

(O-88-179)

ORDINANCE NUMBER O- 17080 (NEW SERIES)

ADOPTED ON APR 18 1988

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,  
DIVISION 5, OF THE SAN DIEGO MUNICIPAL CODE BY  
AMENDING SECTION 101.0510 RELATING 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, Division 5, of the San Diego Municipal Code be and the same is hereby amended by amending Section 101.0510, to read as follows:

**SEC. 101.0510 CONDITIONAL USE PERMIT**

A. and B. [No change.]

C. USES WHICH MAY BE CONSIDERED

1. Zoning Administrator as Decisionmaker

The Zoning Administrator 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 below:

a. Churches, temples or buildings of a permanent nature, used primarily for religious purposes, except in A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) Overlay Zone.

b. Commercial uses associated with agriculture in areas designated "future urbanizing" including, but not limited to: nurseries, agricultural sales and services, animal sales and service (including hay, feed and tack), equestrian-related sales and services.

c. Community identification signs (the permit may be granted by the Sign Code Administrator).

d. Electric distribution, gas regulating, and communications switching stations not involving aerial transmissions, which serve the immediate area, provided all equipment is located within a building.

e. Guest quarters in any single-family residential zone.

f. Impound storage yards, provided they are located in the CA-RR or any less restrictive commercial zone.

g. Lights for illuminating tennis courts and similar lighting.

h. Mobile homes for use by watchmen in any zone.

i. Moved buildings pursuant to Section 101.0514.

j. Nursery and elementary schools, and day care facilities serving children, except in the A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) overlay zone.

k. Outdoor storage and display of new, unregistered motor vehicles, except in the A-1 zoned areas of the Coastal Zone.

l. Parking facilities, except in the A-1 zoned areas of the Coastal Zone. (Note: See Subparagraph 3, Planning Commission as Decisionmaker.)

m. Private clubs, lodges and fraternal organizations except fraternities and sororities. Private clubs, lodges, and fraternal organizations shall not be permitted in A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) overlay zone.

n. Residential care facilities for not more than twelve aged, mentally disordered, or otherwise disabled or dependent persons, or for persons in rehabilitation programs, in any zone which otherwise permits residential use, except in A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) overlay zone.

o. Rotating and revolving signs pursuant to Section 101.1117.1 (the permit may be granted by the Sign Code Administrator).

p. Solar systems for individual or joint use where otherwise not permitted.

q. Tandem parking for assigned employee parking spaces or valet parking associated with restaurant use, pursuant to Section 101.0821.

r. Teaching of the fine arts including, but not limited to music, drawing, painting, sculpture, drama and dancing, except in the A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) overlay zone.

s. Theater marquee signs pursuant to Section 101.1118.1 (the permit may be granted by the Sign Code Administrator).

t. Veterinary clinics and hospitals in any commercial industrial or agricultural zone, except in the A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) overlay zone.

## 2. Planning Director as Decisionmaker

The Planning Director shall have the authority under conditions herein provided to authorize by Conditional Use Permit the following uses in any zone, including interim zones, except as otherwise provided below:

a. Automobile service stations in any zone except the R-1 zones, and the A-1 zoned areas of the Coastal Zone, subject to the locational criteria and developmental and operational standards contained within the document entitled "Guidelines for Automobile Service Stations," as adopted by resolution of the City Council.

b. Housing for the elderly and/or the handicapped in any residential or commercial zone, subject to the standards contained within the document entitled "Locational Criteria Design and Development Standards and Guidelines for Senior Citizen Housing Projects," as adopted by resolution of the City Council.

3. Planning Commission as Decisionmaker:

The Planning Commission shall have the authority under conditions herein provided to authorize by Conditional Use Permit the following uses in any zone, including interim zones, except as otherwise provided below:

a. Boarding kennels for dogs or cats in any agricultural, industrial or commercial zone.

b. Buildings, structures, and uses operated by a public utility or by a public body having the power of eminent domain.

c. Companion units in R-1 Zones, subject to the requirements of Section 101.0512 and when not located within the Coastal Zone.

d. Educational institutions, except nursery and elementary schools. Permanent buildings and or fill shall not be permitted in A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) overlay zone.

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

(1) Open air theaters.

(2) Recreational facilities privately operated.

(3) Theaters, nightclubs or bars, with or without live entertainment, and/or any combination thereof which exceeds five thousand (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 similar uses under five thousand (5,000) square feet and provided that off-street parking is provided as follows: one (1) parking space for each three (3) fixed seats or one (1) parking space for each twenty-one (21) square

feet of floor area where there are no fixed seats.

The above uses shall not be permitted in A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) overlay zone. This provision shall not apply to the reconstruction of an existing privately owned recreational facility destroyed by fire, flood or other natural disaster, provided such reconstruction does not require new (i.e., nonreplacement) permanent buildings and or fill.

f. Fraternity houses, sorority houses and student dormitories provided that such use is within an area designated for such use in the applicable community plan or, if no such area is designated, is within one mile of the exterior boundaries of the campus of a major institution of higher learning and is in the R-1000, R-600, R-400 or R-200 Zones.

g. Facilities for the wrecking and dismantling of automobiles and other similar vehicles, junk yards, and all establishments engaged in the salvaging or processing of scrap metal, in any agricultural or industrial zone except in the Coastal Zone.

h. Golf courses, golf practice driving tees or ranges, pitch-and-putt golf courses, and miniature golf courses.

i. Hospital, intermediate care facilities and nursing homes, except in A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) Overlay Zone.

j. Natural resources development and utilization including, but not limited to:

(1) Extracting, processing, storing, selling and distributing of sand, gravel, rock, clay, decomposed granite, and soil; and

(2) Manufacturing, producing, processing, storing, selling and distributing of asphaltic concrete, Portland cement concrete, concrete products, and clay products.

Those activities, defined in Section 2735 of the California Surface Mining and Reclamation Act of 1975 as surface mining operations, shall comply with the requirements of Section 101.0511, including a requirement for a reclamation plan for activities conducted subsequent to January 1, 1976.



k. Nonprofit institutions whose primary purpose is the promotion of public health and welfare, except in A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) Overlay Zone.

l. Research, development and testing laboratories and facilities, except in A-1 zoned areas of the Coastal Zone.

m. Residential care facilities for more than twelve aged, mentally disordered, or otherwise disabled or dependent persons, or for persons in rehabilitation programs, in any zone which otherwise permits residential use.

n. Residential, commercial, industrial or institutional uses in and on historical sites.

o. Treatment and counseling offices for sex offenders in the R-1000 through R-200 Zones, commercial zones, and the M-1B Zone.

p. Within the Coastal Zone only, marine-related uses (including boat building, maintenance, servicing, repair, and storage; diving, salvage, and underwater maintenance; marine carpentry and woodworking; sailmaking and repair) in any commercial zone except the CO and CN Zones.

q. Parking facilities in the A-1 zoned areas of the Coastal Zone.

4. City Council as Decisionmaker:

The City Council shall have the authority, under conditions herein provided, to authorize by Conditional Use Permit the following uses in any zone including interim zones except as otherwise provided below:

a. Airports and permanent helicopter facilities, subject to the standards contained within the document entitled "Locational Criteria and Development Standards for Helicopter Facilities," as adopted by resolution of the City Council, except in the A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) Overlay Zone.

b. Amusement parks, except in the A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) Overlay Zone.

c. Cemeteries, mausoleums and crematories, except in the A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) Overlay Zone.

d. Fairgrounds, provided that permanent buildings and/or fill shall not be permitted in A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) Overlay Zone.

e. Newspaper publishing plants, except in the A-1 zoned areas of the Coastal Zone.

f. Race tracks, except in the A-1 zoned areas of the Coastal Zone.

g. Major stationary facilities for the aerial transmission or relay of electromagnetic communications signals, including, but not limited to, radio or television transmission stations and broadcasting studios, microwave relay stations, paging broadcast facilities, and cellular mobile telephone transmitting facilities.

h. Camping parks, together with incidental facilities for convenience of occupants, in the following zones:

(1) Any commercial zone;

(2) Any industrial zone, except the SR (Scientific Research) Zone;

(3) Any agricultural zone provided that permanent buildings and/or fill shall not be permitted in areas of the Coastal Zone subject to the FPF (Floodplain Fringe) Overlay Zone.

(4) The FW (Floodway Zone), except in the Coastal Zone.

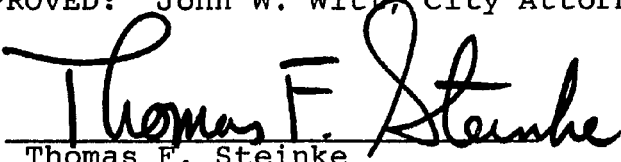
5. In addition to the land uses specified in this paragraph, various other land uses may be authorized within planned districts only under Conditional Use Permit. For a list of such uses refer to the individual planned district regulations, as set forth in Chapter X, Article 3, Division 1, et seq., of this Municipal Code.

6. Conditional uses permitted in the FW Zone shall be limited to those uses identified in SEC. 101.0403.

Section 2. This ordinance shall become effective on October 17, 1988, provided that by such date the Local Coastal Program of The City of San Diego (including Coastal Commission recommended rezonings) has been: (i) accepted by the Executive Director of the Coastal Commission; (ii) is finally and effectively certified by the Coastal Commission; and (iii) coastal development permit issuing responsibility is authorized by the Coastal Commission to be undertaken by The City of San Diego. In the event the aforesaid conditions are not met, this ordinance is null and void.

APPROVED: John W. Witt, City Attorney

By

  
Thomas F. Steinke  
Deputy City Attorney

TFS:wk  
03/31/88  
Or.Dept:Plan.  
O-88-179  
Form=o.none

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APR 18 1988

Passed and adopted by the Council of The City of San Diego on .....  
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"/>
Ron Roberts	<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"/>
H. Wes Pratt	<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"/>
J. Bruce Henderson	<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"/>
Bob Filner	<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.

(Seal)

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

APR 5 1988, and on APR 18 1988

~~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 *Ellen Boward*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17080 Adopted APR 18 1988

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CITY CLERK'S OFFICE

1988 APR -1 PM 3:24

SAN DIEGO, CALIF.

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO  
202 C STREET, 2ND FLOOR  
SAN DIEGO, CA 92101  
ATTN: ELLEN BOVARD

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 5, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0510 RELATING TO CONDITIONAL USE PERMITS.

THOMAS D. KELLEHER

I, \_\_\_\_\_, 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

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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:

MAY 2

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

Dated at San Diego, California this 2 day of MAY, 1988.

(Signature)

24 lines x .98 = \$54.88  
2 1/2" x 2 x 10.78 = \$53.90

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AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 5, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0510 RELATING TO CONDITIONAL USE PERMITS.  
The amendments to the Conditional Use Permit Ordinance are designed to restrict Conditional Use Permits involving permanent structures and/or fill in the Coastal Zone floodplain areas. The restrictions primarily involve areas which are zoned A-1/FPF but in certain instances apply to all A-1 zoned areas within the Coastal Zone. The primary intent of the amendments is to insure that new Conditional Use Permits in the floodplains are compatible with the land use and development intensity limitations established by the A-1 and FPF Zones.  
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 April 5, 1988  
Passed and adopted by the Council of The City of San Diego on April 18, 1988  
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. May 2 107345