

ORDINANCE NUMBER O- 17870 (NEW SERIES)

ADOPTED ON NOV 23 1992

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING DIVISION 1, SECTION 103.0101; AMENDING DIVISION 2 BY AMENDING SECTIONS 103.0202, 103.0203, 103.0204, 103.0208 AND 103.0209; AMENDING DIVISION 3 BY AMENDING SECTIONS 103.0302.1, 103.0302.2 AND 103.0302.3; BY REPEALING SECTIONS 103.0302.4 AND 103.0302.5; AND BY AMENDING SECTIONS 103.0303.4, 103.0304.1, 103.0304.2, 103.0304.3, 103.0304.4, 103.0304.6, 103.0304.7, 103.0305, 103.0306 AND 103.0307; AMENDING DIVISION 5 BY AMENDING SECTIONS 103.0502, AND 103.0506; BY REPEALING SECTION 103.0507; BY AMENDING SECTIONS 103.0520, 103.0526.2, 103.0526.16, 103.0542 AND 103.0545; AMENDING DIVISION 6 BY AMENDING SECTIONS 103.0603, 103.0605, 103.0606, 103.0607, 103.0608, 103.0609, 103.0610 AND 103.0613; AMENDING DIVISION 7 BY AMENDING SECTIONS 103.0703, 103.0704, 103.0706, 103.0707, 103.0708, 103.0709, 103.0710, 103.0715 AND 103.0717; AMENDING DIVISION 9 BY AMENDING SECTIONS 103.0904, 103.0905, 103.0906, 103.0907, 103.0916, 103.0919, 103.0926, 103.0929, 103.0948, 103.0950, 103.0957 AND 103.0960; AMENDING DIVISION 10 BY AMENDING SECTIONS 103.1004, 103.1005, 103.1008, 103.1009 AND 103.1010; AMENDING DIVISION 11 BY AMENDING SECTIONS 103.1102, 103.1103, 103.1105 AND 103.1107; AMENDING DIVISION 12 BY AMENDING SECTIONS 103.1203, 103.1204 AND 103.1208; AMENDING DIVISION 13 BY AMENDING SECTIONS 103.1303, 103.1305 AND 103.1306; AMENDING DIVISION 14 BY AMENDING SECTIONS 103.1404, 103.1405 AND 103.1406; BY REPEALING SECTIONS 103.1407 AND 103.1408; BY AMENDING SECTION 103.1409; BY REPEALING SECTION 103.1410; BY AMENDING SECTIONS 103.1411, 104.1413, 103.1420, 103.1421 AND 103.1422; AMENDING DIVISION 15 BY AMENDING SECTIONS 103.1503, 103.1504 AND 103.1514; AMENDING DIVISION 17 BY AMENDING SECTIONS 103.1703 AND 103.1708; AMENDING DIVISION 21 BY AMENDING SECTIONS 103.2103,

103.2104, 103.2105, 103.2107 AND 103.2112;  
AND AMENDING DIVISION 22 BY AMENDING  
SECTION 103.2203, ALL RELATING TO PLANNING  
AND ZONING.

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

Section 1. That Chapter X, Article 3, of the San Diego Municipal Code be and the same is hereby amended by amending Division 1, Section 103.0101 to read as follows:

**SEC. 103.0101 Definitions and Procedures**

A. through C. [No changes.]

D. INITIATION

The establishment, repeal, change in boundaries or change in development controls, of a Planned District may be initiated in accordance with Section 111.0803.

E. ADDITIONAL NOTICE

In addition to the persons entitled to be mailed notice as set forth in Section 111.0302(b), a **Notice of Public Hearing** shall be mailed to the owner of each parcel of land within the boundaries of the proposed Planned District in accordance with Section 111.0302, no later than ten (10) working days before the date of the public hearing.

F. DECISION PROCESS

1. The establishment, repeal, change in boundaries or change in development controls of a Planned District may be approved or denied by the City Council in accordance with **Process Five**.

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2. Planning Commission Recommendation.

a. After the conclusion of a public hearing, the Planning Commission may recommend to the Council by affirmative vote of not less than a majority of its total voting members, the adoption of a Planned District Ordinance which will accomplish one or more of the following:

(1) Incorporate all or a portion of the property requested to be placed in the Planned District and impose development controls.

(2) Change the boundaries, as set forth in said notice, of an established Planned District and, when appropriate, impose development controls.

(3) Change the development controls of an established Planned District.

(4) Repeal the Planned District.

b. In lieu of recommending adoption of an ordinance to accomplish one or more of the actions as set forth in Section 103.0101(F), the Planning Commission may recommend denial of the petition or proposal.

c. The Planning Commission may recommend that the City Council adopt, change or repeal, any or all of the development controls listed Section 103.0101(C).

d. All recommended development controls shall recognize and reflect the special goals, objectives, requirements, criteria and standards of the adopted plans referred to in Section 103.0101(B).

e. In recommending adoption of development controls, a change in Planned District boundaries, a change in development controls of an established Planned District, or the repeal of a Planned District, the Planning Commission may recommend City Council adoption of maps and diagrams graphically depicting the proposed development controls or delineating the areas in which specific development controls are to be adopted, changed or repealed. The said maps and diagrams shall be deemed an integral part of the regulations for the Planned District.

f. In addition, the Planning Commission may recommend that the City Council establish a Planned District Review Board to evaluate the appropriateness of any use or structure in relation to the development controls established in a Planned District.

3. City Council Decision. The City Council shall consider the proposed establishment of a Planned District and the adoption of applicable development controls, the proposed change in the boundaries of an established District, the adoption of applicable development controls to an area added to an established

District, the proposed repeal of an established District and the development control regulations applicable to said District or the change in applicable controls in an established District.

At the conclusion of the public hearing, the City Council may take such action as it deems to be in the public interest as to the inclusion of property in a Planned District or the exclusion of property from a District or the adoption or modification of development controls to a District.

Any such action taken by the Council shall be consistent with public necessity, convenience and general welfare. All development controls adopted by ordinance shall recognize and reflect the special goals, objectives, requirements, criteria and standards of the plan covering the area of which the Planned District is a part.

In addition, the City Council may establish a Planned District Review Board to evaluate the appropriateness of any use, construction, alteration or demolition of buildings, structures or premises in relation to development controls established in a Planned District. Any ordinance establishing a Planned District Review Board shall describe the precise powers and duties of the Board, method of appointing members, tenure of office and such other rules and regulations the City Council may deem necessary.

G. SUSPENSIONS OF ZONING REGULATIONS

Whenever the City Council shall establish a Planned District and adopt development controls for said District or shall add additional land area to an established District, the ordinance or ordinances shall repeal those ordinances applying zoning restrictions to all property within the District boundaries.

H. REINSTATEMENT OF ZONING REGULATIONS

Whenever the City Council adopts an ordinance which eliminates territory from a Planned District or which repeals the development controls applicable to a Planned District in whole or in part, the City Council shall give consideration to the establishment of appropriate planning and zoning regulations.

I. EXCEPTIONS AND COMPLIANCE WITH SOLAR SYSTEM REGULATIONS

1. The provisions of Section 101.1201 et seq. relating to solar systems shall be applicable to all Planned Districts except Mission Beach (Section 103.0500 et seq.), Old San Diego (Section 103.0204 et seq.) and Gaslamp Quarter Planned Districts (Section 103.0400 et seq.).

2. For the purposes of compliance with solar systems regulations (Section 101.1201 et seq.) all residential zones within a planned district shall be considered more restrictive than the R-4 zone, and

all nonresidential zones shall be considered the same as R-4 or less restrictive zones.

**J. COMPLIANCE WITH SECTION 101.0580, CHILD CARE FACILITIES**

The provisions of Section 101.0580, related to child care facilities, shall be applicable to all planned districts.

Section 2. That Chapter X, Article 3, Division 2 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 103.0202, 103.0203, 103.0204, 103.0208 and 103.0209 to read as follows:

**SEC. 103.0202 Administrative Regulations**

The administrative regulations as specified herein shall apply in the Old Town San Diego Planned District.

**A. GENERAL PROVISIONS**

1. Chapter X, Article 1, Division 1 (Definitions and Interpretations), Chapter X, Article 2 (Subdivision) and Chapter XI, (Administration and Procedure), shall apply in the Old Town San Diego Planned District, unless otherwise specified. All other Divisions of Chapter X, Article 1, are superseded by the regulations contained within this Division unless otherwise specified.

2. Any permit or license issued or any work within the Old Town San Diego Planned District, including erection of any new building or structure, or repainting of exterior surfaces, remodeling or repair,



alteration, addition to or demolition of any existing building or structure, or relocation of any structure into the Planned District, regardless of whether it requires a permit, may be reviewed by the Planning Director and the Old Town San Diego Planned District Design Review Board.

3. [No change.]

B. OLD TOWN SAN DIEGO PLANNED DISTRICT DESIGN REVIEW BOARD

1. Appointments, Terms and Procedures

a. The Old Town San Diego Planned District Design Review Board (hereafter referred to as Board) shall be created to provide advice as specified in Section 103.0202(B)(2). The Board shall be composed of seven (7) members who shall serve without compensation. The members shall be appointed by the Mayor and confirmed by the Council. The members shall serve four-year terms and each member shall serve until his successor is duly appointed and qualified. The members shall be appointed in such a manner that the terms of not more than four (4) members shall expire in any year. The expiration date shall be March 1. During March of each year, the Mayor may designate one (1) member as Chairman; however, in the absence of such designation, the Board shall, on or after April 15, select a Chairman from among its members.

b. All members shall be electors of the County of San Diego at the time of appointment. Members of the Board shall be persons who shall be specifically qualified by reason of training or experience in history, art, architecture, land development, landscape architecture, tourism, planning, or other relevant business or profession able to judge the aesthetic effects of a proposed development. Three persons who are property owners in the Old Town San Diego Community Planning Area shall be appointed as members of the Board. At least one (1) member of such Board shall be a registered architect in the State of California and at least two (2) members shall be members of the Old Town Community Planning Committee. At least one (1) member shall be a business licensee, and one (1) member shall be a resident within the Old Town San Diego Community Planning area.

c. A Board member shall be replaced if the member has three (3) unexcused consecutive absences.

d. Four (4) members shall constitute a quorum for the transaction of business and a majority vote; and not less than four (4) affirmative votes shall be necessary to make any Board decision. The Board may adopt rules of procedure to supplement those contained within this Division.

e. The Planning Director or designee shall serve as Secretary of the Board as an ex-officio member. The Secretary shall not be entitled to vote.

f. All officers of the City shall cooperate with the Board and render all reasonable assistance to it.

g. The Board shall render a report annually on December 1, or on request, to the Mayor and to the Old Town Community Planning Committee.

2. Powers and Duties

a. It is the duty of the Board to provide advice on architectural design for development projects in compliance with the regulations and procedures contained within Division 2 of this Article in the manner prescribed herein; to recommend to the Planning Commission any changes to the development regulations contained herein, provided such changes are necessary for the proper execution of the adopted plan, and to adopt rules of procedure to supplement those contained within Division 2 of this Article.

b. The Board may recommend that the Planning Director or Hearing Officer approve, modify, or disapprove any application for a permit based upon its condition of compliance or noncompliance with the adopted regulations and approved standards and criteria.

c. Board members shall view the site before rendering a decision.

C. PROJECT REVIEW ADMINISTRATION

1. Application

Application for a Planned District Permit shall be made to the Planning Department, in accordance with Section 111.0202, prior to commencement of any work in the erection of any new building or structure, or repainting of exterior surfaces, remodeling or repair, alteration, addition to or demolition of any existing building or structure within the Planned District or any building which is relocated into the Planned District. The application shall include the following:

a. and b. [No changes.]

2. Decision Process

a. An application for a planned district permit for signs, reroofing, repainting of exterior surfaces and any addition to or alteration of any structure which is minor in scope may be approved or denied, in accordance with **Process One**, by the Planning Director without being referred to the Board for recommendation. Notwithstanding the foregoing provision, the Planning Director may in his discretion refer such application to the Board for their recommendation prior to taking action on the application. (Minor in scope shall constitute an

addition or alteration of twenty percent (20%) or less and conforms to all regulations contained herein.)

b. Other than provided by Section 103.0202(C)(2)(a), an application for a Planned District Permit shall first be referred to the Board for their review and recommendation. The application may be approved, conditionally approved or denied by a Hearing Officer in accordance with Process Three, after receiving the Board's recommendation or comments. The decision of the Hearing Officer may be appealed to the Planning Commission in accordance with Section 111.0506.

c. Within sixty (60) calendar days after the submission of a complete application to the Building Inspection Department or the Engineering and Development Department, which shall include completed environmental review, the Planning Director shall send his/her decision in writing to the Director of the Building Inspection Department or the Director of the Engineering and Development Department with the application and documents, except when the applicant requests and receives approval from the Planning Director for an extension of time.

d. Issuance. A Planned District Permit shall be issued in accordance with Section 111.1116.

D. PERMIT TIME LIMITS

1. [No change.]

2. A valid Planned District 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.

3. The expiration date of a valid Planned District Permit may be extended in the manner provided within Section 111.1122. To initiate the request for an extension of time, the property owner or owners shall file a written request with the Planning Department. The extension of time may be granted if both of the following requirements are met:

a. and b. [No changes.]

The Planning Department shall notify the Board and the Old Town Community Planning Committee of any extension of time requests. Any request that may be affected by changed conditions, shall be brought to the attention of the Board for recommendation.

E. NONCONFORMING USES

The determination and regulation of nonconforming uses within the District shall be consistent with provisions of Sections 101.0301 through 101.0303 of this Code.

**SEC. 103.0203 Special Permits**

The following types of permits are unique in their complexity and therefore require special review by the Board. The 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.

**A. PUBLIC FACILITIES, STRUCTURES AND AREAS**

All open spaces, streets, sidewalks, street furniture, street signs, lighting installations, and any incidental structures or monuments, shall conform to the intent of Division 2 of this Article which is designed to recreate the history of the character of Old Town San Diego in general accord with the period prior to 1871 and shall be subject to the same regulations, conditions and standards established herein, and shall be reviewed by the Board for their recommendation.

**B. HISTORIC AND ARCHITECTURALLY SIGNIFICANT STRUCTURES**

The provisions contained herein are intended to permit and encourage in Old Town San Diego the preservation and restoration of buildings, structures and sites having historic, archaeological, or architectural value for the benefit of the people of San Diego, the State of California and all those

interested in the record of the progress of western civilization. Such structures shall be designated Historic Sites in the City of San Diego.

1. Relocation of Historic Buildings

Designated historical structures of the City of San Diego may be relocated into the Old Town San Diego area. Upon receipt of an application for permit to relocate such a building, the Building Inspection Director shall refer the application to the Historical Site Board for review as provided in Section 103.0202. Any building approved for relocation into the District by the Historical Site Board shall be referred to the Board for review.

2. Exceptions

a. The Hearing Officer may grant an exception to any development regulation within Division 2 of this Article including permitted uses, and parking regulations only when such exception is necessary to permit the preservation or restoration of a designated historic or architecturally significant building, structure or site. Such exception shall be subject to the following conditions:

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

b. In approving or conditionally approving an exception, the Hearing Officer shall find that the exception is necessary to permit the preservation or restoration of a designated historical



site; that strict application of the provisions contained within Division 2 of this Article would result in economic or other practical difficulties in securing the preservation or restoration of a designated historical site; and that the granting of an exception will not be injurious to the community or detrimental to the public welfare; and, the Historical Site Board and the Old Town San Diego Design Review Board have made consistent recommendations for granting the exception.

c. In approving or conditionally approving any exception the **Hearing Officer** shall make a written finding specifying facts relied upon in rendering its decision. A copy of this written finding, together with all evidence presented, including plans required elsewhere in Division 2 of this Article shall be filed in the Office of the City Clerk, the Department of Building Inspection and the Planning Department.

3. and 4. [No changes.]

C. ARCHAEOLOGICAL AND HISTORICAL SITE  
PRESERVATION

A special permit shall be required for those projects where an archaeological site has been identified. Efforts should be made to preserve the site for public view; this preservation (total or partial) shall be a part of the special permit proposal.

The Historical Site Board shall review the application and provide information to the **Hearing Officer** on the site's historical or archaeological significance and methods to preserve or commemorate the site. The exemptions for historic buildings shall be also applicable, where appropriate, to these projects.

D. through F. [No changes.]

**SEC. 103.0204 Permitted Uses**

A. and B. [No changes.]

C. CLASSIFICATION OF USE

Any other use which the Planning Commission may find, 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 the Old Town San Diego Planned District. The adopted resolution embodying such finding shall be filed in the Office of the City Clerk.

**SEC. 103.0208 Specific Architectural Controls**

In addition to the other regulations contained herein the following specific architectural control regulations shall apply in order to insure the development of the distinctive character and atmosphere of Old Town San Diego prior to 1871:

A. [No change.]

B. FORMS, MATERIALS, TEXTURES AND COLORS

To assure that each structure in the District shall reflect the appearance of structures built or remodeled during the historic period, forms, materials, textures and colors of structures shall be in general accord with the appearance of structures built in Old Town San Diego prior to 1871. To this end, they shall be in general accord with the designs prevailing during the recognized Old Town San Diego historical periods as described in the "Standards and Criteria."

Any change to a structures form, material, texture or color shall be reviewed by the Director, and/or the Board.

C. through E. [No changes.]

**SEC. 103.0209 Signs**

A. [No change.]

B. SIZES

1. through 3. [No changes.]

4. Sign Program

On those properties which have street frontage exceeding 150 linear feet, a comprehensive sign program shall be submitted by the property owner to the Planning Department. Comprehensive Sign programs may be approved, conditionally approved or denied by a **Hearing Officer** in accordance with **Process Three**, after receiving comments and recommendations from the Board. The **Hearing Officer's** decision may be

appealed to the Board of Zoning Appeals. Size, design and location shall be considered to assure compatibility with the size and location of the development structures and establishments. In no case shall any one establishment be denied an identification sign of the minimum sizes identified in Paragraph 1 of this section, however, larger signs may be permitted if they are in accord with the purpose and intent of this District and the "Standards and Criteria."

C. and D. [No changes.]

Section 3. That Chapter X, Article 3, Division 3 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 103.0302.1, 103.0302.2 and 103.0302.3 to read as follows:

**SEC. 103.0302.1 Administration of the La Jolla Shores Planned District**

A. [No change.]

B. It is the duty of the Planning Director to administer and ensure compliance with the regulations and procedures contained within this Division in the manner prescribed herein for both public and private developments; to recommend to the Planning commission any changes to the regulations, provided such changes are necessary for the proper execution of the adopted plan, and to adopt rules of procedure to supplement those contained within this Division.

**SEC. 103.0302.2      La Jolla Shores Planned District  
Advisory Board**

- A.    [No change.]
- B.    POWERS AND DUTIES

It shall be the duty of the Advisory Board to review all applications for permits referred to it including applications for Planned Residential Developments (PRD's) within the La Jolla Shores Planned District and to submit its recommendations or comments on these matters in writing within thirty (30) calendar days to the Planning Department. When the California Environmental Quality Act requires that an Environmental Impact Report be prepared in conjunction with an application within the Planned District, the Advisory Board shall review this report before submitting its recommendation to the Planning Department. It shall also recommend to the Planning Commission any changes to the regulations, provided such changes are necessary for the proper execution of the adopted plan, and to adopt rules of procedure to supplement those contained within this Division. The Advisory Board shall utilize architectural criteria and design standards adopted by the City Council in evaluating the appropriateness of any development for which a permit is applied under this Division.

**SEC. 103.0302.3      Procedures for Permits Application  
and Review**

- A. through C.    [No changes.]

D. A La Jolla Shores Planned District Permit may be approved, conditionally approved or denied by a **Hearing Officer**, in accordance with **Process Three**, after receiving written recommendations or comments from the Advisory Board. The decision of the **Hearing Officer** may be appealed to the Planning Commission in accordance with Section 111.0506. Applications for PRD's shall be processed in accordance with Municipal Code section 101.0901. Action by the **Hearing Officer** on applications, other than those for PRD's, shall follow receipt of recommendation or comments from the Advisory Board and shall include a statement that the **Hearing Officer** finds that the building, structure, or improvements for which the permit was applied does or does not conform to the regulations contained herein. In the event the **Hearing Officer** determines that the proposed development does not conform to the regulations contained herein, the specific facts on which that determination is based shall be included in the written decision. Applications for improvements to patio covers, decks, fences under six (6) feet, retaining walls, uncovered swimming pools, unlighted tennis courts, single family residences, landscaping and any addition to or alteration of any structure which the Planning Director determines to be minor in scope, may be approved or denied in accordance with **Process One**, by the Planning Director, without

receiving recommendations or comments from the Advisory Board. Notwithstanding the foregoing provision, the Planning Director may refer an application for such improvement to the Advisory Board for a recommendation before taking action on the application. The Planning Director may approve the application if the Planning Director determines that the improvement conforms to the architectural criteria and design standards adopted by the City Council.

E. [No change.]

F. If the **Hearing Officer** approves the application for a La Jolla Shores Planned District Permit and the Building Inspection Director or City Engineer finds that the application conforms to all other regulations and ordinances of The City of San Diego, the appropriate department shall then issue the permit for the work in accordance with Section 111.1116.

G. A La Jolla Shores Planned District Permit granted by the City as herein provided, shall expire and become void thirty-six (36) months after the **Date of Final Action** on the permit if the permit is not utilized in the manner set forth in Section 111.1119.

H. A **Hearing Officer** may grant an extension of time in accordance with the provisions set forth in Section 111.1122. To initiate a request for extension of time, the property owner or owners shall file a

written application with the Planning Department. The extension of time may be approved if there has been no material change of circumstances since the permit was originally granted.

I. All other applications made under the Building Code and not under Section 103.0302.3 or involving interior work and not subject to any regulation contained within this Division shall be processed in the normal manner without referral to or approval by the Planning Department.

Section 4. That Chapter X, Article 3, Division 3 of the San Diego Municipal Code be and the same is hereby amended by repealing Sections 103.0302.4 and 103.0302.5.

Section 5. That Chapter X, Article 3, Division 3 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 103.0303.4, 103.0304.1, 103.0304.2, 103.0304.3, 103.0304.4, 103.0304.6, 103.0304.7, 103.0305, 103.0306 and 103.0307 to read as follows:

**SEC. 103.0303.4      General Design Regulations**

Concurrent with the adoption of this Division, the City Council by resolution adopted architectural and design standards to be used in evaluating the appropriateness of any development for which a permit is applied under this Division; such architectural and design standards shall be filed in the office of the City Clerk as a numbered document.

A. through C. [No changes.]



D. GRADING REGULATIONS

1. It is the intent of these regulations to preserve canyons and to prevent the cutting of steep slopes and the excessive filling to create level lots. No grading or disruption of the natural terrain shall be permitted until a permit which includes grading has been approved.

2. Grading plans may be approved if it is concluded that:

a. through c. [No changes.]

3. In evaluating a development for consistency with the above required findings, the appropriate decisionmaker shall utilize the provisions set forth in The City of San Diego Municipal Code, Division 4, Section 101.0454 (Hillside Review Overlay District) Subsection J.

**SEC. 103.0304.1 Single-Family Zone -- Permitted Uses**

In the Single-Family (SF) Zone, designated on that certain map referenced in Section 103.0301, 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 uses:

1. through 7. [No changes.]

A. and B. [No changes.]

■

C. SITING OF BUILDINGS

1. and 2. [No changes.]

3. Increased yard dimensions may be required for development adjacent to a public park to avoid any detrimental impact on the park.

4. [No change.]

D. through H. [No changes.]

**SEC. 103.0304.2 Multi-Family Zones -- Permitted Uses**

In the Multi-Family (MF) Zones, designated on that certain map referenced in Section 103.0301, no building or improvement or portion thereof shall be erected, constructed, 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 may find, in accordance with **Process Four**, to be similar in character to the uses enumerated above and consistent with the purpose and intent of the Multi-Family Areas and the La Jolla Shores Planned District. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

A. through G. [No changes.]

**SEC. 103.0304.3 Visitor Zone**

In the Visitor (V) Zone, designated on that certain map referenced in Section 103.0301, 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 uses the Planning Commission may find, in accordance with **Process Four**, to be similar in character to the uses, including accessory uses, enumerated above and consistent with the purpose and intent of the Visitor Zone and the La Jolla Shores Planned District. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

A. through G. [No changes.]

**SEC. 103.0304.4 Commercial Center**

In the Commercial Center (CC), designated on that certain map referenced in Section 103.0301, 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 the ground floor area of any establishment does not exceed 6,000 square feet. The minimum floor area for each dwelling unit or apartment is 400 square feet.

1. through 3. [No changes.]

4. Any other use which the Planning Commission may find, in accordance with **Process Four**, to be similar in character to the uses enumerated above

and consistent with the purpose and intent of the Commercial Center Area (CC) and the La Jolla Shores Planned District. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

A. through F. [No changes.]

**SEC. 103.0304.6 Northwest YMCA**

In the area designated on that certain map referenced in Section 103.0301 as YMCA, no building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for YMCA purposes.

A. through C. [No changes.]

D. LANDSCAPE REGULATIONS

1. and 2. [No changes.]

3. Required landscaping and irrigation systems shall be installed within six (6) weeks following occupancy of the premises.

E. and F. [No changes.]

**SEC. 103.0304.7 Private Recreation Facility**

In the area designated on that certain map referenced in Section 103.0301 as "PRF," 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 uses:

1. [No change.]

2. Any other uses which the Planning Commission may find, in accordance with **Process Four**, to be similar in character to the uses, including accessory uses, enumerated above and consistent with the purpose and intent of the Private Recreation Facility Zone and the La Jolla Shores Planned District. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

A. through H. [No changes.]

**SEC. 103.0305 Off-Street Parking Construction, Maintenance and Operation Regulations**

The following off-street parking construction, maintenance and operation regulations shall apply to all parking in the La Jolla Shores Planned District. Off-Street parking shall be in substantial conformance with standards 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. Off-street parking shall also be in substantial conformance with the Architectural Controls as specified within this Division. Substantial conformance shall be determined by the Planning Director.

A. through P. [No changes.]

**SEC. 103.0306 Special Regulations**

A. through F. [No changes.]

**G. PUBLIC IMPROVEMENTS**

When a subdivision map is not required, a **Hearing Officer** may require improvements including but not limited to sidewalks, curbs, gutters, street pavement, and street trees as a conditions for the approval of a La Jolla Shores Planned District. Such improvements shall be in accordance with standards established by the City Engineer.

H. [No change.]

**SEC. 103.0307 Structures Below The Water Table**

Structures in the La Jolla Shores area may be constructed below the water table only if all of the following conditions are met:

1. [No change.]
2. Any pumping system utilized shall be only for emergency use and shall not be designed, built or utilized for intermittent or continuous pumping and shall specifically not be used for the pumping of subsurface waters. Any discharge from such a system shall be pumped onto the public street and shall not be connected directly to the storm drain. The design for such a system shall be shown in detail on the plans submitted for approval. The owner shall immediately notify the City Engineer when water is pumped into the street.

3. [No change.]

4. A system to provide for the avoidance of any subsidence of adjoining or nearby structures, both during and after construction, shall be shown in detail on the plans submitted for approval. The plan shall indicate procedures to be taken in the event subsidence occurs. The owner of the proposed project shall provide the services of an independent testing laboratory to monitor continuously for such subsidence.

Section 6. That Chapter X, Article 3, Division 5 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 103.0502 and 103.0506 to read as follows:

**SEC. 103.0502 Applicable Regulations**

Where not otherwise specified in this Division, the provisions of Municipal Code Chapter X, Article 1, Divisions 1 through 6, and Division 8, Chapter X, Article 2, and Chapter XI, Article 1 shall apply. All other provisions of Chapter X, Article 1, of the Municipal Code are superseded by the regulations set forth herein. Where there is a conflict between the provisions of Chapter X, Article 1, and the provisions of this Division, the provisions of this Division shall apply.

**SEC. 103.0506 Planning Department Approval Required Before Issuance of Permit**

The Department of Building Inspection shall not issue any permit for the installation of fixtures or equipment, or for the erection, construction,

conversion, establishment, alteration or enlargement of any building, structure or improvement, or for the occupancy of any building or structure in any portion of the Mission Beach Planned District until approval of the Planning Department -- has been obtained by the applicant or owner. Each application for a permit shall state therein the purpose for which the proposed building, structure or improvement is intended to be used.

Section 7. That Chapter X, Article 3, Division 5 of the San Diego Municipal Code be and the same is hereby amended by repealing Section 103.0507.

Section 8. That Chapter X, Article 3, Division 5 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 103.0520, 103.0526.2, 103.0526.16, 103.0542 and 103.0545 to read as follows:

**SEC. 103.0520 Definitions -- Purpose and Intent**

It is the purpose of this section to provide clear and concise definitions of those words, terms and phrases which apply only to the Mission Beach Planned District area.

It is also intended that the definitions in Chapter XI, Article 1, Division 1 and Chapter X, Article 1, Division 1, of the Municipal Code shall be used when they do not conflict with the definitions set forth in this Division. This is to provide uniformity of interpretation and application.



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**SEC. 103.0526.2 Density Regulations**

One (1) dwelling unit shall be allowed, including lodging and boarding units, per 1,200 square feet of lot area; except that "R-S" lots of 2,000 square feet shall be entitled to a maximum of two (2) dwelling units if such lots are developed separately. Also, an "R-N" lot or lots totalling between 1,800 and 2,400 square feet shall be temporarily entitled to a maximum of two (2) dwelling units, provided any building permit for two (2) units on such lots must be applied for on or before June 30, 1985. Section 101.0211 of the Municipal Code shall not apply to any property regulated by this planned district ordinance.

**SEC. 103.0526.16 Parking**

A. and B. [No changes.]

C. Parking shall not be permitted in required yards other than interior or rear yards, except as provide herein.

1. For properties where any legal development, redevelopment or improvement that created or enlarged floor area on the premises occurred between February 27, 1964, and February 1, 1979, and the yard was being used for parking on or before February 1, 1979, parking shall be permitted within yards abutting courts, places, or Mission Boulevard provided that:

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

(d) For yards abutting courts or places and for parking adjacent to and parallel to Mission Boulevard:

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

(3) The Zoning Administrator may approve alternative methods of landscape and screening.

2. [No change.]

D. through G. [No changes.]

**SEC. 103.0542 Conditional Use Permit**

An application for a conditional use permit for the uses listed below, may be approved, conditionally approved or denied by a Hearing Officer in accordance with Process Three and Section 101.0510. The Hearing Officer's decision may be appealed to the Board of Zoning Appeals in accordance with Section 111.0506.

1. through 5. [No changes.]

6. The following uses may be permitted in any commercial subdistrict, except as specified in Sections 103.0542(6)(d), (f) and (g).

a. Automobile service station.

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

c. Drive-in or drive-thru offices, retail facilities, and food-handling establishments and services, including those providing pre-prepared food and "fast-food" services.

d. Residential structures with a maximum of six (6) dwelling units for any development qualifying and approved for housing assistance under programs administered by the Housing Authority of The City of San Diego or similar programs. The number of dwelling units on any lot shall not exceed the maximum permitted density in all Residential and Commercial Subdistricts.

e. Laboratories for medical, dental or general research, development or testing.

f. Residential, commercial, industrial and institutional uses in and on historical sites in all Residential and Commercial Subdistricts.

g. Video arcades limited to the visitor commercial subdistricts only.

(1) The Hearing Officer shall consider the following criteria when approving, conditionally approving or denying an application for a conditional use permit for a video arcade.

(a) The video arcade is so constructed that it mitigates for adverse noise.

(b) The facility will be adequately supervised during hours of operation.

(c) Hours of operation shall be restricted to be consistent with the surrounding uses.

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(d) Adequate lavatory facilities will be provided.

(e) Bicycle racks are provided within 25 feet of the video arcade.

(2) An approved conditional use permit for a video arcade may be revoked in accordance with the provisions of Chapter XI, Article 1, Division 6.

**SEC. 103.0545 Conditional Use Permit Granted by the Planning Commission**

An application for a conditional use permit for amusement and entertainment enterprises such as amusement parks, all types of theatres, playhouses, swimming pools, skating rinks and dance halls limited to the Visitor Commercial Subdistrict only, may be approved, conditionally approved or denied by the Planning Commission in accordance with Process Four.

Section 9. That Chapter X, Article 3, Division 6 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 103.0603, 103.0605, 103.0606, 103.0607, 103.0608, 103.0609, 103.0610 and 103.0613 to read as follows:

**SEC. 103.0603 Applicable Regulations**

Where not otherwise specified or inconsistent with this Division, the provisions of Chapter X, Article 1, Division 1 (Definitions and Interpretations); Chapter X, Article 2 (Subdivisions); Chapter X, Article 1, Division 4 (Home Occupation Permits);

Chapter X, Article 1, Division 5 (Variance and Conditional Use Permit Procedures); Chapter X, Article 1, Division 8 (Off-street Parking); Chapter X, Article 1, Division 9 (Planned Developments); and Chapter XI, Article 1 (Administration and Procedure), shall apply. All other provisions of Chapter X, Article 1 of the Municipal Code are superseded by the regulations set forth herein.

**SEC. 103.0605 Design Criteria**

Concurrent with the adoption of this Division, the City Council shall by resolution also adopt architectural and design standards which shall be used as a guideline for approving, modifying or disapproving any plans within the planned district.

**SEC. 103.0606 Grading Regulations**

A. The following criteria shall be incorporated by the Planning Department, Engineering and Development Department, Planning Commission and City Council when implementing any proposed grading within the planned district:

1. through 8. [No changes.]

Approval of the first tentative map which shall propose any grading, a development, building or construction for each precise plan, shall be subject to the approval of a comprehensive drainage plan by the Engineering and Development Director for the entire area of the precise plan prior to recordation of a

final map. This plan shall show drainage facilities, both permanent and temporary, which will be installed to control or mitigate soil erosion, silting of lower slopes, slide damage, or flooding problems. Such drainage provisions shall recognize the sensitivity and proximity of the Penasquitos Lagoon.

B. Post Development: The following guidelines shall be used when evaluating grading and excavation proposed after the initial development has been completed.

1. and 2. [No changes.]

**SEC. 103.0607 Administration**

**A. DEVELOPMENT PLAN APPROVAL REQUIRED**

Before any building permit may be approved, a development plan shall be submitted to the Planning Department for approval by a **Hearing Officer**. The development plan shall be in substantial conformity with the regulations contained herein, the architectural and design standards adopted by the City Council, and the precise plan for the development unit, and shall also be in conformance with the North City West Community Plan. Final building and landscaping plans shall be in substantial conformity to the approved development plan. The property shall be developed in substantial conformance with the approved final development plans, and no changes shall be made at any time until approved by the appropriate

decisionmaker. Approval is not required for interior modifications, exterior alterations or grading for which a permit is not required.

B. PROCEDURES FOR REVIEW

1. An application for a development plan shall be made in accordance with Section 111.0202 before constructing a new building, remodeling, demolition of any existing building, moving any building into the planned district, or any grading or excavation which requires a permit.

2. through 4. [No changes.]

5. Except as provided by Section 103.0607(B)(6), a **Hearing Officer** may approve, conditionally approve or deny a development plan in accordance with **Process Three**, based on the regulations contained herein and the architectural and design standards adopted by the City Council. The **Hearing Officer's** decision may be appealed to the Planning Commission in accordance with Section 111.0506.

6. **Subdivision Map.** The Planning Commission shall take action on all tentative subdivisions within the Planned District. A tentative map shall be submitted along with a development plan for property within the boundaries of the map. The tentative map and development plan shall be consolidated, as set forth in Section 111.0203 and

heard concurrently by the Planning Commission in accordance with **Process Four**.

An exception to this is the Employment Center Precise Plan and those areas within Multi-family Zones (MF) where the Planning Commission shall act on the tentative subdivision map independent of the development plans. The development plans, which shall consist of building and landscaping plans for each individual parcel within the Employment Center or Multi-family Zones, shall be considered by the Planning Commission subsequently, as submitted. Landscaping and irrigation plans for the parkways, medians, entry and open space areas, along with plans for any entry signs for the Employment Center shall be submitted for review by the Planning Commission in conjunction with the tentative map for that precise plan area.

7. The Planning Commission may approve, modify or disapprove any development plan based on the regulations contained herein and the architectural and design standards adopted by the City Council.

8. Following development plan approval and subject to the consent of the Planning Director, the Building Inspection Director or City Engineer shall issue the permit(s) for any work requested which conforms to City regulations, except as provided in Section 103.0607(B)(9).



9. Building permits for dwelling units shall be issued when a final subdivision has been recorded, and the plans and specifications for dwelling units and attendant improvements shall substantially conform to the development plan and the Design Element. A final subdivision map shall substantially conform with the approved plan. Permits may be issued for model units prior to the final map recordation subject to the requirements of the City Attorney, Engineering and Development Director and Planning Director.

Prior to the recordation of a final map for the Employment Center, final landscaping, including all paving and lighting, irrigation and entry sign plans, shall be approved by the Planning Director. These final plans shall substantially conform to the plans and specifications submitted pursuant to Section 103.0607(B)(4), and the Design Element of the precise plan area. The property shall be developed in accordance with these final plans.

**SEC. 103.0608 Single-family Zones (SF)**

A. [No change.]

**B. DEVELOPMENT REGULATIONS**

All paragraphs of Section 101.0407 (R-1 Zones) of the Municipal Code shall apply with the exception of Section 101.0407(D), Property Development Regulations. Instead, the following regulations shall apply:

1. Minimum Lot Dimensions. The following minimum lot sizes and dimensions shall apply in the SF zones.

TABLE I OF SECTION 103.0608

FEET ZONE (INTERIOR)	MINIMUM AREA IN	MINIMUM LOT DIMENSIONS IN LINEAR	
	SQUARE FEET	*STREET FRONTAGE	**WIDTH
SF	10,000	65	65
SF1	6,000	50	60
SF 1-A	5,500	50	50
SF2	4,500	40	45
SF3, SF4	3,000	25	30

\*Street frontage may be reduced to twenty (20) feet for any lot which fronts on a turnaround or curving street having a radius of curvature of less than one hundred (100) feet.

\*\*Measured at the midpoint of the lot.

Exception: The minimum lot areas shown above may be averaged.

Where such averaging is used, the minimum may be reduced a maximum of 500 SF.

Exception: Other lot configurations (flag lots, clusters, etc.) appropriate for certain product types may be approved by the appropriate decisionmaker. Each lot shall have a minimum frontage of fifteen feet (15') on a dedicated public street.

2. through 5. [No changes.]

**SEC. 103.0609 Multi-family Zones (MF)**

A. [No change.]

B. DEVELOPMENT REGULATIONS

All paragraphs of Section 101.0410 for the R-3000 Multiple Family Residential Zone of the Municipal Code shall apply with the exception of Section 101.0410(E), DENSITY REGULATIONS, Section 101.0410(F), MINIMUM LOT AREAS AND DIMENSIONS, Section 101.0410(G), YARD REQUIREMENTS, Section 101.0410(H), MAXIMUM BUILDING HEIGHTS, LOT COVERAGES, AND FLOOR AREA RATIOS (FAR), and Section 101.0410(I), LANDSCAPING REGULATIONS. Instead, the following regulations shall apply:

1. [No change.]
2. Property Development Regulations.
  - a. [No change.]
  - b. Open Space:
    - (1) [No change.]
    - (2) Usable open space shall not have an overall grade exceeding ten percent (10%) and shall not be occupied by buildings, streets, driveways, or parking areas, or any land proposed to be dedicated to the City as open space. The land provided must be determined by the appropriate decisionmaker to be functional usable open space which provides for reasonable use by the resident. Functional open space should include a minimum area of 100 square feet with a minimum dimension of six (6) feet on one side. The usable open space may, however, be occupied by

recreational facilities excluding buildings, including the following: swimming pools, golf courses, tennis, basketball, volleyball and badminton courts, open handball courts, children's play areas and accompanying equipment, baseball diamonds, shuffleboard courts, croquet and lawn bowling facilities, walks and riding trails, picnic facilities and any other use which the Planning Commission may find to be similar in character to the uses enumerated in this paragraph and consistent with the purpose and intent of Section 101.0901.

c. [No change.]

**SEC. 103.0610 Commercial Zones**

A. and B. [No changes.]

C. TOWN CENTER (TC)

All paragraphs of Section 101.0428 (CA Zone) and Section 101.0910 (Planned Commercial Development) of the Municipal Code shall apply with the exception of Section 101.0428(B), Permitted Uses, Section 101.0428(D)(5), Regulations for Residential Development, and Section 101.0428(E), Off-street Parking Regulation. Instead, the following regulations shall apply:

1. Permitted Uses

In the TC 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:

a. The following business and professional office uses from those uses permitted by the CO Zone (Section 101.0423) and the CA Zone (Section 101.0428) of the Municipal Code:

Business and professional office uses. Such uses may include accountants, advertising agencies, architects, attorneys, contractors, doctors, engineers, financial institutions, insurance agencies, medical clinics (no overnight patients), photographers, real estate brokers, securities brokers, surveyors and graphic artists.

Such lot or parcel may not be used by one or more practitioners who, among them, medically treat, or medically or psychologically counsel, on a group or individual basis, five (5) or more persons in one (1) calendar year who have committed, been charged by criminal indictment or complaint, or convicted of a sex-related offense outside the family unit as defined in the California Penal Code, Part 1, Title 9, Chapter 1, or in Sections 286, 286.5, 288, 288a, 289 of Chapter 5, or in Section 314 of Chapter 8, or any amendment or recodification of any such sections, if such lot or parcel is located within 1,000 feet of any premises occupied by an elementary, junior, or senior

high school, or the offices use shall become a nonconforming use and be subject to Section 101.0303. This restriction applies only to medical and counseling services which are directly related to physical or psychological treatment for the sex-related offenses committed and described in the above California Penal Code sections. Court ordered forensic evaluations are exempt services.

b. through e. [No changes.]

f. Any other use which the Planning Commission may find, 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 adopted resolution embodying such finding shall be filed in the office of the City Clerk.

g. [No change.]

2. [No change.]

3. Regulations for Residential Development.

a. [No change.]

b. Open Space.

(1) [No change.]

(2) Usable open space shall not have an overall grade exceeding ten percent (10%) and shall not be occupied by buildings, streets, driveways or parking areas, or any land proposed to be dedicated to the City as open space. The land provided must be

determined by the appropriate decisionmaker to be functional usable open space which provides for reasonable use by the resident. Functional open space should include a minimum area of 100 square feet with a minimum dimension of six (6) feet on one (1) side. The usable open space may, however, be occupied by recreational facilities excluding buildings, including the following: swimming pools, golf courses, tennis, basketball, volleyball and badminton courts, open handball courts, children's play areas and accompanying equipment, baseball diamonds, shuffleboard courts, croquet and lawn bowling facilities, walks and riding trails, picnic facilities and any other use which the Planning Commission may find, in accordance with **Process Four**, to be similar in character to the uses enumerated in this paragraph and consistent with the purpose and intent of Section 101.0901.

4. [No change.]

**SEC. 103.0613 Special Use Area (SP)**

**A. PURPOSE AND INTENT**

The special use area zone is intended for the development of uses of an educational, recreational, institutional, public or quasi-public nature. In approving a development plan, the **Hearing Officer** may impose such conditions as it deems necessary and desirable to ensure that the proposed use will not

adversely affect the Precise Plan or the Community Plan.

B. DEVELOPMENT REGULATIONS

All paragraphs of Section 101.0410 R Zones (Multiple Family Residential) of the Municipal Code shall apply, with the exception of Section 101.0410(B), Permitted Uses. Instead, the following regulations shall apply:

1. Permitted Use

a. through k. [No changes.]

1. Any other use, including accessory uses, which the Planning Commission may find, in accordance with **Process Four**, to be similar in character to the uses enumerated above and consistent with the purpose and intent of this zone. The adopted resolution embodying such findings shall be filed in the office of the City Clerk.

2. Off-street Parking Regulations

a. [No change.]

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

c. [No change.]



Section 10. That Chapter X, Article 3, Division 7 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 103.0703, 103.0704, 103.0706, 103.0707, 103.0708, 103.0709, 103.0710, 103.0715 and 103.0717 to read as follows:

**SEC. 103.0703 Definitions**

It is intended that the definitions in Chapter X, Article 1, Division 1, all sections, Chapter X, Article 1, Division 7, Section 101.0703 (City-wide Landscaping Regulations) and Chapter XI, Article 1, Division 1 of the San Diego Municipal Code shall apply except where a conflict exists with the definitions set forth in this Division. Where such a conflict exists, the definitions in this Division shall take precedence.

1. [No change.]

**SEC. 103.0704 Administrative Regulations**

A. ADMINISTRATION. The Planning Director or designated representative, shall administer the Golden Hill Planned District and ensure compliance with the regulations and procedures of this Division. In evaluating the appropriateness of any development for which a permit is applied under this Division, the appropriate decisionmaker shall utilize the Golden Hill Community Plan, the Golden Hill Planned District Design Criteria and Guidelines as adopted by Council with this ordinance and the following design studies:

1. through 4. [No changes.]

B. and C. [No changes.]

D. PUBLIC FACILITIES, STRUCTURES AND AREA. All public open areas, street sidewalks, street furniture, street signs, lighting installation, and any other incidental structures or monuments shall conform to the purpose and intent of this Division and shall be subject to all the regulations, conditions and standards established in this planned district. The Golden Hill Community Plan, the Golden Hill Planned District Design Criteria and Guidelines, as adopted by Council with this ordinance, and the studies referenced in Section 101.0704(A), shall be used to evaluate the appropriateness of any development.

E. [No change.]

F. DEMOLITION PERMITS. No permits shall be issued for the demolition and/or removal of any building or structures unless the application for the permit has been approved by the Planning Director or Planning Commission as described in Sections 103.0704(F)(2) and (3).

1. If any structure or building is demolished or substantially damaged without first obtaining a demolition permit, the Planning Department will not accept plans for a planned district ordinance review nor will the Building Inspection Department accept a building permit application for that site for a period of one (1) year or a previously issued permit

may be revoked for the period of one (1) year. If the structure or building was a designated historic site, or a Secondary Significant Structure as identified in the booklet, Greater Golden Hills Historic District #2, prepared by The City of San Diego Planning Department and the Greater Golden Hills Planning Committee, adopted October 6, 1978, the Planning Department will not accept plans for a planned district ordinance review nor will the Building Inspection Department accept a building permit application for two (2) years or a previously issued permit may be revoked for the period of two (2) years.

2. Other than provided by Section 103.0704(F)(3) an application for a demolition permit may be approved or denied by the Planning Director in accordance with **Process One**.

3. The Planning Commission may approve, conditionally approve or deny, in accordance with **Process Four**, an application for a demolition permit for a designated historical structure. If the Planning Director identifies a potential historic structure, the demolition or removal permit application shall not be approved for ninety (90) calendar days or until the Historical Site Board has evaluated and acted on the site's historical significance, whichever occurs first. If the site is not designated a historical site, the application may be approved or denied by the Planning

Director in accordance with **Process One**. The provisions of this section shall not apply to the following:

- a. [No change.]
- b. Any permit approved as part of a development project submitted, reviewed and approved in accordance with this Division, provided that such development application includes an environmental document prepared in accordance with the California Environmental Quality Act (CEQA) which describes and addressed the historical/architectural significance of the property. Such environmental report shall be reviewed by the Historical Site Board for the purpose of recommending to the decisionmaker whether the proposed project should be approved, modified or denied based on the importance of the existing building(s) or structure(s).

**SEC. 103.0706 Submittal Requirements**

Application shall be made, in accordance with Section 111.0202, to the Planning Department prior to commencement of any work in the erection of any new building or structure, or alteration, addition to or demolition of any existing building or structure within the Planned District or any building which is relocated into the Planned District. The application shall include the following:

- A. through G. [No changes.]

**SEC. 103.0707 Planning Director Review**

A. The Planning Director may approve, in accordance with **Process One**, any and all development that complies with the regulations contained in this Division.

B. and C. [No changes.]

D. The fee for the Planning Director's review shall be equivalent to that of a Plan Check Fee.

**SEC. 103.0708 Exceptions**

A. A Hearing Officer may approve, conditionally approve or deny in accordance with **Process Three**, an exception from selected provisions of the Golden Hill Planned District , when the application is for one of the following:

1. through 4. [No changes.]

B. The Hearing Officer shall in no case approve or conditionally approve an exception when the application is for deviation from 1) density, 2) use, 3) floor area ratio, 4) parking requirements, 5) building height, 6) landscaping, 7) street design requirements as specified in Section 103.0711(B)(8) of this Division, 8) average size of units, or 9) any development regulation for a designated historic structure.

C. The Greater Golden Hill Community Planning Committee shall have the opportunity to provide advice to a Hearing Officer on an application for an exception

prior to the **Hearing Officer** taking action on such exception. Copies of the application and plans shall be forwarded to the Greater Golden Hill Community Planning Committee, or their successor, to provide an opportunity for the Committee to review, for a period not to exceed thirty (30) days, the application and plans.

D. The fee for an application for an exception shall be set forth in the Schedule of Fees.

E. The **Hearing Officer** may approve or conditionally approve an exception provided the following finding of facts can be made:

1. and 2. [No changes.]

3. The proposed development will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity; and

4. [No change.]

F. In granting the exception, the **Hearing Officer** may impose conditions as deemed necessary and desirable to protect the public health, safety and general welfare.

G. The decision of the **Hearing Officer** shall include findings which shall cite specific facts relied upon in rendering the decision. The copy of the decision shall be mailed to the applicant and to the

Golden Hill Community Planning Committee, or their successor. A copy of this written finding, together with all evidence presented to the **Hearing Officer**, including plans required elsewhere in this Division, shall be filed with the office of the Planning Department.

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

**SEC. 103.0709 Golden Hill Development Permit**

A. An application for a Golden Hill Development Permit may be approved, conditionally approved or denied by a **Hearing Officer** in accordance with **Process Three**. The following projects shall be required to obtain a Golden Hill Development Permit:

1. and 2. [No changes.]

3. Any project which deviates from the development regulations of the Golden Hill Planned District and is not eligible to obtain an exception described in Section 103.0708.

4. Any project which does not conform with the Golden Hill Design Criteria and Guidelines.

5. [No change.]

6. Projects deviating from the development regulations of this District when such deviations are necessary to permit the preservation or restoration of an historic or architecturally significant building,

structure or site so designated by the Historical Site Board. Such projects shall be subject to the following:

a. and b. [No changes.]

c. The Hearing Officer in granting a deviation, shall make the following findings as well as those listed in Section 103.0709(D): a) that the deviation is necessary to permit the preservation or restoration of an historic or architecturally significant building, structure or site; and b) that the granting of a deviation will not be injurious to the community or detrimental to the public welfare.

7. [No change.]

B. [No change.]

C. The Greater Golden Hill Community Planning Committee shall have the opportunity to provide advice to the Hearing Officer on the approval, conditional approval or denial of a Golden Hill Development Permit. Prior to the Hearing Officer taking action on any Golden Hill Development Permit, copies of the application and plans shall be forwarded to the Greater Golden Hill Community Planning Committee, or their successor, to provide an opportunity for the Committee to review, for a period not to exceed thirty (30) days, the application and plans.

D. A Golden Hill Development Permit may be approved if the following findings of fact can be made:



1. through 4. [No changes.]

E. A Golden Hill Development Permit shall not be approved if the project exceeds the density permitted by this ordinance.

F. In granting a Golden Hill Development Permit, conditions may be imposed as deemed necessary and desirable to protect the public health, safety and general welfare.

G. The written decision of the **Hearing Officer** shall include findings which shall cite specific facts relied upon in rendering the decision. The copy of the decision shall be mailed to the applicant and to the Golden Hill Community Planning Committee, or their successor. A copy of this written finding, together with all evidence presented to the **Hearing Officer** including plans required elsewhere in this Division shall be filed with the office of the Planning Department.

H. The decision of the **Hearing Officer** on the Golden Hill Development Permit may be appealed to the Planning Commission in accordance with Section 111.0506.

**SEC. 103.0710 Regulations For Historic and Architecturally Significant Structures**

A. DEVIATIONS FROM BUILDING CODE

Notwithstanding the provisions of this Division or any other ordinance, it shall be lawful in

the Golden Hill Planned District to repair, remodel or restore any historic or architecturally significant buildings or structures so designated by the Historical Site Board. Such repair, remodel or restoration shall be in the same manner and with the same kind or similar materials with which they were originally constructed, consistent with the California State Historic Building Code and the Secretary of the Interior's Standards for Rehabilitation (see Appendix XX). Such building(s) or structure(s) may be approved or denied by the Planning Director, in accordance with **Process Two**, and the Building Inspection Department. The building(s) or structure(s) shall be safe and not hazardous to its occupants or the public. The Planning Director and the Building Inspection Department shall require such repairs, modifications, and/or improvements to the building or structure necessary to preserve the architectural and historic character and meet adequate life and safety standards. Requirements of the Planning Director may be appealed to a **Hearing Officer** in accordance with Section 111.0504. Requirements of the Building Inspection Department concerning methods and materials or minor deviations to alleviate practical difficulties of construction may be appealed to the Board of Appeals and Advisors as provided for in Section 204A of the Building Code.

B. [No change.]

**SEC. 103.0715 Curb Cuts and Driveway Regulations**

A. and B. [No changes.]

C. SIDEWALKS

1. The design of sidewalks shall match the historic sidewalk pattern on the adjacent properties, including location, width, elevation scoring pattern, color and material unless an alternative is approved through the procedure set forth in Section 103.0708 or Section 103.0709.

2. [No change.]

**SEC. 103.0717 Permitted Uses**

A. RESIDENTIAL ZONES

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 5. [No changes.]

6. In addition to the uses listed above, the following uses shall be permitted in the GH-1000 and GH-600 zones:

a. and b. [No changes.]

c. Offices for psychologists, social workers, religious practitioners, doctors, and dentists, provided that no overnight patients are permitted; and, further provided that not more than two (2) such professional persons, and not more than three

(3) employees of each, shall be engaged in such work on the premises.

Such lot or parcel may not be used by one or more practitioners who, among them, medically treat, or medically or psychologically counsel, on a group or individual basis, five (5) or more persons in one (1) calendar year who have committed, been charged by criminal indictment or complaint, or convicted of, a sex-related offense outside the family unit as defined in the California Penal Code, Part 1, Title 9, Chapter 1, or in Sections 286, 286.5, 288, 288a, 289 of Chapter 5 or in Section 314 Chapter 8, or any amendment for remodification, or any such sections, if such lot or parcel is located within 1,000 feet of any premises occupied by an elementary, junior, or senior high school, except that such use is permitted by organizations described in Section 101.0510(C)(1)(a), (j), (n) and (v.), Section 101.0510(C)(2)(e), and Section 101.0510(C)(3)(d), (e), and (g) or the office use shall become a nonconforming use and be subject to Section 101.0303. This restriction applies only to medical and counseling services which are directly related to physical or psychological treatment for the sex-related offenses committed and described in the above California Penal Code sections.

7. and 8. [No changes.]

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9. For properties in any residential zone, any other uses, including accessory uses, which the Planning Commission may find, in accordance with **Process Four**, to be similar in character to the uses enumerated herein for such zone. The adopted resolution embodying such findings shall be filed in the office of the City Clerk.

B. COMMERCIAL ZONES

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 purposes indicated in the following chart. No use may be conducted outdoors except as indicated by footnote #7. Drive-thru facilities for any business are prohibited.

TABLE IN SECTION 103.0717

PERMITTED USES	GH-CN	GH-CC
Antique Shops	X	X
Apparel Stores	X	X
Art Stores and Galleries		X
Auto Parts and Accessories No Service or Installation		X
Auto Repair		X(1)
Bakeries	X	X
Banks, including Branch Banks, and other similar conventional financial institution, excluding check cashing and money exchanging uses or facilities	X	X

Barbers and Beauty Shops	X	X
Bicycle Shops	X	X
Book Stores, excluding Adult		
Bookstores as defined in Municipal Code section 101.1801.3	X	X
Business and professional office uses (not including hiring halls). (Such uses may include accountants, advertising agencies, architects, attorneys, chiropractors, contractors, doctors, engineers, financial institutions, insurance agencies, medical clinics, (no overnight patients), photographers, physical therapists licensed by the State of California, real estate brokers, secretarial and phone answering services, securities brokers, surveyors and graphic artists.)	X(2)	X(2)
Cocktail lounges and similar establishments		X
Computer Stores		X
Confectioneries	X	X
Day Care Centers licensed by the County and/or State, whichever applies	X	X
Delicatessens	X	X
Drug Stores	X(3)	X
Dry Cleaning and Laundry Establishments and self service laundry establishments (no truck delivery of finished cleaning)	X	X
Florists	X	X
Food Stores	X(3)	X

Gift Shops	X	X
Gymnasiums and Health Studios		X
Hardware Stores		X(4)
Hobby Shops	X	X
Holistic Health Practitioners	X	X
Interior Decorators	X	X
Jewelry Stores	X	X
Liquor Stores		X
Music Stores	X	X
Nurseries - Plants	X	X
Office Supply Store		X
Photographic Studios and Retail Outlets	X	X
Printing, Graphics and Copy Shops		X
Radio, Television and Home Appliance Repair Shops		X(5)
Private Postal Service		X
Residential development in accordance with the density levels as described in Section 103.0712(A) and the regulations of this district	X	X
Restaurants	X(6) (7)	X(6)
Shoe Stores and Shoe Repair Shops	X	X
Stationeries	X	X
Studios for the Teaching of Art, Dancing and Music	X	X
Toy Stores		X

Pushcarts, Subject to the Provisions of the Municipal Code section 101.0560	X	X
Residential Development in accordance with the guidelines established herein	X	X
Travel Bureaus		X
Variety Stores	X	X
Video Sales and Rental, excluding Adult Videos and Arcade Games		X
Any other uses which the Planning Commission may find to be similar in character to the uses, including accessory uses, enumerated in this Section and consistent with the purpose and intent of this Ordinance. The adopted resolution embodying such findings shall be filed in the office of the City Clerk.	X	X
Accessory uses to be appropriate in character and placement in relationship to a primary use. Such uses not to exceed ten percent (10%) of the gross floor area of the primary use.	X	X

Footnotes:

- (1) [No changes.]
- (2) Such lot or parcel may not be used by one or more practitioners who among them, medically treat, or medically or psychologically counsel, on a group or individual basis, five (5) or more persons in one (1) calendar year who have committed, been charged



by criminal indictment or complaint or convicted of a sex-related offense outside the family unit as defined in the California Penal Code, Part 1, Title 9, Chapter 1, or in Sections 286, 286.5, 288, 288a, 289 of Chapter 5, or in Section 314 of Chapter 8, or any amendment or recodification or any such sections, if such lot or parcel is located within 1,000 feet of any premises occupied by an elementary, junior, or senior high school, except that such use is permitted by organizations described in Sections 101.0510(C)(1)(a), (j), (n), and (v), Section 101.0510(C)(2)(3), and Sections 101.0510(C)(3)(d), (e), and (g) or the office use shall become a nonconforming use and be subject to Section 101.0303. This restriction applies only to medical and counseling services which are directly related to physical or psychological treatment for the sex-related offenses committed and described in the above California Penal Code sections. Court ordered forensic evaluations are exempt services.

(3) No more than ten percent (10%) of the gross floor area is to be utilized for the display of alcoholic beverages.

(4) Excluding the sale of used building materials, used appliances and used plumbing supplies.

(5) All repair work and storage of equipment is to be within an entirely enclosed building.

(6) May be conducted outdoors.

(7) Excluding the sale of all intoxicating beverages except beer and wine.

Section 11. That Chapter X, Article 3, Division 9 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 103.0904, 103.0905, 103.0906, 103.0907, 103.0916, 103.0919, 103.0926, 103.0929, 103.0948, 103.0950, 103.0957 and 103.0960 to read as follows:

**SEC. 103.0904 Administrative Regulations**

A. through C. [No changes.]

D. Should an applicant wish to move a building from one location to another, the applicant shall first obtain a Conditional Use Permit pursuant to Municipal Code section 101.0510.

E. [No change.]

**SEC. 103.0905 Exceptions**

A. and B. [No changes.]

C. A **Hearing Officer** may approve, conditionally approve or deny, in accordance with **Process Three**, any or all of the following exceptions listed in Municipal Code sections 103.0905(C)(1) through (C)(6) to certain Redevelopment Subdistrict regulations provided such exception(s) would serve to carry out the purpose and intent of the Redevelopment Subdistrict. These exceptions shall be limited to the area within the Redevelopment Subdistrict bounded by Harbor Drive, the Coronado Bay Bridge rights-of-way and the Barrio Logan Redevelopment Project Area boundaries, and shall apply

only if this portion of the Redevelopment Subdistrict continues to be used for marine oriented industries, and port related transportation uses. The exceptions are:

1. through 6. [No changes.]

**SEC. 103.0906 Permit Application, Review and Issuance**

A. [No change.]

B. The permit application shall be filed with the Planning Department in accordance with Section 111.0202. An application for a Barrio Logan Planned District 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 Board of Zoning Appeals in accordance with Section 111.0506.

C. [No change.]

D. The Department of Building Inspection and Department of Engineering and Development shall not issue any permit for the installation of fixtures or equipment, or for the erection, construction, conversion, establishment, alteration, rehabilitation, demolition, move on, addition or enlargement of any building, structure or improvement, or for the occupancy of any building, structure or premises, or for the grading, subdivision or street closure, nor shall any site be used in any portion of the Barrio Logan Planned District until the Hearing Officer has

approved or conditionally approved a Barrio Logan Planned District permit. Each applicant shall state the purpose for which the proposed building, structure or improvement is intended to be used. Applications for grading permits and demolition of structures shall not be accepted unless application is made concurrently for a building permit.

E. The Planning Director shall review projects which affect historic sites designated pursuant to all applicable Municipal Code sections. All applications for the demolition or removal of any building shall be submitted to the Planning Director for review. The Planning Director may approve, in accordance with **Process One**, an application for a demolition permit if it is determined that the site in question is not a potential historic site. The Planning Director shall make that determination within ten (10) working days of the receipt of the application. If the Planning Director does not make the determination within the specified period, the site shall be deemed not to be a potential historic structure. If the site is a potential historic structure, the demolition or removal permit application may be approved, conditionally approved or denied by the Planning Commission, in accordance with **Process Four**. The application shall not be approved for ninety (90) calendar days or until

the Historical Site Board has evaluated and acted on the site's historical significance, whichever occurs first. The provisions of this Municipal Code section 103.0906(E) shall not apply to the following:

1. [No change.]

2. Any permit approved as part of a development project submitted, reviewed and approved in accordance with this Division, and provided that the development application includes an environmental document prepared in accordance with the California Environmental Quality Act which describes and addresses the historic/architectural significance of the property. The environmental document shall be reviewed by the Historical Site Board for the purpose of recommending to the Planning Director whether the proposed project should be approved, modified or denied based on the importance of the existing building(s) or structure(s).

F. [No change.]

G. On behalf of the Redevelopment Agency of The City of San Diego, the City Manager or designee shall review all development proposals located within the "Redevelopment Subdistrict" of the Barrio Logan Planned District, and make recommendations to the **Hearing Officer.**

Projects requiring participation of the Redevelopment Agency of The City of San Diego (the

"Agency") shall be reviewed by the Planning Commission prior to approval by the Agency. The Planning Commission may recommend to the Agency reasonable conditions to ensure compliance with the Barrio Logan Redevelopment Plan and the regulations contained in this Division.

H. Variances, Conditional Use Permits and Reconstruction Permits.

1. [No change.]

2. Applications for zone variances or conditional use permits shall be processed concurrently with any other required discretionary actions relating to the subject property, in accordance with Municipal Code section 111.0203.

I. The procedure for application for Classification of Use, Variance, Conditional Use Permit and Subdivision, as well as the procedures for taking action on such matters, shall be the same as set forth in Chapter X, Article 1, Divisions 2 and 5, and Chapter X, Article 5, Division 2, of the Municipal Code.

**SEC. 103.0907 Outdoor Display, Operation and Storage**

In the Barrio Logan Planned District, the following regulations shall apply to all commercial and industrial uses in all Subdistricts:

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 or residentially used lots:

a. through d. [No changes.]

e. Any other merchandise which the Zoning Administrator may find to be similar in character, type or nature to the other merchandise listed in this paragraph and which will not cause an adverse visual impact on the neighborhood.

2. through 4. [No changes.]

5. The Zoning Administrator may approve the use of other building materials for required walls, fences, and gates if he finds that such other building materials will be at least equal to the required materials in presenting a neat and attractive appearance. A change from the building material requirement, or to a lesser height, can be made pursuant to Chapter X, Article 1, Division 5, Section 101.0502.

6. and 7. [No changes.]

**SEC. 103.0916 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 10. [No changes.]

11. Any other uses, including accessory uses, which may be determined by the Planning Commission, in accordance with **Process Four**, which are consistent with the purpose and intent of this Subdistrict. The adopted resolution embodying such findings shall be filed in the office of the City Clerk.

**SEC. 103.0919 Property Development Regulations**

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

1. through 5. [No changes.]
6. Landscaping.
  - a. [No changes.]
  - b. For any lot which is being developed with two (2) or more dwelling units, or with a nonresidential use and prior to the issuance of any building permits, a complete set of landscaping and irrigation plans shall be submitted to the Zoning Administrator for approval; said landscaping and irrigation plan shall be 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 Zoning Administrator.

c. and d. [No change.]

7. [No change.]

**SEC. 103.0926 Permitted Uses**

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

1. through 5. [No changes.]

6. Any uses which, the Planning Commission determines, in accordance with **Process Four**, to be similar in character to the uses enumerated in this Section and are clearly within the intent and purpose of this Subdistrict. The adopted resolution embodying any such finding shall be filed in the office of the City Clerk.

7. [No change.]

**SEC. 103.0929 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 building shall comply with the following regulations and standards.

1. through 5. [No changes.]

6. Landscaping.

a. [No change.]

b. Prior to the issuance of any building permits, a complete landscaping plan and irrigation plan shall be submitted to the Zoning Administrator for approval. This landscaping plan and irrigation plan shall be in conformance with the requirements of this Section and with standards adopted by the Planning Commission as set forth in the documents entitled, "City of San Diego Landscape Technical Manual," on file in the office of the City Clerk. Conformance shall be determined by the Zoning Administrator.

c. through e. [No change.]

7. [No change.]

**SEC. 103.0948 Property Development Regulations**

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

1. through 5. [No changes.]

6. Landscaping.

a. Prior to the use or occupancy of any lot or premises, a planting strip shall be required along those portions of the perimeter of the lot or premises adjoining street highways and public places except where driveways and sidewalks are located. The planting strip shall have a depth of not less than ten (10) feet. Landscaping and irrigation shall be in

conformance with the 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 Zoning Administrator. Approved landscaping, including any required irrigation systems, shall be installed prior to the use or occupancy of any lot or premises shall be in conformance with the approved landscaping and irrigation plans. All required landscaped areas shall be permanently maintained in accordance with the adopted standards referred to in this Paragraph.

b. Landscaping required in Section 103.0948(6)(a), is required for all commercial and industrial uses which existed on the effective date of this ordinance and shall be installed within five (5) years of the effective date of this ordinance; provided, however, that for any portion of the lot or premises where no minimum yard is required, planter boxes or a landscaped strip between the property line and curb of the adjacent public street shall be substituted for the required landscaping. Such substitute landscaping shall be subject to the approval of the Zoning Administrator and City Manager. If the substitute landscaping is determined to be infeasible by the Zoning Administrator or City Manager, no substitute landscaping shall be required.

**SEC. 103.0950 Exceptions**

1. A Hearing Officer may approve, conditionally approve or deny, in accordance with **Process Three**, an application for an exception to certain Subdistrict "D" regulations where such exception would serve to carry out the purpose and intent of this Subdistrict. These exceptions shall be limited to the area within Subdistrict "D" which is on the westerly side (bay side) of Harbor Drive or the southerly side of 32nd Street, and may include any or all of the following exceptions:

a. through d. [No changes.]

e. The off-street parking requirements in Section 103.0949 (Off-Street Parking) may be replaced by:

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

Provision for off-premises parking spaces required by this Section shall be maintained so long as they are required by the provisions of this Section. In no event shall off-premises parking facilities which are provided to meet the requirements of this Section be considered as providing any of the required spaces for any other structure or use.

f. All uses shall be exempt from the provisions of Section 103.0948(6)(a), (Landscaping), provided that a landscaped strip of not less than ten (10) feet in depth be provided along all property

fronting on the Harbor Drive or Main Street right-of-way. Landscaping shall be in substantial conformance with the standards adopted by the Planning Commission as set forth in the document entitled, "Developmental Standards/Operational Standards - Landscaped Strips," on file in the office of the Planning Department. Substantial conformance shall be determined by the Zoning Administrator. Approved landscaping, including any required watering systems, shall be installed prior to the use or occupancy of any lot or systems shall be in substantial conformance with the approved landscaping plan. All required landscaped areas shall be permanently maintained in accordance with the adopted standards referred to in this Paragraph.

2. The **Hearing Officer** shall further find that in granting or conditionally granting these exceptions that:

a. through c. [No changes.]

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

**SEC. 103.0957 Land Use Classifications**

Permitted land uses within the Barrio Logan Redevelopment Subdistrict are grouped into Land Use Classifications. Land use classifications describe one (1) or more uses having similar characteristics but do

not list every use or activity that may be appropriate within the use classification. If necessary, the Planning Commission shall determine, in accordance with **Process Four**, whether a specific use falls within one (1) or more of the use classifications described, taking into consideration the purpose and intent of the Redevelopment Subdistrict. The Planning Commission shall adopt a resolution embodying their determination. Certain land uses, as indicated in Section 103.0957, shall be examined on case by case basis by the Planning Director to determine whether and under which conditions those uses may be approved at a given site in accordance with Municipal Code sections 101.0510 and 101.0513 through 101.0517, as amended from time to time.

A. [No change.]

B. COMMERCIAL RETAIL

1. and 2. [No changes.]

3. Liquor Sales: An alcohol Conditional Use Permit ("CUP") is required prior to the retail sale of any alcohol.

4. [No change.]

C. COMMERCIAL SERVICES

1. through 11. [No changes.]

12. Visitor Accommodations:

a. and b. [No changes.]

c. Single-Room-Occupancy ("SRO"):

Notwithstanding the provisions of Municipal Code section 101.0101.76 and Chapter X, Article 1, Division 19, of the Municipal Code, within the Barrio Logan Redevelopment Subdistrict, each SRO unit shall have a minimum of two hundred (200) square feet, and the project shall not exceed 1.0 FAR. A Conditional Use Permit (CUP) granted pursuant to Municipal Code section 101.0510 shall be required. SRO's shall be separated by a straight line (measured from property line to property line) of no less than one-quarter mile to another SRO within the Barrio Logan Planned District.

D. [No change.]

E. PUBLIC AND QUASI PUBLIC

1.through 8. [No changes.]

9. Nonprofit, Charitable Institutions: A Conditional Use Permit (CUP) granted pursuant to Municipal Code section 101.0510, is required.

10. Limited Community and Human Care Facilities:

a. Primary Health Care: A Conditional Use Permit (CUP) granted pursuant to Municipal Code section 101.0510, is required.

b. Residential Care: A Conditional Use Permit (CUP) granted pursuant to Municipal Code section 101.0581, is required.

11. [No change.]

F. through I. [No changes.]

J. OTHER USES

Any other uses which the Planning Commission may determine, in accordance with **Process Four**, to be similar in character and type to the uses, including accessory uses enumerated above, and consistent with the purpose and intent of the Redevelopment Subdistrict. Such determination shall follow the appropriate procedures established by the Municipal Code.

K. [No change.]

**SEC. 103.0960 Parking Requirements and Regulations**

The Redevelopment Subdistrict is conveniently served by transit facilities (both trolley and bus) as well as by alley access. The provisions of Municipal Code section 101.0856(B) shall not apply to the Redevelopment Subdistrict of the Barrio Logan Planned District Ordinance. The applicable parking requirements for the Redevelopment Subdistrict are as follows: Every premises used for one or more of the permitted uses in Municipal Code sections 103.0955 through 103.0957 shall provide a minimum of permanently maintained off-street parking spaces. Such required spaces shall be located:

- On the same lot or premises of the use(s) served; or



- Off the premises where the use(s) served is located, provided the parking area or garage is within fifteen hundred (1500) feet of the premises served (as measured by a straight line from property line to property line). Off-site parking spaces shall require a Conditional Use Permit, signed by the applicant and parking facility owner. The applicant shall also comply with to Municipal Code section 101.0807, as amended from time to time. The off-site parking option shall not apply to residential development.

A. through C. [No changes.]

Section 12. That Chapter X, Article 3, Division 10 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 103.1004, 103.1005, 103.1008, 103.1009 and 103.1010 to read as follows:

**SEC. 103.1004 Planning Department Approval Required before Issuance of Permit**

**A. APPLICATION.**

Applications for a building permit shall be made to the Building Inspection Department. Before the permit may be approved by the Building Inspection Director, for the commencement of any work in the erection of any new building or structure, or remodeling, alteration, addition, requiring a building permit, or demolition of any existing building or structure within the Planned District, or any building or structure which is moved into the Planned District,

or grading, approval of the Planning Director shall be obtained. Applications for permits shall be made in accordance with the San Diego Municipal Code, Chapter IX and Chapter VI, Article 2.

B. CONTENT

The application shall include the following:

1. through 3. [No changes.]

4. Any other information deemed necessary by the Planning Director to judge compliance with the regulations contained herein and other applicable laws and regulations.

C. REFERRAL

The Building Inspection Director and the City Engineer shall refer all applications to the Planning Director.

D. DETERMINATION

The Planning Director may approve or deny, in accordance with **Process One**, applications for the permits described in Section 103.1004(A). The Planning Director shall approve the permit application if the project complies with the regulations contained within this Division. The Planning Director shall provide a statement that the project does or does not conform to the regulations contained herein. In the event the Planning Director determines that the proposed project does not conform to the regulations contained herein, the specific facts on which that determination is based

shall be included in a written decision and provided to the applicant.

The Building Inspection Director may approve building or construction related permit applications of an emergency nature without prior approval of the Planning Director if such actions are to correct any condition which renders a building unsafe. All such actions by the Building Inspection Director shall be immediately reported to the Planning Director.

E. ISSUANCES

If the Planning Director approves the application and the application conforms to all other regulations and the ordinances of the City of San Diego, the Building Inspection Director or City Engineer may then issue the appropriate permit for the work.

**SEC. 103.1005 Procedures and Fees**

The fees for classification of property, variance, conditional use permit, development permits, reconstruction permits, subdivisions, and amendments to this Planned District shall be the same as set forth in Chapter X, Article 1, Division 2 and Article 2, Division 3 of the Municipal Code.

The procedure for application of the above permits, as well as the procedure for taking action on the permits, shall be the same as set forth in Chapter X, Article 1, Division 2 and Division 5,

Chapter X, Article 2 and Chapter XI, Article 1 of the  
Municipal Code.

**SEC. 103.1008 Subdistrict I Regulations**

A. and B. [No changes.]

C. PERMITTED USES

No building, structure, 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 4. [No changes.]

5. any other uses, including accessory  
uses, which the Planning Commission may find, in  
accordance with **Process Four**, to be similar in  
character to the uses enumerated in this paragraph, and  
consistent with the purpose and intent of this  
Subdistrict. The Planning Commission's resolution  
embodying such findings shall be filed in the office of  
the City Clerk.

D. [No change.]

E. PROPERTY DEVELOPMENT REGULATIONS

No building, structure or portion thereof  
shall be erected, constructed, converted, established,  
altered, or enlarged, or used, nor shall any lot or  
premises be used unless the lot or premises and  
building or structure or portion thereof shall comply

with the following requirements and special regulations:

1. through 7. [No changes.]

8. Landscaping Regulations:

a. Prior to the use or occupancy of any lot or premises, the entire required front and street side yards shall be suitably landscaped, except for those areas occupied by driveways and walkways. In no case shall the required landscaped area be less than forty percent (40%) of the total area included in the required front and street side yards. Prior to the issuance of any building permits, a complete set of landscaping and irrigation plans shall be submitted to the Zoning Administrator for approval. The landscaping and irrigation plans shall be in conformance with the requirements of this section and 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 Zoning Administrator. Required landscaping and required irrigation systems 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.

b. [No change.]

**SEC. 103.1009 Subdistrict II Regulations**

A. and B. [No changes.]

C. PERMITTED USES

No building, structure, 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 11. [No changes.]

12. Any other use, which the Planning Commission may find, in accordance with **Process Four**, to be similar in character to the uses enumerated in this paragraph and consistent with the purpose and intent of this Subdistrict. The resolution embodying such findings shall be filed in the office of the City Clerk.

D. [No change.]

E. OUTDOOR DISPLAY AND STORAGE REGULATIONS

1. and 2. [No changes.]

3. All walls and fences required in Section 103.1009(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 location, materials and design of required walls and fences shall be subject to approval by the Zoning Administrator. Whenever feasible, the approval of the Zoning Administrator

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 Zoning Administrator for approval. The landscape screening shall be developed in substantial 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 Zoning Administrator. Landscape screening shall be permanently maintained in accordance with the adopted standards referred to in this paragraph.

F. 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 3. [No changes.]

4. Landscaping:

Prior to the use or occupancy of any premises of twenty-five (25) feet in width or less, a minimum of two percent (2%) of the premises, which shall be visible from an immediate abutting public street right-of-way, shall be suitably landscaped with shrubs, trees, and ornamental ground cover. The minimum landscaping requirement shall increase one-half of one percent for each twenty-five (25) feet of parcel width but need not exceed a maximum of five percent (5%).

However, if a project contains a land area a minimum of fifty thousand (50,000) square feet or if the project land area is two hundred (200) feet in depth and bounded on three (3) sides by streets, a strip of land within the premises which abuts public street rights-of-way shall be suitably landscaped with shrubs, trees and ornamental ground cover. This strip shall have a minimum depth of five (5) feet and an area equal in square feet to ten (10) times the length of the property line abutting public street rights-of-way. Any portion of this landscaped strip which exceeds twenty-five (25) feet in depth shall not be included in calculating the required area.

Prior to the issuance of any building permits, a complete set of landscaping and irrigation plans shall be submitted to the Zoning Administrator for approval. The landscaping and irrigation plans



shall be in conformance with the requirements of this section and with standards and specifications 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 Zoning Administrator. Landscaping and required irrigation systems 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.

A minimum of ten percent (10%) of the total gross area of all parking lots or areas, not including parking structures or underground parking facilities, shall be landscaped.

5. [No change.]

6. Off-Street Parking Regulations:

a. Every premises used for one or more of the permitted uses listed in Section 103.1009(C) shall be provided with off-street parking spaces on the same lot or premises, except as otherwise provided in Division 8 of Article 1, as follows:

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

b. [No change.]

c. Where ambiguity exists in the application of these off-street parking requirements or where any use not specified in Section 103.1009(C) is found to be a permitted use, the off-street parking requirement shall be consistent with that for similar uses in this zone.

d. [No change.]

**SEC. 103.1010 Subdistrict III Regulations**

A. through D. [No changes.]

**E. 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 of occupancy of any lot or premises, a minimum of ten percent (10%) of the entire area of the lot or premises shall be suitably landscaped, including a planting strip along those portions of the perimeter of the lot or premises adjoining streets, highways and public places except where driveways and sidewalks are located. The planting strip shall have a depth of not less than ten (10) feet. Landscaping shall be in conformance with the 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 Zoning Administrator. Approved landscaping, including any required irrigation systems shall be installed prior to the use or occupancy of any lot or premises, and the landscaping and watering systems shall be in conformance with the approved landscaping and irrigation plan. All required landscaped areas shall be permanently maintained in accordance with the adopted standards referred to in this paragraph.

5. and 6. [No changes.]

Section 13. That Chapter X, Article 3, Division 11 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 103.1102, 103.1103, 103.1105, and 103.1107 to read as follows:

**SEC. 103.1102 Administrative Regulations**

**A. GENERAL PROVISIONS**

1. The Planning Director shall administer the Otay Mesa Development District. The Planning Director shall ensure compliance with the regulations and procedures of this section. The Otay Mesa Community Plan as presently adopted or hereinafter amended, shall be used to evaluate the appropriateness of any development for which a permit is applied under this Division.

2. through 4. [No changes.]

5. The following projects may be approved or denied by the Planning Director, in accordance with **Process One**, and do not require an Otay Mesa Development District Permit.

a. and b. [No changes.]

6. The following projects shall be required to obtain an Otay Mesa Development District Permit in accordance with Section 103.1102(B):

a. through f. [No changes.]

B. OTAY MESA DEVELOPMENT DISTRICT PERMIT

1. [No change.]

2. In reviewing and approving development plans, the **Hearing Officer** shall limit review and consideration to the following:

a. through o. [No changes.]

3. An application for an Otay Mesa Development District Permit may be approved, conditionally approved or denied by a **Hearing Officer** in accordance with **Process Three**. A **Hearing Officer** may approve or conditionally approve an Otay Mesa Development District Permit if it is found from the evidence presented that all of the following facts exist:

a. through e. [No changes.]

4. The premises shall be developed in substantial conformance with approved development

plans, and substantial conformance shall be determined by the Planning Director.

5. In approving an Otay Mesa Development District Permit, a suspension or variance of any of the Property Development Regulations, as set forth in this section, may be approved by the Hearing Officer, provided such suspension or variance shall be based on sufficient showing that there are special circumstances or conditions affecting the property in question and that such suspension or variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and that the granting of the suspension or variance will not adversely affect the Progress Guide and General Plan of the City.

6. The Hearing Officer's decision may be appealed to the Planning Commission in accordance with Section 111.0506.

C. and D. [No changes.]

**SEC. 103.1103 Permitted Uses**

**A. INDUSTRIAL SUBDISTRICT**

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

All uses permitted in the M-LI Zone  
(Section 101.0434.1).

1. through 5. [No changes.]

6. Business Support Services

These uses shall be limited to five percent (5%) of the gross ownership area. Projects utilizing business support service uses may be processed by using the commercial subdistrict property development regulations contained in Section 103.1107.

The use of any property for business support service uses shall require that notice to the Planning Director be given by certified mail for the purpose of recording the location and quantities of property to be used for such purposes. Such notice shall be filed with the Planning Director prior to the Planning Director's approval or denial of the permit.

Business support service uses shall be the same as commercial subdistrict uses except that hotels, motels, and automobile and truck sales and rental agencies shall not be permitted.

7. and 8. [No changes.]

B. [No change.]

C. ADDITIONAL USES - COMMERCIAL AND INDUSTRIAL  
SUBDISTRICTS

Other uses shall be permitted within the commercial and industrial subdistrict as follows:

1. [No change.]

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

Division and which are clearly within the intent and purpose of this district. The adopted resolution embodying any such finding shall be filed in the office of the City Clerk.

**SEC. 103.1105 Canyon and Hillside Subdistrict**

The Canyon and Hillside Subdistrict, as identified on Map Drawing No. C-680 shall be applied to properties having slopes with a natural gradient in excess of twenty-five percent (25%) and a minimum elevation differential of fifty feet (50).

All projects within this Subdistrict shall require an Otay Mesa Development District Permit (Section 103.1102.A.2.). The regulations contained in Section 101.0454 (HR (Hillside Review) Overlay Zone) and the Property Development Regulations contained in Section 103.1107 (Otay Mesa Development District) shall be used in processing the Otay Mesa Development District Permit.

**Permitted Uses**

Industrial Subdistrict uses may be considered as appropriate uses in conjunction with processing of the Otay Mesa Development District Permit.

**SEC. 103.1107 Property Development Regulations**

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

legal lot or premises and building comply with the following regulations and standards:

A. [No change.]

B. LANDSCAPING

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.

The following landscaping requirements shall apply:

1. through 7. [No changes.]

C. through E. [No changes.]

F. OFF-STREET PARKING REGULATIONS

1. and 2. [No changes.]

3. Where ambiguity exists in the application of these off-street parking requirements or when any use not specified in Section 103.1103 is found by the Planning Commission to be a permitted use in accordance with Section 103.1103(C)(2), the off-street parking requirements shall be determined by the Planning Director.

Where an Otay Mesa Development District Permit is used in the Industrial Subdistrict and it can be demonstrated that the standard of one parking space for each 300 square feet of gross floor area presents a hardship, the Planning Director may permit the



alternative standard of one (1) space for each one and one-half employees on the shift having the greatest number of employees plus one (1) parking space for each company vehicle.

4. [No change.]

G. [No change.]

Section 14. That Chapter X, Article 3, Division 12 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 103.1203, 103.1204 and 103.1208, to read as follows:

**SEC. 103.1203 Applicable Regulations and Definitions**

A. [No change.]

B. It is the purpose of this Section to provide clear and concise definitions of those words, terms and phrases which apply specifically to the La Jolla Planned District.

It is also intended that the definitions in Chapter X, Article 1, Division 1 and Chapter XI, Article 1, Division 1 of the San Diego Municipal Code shall be used except where there may be a conflict with the definitions set forth in this Division. Where such a conflict exists the definitions in this Division shall prevail.

1. through 34. [No changes.]

**SEC. 103.1204 Project Review Regulations**

**A. ACTIVITIES REGULATED**

No building structure or improvement or portion thereof shall be erected, constructed, converted, established, altered, removed, demolished or enlarged, nor shall the use of any building or structure be changed (as defined in this Division) nor shall the size of any such building or structure be increased; nor shall any such building, structure or improvement be used or occupied unless it shall comply with the requirements of this Division. The Department of Building Inspection shall not issue any permit for the erection, construction, conversion, establishment, alteration, removal, demolition or enlargement of any building, structure or improvement, or portion thereof, or for the change of use of any building or structure in any portion of the La Jolla Planned District until approval of such permit by the Planning Director or designated representative has been obtained in compliance with the provisions of this Division.

Any permit application which involves the demolition or removal of an existing building or structure shall be reviewed by the Planning Director to determine whether the structure in question merits designation as a historic site consistent with the requirements of Section 26.0201 et seq. of the San Diego Municipal Code. The Planning Director shall make

such determination within ten (10) working days of receipt of said application. If the Planning Director does not make the determination within this specified period, the building or structure shall be deemed not to be a potential historical structure and shall be construed to have received Planning Director approval for demolition or removal. If the Planning Director finds evidence that a potential may exist for the site's designation as a historic site, the permit application shall not be approved until the Historical Site Board has evaluated and acted on the site's historical significance as required by Section 26.0201 et seq. of the Municipal Code. The Historical Site Board shall hold a noticed hearing which may be continued to the next consecutive meeting, but in no case shall the Historical Site Board review process exceed ninety (90) calendar days. The Historical Site Board shall make its decision based on a historical and architectural report consistent with the Board's guidelines including a detailed list of source material, and specific references, to be used to make the finding for site designation. The Board shall make findings as required by Section 26.0201 et seq. of the Municipal Code. The decision of the Historical Site Board shall be based on the following evidence which shall be provided in writing:

1. Evidence that establishes and documents the date and historic significance of the site or biographical information on the person(s) or event(s) associated with it.

2. Evidence that establishes the date and architectural significance of the site, including biographical information on the architect or builder (if known).

If the Historical Site Board acts affirmatively to designate a site, such site shall be subject to the requirements of Section 26.0201 et seq. of the Municipal Code.

The provisions of this section shall not apply to the following:

1. Any building or structure found by the City Manager of the City of San Diego to present a hazard to public health or safety, and for which an emergency permit for demolition must be issued; or

2. Any permit approved as part of a discretionary development permit submitted, reviewed and approved in accordance with this Division. Such development application shall include an environmental document prepared in accordance with the California Environmental Quality Act which describes and addresses the historic/architectural significance of the property. If the property is found to have potential historical or architectural value, such report shall be

reviewed by the Historical Site Board for the purposes of recommending whether the proposed project should be approved, modified or denied based on the importance of the existing building(s) or structure(s).

3. Any demolition permit for sites or buildings which have been previously considered for Historic Site designation by the City's Historical Site Board.

In addition, the Department of Building Inspection shall not issue any permit for the demolition, alteration, reconstruction, or other change of any Existing Cultural Use Within Zone 6, or any portion thereof, until a Special Use Permit has been approved or conditionally approved by a **Hearing Officer** in accordance with the provisions of Section 103.1208 of this Division.

Approval by a decisionmaker is not required for interior modifications or repairs. Approval of the Planning Director is required for all exterior modifications including painting. All painting shall be in accordance with the color palette listings (see Appendix C).

B. and C. [No change.]

D. APPLICATION PROCEDURE

An application for the above permits shall be made in accordance with Section 111.0202.

Contents of application shall include the following:

1. through 6. [No changes.]

E. DEPARTMENT REVIEW

The Planning Director, or designee, shall be responsible for project review and approval, consistent with this District's regulations. Projects that meet these Planned District regulations, and are not subject to a discretionary decision, may be approved or denied, in accordance with Process One, upon completion of the Planning Director's review.

EXCEPTION:

Improvements requiring encroachment permits, shall be reviewed by the Planning Director, or designee, and may be approved or denied by the City Engineer in accordance with the regulations of this Division upon receiving the Planning Director's recommendations.

F. WRITTEN DECISION

Upon the granting of any variance, Special Use Permit, tentative, final or parcel map, or any other Planning Department permit, the Planning Director, or designee, shall file with the Planning Department, and when applicable, with the County Recorder of San Diego County, in accordance with Section 111.1116, a detailed set of specific written findings consistent with this Division's Purpose and

Intent (Section 103.1201) establishing the basis for the decision, and identifying the benefits and impacts to the community.

**G. ENCROACHMENT PERMIT**

Public improvements and encroachment permits shall be reviewed in accordance with this section by the Planning Director and City Engineer for consistency with this Division. These permits are subject to approval by the City Engineer and may be appealed under the provisions of Chapter VI, Article 2, Section 62.0116 of the San Diego Municipal Code.

**H. PERMIT TIME LIMITS AND TIME EXTENSION**

A valid permit approved under this Division shall expire and become void thirty-six (36) months after the Date of Final Action of the permit, if the permit is not utilized as set forth in Section 111.1119. The expiration date of a valid permit approved under this Division may be extended in accordance with Section 111.1122, provided however all of the following requirements are met:

1. through 3. [No changes.]

4. [No change.]

I. [No changes.]

**SEC. 103.1208 Special Use Permit Development Standards**

A. A Special Use Permit (SUP) is required for any of the following projects described in Sections 103.1208(B) through 103.1208(N). An

application for a Special Use 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. The **Hearing Officer** may approve the Special Use Permit if the following findings are made in addition to the findings specified for particular use:

1. through 3. [No changes.]

B. HERITAGE STRUCTURE PRESERVATION AND RE-USE

Any Heritage structure in Zones 1, 2, 3, 4 and 5 only, proposed for preservation and re-use not consistent with Section 103.1205 of this Division's land use and density requirements, shall comply with all of the following standards:

1. and 2. [No changes.]

3. Development Regulations are the same as Sections 103.1205, 103.1206 and 103.1207 of this Division except as follows:

a. The project may be exempt from the use and density requirements of Section 103.1205 of this Division provided it can be proven that it is economically imperative to provide relief from such land use requirements. A **Hearing Officer** may approve, conditionally approve or deny the exemption in accordance with **Process Three**. The **Hearing Officer's** decision may be appealed to the Planning Commission in



accordance with Section 111.0506. The **Hearing Officer** may approve or conditionally approve the exemption if a finding can be made that the use and density will not negatively impact surrounding properties and the neighborhood, and will be consistent with the community plan.

b. and c. [No change.]

C. EXISTING CULTURAL USE WITHIN ZONE 6

DEMOLITION

A **Hearing Officer** may approve, conditionally approve or deny, in accordance with **Process Three**, a Special Use Permit for the demolition, alteration, reconstruction or other change of any portion of an Existing Cultural Use within Zone 6. The permit may be approved or conditionally approved only upon the specific finding that such demolition, alteration, reconstruction or change is being made in conjunction with a permitted addition, enlargement, restoration or rearrangement of a permitted cultural use within Zone 6.

D. through N. [No changes.]

Section 15. That Chapter X, Article 3, Division 13 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 103.1303, 103.1305 and 103.1306, to read as follows:

**SEC. 103.1303 Administrative Regulations**

A. The Building Inspection Department shall not issue any permit for the erection, construction, conversion, establishment, alteration, or enlargement of any building, structure or improvement, or for the change of use of any building or structure in the West Lewis Street Planned District until approval of the appropriate decisionmaker has been obtained by the applicant.

1. [No change.]

2. Approval by the Planning Director excluding design review, is required for all construction or modifications requiring building permits, of 1,000 square feet or less and for reconstruction as determined in Section 103.1303(D).

3. A Hearing Officer may approve, conditionally approve or deny, in accordance with ~~Process Three~~, all construction or modifications that are 1,000 square feet in area or greater and all construction or modifications, requiring a building permit, which affect the West Lewis Street facade and are less than 1,000 square feet in area. The decision of the Hearing Officer may be appealed to the Planning Commission in accordance with Section 111.0506.

B. The decisionmaker may approve the application if the following finding can be made: that the new use or building or modification of existing building is in

conformance with the purpose and intent of this District.

C. Nonconforming Uses Structures and Conditions

1. through 5. [No changes.]

**SEC. 103.1305 Permitted Uses**

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 purposes listed in this section.

No premises shall contain an establishment exceeding a total of 5,000 square feet in gross floor area.

No permitted use shall begin operating prior to 6:00 a.m. nor continue later than midnight of any day.

A. Business and professional offices. These may include accountants, architects, attorneys, clerical agencies, contractors, doctors, engineers, financial consultants, insurance agencies, interior decorators, photographers, realtors, and graphic artists.

Such lot or parcel may not be used by one (1) or more practitioners who, among them medically treat, or medically or psychologically counsel, on a group or individual basis, five (5) or more persons in one (1) calendar year who have committed, been charged by criminal indictment or complaint, or convicted of, a sex-related offense outside the family unit as defined

in the California Penal Code, Part 1, Title 9, Chapter 1, or in Sections 286, 286.5, 288, 288a, 289 of Chapter 5, or in Section 314 of Chapter 8, or any amendment or recodification or any such sections, if such lot or parcel is located within 1,000 feet of any premises occupied by an elementary, junior, or senior high school, or the office use shall become a nonconforming use and be subject to Section 101.0303. This restriction applies only to medical and counseling services which are directly related to physical or psychological treatment for the sex-related offenses committed and described in the above California Penal Code sections.

B. through D. [No changes.]

E. Any uses which, the Planning Commission finds, in accordance with Process Four, to be similar in character to the uses enumerated in this section and which are clearly within the purpose and intent of this District. The adopted resolution embodying any such finding shall be filed in the Office of the City Clerk.

**SEC. 103.1306 Property Development Regulations**

A. through D. [No changes.]

E. Parking. Each premises used for one or more of the permitted uses listed in Section 103.1305 shall provide a minimum of off-street parking on the same lot or premises as follows:

1. and 2. [No changes.]

3. Mixed Residential and Commercial Uses  
Exception.

Parking requirements for a project which includes both residential and commercial shall be the total of the number of spaces required for paragraph 2 above.

However, on lots or premises where the commercial hours of operation will be approximately 9:00 a.m. to 5:00 p.m., Monday through Friday, a parking plan may be submitted which proposes the required parking to be the greater of either the commercial or residential parking requirement. The parking plan 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.

Only one (1) driveway shall be permitted per premises.

F. [No change.]

Section 16. That Chapter X, Article 3, Division 14 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 103.1404, 103.1405 and 103.1406 to read as follows:

**SEC. 103.1404 Approval Required before Issuance of Permit**

The Department of Building Inspection shall not issue any permit for the installation of fixtures or equipment, or for the erection, construction, conversion, demolition, establishment, alteration or enlargement of any building, structure or improvement, or for the occupancy of any building or structure in the Cass Street Commercial Planned District until approval of the appropriate decisionmaker has been obtained by the applicant or owner. Each application for a planned district permit shall state therein the purpose for which the proposed building, structure or improvement is intended to be used.

A permit is not required for interior modifications or repairs, nor any exterior repairs or maintenance for which a building permit is not required, unless otherwise specified by the provisions of this planned district.

**SEC. 103.1405 Procedures and Fees**

An application for the permits listed in Section 103.1406 shall be filed in accordance with Section 111.0202.

The contents of application shall include the following:

A. through F. [No changes.]

**SEC. 103.1406 Decision Process**

A. Projects that meet these planned district regulations, and are not subject to other discretionary decisions, may be approved or denied by the Planning Director, in accordance with **Process One**. Projects that require the issuance of variations from the regulations contained in this Division, or require discretionary review, shall be subject to Section 103.1406(B).

Exception: Improvements requiring an encroachment permit shall be reviewed by the Planning Director and the encroachment permit may be approved or denied, in accordance with **Process One**, by the City Engineer.

B. Except as otherwise noted, requests for variances, conditional use permits, Special Use Permits, other special permits, final or parcel maps, or other City discretionary permits, shall be acted upon in accordance with the applicable provisions of Chapter X, Article 1 and Article 2.

The decisionmaker may approve the request if a set of specific written findings can be made that the request is consistent with this Division's purpose and intent and is the basis for his/her decision. The written findings shall identify the benefits and impacts to the community.

Exception: Public improvements and encroachment permits shall be reviewed by the Planning Director and City Engineer for consistency with this Division. These

permits are subject to approval by the City Engineer and may be appealed under the provisions of Section 62.0116.

Section 17. That Chapter X, Article 3, Division 14 of the San Diego Municipal Code be and the same is hereby amended by repealing Sections 103.1407 and 103.1408.

Section 18. That Chapter X, Article 3, Division 14 of the San Diego Municipal Code be and the same is hereby amended by amending Section 103.1409 to read as follows:

**SEC. 103.1409 Special Use Permits**

A Special Use Permit (SUP) is required for certain specified uses in the Cass Street Commercial Planned District, and for all other applicable discretionary development permits required by this Code such as conditional use and planned commercial development permits located within the boundaries of this planned district. An application for a SUP 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. The **Hearing Officer** may approve the application for a SUP if all of the following specific findings can be made:

A. through C. [No changes.]

Section 19. That Chapter X, Article 3, Division 14 of the San Diego Municipal Code be and the same is hereby amended by repealing Section 103.1410.



Section 20. That Chapter X, Article 3, Division 14 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 103.1411, 103.1413, 103.1420, 103.1421 and 103.1422 to read as follows:

**SEC. 103.1411 Permit Time Limits and Time Extension**

A valid permit approved under this Division shall expire and become void thirty-six (36) months after the **Date of Final Action** of the permit, if the permit is not utilized as set forth in Section 111.1119.

A. and B. [No changes.]

The expiration date of a valid permit approved under this Division may be extended in accordance with Section 111.1122.

Exception: Permits that are approved by the Engineering Department shall not be subject to this provision.

**SEC. 103.1413 Permitted Uses**

In the Cass Street Commercial Planned District, no building or improvement, or portion thereof, shall be altered, constructed, converted, demolished, erected, established, or enlarged, nor shall any premises be used except for one or more of the following purposes; provided, however, that no premises shall contain a single establishment exceeding a total of 5,000 square feet in gross floor area; and further provided, that no premises shall contain auto repair services, live entertainment or funeral parlors unless approved

pursuant to a Special Use Permit. Business and professional offices may be permitted on the ground floor in accordance with the provisions of paragraph F. Building occupancy shall be limited to those uses identified in Sections 103.1413(A) through 103.1413(K) in accordance with the provisions of those paragraphs.

A. through D. [No changes.]

E. Any uses which, the Planning Commission finds, in accordance with **Process Four**, to be similar in character to the uses enumerated in this section and are clearly within the intent and purpose of this zone. The adopted resolution embodying any such finding shall be filed in the office of the City Clerk.

F. Business and professional offices (excluding employment agencies and hiring halls) shall be permitted; provided, however, that none may occupy any portion of the ground floor of any building except in conjunction with the rehabilitation of an existing structure or a planned commercial development.

A planned commercial development with office use on the ground floor may be permitted by Special Use Permit, if all of the following conditions and operational requirements are met:

1. and 2. [No changes.]

Such lot or parcel may not be used by one (1) or more practitioners who, among them, medically treat, or medically or psychologically counsel, on a group or

individual basis, five (5) or more persons in one (1) calendar year who have committed, been charged by criminal indictment or complaint, or convicted of a sex-related offense outside the family unit as defined in the California Penal Code, Part 1, Title 9, Chapter 1, or in Sections 286, 286.5, 288, 288a, 289 of Chapter 5, or in Section 314 of Chapter 8, or any amendment or recodification or any such sections, if such lot or parcel is located within 1,000 feet of any premises occupied by an elementary, junior, or senior high school, or the office use shall become a nonconforming use and be subject to Section 101.0303. This restriction applies only to medical and counseling services which are directly related to physical or psychological treatment for the sex-related offenses committed and described in the above-cited Penal Code sections. Court ordered forensic evaluations are exempt services.

G. through K. [No changes.]

**SEC. 103.1420 Outdoor Display and Storage Regulations**

A. 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:

1. through 5. [No changes.]

6. 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.

B. [No change.]

C. All walls and fences required in Section 103.1420(B) 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. Deviation from this requirement may be permitted subject to the approval of the Planning Director for areas which are to be used exclusively for display purposes. The location, materials and design of required walls and fences shall be subject to approval 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 this Code.

**SEC. 103.1421 Off-Street Parking Regulations**

A. through E. [No changes.]

F. Parking reductions may be permitted for lot consolidation and mixed use projects. The request for reduction in the amount of reduced parking may be

approved conditionally approved or denied, by a **Hearing Officer**, in accordance with **Process Three**, after considering the recommendations of the Engineering and Development Department. The **Hearing Officer's** decision may be appealed to the Board of Zoning Appeals in accordance with Section 111.0506. The amount of reduced parking will depend on the uses and hours of operation proposed for the project, as established through the development permit.

G. [No change.]

**SEC. 103.1422 Landscaping Regulations**

A. Prior to the use and occupancy of any premises, the required front yard setback 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. Prior to the issuance of any building permits, a complete landscaping plan shall be submitted to the Planning Director for approval. 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 systems 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."

B. When landscape screening is used to enclose areas used for outdoor display or storage, a minimum landscaping strip of five (5) feet shall be included with trees of a minimum height of eight (8) feet at the time of installation. Such a screening proposal shall be submitted to the Planning Director 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 "Development and Maintenance Standards - Landscaping" on file in the office of the Planning Department. Substantial conformance shall be determined by the Planning Director. Landscape screening shall be permanently maintained in accordance with the adopted standards referred to above.

C. [No change.]

Section 21. That Chapter X, Article 3, Division 15 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 103.1503, 103.1504, and 103.1514 to read as follows:

**SEC. 103.1503 Definitions**

It is intended that the definitions in Chapter X, Article 1, Division 1, Section 101.0704 (City-wide Landscaping Regulations) and Chapter XI, Article 1, Division 1 of the San Diego Municipal Code shall apply except where a conflict exists with the definitions set forth in this Division. Where such a conflict exists, the definitions in this Division shall take precedence.

A. and B. [No changes.]

**SEC. 103.1504 Project Review Regulations**

A. ADMINISTRATOR

The Planning Director shall administer the Mid-City Communities Planned District and ensure compliance with the regulations and procedures of this Section.

1. Mid-City and State University Community Plan Areas. In evaluating the appropriateness of any development for which a permit is applied under this Division, the Mid-City and State University Community Plans and the following design studies shall be used for the review of development proposals in the Mid-City and State University communities:

a. through c. [No changes.]

2. Greater North Park Community Plan Area. The Greater North Park Community Plan and the following design studies shall be used for review of development proposals in the Greater North Park community:

a. and b. [No changes.]

3. Uptown Community Plan Area. The Uptown Community Plan and the Sears Site Development Program (Gerald Gast, Williams-Kuebelbeck) shall be used for review of development proposals in the Uptown Community.

B. through C. [No changes.]

D. LEGALLY NONCONFORMING STRUCTURE(S)

(In addition to those provisions in Chapter X, Article 1, Division 3, regarding nonconforming structures, the provisions outlined below apply where uses conform but structures do not conform to the Mid-City Communities Planned District requirements.)

1. Notwithstanding the provisions of Section 101.0303, where an addition of floor area on a property with a legally nonconforming structure would create greater nonconformity in terms of diagonal plan dimension, coverage, or other developmental requirements, the Planning Director may approve or deny, in accordance with Process One, such addition without requiring Administrative Review (Section 103.1504.G.) or a Mid-City Communities Development Permit (Section 103.1504.H.), subject to the following conditions and restrictions:

a. The improvement must be to a property where there is no existing improvement



benefitting from a previous variance or other property development exception.

b. No improvement on the property may have required an approval since the property was included in the Mid-City Communities Planned District, or its predecessor, the Mid-City Planned District.

c. The addition may not exceed 200 square feet in plan view, nor provide more than 200 square feet of roofed floor area, nor have any vertical or horizontal dimension greater than twenty-four (24) feet.

d. The addition must observe all currently required setbacks.

e. All existing and new storage areas must be screened by fencing, walls or landscaping to the satisfaction of the Planning Director.

f. Any additional parking required by Article 1, Division 8, must be provided.

g. the Planning Director may require additional landscaping that may be feasibly placed in the street yard or the adjacent right-of-way (parkway), up to the maximum current street yard point requirements.

2. Where a use for a single-room occupancy hotel or historic structure designated by the Historical Site Board conforms to the Mid-City Communities Planned District requirements but a

structure does not conform, the Planning Director may nonetheless permit, in accordance with Section 111.0303, such repair and rehabilitation of a nonconforming structure without requiring Administrative Review (Section 103.1504(G)) or a Mid-City Communities Development Permit (Section 103.1504(H)), subject to the Planning Director's finding that there is no addition of floor area and no expansion of the use or structure.

E. and F. [No changes.]

G. ADMINISTRATIVE REVIEW

1. The Planning Director may conduct further review and approve or deny an application for an exception from the provisions of the Mid-City Communities Planned District Section 103.1501 in accordance with **Process Two**, when the application is for limited relief in the case of:

a. through d. [No changes.]

2. The Planning Director shall in no case provide Administrative Review or approve an application for an exception from density, amount of parking, or use.

3. The fee for an Administrative Review shall be as set forth in the Schedule of Fees.

4. The decision of the Planning Director shall be based on substantial conformance with the

regulations and the Purpose and Intent of the Mid-City Communities Planned District.

5. The Planning Director's decision may be appealed to a Hearing Officer in accordance with Section 111.0504.

6. Should the Planning Director decide that the application may not be approved under Section 103.1504(G), the applicant may apply for a Mid-City Communities Development Permit.

H. MID-CITY COMMUNITIES DEVELOPMENT PERMIT

1. The following projects shall be required to obtain a Mid-City Communities Development Permit as described in this Division:

a. and b. [No changes.]

c. Any project which deviates from the development regulations of the Mid-City Communities Planned District and is not eligible for the Administrative Review described in Section 103.1504(G).

d. through f. [No changes.]

2. Application (including required deposits) for a Mid-City Communities Development Permit shall be consistent with the Planned Residential Development Permit (Section 101.0901) for residential projects, and with the Planned Commercial Development Permit (Section 101.0910) for commercial and mixed commercial and residential projects.

3. An application for a Mid-City Communities 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. The **Hearing Officer** may approve or conditionally approve, a Mid-City Communities Development Permit if the **Hearing Officer** determines that the application is complete and conforms with all City regulations, policies, guidelines, design standards and density, and it is found from the evidence presented that all of the following facts exist:

a. through d. [No changes.]

I. [No changes.]

J. DEMOLITION PERMITS

1. [No change.]

2. For the Uptown, North Park, and westerly portion of the Mid-City Community Plan areas (generally bounded by I-8 on the north; Fairmount Avenue, Aldine Drive and Euclid Avenue on the east; Home Avenue, I-805, the southern boundary of the North Park Community Plan area and I-5 on the south; and I-5 north of downtown on the west), no permits shall be issued for the demolition or removal of any building or structures, unless the application for the permit has

been approved by the Planning Director. The Planning Director shall approve such an application for a demolition permit if it is determined that the structure in question is not a potential historical structure. The Planning Director shall make the determination within ten (10) working days of the receipt of the application. If the Planning Director does not make the determination within the specified period, the building or structure shall be deemed not to be a potential historical structure. The Planning Commission may approve, conditionally approve or deny, in accordance with Process Four, an application for a demolition or removal permit for a historical structure. If a potential historical structure is found, the demolition or removal permit application shall not be acted upon for ninety (90) calendar days or until the Historical Site Board has evaluated and acted on the site's historical significance, whichever occurs first.

3. The provisions of Section 103.1504(J) shall not apply to the following:

- a. [No change.]
- b. Any permit approved as part of a development project reviewed and approved in accordance with this ordinance, and provided that such development application included an environmental document prepared in accordance with the California Environmental Quality

Act which describes and addresses the historic/ architectural significance of the property. Such report shall be reviewed by the Historical Site Board for the purpose of recommending whether the proposed project should be approved, modified or denied based on the importance of the existing building(s) or structure(s).

4. [No change.]

**SEC. 103.1514 Permitted Uses**

**A. RESIDENTIAL ZONES**

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 11. [No changes.]

12. For properties in any MR Zone, any other uses, including accessory uses, which the Planning Commission may find, in accordance with **Process Four**, to be similar in character to the uses enumerated herein for such zone. The adopted resolution embodying such findings shall be filed in the office of the City Clerk.

**B. [No change.]**

Section 22. That Chapter X, Article 3, Division 17 of the San Diego Municipal Code be and the same is hereby amending by amending Sections 103.1703 and 103.1708 to read as follows:

**SEC. 103.1703 Applicable Regulations**

**A. GENERAL PROVISIONS**

1. Where not otherwise specified in this Division, the provisions of Chapter X, Article 1, Divisions 1 through 8, 10, 11, 11.1, 12 and 18; Chapter X, Article 2; and Chapter XI, Article 1 shall apply. All other provisions of Chapter X, Article 1, of the Municipal Code are superseded by the regulations set forth herein. Where there is a conflict between the provisions of Chapter X, Article 1, and the provisions of this Division, the provisions of this Division shall apply.

2. The Department of Building Inspection and/or Engineering and Development Department shall not issue any permit for the installation of fixtures or equipment, or for the erection, construction, conversion, establishment, alteration or enlargement of any buildings, structure or improvement, or for the occupancy of any building or structure or for the grading, subdivision or street actions for any site in any portion of the Southeast San Diego Planned District until approval of the appropriate decisionmaker has been obtained by the applicant or owner in compliance with the development criteria contained herein. Applications for grading permits, tentative maps and street actions shall not be accepted unless concurrent application is made for a Southeast Development Permit

and/or building permit, or until the Planning Director determines such action may proceed independent of said permits.

3. All minor additions, minor structural changes and curb cuts shall not require a Southeast Development Permit. Minor additions shall be any construction project consisting of less than twenty-five percent (25%) of the gross square foot floor area of the existing structure and attached to the existing structure. Minor additions may not include the addition of a residential dwelling unit or any change which may allow an increase in density. All minor additions, structural changes, curb cuts, garage conversions and any other changes, shall conform to the development criteria of the underlying zone and may be approved or denied by the Planning Director, in accordance with **Process One**. Application for zone variance shall be consistent with Section 101.0502, or shall be processed consecutively with any required discretionary action. Minor additions and structural changes in the Sherman Heights and Grant Hill Park Historic Districts may require a Southeast San Diego Historic Permit. See Section 103.1703(C).

4. An application for a classification of use, variance, subdivision, and change of street name shall be acted upon in accordance with the applicable



provisions of Chapter X, Article 1, Division 2, Division 4 and Division 5 of the Municipal Code.

5. and 6. [No changes.]

B. SOUTHEAST SAN DIEGO DEVELOPMENT PERMIT

1. A Southeast San Diego Development Permit shall be required for:

a. through d. [No changes.]

e. Uses requiring a Conditional Use Permit.

2. Application, including fees/deposits for a Southeast San Diego Development Permit shall be consistent with the Planned Residential Development Permit (Section 101.0901) for residential projects, with the Planned Commercial Development Permit (Section 101.0910) for commercial projects and with the Planned Industrial Development Permit (Section 101.0920) for industrial projects.

3. An application for a Southeast San Diego Development Permit may be approved, conditionally approved or denied by a **Hearing Officer** in accordance with **Process Three**. If the **Hearing Officer** determines that the application is complete and conforms with all City regulations, policies, guidelines, design standards and density, the **Hearing Officer** may approve or conditionally approve the Southeast San Diego Development Permit if all of the following facts exist:

a. through d. [No changes.]

4. [No change.]

5. The Hearing Officer's decision on an application for a Southeast San Diego Development Permit may be appealed to the Planning Commission in accordance with Section 111.0506.

C. SOUTHEAST SAN DIEGO HISTORIC PERMIT

1. through 3. [No changes.]

4. Applications for permits shall be made in accordance with Municipal Code section 111.0202.

a. Exceptions to application procedure:

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

5. The Planning Director may approve or deny an application for a Southeast San Diego Historic Permit in accordance with Process One. The permit shall be approved if it complies with the regulations contained within this Division, and the Sherman Heights and Grant Hill Park Historic District Design Criteria and Guidelines, Ordinance No. 00-16893-2.

6. The Planning Director may request that the Historical Site Board review special projects that require design review for consistency with existing structures in the Historic District.

7. An approved Southeast San Diego Historic 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.

8. The expiration date of a valid Southeast San Diego Historic Permit may be extended in accordance with Section 111.1122. The Planning Director shall notify the Southeast San Diego Community Planning Committee of any extension of time requests.

D. DESIGN REVIEW

The Southeast Economic Development Corporation's Board and the Southeast San Diego Community Planning Committee shall advise the City Council, Planning Commission and Planning Director on matters of design review, as follows:

1. Prior to any action being taken on any discretionary permit for projects within the Southeast Community Planned District, copies of said permit shall be forwarded and reviewed by the Southeast Economic Development Corporation's Board and the Southeast Community Planning Committee.

2. All parties shall provide the appropriate decisionmaker with a recommendation on said discretionary permit submittals within thirty (30) calendar days of receipt of the proposal. Recommendations shall be provided as required in a timely fashion.

3. through 5. [No changes.]

E. through G. [No changes.]

**SEC. 103.1708 Industrial Zone Regulations -- I-1 and I-2**

The industrial zones in the Southeast San Diego Planned District are in two (2) specific groups. The assignments correspond to the land use designations of the Southeast San Diego Community Plan.

A. through M. [No changes.]

**N. ENVIRONMENTAL EFFECTS**

The following effects and toxic materials shall be controlled through the conditions of a Southeast San Diego Development Permit, where such permit is required.

1. through 3. [No changes.]

4. Toxic Materials. Application for industrial uses shall include a County of San Diego, Department of Health Services Hazardous Materials Management Division Toxics Disclosure Statement and completed Hazardous Materials Management Questionnaire, and a completed City of San Diego Fire Department hazardous materials information form (Form FPB-500). The Planning Department will meet with the Fire Department, the County of San Diego Department of Health Services and the Air Pollution Control District where necessary to determine the need for mitigating measures to reduce the risk of potential contaminants. Any decision of the Hearing Officer may be appealed to

the Planning Commission in accordance with the procedures set forth in Section 111.0506.

O. Other applicable property development regulations are contained in Division 6 of this Article.

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#### Appendix C.1

##### Alcoholic Beverage Establishments

###### A. APPLICATION

Within the boundaries of the Southeast San Diego Planned District as described in Section 103.1702 no establishment shall offer for sale or other consideration, alcoholic beverages, including beer, wine and distilled spirits without first obtaining a Conditional Use Permit under the procedures as set forth below.

###### B. PROCEDURE

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

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

Corrected 02/02/93

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 changes.]

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

3. [No change.]

The decision-maker 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. through F. [No changes.]

Section 23. That Chapter X, Article 3, Division 21 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 103.2103, 103.2104, 103.2105, 103.2107 and 103.2112 to read as follows:

**SEC. 103.2103 Administrative Regulations**

**A. GENERAL PROVISIONS**

1. The Planning Director shall administer the Mission Valley Planned District and ensure compliance with its regulation and procedures. In evaluating the appropriateness of any proposal for which a permit is applied under this Division the appropriate decisionmaker shall refer to the Mission Valley Community Plan as presently adopted or hereinafter amended.

2. [No changes.]

3. Where not otherwise specified in this Division, the provisions of Chapter X, Article 1, Divisions 1 through 12 and 18; Chapter X, Article 2; and Chapter XI, Article 1 of the San Diego Municipal Code shall apply to the Mission Valley Planned District. All other provisions of Chapter X, Article 1, of the Municipal Code are superseded by the regulations set forth herein. Where there is a conflict between the provisions of Chapter X and the provisions of this planned district, the provisions of this planned district shall apply.

4. [No change.]

B. [No change.]

**SEC. 103.2104 Permit Application, Review and Issuance**

A. GENERAL

1. The Planning, Building Inspection and/or Engineering and Development departments shall not issue any permit for the erection, construction, conversion, alteration, enlargement or establishment of any structure, sign or use, or for the grading of any project located within the Mission Valley Planned District until approval of the Planning Director has been obtained by the applicant.

2. The Sign Code Administrator shall process sign permits and review sign plans submitted as part of a Mission Valley Development Permit. The City-wide Sign Regulations shall be applicable. When the sign permit is a part of a required discretionary permit the decisionmaker for that discretionary permit must also approve the sign permit. Deviations from the City-wide standards may be approved through a discretionary permit.

3. [No change.]

B. [No change.]

C. MINISTERIAL PERMIT REVIEW

1. Applications for building permits shall be made pursuant to Chapter IX, Article 1, Division 3, Sections 91.0302 through 91.0304 to the Building Inspection Department and shall be reviewed by the



Planning Department for conformance with the development standards of this Division. Applications for variance to the development standards of this Division shall be made pursuant to Chapter X, Article 1, Division 5.

2. The Planning Director shall approve a ministerial Mission Valley Development Permit, in accordance with Process One, if the application is determined to be complete, in conformance with all City regulations, policies and guidelines, and is in conformance with the criteria of the planned district including the standards contained in the applicable PDO zone and in the Special Regulations (see Section 103.2112).

3. [No changes]

4. Ministerial Permit Exceptions.

a. Exceptions to these planned district regulations may be approved or denied by the Planning Director, in accordance with Process Two, when the application is for limited relief in the case of new construction or remodeling which would result in a finished project (all structures on the premises) deviating twenty percent (20%) or less from applicable development regulations including, but not limited to, required yards, offsetting planes, and roof treatment. However, the Planning Director may require additional sidewalk and parkway area, and additional landscaping

that may be feasibly placed in the street yard or parkway according to City-wide landscape standards; and the addition or improvement must not increase the degree of nonconformity with the design requirements of the planned district. The Planning Director's decision may be appealed to a **Hearing Officer** in accordance with Section 111.0504.

b. [No change.]

5. Exceptions other than provided by Section 103.2104(C)(4)(a), to ministerial permits may be approved, conditionally approved or denied by a **Hearing Officer**, in accordance with **Process Three**. The **Hearing Officer** may approve the exception when due to special conditions; or exceptional characteristics of the property, or of its location or surroundings; strict interpretation of the criteria of the planned district would result in unusual difficulties or unnecessary hardship or would be inconsistent with the general purpose of the planned district. Exceptions shall not be granted that will be detrimental to the intent of this planned district, or to the general public health, safety and general welfare. The **Hearing Officer's** decision may be appealed to the Planning Commission in accordance with Section 111.0506.

D. DISCRETIONARY MISSION VALLEY DEVELOPMENT  
PERMIT

1. A discretionary Mission Valley Development Permit may be approved, conditionally approved or denied, by a **Hearing Officer**, in accordance with **Process Three**, when any one (1) or more of the following situations is applicable (see Table for Section 103.2104(D)):

a. through e. [No changes.]

2. Except as otherwise noted herein, the processing of an application for discretionary Mission Valley Development Permit shall be consistent with the application procedures of the Planned Residential Development Permit (Section 101.0900) for residential projects, with the Planned Commercial Development Permit (Section 101.0910) for commercial projects, and with the Planned Industrial Development Permit (Section 101.0920) for industrial projects. Mixed use projects will be processed under the same procedure as the permits listed above, as determined by the predominant land use. In no case shall an application for a city-wide planned development permit replace the requirement for a Mission Valley Development Permit.

Sign plans shall be a required element of a Mission Valley Development Permit application submittal. Allowable signage shall be contained within permit conditions.

3. The Hearing Officer may approve or conditionally approve a discretionary Mission Valley Development Permit if the application is determined to be complete, and in conformance with all applicable City Council adopted regulations, policies and guidelines, and if it is found from the evidence presented that all of the following facts exist:

a. through d. [No changes.]

4. On an individual project basis, the criteria of this planned district may be increased or decreased if approved by the Hearing Officer when one (1) or more of the following situations is applicable: 1) due to special conditions, or exceptional characteristics of the property, or of its location or surroundings, strict interpretation of the criteria of the planned district would result in unusual difficulties or unnecessary hardship or would be inconsistent with the general purpose of the planned district; 2) a superior design can be achieved by altering the adopted standards; or 3) conformance with the "Guidelines for Discretionary Review" necessitates deviation from the adopted standards.

5. [No change.]

TABLE FOR SECTION 103.2104

MAJOR CATEGORIES - MISSION VALLEY DEVELOPMENT

MINISTERIAL PERMIT	PERMIT PROCESSING DISCRETIONARY PERMIT	DISCRETIONARY PERMIT AND PLAN AMENDMENT
Traffic Threshold 1 and, Outside of River and Hillside Subdistricts* and,	Traffic Threshold 2 or, Inside River or Hillside Subdistricts* or,	Traffic Threshold 2 or, Land Use Designation Change or Other Plan Inconsistency
Not in Multiple Use Zone	In Multiple Use Zone	

\*Discretionary permit exemption for properties located south of I-8 outside of the HR Zone (see Sections 103.2104(C) and (D)).

E. SPECIAL REVIEW PROCESSES

1. through 3. [No changes.]

4. Conditional Use Permits (CUP). Uses permitted by CUP shall be processed as a combined Mission Valley Development Permit/CUP according to the provisions of this planned district.

F. [No change.]

G. TRANSFER OF DEVELOPMENT INTENSITY

A transfer of development intensity shall be permitted within a Development Intensity District when such a transfer will not inhibit attainment of the environmental and design criteria contained in this district, and a mechanism exists to maintain the terms of the transfer in perpetuity.

In addition to the conditions stated above, transfers among Development Intensity Districts may be permitted when such transfers will not increase environmental impacts over what was anticipated in the adopted community plan. A request for a transfer of development intensity among districts shall be accompanied by a traffic study to be reviewed by the City Engineer.

All transfers of development intensity are subject to the approval through the processing of a specific plan or discretionary Mission Valley Development Permit.

H. [No change.]

**SEC. 103.2105 Development Intensity Overlay District**

A. and B. [No changes.]

C. DEVELOPMENT INTENSITY DETERMINATION

1. and 2. [No changes.]

3. For land uses listed in Table II for Section 103.2105, the development intensity of each project shall be determined, in accordance with the provisions of this ordinance, during permit review.

4. [No change.]

D. DEVELOPMENT INTENSITY THRESHOLDS

1. [No change.]

2. Threshold 2 - Discretionary Mission Valley Development Permit.

a. [No change.]

b. LRT Bonus - the Hearing Officer may permit increased development over the DID allocation along the light rail transit corridor where the project site design reflects the proximity to an LRT station through placement of pedestrian paths, pedestrian signage, building orientation or other means, and any portion of the proposed structure(s) that would receive the density bonus is located within 1,500 feet of an LRT station.

TABLE I FOR SECTION 103.2105  
DEVELOPMENT INTENSITY DISTRICTS

District	Trips Per Gross Acre	
	Threshold 1	Threshold
A	150*	338*
B	150	263
C	150*	417*
D	200*	380*
E	140*	353*
F	140*	140*
G	140	344
H	140	323
I	140	571
J	200*	671*
K	200*	424*
L	140	267
M	140	157

\* Excluding acreage within the Hillside Review - (HR) Overlay Zone.

3. Traffic in Excess of Threshold 2 -  
Mission Valley Development Permit and Community Plan  
Amendment or Exception

- a. [No change.]
- b. Exceptions to the allocations established by Threshold 2 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. The **Hearing Officer** may approve an exception on a limited basis, without processing a community plan amendment when all of the following findings can be made:

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

TABLE II FOR SECTION 103.2105  
DEVELOPMENT INTENSITY FACTORS

Abbreviations:

du ..... dwelling units  
sq.ft gfa ..... square feet of gross floor area

Residential	Rate/Units
Single-family	10 trips per d.u.
Multi-family (under 30 du/ac)	8 trips per d.u.
Multi-family (30 or more du/ac)	6 trips per d.u.

Offices

Commercial Office (under 100,000 sq. ft. gfa)	20 trips/1000 sq.ft. gfa
Commercial Office (100,000 or more sq. ft. gfa)	16 trips/1000 sq.ft. gfa

Retail

Neighborhood Shopping Center (under 100,000 sq. ft. gfa)	60 trips/1000 sq.ft. gfa
Community Shopping Center (100,000 - 225,000 sq. ft. gfa)	49 trips/1000 sq.ft. gfa

Regional Shopping Center

(over 1,250,000 sq. ft. gfa)	25 trips/1000 sq.ft. gfa
(1,000,000-1,250,000 sq.ft. gfa)	30 trips/1000 sq.ft. gfa
(500,000-1,000,000 sq.ft. gfa)	32 trips/1000 sq.ft. gfa
(225,000-500,000 sq.ft. gfa)	51 trips/1000 sq.ft. gfa

Freestanding Retail/  
Strip Commercial

Restaurants	40 trips/1000 sq.ft. gfa
Hotel/Motel	8 trips/room
Automobile Dealer	30 trips/1000 sq.ft. gfa building area



Health Club	45 trips/1000 sq.ft. gfa
Rental Storage	2 trips/1000 sq.ft. gfa
Industry	
Small Industry (under 100,000 sq.ft. gfa)	14 trips/1000 sq.ft. gfa
Large Industry (100,000 or more sq.ft. gfa)	8 trips/1000 sq.ft. gfa
Small Industrial/Business Park (under 100,000 sq.ft. gfa)	18 trips/1000 sq.ft. gfa
Others	
Convalescent Hospital	3 trips/bed
Four-year College	2.8 trips/student
High School	1.5 trips/student
Jr. High School	1.0 trips/student
Elementary School	1.4 trips/student

**SEC. 103.2107 Hillside Conservation, Design and Height  
Limitation Subdistrict ("Hillside  
Subdistrict")**

A. and B. [No changes.]

C. SOUTHERN SLOPES

1. through 3. [No changes.]

4. Signage

a. Ground signs greater than 40 feet

in height shall not be permitted south of Interstate 8, automobile dealerships may utilize ground signs not exceeding fifty (50) feet in height, except pursuant to a variance approved, in accordance with Section 101.0502 of the Municipal Code. Nothing contained in this ordinance or the City-wide Sign Regulations shall preclude on premises directional signs identifying products or services located on the premises; no such directional sign shall exceed two (2) square feet in area. All on premises signs in conformance with the City-wide Sign Regulations, but

not in conformance with the criteria of this subdistrict, shall be removed without compensation to the sign owner upon completion of a fifteen (15) year amortization period commencing on the date of adoption of this ordinance.

b. [No change.]

D. [No change.]

**SEC. 103.2112 Special Regulations**

A. and B. [No changes.]

**C. SIDEWALKS/PARKWAYS**

1. Pedestrian sidewalks separated from the street by landscaped parkways shall be provided in relation to street classification as shown on the following table. The decisionmaker reviewing the project may permit the widths of the parkway and sidewalk to meander and/or occasionally diminish to accommodate bus stops, transformer boxes, or other site constraints. In some cases, additional dedication of public right-of-way may be required to meet these requirements.

The placing of signs, utilities and other public facilities shall be done in a manner so as to provide the clear unobstructed corridor sidewalk width and parkway design as required by this ordinance.

The criteria established in this ordinance shall supersede the criteria of the Street Design

Manual on file in the Engineering and Development  
Department.

TABLE I FOR SECTION 103.2112

Community Plan Street Classification	Minimum Average Widths
Majors and arterials	10 ft. clear corridor sidewalk 8 ft. landscaped parkway
3- and 4- lane collectors:	8 ft. clear corridor sidewalk 6 ft. landscaped parkway
2- lane collectors and streets of lesser widths:	6 ft. clear corridor sidewalk 5 ft. landscaped parkway

2. [No change.]

D. through Q. [No changes.]

**APPENDIX A**

**APPENDIX A OF DIVISION 21 OF THE MISSION VALLEY PLANNED  
DISTRICT AND OF CHAPTER X ARTICLE 3 OF THE SAN DIEGO  
MUNICIPAL CODE**

**PERMITTED USES**

Legend: P = Permitted  
- = Not Permitted

L = Subject to Limitations - Uses shall be limited to twenty-five percent (25%) of the gross floor area of permitted uses within the project area. Variances to increase this percentage may be requested.

CUP = Conditional Use Permit

1. and 2. [No changes.]

3. Neighborhood Commercial uses are limited to twenty-five percent (25%) of the ground floor area of residential developments in the MVR-4 and MVR-5 zones, and are not permitted in the MVR-1, 2 or 3 Zones.

\* Not on ground floor.

ALL  
RESIDENTIAL  
ZONES

Permitted Uses

Residential/Compatible Residential

Single-family dwellings	P
Multi-family dwellings	P
Boarding and Lodging houses	P
Temporary Real Estate Offices/Model Homes new Subdivisions	P
Institutions/Home - full time child care (Maximum 15 children under 16 years)	CUP
Residential Care Homes for seven (7) or more clients	CUP
Residential Care Homes for six (6) or fewer clients	P
Schools, limited to primary, elementary, junior high and senior high	P
Public Parks and Playgrounds	P
Churches, Temples or buildings of a permanent nature used for religious purposes	CUP 2
Branch Public Libraries	P
Fraternities, Sororities	CUP
Mobilehome Park	CUP
Mobilehome (1) Watchman	CUP
Housing for the elderly	CUP 3
Neighborhood Commercial uses per Section 101.0426	L

Any other use which the Planning Commission may find, 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 planned district. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

	MV-CO	MV-CV	MV-CR
Commercial Accessory Uses	L	L	L
Advertising, Secretarial & Telephone answering services	P		L
Antique shops		P	P
Apparel shops	L	L	P
Art Stores and Galleries	L	P	P
Automobile & truck sales, Rental agencies (usable vehicles only including automobile paint, repair, body and fender work)			P
Automobile wash			CUP
Automobile paint & repair (including body and fender work)			CUP
Bakeries	L	P	P
Barber shops	L	P	P
Beauty shops	L	P	P
Bicycle shops including rental and repair	L	P	P
Boat sales/rentals agencies			P
Book stores	L	P	P
Building materials stores			P
Business machine sales display & service	L		P
Childcare Facilities	P	P	P

Churches, Temples or buildings of a permanent nature used for religious purposes	CUP	CUP	CUP
Cleaning & dyeing works (including rugs, carpets, and upholstery) 5,000 sq. ft. or less enclosed			P
Confectioneries	L	P	P
Curtain and drapery shops			P
Custom shops for curtains, draperies, floor coverings upholstery and wearing apparel			P
Dairy stores	L	L	P
Drafting and Blueprint services	L		P
Drug stores	L	L	P
Dry cleaning establishments (no truck delivery of finished cleaning)	L	L	P
Dry cleaning & laundry agencies and self-service dry cleaning & laundry establishments	L	L	P
Dry goods stores			P
Electronic data processing, tabulating, and recordkeeping services	P		L
Employment agencies	P		P
Equipment and tool rental establishments (no man-ridden equipment)			P
Financial institutions over 5,000 sq.ft.	L		P
Financial institutions 5,000 sq. ft. or less	P	P	P
Florists 5,000 sq. ft. or less	P	P	P
Food stores	L	L	P
Foreign Language School	P		P
Frozen food lockers			P
Furniture stores			P

Gift Shops	L	P	P
Gymnasium and health studios	P	P	P
Hardware stores			P
Hobby shops		P	P
Hotels, motels, and time-share projects		P	P
Interior Decorators (office & sales)	P		P
Jewelry stores	L	P	P
Leather goods and luggage shops		L	P
Liquor stores		P	P
Lithography shops			P
Locksmith shops	P		P
Medical, dental, biological, and X-ray laboratories	P		
Medical appliance sales			P
Music stores		P	P
Newspaper plants	CUP		CUP
Nurseries (plants)	L	L	P
Office furniture and equipment sales	L		P
Offices; business and professional	P	P*	P*
Paint and wallpaper stores			P
Palm Readers, psychic readers	P	L	P
Parking lots/structures	P	P	P
Pet shops			P
Pharmacies	L	L	P
Photographic equipment, supplies and film processing stores	L	P	P
Photographic studios	L		P
Physical Therapists	P		P

Plumbing shops 5,000 sq. ft. or less; enclosed			P
Post offices	P	P	P
Private clubs, fraternal organizations and lodges	P	P*	P
Professional Schools	P		P
Public utility electric substations, gas regulators and communications equipment buildings	P	P	P
Pushcarts Sec.0560	Subject to		
Radio, television and home appliance repair shops			P
Recreational facilities enclosed; including bowling lanes, skating rinks, gymnasiums, and health centers	P	P	P
Recreation Facilities - Open Air	CUP	CUP	CUP
Recycling Collection Center	L	L	P
Restaurants	P	P	P
Schools, public, private and nursery	P		P
Shoe stores		P	P
Shoe repair shops	P	P	P
Sporting goods stores	L	P	P
Stationers	L	P	P
Studios for teaching or art, dancing and music	P	L	P
Theaters, Nightclubs and bars of 5,000 sq. ft. or less	P	P	P
Theaters, nightclubs and bars over 5,000 sq. ft.	CUP	CUP	CUP
Tire sales, repair and recapping establishments (if entirely within an enclosed building)			P



Trade and business schools	P		P
Trailer sales agencies			P
Transportation terminals	P	P	P
Travel bureaus	P	P	P
Union Hall (social activities) + trade associations	P		P
Union Meeting Hall, hiring hall and office			P
Variety stores	L	L	P
Video Sales and Rentals	L	L	P
Wedding chapels	CUP	CUP	CUP
Wholesaling or warehousing of goods and merchandise, provided that the floor area occupied for such use per establishment does not exceed 5,000 sq. ft. For automobile dealership, the area shall not exceed 15,000 sq. ft.			P

Any other use which the Planning Commission may find, 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 planned district. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

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10, Art. 3, Div. 21 cannot be Displayed)

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10, Art. 3, Div. 21 cannot be Displayed)

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10, Art. 3, Div. 21 cannot be Displayed)

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10, Art. 3, Div. 21 cannot be Displayed)

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3, of Chapt. 10, Art. 3, Div. 21 cannot be Displayed)

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3, of Chapt. 10, Art. 3, Div. 21 cannot be Displayed)

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3, of Chapt. 10, Art. 3, Div. 21 cannot be Displayed)

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Div. 21 cannot be Displayed)

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Div. 21 cannot be Displayed)

Section 24. That Chapter X, Article 3, Division 22 of the San Diego Municipal Code be and the same is hereby amended by amending Section 103.2203 to read as follows:

**SEC. 103.2203 Applicable Regulations**

**A. GENERAL PROVISIONS**

1. Where not otherwise specified in this Division 22, the provisions of Chapter X, Article 1, Divisions 1 through 8, 10, 11, 12 and 18; Chapter X, Article 2, and Chapter XI, Article 1 shall apply. All other provisions of Chapter X, Article 1, of the Municipal Code are superseded by the regulations set forth herein. Where there is a conflict between the provisions of Chapter X, Article 1, and the provisions of this Division, the provisions of this Division shall apply.

2. The Department of Building Inspection and/or Engineering and Development Department shall not issue any permit for the erection, construction, establishment, or enlargement of any structure or for the occupancy of any building or structure or for the grading, subdivision or street actions for any site shown on Map Drawing No. C-801 in the San Ysidro community until approval by the appropriate decisionmaker has been obtained by the applicant or owner in compliance with the development criteria contained herein. Applications for grading permits, tentative maps and street actions shall not be accepted

unless concurrent application is made for a San Ysidro Development Permit and/or building permit, or until the Planning Director determines such action may proceed independent of said permits.

3. [No change.]

4. The procedure for application and for taking action on request for classification of use, variance, conditional use permit, subdivision, and change of street name shall be the same as set forth in Chapter X, Article 1, Division 2, Division 4 and Division 5 of the Municipal Code.

5. [No change.]

B. MINISTERIAL REVIEW

1. [No change.]

2. Additions greater than twenty-five percent (25%) to less than fifty percent (50%) of the gross square foot floor area of an existing structure, commercial development less than 5,000 square feet and industrial development less than 7,000 square feet shall be reviewed by the Planning Department for conformance with the development standards of this Division.

C. VARIANCE FROM DEVELOPMENT STANDARDS

Applications for variance to the development standards of this Division, for ministerial projects defined by Section 103.2203(B) above, shall be made pursuant to Section 101.0502 of the Municipal Code.

On an individual project basis, an application for a variance may be approved when one or more of the following situations is applicable:

(1) due to special conditions, or exceptional characteristics of the property, or of its location or surroundings, strict interpretation of the criteria of this ordinance would result in unusual difficulties or unnecessary hardship or would be inconsistent with the general purpose of this ordinance; or (2) a superior design can be achieved by altering the adopted standards; or (3) conformance with the "Guidelines for Discretionary Review" necessitates deviation from the adopted standards.

D. SAN YSIDRO DEVELOPMENT PERMIT

1. [No change.]

2. Application, including fee/deposit schedule, for a San Ysidro Development Permit shall be consistent with the Planned Commercial Development Permit (Section 101.0910) for commercial projects and with the Planned Industrial Development Permit (Section 101.0920) for industrial projects.

3. An application for a San Ysidro 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. If the Hearing Officer

determines that the application is complete and conforms with all City regulations, policies, guidelines, design standards and density, the **Hearing Officer** may approve or conditionally approve a San Ysidro Development Permit if all of the following facts exist:

a. through d. [No changes.]

4. A San Ysidro Development Permit shall not be approved for the development of a site with existing Municipal Code violations or to an applicant cited for Municipal Code violations, until said violations are remedied.

5. Prior to the **Hearing Officer** taking action on an application for a San Ysidro Development Permit, copies of said application shall be forwarded and reviewed by the San Ysidro Community Planning Committee. The Community Planning Committee shall provide the **Hearing Officer** with a written recommendation on said application within thirty (30) calendar days of receipt of the proposal.

6. [No change.]

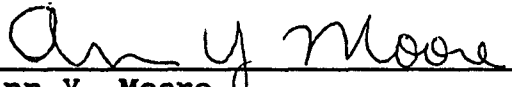
E. through G. [No changes.]

Section 25. This ordinance shall take effect and be in force on January 4, 1993. The provisions of this ordinance shall not be applicable within the Coastal Zone until the thirtieth (30th) day following the date the California Coastal Commission

unconditionally certifies this ordinance as a local coastal program amendment or January 4, 1993 whichever occurs last.

APPROVED: JOHN W. WITT, City Attorney

By

  
Ann Y. Moore  
Deputy City Attorney

AYM:pev  
10/28/92  
Or.Dept:Plan.  
O-93-65  
Form=o.code

526

Passed and adopted by the Council of The City of San Diego on **NOV 23 1992**  
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:

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

(Seal)

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

By:  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**

**NOV 23 1992**

, and on

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

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

(Seal)

By:  Deputy.

Office of the City Clerk, San Diego, California

Ordinance **0-17870**  
Number..... Adopted.....

**NOV 23 1992**



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61  
S... ..

SEEK P... ..

SEEK P... ..

CERTIFICATE OF PUBLICATION

12-7-92  
M

OFFICE OF THE CITY CLERK  
CITY ADMINISTRATION BUILDING  
202 C STREET, 2ND FLOOR  
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

PLANNING AND ZONING

0-17870

**ORDINANCE NUMBER O-17870 (NEW SERIES)**

ADOPTED ON NOV 23 1992

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING DIVISION 1, SECTION 103.0101; AMENDING DIVISION 2 BY AMENDING SECTIONS 103.0202, 103.0203, 103.0204, 103.0208 AND 103.0309; AMENDING DIVISION 3 BY AMENDING SECTIONS 103.0302.1, 103.0302.2 AND 103.0302.3; BY REPEALING SECTIONS 103.0302.4 AND 103.0302.5; AND BY AMENDING SECTIONS 103.0303.4, 103.0304.1, 103.0304.2, 103.0304.3, 103.0304.4, 103.0304.6, 103.0304.7, 103.0305, 103.0306 AND 103.0307; AMENDING DIVISION 5 BY AMENDING SECTIONS 103.0502, AND 103.0508; BY REPEALING SECTION 103.0507; BY AMENDING SECTIONS 103.0520, 103.0528.2, 103.0528.18, 103.0542 AND 103.0545; AMENDING DIVISION 6 BY AMENDING SECTIONS 103.0603, 103.0605, 103.0606, 103.0607, 103.0608, 103.0609, 103.0610 AND 103.0613; AMENDING DIVISION 7 BY AMENDING SECTIONS 103.0703, 103.0704, 103.0706, 103.0707, 103.0708, 103.0709, 103.0710, 103.0715 AND 103.0717; AMENDING DIVISION 9 BY AMENDING SECTIONS 103.0904, 103.0905, 103.0906, 103.0907, 103.0916, 103.0919, 103.0926, 103.0929, 103.0948, 103.0950, 103.0957 AND 103.0960; AMENDING DIVISION 10 BY AMENDING SECTIONS 103.1004, 103.1005, 103.1008, 103.1009 AND 103.1010; AMENDING DIVISION 11 BY AMENDING SECTIONS 103.1102, 103.1103, 103.1105 AND 103.1107; AMENDING DIVISION 12 BY AMENDING SECTIONS 103.1203, 103.1204 AND 103.1208; AMENDING DIVISION 13 BY AMENDING SECTIONS 103.1303, 103.1305 AND 103.1308; AMENDING DIVISION 14 BY AMENDING SECTIONS 103.1404, 103.1405 AND 103.1406; BY REPEALING SECTIONS 103.1407 AND 103.1408; BY AMENDING SECTION 103.1409; BY REPEALING SECTION 103.1410; BY AMENDING SECTIONS 103.1411, 103.1413, 103.1420, 103.1421 AND 103.1422; AMENDING DIVISION 15 BY AMENDING SECTIONS 103.1503, 103.1504 AND 103.1514; AMENDING DIVISION 17 BY AMENDING SECTIONS 103.1703 AND 103.1708; AMENDING DIVISION 21 BY AMENDING SECTIONS 103.2103, 103.2104, 103.2105, 103.2107 AND 103.2112; AND AMENDING DIVISION 22 BY AMENDING SECTION 103.2203, ALL RELATING TO PLANNING AND ZONING.

This ordinance amends the provisions of Chapter X, Article 3, to be consistent with the provisions of Chapter XI. The amendments to Chapter X, Article 3 integrates the procedural requirements that were created by the adoption of Chapter XI and provides the use of Chapter X with the applicable cross references to Chapter XI.

A complete copy of the ordinance is available for inspection in the office of the City Clerk of the City of San Diego, second floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

INTRODUCED ON NOV 09 1992

Passed and Adopted by the Council of the City of San Diego on NOV 23 1992.

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, CA  
CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, CA

(SEAL)

By Suzanne Oliva, Deputy

Pub. Dec. 7

259902

I, Corey Donahue, am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER O-17870 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

DECEMBER 7

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

Dated at San Diego, California this 7th day of DEC., 1992.

*Corey Donahue*  
\_\_\_\_\_  
(Signature)

55L 14336