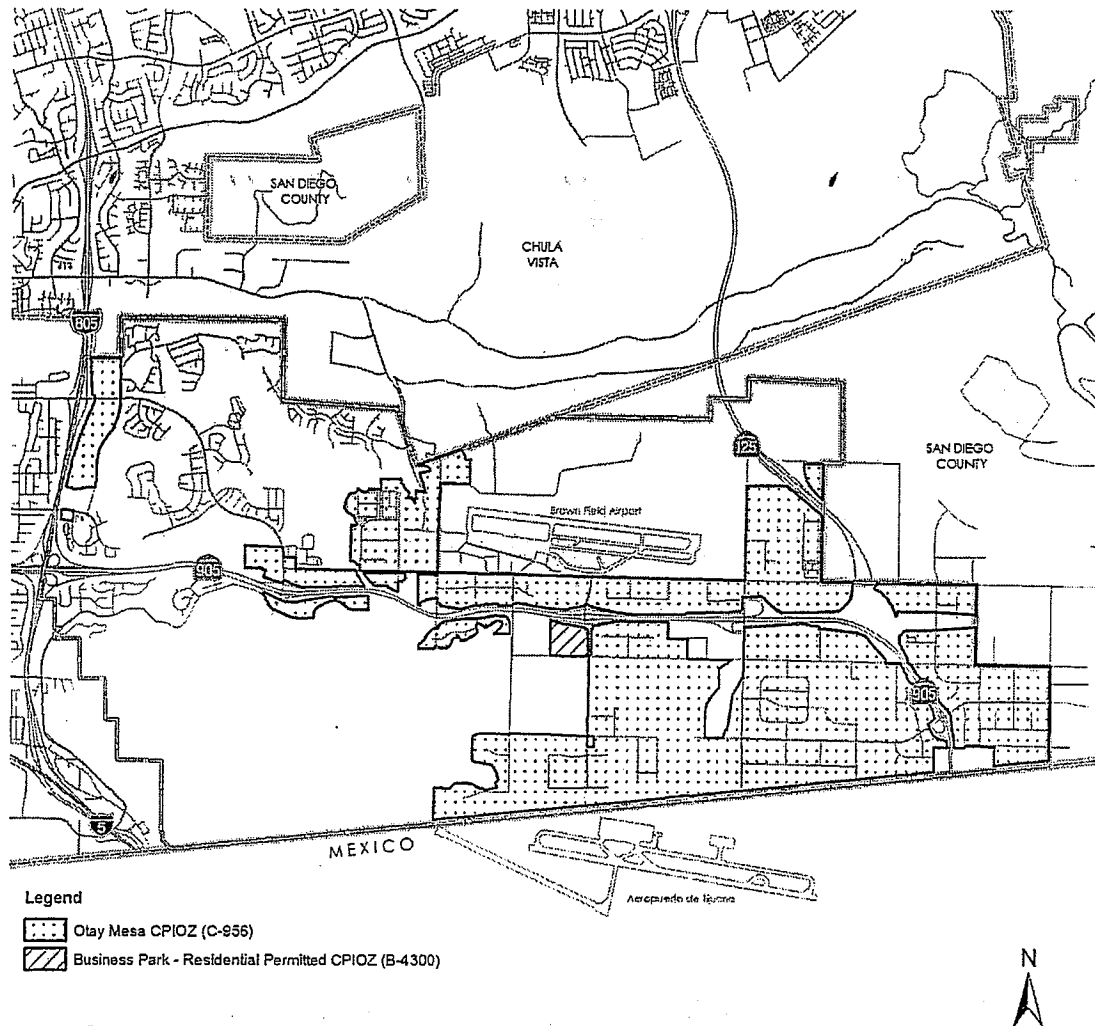


DIAGRAM 132-14B

Otay Mesa Community Plan Implementation Overlay Zone

This is a reproduction of Map Nos. B-4300 & C-956 for illustration purposes only.

§142.0530 Nonresidential Uses — Parking Ratios

- (a) Retail Sales, Commercial Services, and Mixed-Use Development. Table

142-05E establishes the ratio of required parking spaces to building *floor* area in the commercial zones, industrial zones, and planned districts

shown, for retail sales uses and for those commercial service uses that are not covered by Table 142-05F or 142-05G. Table 142-05E also establishes the required parking ratios for mixed-use developments in a single *structure* that include an allowed use from at least two of the following use categories: (1) retail sales, (2) commercial services, and (3) offices.

Table 142-05E
Parking Ratios for Retail Sales, Commercial Services, and Mixed-Use Development

Zone	Parking Spaces Required per 1,000 Square Feet of <i>Floor</i> Area Unless Otherwise Noted (<i>Floor</i> Area Includes <i>Gross Floor</i> Area plus below <i>Grade Floor</i> Area and Excludes <i>Floor</i> Area Devoted to Parking)		
	Required Automobile Parking Spaces ⁽¹⁾		
	Minimum Required Outside a <i>Transit Area</i>	Minimum Required Within a <i>Transit Area</i> ⁽²⁾	Maximum Permitted
Commercial Zones [No change in text.]			
Industrial Zones			
IH-1-1 through IS-1-1	[No change in text.]		
<u>IBT-1-1</u>	<u>5.0</u>	<u>4.3</u>	<u>6.5</u>
Planned Districts			
Carmel Valley through Mission Valley: Except CV	[No change in text.]		
Otay Mesa	5.0	4.3	6.5
Old Town through West Lewis Street	[No change in text.]		

Footnotes For Table 142-05E [No change in text.]

- (b) Eating and Drinking Establishments. Table 142-05F establishes the required ratio of parking spaces to building *floor* area in the commercial zones, industrial zones, and planned districts shown, for eating and drinking establishments that are the ~~primary use~~ primary use on a *premises*.

Table 142-05F
Parking Ratios for Eating and Drinking Establishments

Zone	Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment ⁽¹⁾ <i>Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus below Grade Floor Area and Excludes Floor Area Devoted to Parking)</i>		
	Required Automobile Parking Spaces ⁽²⁾		
	Minimum Required Outside a <i>Transit Area</i>	Minimum Required Within a <i>Transit Area</i> ⁽³⁾	Maximum Permitted
Commercial Zones	[No change in text.]		
Industrial Zones			
IH-1-1 through IS-1-1	[No change in text.]		
<u>IBT-1-1</u>	<u>15.0</u>	<u>12.8</u>	<u>25.0</u>
Planned Districts			
Carmel Valley through Mission Valley: Except CV	[No change in text.]		
Otay Mesa	15.0	12.8	25.0
Old Town through West Lewis Street	[No change in text.]		

Footnotes For Table 142-05F [No change in text.]

§1517.0101 Purpose and Intent

~~The purpose of the Otay Mesa Development District Ordinance is to create and promote the development of the City's largest and potentially most significant industrial area. It is also the purpose of the Otay Mesa Development District Ordinance to control the use, development intensity, and development design of a~~

primarily industrial area which includes a large commercial subdistrict and a border station mixed use subdistrict. An objective of the Otay Mesa Development District Ordinance is to expedite the processing of development permit applications.

It is intended that this District will provide for a full range of industrial uses emphasizing base sector manufacturing and also including wholesaling and distribution, assembly operations, and necessary support services. Because of its location adjacent to the international border, its accessibility to Mexico, and its abundance of large, readily developable parcels, Otay Mesa is a unique area. It has the potential of becoming a major industrial center, not only in San Diego County, but also in the southwestern United States. It is situated near, and accessible to the Mesa de Otay industrial complex in Tijuana B.C., Mexico. It is intended that the Otay Mesa Development District provide the necessary facilities and services to complement the Otay Mesa border crossing. It is also intended that the Otay Mesa Development District Ordinance provide commercial use types necessary to support both the industrial area and the border crossing.

The Otay Mesa Development District Ordinance provides for, and encourages, agricultural activities as an interim use throughout its area of applicability.

§1517.0102 Area of Applicability

The regulations contained in this Development District Ordinance, shall apply in the Otay Mesa Development District, the boundaries of which are shown on Map Drawing No. C-855 and described in the appended boundary description filed in the office of the City Clerk under Document No. OO-17985. The Otay Mesa

Development District contains approximately 3,731 acres of industrially designated land, 240 acres of commercially designated land, 239 acres of canyon and hillside areas, 43 acres of land designated as the Brown Field Flight Activity Zones, 348 acres of land designated as the Brown Field Approach Zones, and a 450-acre Otay International Center Precise Plan Subdistrict.

§1517.0103 Applicable Regulations

Where not otherwise specified in the Otay Mesa Development District Ordinance, 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 the Otay Mesa Development District Ordinance, the Development District Ordinance applies.~~

~~§1517.0104 Otay Mesa Development Council~~

(a) ~~Otay Mesa Development Council Created~~

(1) ~~There is hereby created an Otay Mesa Development Council which shall be composed of seven members who shall serve without compensation. The members shall be appointed by the Mayor and confirmed by the City Council. The members shall serve 2 year terms and each member shall serve until his successor is duly appointed and qualified. The members shall be appointed in such a manner that the terms of not more than four members shall expire in any one year. The expiration date shall be April 1. During April of each year, the Mayor may designate one member as Chairman; however, in the absence of such designation, the Board shall, on or after May 15, select a Chairman from among its members.~~

(2) ~~At the time of appointment and during incumbency four members shall be residents or business operators within the Otay Mesa Development District, two shall be property owners within the Otay Mesa Development District, and one member shall be appointed at large. Members of the Council shall include persons who shall be specifically qualified by reason of interest, training or experience in land development, landscape, architecture, planning,~~

~~urban design or other relevant business or profession upon the property values, and development of surrounding areas.~~

- ~~(3) The Council may adopt rules of procedure to supplement those contained within this Development District. Four voting members shall constitute a quorum for the transaction of business and a majority vote; and not less than four affirmative votes shall be necessary to make any Council decision.~~
- ~~(4) 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.~~
- ~~(5) All officers of the City shall cooperate with the Council and render all reasonable assistance to it.~~
- ~~(6) The Council shall render a report annually on March 31, or on request, to the Mayor.~~

~~(b) Powers and Duties~~

~~It shall be the duty of the Council to review and comment on the Facilities Benefit Assessment Program and on major public improvements, particularly drainage facilities. The Council shall submit its recommendations or comments on these items to the Planning Commission and City Council. The Council shall also recommend to the Planning Commission any changes to the regulations, provided such changes are necessary for the proper execution of the adopted plan.~~

The Council shall also consider items of broader scope that may affect the Otay Mesa Development District Ordinance and, when appropriate, offer its recommendations on these matters to the City Manager.

§1517.0201 Administrative Regulations

(a) General Provisions

- (1) The City Manager shall administer the Otay Mesa Development District Ordinance and ensure compliance with the regulations and procedures of this Ordinance. The Otay Mesa Community Plan as presently adopted or as amended from time to time, shall also be used in reviewing any development permit applied for under this Ordinance.
- (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 an Otay Mesa Development District Permit is not required for interior modifications, repairs or remodeling, nor any exterior repairs or alterations for which a building permit or occupancy permit is not required.

- (3) Expansion or enlargement of previously conforming uses is not permitted in this Development 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.

§1517.0202 General Permit Procedures

- (a) 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.
 - (1) The proposed use is consistent with the land use designation and text of the Otay Mesa Community Plan.
 - (2) The proposal is in compliance with this Ordinance, particularly Section 1517.0204 (Financing of Public Facilities), Section 1517.0301 (Permitted Uses), and Section 1517.0305 (Property Development Regulations).
 - (3) The proposal is within the Otay International Center Precise Plan Subdistrict (Section 1517.0302) and meets all regulations contained therein.
- (b) The following projects shall be required to obtain an Otay Mesa Development District Permit in accordance with Section 1517.0203 (Otay Mesa Development District Permit):
 - (1) Any project that uses transfer of development rights and any project that uses acquired development rights.

- (2) ~~Any project within the Canyon and Hillside Subdistrict Section 1517.0303 (Canyon and Hillside Subdistrict).~~
 - (3) ~~Any project which deviates from the regulations of this Ordinance.~~
 - (4) ~~Any project which includes a hotel or motel.~~
-
- (5) ~~Any project for which a tentative map has not been approved subsequent to March 14, 1985 (Otay Mesa Reorganization).~~
 - (e) ~~Any development within Otay Corporate Center North (VTM 88-1144) or South (VTM 89-0302) is subject to the Otay Corporate Center Design Guidelines, which are to be used in conjunction with this Ordinance.~~

§1517.0203 Otay Mesa Development District Permit

- (a) ~~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).~~
- (b) ~~In reviewing and approving development plans, the Hearing Officer shall limit review and consideration to the following:~~
 - (1) ~~Landscaping, pursuant to Section 1517.0402 (Landscaping).~~
 - (2) ~~Preservation of existing topography where feasible.~~
 - (3) ~~Layout of site with respect to location and width of driveways and private streets.~~
 - (4) ~~Orientation and location of existing and proposed structures with respect to the site and adjacent properties.~~
 - (5) ~~Location of business support services, if any.~~

- (6) Signs in relation to site location and fronting streets.
- (7) Parking lot location, traffic flow, marking of spaces, placement of lighting and screening from adjacent property.
- (8) Location of loading docks and off street loading facilities in relation to the adjacent property.
- (9) Outdoor storage area location and screening in relation to adjacent property, streets and highways.
- (10) Building materials utilized for exterior walls and, when appropriate, roofs.
- (11) Building elevations in relation to minimum yard requirements and topographical features of the premises.
- (12) Design guidelines provided in the Community Environmental Design Element of the Otay Mesa Community Plan as presently adopted or hereinafter amended and in Section 1517.0306 (Design Standards) and Section 1517.0404 (Special Regulations).
- (13) Environmental constraints, if any identified during site specific review of the development proposal.
- (14) Needed public improvements.
- (15) The location, size and spacing of projects using business support services in combination with acquired development rights. The location, size and spacing of such projects shall be consistent with the commercial and transportation goals of the Otay Mesa Community Plan and the Progress Guide and General Plan for the City of San Diego.

- (e) ~~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 it is~~
-

~~found from the evidence presented that all of the following facts exist:~~

- ~~(1) The application is complete and conforms with all City regulations, policies, guidelines, design standards and density;~~
- ~~(2) The proposed use and project design meet the purpose and intent of this Ordinance and the Otay Mesa Community Plan;~~
- ~~(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;~~
- ~~(4) The proposed use will comply with the relevant regulations in the Municipal Code; and~~
- ~~(5) A plan for the financing of public facilities as provided in Section 1517.0204 (Financing of Public Facilities) of the Otay Mesa Development District has been approved by the City Engineer.~~

- ~~(d) The premises shall be developed in substantial conformance with approved development plans, and substantial conformance shall be determined by the City Manager.~~
- ~~(e) In approving an Otay Mesa Development District Permit, a suspension or variance of any of the Property Development Regulations, as set forth in Section 1517.0305, may be approved by the Hearing Officer, provided~~

~~such suspension or variance shall be 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 the granting of the suspension or variance will not adversely affect the Progress Guide and General Plan of the City.~~

- (f) ~~Otay Mesa Development District Permits are issued to development projects and projects to operate facilities. The term "development" includes the following activities: landform alteration, grading, construction or reconstruction of buildings and parking areas, provision of on and off site public facilities, and landscaping. The term "operation" includes the conduct of business on a property consistent with City codes and regulations. The applicant seeking an Otay Mesa Development District Permit that involves the development may be charged development impact fees for both permanent and interim uses. Fees may be prorated for interim uses.~~

- (g) ~~The Hearing Officer's decision may be appealed to the Planning Commission in accordance with Land Development Code Section 112.0506.~~

§1517.0204 Financing of Public Facilities

- (a) ~~Purpose and Intent~~

~~The public health, safety, and welfare require that residents in newly developing areas be adequately served with access, parks, schools, open~~

~~space, libraries, fire stations and other public facilities concurrent with the need.~~

(b) ~~Financial Responsibility~~

~~All necessary public facilities shall be provided by the project applicant,~~

~~either directly by the applicant or by other means such as a charge against the area within the Otay Mesa Development District in accordance with the adopted Otay Mesa Community Plan.~~

(c) ~~Financial Programs for Municipal Facilities~~

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

(1) ~~Facilities Benefit Assessment or Development Impact Fee.~~

(A) ~~For facilities which already exist outside of the Otay Mesa community, but which require additions or expansions to existing facilities to meet the requirements of the Otay Mesa community: i.e., police and public work facilities.~~

(B) ~~For new facilities necessitated by the Otay Mesa community: i.e., fire station and transportation facilities.~~

(C) ~~For facilities which extend beyond the limit of the Otay Mesa community, whose service area is also greater than the Otay Mesa community and the need for which is not solely created by the Otay Mesa community: costs for improvements so constructed may be partially offset by reimbursements from development in those service areas greater than the Otay Mesa community.~~

(D) ~~For facilities within or without the community which are intended for the use of residents such as: street scene improvements (landscaping of the medians and right of way along major streets), traffic signals at the intersection of major streets, and other transportation facilities.~~

(2) ~~Improvement District~~

~~An Improvement District under the provisions of state law or local procedural ordinance may be created to create assessments against the land to generate funds to finance facilities which are related to each individual planned district area by amount of benefit received. The facilities to be provided by this improvement district may include, but not be limited to: major perimeter streets; transit improvements; both municipal and other public utilities and drainage facilities contained therein. The boundary of each improvement district will be the centerline of the bordering perimeter streets, or other applicable limit, of each individual development plan area within the Otay Mesa community as the City shall determine.~~

(3) ~~On-Site Municipal Improvements~~

~~The on-site municipal facilities, those within the individual neighborhood and not provided by Sections 1517.0204(c)(1)(A) and 1517.0204(c)(1)(B), such as: streets, storm drains, and sewer,~~

~~water, gas, power, and telephone utilities, will be provided by the subdivider under the conventional bonded subdivision agreement.~~

(4) ~~Off-Site Municipal Improvements~~

~~The off-site municipal improvements are those outside of an~~

~~individual development plan area at the time of its development and not provided under the conventional subdivision process for off-site improvements. The off-site improvements so constructed may be subject to a reimbursement agreement between the persons who constructed the improvements and the City of San Diego.~~

~~Reimbursement pursuant to that agreement will be generated by the subdivider(s) of the subsequent development plan areas, where adjacent, and will be paid to the appropriate subdivider(s) as and when such funds are generated within the subareas covered by the reimbursement agreement.~~

(5) ~~Any other programs approved by the City Council.~~

(6) ~~Implementation~~

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

- (A) ~~A financing plan for all public facilities needed to support the project, as required by the Otay Mesa Community Plan, has been adopted pursuant to Council Policy 600-28.~~

(B) ~~There has been established either a Facilities Benefit Assessment or a Development Impact Fee applicable to the property covered by the development plan, or a greater area, and the City Council has by resolution, set the amount of such Facilities Benefit Assessment or Development Impact Fee.~~

(7) ~~Financing Agreement~~

~~The requirements of Section 1517.0204(c)(4) (Off Site Municipal Improvements) shall be deemed to be met if the project applicant has entered into a binding financing agreement, approved by the City Council. Said agreement shall require that the project applicant pay its pro rata share of all public facilities needed to support the project.~~

§1517.0205 Transfer of Development Rights Option

(a) ~~Purpose and Intent~~

~~The purpose of the transfer of development rights option is to provide a program in the Industrial Subdistrict whereby the owner(s) of property which have not utilized their 5 percent of gross ownership area for business support services may sell their development rights for these uses. This transfer is optional, and the negotiation shall be made exclusively between the private parties owning the subject properties.~~

(b) ~~Determination of Development Rights~~

~~The development rights associated with a lot or an ownership shall herein be defined as the maximum square footage which may be transferred from~~

one legal lot or ownership to a second legal lot or ownership, calculated on permitted area for business support services on the first legal lot or ownership.

(e) Conditions for Transferring Development Rights

- (1) The owner of any property in the Industrial Subdistrict may enter into a transfer of development rights agreement.
- (2) Any property from which business support uses are transferred may utilize the vacated square footage for any other category of industrial uses permitted in the Industrial Subdistrict.
- (3) Any property to which business support uses are transferred must accommodate the acquired square footage within the permitted floor area ratio.
- (4) The transfer of development rights shall be limited to a transfer of the total 5 percent of the gross lot or ownership area. Partial transfers shall not be permitted.
- (5) Any project utilizing the transfer of development rights shall be required to obtain an Otay Mesa Development District Permit pursuant to Section 1517.0203.

(d) Registration of Development Rights

The party acquiring development rights shall register all development right 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.

~~Registration shall include a copy of the contract between the property owner(s) and the development rights acquired which reflects that the contract has been recorded with the County Recorder, and which shall include:~~

- ~~(1) Street address, legal description and Assessor's parcel number of the property from which the development rights are being transferred;~~
 - ~~(2) Name and address of the owner(s) of the property from which the development rights are being transferred and the development rights acquired;~~
 - ~~(3) Street address, legal description and Assessor's parcel number of the property to which the development rights are being transferred;~~
 - ~~(4) Name and address of the owner(s) of the property to which the development rights are being transferred; and~~
 - ~~(5) Square footage of development rights transferred by the property owner(s).~~
- ~~(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 Ordinance.~~

~~(1) Transfer Area~~

~~Development rights shall be acquired from and utilized in the Industrial Subdistrict as shown on Map Drawing No. C 680.2.~~

~~(2) Maximum Business Support Services~~

~~Acquired development rights for business support services plus permitted area for any property ownership for business support services together may total no more than 20 percent of the gross area of the ownership which receives the development rights, and no single business support services development shall exceed 5 acres in size.~~

~~(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.~~

~~§1517.0301 Permitted Uses~~

~~(a) Industrial 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) All uses permitted in the IH-2-1 zone (Land Development Code Section 131.0622 Use Regulations Table for Industrial Zones).~~

~~(2) Research Services.~~

~~(A) Scientific research and development activities.~~

~~Administrative offices shall be permitted in conjunction with the primary use where such office use is accessory and subordinate to the primary use.~~

- (B) ~~Manufacturing, fabrication, and/or production of products requiring advance technology and skills and directly related to research and development activities on the premises.~~
- (C) ~~Manufacturing of biochemical research and diagnostic compounds for scientific research and developmental testing purposes.~~
- (D) ~~Production of experimental products, and the manufacturing of such products as may be necessary to the development of production or operating systems where such systems are to be installed and operated at another location.~~
- (E) ~~Medical, dental, biological and X-ray laboratories.~~
- (3) General Industrial
~~Establishments engaged in the custom manufacturing, manufacturing, fabricating, assembly, testing, repair, servicing, and processing of a wide range of products. Administrative offices shall be permitted in conjunction with the primary use where such office use is accessory and subordinate to the primary use.~~
- (4) Motor Vehicles and Equipment
 - (A) ~~Aircraft, automobile and boat repair shops~~
 - (B) ~~Aircraft and accessories, sales or rental~~
 - (C) ~~Boats and accessories, sales or rental~~
 - (D) ~~Farm and construction vehicles, farm equipment, farm and garden supplies, sales or rental~~

- (5) Construction Sales and Service
 - (A) Equipment and tool rental establishments
 - (B) Storage yards for building materials storage contractor's
plant or storage yard, concrete pipe storage, impound
storage yard
 - (C) Lumber sales
 - (D) Building and building maintenance materials
 - (E) Fire fighting equipment and supplies sales
 - (F) Swimming pools and supplies sales
- (6) Wholesaling, Storage and Distribution
 - (A) Storage warehouses
 - (B) Wholesale distribution of:
 - (i) Drugs, chemicals, and allied products
 - (ii) Dry goods and apparel
 - (iii) Groceries and related products
 - (iv) Electrical goods
 - (v) Hardware, plumbing, and heating equipment and
supplies
 - (vi) Machinery, equipment and supplies
 - (vii) Tobacco and tobacco products
 - (viii) Beer, wine and distilled alcoholic beverages
 - (ix) Paper, paper products, and kindred supplies
 - (x) Furniture and home furnishings
 - (xi) Fuel and ice

- (xii) ~~Agricultural products~~
- (xiii) ~~Motor vehicles and automotive equipment~~
- (C) ~~Truck terminals and freight forwarding facilities.~~
- (D) ~~Customs brokerage operations.~~
- (E) ~~Postal services.~~
- (F) ~~Truck and tractor trailer parking facilities.~~
- (7) ~~Business Support Services~~
 - (A) ~~These uses shall be limited to 5 percent of the gross ownership area. Projects utilizing business support service uses may be processed by using the Commercial Subdistrict Property Development Regulations contained in Section 1517.0305.~~
 - (B) ~~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. Such notice shall be filed with the City Manager prior to the City Manager's approval or denial of the ministerial permit.~~
 - (C) ~~Business support service uses shall be the same as Commercial Subdistrict uses except that hotels, motels, and automobile and truck sales and rental agencies shall not be permitted.~~
- (8) ~~Major Utilities and Services~~

(A) ~~Trade schools instructing in subjects related to a use permitted within the Industrial Subdistrict~~

(B) ~~Emergency hospitals~~

(C) ~~Central electric plants~~

(D) ~~Public utility electric substations~~

(E) ~~Data processing facilities~~

(9) ~~Agricultural Uses~~

~~Uses permitted in the AR-1-2 or AR-1-1 zones (Land Development Code Section 131.0322 Use Regulations Table for Industrial Zones) except for single dwelling units and churches.~~

(b) ~~Commercial Subdistricts~~

~~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) ~~Uses identified as business support uses in Section 1517.0301(a)(7) (Business Support Services)~~

(2) ~~Business and professional office uses~~

(3) ~~Labor unions and trade associations~~

(4) ~~Medical, dental, biological and x-ray laboratories~~

(5) ~~Hotels and motels~~

(6) ~~Retailing of consumer convenience goods and dispensing of consumer services from the following establishments:~~

(A) ~~Barber shops~~

(B) ~~Beauty shops~~

- (C) Drug stores
 - (D) Recreational facilities
 - (E) Stationers
 - (F) Automobile and truck sales and rental agencies
 - (G) Automobile wash establishments
 - (H) Financial institutions (including currency exchanges)
 - (I) Photographic equipment, supplies, and film processing stores
 - (J) Restaurants and bars, including live entertainment
 - (K) Tire sale, repair and recapping establishments if entirely within an enclosed building
 - (L) Custom shops for curtains, draperies, floor covering, upholstery and wearing apparel
 - (M) Laundries if entirely within an enclosed building
 - (N) Lithography shops and printing establishments
 - (7) Within the area bounded on the north by Otay Mesa Road, on the south by Airway Road, on the west by Alisa Court (to Airway Road), all uses described in section 1517.0301(a) are also permitted.
- (c) Additional Uses—Commercial and Industrial Subdistricts
- Other uses shall be permitted within the Commercial and Industrial Subdistricts 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 the Otay Mesa Development District Ordinance and which are clearly within the intent and purpose of the Otay Mesa Development District. The adopted resolution embodying any such finding shall be filed in the office of the City Clerk.~~

§1517.0302 Otay International Center Precise Plan Subdistrict

~~In the Otay International Center Precise Plan Subdistrict identified on Map Drawing No. C 680.2, the property development regulations as set forth within the Otay International Center Precise Plan shall apply, and no building or improvement or portion thereof, shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for one or more of the land uses permitted on the parcel by the Precise Plan.~~

§1517.0303 Canyon and Hillside Subdistrict

- (a) ~~The Canyon and Hillside Subdistrict, as identified on Map Drawing No. C 680 shall be applied to properties having slopes with a natural gradient in excess of 25 percent and a minimum elevation differential of 50 feet.~~
- (b) ~~All projects within this Subdistrict shall require an Otay Mesa Development District Permit (Section 1517.0201(a)(2) Administrative Regulations). The regulations contained in Land Development Code Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands~~

Regulations) Section 1517.0305 (Property Development Regulations) shall be used in processing the Otay Mesa Development District Permit.

- (e) ~~Permitted Uses: Industrial Subdistrict uses may be considered as appropriate uses in conjunction with processing of the Otay Mesa Development District Permit.~~

~~§1517.0304 Brown Field Flight Activity Subdistrict and Approach Zone~~

~~The Brown Field Flight Activity Subdistrict and Approach Zone, as identified on Map Drawing No. C-680.2, shall be applied to properties adjacent to the ends of the runways which aircraft use on either arrivals or departures.~~

~~The regulations contained in Section 1517.0305 (Property Development Regulations) and Section 1517.0404 (Special Regulations) shall be used in processing the application.~~

- (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) Wholesaling, storage and distribution, however, warehousing or storage of flammables, explosives, and corrosives shall not be permitted.~~
- ~~(2) Agricultural uses permitted in the AR-1-1 or AR-2-1 zones (Land Development Code Section 131.0322) except for single dwelling units and churches.~~

- (b) ~~Permitted Uses Approach Zones~~

Permitted uses in the approach zones shall be the same as the permitted uses in the underlying Industrial or Commercial Subdistricts.

(c) ~~Federal Aviation Administration Determination Required~~

~~In addition to compliance with Section 1517.0305 (Property Development Regulations) and Section 1517.0306 (Design Standards) all proposed projects within the Brown Field Flight Activity Subdistrict and Approach Zones shall obtain a letter from the Air Traffic Division of the Western Pacific Regional Office of the Federal Aviation Administration stating that the proposed construction has been determined not to be a hazard to air navigation and such determination has become final.~~

§1517.0305 Property Development Regulations

~~No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged, nor shall any legal lot or premises be used unless the legal lot or premises and building comply with the following regulations and standards:~~

- ~~(a) Front, rear and street side yard setbacks on all Class I roadways as identified on Map Drawing No. C-680.2 shall be 30 feet.~~
- ~~(b) Two adjoining lots which have a common interior side or rear lot line and which are developed concurrently may be developed with zero side yard setbacks on said common lot line, provided that the opposite side yard setback is not less than 30 feet.~~
- ~~(c) All applications for the development of buildings or objects higher than 150 feet above ground level within this district shall be required to obtain~~

Federal Aviation Administration Determination as provided in Section
1517.0304(c).

**Table 1517-03A
Lot Requirements**

	SUBDISTRICT	
	Industrial	Commercial Lot
Area	30,000 sq. ft.	10,000 sq. ft.
Street Frontage	100 ft. ⁽¹⁾	100 ft.
Lot Width	100 ft.	100 ft.
Minimum Yards		
Front Yard Setback	20 ft.	15 ft.
Interior Side Yard	15 ft.	0 ft.
Abutting residential zone	30 ft.	
Street Side Yard Setback	20 ft.	15 ft.
Rear Yard Setback	25 ft.	10 ft.
Abutting residential zone	50 ft.	
Floor Area Ratio	2.0	2.0

⁽¹⁾ Any lot which fronts on a turnaround or curving street having a radius of curvature of less than 100 feet, the minimum frontage shall be 60 feet.

§1517.0306 Design Standards

(a) Building Materials and Construction Types

(1) Industrial Subdistrict

Any building using other than concrete tilt-up, precast concrete, concrete block, wood or similar materials as the basic type of construction for 75 percent of the exterior walls shall require an Otay Mesa Development District Permit.

(2) Commercial Subdistrict and Business Support Services Where Processed Ministerially.

Any building using other than concrete tilt-up, precast concrete, concrete block, wood or similar materials as the basic type of construction for 75 percent of the exterior walls shall require an

Otay Mesa Development District Permit. Exterior surfaces of
~~wood frame constructed walls shall be wood or stucco.~~

(b) ~~Wall Surface Treatment~~

(1) ~~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 0.75-inch and be applied to an
area greater than one percent 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.~~

- (2) ~~Buildings with any single exterior wall surface area exceeding
20,000 square feet, in addition to architectural reveals as required
by Section 1517.0306(b)(1), shall contain variations in the
exterior wall surface texture of all walls. Variations in texture
may include molded patterns, painted, or sandblasted surfaces and
shall be applied to the upper portion of all exterior walls.
Variations in texture shall be applied so that at least 10 percent
but not more than 40 percent of any applicable exterior wall
surface is treated.~~

(c) ~~Roofs~~

~~No mechanical equipment, tank, duct, elevator enclosure, cooling tower or mechanical ventilator or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are fully screened by:~~

- ~~(A) The extension of the building side walls to a height no less than the highest piece of equipment or appurtenances; or~~
- ~~(B) A structure whose walls or sides may include grillwork, louvers, and/or latticework.~~

§1517.0401 Fence Regulations

- ~~(a) Regulations governing fences and walls shall be the same as set forth in Land Development Code Chapter 14, Article 2, Division 3 (Fence Regulations).~~
- ~~(b) In addition to the above, the following regulations apply:~~
 - ~~(1) Chain link fences shall be vinyl coated.~~
 - ~~(2) Coiled, spiraled, or rolled fencing such as razor wire or concertina wire shall not be permitted.~~

§1517.0402 Landscaping

~~Unless otherwise specified below, the landscape regulations of the Land Development Code Chapter 14, Article 2, Division 4, apply.~~

- ~~(a) Front and Street Side Yard Setbacks as described in Section 1517.0305.~~
 - ~~(1) Industrial Subdistrict — Front and street side yard setbacks shall be 100 percent landscaped. Driveways, pedestrian ways outside the right of way, and other city required improvements are exempted from this requirement.~~

- (2) ~~Commercial Subdistrict~~ A minimum of 75 percent of front and street side yard setbacks shall be landscaped. Driveways, pedestrian ways outside the right of way, and other city required improvements are exempted from this requirement.
-
- (3) ~~Properties with front, rear and street side yard setbacks that are adjacent to Class I roadways identified and designated on Map Drawing No. C-680.2 shall landscape 100 percent of the required minimum yard setback area. Where any portion of a building is set back more than 30 feet from the right of way, an equal reduction in the depth of the 100 percent landscaped yard setback will be permitted; however, in no instance shall the 100 percent landscaped yard setback be less than 20 feet. Where the yard setback adjacent to the right of way on Class I roadways is reduced to less than 30 feet the portion that is not required to be landscaped may be used for parking or a combination of parking and driveways.~~
- (b) ~~Interior Side and Rear Yards~~ Industrial and Commercial Subdistricts
- (1) ~~A 5-foot wide landscape strip shall be planted in all interior side yard setbacks from the front or street side yard to a point 5 feet beyond the front or street side of the building.~~
- (2) ~~Developments that utilize the zero side yard setback option described in Section 1517.0305 shall not be required to landscape the common interior side yard setback area unless said area is used for parking.~~

(c) **Parking Areas**

~~An area equivalent to 3 percent of the parking area shall be landscaped within the parking area.~~

(d) **Points**

- ~~(1) Front, street side, and interior side yards shall be planted with a combination of trees and shrubs to achieve a minimum of .025 points per square foot of total area.~~
- ~~(2) Parking areas shall be planted with a combination of trees and shrubs to achieve a minimum of .015 points per square foot of total area.~~
- ~~(3) The point schedule in Table 1517-04A shall be used:~~

**Table 1517-04A
Point Schedule**

	Points
Trees	
— 48 inch box	100
— 36 inch box	55
— 24 inch box	30
— 15 gallon	10
— 5 gallon	3
Shrubs	
— 15 gallon	10
— 5 gallon	4
— 1 gallon	2
Existing Trees in Required Landscape Areas	
— 8 inch caliper or greater	120
— 4-8 inch caliper	100

(e) **Maintenance**

~~All required landscaped areas shall be maintained free of debris and litter and all plant material shall be maintained in a healthy growing condition.~~

~~Diseased or dead plant material shall be satisfactorily treated or replaced within 30 days with material of an equivalent point value.~~

(f) Irrigation

~~An automatic irrigation system shall be provided as required for proper irrigation, development and maintenance of the vegetation. The design of the system shall provide adequate support for the vegetation selected.~~

(g) Landscape Application Procedures

- (1) ~~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.~~
- (2) ~~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.~~
- (3) ~~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.~~

§1517.0403 ~~Parking Regulations~~

- ~~(a) Every premises used for one or more of the permitted uses listed in Section 1517.0301 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).~~
- ~~(b) 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.~~
- ~~(c) 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.

- (d) Where off premises parking is to be provided on property owned or controlled by a person other than the applicant, there shall have been recorded in the office of the County Recorder an agreement or covenant executed by the owners of such property on which the off premises parking is proposed for the benefit of the City to the effect that the owners will continue to maintain such parking space so long as the off premises parking is required by this Code. Such agreement or covenant will also recite that this title to and the right to use the lots upon which the parking spaces are to be provided will be subservient to the title to the premises where the primary use which it serves is situated and shall warrant that such lots are not and will not be made subject to any other agreement or covenant or contract for such use without the prior written consent of the City. In the event the owners of such use shall thereafter provide parking space equal in area under the same conditions as to ownership upon another lot other than the premises made subservient in a prior such agreement or covenant, the City will upon written application therefore accompanied by the filing of a similar agreement or covenant, release such original subservient premises from such prior covenant.
- (e) The owners shall furnish, at their own expense, such title reports or other evidence as the City may require to insure compliance with the provisions of this section.

- (f) ~~Off-premises parking spaces required by this section shall be maintained so long as they are required by the provisions of this section. In no event shall off-premises parking facilities which are provided to meet the requirements of this section be considered as providing any of the required spaces for any other structure or use.~~
- (g) ~~Where ambiguity exists in the application of these off-street parking requirements or when any use not specified in Section 1517.0301 is found by the Planning Commission to be a permitted use in accordance with Section 1517.0301(e)(2), the off-street parking requirements shall be determined by the City Manager.~~
- (h) ~~Driveway Widths and Locations~~
~~Driveway width and spacing shall be in conformance with Land Development Code Section 142.0560.~~

§1517.0404 Special Regulations

- (a) ~~All uses, except storage, loading and outdoor work, shall be conducted entirely within an enclosed building. Outdoor work; storage of merchandise, material, and equipment is permitted in interior side or rear yards, provided the area is completely enclosed by sight-obscuring walls, fences, or a combination thereof.~~
- (b) ~~Lighting~~
 - (1) ~~Lighting in all subdistricts of the Otay Mesa Development District shall comply with Land Development Code Section 142.0740.~~
 - (2) ~~In addition, where attached to buildings, lighting fixtures and structures shall be architecturally integrated into the building.~~

(c) ~~Glazing—Silver colored reflective glass shall not be permitted.~~

(d) ~~Screening~~

- (1) ~~All storage and outdoor work areas shall be screened with sight-obscuring walls or fences from public rights-of-way and neighboring properties. All walls and fences shall be constructed of materials and finishes that are compatible with adjacent buildings.~~
- (2) ~~Storage shall not be permitted within required front or street-side yard setback areas, or in rear yards that are adjacent to the right-of-way.~~
- (3) ~~Refuse containers shall be screened with 6 feet or higher sight-obscuring walls or fences and shall be located at least 25 feet from pedestrian building entries and entry drives.~~
- (4) ~~Exterior facilities such as plumbing, heating, cooling, electrical, chemical processing, compressors, motors, and incinerators shall be screened with sight-obscuring walls or fences.~~

(e) ~~Off-street Loading Facilities~~

~~Loading or unloading facilities shall be so sized and located so that they do not require trucks to be located in required front or street-side yards during loading and unloading activities.~~

(f) ~~On-site Access and Circulation~~

- (1) ~~Properties within the Commercial Subdistrict may take access onto Otay Mesa Road and Airway Road by providing an additional~~

~~traffic lane in front of all commercial properties as approved by the
City Engineer.~~

- (2) ~~Where the maneuvering of trucks and service vehicles may conflict
with employee pedestrian circulation, pedestrian accessways shall
be clearly marked and identified.~~

(g) Signs

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

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