

(O-84-169)

ORDINANCE NUMBER O- **16175** (New Series)

Adopted on **MAR 5 1984**

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISIONS 4 AND 5, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 101.0428, 101.0433 AND 101.0506, RELATING TO PERMITTED USES IN AREA SHOPPING CENTER AND CENTRAL BUSINESS DISTRICT ZONES AND TO CONDITIONAL USE PERMITS.

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

Section 1. That Chapter X, Article 1, Divisions 4 and 5, of the San Diego Municipal Code, be, and the same are hereby amended by amending Sections 101.0428, 101.0433 and 101.0506 to read as follows:

SEC. 101.0428 CA ZONE (AREA SHOPPING CENTER)

A. - No change.

B. PERMITTED USES

In the CA Zone, 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 following purposes:

1. and 2. - No change.

3. Retailing of goods and dispensing of services from the following establishments:

a. through w. - No change.

x. Restaurants.

y. - No change.

z. Theaters, nightclubs and bars, with or without live entertainment, or any combination

thereof shall not be permitted except by Conditional Use Permit if the size of the establishment exceeds 5,000 square feet in gross floor area.

aa. through cc. - No change.

4. and 5. - No change.

C. through E. - No change.

SEC. 101.0433 CBD ZONE (CENTRAL BUSINESS DISTRICT)

A. No change.

B. PERMITTED USES

In the CBD Zone, 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 following purposes:

1. Any use permitted in the C Zone, except that theaters, nightclubs, bars, or any combination thereof which exceeds 5,000 square feet of gross floor area shall be permitted.

2. and 3. - No change.

C. through E. - No change.

SEC. 101.0506 CONDITIONAL USE PERMIT  
GRANTED BY PLANNING COMMISSION

A. USES WHICH MAY BE CONSIDERED

The Planning Commission shall have the authority under conditions herein provided to permit by Conditional Use Permit the following uses in any zone, including interim zones, except as otherwise provided in paragraphs "A.1.," "A.2.," "A.5.," "A.6.," "A.12." and "A.14." of this section.

1. through 4. - No change.

5. Establishments or enterprises involving large assemblages of people or automobiles, including, but not limited to:

a. and b. - No change.

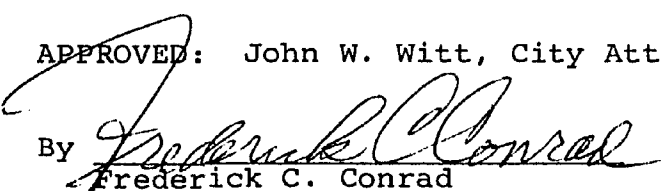
c. Theaters, nightclubs or bars, with or without live entertainment, and/or any combination thereof which exceeds 5,000 square feet in gross floor area. A Conditional Use Permit will be considered only if the zone in which the property is located permits such types of uses; and provided that off-street parking is provided as follows: one parking space for each three fixed seats or one parking space for each 21 square feet of floor area where there are no fixed seats.

6. through 16. - No change.

B. through G. - No change.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

BY   
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:ib:632  
02/01/84  
Or.Dept:Plan.  
O-84-169  
Form=o.none

A. . PURPOSE AND INTENT - No changes.

B. PERMITTED USES

In the CA Zone, 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 following purposes:

1. and 2. - No changes.

3. Retailing of goods and dispensing of services from the following establishments:

a. through w. - No changes.

x. Restaurants and bars, including live entertainment.

y. Sporting goods stores.

ATTACHMENT B

z. Theaters, nightclubs and bars, with or without live entertainment or any combination thereof shall not be permitted except by Conditional Use Permit if the size of the establishment exceeds 5,000 square feet in gross floor area.

aa. through cc. - No changes.

4. and 5. - No changes.

C. through E. - No changes.

ATTACHMENT B

SEC. 101.0433

CBD ZONE (CENTRAL BUSINESS DISTRICT)

A. No changes.

B. PERMITTED USES

In the CBD Zone, 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 following purposes:

1. Any use permitted in the C Zone, except that theaters, nightclubs, bars, or any combination thereof which exceeds 5,000 square feet of gross floor area shall be permitted.

2. and 3. - No changes.

C. through E. - No changes.

ATTACHMENT C

SEC. 101.0506 CONDITIONAL USE PERMIT GRANTED BY PLANNING  
COMMISSION

A. USES WHICH MAY BE CONSIDERED

The Planning Commission shall have the authority under conditions herein provided to permit by Conditional Use Permit the following uses in any zone, including interim zones, except as otherwise provided in paragraphs "A.1.," "A.2.," "A.5.," "A.6.," "A.12.," and "A.14." of this section.

1. through 4. - No changes.

5. Establishments or enterprises involving large assemblages of people or automobiles, including, but not limited to:

a. through b. - No changes.

c. Theaters, nightclubs, or bars, with or without live entertainment and/or any combination thereof which exceeds 5,000 square feet in gross floor area. A Conditional Use Permit will be considered only if

ATTACHMENT A

the zone in which the property is located permits such types of uses; and provided that off-street parking is provided as follows: one parking space for each three fixed seats or one parking space for each 21 square feet of floor area where there are no fixed seats.

6. through 16. - No changes.

B. through G. - No changes.

ATTACHMENT A



MAR 5 1984

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_  
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Barbara Berridge, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

FEB 21 1984

MAR 5 1984

, and on \_\_\_\_\_

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Barbara Berridge, Deputy.

Office of the City Clerk, San Diego, California

Ordinance  
Number

0 - 16175

Adopted

MAR 5 1984

CERTIFICATE OF PUBLICATION

RECEIVED  
CITY CLERK'S OFFICE  
1984 MAR 21 AM 10:56  
SAN DIEGO, CALIF.

CITY OF SAN DIEGO  
ATTN: BARBARA BERRIDGE  
202 C St., 12th Floor  
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

ORDINANCE NO. O-16175

ORDINANCE NO. O-16175  
(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISIONS 4 AND 5, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 101.0428, 101.0433 AND 101.0506, RELATING TO PERMITTED USES IN AREA SHOPPING CENTER AND CENTRAL BUSINESS DISTRICT ZONES AND TO CONDITIONAL USE PERMITS.

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

Section 1. That Chapter X, Article 1, Divisions 4 and 5, of the San Diego Municipal Code, be, and the same are hereby amended by amending Sections 101.0428, 101.0433 and 101.0506 to read as follows:

SEC. 101.0428 CA ZONE (AREA SHOPPING CENTER)

A. - No change.

B. PERMITTED USES

In the CA Zone, 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 following purposes:

1. and 2. - No change.

3. Retailing of goods and dispensing of services from the following establishments:

a. through w. - No change.

x. Restaurants.

y. - No change.

z. Theaters, nightclubs and bars, with or without live entertainment, or any combination thereof shall not be permitted except by Conditional Use Permit if the size of the establishment exceeds 5,000 square feet in gross floor area.

aa. through cc. - No change.

4. and 5. - No change.

C. through E. - No change.

SEC. 101.0433 CBD ZONE (CENTRAL BUSINESS DISTRICT)

A. No change.

B. PERMITTED USES

In the CBD Zone, 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 following purposes:

1. Any use permitted in the C Zone, except that theaters, nightclubs, bars, or any combination thereof which exceeds 5,000 square feet of gross floor area shall be permitted.

I, Carrie Gedeon, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NO. O-16175  
(New Series)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

March 19, 1984

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 19th day of Mar., 1984.

15 1/4" X 8.87 = 135.27

Page 1 of 2 00630

Carrie Gedeon  
(Signature)

2. and 3. - No change.  
C. through E. - No change.  
**SEC. 101.0006 CONDITIONAL USE PERMIT GRANTED BY PLANNING COMMISSION**  
**A. USES WHICH MAY BE CONSIDERED**  
The Planning Commission shall have the authority under conditions herein provided to permit by Conditional Use Permit the following uses in any zone, including interim zones, except as otherwise provided in paragraphs "A.1.," "A.2.," "A.5.," "A.6.," "A.12." and "A.14." of this section.  
1. through 4. - No change.  
5. Establishments or enterprises involving large assemblages of people or automobiles, including, but not limited to:  
a. and b. - No change.  
c. Theaters, nightclubs or bars, with or without live entertainment, and/or any combination thereof which exceeds 5,000 square feet in gross floor area. A Conditional Use Permit will be considered only if the zone in which the property is located permits such types of uses; and provided that off-street parking is provided as follows: one parking space for each three fixed seats or one parking space for each 21 square feet of floor area where there are no fixed seats.  
6. through 10. - No change.  
B. through G. - No change.  
Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.  
Introduced FEBRUARY 21, 1964  
Passed and adopted by the Council of The City of San Diego MARCH 5, 1964  
AUTHENTICATED BY:  
ROGER HEDGECOCK,  
Mayor of The City of San Diego, California  
CHARLES G. ABDELNOUR,  
City Clerk of The City of San Diego, California  
(SEAL)  
By BARBARA BERRIDGE, Deputy  
Publish Mar. 19, 1964 60-3346