

(O-87-84b Rev. 1)

ORDINANCE NUMBER O-16834 (NEW SERIES)

ADOPTED ON MAR 24 1987

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,  
DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE BY  
ADDING SECTION 101.0460 RELATING TO THE  
INSTITUTIONAL OVERLAY ZONE.

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

Section 1. That Chapter X, Article 1, Division 4, of the San Diego Municipal Code be and the same is hereby amended by adding Section 101.0460 entitled "INSTITUTIONAL OVERLAY ZONE," to read as follows:

**SEC. 101.0460 INSTITUTIONAL OVERLAY ZONE**

**A. PURPOSE AND INTENT**

Institutions are considered a substantial public investment and a vital component within the fabric of a viable neighborhood. Neighborhoods depend upon institutions for the services they provide. Institutions contribute to a neighborhoods identity as well as to its character and general welfare. Institutions provide open space in the form of visual relief from monotonous single land uses and they provide for recreational and/or community facilities. Removal of an institutional use from a neighborhood may create adverse negative impacts. Therefore, it is the purpose of this overlay zone to preserve and enhance areas for institutional land uses until it is determined through a General Plan and/or a Community Plan amendment and a rezone that the appropriate long term use of the site is not institutional in nature.

It is intended to apply this overlay zone to publicly owned land designated for institutional purposes in community plans. Use of the property will be limited to institutional uses. Other uses as allowed by the underlying zone may be considered but only through a special use permit process. The special use permit will be approved if the proposed use of the site is in compliance with the adopted community, specific, or general plan including the text of the plan providing alternative land use language.

B. APPLICATION OF THE INSTITUTIONAL OVERLAY ZONE

After a public hearing conducted pursuant to Chapter X, Article 1, Division 2 of the Municipal Code, and upon evaluating the public health, safety, general welfare and sound zoning practice, the Institutional Overlay Zone may be applied to property if designated for institutional purposes on an adopted General Plan, community plan, or specific plan provided such land is owned by a governmental agency.

C. INSTITUTIONAL USES

1. Institutional uses including but not limited to:
  - a. Public schools.
  - b. Hospitals and medical service organizations.
  - c. Government owned and operated offices, public safety facilities and libraries.
  - d. Park and recreational areas.
  - e. Cultural and community centers.

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f. Museums.

g. Golf courses.

2. Those uses permitted by the underlying zone subject to the special use permit outlined in Paragraph E. of this section.

3. Joint uses (such as residential and a community facility) if the joint use would assist in maintaining the structure and the site for public use, subject to the special use permit outlined in Paragraph E. of this section.

4. Any other use, which in the opinion of the Planning Commission, is similar in character to the uses enumerated in this section and are clearly within the purpose and intent of this section.

#### D. DEVELOPMENT REGULATIONS

Demolition of the building or structure, or reuse of the building or structure to a use not listed in Paragraph C. of this section, will require a special use permit obtained in accordance with the procedure set forth in Paragraph E. of this section.

In the case of destruction by fire, explosion or act of God to the extent of over fifty percent (50%) of the fair market value of the institutional structure, and in the case where the property owner does not wish to rebuild the structure for an institutional purpose, reuse of the site to a noninstitutional use may be allowed through a special use permit obtained in accordance with the procedures outlined in Paragraph E. of this section.

Other regulations as contained in the Municipal Code, including, but not limited to, the conditional use permit process, shall pertain to this section as well.

E. SPECIAL USE PERMIT (SUP)

Within an Institutional Overlay Zone, no building shall be demolished, nor shall any building be constructed, nor shall any change in use occur, until a special use permit is obtained in accordance with the procedure set forth in this section, or a conditional use permit is obtained in accordance with the procedures set forth in Chapter X, Article 1, Division 5.

1. If a demolition is proposed, the following procedures shall precede consideration of the application for a special use permit:

a. The Planning Director shall submit the request for demolition approval to the Planning Commission which shall recommend to the City Council approval or denial of the request for demolition.

b. The Planning Commission's recommendation shall be made at a public hearing noticed in accordance with the procedures set forth in Section 101.0220.

c. In formulating a recommendation, the Planning Commission shall consider whether:

(1) The property was duly offered to all appropriate public agencies in accordance with the regulations and restrictions of applicable State laws.

(2) The existing structures are needed to meet a public need or contribute to the general

welfare of the community. Determination of public need shall be made based on evidence presented by the applicant, including, but not limited to, the following showing that:

(a) Availability of the site for purchase or lease was noticed in a city-wide newspaper and any newspaper distributed in the affected community. Any and all responses to the notice shall be submitted with the application.

(b) The Community Planning Committee and the community planning group for the area were notified of the availability of the site.

(c) The City of San Diego, Departments of Park and Recreation, Property and Planning, and the Mayor and City Council were notified of the availability of the site.

(d) The County Department of Real Property and the school district governing the area were notified.

Responses to the above notifications will be used to determine if the existing structures are needed to meet a public need.

d. The recommendation of the Planning Commission shall be considered by the City Council at a public hearing noticed in accordance with the procedures set forth in Section 101.0220 within 60 days of the Commission's action.

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e. The City Council may either approve the proposed demolition or delay it for a period of 180 days. If there is evidence that progress is being made, good cause is shown and that it appears that preservation may be completed within the time requested, the City Council may extend the period before which demolition can commence for a period not to exceed 180 days.

2. After obtaining a demolition approval, or if such approval is not required, any proposed construction shall follow the procedure listed below:

a. An application shall be submitted to the Planning Department including a site plan, grading plan, sections, elevations, a landscaping plan, and any other information the Planning Director requests to assist in evaluating the proposal.

b. The application shall be referred to the Planning Commission with a recommendation from the Planning Director. The Planning Commission shall hold a public hearing which has been noticed in accordance with the provisions of Section 101.0220.

c. In reviewing an application, the Planning Commission shall make the following findings of fact:

(1) The proposed development is in conformance with the adopted General Plan, community plan and/or specific plan which governs the site including the text of the plan which provides alternative land use language.

(2) The proposed development conforms with the adjacent neighborhood land uses in terms of

density, architectural design, scale, character, compatibility and landscaping treatments.

(3) The proposed development 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) If joint uses are proposed, the uses shall not create excessive noise, traffic or other negative impacts to the surrounding community.

d. If the findings are made, the Planning Commission shall issue the special use permit. The decision of the Planning Commission may be appealed in accordance with the provisions of Section 101.0240. The special use permit shall be recorded in the office of the County Recorder of San Diego County.

#### F. EXEMPTIONS FROM SPECIAL USE PERMIT

The following circumstances would exempt a project from the requirements of the institutional special use permit:

1. Interior modifications to existing structures shall be exempt from the regulations of this overlay zone.

2. If a proposed development receives a community plan amendment to remove the institutional designation from the site, a special use permit would not be required.

3. If a rezone removing the Institutional Overlay Zone is approved, a special use permit would not be required.

4. If a proposed development receives a discretionary permit, such as a planned development, or conditional use permit, a special use permit would not be required, but the findings of fact contained in this section would be required.

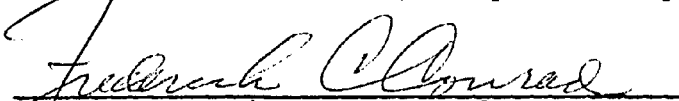
5. If a development is proposed on property with an existing conditional use permit, amendment to the existing conditional use permit reflecting the proposed changes would exempt the project from a special use permit, but the findings of fact contained in this section would be required.

6. If a proposed development currently requires a conditional use permit according to Chapter X, Division 5, of the Municipal Code, a special use permit would not be required, but the findings of fact as contained in this section would be required.

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

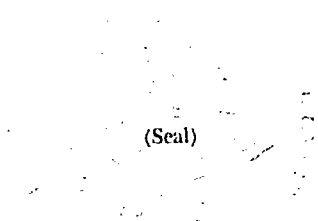
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04/03/87 Rev. 1  
Or.Dept:Plan.  
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Passed and adopted by the Council of The City of San Diego on MAR 24 1987,  
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:



MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

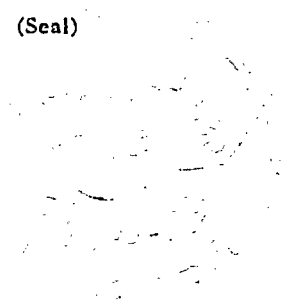
By Ellen Boward, Deputy.

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

MAR 10 1987, and on MAR 24 1987.

~~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.

By Ellen Boward, Deputy.

Office of the City Clerk, San Diego, California		
Ordinance Number	<u>0-16834</u>	Adopted <u>MAR 24 1987</u>

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO  
202 C STREET, 2ND FLOOR  
SAN DIEGO, CA 92101

IN THE MATTER OF  
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVI-  
SION 4, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING  
SECTION 101.0460 RELATING TO THE INSTITUTIONAL  
OVERLAY ZONE.

NO.

**ORDINANCE NUMBER 0-16834 (NEW SERIES)**

**AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVI-  
SION 4, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING  
SECTION 101.0460 RELATING TO THE INSTITUTIONAL  
OVERLAY ZONE.**

The ordinance establishes, within the Municipal Code, the Institutional Overlay Zone which may be applied to specified land following a noticed public hearing. Permitted uses and development regulations are provided. Specific regulations apply to demolition or change in use of properties developed with defined institutional uses. A special use permit is required before demolition construction or change in use may occur. An appeal procedure is established from a decision of the Planning Commission on an application for a special use permit. Such appeal may be taken to the City Council in accordance with a specified procedure.

A complete copy of the ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

Introduced on March 10, 1987

Passed and adopted by the Council of The City of San Diego on March 24, 1987

AUTHENTICATED BY: MAUREEN O'CONNOR  
Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California

By ELLEN BOVARD, Deputy

Pub. April 17

76522

I, THOMAS D. KELLEHER, 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

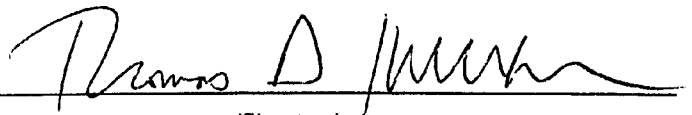
ORDINANCE NUMBER 0-16834 (NEW SERIES)

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:

APRIL 17

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

Dated at San Diego, California this 17 day of APRIL, 1987.

  
(Signature)

SAN DIEGO, CALIF.  
1987 APR 23 PM 3:17  
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CITY CLERK'S OFFICE

5" x \$10.24 = \$51.20