

ORDINANCE NUMBER O- 17409 (NEW SERIES)

ADOPTED ON JAN 8 1990

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 5, DIVISION 2, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 105.0204, 105.0208 AND 105.0218 RELATING TO COASTAL DEVELOPMENT PERMITS.

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

Section 1. That Chapter X, Article 5, Division 2, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 105.0204, 105.0208 and 105.0218, to read as follows:

**SEC. 105.0204 EXEMPTIONS**

For the following types of development, no coastal development permit shall be required:

A. Improvements to an existing structure or structures; provided, however, that such improvements do not involve any of the following:

1. Improvements to any structure which involves the removal and/or replacement of more than fifty percent (50%) (in linear feet) of the existing exterior walls of the principal habitable floor.

2. Improvements to any structure located on a beach, wetland or stream, or where the structure or proposed improvements would encroach within fifty (50) feet of a coastal bluff edge.

3. Improvements to any structure that would result in an increase of ten percent (10%) or more of interior floor area or building height where such structure is located between the sea and first public roadway paralleling the sea, or within three hundred (300) feet of the inland extent of any beach, or of the mean high tide line where there is no beach, whichever is the greater distance.

4. An intensification of use, as defined in Section 105.0203, Subsection D.

Subsections B. through E. [no change]

**SEC. 105.0208 DECISION OF THE PLANNING DIRECTOR**

Subsection A. [no change]

B. The Planning Director shall approve or conditionally approve the application only if all of the following findings of fact are made:

**FINDINGS**

1. The proposed development will not encroach upon any existing physical accessway legally utilized by the public or any proposed public accessway identified in an adopted local coastal program land use plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points.

2. The proposed development will not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources.

3. The proposed development will comply with the requirements related to biologically sensitive lands and significant prehistoric and historic resources as set forth in the Resource Protection Ordinance, Chapter X, Section 101.0462 of the San Diego Municipal Code, unless by the terms of the Resource Protection Ordinance, it is exempted therefrom.

4. The proposed development will not adversely affect recreational or visitor serving facilities or coastal scenic resources.

5. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources.

6. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geological and erosional forces and/or flood and fire hazards.

7. The proposed development will be visually compatible with the character of surrounding areas, and where feasible, will restore and enhance visual quality in visually degraded areas.

8. The proposed development will conform with the General Plan, the Local Coastal Program, and any other applicable adopted plans and programs.

Subsections C. through E. [no change]

**SEC. 105.0218 PRIOR COASTAL COMMISSION APPROVAL**

No development that has a valid permit approval from the California Coastal Commission shall be required to obtain a new coastal development permit from the City of San Diego pursuant to the provisions of this section. The California Coastal Commission shall be exclusively responsible for the issuance of an amendment to a coastal development permit which has been previously approved by the California Coastal Commission, regardless of jurisdictional boundaries governing applications for new coastal development permits. The California Coastal Commission shall be exclusively responsible for the issuance of an extension of time to a coastal development permit which has been previously approved by the California Coastal Commission, regardless of jurisdictional boundaries governing applications for new coastal development permits. The Planning Director, Planning Commission, or City Council, shall not grant a coastal development permit for any proposed development on which site another development is authorized pursuant to a coastal development permit which has been issued by the California Coastal Commission unless such permit has expired, or has been forfeited to the issuing agency.

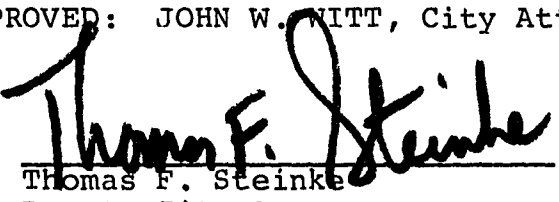
Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after the date the California Coastal Commission unconditionally certifies this ordinance as a local coastal program amendment. If this ordinance is not certified, or is certified with suggested modifications by the California Coastal Commission, the provisions of this ordinance shall be null and void.

Section 3. No permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefor was made prior to the date the California Coastal Commission unconditionally certified this ordinance as a local coastal program amendment.

Section 4. Approval of this action is made pending a determination of exemption from SB-255 by the Airport Land Use Commission (SANDAG).

APPROVED: JOHN W. MITT, City Attorney

By

  
Thomas F. Steinke  
Deputy City Attorney

TFS:ps  
09/06/89  
09/14/89 COR.COPY  
01/18/90 REV.1  
Or.Dept:Plan.  
O-90-51  
Form=o.none

53

Passed and adopted by the Council of The City of San Diego on..... **JAN 8 1990** .....,  
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"/>
John Hartley	<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"/>
Linda Bernhardt	<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.

(Seal)

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

By *June W. Blackwell* ....., 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

**DEC 12 1989**

**JAN 8 1990**

~~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 *June W. Blackwell* ....., Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **O-17409** Adopted **JAN 8 1990**

CERTIFICATE OF PUBLICATION

RECEIVED  
CITY CLERK'S OFFICE  
90 MAR -1 AM 11:39  
SAN DIEGO, CALIF *EF*

CITY CLERK'S OFFICE  
CITY ADM. BLDG., 2ND FLOOR  
SAN DIEGO, CA. 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 5, DIVISION 2, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 105.0208 AND 105.0218 RELATING TO COASTAL DEVELOPMENT PERMITS

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 0-177409 (NEW SERIES)**

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This ordinance amends Chapter X, Article 5, Division 2, of the San Diego Municipal Code by amending Sections 105.0204, 105.0208 and 105.0218 by:

Specifying with greater particularity when exemption from the requirement of obtaining a coastal development permit is available for improvements to existing structures;

Adding finding requirements respecting biologically sensitive lands and significant prehistoric and historic resources which must be made by the Planning Director prior to authorizing the issuance of a coastal development permit; and

Specifying that the California Coastal Commission is responsible for granting extensions of time and amendments to coastal development permits originally issued by the California Coastal Commission and that the City shall not issue coastal development permits for project sites which have received coastal development permits from the California Coastal Commission unless such permit is forfeited or has expired.

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 DEC 12 1989 Passed and Adopted by the Council of The City of San Diego on JAN 8 1990

AUTHENTICATED BY:  
MAUREEN O'CONNOR  
Mayor of The City of San Diego, CA  
CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, CA  
(SEAL)

By JUNE A. BLACKNELL, Deputy.

Publish February 26

174164

ORDINANCE NUMBER 0-177409 (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:

FEB. 26

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

Dated at San Diego, California this 26 day of FEB, 1990

*Thomas D. Kelleher*  
\_\_\_\_\_  
(Signature)

3 1/4 x 2 = 76.96