(0-89-27)

ORDINANCE NUMBER O- 17166 (NEW SERIES)

ADOPTED ON 24 1508

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. 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. 00-16715, 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.
- 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 teet 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.
- 1. 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 and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

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Thomas F. Steinke Deputy City Attorney

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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. 00-16715, subject to the requirements of Section 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 SEC. 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

 Subsection 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 Section 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 Section SEC. 101.0821.

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- 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 Section 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.
- v. Joint parking, in the Goastal Zone only, pursuant to Section 101-0822-
- w- Common parking, in the Coastal Bone only, pursuant to Section 101-0823-
- 2. Planning Director as Decisionmaker.

The pPlanning 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

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- 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 SEC. 101.0512 and when not located within the Coastal Zone.

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- 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.
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 - Theaters, nightclubs or bars, with (3) 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.

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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

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 -PAGE 7 OF 12-

- 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
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- n. Residential, commercial, industrial or institutional uses in and on historical sites.
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 maintenance, servicing, repair, and storage;
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- q. Parking facilities in the A-1 zoned areas of the Coastal Zone.
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- c. Cemeteries, mausoleums and crematories, except in the A-1 zoned areas of the Coastal Zone subject to the FPF

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- 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.

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 - (1) Any commercial zone;
 - (2) Any industrial zone, except the
 SR (Scientific Research) Zone;
 - (3) Any agricultural zone; and 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 Section SEC. 101.0516, in any manufacturing or agricultural zone; subject to the additional provisions in Section 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.]

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Council Members	Yeas	Nays	Not Present	Ineligible	
Abbe Wolfsheimer			NOC Present		
Ron Roberts	Ĩ₹		Ä		
Gloria McColl	F)	ī	ī		
H. Wes Pratt	ত্রতাত্রতাত্র				
Ed Struiksma	□ □				
J. Bruce Henderson	<u> </u>				
Judy McCarty		\mathbf{Y}			
Bob Filner	G,				
Mayor Maureen O'Connor	g				
THENTICATED BY:		MAUREEN O'CONNOR			
		Mayor	of The City of San	Diego, Calitornia.	
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Ordinance Number 24 1308

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SAN DIEGO, CA

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