

(O-93-63)

ORDINANCE NUMBER O- **17868** (NEW SERIES)

ADOPTED ON NOV. 23, 1992

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING DIVISION 1, BY ADDING SECTIONS 101.0102 AND 101.0103; AMENDING DIVISION 2 BY AMENDING SECTION 101.0203; BY REPEALING SECTIONS 101.0203.1 AND 101.0203.2; BY AMENDING SECTION 101.0204; BY REPEALING SECTIONS 101.0205 AND 101.0205.1; BY AMENDING SECTIONS 101.0205.2 AND 101.0205.3; BY REPEALING SECTIONS 101.0206 AND 101.0206.1; BY AMENDING SECTIONS 101.0207, 101.0208 AND 101.0210; BY REPEALING SECTIONS 101.0220, 101.0225, 101.0230 AND 101.0240; BY AMENDING SECTION 101.0245; BY REPEALING SECTION 101.0250; BY AMENDING SECTIONS 101.0260 AND 101.0270; BY AMENDING DIVISION 3 BY AMENDING SECTIONS 101.0303, 101.0304, 101.0307.5 AND 101.0307.6; BY AMENDING DIVISION 4 BY AMENDING SECTIONS 101.0402.1, 101.0403, 101.0403.1, 101.0404, 101.0405, 101.0406, 101.0407, 101.0410, 101.0414, 101.0418, 101.0421.1, 101.0423, 101.0426, 101.0426.1, 101.0427, 101.0427.1, 101.0428, 101.0430, 101.0432, 101.0433, 101.0434, 101.0434.1, 101.0435.1, 101.0435.2, 101.0435.3, 101.0436, 101.0437, 101.0440, 101.0441, 101.0444, 101.0445, 101.0452.5, 101.0454, 101.0455.2, 101.0455.4, 101.0456, 101.0457.2, 101.0457.5, 101.0458, 101.0460, 101.0461, 101.0462, AND 101.0480; BY AMENDING DIVISION 5 BY AMENDING SECTIONS 101.0500, 101.0501 and 101.0502; BY REPEALING SECTION 101.0503; BY AMENDING SECTIONS 101.0510, 101.0511, 101.0512, 101.0513, 101.0514, 101.0515, 101.0516, 101.0517, 101.0518, 101.0550, 101.0560, 101.0570 AND 101.0580; AMENDING DIVISION 6 BY AMENDING SECTIONS 101.0602, 101.0604 AND 101.0605; REPEALING SECTIONS 101.0606 AND 101.0607; AMENDING SECTIONS 101.0608, 101.0609 AND 101.0631; AMENDING DIVISION 7 BY AMENDING SECTIONS 101.0702, 101.0703, AND 101.0714; AMENDING DIVISION 8 BY AMENDING SECTIONS 101.0813, 101.0815 AND 101.0835; AMENDING DIVISION 9 BY AMENDING SECTION 101.0901; BY REPEALING SECTION 101.0905; BY AMENDING

SECTIONS 101.0910, 101.0920, 101.0930 AND  
101.0993; BY REPEALING SECTIONS 101.0995 AND  
101.0995.1; BY AMENDING SECTION 101.0996;  
AMENDING DIVISION 10 BY AMENDING  
SECTIONS 101.1001, AND 101.1002; AMENDING  
DIVISION 11 BY AMENDING SECTIONS 101.1115,  
101.1117.1, 101.1118.1, 101.1120.4,  
101.1120.9, 101.1123 AND 101.1124;  
AMENDING DIVISION 12 BY AMENDING  
SECTION 101.1204; AMENDING DIVISION 13 BY  
AMENDING SECTION 101.1307; AMENDING  
DIVISION 18 BY AMENDING SECTION 101.1801.3;  
AMENDING DIVISION 20 BY AMENDING  
SECTION 101.2001; ALL RELATING TO ZONING.

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

Section 1. That Chapter X, Article 1, Division 1 of the San Diego Municipal Code be and the same is hereby amended by adding Sections 101.0102 and 101.0103 to read as follows:

**SEC. 101.0102 Additional Definitions**

The terms that appear in Chapter X as bold text have the same meaning as in Section 111.0107.

**SEC. 101.0103 Delegation of Responsibilities**

The Director of a Responsible Department may designate a staff member from the Department to act on the Director's behalf.

Section 2. That Chapter X, Article 1, Division 2 of the San Diego Municipal Code be and the same is hereby amended by amending Section 101.0203 to read as follows:

**SEC. 101.0203 Zoning Authorization**

Whenever the public necessity, convenience or general welfare, or good zoning practice justifies such action, and after due consideration and report on the same by the Planning Commission, the City Council may,

by ordinance, in accordance with Section 111.0805, include or place any property within The City of San Diego into any zone as established, created and defined in Chapter X, Article 1 of the San Diego Municipal Code.

Section 3. That Chapter X, Article 1, Division 2, of the San Diego Municipal Code be and the same is hereby amended by repealing Sections 101.0203.1, and 101.0203.2.

Section 4. That Chapter X, Article 1, Division 2, of the San Diego Municipal Code be and the same is hereby amended by amending Section 101.0204 to read as follows:

**SEC. 101.0204 Fees/Deposits**

Unless otherwise specified by the Municipal Code, an application shall be accompanied by the fees and deposits that are required on the date the application is filed as set forth in Section 111.0202. The fee/deposit shall be equal to the cost of processing the application. Fees/deposits will be adjusted periodically by resolution of the City Council to ensure full cost recovery for the services. A list of current fees/deposits is on file in the office of the City Clerk. Where deposits are required, if the deposit is insufficient to cover the actual cost to the City, the applicant shall be required to make additional deposits with the City which, in the opinion of the Planning Director, will be sufficient to cover incurred costs. Actual City costs will be itemized in

a statement to the depositor, and any portion of the deposit not required to cover the actual costs of the City in processing plus an applicable percentage thereof to cover cost of general overhead will be returned to the applicant.

An application shall be accompanied by a fee/deposit equal to one and one-half times the fee/deposit set forth in the schedule on file in the office of the City Clerk if the application is filed after the use of the property has commenced and such use is in violation of the zoning regulations of the Municipal Code. An amount equal to one-half the fee or one-half of the costs incurred by the City in processing the application, whichever is applicable, shall be charged against the fee/deposit of the application in addition to the fee or the costs incurred by the City.

An additional charge will not be assessed if applicant provides evidence that the use of the property for which a permit is required was begun prior to the applicant's acquisition of the property.

Appeal fees shall be waived for community planning groups recognized under Council Policy 600-24 when appealing a decision to the Board of Zoning Appeals.

The Conditional Use Permit fees shall be waived for nonprofit institutions or organizations whose primary purpose is the promotion of public health and welfare.



approval by the Planning Commission nor adopted by the City Council unless and until the subject property of such application is within the boundaries of a specific, community or precise plan that has been adopted by the Planning Commission and City Council. The Planning Commission may recommend approval of a rezoning concurrently with their adoption of such plan, and the City Council may grant a rezoning concurrently with their adoption of such plan only if the Planning Commission has first made a determination that the granting of rezoning on the subject property will not jeopardize the achievement of Progress Guide and General Plan objectives and of assuring adequate public facilities at the time of development and of assuring the participation of the property in financing of required public improvements pursuant to a financing plan, and development phasing program. If such determination is not made, but the application is otherwise recommended for approval by the Planning Commission, the application for rezoning shall be processed: (1) concurrently with the processing of a tentative map for the property and, if approved, the rezoning shall be conditioned upon approval and recordation of a final subdivision map for the subject property; or (2) concurrently with the adoption of a specific plan which is binding upon the developer and which incorporates land use, design, bulk, density and

financing criteria and requirements; or (3) along with a binding development agreement entered into with the applicant and the City concurrent with such rezonings.

Section 7. That Chapter X, Article 1, Division 2, of the San Diego Municipal Code be and the same is hereby amended by repealing Sections 101.0206 and 101.0206.1.

Section 8. That Chapter X, Article 1, Division 2, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 101.0207, 101.0208 and 101.0210 to read as follows:

**SEC. 101.0207 Failure of Planning Commission to Make Recommendation on Zoning**

If the Planning Commission fails to provide a recommendation on a proposed inclusion of property into a zone or a proposed change of zone within forty-five (45) calendar days after the date of the public hearing before the Planning Commission as may be extended by any continuance consented to by the applicant and upon the request of the applicant, the City Council shall direct that a public hearing be held before the Council.

**SEC. 101.0208 Procedure for Zoning -- Action by the City Council**

When the City Council considers a proposed inclusion of property into a zone or the proposed change of zone, the City Council may take any of the following actions at the conclusion of a public hearing:

1. Adopt the proposed ordinance as recommended by the Planning Commission.

2. and 3. [No changes.]

In all such instances, any action so taken shall be adopted by ordinance by the affirmative vote of not less than the majority of the total voting members of the City Council.

**SEC. 101.0210 Limitation on the Time for Action  
Attacking Administrative Determination**

Any action or proceeding to attack, review, set aside, void or annul any decision to zone or rezone property, grant or deny a variance or any permit provided for by the provisions of Chapter X and Chapter XI of this Code, or concerning any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any condition attached thereto, shall not be maintained by any person unless such action or proceeding is commenced within ninety (90) calendar days after the date such decision becomes final. Thereafter all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of such decision or of such proceedings, acts or determinations.

Section 9. That Chapter X, Article 1, Division 2, of the San Diego Municipal Code be and the same is hereby amended by repealing Sections 101.0220, 101.0225, 101.0230 and 101.0240.



Section 10. That Chapter X, Article 1, Division 2, of the San Diego Municipal Code be and the same is hereby amended by amending Section 101.0245 to read as follows:

**SEC. 101.0245 Recordation of Variances, Permits or Entitlements**

The permits or entitlements listed in this section are found to constitute instruments affecting title to or possession of real property, and shall be recorded in the office of the County Recorder of San Diego County as set forth in Section 111.1113.

- A. Section 101.0307.2, Affordable Housing Density Bonus Agreement.
- B. Section 101.0410, Floor Area Ratio Exception Permits.
- C. Section 101.0452.5, Height Limit Exception - West Clairemont.
- D. Section 101.0502, Zone Variance.
- E. Section 101.0510, Conditional Use Permit.
- F. Section 101.0901, Planned Residential Development Permits.
- G. Section 101.0910, Planned Commercial Development Permits.
- H. Section 101.0920, Planned Industrial Development Permits.
- I. Section 101.1123, Comprehensive Sign Plan.
- J. Section 105.0103, Development Agreements.
- K. Section 101.0454, Hillside Review Permits.

L. Section 101.0456, Sensitive Coastal Resource Permits.

M. Section 101.0200, Coastal Development Permits.

N. [No change.]

Section 11. That Chapter X, Article 1, Division 2, of the San Diego Municipal Code be and the same is hereby amended by repealing Section 101.0250.

Section 12. That Chapter X, Article 1, Division 2, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 101.0260 and 101.0270 to read as follows:

**SEC. 101.0260 Interim Development Control**

A. through E. [No changes.]

F. Variances

An applicant may request a variance from the decision of the Administrator within thirty (30) calendar days of the Administrator's determination. An application for the variance may be approved, conditionally approved or denied by the Planning Commission in accordance with **Process Four** and the following additional requirements: The applicant shall indicate the nature of the variance requested and shall supply information sufficient to establish the basis for such variance request. The Administrator shall forward the variance application to the Planning Commission within thirty (30) calendar days after notification of compliance with subsection J of this

section, approval of all discretionary permits, and recommendations/comments of the requested variance by the applicable community planning group. A Notice of Application is not required. All allocations granted pursuant to a variance approval shall be taken from the reserve allocation as set forth in the implementing resolution. In the event that the granting of variances by the Planning Commission depletes the reserve allocation the City Council shall either (1) re-establish a reserve allocation or (2) discontinue acceptance of variance requests pursuant to Section 102.0260(F). The Planning Commission may grant such variance or modification upon its determination and its discretion that such variance or modification will (1) not result in any material damage or prejudice to other property in the vicinity and will not be detrimental to the public health, safety and general welfare; (2) there are special circumstances unique to the development of this project and property which are not of the applicant's making; and which outweigh the policy and purpose of this section; and (3) the strict application of the provisions of this section would deprive the applicant of the reasonable use of the land; and (4) the variance granted is the minimum variance that will accomplish this purpose. Any variance granted shall be subject to conditions, including limitations on the number of building permits

requested, as the Planning Commission shall deem appropriate. The decision of the Planning Commission shall be appealable to the City Council in accordance with Section 111.0509.

G. Method of Implementation

The City Council by resolution may implement this section in accordance with **Process Five** but without Planning Commission recommendation. The following additional requirements shall apply: A notice of the proposed implementation shall be provided by publication in a newspaper of general circulation and by mail to the applicable community planning group(s) at least ten (10) work days before the date set for the Council hearing on the implementing resolution. The resolution shall include the following:

1. through 3. [No changes.]

H. [No change.]

**SEC. 101.0270 Fiscal Impact Review**

A. General Provisions

1. [No change.]
2. Definitions

For the purpose of this section, the following definitions shall apply:

a. through e. [No changes.]

f. "Development Action" shall mean and refer to any Building Permit, rezoning, tentative map,

final map, vesting tentative map, tentative parcel map, vesting tentative parcel map, conditional use permit, special use permit, planned development permit, variance, special exception, environmental permit, or any other official action of The City of San Diego or any agency or subdivision thereof, having the effect of permitting the Development of land located within the City and subject to the provisions of this Ordinance.

g. and h. [No changes.]

Section 13. That Chapter X, Article 1, Division 3, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 101.0303, 101.0304, 101.0307.5 and 101.0307.6 to read as follows:

**SEC. 101.0303 Continuance of Nonconforming Uses and Structures**

The lawful use of land existing at the time the Zone Ordinance became effective, with which ordinance such use did not conform, may be continued provided no enlargement or addition to such use is made.

The lawful use of buildings existing at the time the Zone Ordinance became effective, with which ordinance such building did not conform with respect to the development regulations, may be continued provided any enlargements, additions or alterations to such building will not increase its degree of nonconformity and will conform in every respect with the development regulations of the zone in which the building is

located, except as hereinafter provided by zone variance.

Any discontinuance of a nonconforming use for a continuous period of twelve (12) months shall be deemed to constitute abandonment of any nonconforming rights existing at the time of the enactment of the ordinance.

Any change from a nonconforming use of land or buildings to a more restrictive or conforming use shall constitute abandonment of such nonconforming rights.

Repairs and alterations which do not increase the degree of nonconformity of a nonconforming building, structure or improvement, nor increase the size or degree of nonconformity of a use, may be made provided that the aggregate value of such repairs or alterations shall not exceed 50 percent of its fair market value, according to the assessment thereof by the County Assessor for the fiscal year during which the repairs and alterations occur. The terms "repairs" and "alterations" do not include painting or replacement of exterior stucco siding, or shingles.

If any nonconforming building or use be destroyed by fire, explosion, act of God or act of the public enemy to the extent of fifty percent (50%) or more of the fair market value, according to the assessment thereof by the County Assessor for the fiscal year during which such destruction occurs, then and without further action by the City Council, the said building

or use and the land on which said building was located or maintained shall from and after the date of such destruction be subject to all the regulations specified by the Zone Ordinance for the district in which such building was located. The provisions of this paragraph shall not apply to any nonconforming building for which a Reconstruction Permit has been or is obtained pursuant to Municipal Code Section 101.0500(B).

If the use is a medical or counseling service and is prohibited pursuant to Sections 101.0410(B)(9)(c), 101.0423(B)(1), 101.0426(B)(1), 101.0427(B)(1), or 101.0435.2(B)(11)(e), and if such use existed on the effective date of the ordinance enacting the provisions of this paragraph, it shall become a nonconforming use and shall be governed by the provisions of this section. Any such medical or counseling service existing on the effective date of the ordinance shall have ninety (90) days to cease operation, after which time the service shall be unlawful at that site and shall constitute a violation of this Code unless a Conditional Use Permit is obtained in accordance with Section 101.0513.

If an investigation by the Planning Department reveals that a particular property contains a legal, nonconforming use or structure, a "Notice of Nonconforming Rights," may be recorded in the County Recorder's office. This notice is designed to provide

constructive notice to any successors in interest that nonconforming rights as to the property or structures existed at the time of the recordation of notice. Nothing in this notice shall permit the continuation of a nonconforming use or structure that was subsequently expanded, enlarged, abandoned or destroyed which extinguishes the previous nonconforming right.

If a subsequent investigation reveals that a previous nonconforming right as to the property's use or structure has been lost, a cancellation of the Notice of Nonconforming Rights shall be recorded.

**SEC. 101.0304 Zoning Use Certificate**

A. through D. [No changes.]

**E. APPLICATION**

1. An application for a Zoning Use Certificate shall be made in accordance with Section 111.0202 and shall include a description of the proposed use at the proposed location.

Any other information deemed necessary by the Zoning Administrator to judge compliance with the regulations contained herein and other applicable regulations shall also be included with the application.

2. [No change.]

**F. DETERMINATION**

An application for a Zoning Use Certificate may be approved or denied by the Zoning Administrator



in accordance with **Process One**. If the proposed use does not conform with the zone's use regulations, or does not constitute a nonconforming use in the general regulations, Sections 101.0301 and 101.0303 of the Municipal Code, then the Zoning Use Certificate shall not be approved.

G. and H. [No changes.]

**SEC. 101.0307.5      Transfer of Density Permit**

A. [No change.]

B. A request for a transfer of density rights may be approved, conditionally approved or denied by a **Hearing Officer** in accordance with **Process Three**.

C. The development of a property with units exceeding 125 percent of the units permitted by the density regulations of the applicable underlying zone or planned district may be allowed only when it appears from the evidence presented that all of the following facts exist:

1. through 3. [No changes.]

D. The decision of a **Hearing Officer** may be appealed to the Planning Commission in accordance with Section 111.0506.

E. [No change.]

**SEC. 101.0307.6      Deviations from Density Bonus and Affordable Housing Provisions**

A. The **Hearing Officer** may approve, conditionally approve or deny, in accordance with **Process Three**, a deviation from the Density Bonus

provisions of Section 101.0307.3, and the Affordable Housing provisions of Section 101.0307.4. Deviations shall only be permitted pursuant to the provisions of Division 9 of this Article (Planned Residential Developments).

B. Deviations from the requirements of Sections 101.0307.3 and 101.0307.4 may be granted by the Hearing Officer as follows:

1. and 2. [No changes.]

C. A deviation may be granted only when it appears that all of the following facts exist:

1. through 4. [No changes.]

Section 14. That Chapter X, Article 1, Division 4, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 101.0402.1, 101.0403, 101.0403.1, 101.0404, 101.0405, 101.0406, 101.0407, 101.0410, 101.0414, 101.0418, 101.0421.1, 101.0423, 101.0426, 101.0426.1, 101.0427, 101.0427.1, 101.0428, 101.0430, 101.0432, 101.0433, 101.0434, 101.0434.1, 101.0435.1, 101.0435.2, 101.0435.3, 101.0436, 101.0437, 101.0440, 101.0441, 101.0444, 101.0445, 101.0452.5, 101.0454, 101.0455.2, 101.0455.4, 101.0456, 101.0457.2, 101.0457.5, 101.0458, 101.0460, 101.0461, 101.0462 and 101.0480, to read as follows:

**SEC. 101.0402.1**      **FC Zone (Flood Channel) - Permitted Uses**

No building or improvement or portion thereof, shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the following purposes:

1. through 6. [No changes.]

7. Any other use that the Planning Commission determines, in accordance with Process Four, to be equal or less detrimental in character to the uses enumerated in this section and clearly within the purpose and intent of this zone.

**SEC. 101.0403 FW Zone (Floodway)**

**A. PURPOSE AND INTENT**

The purpose of the floodway zone is to regulate and control development in the delineated floodways of floodplains. Regulation and control are necessary inasmuch as areas designated as floodways are subject to frequent flooding. When floods occur in a floodway, floodwaters will be relatively deep and floodwater velocities relatively high. Regulation and control are accordingly essential so as to protect the public health, safety and general welfare.

It is also the purpose of the zone to reduce the financial burden on the City by eliminating the need for construction of flood control facilities made necessary by inadequately controlled development in floodplains while at the same time providing for the reasonable use of property lying within the floodway.

It is the intent of these regulations that uses permitted in the FW Zone are only those uses which will not constitute an unreasonably, unnecessarily or undesirably dangerous impediment to the flow of

floodwaters. Development regulations of the zone require that all proposed development shall be reviewed prior to the issuance of necessary permits so as to ensure that all development is capable of withstanding inundation by floodwaters and will not, in turn, cause damage by flooding to adjacent properties.

It is also the intent of these regulations that the FW Zone shall be applied to the floodways of those floodplains within the City which in the opinion of the City Council, after hearing the recommendations of the U.S. Army Corps of Engineers or the City Manager, are determined to be subject to inundation which could endanger life, property and the general welfare. The application of the FW Zone may be made by the City Council in accordance with **Process Five**. The width and location of the FW Zoning shall be based on any factual information provided by the U.S. Army Corps of Engineers or the City Manager and a hydraulic analysis that considers the following criteria:

1. and 2. [No changes.]

**B. PERMITTED USES**

No structure or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for one or more of the following purposes:

1. through 9. [No changes.]

10. The following uses provided, however, that all such uses are permitted by an approved conditional use permit:

a. through g. [No changes.]

Airways, taxiways and pads of heliports and helistops.

11. [No change.]

12. Any other use which the Planning Commission determines, in accordance with **Process Four**, to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this zone. The Planning Commission's determination shall be filed with the office of the City Clerk.

13. [No change.]

C. [No change.]

D. **PROPERTY DEVELOPMENT REGULATIONS**

No building or structure or portion thereof shall be erected, constructed, converted, established, altered, enlarged, nor shall any premises be used unless the premises comply with the following regulations and standards:

1. [No change.]

2. Prior to the issuance of any land development or building permits, complete plans for all proposed developments shall be submitted to the City Manager or his designated representative for review. No land development or building permits shall be issued

until such time as it has been determined that the proposed development will not constitute an unnecessary, undesirable or unreasonable impediment to flood flow and that the proposed development will not constitute a hazard to the public health, safety or general welfare by floodwaters expected during a 100-year flood whose water surface has been elevated one foot.

E. [No change.]

F. COASTAL ZONE REGULATIONS

Within the Coastal Zone, the following regulations shall be supplementary to, and in the event of conflict, shall supersede, the regulations set forth or referenced in preceding paragraphs of this Section.

1. and 2. [No changes.]

3. Development Plan Approval (see also Subsection D.2.).

a. and b. [No changes.]

c. In reviewing and approving development plans, the Planning Director shall determine that the development is consistent with the special regulations contained in Section 101.0403(F)(2). When the development plan is reviewed in conjunction with a conditional use permit, planned development permit, sensitive coastal resource permit or coastal development permit, the following shall be added to such permits:

1) and 2) [No changes.]

SEC. 101.0403.1      FPF Zone (Floodplain Fringe)

A.      PURPOSE AND INTENT

The purpose of the floodplain fringe zone is to regulate and control development in that portion of a delineated floodplain lying between the floodway, which shall be zoned FW, and the outermost boundaries of the floodplain. Such regulation and control are deemed necessary to protect the public health, safety and general welfare since the floodplain fringe is susceptible to flooding by high level floods. Inasmuch as such flooding can be expected to occur relatively infrequently, and inasmuch as such flooding will be to relatively shallow depths and low floodwater velocities, the regulations and controls shall provide that all proposed development be reviewed to ensure that development will not constitute an unreasonable, undesirable or unnecessary obstruction to flood flow and that said development occurs in such manner as will not create a hazard to life, private or public property and to the public health, safety and general welfare.

It is the intent of these regulations that the FPF Zone be an overlying zone. Uses are those permitted in the underlying zone subject to all of the regulations applicable to the underlying zone. In

addition, development, including land development, may not occur until development plans have been reviewed and approved by the City Manager or his designated representative.

It is also the intent of these regulations that the FPF Zone shall be applied to the fringe of those areas delineated as floodplains within the City which in the opinion of the City Council, after hearing the recommendations of the U.S. Army Corps of Engineers or the City Manager, are determined to be subject to inundation by a Standard Project Flood which could endanger life, property and the general welfare. The application of the FPF Zone may be made by the City Council in accordance with **Process Five**. The location and extent of the FPF zone shall be based on any factual information received from the U.S. Army Corps of Engineers or the City Manager.

B. [No change.]

C. **SPECIAL REGULATIONS**

All new construction or substantial improvements to existing structures within the zone shall have the lowest floor level (including basement floor level) elevated at least one foot above the water surface of a 100-year frequency flood assumed to be confined within the limits of the FW Zone, unless said structure is designed to prevent the entry of water or unless the structure is protected by a flood control



dike. Any dike used to flood proof an area shall be constructed to an elevation of one foot above the water surface of the Standard Project Flood assumed to be confined within the limits of the FW Zone. Diked areas shall be provided with a drainage system to handle local storm water run-off. All construction, dikes, and land fills in this zone are subject to design requirements as set forth by the City Manager or his designated representative.

All subdivision maps recorded on any area lying within the zone shall carry the notation "subject to inundation" except for such portions of the property which are one foot above the water surface elevation of the 100-year frequency flood assumed to be confined within the limits of the FW Zone, or, unless such property is protected against the Standard Project Flood by a dike as described above.

#### D. COASTAL ZONE REGULATIONS

Within the Coastal Zone, the following regulations shall be supplementary to, and in the event of conflict shall supersede, the regulations set forth or referenced in preceding paragraphs of this section.

1. [No change.]
2. Development Plan Approval (see also Subsection C.).
  - a. and b. [No changes.]

c. In reviewing and approving development plans, the Planning Director shall determine that the development is consistent with the special regulations contained in Section 101.0403(D)(1). When the development plan is reviewed in conjunction with a conditional use permit, planned development permit, sensitive coastal resource permit or coastal development permit, the following shall be added to such permits:

1) and 2) [No changes.]

SEC. 101.0404 A-1 Zones -- (Agricultural)

A. [No change.]

B. PERMITTED USES

In a zone, designated by the symbol "A1", followed by a number, the number shall determine in acres the minimum area of a lot in that Zone, and on which no building or improvement, or portion thereof, shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for one or more of the following purposes:

1. through 4. [No changes]

5. Public utility substations, except in the Future Urbanizing area outside the Coastal Zone, unless no other location is practical and the facility is located as close as possible to existing Urbanized or Planned Urbanizing areas.

6. through 10. [No changes]

11. Any enterprise or business which the Planning Commission determines, in accordance with **Process Four**, to be similar in character to the uses enumerated in this section and consistent with the intent and purpose of this zone. For property located in the Future Urbanizing area outside the Coastal Zone, the City Council shall make this determination in accordance with **Process Five**.

C. PERMITTED DENSITY

1. Lot Area per Dwelling Unit.

a. through c. [No changes]

d. In zone A-1-20, a minimum of twenty acres for each dwelling unit, except in the case of Planned Residential Developments and Rural Cluster Developments a density of one (1) unit per twenty (20) acres shall be permitted. This zone is not applicable in the Coastal Zone.

e. In zone A-1-40, a minimum of forty acres for each dwelling unit, except in the case of Planned Residential Developments and Rural Cluster Developments a density of one unit per forty (40) acres shall be permitted. This is not applicable in the Coastal Zone.

2. [No change]

D. PROPERTY DEVELOPMENT REGULATIONS

No building or portions thereof shall be erected, constructed, converted, established, altered, enlarged, or used on any lot in zones A-1, unless the lot and building shall comply with the following requirements and special provisions:

1. through 4. [No changes.]

5. Planned Residential Development and Rural Cluster Developments. In lieu of developing pursuant to the property development regulations and special provisions of this section, an owner or developer in the A-1 zones may develop pursuant to the Planned Residential or Rural Cluster Development

regulations of Section 101.0900 of the Municipal Code and all applicable developmental standards and requirements contained therein.

E. OFF-STREET PARKING REQUIREMENTS

1. through 5. [No changes]

6. Off-street parking shall not be required for permitted uses in the A-1 zones within the Future Urbanizing area outside the Coastal Zone.

F. SPECIAL PROVISIONS

1. Setbacks Adjacent to Partial Streets and Alleys

No building or structure shall be erected or maintained on a lot which abuts a street or alley having only a portion of its required width dedicated and where no part of such dedication would normally revert to said lot if the street or alley were vacated, unless the yards provided and maintained in connection with such building or structure have a width or depth of that portion of the lot needed to complete the street or alley width, plus the width or depth of the yards required on the lot by this article, if any. This section applies whether this article required yards or not. The Planning Director, upon request, shall determine the required street or alley width, in accordance with subdivision standards set forth in Article 2, Chapter X of this Code.

2. [No change.]

G. COASTAL ZONE REGULATIONS

The Coastal Zone is a unique public resource of vital and enduring interest to all present and future residents of the City of San Diego. Existing developed uses, and future development consistent with the City's adopted Local Coastal Program, are essential to the economic and social well-being of the people of the City. To this end, the development of property within the Coastal Zone requires special regulations to protect the unique character of individual coastal communities and neighborhoods, while maintaining the public's right of access to the shoreline.

Within the Coastal Zone, the purpose of the A-1 Zone shall be to provide appropriate zoning for areas that are presently in agricultural or open space use. It is the intent of the City Council that the A-1 Zones allow for agriculturally related uses as an appropriate use for those areas designated as open space in an adopted local coastal program land use plan. In addition, the provisions of Ordinance No. O-17558, adopted December 10, 1990, are not effective in the Coastal Zone and, therefore, the A-1-20 and A-1-40 zones are not applicable within the Coastal Zone.

**SEC. 101.0405 Open Space Zone ("OS")**

A. and B. [No changes.]

C. PERMITTED USES

No structure or improvement or portion thereof shall be erected, converted, constructed, established, altered or enlarged, nor shall any premise be used, except for one or more of the following purposes:

1. OS-P, OS-R and OS-OSP.

a. through e. [No changes.]

f. Any other use the Planning

Commission determines, in accordance with **Process Four**, to be similar in character to the uses enumerated in this Section. The Planning Commission's determination shall be filed with the Office of the City Clerk.

2. [No change.]

D. [No change.]

**SEC. 101.0406 Home Occupations in Residential Zones**

A. [No change.]

B. PERMITTED USES

1. Except when specifically prohibited within any residential zone, home occupations may be permitted as accessory uses incidental to residential uses in residential zones subject to an approved Zoning Use Certificate.

2. The Zoning Administrator may approve or deny a request for a Zoning Use Certificate in accordance with **Process One**. The Zoning Administrator shall give consideration to the operational regulations set forth in this section, the nature of the proposed

home occupation, and the relationship of the premises, upon which the home occupation is proposed to be located, to neighboring properties. The Zoning Administrator shall, if necessary, request and obtain recommendations from other City departments and public agencies.

The Zoning Administrator in granting a Zoning Use Certificate shall find that the operation of the home occupation shall not be detrimental to adjacent properties.

The Zoning Administrator shall also find that the recipient of the Zoning Use Certificate will adhere to all operational and maintenance standards and conditions imposed upon the Zoning Use Certificate.

C. [No change.]

D. REVOCATION OF HOME OCCUPATION PERMIT

A home occupation permit may be revoked or modified in accordance with the provisions of Chapter XI, Article 1, Division 6. The permit may be revoked or modified for the following additional reasons:

1. a violation of any requirement of this Code, or of any condition or requirement of any permit granted

2. repeated violations of the requirements of Section 101.0406 or of the conditions of such permit, or



3. the continuation of the home occupation permit will have a detrimental effect upon the surrounding neighborhood.

**SEC. 101.0407 R-1 Zones**

A. [No change.]

B. PERMITTED USES

No building or improvement or portion thereof, shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the following purposes:

1. and 2. [No changes.]

3. Temporary real estate sales offices, model homes and identification signs in new subdivisions under the following conditions:

a. [No change.]

b. Temporary real estate sales offices and model homes shall be located more than 100 feet from any occupied dwelling unit not in the same subdivision. A sales office or model home may be allowed if located less than 100 feet from said dwelling unit if the location is identified as part of the subdivision sign permit.

c. Each subdivision shall be permitted to have signs, flags and other outdoor advertising if a

Subdivision Sign Permit is approved pursuant to  
Section 101.1120.9.

d. [No change.]

4. and 5. [No changes.]

C. [No change.]

D. PROPERTY DEVELOPMENT REGULATIONS

No building or portion thereof shall be  
erected, constructed, converted, established, altered,  
enlarged, or used, nor shall any lot or premises be  
used unless the lot or premises and building or portion  
thereof shall comply with the following requirements  
and special regulations:

1. Minimum Lot Dimensions.

a. [No change.]

b. Exception. Any lot or parcel which  
does not comply with all the minimum lot dimensions set  
forth herein may nevertheless be used as a  
single-building site if it is one of the following:

(1) [No change.]

(2) A lot or parcel which appears  
on an approved division plat filed with the Planning  
Department.

(3) through (5) [No changes.]

c. [No change.]

2. through 7. [No changes.]

E. [No change.]

F. OUTDOOR STORAGE AND PLACEMENT

Storage and placement of material and equipment outside a roofed, fully-enclosed, legally-installed structure is permitted as follows, subject to compliance with all applicable fire, health, safety, litter and building codes.

1. through 3. [No changes.]

4. The following items may be placed outdoors without screening:

a. [No change.]

b. Home maintenance or lawn maintenance equipment and supplies during actual use.

The Planning Director shall determine the necessity for extended placement when questions arise.

c. and d. [No changes.]

5. and 6. [No changes.]

**SEC. 101.0410 R Zones (Multiple Family Residential)**

A. [No change.]

B. PERMITTED USES

No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the following purposes, as provided herein:

1. through 9. [No changes.]

10. Within the R-400 and R-200 zones, electric distribution substations and communication

equipment buildings for service of the immediate district shall be permitted, provided:

a. and b. [No changes.]

c. That such stations and buildings are constructed and improved according to plans, including landscaping plans, approved by the Planning Director.

11. [No change.]

12. [No change.]

13. For properties in any R Zone, any other uses, including accessory uses, which the Planning Commission determines, in accordance with **Process Four**, to be similar in character to the uses enumerated for such zone. The Planning Commission's determination shall be filed with the office of the City Clerk.

C. through H. [No changes.]

I. **MAXIMUM BUILDING HEIGHTS, LOT COVERAGES, AND FLOOR AREA RATIOS (FAR)**

1. through 6. [No. changes.]

7. For all R zones, the basic floor area ratios shall be as shown in TABLE III and, with the exception of the R-3000 Zone, shall be utilized only in accordance with the provisions of this paragraph. The R-3000 Zone shall not be subject to the provisions of subparagraphs a through d, following.

a. through c. [No changes.]

d. Variance Procedure for Floor Area Ratio for the R-1500 through R-200 zones:

1) Application. An application requesting a variance from Section 101.0410(I)(4) may be filed with the Planning Department in accordance with Section 111.0202. The application shall be accompanied by appropriate schematic plot plans, typical floor plans, building elevations, and preliminary grading plans.

2) Decision. An application requesting a variance from Section 101.0410(I)(4) may be approved, conditionally approved or denied by a **Hearing Officer** in accordance with **Process Three**. The **Hearing Officer** may approve or conditionally approve the application if the **Hearing Officer** finds all of the following facts exist:

(a) The proposed building or structure at the particular location and under the proposed conditions of development with regard to good planning practice, including provisions for height, building bulk, yards, open space, lot coverage, grading, and related matters will provide equally as well for light and air, for the public health, safety, and convenience, and the preservation of the general welfare of the community as if developed to the limits imposed by the provisions of Section 101.0410(I) and other zoning regulations applicable to the property in question.

(b) [No change.]

(c) The granting of a variance will not adversely affect any adopted plan of any governmental agency.

(d) Special circumstances are applicable to the proposed building or structure, such as size, shape, location or surroundings, which the strict application of Section 101.0410(I)(4) would deprive the owner of such building or structure of the privileges enjoyed by others in the vicinity and under similar circumstances.

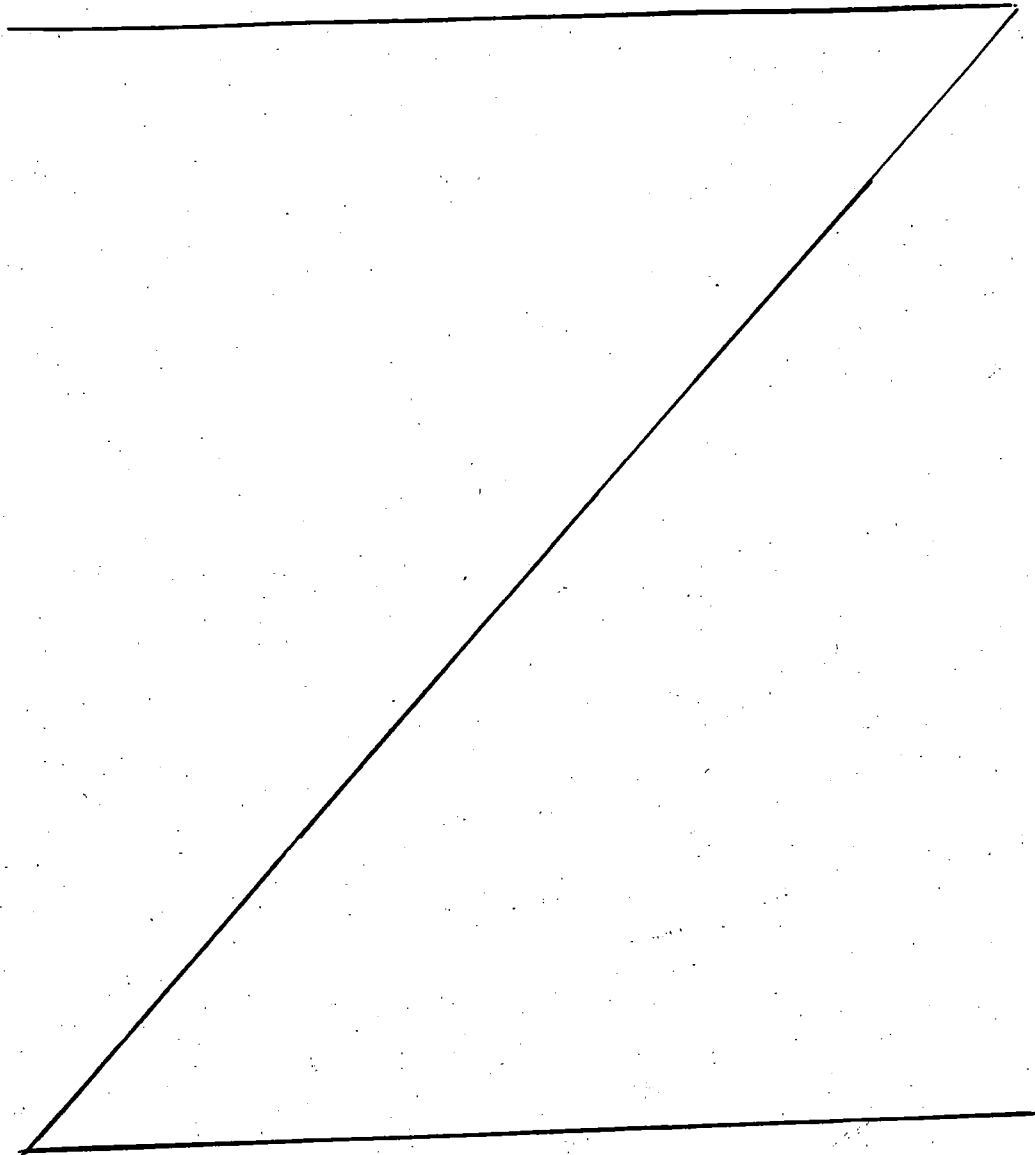
In addition to requiring compliance with applicable provisions of the San Diego Municipal Code, the **Hearing Officer** in granting a variance from Section 101.0410(I)(4) may grant exceptions to, or impose other and/or additional conditions relating to, the requirements of Section 101.0410(I) as it may deem necessary or desirable to meet the requirements of this section.

In granting the variance, the **Hearing Officer** shall make a written finding which shall specify facts relied upon in rendering its decision and shall set forth wherein the facts and circumstances fulfill, or fail to fulfill, the requirements of this section. Copies of the resolution granting the variance shall be filed with the City Clerk, the Department of Building Inspection, and the

County Recorder of San Diego County, and shall be mailed to the applicant.

3) The decision of the **Hearing Officer** on the application requesting the variance may be appealed to the **Board of Zoning Appeals** in accordance with Section 111.0506.

J. [No change.]



K. LANDSCAPING REGULATIONS

1. Prior to the use and occupancy of any premises, the property shall be landscaped in accordance with the provisions of the City-Wide Landscape Regulations in Chapter X, Article 1, Division 7 of this Code. All landscaping and irrigation plans shall be developed in conformance with standards adopted by the City Council as set forth in the document entitled, "City of San Diego Landscape Technical Manual," on file in the office of the City Clerk. Conformance shall be determined by the Planning Director. Required landscaping and required watering system shall be installed prior to the use of the premises. All required landscaped areas shall be permanently maintained in accordance with the adopted standards referred to in this paragraph.

L. OFF-STREET PARKING AND DRIVEWAY REGULATIONS

1. [No change.]

2. Where ambiguity exists in the application of these off-street parking requirements or when any use not specified in "B.," above, is found to be a permitted use in accordance with "B.13.," above, the off-street parking requirements shall be determined by the Planning Director.

3. through 5. [No changes.]

M. and N. [No changes.]



O. STORAGE AND PLACEMENT

1. [No change.]

2. Permitted storage: Storage and placement of material and equipment outside a roofed, fully-enclosed, legally installed structure is permitted as follows, provided that there is no impediment to the growth and maintenance of required landscaping, and subject to all applicable fire, health, safety, litter, and building codes:

a. through c. [No changes.]

d. The following items may be placed outdoors without screening:

1) [No change.]

2) Home maintenance or lawn maintenance equipment, during actual use. As necessary, such equipment may be placed in required yard or setback areas, or landscape areas when alternative placement options do not exist. The Planning Director shall determine the necessity for extended placement when questions arise.

3) and 4) [No changes.]

e. and f. [No changes.]

P. COASTAL ZONE REGULATIONS

The Coastal Zone is a unique public resource of vital and enduring interest to all present and future residents of the City of San Diego. Existing developed uses, and future development consistent with

the City's adopted Local Coastal Program, are essential to the economic and social well-being of the people of the City. To this end, the development of property within the Coastal Zone requires special regulations to protect the unique character of individual coastal communities and neighborhoods, while maintaining the public's right of access to the shoreline.

Within the Coastal Zone, the following regulations shall be supplementary to, and in the event of conflict shall supersede, the regulations set forth or referenced in preceding paragraphs of this section.

1. Floor Area Ratio (see also Section 101.0410(I)). The basic and maximum floor area ratio for the R-1750 Zone, within the Coastal Zone, shall be .70. The R-1750 Zone, within the Coastal Zone, shall not be subject to the provisions of Section 101.0410(I)(4).

2. Floor Area Ratio "Offset Bonus" (see also Section 101.0410(I)). A floor area ratio "offset bonus" of 0.05 may be utilized if either design feature a. or b., described herein is incorporated into the construction of the main building. If both features are incorporated, the floor area ratio offset bonus shall be 0.10.

a. and b. [No changes.]

3. Landscaping Regulations (see also Paragraph "J"). Prior to the use and occupancy of any

premises, the property shall be landscaped in accordance with the provisions of the City-Wide Landscape Regulations in Chapter X, Article 1, Division 7 of this Code. All landscaping and irrigation plans shall be developed in conformance with standards adopted by City Council as set forth in the document entitled, "City of San Diego Landscape Technical Manual," on file in the office of the City Clerk. Conformance shall be determined by the Planning Director. Required landscaping and required watering system shall be installed prior to the use of the premises. All required landscaped areas shall be permanently maintained in accordance with the adopted standards referred to in this paragraph.

4. and 5. [No changes.]

Q. [No change.]

**SEC. 101.0414 RV Zone**

A. [No change.]

B. PERMITTED USES

No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the following purposes:

1. through 7. [No changes.]

8. Any other use, including an accessory use which the Planning Commission determines, in accordance with Process Four, to be similar in

character to the uses enumerated in "B." above and consistent with the purpose and intent of this zone. The Planning Commission's determination shall be filed with the office of the City Clerk.

C. and D. [No changes.]

E. PROPERTY DEVELOPMENT REGULATIONS

No building or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used unless the lot or premises and building or portion thereof shall comply with the following requirements and special regulations:

1. through 4. [No changes.]

5. Landscaping.

Prior to the use and occupancy of any premises, the property shall be landscaped in accordance with the provisions of the City-Wide Landscape Regulations in Chapter X, Article 1, Division 7 of this Code. All landscaping and irrigation plans shall be developed in conformance with standards adopted by the City Council and set forth in the document entitled, "City of San Diego Landscape Technical Manual," on file in the office of the City Clerk. Conformance shall be determined by the Planning Director. Required landscaping and required watering system shall be installed prior to the use of the premises. All required landscaped areas shall be

permanently maintained in accordance with the adopted standards referred to in this paragraph.

6. and 7. [No changes.]

8. Variance Procedure for Floor Area Ratio.

a. Application. An application requesting a variance from Section 101.0414(e)(7) may be filed with the Planning Department in accordance with Section 111.0202. The application shall be accompanied by appropriate schematic plot plans, typical floor plans, building elevations and preliminary grading plans.

b. Decision. The application requesting a variance from Section 101.0414(E)(7) may be approved, conditionally approved or denied by a **Hearing Officer** in accordance with **Process Three**. The **Hearing Officer** may approve or conditionally approve the application, if the **Hearing Officer** finds from the evidence presented at the hearing that all of the following facts exist:

(1) and (2) [No changes.]

(3) The granting of a variance will not adversely affect any adopted plan of any governmental agency.

(4) Special circumstances are applicable to the proposed building or structure, such as size, shape, or surroundings, which the strict application of Section 101.0414(E)(7) would deprive the

owner of the building or structure of the privileges enjoyed by other owners in the vicinity and under similar circumstances.

In addition to requiring compliance with applicable provisions of the San Diego Municipal Code, the **Hearing Officer** in granting a variance from Section 101.0414(E)(7) may grant exceptions to or impose other and/or additional conditions relating to the requirements of paragraph "E." as it may deem necessary or desirable to meet the requirements of this section.

In granting the variance, the **Hearing Officer** shall make a written finding which shall specify facts relied upon in rendering its decision and shall set forth wherein the facts and circumstances fulfill or fail to fulfill the requirements of this section. Copies of the resolution granting the variance shall be filed with the City Clerk, the Department of Building Inspection, and the County Recorder of San Diego County, and shall be mailed to the applicant.

c. The decision of the **Hearing Officer** may be appealed to the **Board of Zoning Appeals** in accordance with section 111.0506.

9. and 10. [No changes.]

F. and G. [No changes.]

**SEC. 101.0418 CP Zone (Commercial Parking)**

A. [No change.]

B. PERMITTED USES

In the CP Zone, no building or improvement or portion thereof, shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for one or more of the following purposes:

1. [No change.]

2. Any other use which the Planning Commission determines, in accordance with **Process Four**, to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this zone. The Planning Commission's determination shall be filed with the office of the City Clerk.

3. [No change.]

C. SPECIAL REGULATIONS

1. No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged or used for parking purposes unless such building observes the following regulations:

a. [No change.]

b. Landscaping.

Prior to the use and occupancy of any premises, the property shall be landscaped in accordance with the provisions of the City-Wide

Landscape Regulations in Chapter X, Article 1, Division 7 of this Code. All landscaping and irrigation plans shall be developed in conformance with standards adopted by the City Council as set forth in the document entitled, "City of San Diego Landscape Technical Manual," on file in the office of the City Clerk. Conformance shall be determined by the Planning Director. Landscaping and required watering system shall be installed prior to use of the premises. All landscaping material in required landscaped areas shall be permanently maintained in a growing and healthy condition, including trimming, as appropriate to the landscaping material in accordance with the "City of San Diego Landscape Technical Manual," referred to above.

2. [No change.]

**SEC. 101.0421.1 CR Zone (Commercial Recreation)**

A. [No change.]

**B. PERMITTED USES**

In the CR Zone, no building or improvement, or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for one or more of the following purposes:

1. through 5. [No changes.]

6. Any other use which the Planning Commission determines, in accordance with **Process Four**,



to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this zone. The Planning Commission's determination shall be filed with the office of the City Clerk.

7. [No change.]

C. [No change.]

D. PROPERTY DEVELOPMENT REGULATIONS

No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged or used, nor shall any premises be used unless the lot or premises and buildings shall comply with the following regulations and standards:

1. through 5. [No changes.]

6. Landscaping.

Prior to the use and occupancy of any premises, the property shall be landscaped in accordance with the provisions of the City-Wide Landscape Regulations in Chapter X, Article 1, Division 7 of this Code. All landscaping and irrigation plans shall be developed in conformance with standards adopted by the City Council as set forth in the document entitled, "City of San Diego Landscape Technical Manual," on file in the office of the City Clerk. Conformance shall be determined by the Planning Director. Landscaping and required watering system shall be installed prior to the use of the premises.

All landscaping material in required landscaped areas shall be permanently maintained in a growing and healthy condition, including trimming, as appropriate to the landscaping material in accordance with the "City of San Diego Landscape Technical Manual," referred to above.

7. and 8. [No changes.]

E. [No change.]

**SEC. 101.0423 CO Zone (Commercial Office)**

A. [No change.]

B. PERMITTED USES.

In the CO Zone, no building or improvement or portion thereof, shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for one or more of the following purposes:

1. through 7. [No change.]

8. Any other use which the Planning Commission determines, in accordance with **Process Four**, to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this zone. The Planning Commission's determination shall be filed with the office of the City Clerk.

9. [No change.]

C. [No change.]

D. PROPERTY DEVELOPMENT REGULATIONS

No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged or used on any premises nor shall any premises be used unless the lot or premises and buildings shall comply with the following regulations and standards:

1. through 6. [No changes.]

7. Landscaping.

Prior to the use and occupancy of any premises, the property shall be landscaped in accordance with the provisions of the City-Wide Landscape Regulations in Chapter X, Article 1, Division 7 of this Code. All landscaping and irrigation plans shall be developed in conformance with standards adopted by the City Council as set forth in the document entitled, "City of San Diego Landscape Technical Manual," on file in the office of the City Clerk. Conformance shall be determined by the Planning Director. Landscaping and required watering system shall be installed prior to the use of the premises. All landscaping material in required landscaped areas shall be permanently maintained in a growing and healthy condition, including trimming, as appropriate to the landscaping material in accordance with the "City of San Diego Landscape Technical Manual," referred to above.

8. [No change.]

E. and F. [No changes.]

**SEC. 101.0426 CN Zone (Neighborhood Commercial)**

A. [No change.]

B. PERMITTED USES

In the CN Zone, no building or improvement, or portion thereof, shall be erected, constructed, converted, established, altered, or enlarged, nor shall any premises be used except for one or more of the following purposes:

1. through 3. [No changes.]

4. Public utility electrical distribution substations, gas regulators and communications equipment buildings developed in accordance with building and landscaping plans approved by the Planning Director.

5. and 6. [No changes.]

7. Any other use which the Planning Commission determines, in accordance with **Process Four**, to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this zone. The Planning Commission's determination shall be filed with the office of the City Clerk.

8. [No change.]

C. [No change.]

D. PROPERTY DEVELOPMENT REGULATIONS

No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged, or used nor shall any premises be used unless the lot or premises and buildings shall comply with the following regulations and standards:

1. through 5. [No changes.]

6. Landscaping.

Prior to the use and occupancy of any premises, the property shall be landscaped in accordance with the provisions of the City-Wide Landscape Regulations in Chapter X, Article 1, Division 7 of this Code. All landscaping and irrigation plans shall be developed in conformance with standards adopted by the City Council as set forth in the document entitled, "City of San Diego Landscape Technical Manual," on file in the office of the City Clerk. Conformance shall be determined by the Planning Director. Landscaping and required watering system shall be installed prior to the use of the premises. All landscaping material in required landscaped areas shall be permanently maintained in a growing and healthy condition, including trimming, as appropriate to the landscaping material in accordance with the "City of San Diego Landscape Technical Manual," referred to above.

7. through 9. [No changes.]

E. and F. [No changes.]

SEC. 101.0426.1 CV Zone (Commercial Visitor -- Service)

A. [No change.]

B. PERMITTED USES

In the CV Zone, no building or improvement, or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for one or more of the following purposes: (provided that no premises shall contain drive-thru or drive-in facilities unless approved under a Planned Commercial Development Permit; and, further provided, that ground floor occupancy shall be limited to those uses identified in Subparagraphs (1) and (2), below):

1. through 3. [No changes.]

4. Public utility electrical substations, gas regulators, and communications equipment buildings developed in accordance with building and landscaping plans approved by the Planning Director.

5. Any other use which the Planning Commission determines, in accordance with Process Four, to be similar in character to the uses enumerated in this Section and consistent with the intent and purpose of this zone. The Planning Commission's determination shall be filed with the office of the City Clerk.

6. [No change.]

C. and D. [No changes.]

E. OUTDOOR DISPLAY AND STORAGE REGULATIONS

1. The following listed merchandise sold or rented on the premises may be displayed outdoors without screening walls or fences, except along property lines that abut residentially zoned lots:

a. through e. [No changes.]

f. Any other merchandise which the Planning Director may find to be similar in character, type, or nature to the merchandise listed in Section 101.0426.1(E)(1). The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

2. [No change.]

3. All walls and fences required in Section 101.0426.1(E)(2), shall be a minimum of six (6) feet in height and shall be constructed and maintained with not less than fifty percent (50%) of the surface area impervious to light. The Planning Director may approve or deny the location, materials, and design of required walls and fences. Whenever feasible, the approval of the Planning Director shall be based upon the similarity of architectural design and appearance of the wall or fence to existing buildings on the premises, or to buildings being constructed concurrently on the premises. Such walls or fences shall be maintained in accordance with the provisions

set forth in Chapter X, Article 1, Division 6 of this code.

F. through I. [No changes.]

J. LANDSCAPING REGULATIONS

1. Prior to the use and occupancy of any premises, the property shall be landscaped in accordance with the provisions of the City-Wide Landscape Regulations in Chapter X, Article 1, Division 7 of this Code. All landscaping and irrigation plans shall be developed in conformance with standards adopted by the City Council as set forth in the document entitled, "City of San Diego Landscape Technical Manual," on file in the office of the City Clerk. Conformance shall be determined by the Planning Director. Landscaping and required watering system shall be installed prior to the use of the premises. All landscaping material in required landscaped areas shall be permanently maintained in a growing and healthy condition, including trimming, as appropriate to the landscaping material in accordance with the document entitled, "City of San Diego Landscape Technical Manual," referred to above.

2. When landscape screening is used to enclose areas used for outdoor display or storage, a landscape screening proposal shall be submitted to the Planning Department for review and approval. The landscape screening shall be developed in conformance



with standards adopted by the Planning Commission as set forth in the document entitled, "City of San Diego Landscape Technical Manual," on file in the office of the City Clerk. The Planning Director shall review the proposal for conformance with the standards referred to in Section 101.0426.1(J). Landscape screening shall be permanently maintained in accordance with such standards.

K. and L. [No changes.]

**SEC. 101.0427 CC Zone (Community Commercial) --  
Commercial Centers in Established  
Neighborhood Areas**

A. [No change.]

B. PERMITTED USES

In the CC Zone, no building or improvement, or any portion thereof, shall be erected, constructed, converted, established, altered, or enlarged, nor shall any premise be used except for one or more of the following purposes; provided, however, that no premises shall contain an establishment exceeding a total of 5,000 square feet in gross floor area; and, further provided, that no premises shall contain drive through or drive-in facilities except through a Planned Commercial Development Permit.

1. through 6. [No changes.]

7. Any other use which the Planning Commission determines, in accordance with **Process Four**, to be similar in character to the uses enumerated in

this section and consistent with the intent and purpose of this zone. The Planning Commission's determination shall be filed with the office of the City Clerk.

8. [No change.]

C. [No change.]

D. OUTDOOR DISPLAY AND STORAGE REGULATIONS

1. The following listed merchandise sold or rented on the premises may be displayed outdoors without screening walls or fences, except along common property lines of abutting residentially zoned lots:

a. through e. [No changes.]

f. Any other merchandise which the Planning Director may find to be similar in character, type, or nature to the merchandise listed in Section 101.0427(D)(1). The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

2. [No change.]

3. All walls and fences required in Section 101.0427(D)(2) shall be a minimum of six (6) feet in height and shall be constructed and maintained with not less than fifty percent (50%) of the surface area impervious to light. The location, materials, and design of required walls and fences shall be subject to approval or denial by the Planning Director. Whenever feasible, the approval of the Planning Director shall be based upon the similarity of architectural design

and appearance of the wall or fence to existing buildings on the premises or to buildings being constructed concurrently on the premises. Such walls or fences shall be maintained in accordance with the provisions set forth in Chapter X, Article 1, Division 6 of the San Diego Municipal Code.

4. When landscape screening is used to enclose areas used for outdoor display or storage, a landscape screening proposal shall be submitted to the Planning Department. The landscape screening shall be developed in conformance with standards adopted by the Planning Commission as set forth in the document entitled "City of San Diego Landscape Technical Manual," on file in the office of the City Clerk. The Planning Director shall review the proposal for conformance with the standards referred to in Section 101.0427(D)(4). Landscape screening shall be permanently maintained in accordance with such standards.

5. [No change.]

E. PROPERTY DEVELOPMENT REGULATIONS

No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged, or used, nor shall any premises be used unless the lot or premises and buildings shall comply with the following regulations and standards:

1. through 4. [No changes.]

5. Landscaping.

Prior to the use and occupancy of any premises, the property shall be landscaped in accordance with the provisions of the City-Wide Landscape Regulations in Chapter X, Article 1, Division 7 of this Code. All landscaping and irrigation plans shall be developed in conformance with standards adopted by the City Council as set forth in the document entitled, "City of San Diego Landscape Technical Manual," on file in the office of the City Clerk. Conformance shall be determined by the Planning Director.

6. and 7. [No changes.]

F. OFF-STREET PARKING REGULATIONS

1. Every premises used for one or more of the permitted uses listed in Section 101.0427(B) shall be provided with a minimum of off-street parking spaces on the same lot or premises as follows:

a. For lots or parcels which abut an alley:

(1) For lots or parcels with 200 feet or less of alley frontage, one parking space per full ten feet of alley frontage with access only from the alley.

(a) Tandem parking may be permitted not to exceed two full spaces in depth if the

Planning Director finds that such parking will provide for direct access to required parking for apartments.

(2) [No change.]

b. For lots or parcels which do not abut an alley:

(1) For lots or parcels of 100 feet or less in street frontage there shall be no required parking, provided:

(a) [No change.]

(b) There shall be provided, in addition to the landscaping requirement set forth in paragraph "E.5" (Landscaping) of this section, a masonry or solid wood planter box, adequately treated, with vertical walls, a minimum of two inches thick, along each street frontage. Said planter box shall be placed within three (3) feet of the frontage property line. Said planter box shall be a minimum of two (2) feet in height and a minimum of two (2) feet in width; provided, however, that the combined height and width measurement shall be a minimum of six (6) feet. Said planter box shall have a minimum length equal to fifty percent (50%) of the related street frontage. (Except that said percentage may be reduced in any instance where the Planning Director determines that such reduction will eliminate a safety hazard.)

(2) [No change.]

c. [No change.]

2. through 5. [No changes.]

G. [No change.]

SEC. 101.0427.1 CA-RR (Area Shopping Center --  
Restricted Residential) Zone

A. [No change.]

B. PERMITTED USES

In the CA-RR Zone, no building or improvement, or portion thereof, shall be erected, constructed, converted, established, altered or enlarged; nor shall any premises be used, except for one or more of the following purposes:

1. through 3. [No changes.]

4. Any other use which the Planning Commission determines, in accordance with **Process Four**, to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this zone. The Planning Commission's determination shall be filed with the office of the City Clerk.

5. [No change.]

C. [No change.]

D. PROPERTY DEVELOPMENT REGULATIONS

No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged or used, nor shall any premises be used unless the lot or premises and buildings shall comply with the following regulations and standards:

1. through 5. [No changes.]

6. Landscaping:

Prior to the use and occupancy of any premises, a strip of land within said premises abutting public street rights-of-way (except for approved ways of ingress and egress) shall be suitably landscaped with shrubs, trees and ornamental ground cover. Said strip shall have a minimum depth of five feet and an area equal in square feet to ten times the length of the property line abutting public street rights-of-way (except for approved ways of ingress and egress). Any portion of said landscaped strip which exceeds twenty-five (25) feet in depth shall not be included in calculating required area. Prior to the issuance of any building permits, a complete landscaping plan shall be submitted to the Planning Department; said landscaping plan shall be in substantial conformance with standards and specifications adopted by the Planning Commission as set forth in the document entitled, "Developmental Standards and Operational Standards -- Landscaped Strips" on file in the office of the Planning Department. Substantial conformance shall be determined by the Planning Director. Landscaping and required watering system shall be installed prior to the use of the premises. All landscaping material in required landscaped areas shall be permanently maintained in a growing and healthy condition, including trimming, as appropriate to the landscaping material, in accordance

with the "Developmental Standards and Operational Standards -- Landscaped Strips" referred to above.

7. and 8. [No changes.]

E. [No change.]

**SEC. 101.0428 CA Zone (Area Shopping Center)**

A. [No change.]

**B. PERMITTED USES**

In the CA Zone, no building or improvement, or portion thereof, shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for one or more of the following purposes:

1. through 3. [No changes.]

4. Any other use which the Planning Commission determines, in accordance with **Process Four**, to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this zone. The Planning Commission's determination shall be filed with the office of the City Clerk.

5. [No change.]

C. [No change.]

**D. PROPERTY DEVELOPMENT REGULATIONS**

No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged or used nor shall any premises be used unless



the lot or premises and buildings shall comply with the following regulations and standards:

1. through 5. [No changes.]
6. Landscaping.

Prior to the use and occupancy of any premises, the property shall be landscaped in accordance with the provisions of the City-Wide Landscape Regulations in Chapter X, Article 1, Division 7 of this Code. All landscaping and irrigation plans shall be developed in conformance with standards adopted by the City Council as set forth in the document entitled, "City of San Diego Landscape Technical Manual," on file in the office of the City Clerk. Conformance shall be determined by the Planning Director. Landscaping and required watering system shall be installed prior to the use of the premises. All landscaping material in required landscaped areas shall be permanently maintained in a growing and healthy condition, including trimming, as appropriate to the landscaping material in accordance with the "City of San Diego Landscape Technical Manual," referred to above.

7. and 8. [No changes.]

E. and F. [No changes.]

**SEC. 101.0430 C-1 Zone**

A. [No changes.]

B. PERMITTED USES

In the C-1 Zone, no building or improvement, or portion thereof, shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for one or more of the following purposes:

1. through 4. [No changes.]

5. Any other use which the Planning Commission determines, in accordance with **Process Four**, to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this zone. The Planning Commission's determination shall be filed with the office of the City Clerk.

6. [No change.]

C. [No change.]

D. PROPERTY DEVELOPMENT REGULATIONS

No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged or used nor shall any premises be used unless the lot or premises and buildings shall comply with the following regulations and standards:

1. through 5. [No changes.]

6. Landscaping.

Prior to the use and occupancy of any premises, the property shall be landscaped in accordance with the provisions of the City-Wide

Landscape Regulations in Chapter X, Article 1, Division 7 of this Code. All landscaping and irrigation plans shall be developed in conformance with standards adopted by the City Council as set forth in the document entitled, "City of San Diego Landscape Technical Manual," on file in the office of the City Clerk. Conformance shall be determined by the Planning Director.

7. [No change.]

E. and F. [No changes.]

**SEC. 101.0432 C Zone (General Commercial)**

A. [No change.]

B. PERMITTED USES

In the C Zone, no building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for one or more of the following purposes:

1. through 6. [No changes.]

7. Any other use which the Planning Commission determines, in accordance with **Process Four**, to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this zone. The Planning Commission's determination shall be filed with the office of the City Clerk.

8. [No change.]

C. [No change.]

D. OUTDOOR DISPLAY AND STORAGE REGULATIONS

1. The following listed merchandise sold or rented on the premises may be displayed outdoors without screening walls or fences:

a. through h. [No changes.]

i. Any other merchandise which the Planning Director may find to be similar in character, type or nature to the merchandise listed in paragraph "D.1."

2.and 3. [No changes.]

4. All walls and fences required in Sections 101.0432(D)(2) and 101.0432(D)(3) shall be six (6) feet in height and shall be constructed and maintained with not less than fifty percent (50%) of the surface area impervious to light. The location, materials and design of required walls and fences shall be subject to approval or denial by the Planning Director. Such walls or fences shall be maintained in accordance with the provisions set forth in Chapter X, Article 1, Division 6 of the San Diego Municipal Code.

5. When landscape screening is used to enclose areas used for outdoor display or storage, a landscape screening proposal shall be submitted to the Planning Department. The landscape screening shall be developed in conformance with standards adopted by the City Council as set forth in the document entitled,

"City of San Diego Landscape Technical Manual," on file in the office of the City Clerk. Conformance shall be determined by the Planning Director.

Landscape screening shall be permanently maintained in accordance with the adopted standards referred to in this paragraph.

6. through 8. [No changes.]

E. and F. [No changes.]

**SEC. 101.0433 CBD Zone (Central Business District)**

A. [No change.]

B. PERMITTED USES

In the CBD Zone, no building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for one or more of the following purposes:

1. [No change.]

2. Any other use which the Planning Commission determines, in accordance with **Process Four**, to be similar in character to the uses, including accessory uses enumerated in this section and consistent with the purpose and intent of this zone. The Planning Commission's determination shall be filed with the office of the City Clerk.

3. [No change.]

C. through E. [No changes.]

SEC. 101.0434 SR Zone (Scientific Research)

A. PURPOSE AND INTENT

The SR Zone is intended to provide areas for scientific research and administration and for limited manufacturing of related products -- and for uses which the Planning Commission determines to be similar or compatible to these uses. The uses contemplated within the SR Zone are research laboratories, supporting facilities, headquarters or administrative offices and personnel accommodations, and related manufacturing activities. Manufacturing activities are to be accessory to and directly related to research conducted on the premises and would be for products requiring advanced technology and skills. The provisions of this section are intended to be used to encourage scientific research and development and to effect a high degree of compatibility of specialized uses which cannot be easily interspersed throughout the community. This zone is intended to be applied to areas which are designated for such purpose on the General Plan or any adopted community plan.

Because of the specialized nature of the SR Zone, in terms of permitted land usage, and because of its usual or frequent proximity to equally sensitive land uses, special sign regulations different from those contained in Division 11 of this Article are appropriate in the SR Zone. The regulations for signs

in the SR Zone are located in paragraph "B.8." below. These regulations are intended to create a visual atmosphere and environment conducive to the concentration of scientific and research activities and compatible with sensitive locations, without undue commercial influence. The typical activity which seeks this type of location does not require sign allowances typical of that required for a commercial establishment which must draw the public to the site. The needs of the land use activities which desire SR Zone locations are primarily related to identification purposes only.

**B. PERMITTED USES**

1. through 6. [No changes.]

7. Any other use which the Planning Commission determines, in accordance with **Process Four**, to be similar in character or compatible to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this zone. The Planning Commission's determination shall be filed with the office of the City Clerk.

8. [No change.]

C. through E. [No changes.]

**SEC. 101.0434.1 M-LI ZONE (Manufacturing -- Light Industrial)**

A. [No change.]

B. PERMITTED USES

No building, improvement or portion thereof shall be constructed or used, nor shall any premises be used except for one or more of the following purposes:

1. through 8. [No changes.]

9. Any other use which the Planning Commission determines, in accordance with **Process Four**, to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this zone. The Planning Commission's determination shall be filed with the office of the City Clerk.

C. SPECIAL REGULATIONS

1. All uses, except storage and loading, shall be conducted entirely within an enclosed building. Outdoor work or storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences or buildings or a combination thereof; provided, however, that the combined gross area of any and all such areas shall not exceed twenty percent (20%) of the gross floor area of the premises. Walls or fences shall be permitted as follows:

a. through e. [No changes.]



f. The Planning Director may approve or deny all used materials and all new materials not specifically listed in Section 101.0434.1(D)(1).

2. and 3. [No changes.]

D. PROPERTY DEVELOPMENT REGULATIONS

No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used unless the lot or premises and buildings comply with the following regulations and standards:

1. through 3. [No changes.]

4. Landscaping.

Prior to the use and occupancy of any premises, the property shall be landscaped in accordance with the provisions of the City-Wide Landscape Regulations in Chapter X, Article 1, Division 7 of this Code. All landscaping and irrigation plans shall be developed in conformance with standards adopted by the City Council as set forth in the document entitled, "City of San Diego Landscape Technical Manual," on file in the office of the City Clerk. Conformance shall be determined by the Planning Director. Approved landscaping, including any required watering system, shall be installed prior to the use or occupancy of any lot or premises, and said landscaping and watering system shall be in substantial conformance with the approved landscaping plan. All required

landscaping shall be permanently maintained in accordance with the standards adopted by the City Council as set forth in the document entitled, "City of San Diego Landscape Technical Manual," on file in the office of the City Clerk.

5. [No change.]

E. OFF-STREET PARKING REGULATIONS

1. [No change.]

2. Where ambiguity exists in the application of these off-street parking requirements or when any use not specified in Section 101.0434.1(B) is found to be a permitted use in accordance with Section 101.0434.1(B)(9), the off-street parking requirements shall be determined by the Planning Director.

3. All off-street parking facilities shall be constructed, operated, and maintained in compliance with Division 8 of this Article except that the portion of a parking area devoted to parking of vehicles referred to in Section 101.0434.1(E)(1) shall be developed in accordance with plans approved by the Planning Director if any of the said vehicles exceed an overall width of six feet or an overall length of twenty (20) feet.

4. [No change.]

F. [No change.]

SEC. 101.0435.1

M-IP (Manufacturing - Industrial Park) Zone

A. [No change.]

B. PERMITTED USES

No building, improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the following purposes:

1. through 7. [No changes.]

8. Any other use which the Planning Commission determines, in accordance with **Process Four**, to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this zone. The Planning Commission's determination shall be filed with the office of the City Clerk.

9. [No change.]

C. [No change.]

D. PROPERTY DEVELOPMENT REGULATIONS

No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used unless the lot or premises and buildings comply with the following regulations and standards:

1. through 3. [No change.]

4. Development Plan Approval:

a. [No change.]

b. Plans shall include a site plan showing location of proposed buildings, signs, parking areas, storage and loading areas and generalized landscaping. Also, building elevation plans indicating treatment of exterior building surface materials and relationships to pertinent topographical features shall be included. In reviewing development plans, the Planning Director shall limit review and consideration to the following:

(1) through (10) [No changes.]

c. A suspension or variance from any of the Property Development Regulations set forth in Section 101.0435.1 may be approved, conditionally approved or denied by a Hearing Officer in accordance with Process Three. The Hearing Officer's decision may be appealed to the Board of Zoning Appeals. A suspension or variance may be approved or conditionally approved by the Hearing Officer if the following findings can be made by the Hearing Officer: 1) special circumstances or conditions exist which affect the property in question and which deprive the owner of such property of privileges enjoyed by other similar property owners in the vicinity or in the identical zone; 2) the suspension or variance will not provide the property owner with a grant of special privilege not enjoyed by all other properties in the same vicinity and zone; 3) the suspension or variance will

not be injurious to the neighborhood or otherwise detrimental to the public welfare; and 4) the granting of the suspension or variance will not adversely affect the General Plan of the City.

d. The premises shall be developed in substantial conformance with approved development plans, and substantial conformance shall be determined by the Planning Director.

5. Landscaping.

Prior to the use and occupancy of any premises, the property shall be landscaped in accordance with the provisions of the City-Wide Landscape Regulations in Chapter X, Article 1, Division 7 of this Code. All landscaping and irrigation plans shall be developed in conformance with standards adopted by the City Council as set forth in the document entitled, "City of San Diego Landscape Technical Manual," on file in the office of the City Clerk. Conformance shall be determined by the Planning Director. Approved landscaping, including any required watering system, shall be installed prior to the use or occupancy of any lot or premises, and said landscaping and watering system shall be in substantial conformance with the approved landscaping plan. All required landscaping shall be permanently maintained in accordance with the standards adopted by the City Council as set forth in the document entitled, "City of

San Diego Landscape Technical Manual," on file in the office of the City Clerk.

6. and 7. [No changes.]

E. [No change.]

F. EXTERNAL EFFECTS

The following effects shall not be permitted to emanate beyond the boundaries of the premises upon which a permitted use is located:

1. through 3. [No changes.]

The Planning Director shall be responsible for determining whether or not any premises fails to meet the requirements of Section 101.0435.1(F).

**SEC. 101.0435.2 M-1B Zone**

A. [No change.]

B. PERMITTED USES

In the M-1B Zone, no building, improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged nor shall any lot or premises be used except for one or more of the following purposes:

1. and 2. [No changes.]

3. Public utility electric transmission and distribution substations, gas regulators and communications equipment buildings developed in accordance with building and landscaping plans approved by the Planning Director.

4. through 12. [No changes.]

13. Any other use the Planning Commission determines in accordance with **Process Four** to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this zone. The Planning Commission's determination shall be filed with the office of the City Clerk.

14. [No change.]

C. SPECIAL REGULATIONS

1. [No change.]

2. Except for loading and unloading docks and facilities and the necessary equipment thereto, be it permanent or stationary, all building material storage, carting express storage yards, contractor's plant or storage yards, cement-pipe storage, impound storage yards, lumberyards, concrete ready-mix plants, chilled water production plants, water soluble gums and derivatives production plants and electric generating plants, shall be carried on, maintained or conducted, entirely inside an enclosed building or buildings, unless the premises on which such business is carried on, maintained or conducted shall be entirely enclosed by fences or walls as follows:

a. through e. [No changes.]

f. The Planning Director may approve or deny all used materials and all new materials not specifically listed in this paragraph C.2.

D. PROPERTY DEVELOPMENT REGULATIONS

No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot premises be used unless the lot or premises and buildings comply with the following regulations and standards:

1. through 3. [No changes.]
4. Landscaping.

Prior to the use and occupancy of any premises, the property shall be landscaped in accordance with the provisions of the City-Wide Landscape Regulations in Chapter X, Article 1, Division 7 of this Code. All landscaping and irrigation plans shall be developed in conformance with standards adopted by the City Council as set forth in the document entitled, "City of San Diego Landscape Technical Manual," on file in the office of the City Clerk. Conformance shall be determined by the Planning Director. Approved landscaping, including any required watering systems, shall be installed prior to the use or occupancy of any lot or premises, and said landscaping and watering system shall be in substantial conformance with the approved landscaping plan. All required landscaping shall be permanently maintained in accordance with the standards adopted by the City Council as set forth in the document entitled, "City of



San Diego Landscape Technical Manual," on file in the office of the City Clerk.

E. [No change.]

F. EXTERNAL EFFECTS

The following effects shall not be permitted to emanate beyond the boundaries of the premises upon which a permitted use is located:

1. through 3. [No changes.]

The Planning Director shall be responsible for determining whether or not any premises fails to meet the requirements of Section 101.0435.2(F).

**SEC. 101.0435.3 M-SI (Manufacturing -- Small Industry) Zone**

A. [No change.]

B. PERMITTED USES

No building or improvement, or portion thereof, shall be altered, constructed, converted, demolished, erected, established, or enlarged, nor shall any premises be uses except for one or more of the following purposes:

1. through 4. [No changes.]

5. Any other use the Planning Commission determines, in accordance with **Process Four**, to be similar in character to other uses allowed in this zone and consistent with the purpose and intent of this zone. The Planning Commission's determination shall be filed with the office of the City Clerk.

C. and D. [No changes.]

**SEC. 101.0436 M-1A Zone**

In The M-1A Zone, no building or premises shall be erected, constructed, converted, established, altered, and/or enlarged or used except for one or more of the uses permitted in the M-1 Zone under conditions and requirements set forth in Section 101.0437, provided however:

A. through C. [No changes.]

D. Except for loading and unloading docks and facilities and the necessary equipment thereto, be it permanent or stationary, all building material storage, carting express storage yards, contractor's plant or storage yards, cement-pipe storage, impound storage yards, lumberyards, concrete ready-mix plants, chilled water production plants, water soluble gums and derivatives production plants and electric generating plants, shall be carried on, maintained, or conducted entirely inside an enclosed building or buildings unless the premises on which such business is carried on, maintained, or conducted shall be entirely enclosed by fences or walls, as follows:

1. through 5. [No changes.]

6. The Planning Director may approve or deny the use of used materials and any new material not specifically listed in Section 101.0436(D).

E. through J. [No changes.]

**SEC. 101.0437 M-1 Zone**

A. In an M-1 Zone, no building or premises shall be erected, constructed, converted, established, altered and/or enlarged or used except for one or more of the following uses:

1. through 30. [No changes.]

31. Any similar enterprise or business which the Planning Commission determines, in accordance with **Process Four**, to be equal or less obnoxious or detrimental to the welfare of the particular community than the uses enumerated in this section. The Planning Commission's determination shall be filed with the office of the City Clerk.

Provided, however, that no use shall be permitted in said M-1 Zone which may be so injurious, obnoxious, or offensive to a neighborhood by reason of the emission of odor, dust, smoke, vibration, or noise, as to constitute a public nuisance.

32. [No change.]

B. In the M-1 Zone the following listed merchandise sold on the premises may be displayed outdoors without screening walls or fences:

1. through 8. [No changes.]

9. Any other merchandise which the Planning Director may find to be similar in character, type or nature to the merchandise listed in this paragraph.

The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

All other merchandise sold on the premises in the M-1 Zone may be displayed outdoors provided that the display area is completely enclosed by walls, fences, buildings, landscape screening or a combination thereof. All merchandise subject to this paragraph may be displayed outdoors without screening walls or fences for a period not to exceed a total of seven (7) calendar days every six (6) months. The display shall not occur unless the seller has first obtained approval by the Planning Director.

In the M-1 Zone all merchandise sold on the premises and all equipment and supplies may be stored outdoors provided that the storage area is completely enclosed by walls, fences, buildings, landscape screening or a combination thereof.

C. [No change.]

D. All walls and fences required in this section shall be six feet in height and shall be constructed and maintained with not less than fifty percent (50%) of the surface area impervious to light. The location, materials and design of required walls and fences be approved or denied by the Planning Director.

When landscape screening is used to enclose areas used for outdoor display or storage, a landscape screening proposal shall be submitted to the Planning

Director for review and approval. The landscape screening shall be developed to a height of not less than six feet and in conformance with standards adopted by the City Council as set forth in the document entitled "City of San Diego Landscape Technical Manual," on file in the Office of the City Clerk. Conformance shall be determined by the Planning Director. Landscape screening shall be permanently maintained in accordance with the adopted standards referred to in this paragraph.

E. and F. [No changes.]

**SEC. 101.0440 M-2A Zone**

A. and B. [No changes.]

C. Outdoor Display and Storage Regulations

1. [No change.]

2. Any other merchandise which the Planning Director may find to be similar in character, type or nature to the merchandise listed in Section 101.0440(C)(1). The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

3. and 4. [No changes.]

5. All walls and fences required in Sections 101.0440(C)(3) and 101.0440(C)(4) shall be six feet in height and shall be constructed and maintained with not less than fifty percent (50%) of the surface area impervious to light. The location, materials and

design of required walls and fences may be approved or denied by the Planning Director. Such walls or fences may be maintained in accordance with the procedures set forth in Chapter X, Article 1, Division 6 of the San Diego Municipal Code.

6. When landscape screening is used to enclose areas used for outdoor display or storage, a landscape screening proposal shall be submitted to the Planning Director. The landscape screening shall be developed to a height of not less than six feet and in conformance with standards adopted by the Planning Commission as set forth in the document entitled "City of San Diego Landscape Technical Manual," on file in the office of the City Clerk. Conformance shall be determined by the Planning Director. Landscape screening shall be permanently maintained in accordance with the adopted standards referred to in this paragraph.

7. [No change.]

D. [No change.]

**SEC. 101.0441 M-2 Zone**

In an M-2 Zone, buildings and land may be used for any purposes whatsoever not in conflict with any ordinance of The City of San Diego regulating nuisances; provided, however, that no building permit shall be issued for any of the following uses until the location of the use and a permit for such use has been

approved by the City Council in accordance with **Process Five.**

1. through 12. [No changes.]

Notwithstanding the above provisions, a Conditional Use Permit or a Reclamation Plan for Natural Resource Development may be required by the City.

B. [No change.]

C. Outdoor Display and Storage Regulations

1. The following listed merchandise sold on the premises may be displayed outdoors without screening walls or fences:

a. through h. [No changes.]

i. Any other merchandise which the Planning Director may find to be similar in character, type or nature to the merchandise listed in Section 101.0441(C)(1). The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

2. and 3. [No changes.]

4. All walls and fences required in Sections 101.0441(C)(2) and 101.0441(C)(3) shall be six (6) feet in height and shall be constructed and maintained with not less than fifty percent (50%) of the surface area impervious to light. The location, materials and design of required walls and fences may be approved or denied by the Planning Director. Such

walls or fences shall be maintained in accordance with Chapter X, Article 1, Division 6 of the San Diego Municipal Code.

5. When landscape screening is used to enclose areas used for outdoor display or storage, a landscape screening proposal shall be submitted to the Planning Director. The landscape screening shall be developed to a height of not less than six (6) feet and in conformance with standards adopted by the City Council as set forth in the document entitled "City of San Diego Landscape Technical Manual," on file in the office of the City Clerk. The Planning Director shall review the proposal for conformance with the standards referred to in Section 101.0441(C)(5). Landscape screening shall be permanently maintained in accordance with such standards.

6. Exception. All merchandise subject to Section 101.0441(C)(2) may be displayed outdoors without screening walls or fences for a period not to exceed a total of seven (7) calendar days every six (6) months. Such display shall not occur unless the seller has first obtained an approval by the Planning Director.

D. through F. [No changes.]

**SEC. 101.0444 Airport Environs Overlay Zone**

A. and B. [No changes.]



C. APPLICATION OF THE AIRPORT ENVIRONS OVERLAY ZONE.

The City Council, in accordance with **Process Five**, may apply the Airport Environs Overlay Zone to any property lying within an area determined to be affected by airport operations as identified in the current Comprehensive Land Use Plan, adopted by the Airport Land Use Commission and approved by the City Council.

D. PERMITTED BUILDINGS, STRUCTURES AND USES.

All existing uses of land, changes in uses requiring permits or variances, and all new or move-on buildings or structures, which lie wholly or in part within an area affected by airport operations, as shown in the noise contour and accident potential zone maps of an adopted Comprehensive Land Use Plan, shall be subject to the provisions of this section and the underlying zone. Where an inconsistency exists, the provisions of the more restrictive law or regulation shall apply.

The Building Inspection Department shall not issue a permit for new construction, floor area additions, expansion or changes in use except as indicated in Section 101.0444(D) until compliance with this section has been determined by the Planning Director or the Building Inspection Director.

Permitted uses shall include all uses permitted by the underlying zone or by Conditional Use Permit or special permit as provided in Chapter X, Article 1, Division 5, except that those uses which are incompatible with the noise/land use compatibility matrix or accident potential zone/land use compatibility matrix of the adopted Comprehensive Land Use Plan shall not be permitted unless the City Council approves such use in accordance with Section 101.0444(K). Uses identified in the Comprehensive Land Use Plan as being conditionally compatible shall be permitted only if the noise reduction and density restrictions indicated in the applicable Comprehensive Land Use Plan are implemented.

The provisions of this section shall not be deemed applicable to the following when permitted in the underlying zone or by Conditional Use Permit:

1. [No change.]
2. Other Uses: Uses which are determined by the Planning Director to be minor, temporary, or incidental, and are consistent with the intent of these regulations. The Planning Director's determination shall be filed with the office of the City Clerk.

E. through J. [No changes.]

K. OVERRIDE.

The applicant may file a petition to the City Council from a determination of either the Planning

Director, or the Building Official, as appropriate, with respect to non-compliance with the land use recommendations of the adopted Comprehensive Land Use Plan, within ten (10) calendar days of that decision. The provisions of this section may not be utilized for an override or an appeal of any other determination by the Planning Director or the Building Official which is not specifically provided for by this section. The City Council, may at its discretion, request a recommendation from the Airport Land Use Commission prior to a determination as to whether the petition shall be heard. Any petition to be heard by the City Council under this section shall be processed in accordance with Municipal Code section 22.0101, Rule 4.

The City Council, after a public hearing, may uphold the decision of the Planning Director or Building Official or may, by a two-thirds vote, override the decision and determine that the proposed use meets the intent of the adopted Comprehensive Land Use Plan if it makes all appropriate findings, including that:

1. The proposed project has minimized the public's exposure to excessive noise and safety hazards to the extent feasible;
2. The proposed project is consistent with the protection of the public health, safety, and welfare; and

3. The proposed project will meet the purpose and intent of Section 21670 of the Public Utilities Code.

L. ACOUSTICAL NOISE TESTING OF INTERIOR SOUND LEVELS.

An acoustical noise study may be required by the Building Inspection Department to determine if interior noise standards within this section are met. Whenever alleged non-compliance with this section requires a field test to resolve the complaint, the complainant shall post a bond or place adequate funds in escrow to cover the cost of testing. Such costs shall be chargeable to the complainant when field tests show that compliance with these regulations is in fact present. If such tests show non-compliance, then testing costs shall be borne by the owner or builder. Actions shall then be taken by the owner or builder to comply with the sound attenuation provisions of this section. For the purposes of field testing, the typical interior noise level must demonstrate that the builder or owner has complied with the appropriate community noise equivalent level established in the adopted Comprehensive Land Use Plan.

**SEC. 101.0445 Airport Approach Overlay Zone**

A. [No change.]

B. APPLICATION OF THE AIRPORT APPROACH OVERLAY ZONE

The City Council, in accordance with **Process Five**, may apply the Airport Approach Overlay Zone to all property located within the boundaries described and shown on Map No. C-842, filed in the office of the City Clerk as Document No. OO-17756.

C. and D. [No changes.]

E. BUILDING PERMIT PROCESSING PROCEDURES

Within an Airport Approach Overlay Zone, no building permit shall be issued for a building, improvement or portion thereof to be erected, constructed, converted, established, altered, enlarged, or moved to the site until the following are received by the Building Inspection Department:

1. through 6. [No changes.]

7. If CALTRANS issues a permit for proposed construction which is determined to be a hazard by either the Regional Office or the National Headquarters of the FAA, before issuance of a building permit, the City Council shall review the building permit application in accordance with **Process Five**. The Notice of public hearing shall be provided to the Port District.

F. HEARING PROCEDURE

1. and 2. [No changes.]

G. and H. [No changes.]

SEC. 101.0452.5      Height Limitation Zone --  
                                 Clairemont Mesa

A. through C. [No changes.]

D.    PERMIT PROCEDURE FOR NEW EXCEPTIONS

1.    Application. An application requesting an exception to the Clairemont Mesa Height Limitation Zone shall be filed with the Planning Department in accordance with Section 111.0202. The City Council may approve, conditionally approve or deny the request in accordance with **Process Five**. It is the intent hereof that the application be limited to such detail as will inform the City Council as to matters included within the criteria set forth below.

2. and 3. [No changes.]

In addition to requiring compliance with applicable provisions of the San Diego Municipal Code, the City Council in granting an exception may impose other and additional conditions, relating to maximum height, yards, open space, access and site development, as it may deem necessary or desirable to meet the requirements of this section. In granting any exceptions, the City Council shall make a written finding which shall specify facts relied upon in rendering its decision and shall set forth wherein the facts relied upon in rendering its decision and shall set forth wherein the facts and circumstances fulfill or fail to fulfill the requirements of this section. A copy of the resolutions granting the exception shall be

filed with the City Clerk, the Department of Building Inspection, the County Recorder of San Diego County, and a copy shall be mailed to the applicant.

E. [No change.]

**SEC. 101.0454 H.R. (Hillside Review) Overlay Zone**

A. [No change.]

B. APPLICATION OF THE HILLSIDE REVIEW OVERLAY

ZONE

The City Council, in accordance with Process Five, may apply the Hillside Review Overlay Zone to property having slopes with a natural gradient in excess of twenty-five percent (25%) (twenty-five (25) feet of vertical distance for each 100 feet of horizontal distance) and a minimum elevation differential of fifty (50) feet. If the City Council determines that land located adjacent to the slope, either above or below, must be included in the Hillside Review Overlay Zone in order to promote the purpose and intent of this zone, such rim or bottom land may be included in the Hillside Review Overlay Zone provided that such area is within 300 feet of the nearest point of the slope to which the Hillside Review Overlay Zone is to be applied. The overall average slope will be used for property with varying slope gradients when determining the application of this overlay zone.

C. and D. [No changes.]

E. HILLSIDE REVIEW PERMIT

1. An application for a Hillside Review Permit may be filed with the Planning Department in accordance with Section 111.0202. The application shall be accompanied by appropriate site plans, grading plans, sections and elevations. The plans, sections and elevations required to be submitted with a request for a Hillside Review Permit shall be only those required to inform the City as to the facts listed in Section 101.0454(E)(4).

2. An application for a Hillside Review Permit for the construction, conversion, alteration, enlargement, use, demolition, grading or excavation of one single family residence may be approved, conditionally approved or denied by a **Hearing Officer** in accordance with **Process Three**. The decision of the **Hearing Officer** may be appealed to the Planning Commission in accordance with Section 111.0506. All other applications for Hillside Review Permits may be approved, conditionally approved or denied by the Planning Commission in accordance with **Process Four**. This decision may be appealed to the City Council in accordance with Section 111.0509.

3. The appropriate decisionmaker shall examine the Environmental Impact Report, plans, sections and elevations submitted with the application for a permit and determine whether or not a Hillside



Review Permit should be issued. The appropriate decisionmaker shall not issue a Hillside Review Permit unless the available information supports the findings of fact set forth in Section 101.0454(E)(4). In approving a Hillside Review Permit, the appropriate decisionmaker may impose such conditions, including modification of the property development, parking and other regulations of the underlying land use zone, as deemed necessary and desirable to protect the public health, safety and general welfare in respect to the facts listed in Section 101.0454(E)(4) and to protect the environment in keeping with the provisions of the California Environmental Quality Act and Chapter VI, Article 9 of the Municipal Code.

Prior to approving, conditionally approving or denying an application, the decisionmaker may solicit the recommendations and comments of other public agencies, City departments and interested groups. Where a tentative map or tentative parcel map is required, the decision in regard to the Hillside Review Permit shall be made at the time action is taken on the map.

4. In reviewing an application for a Hillside Review Permit, the appropriate decisionmaker shall make the following findings of fact in the review process:

a. through e. [No changes.]

5. The decisionmaker may approve a Hillside Review Permit if, after considering the information presented in the application and after reviewing the plans, sections and elevations submitted with the application and after considering the testimony presented at the hearing, concludes that the available information supports the findings of fact set forth in Section 101.0454(E)(4).

6. In granting a Hillside Review Permit, the decisionmaker may impose such conditions as may be deemed necessary and desirable to protect the public health, safety and general welfare in respect to the facts listed in Section 101.0454(E)(4).

7. If the decisionmaker after considering the available information is unable to reach the findings of fact set forth in Section 101.0454(E)(4), the application shall be denied.

8. The decision of approving, conditionally approving or denying the application shall include the findings of fact relied upon by the decisionmaker. The decision shall be filed with the City Clerk, the Planning Department, Engineering and Development Department and the Building Inspection Department and a copy shall be mailed to the applicant.

9. All landscaping shall be developed in conformance with standards adopted by the City Council as set forth in the document entitled, "City of San

Diego Landscape Technical Manual," on file in the office of the City Clerk.

F. FAILURE TO UTILIZE HILLSIDE REVIEW PERMIT.

A Hillside Review Permit shall expire and become void thirty-six (36) months after the Date of Final Action of the permit if the permit is not utilized in the manner set forth in Section 111.1114; or unless otherwise provided within a phasing program contained in: 1) a development agreement entered into between the City and owners of land located within the Hillside Review Permit area, 2) a specific plan applicable to the subject property, or 3) as otherwise provided by the terms of the permit.

G. EXTENSION OF TIME FOR A HILLSIDE REVIEW PERMIT

The expiration of a valid Hillside Review Permit may be extended as provided in Section 111.1122. To initiate a request for an extension of time, the property owner or owners shall file a written application with the Planning Department.

H. CANCELLATION OF A HILLSIDE REVIEW PERMIT

A valid Hillside Review Permit may be canceled at any time during the thirty-six (36) month period referred to in Section 101.0454(F). Cancellation may be initiated by the owner of the property covered by the permit by means of a communication directed to the Planning Director in the office of the Planning

Department. The permit becomes void 120 calendar days after receipt of the communication in the office of the Planning Department.

**I. COASTAL ZONE REGULATIONS**

Within the Coastal Zone, the following regulations shall be supplementary to, and in the event of conflict shall supersede, the regulations set forth or referenced in preceding paragraphs of this section.

1. and 2. [No changes.]

3. Hillside Review Permit (see also Sections 101.0454(E)(1) and 101.0454(E)(3)). Every application for a hillside review permit shall be accompanied by the following information.

a. through h. [No changes.]

4. [No change.]

**SEC. 101.0455.2 Initiation**

The establishment or amendment of part or of all of the SL Overlay Zone may be initiated in the manner set forth in Section 111.0802.

**SEC. 101.0455.4 Property Development Regulations**

No buildings or portion thereof shall be erected, constructed, converted, established, altered, enlarged, or used; nor shall any lot or premises be used unless the lot or premises and buildings or portions thereof shall comply with the following requirements and special regulations:

A. through C. [No changes.]

D. Design Standards

1. and 2. [No changes.]

3. The design guidelines submitted by the applicant shall be quantified and be represented conceptually with illustrations to address the following criteria:

a. through i. [No changes.]

E. [No change.]

F. Landscaping.

1. Prior to the issuance of any building permits, a landscaping plan shall be submitted to the Planning Director for approval.

2. [No change.]

3. Substantial conformance shall be determined by the Planning Director.

4. [No change.]

**SEC. 101.0456 Mission Trails Design District**

A. and B. [No changes.]

C. ADMINISTRATION

1. Planning Director

The Planning Director shall administer the Mission Trails Design District.

2. Powers and Duties of Planning Director

It is the duty of the Planning Director to administer and ensure compliance with the regulations and procedures contained with this Division in the manner prescribed herein for both public and

private development; to recommend to the Planning Commission any changes to the regulations, provided such changes are necessary for the proper execution of the adopted community and area development plans, and to adopt rules of procedure to supplement those contained within this Division.

3. **Hearing Officer.** The **Hearing Officer** may evaluate the appropriateness of any development for which a permit is applied under this Division. The **Hearing Officer** may approve, conditionally approve or deny, in accordance with **Process Three**, an application for a Mission Trails Design District Permit, based upon compliance or noncompliance with adopted regulations and approved design criteria and standards found in the accompanying Mission Trails Design Manual. The decision of the **Hearing Officer** may be appealed to the Planning Commission in accordance with Section 111.0506.

D. PROCEDURES FOR PERMIT APPLICATION AND REVIEW

1. Application

a. Applications shall be filed with the Planning Department in accordance with Section 111.0202.

b. Applications for permits shall be made prior to the commencement of any work in the erection of any new structure, or remodeling, alteration or addition of any existing structure, or

any grading within the Design District. Approval of the **Hearing Officer** is not required for interior modification, repairs or remodeling nor any exterior repairs or alterations for which a permit is not now required.

c. and d. [No changes.]

2. [No change.]

3. Referral

The Building Inspection Director and the City Engineer shall refer all applications under Section 101.0456(D)(1) to the Planning Department.

4. Determination

The **Hearing Officer** may approve or conditionally approve a permit which complies with the regulations contained within this Division and the accompanying Mission Trails Design Manual filed in the office of the City Clerk under Document No. RR-254722. Action by the **Hearing Officer** shall include a statement that the structure or improvement for which the permit was applied does or does not conform to the regulations contained herein, the specific facts on which that determination is based shall be included in the written decision as provided for in "5." following:

To approve a development proposal the **Hearing Officer** shall make the following findings:

a. through c. [No changes.]

d. Application of the provisions of this Division and accompanying Mission Trails Design Manual will not deprive the applicant of the reasonable use of the land or buildings. If the Hearing Officer is unable to make the findings set forth in Section 101.0456(D)(4), he shall deny the permit.

5. Notification

The Hearing Officer's decision shall be sent in writing to the applicant, Building Inspection Department and City Engineer.

E. DESIGN REGULATIONS

1. and 2. [No changes.]

**SEC. 101.0457.2 Initiation and Application**

The application of the Community Plan Implementation Overlay Zone may be initiated in the manner set forth in Section 111.0802. The Community Plan Implementation Overlay Zone may be applied to property in any zoning district. The subject property must meet one of the following criteria:

A. and B. [No changes.]

The ordinance applying the Community Plan Implementation Overlay Zone to the subject property shall include a statement that indicates which one of the two criteria set forth above is met. Properties over which the Community Plan Implementation Overlay Zone is applied that meet criterion A above shall be considered "Type A" applications, and those properties



that meet criterion B above shall be considered "Type B" applications.

**SEC. 101.0457.5 Administrative Procedures**

**A. PERMIT APPLICATION**

Application for a Community Plan Implementation Permit shall be made to the Planning Department in accordance with Section 111.0202.

1. [No change.]
2. [No change.]
3. [No change.]
4. [No change.]

**B. DETERMINATION BY THE PLANNING DIRECTOR**

If an application for a Community Plan Implementation Permit is for property that meets the criteria of Section 101.0457.2(A), ("Type A application") then the Planning Director may approve or deny the application in accordance with **Process One**, except when a variance from the requirements of the underlying zone is requested. If an application for a Community Plan Implementation Permit is for property that meets the criteria of Section 101.0457.2(B) ("Type B application"), then a **Hearing Officer** may approve, conditionally approve or deny the application in accordance with **Process Three**. A **Hearing Officer** shall also approve, conditionally approve or deny, in accordance with **Process Three**, a proposed project which

does not conform with all the regulations of the underlying zone.

C. DECISION OF THE PLANNING DIRECTOR ON TYPE A APPLICATIONS

If the Planning Director determines that the application is complete and conforms with all of the regulations of the underlying zone, and that the proposed project conforms with the guidelines, standards, or criteria for design and development intensity as identified for the site in the applicable community plan, the Planning Director shall grant a Community Plan Implementation Permit.

D. DECISION OF A HEARING OFFICER ON TYPE B APPLICATIONS

1. The Hearing Officer may approve a Community Plan Implementation Permit if it is found from the evidence presented that all of the following facts exist:

a. through c. [No changes.]

2. In approving a Community Plan Implementation Permit, the Hearing Officer may impose such conditions as are necessary to protect the public health, safety and general welfare in accordance with the purpose and intent of the underlying zoning regulations and the issues identified in the applicable community plan. Therefore, any regulations of the underlying zone in which the property is situated may

be increased or decreased in accordance with the provisions of Section 101.0457.5(E). Deviation from Regulations of the Underlying Zone, and the standards, criteria, or guidelines of the community plan.

3. The **Hearing Officer** shall make a written finding which shall specify facts relied upon by the **Hearing Officer** in rendering the decision and in attaching conditions and safeguards, and shall fully set forth wherein the facts and circumstances fulfill or fail to fulfill the requirements set forth herein.

4. A copy of the permit and the written findings of fact shall be filed with the City Clerk, the Planning Department and the Director of Building Inspection, and shall be mailed to the applicant and to the appropriate Community Planning Committee.

E. DEVIATIONS FROM REGULATIONS OF THE UNDERLYING ZONE

Deviations from the requirements of this section may be approved, conditionally approved or denied by a **Hearing Officer** in accordance with **Process Three**.

1. A deviation may be approved when it shall appear from the applicant's statement or from the evidence presented at the public hearing that all the following facts exist:

a. through c. [No changes.]

2. [No change.]

F. FAILURE TO UTILIZE COMMUNITY PLAN  
IMPLEMENTATION PERMIT

1. A Community Plan Implementation Permit shall expire and become void 36 months after the Date of Final Action of the permit if the permit is not utilized in the manner set forth in Section 111.1119 or unless otherwise provided within a phasing program contained in: (a) a development agreement entered into between the City and owners of land located within the Community Plan Implementation District, (b) a specific plan applicable to the subject property, or (c) as otherwise provided by the terms of the permit.

2. If the conditions and requirements of the permit have not been met, the Planning Director may conduct a revocation hearing as set forth in Chapter I, Article 1, Division 6.

G. EXTENSION OF TIME FOR A COMMUNITY PLAN  
IMPLEMENTATION PERMIT

The expiration date of a valid Community Plan Implementation Permit may be extended as provided in Section 111.1122. To initiate a request for an extension of time, the property owner or owners shall file a written application with the Planning Department. An extension of time may be approved if it is found from the evidence submitted that there has been no material change of circumstances since the permit was originally granted. A change to the adopted

Community Plan or underlying zone shall be considered a material change of circumstances.

H. CANCELLATION OF A COMMUNITY PLAN  
IMPLEMENTATION PERMIT

A valid Community Plan Implementation Permit may be canceled at any time during the 36-month period referred to in Section 101.0457.5(F). Cancellation may be initiated by the owner of the property covered by the permit by means of written communication directed to the Planning Director in the office of the Planning Department. The permit becomes void 120 calendar days after receipt of the communication in the office of the Planning Department.

I. TENTATIVE MAP TO SHOW RESERVATION FOR OPEN  
SPACE

If the applicable Community Plan indicates that a portion of the property is to be reserved as an open space easement or non-buildable area easement, then the tentative map submitted with the application for a Community Plan Implementation Permit shall show land reserved as an open space easement or non-buildable area easement.

If areas are reserved in accordance with the above provisions, approval of the tentative map shall be conditioned upon The City of San Diego being granted an easement in a form acceptable to the City, limiting

the future use of such areas and preserving them as open spaces or non-buildable areas.

J. FINAL MAP - CONDITIONS TO APPROVAL - AMENDED MAP

If the recording of a subdivision map has been imposed as a condition of a community plan implementation permit, building permits shall not be issued for any construction within the proposed community plan implementation district unless a final approved map has been recorded or a waiver of such recordation has been granted. A final map which deviates from the conditions imposed by the permit issued for the development shall not be approved.

A final map which provides for open space shall not be approved unless the special requirements of paragraph I. above have been fulfilled and the provisions of Chapter X, Article 2 of this Code, which are consistent with the provisions of this section have been satisfied.

K. CERTIFICATE OF OCCUPANCY

[No change.]

**SEC. 101.0458 Pedestrian/Commercial Overlay Zone**

A. [No change.]

B. APPLICATION OF THE OVERLAY ZONE

The City Council may apply, in accordance with **Process Five**, the Pedestrian/Commercial Overlay Zone to any commercially zoned property in the City

which is designated for pedestrian-oriented uses in adopted community plans. Only those property frontages abutting a pedestrian-oriented street are subject to the requirements of this Overlay Zone. The provisions of Section 101.0458 apply to new construction, floor area additions at the ground level, and the provision of new parking facilities.

C. ADMINISTRATION

The Building Inspection Department shall not issue any permit for new construction, floor area additions at the ground level, or provision of new parking facilities within the Pedestrian/Commercial Overlay Zone until compliance with said zone has been determined by The Planning Director. The applicant must provide a complete set of plans illustrating compliance with the regulations included herein.

D. and E. [No changes.]

F. DEVELOPMENT REGULATIONS

The development regulations shall be as required by the underlying zone and this overlay zone. In case of conflict, the standards of this overlay zone shall prevail.

1. [No changes.]

2. Parking/Vehicular Access

(a) through (c) [No changes.]

(d) Vehicular access to premises shall be permitted only from the abutting alley on those

blocks shown on Map "B". (This requirement may be applied or waived at the time the Pedestrian/Commercial Overlay Zone is applied to a specific commercial district.)

**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 may 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

The City Council, in accordance with **Process Five**, may apply the Institutional Overlay Zone 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, other than a school or community college district.

C. INSTITUTIONAL USES

1. through 3. [No changes.]

4. Any other use, which the Planning Commission determines, in accordance with **Process Four**, to be similar in character to the uses enumerated in this section and consistent with the purpose and intent of this section. The Planning Commission's determination shall be filed with the office of the City Clerk.

D. [No change.]

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 request for demolition may be approved or denied by the City Council in accordance with **Process Five**.

b. The City Council shall consider whether:

(1) and (2) [No changes.]

c. The City Council may approve the proposed demolition or delay the demolition for a period of 180 calendar 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 calendar 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 in accordance with Section 111.0202. The application shall include 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 City Council may approve the application if the following findings of fact are made:

(1) through (4) [No changes.]

c. If the findings are made, the City Council shall issue the special use permit. The special use permit shall be recorded in the office of the County Recorder of San Diego County.

F. [No change.]

**SEC. 101.0461 Single-Family Rental Overlay Zone**

A. [No change.]

B. BOUNDARIES

The City Council, in accordance with **Process Five**, may apply the Single-family Rental Overlay Zone to single-family zones located within the boundaries as described and shown on Map No. C-733, filed in the office of the City Clerk as Document No. 00-16868 and the provisions herein shall be applicable only to the properties rented or leased.

C. through F. [No changes.]

**SEC. 101.0462 Resource Protection Ordinance**

This section is indexed as follows:

A. PURPOSE, INTENT AND TITLE

B. RESOURCE PROTECTION PERMIT REQUIRED

C. PROTECTION OF ADDITIONAL RESOURCES

- D. GENERAL PROVISIONS
- E. EXCLUSIONS
- F. DEFINITIONS
- G. PERMITTED USES AND DEVELOPMENT REGULATIONS
- H. APPLICATION SUBMITTAL REQUIREMENTS
- I. PERMIT EXEMPTIONS
- J. EMERGENCY PERMIT
- K. ADMINISTRATION OF PERMIT
- L. ALTERNATIVE COMPLIANCE
- M. DENIED PERMITS
- N. CONDITIONAL USE PERMITS
- O. VIOLATIONS
- P. EXPIRATION OF PERMIT
- Q. APPLICABILITY OF AMENDMENTS TO EXISTING APPLICATIONS
- R. APPLICABILITY OF SECTION TO PUBLIC WORKS CONSTRUCTION PROJECTS

A. through C. [No changes.]

D. GENERAL PROVISIONS

1. [No change.]

2. Any person or persons may propose to the Transportation, Planning and Environment Committee revisions to the resource protection boundaries. These revisions may include deletion of areas of poor environmental quality, or addition of areas of significant environmental value. The Transportation, Planning and Environment Committee may request a report

from the Planning Director on this matter and may direct that it be referred to the Planning Commission. The City Council shall consider the revision, in accordance with **Process Five**, following review by the Planning Commission and the appropriate community planning groups.

3. In the case of significant prehistoric and historic resources, biologically sensitive lands or unmapped wetlands, a map shall be prepared and maintained by the Planning Department and considered by the City Council for adoption, in accordance with **Process Five**, and shall be used to identify properties that will not require a prehistoric, historic, or biological resources survey for purposes of obtaining a Resource Protection Permit.

However, if it is demonstrated to the Planning Director that prehistoric, historic or biological resources or unmapped wetlands do in fact exist upon these properties, the appropriate survey shall be required by the Planning Director.

4. The Planning Director is hereby authorized to promulgate administrative guidelines to implement the provisions of this section. The guidelines or any revisions thereto shall be effective without a hearing thirty (30) calendar days after their publication in a newspaper of general circulation by the Planning Director, pursuant to San Diego Municipal

Code section 22.0102, unless a timely protest is filed with the Director. In this event, the Director shall consider the objections of those affected by the proposed change. As soon thereafter as practicable, the Planning Director may then issue the guidelines with any revisions deemed necessary or appropriate, or decline to so issue them. This provision shall not be applicable to any emergency guideline issued by the Director to preclude an event that will be detrimental to the public health or safety, nor shall it apply to the initial promulgation of the guidelines authorized by R-277284 adopted January 29, 1991.

5. [No change.]

E. through H. [No changes.]

I. PERMIT EXEMPTIONS

A Resource Protection Permit shall not be required for the following types of development; however, this development must comply with all other adopted City plans, ordinances and regulations:

1. through 10. [No changes.]

J. EMERGENCY PERMIT

[No change.]

K. ADMINISTRATION OF PERMIT

The Planning Commission may approve, conditionally approve or deny an application for a Resource Protection Permit in accordance with Process Four. An application for a Resource Protection Permit

may be approved or conditionally approved only if all of the following findings of fact are made:

1. through 6. [No changes.]

L. ALTERNATIVE COMPLIANCE

Development plans shall, to the maximum extent feasible, comply with the provisions of this section. In a case where a development plan does not comply with the provisions of this section, the Planning Commission may approve, conditionally approve or deny the plan in accordance with **Process Four**. The Planning Commission may approve the plan through alternative compliance where it appears from the facts contained in the application, and from evidence presented in public hearing that the strict application of this section would either: 1) result in unnecessary hardship to the applicant; or 2) create results in conflict with City Council policy, the Progress Guide and General Plan or any adopted community plan; or 3) preclude provisions of extraordinary benefit to the general public.

1. The Planning Commission shall grant alternative compliance to prevent unnecessary hardship to the applicant if all of the following findings can be made:

a. through d. [No changes.]

2. The Planning Commission may grant alternative compliance for any development plan to

preclude a conflict between the application of this section with adopted City Council policy if all of the following findings can be made:

a. through c. [No changes.]

3. The Planning Commission may grant alternative compliance to ensure the provisions of extraordinary benefit to the general public on making findings of overriding social and economic considerations in addition to the following findings:

a. through c. [No changes.]

For the purposes of this section, coastal development permit approval by the City for projects in the coastal zone and determinations of substantial conformity by the Planning Commission for development proposals pursuant to a precise or specific plan prepared and approved in accordance with Council Policy shall constitute alternative compliance.

For other than the approvals of coastal development permits, substantial conformity determinations and determinations of unnecessary hardship under this subsection, alternative compliance shall not be approved unless mitigation measures are adopted. These measures may include, but are not limited to: purchase or exchange by the applicant of like-kind real property of similar or greater quality and quantity from the City's open space retention list or any areas shown as open space in a community plan



and donation of that property by fee or easement, as may be determined by the City, for use by the City as open space; or, purchase or exchange of other like-kind real property of similar or greater quality and quantity identified in a sensitive resources management plan prepared by the Planning Department and donation of that property by fee or easement, as may be determined by the City, for use by the City as open space. "Like-kind real property" shall mean real property containing substantially the same resources as those on the impacted property. Provision of properties in a greater ratio than one to one (1:1) may be required based upon the quality of the resource impacted by the development. The Planning Director may promulgate guidelines for mitigation, and, with the concurrence of the City Manager, enter into agreements with public or private non-profit agencies and foundations to acquire property and to maintain and administer any funds or property interests donated in furtherance of or pursuant to this section.

M. DENIED PERMITS

Resource Protection permits which are denied shall not be resubmitted to the Planning Commission for one year following the denial.

N. CONDITIONAL USE PERMITS

[No change.]

O. VIOLATIONS

[No change.]

P. FAILURE TO UTILIZE RESOURCE PROTECTION PERMIT

A Resource Protection Permit shall expire and become void thirty-six (36) months after the Date of Final Action of the permit if the permit is not utilized in the manner set forth in Section 111.1119, or unless the Resource Protection Permit is approved in conjunction with another permit which extends or is extended beyond thirty-six (36) months, in which case the Resource Protection Permit may be extended for an equivalent period provided there have been no intervening substantial changes in the affected resource or area requiring mitigation beyond that prescribed in the original permit.

Q. [No change.]

R. [No change.]

**SEC. 101.0480 SCR (Sensitive Coastal Resource) Overlay Zone**

A. [No change.]

**B. APPLICATION OF THE SENSITIVE COASTAL RESOURCE OVERLAY ZONE**

The City Council, in accordance with Process Five, may apply the SCR Zone to all property located within the boundaries designated on Map Drawing No. C-713, filed in the office of the City Clerk under Document No. 00-17062. Where any portion of a parcel is

located within the SCR Zone, the regulations of the SCR Zone shall be applicable to all remaining portions of the parcel located within the Coastal Zone. The regulations of the SCR Zone shall not apply to any property or portion thereof which is removed from the Coastal Zone through proper legislative authority.

C. PERMITTED USES

Permitted uses shall be those permitted by the underlying zone subject to the regulations and restrictions of the underlying zone, except as limited below.

1. through 4. [No changes.]

5. All Areas. Any other use, which the Planning Commission determines, in accordance with **Process Four**, to be similar in character to the uses enumerated in this section and consistent with the purpose and intent of this SCR Zone, provided that uses proposed for wetland areas shall be limited to those uses authorized under Section 30233 of the State of California Public Resources Code. The Planning Commission's determination shall be filed with the office of the City Clerk.

D. [No change.]

E. SENSITIVE COASTAL RESOURCE OVERLAY ZONE

PERMIT PROCEDURE

1. Permit Application. An application for an SCR Permit shall be filed in accordance with

Section 111.0202 and shall include site plans, grading plans, sections, elevations, landscaping and irrigation plans, and drainage and runoff control plans. In addition, all applications for shoreline protective works or bluff development shall include a geologic report prepared by a licensed geologist who has specific expertise in coastal bluff erosion processes. For applications on parcels within or partially within the SCR designated wetland and/or wetland buffer areas, the precise wetland boundary and buffer area shall be mapped and environmentally sensitive habitats identified by a qualified biologist who has specific expertise in wetland habitats. When all such plans, documents, and/or reports are received and determined to be adequate by the Planning Director, the application shall be accepted.

2. Decision on Permit. The Planning Commission may approve, conditionally approve or deny an application for a SCR Permit in accordance with **Process Four**. An SCR Permit shall not be approved unless the available information supports the findings of fact as set forth in Section 101.0480(E)(5). If a SCR Permit is approved, the conditions of permit approval, as set forth in Section 101.0480(E)(6) and any other applicable conditions, may be imposed where necessary and desirable to protect the public health safety, and general welfare.

3. [No change.]

4. Administration of Permit. The Planning Director shall administer the SCR Permit.

5. Required Findings of Fact. Based on the information derived from the plans, documents, and studies submitted; from testimony received at the public hearing; and from any field investigations made, the Planning Commission may approve, conditionally approve or deny the SCR Permit. A permit may be approved provided that all of the findings of fact set forth below can be supported by the information available at the time of the hearing and by the conditions imposed:

a. through e. [No changes.]

6. Conditions of Permit Approval. In approving the SCR Permit, the Planning Commission may impose conditions as deemed necessary or desirable to enable the required findings of fact to be fairly made and/or to be sustained in their validity. The conditions imposed may when applicable, include but need not be limited to the following:

a. through d. [No changes.]

e. Where a proposed development would be situated on a parcel located within or partially within the SCR designated wetland or wetland buffer area, the documented wetlands or wetland buffer zone, as required in Section 101.0462(D)(2), shall be

conserved through an open space easement or other suitable instrument acceptable to the City. In reviewing and approving development plans, the Planning Commission shall determine that the development is consistent with the special regulations contained in Section 101.0462(D). Where a review of the development plan is sought in conjunction with a conditional use permit, planned development permit or coastal development permit, the appropriate decisionmaker shall add to such permits, any conditions which are determined necessary to find the development consistent with the requirements of the SCR Zone.

7. Appeal of Permit. The decision of the Planning Commission may be appealed to the City Council in accordance with Section 111.0509.

8. Filing the Action. The decision on the application shall be filed with the City Clerk, the Planning Department, the Engineering and Development Department, and the Building Inspection Department and a copy shall be mailed to the applicant.

9. Expiration. A SCR Permit shall expire and become null and void thirty-six (36) months after the Date of Final Action of the permit if the permit is not utilized in the manner set forth in Section 111.1119, or as otherwise provided within a phasing program contained in: 1) a development agreement entered into between the City and the owners

of the subject property; 2) a specific plan applicable to the subject property; or 3) as otherwise provided by the terms of the permit.

10. Extension of Time.

a. An extension of time may be granted in accordance with Section 111.1122. To initiate a request for extension of time, a written application shall be filed with the Planning Department.

Section 15. That Chapter X, Article 1, Division 5, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 101.0500, 101.0501 and 101.0502 to read as follows:

**SEC. 101.0500 Planning Director Permit Powers**

The Planning Director may approve or deny, in accordance with **Process One**, the following permits:

A. Tract Real Estate Office Permits

A Tract Real Estate Office Permit may be approved for tract real estate offices, model homes and signs in connection therewith. The permit may be approved for a period not to exceed one (1) year.

B. Reconstruction Permits

A Reconstruction Permit may be approved to allow for the reconstruction of a nonconforming building to the building's original configuration in the event that such building has been damaged or destroyed by fire, explosion, act of God or act of a

public enemy. The Planning Director may approve a reconstruction permit if the following findings can be made:

1. The building's nonconformity was not the result of any action taken by the building's owner after the zoning regulation to which the building does not conform has become effective.

2. The granting of the reconstruction permit will not permit the reconstruction of a building, the nonconformity of which, has been or will be materially detrimental or injurious to the neighborhood or public welfare.

3. The reconstruction does not exceed the existing nonconformity.

C. Temporary Construction Permits

A temporary construction permit may be approved in any zone for the construction of storage yards or temporary construction project offices. The temporary use may be allowed for a period not to exceed nine months.

D. Satellite Antenna Permits

A Satellite Antenna Permit may be approved if the Planning Director finds that the proposal is in conformance with the standards set forth in the document entitled "Development Guidelines for Satellite Antennas" adopted by the City Council Resolution No. R-263861 on file in the office of the City Clerk.



**SEC. 101.0501 Board of Zoning Appeals**

A. and B. [No changes.]

C. POWER AND DUTIES

The **Board of Zoning Appeals** shall hear and determine appeals from the rulings, decisions and determinations of **Hearing Officers**, as shown on Diagram 2 of Chapter XI.

**SEC. 101.0502 Variances**

A. APPLICATION

An application for a variance shall be filed in accordance with Section 111.0202. The application shall state fully the circumstances and conditions relied upon as grounds for the application and shall be accompanied by adequate plans (including landscaping plans) and a legal description of the property involved.

B. DECISION OF THE PLANNING DIRECTOR

The Planning Director may approve or deny, in accordance with **Process Two**, an application for a variance if such application is for limited relief in the case of:

1. Modification of distance or area regulations, provided such modification does not exceed twenty percent (20%) of required front, side or rear yards, nor exceed ten percent (10%) of maximum lot coverage regulations;

2. Modification of distance or area regulations for property located in an area designated by the City Council as a "Neighborhood Improvement Area" during such time as rehabilitation activities are in progress, provided such modifications do not exceed fifty percent (50%) of required front, side or rear yard, nor exceed twenty percent (20%) of maximum lot coverage regulations, or the modifications would conform to existing building lines;

3. Additions to structures which are nonconforming as to side yard, rear yard, or lot coverage, provided the additions shall meet the requirements of the zoning regulations affecting the property; or

4. Walls or fences to exceed heights permitted by the zoning regulations.

**C. Decision of the Hearing Officer**

Other than provided by Section 101.0502(B), applications for variances may be approved, conditionally approved or denied by a **Hearing Officer** in accordance with **Process Three**. The **Hearing Officer's** decision may be appealed to the **Board of Zoning Appeals** in accordance with Section 111.0506 unless otherwise specified by this Municipal Code.

**D. Findings**

The appropriate decisionmaker may approve a variance from the zoning provisions of the Municipal

Code when it appears from the facts that the following conclusions can be reached:

1. There are special circumstances or conditions applying to the land or buildings for which the adjustment is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to the land or buildings in the neighborhood. Such conditions shall not have resulted from any act of the applicant subsequent to the adoption of the applicable zoning ordinance.

2. The aforesaid circumstances or conditions are such that the strict application of the provisions of the ordinance would deprive the applicant of the reasonable use of the land or buildings and that the variance granted by the City is the minimum variance that will accomplish this purpose.

3. The granting of the variance will be in harmony with the general purpose and intent of the zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

4. The granting of the variance will not adversely affect the PROGRESS GUIDE AND GENERAL PLAN FOR THE CITY OF SAN DIEGO or the adopted community plan for the area.

E. Expiration

Unless otherwise provided by the terms of the variance, an approved variance shall expire and become void thirty-six (36) months after the **Date of Final Action** of the variance if the variance is not utilized in any of the following ways:

1. When no construction is required: occupancy of structures and conduct of activities in conformance with activities authorized by the variance;

2. When construction is required without subdivision of land: Twenty percent or more completion of the total footings, foundations, or similar supporting structures authorized by the variance; or

3. When subdivision of land is required: recordation of the final or parcel map.

F. Recordation

The written decision of the appropriate decisionmaker on an application for a variance shall be filed with the Planning Department and, when applicable, with the County Recorder of San Diego County in accordance with Section 111.1116. A copy shall be mailed to the applicant. The written decision shall not be filed with the County Recorder if the variance is denied.

G. EXTENSION OF TIME

The expiration date of a valid variance may be extended as provided in Section 111.1122.

H. AMENDMENT OF VARIANCE

An amendment or modification to a valid variance may be made in accordance with Section 111.1125 if, after considering the facts presented on the application the findings set forth in Section 101.0502(D) can be made.

Section 16. That Chapter X, Article 1, Division 5, of the San Diego Municipal Code be and the same is hereby amended by repealing Section 101.0503.

Section 17. That Chapter X, Article 1, Division 5, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 101.0510, 101.0511, 101.0512, 101.0513, 101.0514, 101.0515, 101.0516, 101.0517, 101.0518, 101.0550, 101.0560, 101.0570 and 101.0580 to read as follows:

**SEC. 101.0510 Conditional Use Permit**

A. [No change.]

B. DECISION MAKER

Conditional Use Permits may be granted by the following Decisionmakers: **Hearing Officer**, Planning Director, Planning Commission, and City Council. In addition, Conditional Use Permits may be granted by the following Appeal Bodies, acting as provided herein as appellate Decisionmakers: Board of Zoning Appeals, Planning Commission, and City Council.

C. USES WHICH MAY BE CONSIDERED

1. **Hearing Officer** as Decisionmaker with Appeal to the **Board of Zoning Appeals**.

Unless otherwise specified in this Municipal Code, an application for a Conditional Use Permit for the uses listed in Section 101.0510(C)(1), in any zone, including interim zones, may be approved, conditionally approved or denied by a **Hearing Officer** in accordance with **Process Three**. The **Hearing Officer's** decision may be appealed to the **Board of Zoning Appeals** in accordance with Section 111.0506.

a. through u. [No changes.]

v. Educational institutions, other than child care facilities and elementary schools, except in the Future Urbanizing Area. Permanent buildings or fill shall not be permitted in A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) overlay zone.

2. **Hearing Officer** as Decisionmaker with appeal to the Planning Commission.

Unless otherwise specified in this Municipal Code, an application for a Conditional Use Permit for the uses listed in Section 101.0510(C)(2), in any zone, including interim zones, may be approved, conditionally approve, or denied, by a **Hearing Officer** in accordance with **Process Three**. The **Hearing Officer's** decision may be appealed to the Planning Commission in accordance with Section 111.0506.

a. Automobile service stations in any zone except the R-1 Zones, the A-1 zoned areas of the

Coastal Zone, or in the Future Urbanizing area, 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, Section 101.0515 shall be considered by a **Hearing Officer**.

b. and c. [No changes.]

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

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

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

g. 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.

h. Research, development and testing laboratories and facilities, except in A-1 zoned areas of the Coastal Zone or in the Future Urbanizing area; however, a permit may be granted for the continued operation of existing uses and facilities in the Future urbanizing area.

i. Newspaper publishing plants, except in the A-1 zoned areas of the Coastal Zone or in the Future Urbanizing area.

3. Planning Commission as Decisionmaker with appeal to the City Council.

Unless otherwise specified in this Municipal Code, an application for a Conditional Use Permit for the uses listed in Section 101.0510(C)(3), in any zone, including interim zones, may be approved, conditionally approved or denied by the Planning Commission in accordance with **Process Four**. The Planning Commission's decision may be appealed to the City Council in accordance with Section 111.0509.

a. 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 or in the Future Urbanizing area. 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.

b. 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 or in the Future Urbanizing area.

c. 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 or in the Future Urbanizing area.

d. 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 or in the Future Urbanizing area.

e. Residential care facilities, as defined in Section 101.0101.96 for more than twelve persons in any zone which otherwise permits residential use, subject to the development standards and locational criteria of Section 101.0581, except in the Future Urbanizing area.

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

g. 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.

h. Parking facilities in the A-1 zoned areas of the Coastal Zone, except in the Future Urbanizing area.

i. A Correctional Placement Center in any zone except residential, neighborhood commercial

(CN), A-1 areas of the Coastal Zone, or in the Future Urbanizing Area, subject to the locational, operational and development requirements contained within the document entitled "Correctional Placement Center" Requirements as adopted by the Council of The City of San Diego, on file in the office of the City Clerk as Document No. RR-279736.

j. Temporary Workers Camps subject to requirements contained within Municipal Code section 101.0582 in the A-1 (agricultural) zones of the Future Urbanizing Area as designated in the City of San Diego Process Guide and General Plan, provided such camps are not located within the Coastal Zone, the adopted Hillside Review, Floodway and Floodplain Fringe Overlay Zones, within Miramar Naval Air Station or land within the San Pasqual Valley and that portion of the San Dieguito River Basin located within the San Pasqual Valley as shown on the map entitled Phased Development Areas, dated December 1987, located at page 36 of the Progress Guide and General Plan of The City of San Diego.

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

l. 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.

m. Camping parks, together with incidental facilities limited to serving the needs and convenience of occupants only, 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 or fill shall not be permitted in areas of the Coastal Zone or the Future Urbanizing area subject to the FPF (Floodplain Fringe) Overlay Zone.

n. 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.

o. Golf courses, golf practice driving tees or ranges, pitch-and-putt golf courses, and miniature golf courses. Within the Future Urbanizing

area lodging facilities shall not be permitted as accompanying or accessory uses; clubhouse, food service, and other customary incidental uses shall not constitute an irrevocable use of the land, and shall be limited in use, size, and capacity to serve the needs and convenience of the users of the golf facility only; and reclaimed water shall be required to be used for irrigation of all landscaped areas.

p. 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 and the phased implementation of an approved restoration and reclamation plan.

4. City Council as Decisionmaker.

Unless otherwise specified in this Municipal Code, an application for a Conditional Use Permit for the uses listed in Section 101.0510(C)(4), in any zone including interim zones, may be approved, conditionally approved or denied by the City Council in accordance with **Process Five**.

a. and b. [No changes.]

c. Fairgrounds, except in the Future Urbanizing area, 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.

d. Race tracks, except in the A-1 zoned areas of the Coastal Zone or in the Future Urbanizing area.

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

f. Residential, commercial, industrial, or institutional uses in and on historical sites, except that only residential uses may be permitted in the Future Urbanizing area.

5. and 6. [No changes.]

D. APPLICATION--FORM AND CONTENTS

Application for any Conditional Use Permit referred to in Section 101.0510 shall be filed with the Planning Department in accordance with Section 111.0202. The application shall state fully the circumstances and conditions relied upon as grounds for the application and shall be accompanied by adequate plans, a legal description of the property involved, and a detailed description of the proposed use.

E. ACTION OF THE DECISIONMAKER

1. After the public hearing, the decisionmaker may, approve or conditionally approve a Conditional Use Permit, if, after considering the facts presented in the application and at the hearing, it is found that:

a. and b. [No changes.]

2. If the decisionmaker, after considering the facts presented on the application and at the hearing, is unable to make the two findings set forth in Section 101.0510(E)(1), it shall, deny the permit.

3. The decision to approve, conditionally approve or deny the Conditional Use Permit shall be in writing and include a finding of facts showing whether the conditional use fulfills or fails to fulfill the requirements set forth in Section 101.0510(E)(1). The written decision shall be filed with the City Clerk, the Planning Department, the Director of Building

Inspection and the County Recorder of San Diego County. A copy of the decision shall be mailed to the applicant. The written decision shall not be filed with the County Recorder if the Conditional Use Permit is denied.

4. [No change.]

F. AMENDMENT TO PERMIT

An amendment or modification may be made to a valid Conditional Use Permit in accordance with Section 111.1125.

G. TIME LIMIT ON INITIATION OF CONDITIONAL USE

Unless otherwise provided by the terms of an approved Conditional Use Permit, a Conditional Use Permit shall expire and become void thirty-six (36) months after the Date of Final Action of the permit, if the Conditional Use Permit is not utilized in one of the following ways:

1. Where no construction is required: occupancy of structures and conduct of activities in conformance with activities authorized by the Conditional Use Permit;
2. Where construction is required without subdivision of land: twenty percent or more completion of the total footings, foundations, or similar supporting structures authorized by the Conditional Use Permit; or



3. Where subdivision of land is required:  
recordation of the final or parcel map.

4. The Conditional Use Permit may expressly authorize two or more phases of implementation, in which instance the time limits set forth in Section 101.0510(G) may be determined separately for each phase or as determined in the permit.

H. EXTENSION OF TIME

The expiration date of a valid Conditional Use Permit may be extended as provided in Section 111.1122.

I. RESCISSION OF PERMIT BY APPLICANT PRIOR TO INITIATION OF USE

1. A valid Conditional Use Permit granted by the City of San Diego may be rescinded by the owner of the subject property at any time prior to the initiation of usage set forth in Section 101.0510(G).

2. Such rescission shall be initiated upon receipt by the Planning Department of a written communication from the owner of the subject property to the Planning Director.

3. Upon receipt of the request the Planning Director shall cause preparation of a written declaration rescinding the Conditional Use Permit. The declaration shall be filed with the City Clerk, the Planning Director, the Director of Building Inspection and the County Recorder of San Diego County. A copy of

the declaration shall be mailed to the owner of the subject property. The permit shall become void when the declaration is recorded by the County Recorder or 120 calendar days after the Planning Department receives the written request, whichever occurs later.

J. OPERATIONAL PARAMETERS

1. Following the initiation of a use authorized by the Conditional Use Permit, the subject property shall not be used for any purpose. Unless expressly authorized by the conditional use permit, preexisting uses and structures shall be terminated or removed, respectively. Any change in use requires a new or amended Conditional Use Permit to be obtained.

2. [No change.]

K. REVOCATION OF PERMIT

A Hearing Officer may revoke or modify a Conditional Use Permit in accordance with the provisions of Chapter XI, Article 1, Division 6, if any one or more of the following findings can be made:

1. That the permit approval was obtained by fraud;

2. That the uses and privileges authorized by the permit have not been initiated within the thirty-six (36) months specified in Section 101.0510(G) and no extension of time has been granted;

3. The permit is being or has been exercised contrary to the conditions of said permit, or

in violation of any applicable licenses, permits, regulations or laws;

4. The use for which the permit was obtained is being or has been exercised so as to be detrimental to the public health, safety, or general welfare or so as to constitute a public nuisance; or

5. The property or any structure thereon subject to the permit has been abandoned or the use authorized by the permit has ceased for a period exceeding twelve (12) months and no amendment has been granted for a longer time.

L. RESCISSION OF PERMIT BY APPLICANT FOLLOWING ESTABLISHMENT OF USE

1. [No change.]

2. The rescission shall be initiated upon receipt by the Planning Department of a written communication from the owner of the subject property to the Planning Director.

3. Upon receipt of the request for rescission the Planning Director or the administrator of the planned district in which the subject property is located, shall initiate an investigation and determine in what ways, if any, the premises fail to conform to the provisions of the zone or planned district in which the premises are located. If the premises fail in any way to conform with the zone or district, the Planning Director or district

administrator shall prepare a list of particulars. A copy of the list shall be provided to the permittee, together with a statement that after the permit becomes void, nonconformance with the provisions of the zone or district constitutes a public nuisance subject to the provisions of Section 101.0213, Zoning Violation Abatement Program.

4. Once the Planning Director or planned district administrator has provided the permittee with the list of nonconformities, the Planning Director shall cause the preparation and filing of a declaration rescinding the permit. Upon recordation of the declaration with the County Recorder, the permit shall be void. If appropriate, the City shall actively pursue any zoning or planned district nonconformance.

M. COASTAL ZONE REGULATIONS

Within the Coastal Zone, the following regulations shall be supplementary to, and in the event of conflict shall supersede, the regulations set forth or referenced in preceding paragraphs of the section.

Uses Which May be Considered (see Section 101.0510(C)): Any use included in Section 101.0510(C) provided that where such uses are proposed to be located within the SCR Overlay Zone, the HR Overlay Zone, the FW Zone or the FPF Overlay Zone, such uses shall be consistent with the uses permitted

under such zones and shall be subject to all applicable regulations and restrictions.

**SEC. 101.0511 Requirements for Processing Conditional Use Permits and Reclamation Plans for Natural Resources Development**

**A. PURPOSE AND INTENT**

1. These requirements are adopted pursuant to the California Surface Mining and Reclamation Act of 1975, Chapter 9, Public Resources Code ("California Surface Mining and Reclamation Act of 1975").

2. through 4. [No changes.]

B. through D. [No changes.]

**E. REVIEW PROCEDURE**

An application for a conditional use permit for a proposed surface mining operation and/or reclamation plan may be approved, conditionally approved or denied by the Planning Commission in accordance with **Process Four** and the provisions of the California Surface Mining Reclamation Act of 1975.

F. through M. [No changes.]

**SEC. 101.0512 Conditional Use Permit for Companion Units**

A. and B. [No changes.]

**C. DECISION OF HEARING OFFICER**

An application for a Conditional Use Permit for a companion unit may be approved, conditionally approved or denied by a **Hearing Officer** in accordance with **Process Three**. The **Hearing Officer's** decision may

be appealed to the Planning Commission in accordance with Section 111.0506.

D. FINDINGS

A Hearing Officer may approve or conditionally approve a Conditional Use Permit for a companion unit if the following findings can be made:

1. through 4. [No changes.]

E. STANDARD CONDITIONS

In addition to those conditions which may be imposed by a Hearing Officer in accordance with the provisions of Section 101.0510(E)(4), the following Standard conditions shall be made a part of each Conditional Use Permit approved for a companion unit:

1. through 7. [No changes.]

F. SUSPENSION OF COMPANION UNIT REGULATIONS

1. Conditional Use Permits for companion units shall not be approved nor shall applications be accepted following determination by the City Council, in accordance with Process Five, that any of the following circumstances exist:

- a. through c. [No changes.]

2. In the event of a suspension of the provisions of Section 101.0512, the City Council shall schedule a public hearing to reevaluate the circumstances upon which the suspension was based. The reevaluation hearing shall be scheduled on or before April 1 of each calendar year.

G. EXCLUSION OF COMPANION UNITS IN COASTAL ZONE

Notwithstanding the provisions of Section 101.0512 to the contrary, no building or addition to a building shall be constructed, nor shall a building be converted for purposes of developing a companion unit within the Coastal Zone of The City of San Diego. For purposes of this section, Coastal Zone shall mean that land and water area of The City of San Diego extending seaward to the outer limits of City jurisdiction, extending inland to the right-of-way of Interstate 5 on July 1, 1983, extending northward to the northern City limits and extending southward to San Diego Bay, Laurel Street and the southwesterly extension of Laurel Street to San Diego Bay.

**SEC. 101.0513 Conditional Use Permit for Treatment and Counseling Offices for Sex Offenders**

A. [No changes.]

B. APPLICATION - FORM AND CONTENT

Application to permit an office referred to above may be made by the owner of the property affected, by a person holding or seeking a lease for the property affected (with the concurrence of the property owner), or it may be initiated by the Planning Commission. Application shall be filed with the Planning Department in accordance with Section 111.0202. The application shall include the circumstances and conditions relied upon as grounds for the application and shall be accompanied by appropriate

plans (including a vicinity map), a legal description of the property involved, and a detailed description of the proposed use.

C. DECISION BY THE PLANNING COMMISSION

1. An application for a Conditional Use Permit for a Treatment and Counseling Office for sex offenders may be approved, conditionally approved or denied by the Planning Commission in accordance with **Process Four**. The Planning Commission may approve or conditionally approve the Conditional Use Permit if the following findings can be made:

a. and b. [No changes.]

2. The Planning Department, in providing background to the Planning Commission for the above findings, shall utilize substantiated information from sources including governmental or licensing agencies, or professional associations, as applicable.

3. If the Commission, after considering the facts presented on the application and at the hearing, is unable to reach the two conclusions set forth in Section 101.0513(C)(1), it shall deny the permit by resolution.

4. The resolution approving, conditionally approving or denying the Conditional Use Permit shall include a finding of facts relied upon by the Commission in reaching its decision. The resolution



shall be filed with the City Clerk, and a copy shall be mailed to the applicant.

D. TIME PERIOD FOR PERMIT APPROVAL

If a Conditional Use Permit is approved or conditionally approved by the Planning Commission, or by the City Council upon appeal, the permit shall be valid for the operation of the above-described office(s) for an unlimited period of time, unless the permit is revoked.

E. REVOCATION OF THE PERMIT

If the Planning Director determines that the conditions of the Conditional Use Permit are being violated, he shall recommend that the permit be revoked or modified in accordance with the provisions of Chapter XI, Article 1, Division 6.

**SEC. 101.0514 Conditional Use Permit for Moved Buildings**

A. PURPOSE AND INTENT

The purpose of these regulations is to provide for the review of moved buildings where more than one such building is to be moved onto a single parcel or where such a building is to be moved onto a site which already contains a building. This type of development has been found to have potential adverse effects on existing neighborhoods which are not inherent in site-built building construction. These effects are due to the following factors:

1. through 3 [No changes.]

It is the intent of Section 101.0514 to minimize the adverse effects of multiple moved building developments through the review of site design and exterior finish by a **Hearing Officer**.

B. [No change.]

C. APPLICATION - FORM AND CONTENT

An application for a conditional use permit to move a building, where more than one building is to be moved onto a single parcel or where such building is to be moved onto a site which already contains a building, shall be filed with the Planning Department in accordance with Section 111.0202. The application shall state fully the circumstances and conditions relied upon as grounds for the application and shall be accompanied by a legal description of the property involved, adequate site development plans and drawings in sufficient detail to indicate the locations, size and design of existing and proposed structures, parking areas and landscaping.

D. DECISION OF HEARING OFFICER

An application for a Conditional Use Permit to move a building may be approved, conditionally approved or denied by a **Hearing Officer** in accordance with **Process Three**. The decision of the **Hearing Officer** may be appealed to the **Board of Zoning Appeals** in accordance with Section 111.0506.

E. FINDINGS

A Hearing Officer may approve, or conditionally approve a conditional use permit for moved buildings if the following findings can be made:

1. through 3. [No changes.]

F. APPEAL PROCEDURE, PERMIT AMENDMENTS AND EXTENSIONS OF TIME

All procedures pertaining to the amendment of Conditional Use Permits and extensions of time for Conditional Use Permits shall be as indicated in Section 101.0510.

**SEC. 101.0515 Alcoholic Beverage Establishments**

- A. [No change.]

B. PROCEDURE

1. A Hearing Officer shall have the authority to approve, deny, or approve with conditions in accordance with **Process Three** the use of a premise for the retail sale of alcoholic beverages.

2. The decision of the Hearing Officer may be appealed to the Board of Zoning Appeals, in accordance with Section 111.0506.

3. The applicant shall submit a processing fee, as specified in the Planning Department schedule of fees/deposits.

4. The use restrictions and property development regulations of the underlying zone shall be applicable.

5. The issued permit shall be posted on the premises.

6. This section shall be reviewed by the Planning Commission one year after its adoption.

C. FINDINGS

The decision-making body shall make findings of fact, concerning the matters listed in this paragraph, in rendering a decision:

1. [No change.]

2. Whether the proposed use will result in an undue concentration of establishments dispensing alcoholic beverages as defined by the State Alcoholic Beverage Control (ABC) Department (Rule 61.3), or as determined by the Hearing Officer.

3. [No change.]

The decisionmaker shall also consider the report and recommendation of the San Diego Police Department regarding the proposed use and its proposed location, a copy of which shall be entered in the public record.

D. [No change.]

E. EXEMPTIONS FROM CONDITIONAL USE PERMIT  
APPROVAL FOR SALES OF ALCOHOLIC BEVERAGES

The Hearing Officer may approve an exemption to the requirements of obtaining a Conditional Use Permit for the sale of alcoholic beverages, if the

applicant is proposing to operate an establishment meeting the following requirements:

1. through 4. [No changes.]

F. [No change.]

**SEC. 101.0516 Requirements for Processing Conditional Use Permits for Hazardous Waste Facilities**

**A. APPLICABILITY**

Any conditional use permit granted pursuant to Section 101.0510(C)(4)(e) shall comply with the applicable provisions of this section which are supplementary to, and in the event of conflict shall supersede, the regulations set forth in Section 101.0510. Sections 101.0516(C), (D), (E), (F), (G), (H) and (J) shall apply only to specified hazardous waste facility projects, as herein defined.

B. [No change.]

**C. NOTICE OF INTENT TO APPLY**

1. and 2. [No changes.]

3. The Planning Department shall provide public notice of the applicant's intent to apply for a conditional use permit, pursuant to the noticing procedure of Section 111.0301(a) and by publishing the notice in accordance with Section 111.0303.

4. [No change.]

D. through J [No changes.]

**SEC. 101.0517 Conditional Use Permit for New Research,  
Development and Demonstration Hazardous  
Waste Facilities**

**A. APPLICABILITY**

Any conditional use permit sought pursuant to Section 101.0510(C)(3)(n) shall comply with the applicable provisions of Section 101.0517, which are supplementary to, and in the event of conflict shall supersede, the regulations set forth in Section 101.0510.

**B. [No changes.]**

**C. ACTION OF THE DECISIONMAKER**

An application for a Conditional Use Permit for a New Research, Development and Demonstration Hazardous Waste Facility may be approved, conditionally approved or denied by the Planning Commission in accordance with **Process Four**. The decision of the Planning Commission may be appealed to the City Council in accordance with Section 111.0509.

**SEC. 101.0518 Conditional Use Permit For Living Unit  
Ordinance**

**A. through G. [No changes.]**

**H. ADMINISTRATION**

**1. [No change.]**

**2. Application.** An application for a Living Unit Conditional Use Development Permit shall be filed with the Planning Department in accordance with Section 111.0202. The application shall additionally include:

a. through g. [No changes.]

3. An application for a Living Unit Conditional Use Development Permit may be approved, conditionally approved or denied by a **Hearing Officer** in accordance with **Process Three**. The **Hearing Officer's** decision may be appealed to the Planning Commission in accordance with Section 111.0506.

4. **Building Permit Issuance.** If an application for a Living Unit Conditional Use Development Permit has been approved, and the rent agreement has been recorded, the Building Inspection Director or City Engineer is authorized to issue any other requisite permits for the project, provided it conforms to all other regulations and ordinances of the City of San Diego.

5. **Enforcement.**

a. through d. [No changes.]

e. **Revocation of the Living Unit Conditional Use Permit and Conversion Provisions.** Failure of owners to comply with ongoing conditions may result in the revocation of the Living Unit Conditional Use Permit in accordance with Chapter XI, Article 1, Division 6. A **Hearing Officer** may revoke a Living Unit Conditional Use Permit if any one or more of the following grounds are found:

(1) through (4) [No changes.]

f. and g. [No changes.]

**SEC. 101.0550 Sidewalk Cafes**

A. through C. [No changes.]

**D. ADMINISTRATION AND ENFORCEMENT**

**1. Administration**

An application for a sidewalk cafe permit may be approved or denied by the Planning Director in accordance with **Process Two**. The Planning Director's decision may be appealed to a **Hearing Officer** in accordance with Section 111.0504.

**2. Requirements for Application.**

An application for a Sidewalk Cafe Permit shall be filed with the Planning Department in accordance with Section 111.0202. The application shall include adequate plans for improvements and a legal description of the property.

The application shall be accompanied by plans indicating: The proposed use, materials, and design; relationship of proposed encroachment to the curb, existing buildings, and buildings on either side; floor plans of the existing building; location of utilities that might affect or be affected by the proposal; existing and proposed public improvements; existing or projected pedestrian traffic movements, and when expansion to adjacent properties public rights-of-way, a notarized statement from the affected property owner(s) and first floor tenant(s) granting permission to expand the cafe.



E. DECISION OF THE PLANNING DIRECTOR

1. [No changes.]

2. In order to approve the permit, after considering the criteria in Section 101.0518(E)(1) above, the Planning Director shall make the following findings:

a. through c. [No changes.]

F. OTHER APPLICABLE REGULATIONS

1. Encroachment Permit.

An Encroachment Permit shall be required for a sidewalk cafe according to the provisions of Municipal Code section 62.0301 et seq. and shall be applied for and processed concurrently with the application for a Sidewalk Cafe Permit.

2. Appeal Process for Exception to Sidewalk Clear Path Width and Distance Between Cafes and Adjacent Business Entrance.

An appeal from the decision granting or denying an exception for either the clear path for sidewalks and the distance between sidewalk cafes and adjacent businesses shall be governed by the provisions of Municipal Code Section 62.0116.

3. through 5. [No changes.]

G. REVOCATION OF SIDEWALK CAFE PERMIT AND ENCROACHMENT PERMIT

All Sidewalk Cafe permits shall have an indefinite term, but shall be subject to revocation or

modification by a **Hearing Officer** in accordance with the provisions of Chapter XI, Article 1, Division 6. The permit may be revoked if a **Hearing Officer** determines that one or more of the provisions of the permit have been violated or that a change of circumstances has occurred which warrants or requires such revocation or modification. All encroachment permits are likewise revocable by the City Engineer.

H. [No change.]

**SEC. 101.0560 Pushcart Ordinance**

A. through D. [No changes.]

E. APPLICATION FOR PERMITS

1. Application for a Pushcart Permit shall be made to the Planning Department in accordance with Section 111.0202. The application shall include the following:

a. The location(s) at which the business will be operated and product(s) to be sold.

b. and c. [No changes.]

2. and 3. [No changes.]

F. DECISION OF THE PLANNING DIRECTOR

1. An application for a Pushcart Permit may be approved or denied by the Planning Director in accordance with **Process Two**. The Planning Director's decision may be appealed to a **Hearing Officer** in accordance with Section 111.0504.

2. The Planning Director shall consider the design of the pushcart including:

a. and b. [No changes.]

3. The Planning Director shall determine whether the specified location is suitable for pushcart use and will not infringe on the use of sidewalk areas as public right-of-way. In making the determination of suitability, the Planning Director shall consider:

a. The width of the sidewalk;

b. the proximity and location of building entrances;

c. existing physical obstructions including, but not limited to, signposts, light standards, parking meters, benches, phone booths, newsstands and utilities;

d. motor vehicle activity in the adjacent roadway including but not limited to bus stops, truck loading zones, taxi stands or hotel zones; passenger loading and,

e. pedestrian traffic volumes.

If it is determined that congestion will result as a consequence of any of the above factors, the Planning Director may deny the permit based on a determination of congestion, or a determination that a potential pedestrian safety and/or a potential traffic safety conflict may be created.

4. If the Planning Director determines that the application is complete and conforms with all City regulations, policies, guidelines, and design standards contained herein, a Pushcart Permit shall be granted.

5. [No change.]

G. TERM OF PUSHCART PERMIT AND ENCROACHMENT PERMIT

1. Pushcart permits shall be issued for the term of the applicant's business license, but shall be subject to revocation or modification in accordance with the provisions of Chapter XI, Article 1, Division 6.

2. through 4. [No change.]

**SEC. 101.0570 Live/Work Quarters (Lofts)**

A. through D. [No changes.]

E. ADMINISTRATION

1. Requirements for Application

a. Application for a live/work quarters permit shall be made in accordance with Section 111.0202. The application shall include a description of existing uses within the building where the proposed live/work quarters will be located and a legal description of the property.

2. Live/Work Quarters Permit Required

a. No property shall be used for live/work quarters unless located within the area described in Section 101.0570(C)(1) and a live/work

quarters permit has been obtained from the Planning Director.

b. The Planning Director may approve or deny a live/work quarters permit in accordance with **Process One**. The permit shall be approved if the project meets the Development Criteria of Section 101.0570(C), and subject to the conditions of approval described in Section 101.0570(D).

3. **Building Permit Required**

Prior to the use of any building, or portion thereof, for live/work quarters, a building permit shall be obtained from the Building Inspection Department. A copy of the application for a live/work quarters permit, approved by the Planning Director shall accompany the building permit application. The prevailing Uniform Building Code Regulations shall apply except as provided by Code interpretations as shown in a Building Inspection Department Newsletter.

F. [No change.]

**SEC. 101.0580 Child Care Facilities**

A. and B. [No changes.]

C. **APPLICATION AND CONTENT**

An application for a child care facility shall be made in accordance with Section 111.0202. An application for a large family day care home and child care center shall be filed with the Planning Department. The application shall state fully the

circumstances and conditions relied upon as grounds for the application and shall contain a legal description of the property. Applications for child care centers shall also contain adequate site development and improvement plans and building floor plans in sufficient detail to illustrate the following requirements:

1. through 8. [No changes.]

D. LARGE FAMILY DAY CARE HOMES

Large family day care homes are permitted in all residential zones and nonresidential zones where residential use is permitted. Before operating a large family day care home, a "Notice of Intent to Operate a Large Family Day Care Home" shall be filed with the Planning Department by the owner, lessee, or operator upon forms provided for this purpose. The Notice shall be accompanied by any data the Planning Department may require. The large family day care home is permitted subject to applicant's signed agreement to meet the following conditions:

1. through 6. [No changes.]

E. CHILD CARE CENTERS

Child care centers are permitted in residential and nonresidential zones. Child care centers located in residential zones may be approved, conditionally approved or denied by a Hearing Officer in accordance with Process Three. The Hearing

**Officer's** decision may be appealed to the **Board of Zoning Appeals**. Child care centers in nonresidential zones are subject to the following requirements:

1. through 7. [No changes.]

F. [No change.]

Section 18. That Chapter X, Article 1, Division 6, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 101.0602, 101.0604 and 101.0605 to read as follows:

**SEC. 101.0602 Council May Establish Setback Lines**

Notwithstanding any other provisions of this Code, the Council, may, by ordinance, establish and maintain in any block, in any zone, a setback line along any street, highway, freeway, road or alley, or along the bank of any river, creek, stream or other waterway.

When this setback line varies from the yard requirement or setback line as provided for in other sections of this Article, the setback line as established by the setback ordinance shall prevail.

**SEC. 101.0604 Procedure to Establish or Change a Setback Line-Initiation**

An application to establish or change a setback line may be initiated by the Planning Commission or the City Council or by one or more owners of the property described within the application. Said application shall be filed with the Office of the Planning Department in accordance with Section 111.0202. The

application shall be accompanied by a monetary deposit in accordance with the schedule of fees.

**SEC. 101.0605 Decision Process**

1. An application to establish or change a setback line may be approved or denied by the City Council in accordance with **Process Five**.

2. The Planning Commission may recommend to the Council by an affirmative vote of not less than a majority of its total voting members, the adoption of an ordinance establishing a setback line or may recommend denial.

Section 19. That Chapter X, Article 1, Division 6, of the San Diego Municipal Code be and the same is hereby amended by repealing Sections 101.0606 and 101.0607.

Section 20. That Chapter X, Article 1, Division 6, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 101.0608, 101.0609 and 101.0631 to read as follows:

**SEC. 101.0608 Temporary Nonconforming Uses in Residential Zones**

The City Council may approve, conditionally approve or deny in accordance with **Process Five**, a temporary use such as a carnival on residentially-zoned, publicly-owned land provided the use is limited to 48 hours and occurs no more than twice a year on a given site.



**SEC. 101.0609 Use of Required Yards, Setback Areas,  
and Landscape Areas**

Other than incidental passage and enjoyment by man, woman, child, and animal, and except as specified elsewhere in this Code, required yards, setback areas, and landscape areas may be used solely for the following items and purposes:

A. through E. [No changes.]

F. Items which the Planning Director may determine to be necessarily placed in order to accommodate a temporary period of construction, site modification, or equipment change, when there is evidence of frequent and diligent physical effort to complete work.

G. Other items that the Planning Director may determine to be appropriately placed with respect to applicable zone or district standards.

**SEC. 101.0631 Notice of Disclosure**

Any person, persons or organization that sells or installs satellite antennas for use within the City of San Diego shall provide to the purchasers or users of such antennas a copy of the provisions of the San Diego Municipal Code that regulate the location and use of such antennas and a Notice of Disclosure form. The applicable sections of the San Diego Municipal Code and the Notice of Disclosure forms utilized shall be those provided by The City of San Diego and shall be available in the office of the Planning Department.

Any person, persons or organization that sells or installs satellite antennas for use within the City of San Diego shall retain a copy of the Notice of Disclosure which has been signed by the purchaser or user of the satellite antenna and shall provide such copy for examination by The City of San Diego upon request at any time within three (3) years from the date of sale or installation of the satellite antenna.

Section 21. That Chapter X, Article 1, Division 7, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 101.0702, 101.0703 and 101.0714 to read as follows:

**SEC. 101.0702 Administrative Regulations**

The provisions of this Division shall constitute the landscaping requirements for all zones except for single-family uses in R-1 (Single-family Residential) and A-1 (Agricultural) Zones and Planned Districts which do not specifically reference these regulations. For Planned Districts which reference these regulations the following provisions shall apply unless noted otherwise: When a subdistrict emphasis is commercial the landscape provisions of the C zone shall apply. When a subdistrict emphasis is multi-family residential the landscape provisions of the R zone shall apply. When a subdistrict emphasis is industrial the landscape provisions of the M-LI zone shall apply. For parcels located partially within a Planned District that does

not specifically reference these regulations, this Division shall apply only to those portions of the site outside of the Planned District.

This Division shall be applied to any construction, establishment, alteration, enlargement or change in use that results in the following:

A. through C. [No changes.]

This Division shall also apply to all sites being developed for the provision of parking as a primary use or for any improvement which results in the provision of or an increase in parking.

This Division shall also apply to any addition, alteration or repair to existing structures (Municipal Code section 91.0104) which results in a change in the occupancy classification as listed in Table No. 5-A of the Uniform Building Code. The Planning Director may prorate the requirements herein, based upon the nature and extent of alterations and additions.

For projects as indicated above, no certificate of occupancy, demolition permit, or encroachment permit shall be issued unless:

A. [No change.]

B. Such development project was granted a discretionary permit, including:

1. through 3. [No changes.]

4. Conditional Use Permits granted in accordance with Municipal Code Section 101.0510.

5. through 8. [No changes.]

**SEC. 101.0703 Alternative Compliance**

The Planning Director or a designated representative shall administer this Division. In a case where a landscape plan does not comply with the provisions of this Division, the Planning Director or a designated representative may approve a plan in accordance with **Process One**, if the following findings can be made:

A. through C. [no changes.]

**SEC. 101.0714 Submittal Procedures**

A. through D. [No changes.]

E. If, at the time a certificate of occupancy is sought, the required landscaping is not yet in place, the Planning Director may require the owner to make fiscal arrangements by bond or certificate of deposit, or a nonrevocable letter of credit to ensure that the landscaping is installed. This option shall be considered by the Planning Director only in cases when demonstrated extenuating circumstances prevent the installation of landscape improvements before the issuance of the occupancy permit. The fiscal arrangements shall reflect the cost of required landscaping not yet in place to ensure that such landscaping is installed. Any owner wishing to make such fiscal arrangements must also grant license to the City or its licensed and contracted agent, to enter

upon the land for the purposes of installing the required landscaping, in the event that such landscaping is not in place by the date specified in the agreement. Such fiscal arrangements shall be released when landscape improvement verification is received.

Section 22. That Chapter X, Article 1, Division 8, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 101.0813, 101.0815 and 101.0835 to read as follows:

**SEC. 101.0813 Minimum Dimensions for Parking Spaces**

A. through C. [No changes.]

D. Aisles and driveways shall be dimensioned in substantial conformance with standards adopted by the Planning Commission as set forth in a document entitled "Location Criteria, Developmental Standards and Operational Standards and Off-Street Parking Lots," on file in the office of the Planning Department.

Substantial conformance shall be determined by the Zoning Administrator.

**SEC. 101.0815 Landscaping**

A minimum area of two percent (2%) of the interior of parking lots containing more than twenty (20) spaces shall be landscaped and provided with an adequate permanent underground watering system. This requirement is in addition to areas provided in required landscaped strips. A landscaping and site plan shall be submitted

to the Zoning Administrator. The Zoning Administrator shall review the plan for substantial conformance with the standards and specifications adopted by the Planning Commission as set forth in a document entitled, "Locational Criteria, Developmental Standards and Operational Standards -- Off-Street Parking Lots," on file in the office of the Planning Department. The plan must be determined by the Zoning Administrator to be in substantial conformance with that document before any plant material may be installed. Landscaping and required watering systems shall be installed prior to the use of the parking lot. All landscaping material in required landscaped areas shall be permanently maintained in a growing and healthy condition, including trimming as appropriate to the landscaping material in accordance with the "Locational Criteria, Developmental Standards and Operational Standards -- Off-Street Parking Lots," referred to above.

**SEC. 101.0835 Multi-Family Parking**

**A. PURPOSE AND INTENT.**

The purpose and intent of this ordinance is to provide appropriate parking for multi-family development City-wide based on access to transit, mix of use, and intensity of development. The increased efficiencies associated with high density, mixed-use development within transit corridors are acknowledged. The decisionmaker, when granting a discretionary

permit, may vary from these requirements in recognition of community-specific vehicle ownership patterns. The requirements have been adjusted so as not to adversely impact lower income housing.

B. ADMINISTRATIVE REGULATIONS.

The provisions of this Section shall apply to all multi-family development in residential and commercial zones and planned districts City-wide, excluding Centre City Overlay Zone, Centre City East PDO, Gaslamp PDO, Marina PDO, Mission Beach PDO, La Jolla PDO and La Jolla Shores PDO. Special standards are, however, provided for those projects located within the Beach Parking Impact Area as shown on the Map Drawing C-731 (on file in the office of the City Clerk as Document No.00-17069) within a Campus Parking Impact area as shown on the Map Drawing No. 00-17343.1) and those projects owned and/or managed by the San Diego Housing Commission as very-low income projects. These requirements shall also apply to all multi-family development processed with a discretionary permit. The parking requirements may be increased or decreased for discretionary projects to meet specific community plan objectives.

All new construction shall be provided with a minimum of permanently maintained off-street parking spaces in a parking area or private garage on the same

premises, as follows, and shall adhere in all respects to the other requirements of Division 8.

C. ADMINISTRATIVE REVIEW.

1. The Planning Director, at the request of an applicant, may reduce the supplemental parking requirement for ministerial permits by up to twenty percent (20%) if the following findings can be made:

a. through c. [No changes.]

2. The Planning Director may reduce the supplemental parking requirement for ministerial permits by up to an additional 10 percent for those projects for which a building permit application was submitted on or before the first hearing on this section of the ordinance by the City Council. Projects approved within this framework must satisfy the findings described below.

3. [No change.]

D. through H. [No changes.]

Section 23. That Chapter X, Article 1, Division 9, of the San Diego Municipal Code be and the same is hereby amended by amending Section 101.0901 to read as follows:

**SEC. 101.0901 Planned Residential Developments**

A. [No change.]

B. DEFINITION

Planned Residential Development means a predominantly residential development improved in



accordance with an overall project plan and is characterized by the following:

1. The density of a Planned Residential Development shall not exceed the density as prescribed in an adopted community plan (including criteria for residential density), any other adopted plan, or the underlying zone, whichever is less, and may be applied to the total area of the Planned Residential Development rather than separately to individual lots or building sites, and may include the rural cluster alternative. No streets shall be used in the calculation of density. Ownership may be of lots or condominiums or both. An exception may be granted by a **Hearing Officer** pursuant to Section 101.0307.5, Affordable Housing Density Bonus, in which case the density permitted shall be that provided for by that ordinance.

2. The right to use and enjoy any privately owned common open areas and recreational facilities provided on the site of the Planned Residential Development shall be coupled with the severalty interests of the owners of the dwelling units; provided, however, that if the Planned Residential Development includes land which is shown as open space within any adopted community plan or the General Plan, such open space may be offered to The City of San Diego for public use. The offer shall be considered in

conjunction with the application for the Planned Residential Development Permit. A recommendation to accept or reject the offer shall be made by the Planning Director to the City Council. If the offer is made subsequent to the approval of the Planned Residential Development, the offer shall be considered as an amendment to the Planned Residential Development and processed accordingly. The Planning Director shall recommend whether to accept or reject the offered open space and shall recommend whether an open space maintenance district should be established to provide maintenance services for the open space if accepted by the City.

3. A Planned Residential Development may include accessory commercial, office and recreational facilities limited in use, size, and capacity to serve the needs of the occupants of the development and their guests only. However, within the Future Urbanizing Area as defined in the General Plan outside the Coastal Zone, golf courses open to the public and their customary incidental, supportive, facilities (exclusive of lodging facilities) need not be restricted with respect to use, size and capacity provided that a permanent and irrevocable open space easement is established covering the area of the golf course. A golf course area meeting these criteria may be utilized in the calculation of the total open space and usable

open space requirements and the permitted residential density of the project.

"Public golf course" means a facility that lies on public land and/or is owned and/or operated by a government agency, and which is open to all members of the public.

"Private golf course" means a facility that lies on private land and is open to members and their guests, and which may also be open to members of the public.

"Golf course open to the public" means a public golf course or a private golf course on public or private land that is open to the public on a daily fee basis or offers memberships to the public.

4. through 5. [No changes.]

C. PLANNED RESIDENTIAL DEVELOPMENT PERMIT

A Planned Residential Development Permit is required for Planned Residential Development projects located in any zone in which residential uses are allowed. However, any project located on land zoned for single-family or combined single-family and multi-family development within any of the urbanized communities of the City, as defined and identified in the General Plan, may require an approved Planned Infill Residential Development Permit.

D. APPLICATION

An application for a permit for a Planned Residential Development shall be made in accordance with Section 111.0202 and with the following additional requirements:

1. An application shall be filed with the Planning Department upon forms provided by it and shall state fully the circumstances and conditions relied upon as ground for the application and shall be accompanied by adequate plans and a legal description of the property involved and an explanation and description of the proposed use.

2. [No change.]

3. The application shall be accompanied by a tentative map which shall be filed with the Planning Department in accordance with procedures set forth in Article 2 of this Chapter.

4. The application shall be accompanied by a plot plan showing the following:

a. through h. [No changes.]

5. The application shall be accompanied by drawings in sufficient detail to indicate the location and design of proposed buildings. If project is to be detached single-family only a statement indicating number of total units is required.

6. If the applicant contemplates the construction of a Planned Residential Development in

17863  
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Office of  
The City Attorney  
City of San Diego

RECEIVED  
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SAN DIEGO, CALIF.

MEMORANDUM

236-6220

DATE: March 23, 1994  
TO: Jan Johnson, City Clerk's Office  
FROM: City Attorney  
SUBJECT: Correction to San Diego Municipal Code Section 101.0901

It has been brought to my attention that a portion of San Diego Municipal Code ("SDMC") section 101.0901(E)(6)(g), which was added by Ordinance No. O-17863, November 23, 1992, has been inadvertently omitted in printing of that SDMC section. Section 101.0901(E)(6)(g) should read as follows:

g. Within the North City Future Urbanizing Area, as defined by the Progress Guide and General Plan, a Subarea Plan shall be prepared pursuant to the General Plan. The subarea plan shall be developed consistent with the North City Future Urbanizing Area Framework Plan, as approved by the California Coastal Commission on May 14, 1993. Alternatively, the applicant must demonstrate that, at a minimum, all public facilities within the Subarea (as designated by the Progress Guide and General Plan) have been sited; a Purchase Agreement for the public facility sites has been completed; mixed use centers within the Subarea have been sited; the street system to access the

O-17868

Jan Johnson  
March 23, 1994  
Page 2


mixed use centers and public facilities has been aligned; a financing plan for the project area, Subarea, or larger planning area has been completed; and open space boundaries have been refined if the project deviates from the Environmental Tier boundaries shown in the General Plan.

This Section 101.0901(E)(6)(g) shall not apply to any project which has an application which has been deemed complete on or before December 10, 1990, which includes a golf course open to the public; provided, however, that any such project shall fully participate in the Public Facilities Financing Plan, Interim Fees, and the School Facilities Master Plan, and that a development agreement shall be executed for such project.

Please call me if you have any questions.

JOHN W. WITT, City Attorney

By

  
Cristie C. McGuire  
Deputy City Attorney

CCM:jrl:014

cc Hal O. Valderhaug,  
Chief Deputy City Attorney  
Ann Moore, Deputy City Attorney  
Miriam Kirshner, Planning Department

0 - 17868

NOV 23 1992

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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

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

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

By  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 **NOV 09 1992**, and on **NOV 23 1992**

~~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.

(Seal)

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

By  Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-17868** Adopted **NOV 23 1992**