

(O-89-77)

ORDINANCE NUMBER O- 17164 (NEW SERIES)

ADOPTED ON OCT 11 1988

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

WHEREAS, in order to provide continuity of regulations for certain conditional use permits governed by Section 101.0510, it is necessary to introduce and adopt an emergency ordinance amending said section; NOW, THEREFORE,

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. Except as provided in paragraph 2.a. hereof, establishments which dispense, for sale or other consideration, alcoholic beverages, including beer, wine and distilled spirits within the area shown on Map C-721, on file in the office of the City Clerk as Document No. OO-16715, subject to the requirements of SEC. 101.0515.

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

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

h. Lights for illuminating tennis courts and similar lighting.

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

j. Moved buildings pursuant to Section 101.0514.

k. 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.

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

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

n. 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.

o. 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.

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

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

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

s. 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.

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

u. 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 and, if alcoholic beverages including beer, wine and distilled spirits are offered for sale or other consideration within the area portrayed on Map C-721, SEC. 101.0515 shall be considered by the Planning Director.

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 SEC. 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 SEC. 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 (12) 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.

i. Any hazardous waste facility project, as defined in SEC. 101.0516, in any manufacturing or agricultural zone; subject to the additional provisions in SEC. 101.0516.

j. Any facility, activity, or use of property in any agricultural or manufacturing zone which is required by federal law to obtain a Research, Development and Demonstration Permit for Hazardous Waste Treatment from the Environmental Protection Agency or any other agency of the United States Government pursuant to the Federal Resource Conservation and Recovery Act.

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.

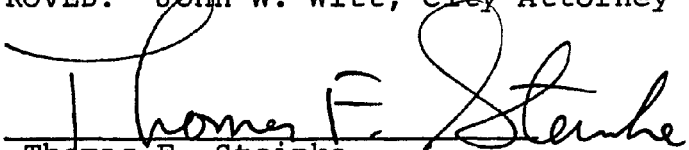
6. Conditional uses permitted in the FW Zone shall be limited to those uses identified in SEC. 101.0403.

D. through Q. [No change.]

Section 2. This ordinance shall take effect immediately upon its adoption and shall become null and void upon Ordinance No. O-89-27 becoming effective, or the passage of one hundred eighty (180) days, whichever date sooner occurs.

APPROVED: John W. Witt, City Attorney

By

  
Thomas F. Steinke  
Deputy City Attorney

TFS:lc  
10/05/88  
10/06/88 COR.COPY  
Or.Dept:Plan.  
O-89-77  
Form=o.none

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88 OCT -6 AM 11:18  
CITY CLERK'S OFFICE  
SAN DIEGO, CA

211 C

Passed and adopted by the Council of The City of San Diego on OCT 11 1988,  
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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.

(Seal)

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

By June G. Blackhall, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on OCT 11 1988, said ordinance being of the kind and character authorized for passage on its introduction by Section 16 of the Charter.

~~I FURTHER CERTIFY that the final reading of said ordinance was in full.~~

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 June G. Blackhall, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number <u>0-17164</u>	Adopted <u>OCT 11 1988</u>

RECEIVED

88 OCT -5 PM 3: 25

CITY CLERKS OFFICE  
SAN DIEGO, CA

CC: [illegible]

CC: [illegible]

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO  
202 C ST., 2ND FLOOR  
SAN DIEGO, CA 92101  
ATTN: JUNE A. BLACKNELL

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

NO.

**ORDINANCE NUMBER 0-17164 (NEW SERIES)**  
AN EMERGENCY 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 de-  
signed to restrict Conditional Use Permits involving permanent  
structures and/or fill in the Coastal Zone floodplain areas. The re-  
strictions primarily involve areas which are zoned A-1/PPF but in cer-  
tain instances apply to all A-1 zoned areas within the Coastal Zone.  
The primary intent of the amendments is to insure that new Condi-  
tional Use Permits in the floodplains are compatible with the land  
use and development intensity limitations established by the A-1 and  
PPF Zones. This is an emergency measure because the provisions of  
this ordinance must become effective immediately to allow the City  
of San Diego to undertake its Coastal Development Permit Issuing  
responsibility on October 17, 1988.  
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 Ad-  
ministration Building, 202 "C" Street, San Diego, CA 92101.  
Introduced, reading dispensed with and adopted by the City  
Council of The City of San Diego on OCT 11 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 JUNE A. BLACKNELL Deputy  
124988

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 0-17164 (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:

OCT. 24

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

Dated at San Diego, California this 24 day of OCT., 19 88



(Signature)

$2 \frac{3}{4} \times 2 = 61.80$