

ORDINANCE NO. 10296 (NEW SERIES)

**AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE TO
STREAMLINE THE COMMUNITY DESIGN REVIEW PROCEDURE**

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the following amendments will provide a necessary update to the Zoning Ordinance. Changes are being proposed in order to implement a new streamlined procedure for Community Design Review.

Section 2. Section 5750 of the San Diego County Zoning Ordinance is hereby amended to read as follows:

5750 TITLE AND PURPOSE.

The provisions of Section 5750 through Section 5799, inclusive, shall be known as the Community Design Review Area Regulations. The purpose of design review is to evaluate site planning, architecture, landscape design, signage and lighting to ensure that new development is compatible with surrounding development and community goals. These regulations provide for the maintenance and enhancement of a Community's individual character and identity.

Section 3. Section 5754 of the San Diego County Zoning Ordinance is hereby amended to read as follows:

5754 DESIGNATED AREA.

An area that has been identified by the application of a Community Design Review Area Designator shall be known as a designated area for the purposes of these regulations. Designated areas shall be subject to the Community Design Review Area Regulations of Section 5750 through 5799 inclusive. In addition, property subject to the Village 1 (V1), Village 2 (V2), Village 3 (V3), Village 4 (V4), or Village 5 (V5) Zones in the community of Fallbrook shall be subject to these regulations, to the Fallbrook Design Guidelines, and to the Fallbrook Design Review Checklist.

Section 4. Section 5756 of the San Diego County Zoning Ordinance is hereby amended to read as follows:

5756 SITE PLAN PERMIT REQUIRED.

No building permit or discretionary approval pursuant to this ordinance shall be issued, nor shall any person construct or alter a building, structure, or parking area, nor shall any outdoor commercial or industrial use be established on land subject to the Community Design Review Area Regulations until a plot plan, which conforms to the criteria established pursuant to these regulations, has been submitted and approved in accordance with the Site Plan Permit Review Procedure commencing at Section 7150. A Site Plan Permit is not required for any of the following:

- a. Alterations to the interior of a structure which are not visible from the outside.

- b. Zone Reclassifications, subdivisions of land, or other discretionary approvals not involving the design of buildings or structures, except that subdivisions in the I-15 Scenic Corridor shall not be exempt.
- c. Electrical, gas or other utility improvements where no associated discretionary permits are required, provided that any visible portion of such improvement does not exceed 24 inches in any dimension. The Director may require the applicant to submit an affidavit stating that the proposed utility improvement will not serve a use other than those uses presently occurring legally on the site.
- d. Temporary improvements associated with construction activities authorized by building permit. Said improvements shall include, but not be limited to, trailers, fences, and signs which do not require discretionary approval by other applicable sections of the Zoning Ordinance.
- e. Signs exempt from the Zoning Ordinance pursuant to Section 6203.
- f. Temporary special purpose off premise signs pursuant to Section 6207.
- g. Any use or development type which according to the applicable design guidelines is not subject to design review pursuant to the Community Design Review Area Regulations.
- h. A grading permit pursuant to the Grading Ordinance, except in the I-15 Scenic Corridor.
- i. The following types of projects which the Director determines comply with the applicable community design program objectives and design guidelines:
 - 1. New on-premise signs, except in the I-15 Scenic Corridor, if existing on-premise signs which are under the control of the person requesting the exemption are also in full compliance with applicable Design Guidelines. The Director may require sufficient evidence in the form of drawings, photographs and/or other graphic exhibits.
 - 2. Replacement, repair or minor modifications to exterior wall or roof finish materials on existing structures.
- j. Exterior alteration or new construction not otherwise exempt under this section, which is not visible from any street, excluding alleys, provided the total lot coverage is not increased to more than 75 percent of the net lot area. Eliminating said visibility through screening techniques such as landscape, walls, fences or grading shall not qualify such exterior alterations or new construction for this exemption. The Director shall determine if a project meets this exemption standard and may require any necessary information including drawings, photographs and/or other graphic exhibits.
- k. Small antennas (i.e., satellite earth station receiving antennas or similar antennas for video programming and television signals) exempted by Federal Communications Commission rules from local design review regulations. This exemption applies to antennas that are one meter (39 inches) or less in diameter or diagonal measurement. Such antennas mounted on masts exceeding 12 feet in height are not included in this exemption.

1. Certified Farmers' Market pursuant to section 6122.

Any decision by the Director to exempt a project pursuant to this section shall be final.

Section 5. Section 5757 of the San Diego County Zoning Ordinance is hereby amended to read as follows:

5757 SITE PLAN PERMIT EXEMPTION - COMMUNITY DESIGN REVIEW.

- a. An exemption from the Site Plan Permit requirement of Section 5756 may be granted by the Director under any of the following circumstances:
 1. Existing Permit Exemption. All of the purposes and requirements of the Site Plan Permit process have been fulfilled by an existing approved discretionary permit.
 2. Concurrent Permit Exemption. All of the purposes and requirements of the Site Plan Permit process will be fulfilled by a concurrent discretionary permit which will be reviewed by the applicable Community Design Review Board.
 3. Minor Project Exemption. The Director determines that a proposed project is minor in nature, as defined in Section 7156(b) and that subjecting it to the Site Plan Permit review process would not materially contribute to the attainment of the community design objectives and guidelines as set forth in the applicable Design Guidelines. The applicable Community Design Review Board may recommend to the Director whether to grant a minor project exemption. The recommendation shall be in writing, signed by the Chairperson or other member of the Review Board who has been authorized by the Review Board to sign Site Plan Permit exemption requests, and shall be accompanied by a copy of the project plans upon which the recommendation was based.
 4. Design Review Checklist Exemption. The Director determines that the project complies with the objective standards set forth in the Design Review Checklist for the applicable community in which the project is located. The applicable Community Design Review Board may recommend to the Director whether to grant a Design Review Checklist Exemption. The recommendation shall be in writing, signed by the Chairperson or other authorized member of the Design Review Board and shall be accompanied by a copy of the Design Review Checklist and stamped plot plans on which the recommendation was based.
- b. A request for a Site Plan Permit exemption based on compliance with subsections 5757 a.3 or 5757 a.4 shall be transmitted by the Director to the applicable Community Design Review Board using forms approved by the Director for that purpose. If no recommendation is received by the Director from the Review Board within 45 days following the Review Board's receipt of the request, the Director may make a decision without the Review Board's recommendation.

- c. Notwithstanding the above, the Review Board may recommend a Site Plan Permit exemption of entire classes of projects, in which case the Director may exempt projects within these classes without obtaining recommendations from the Review Board on each individual case.
- d. No building permit shall be issued for a project for which the Site Plan Permit exemption has been granted pursuant to subsections 5757 a.3 or 5757 a.4 unless the project's plot plans bear the Director's stamp granting the exemption. No deviation from aspects of such approved plot plans pertinent to the Design Guidelines or the Design Review Checklist, such as materials, colors, architectural details, landscaping, and site design, shall be permitted without prior recommendation of the appropriate Design Review Board and approval of the Director in compliance with this Section.

Section 6. Section 5758 of the San Diego County Zoning Ordinance is hereby amended to read as follows:

5758 CONTENT OF PLOT PLAN.

The plot plan shall include such textual descriptions and plans, sketches and drawings as are necessary to provide the information as required by the applicable Community Design Guidelines pursuant to Section 5799.

Section 7. Section 5760 of the San Diego County Zoning Ordinance is hereby amended to read as follows:

5760 DEVELOPMENT STANDARDS AND REVIEW CRITERIA.

In addition to the development standards contained in the Zoning Ordinance and the County Code, the standards and criteria contained in the applicable Community Design Guidelines or Design Review Checklist shall apply to any project subject to the Community Design Review Area Regulations.

Section 8. Section 5761 of the San Diego County Zoning Ordinance is hereby amended to read as follows:

5761 SPECIAL PARKING PROVISIONS WITHIN DESIGNATED SPECIAL
PARKING
DISTRICTS.

- a. Purpose and Intent. The intent of this section is to encourage economic revitalization and the maintenance and enhancement of existing zero front yard setback development patterns in certain traditional downtown commercial districts as specified herein, consistent with certain Community Design Guidelines adopted pursuant to the Community Design Review Area Regulations. To achieve this purpose, the design, location and number of automobile, bicycle and loading spaces within these districts may be determined on a case-by-case basis.
- b. Special Parking Districts Designated. The following described areas are hereby designated as Special Parking Districts:

1. Parcels with frontage on Main Avenue in Fallbrook, from Mission Road to Elder Street; properties with frontage on Mission Road from Main Avenue to Iowa Street; and Assessor Parcel Number 103-132-06, as said parcel was identified on the County Assessor's maps on June 17, 1994 and any other parcel located in Fallbrook Village Zone 1 or Fallbrook Village Zone 2.
 2. Parcels with frontage on Maine Avenue in Lakeside from Maplevue Street to Los Coches Road.
 3. Parcels with frontage on Main Street/Highway 67 in Ramona, from Tenth Street to Third Street; and Assessor Parcel Numbers 281-251-01, 281-263-03, 281-444-02, and 281-443-15, as said parcels were identified on the County Assessor's maps on June 17, 1994.
- c. Parking Requirements Within Special Parking Districts. Parking requirements for structures or uses located within a Special Parking District may be established in accordance with a Site Plan Permit approved pursuant to these regulations and the applicable Design Guidelines, provided the following conditions are met:
1. The project will not result in any driveway intersecting with the frontage street if the building site has public vehicular access available from an alley or side street, except that an existing driveway may be retained in the following situations: (1) where a structure is involuntarily damaged or destroyed and is reconstructed, repaired, or rebuilt in accordance with the Zoning Ordinance, or (2) where an existing structure is expanded or renovated in accordance with the Zoning Ordinance. If the building site has no public vehicular access available from an alley or side street, any proposed driveway shall be of minimum permitted width and serve on-site parking and/or loading at the rear of the lot or at such other location as may be approved in accordance with these regulations and the applicable Design Guidelines.
 2. The number of spaces shall be determined in consideration of the parking generation characteristics of the proposed use and the physical limitations of the site. The number of spaces shall be as close as possible to the number which would be required if the Special Parking District did not exist, except that for buildings constructed pursuant to a building permit issued after June 17, 1994, the number of spaces shall not be reduced to less than 75 percent of the number which would be required if the Special Parking District did not exist.
 3. Notwithstanding any other provision of this section, if a structure in a Special Parking District is damaged or destroyed, any nonconformity as to the applicable off-street parking for said structure may be resumed if the structure is reconstructed, repaired or rebuilt in accordance with the applicable Community Design Guidelines and all other applicable requirements. See also Section 6867.

Section 9. Section 5762 of the San Diego County Zoning Ordinance is hereby amended to read as follows:

5762 CONCURRENT REVIEW.

The Site Plan Permit required by Section 5756 shall be submitted and reviewed concurrently with an application for a Tentative Map, Tentative Parcel Map, Major or Minor Use Permit or Zone Reclassification. Site Plans Permits and any concurrent applications shall be referred to the appropriate Design Review Board pursuant to Section 5764. The officer or body having jurisdiction over the concurrent application shall also have jurisdiction over the initial adoption of the related Site Plan Permit.

Section 10. Section 5764 of the San Diego County Zoning Ordinance is hereby amended to read as follows:

5764 REVIEW JURISDICTION.

Site Plan Permits concerning property within a designated area shall be referred to the appropriate Community Design Review Board pursuant to Section 7157 or in areas where no such board exists, the Director may consider the input of the applicable Community Planning or Sponsor Group.

Section 11. Section 5799 of the San Diego County Zoning Ordinance is hereby amended to read as follows:

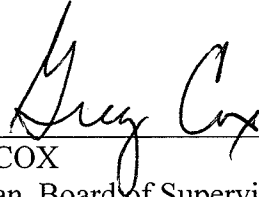
5799 COMMUNITY DESIGN REVIEW AREAS.

- a. **Applicability.** The requirements of Section 5750 through 5799, inclusive, apply to the areas that are designated Design Review Areas (Special Area Designator "B"), and to that property within the community of Fallbrook to which the Village 1 (V1), Village 2 (V2), Village 3 (V3), Village 4 (V4), or Village 5 (V5) Zone has been applied. (see Section 8000)
- b. **Design Criteria.** Site Plan Permits and concurrent applications shall conform to criteria set forth in the applicable Design Guidelines approved by the Board of Supervisors. In addition, a Design Review Checklist may be established by the Board of Supervisors for each community that has Design Guidelines. The Design Review Checklist shall be based on the Design Guidelines applicable to the community and shall consist of objective standards that assure project compliance with the Design Guidelines.
- c. **Design Review Boards.** Plot plans concerning property within designated Design Review Areas shall be referred to the applicable Community Design Review Board for a recommendation, if such a board exists for the area. The Design Review Board may advise the Director as to the plot plan's conformance with the Community Design Guidelines in the case of a Site Plan Permit or with the Community Design Review Checklist in the case of a Design Review Checklist Exemption. The Design Review Board's evaluation shall be limited to the applicable Design Guidelines or Design Review Checklist, and the Design Review Board shall cite the specific guidelines or standards in instances where a project may be inconsistent with the adopted Design Guidelines or Design Review Checklist. The Director may consider the input of the applicable Planning or Sponsor Group in areas where no Design Review Board exists.

Section 12. **Effective Date.** This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same

in the San Diego Commerce, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 23rd day of October, 2013.



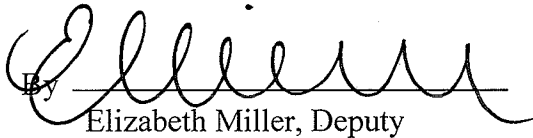
GREG COX
Chairman, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

ATTEST my hand and the seal of the Board of Supervisors this 23rd day of October, 2013.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

By 
Elizabeth Miller, Deputy



Ordinance No. 10296 (N.S.)

10-23-13 (1)