

ORDINANCE NUMBER O- 17873 (NEW SERIES)

ADOPTED ON NOV 23 1992

AN ORDINANCE AMENDING THE SAN DIEGO MUNICIPAL CODE BY AMENDING CHAPTER XI, ARTICLE 1, BY AMENDING DIVISION 1, SECTION 111.0107; BY AMENDING DIVISION 3, SECTIONS 111.0301, 111.0302, 111.0306 AND 111.0309; BY AMENDING DIVISION 12, SECTIONS 111.1201, 111.1206, 111.1207, 111.1209, 111.1213 AND 111.1214 ALL RELATING TO ZONING.

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

Section 1. That the San Diego Municipal Code be and the same is hereby amended by amending Chapter XI, Article 1, Division 1, Section 111.0107 to read as follows:

SEC. 111.0107 DEFINITIONS

Unless the context otherwise indicates, the words set forth in bold text have the following meanings:

"Amended Map" - [No change.]

"Appealable Area" - [No change.]

"Applicant" - [No change.]

"Board of Zoning Appeals" - [No change.]

"Certificate of Compliance" - [No change.]

"Certificate of Correction" - [No change.]

"City Wide Significance" - [No change.]

"Coastal Commission" - [No change.]

"Coastal Development" means one or more of the following activities within the *Coastal Zone*: on land, in or under water, the placement or erection of any

solid material or structure; the discharge or disposal of any dredged material or any gaseous, liquid, solid or thermal waste; the grading, removing, dredging, mining or extraction of any materials; the change in the density or intensity of use of land including, but not limited to, the subdivision of land pursuant to the *Subdivision Map Act* commencing with Government Code section 66410, and any other division of land, including lot splits except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; the change in the intensity of use of water or of access thereto; the construction, reconstruction, demolition or alteration of the size of any structure, including any facility of any private, public or municipal utility; the removal or harvesting of major vegetation other than for agricultural purposes; or the harvesting of kelp.

"Coastal Development Permit" - [No change.]

"Coastal Emergency" - [No change.]

"Coastal Zone" - [No change.]

"Community Planning Group" - [No change.]

"Concerned Person" - [No change.]

"Conditional Certificate of Compliance" - [No change.]

"Condominium Conversion" - [No change.]

"County Recorder" - [No change.]

"Date of Final Action" - [No change.]
"Days" - [No change.]
"Decision Date" - [No change.]
"Deemed Complete" - [No change.]
"Department" - [No change.]
"Final Map" - [No change.]
"First Public Roadway" - [No change.]
"Grading" - [No change.]
"Hearing Officer" - [No change.]
"Interested Person" - [No change.]
"Land Use Plans" - [No change.]
"Local Coastal Program" - [No change.]
"Major Energy Facility" - [No change.]
"Major Public Works Project" - [No change.]
"Minor Modification" - [No change.]
"Notice of Application" - [No change.]
"Notice of Final City Action" - [No change.]
"Notice of Future Decision" - [No change.]
"Notice of Public Hearing" - [No change.]
"Parcel Map" - [No change.]
"Permit Holder" - [No change.]
"Rezoning Ordinance" - [No change.]
"Process One" - [No change.]
"Process Two" - [No change.]
"Process Three" - [No change.]
"Process Four" - [No change.]
"Process Five" - [No change.]

"Public Improvement" - [No change.]

"Record Owner" - [No change.]

"Responsible Department" - [No change.]

"Site Development" - [No change.]

"Subdivider" - [No change.]

"Subdivision Map Act" - [No change.]

"Substantial Conformance" means that a revision to an approved permit or *Tentative Map* complies with the objectives, standards, guidelines and conditions for that permit or *Tentative Map*.

"Tentative Map" - [No change.]

"Updates" - [No change.]

Section 2. That Chapter XI, Article 1, of the San Diego Municipal Code be and the same is hereby amended by amending Division 3, Sections 111.0301, 111.0302, 111.0306 and 111.0309 to read as follows:

SEC. 111.0301 TYPES OF NOTICE

(a) and (b) [No changes.]

(c) *Notice of Public Hearing.* A *Notice of Public Hearing* shall be provided for a public hearing on an application for a permit, map or other matter acted upon in accordance with *Process Three, Four or Five*.

(1) [No change.]

(2) **Distribution.** Except as otherwise provided by the Municipal Code, the *Responsible Department* shall, no later than ten (10) *Days* before the date of the public

hearing on the application, publish the *Notice of Public Hearing* in accordance with Section 111.0303 and mail *the Notice of Public Hearing* to the persons described in Municipal Code section 111.0302(b).

SEC. 111.0302 NOTICE BY MAIL

(a) [No change.]

(b) **Persons Entitled to Notice.** Except as provided in Section 111.0302(c), the *Notice of Application, Notice of Future Decision* and *Notice of Public Hearing* shall be mailed to the following:

(1) [No change.]

(2) all tenant addresses located within three hundred feet (300') of the exterior boundaries of the real property that is the subject of the application, including each address within a condominium or apartment complex; and

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

(c) **Advertised Notice.** If the combined total of tenant addresses and owners to whom notice would be mailed in accordance with Municipal Code section 111.0302(b) is greater than 1,000, notice may be accomplished by placing a display advertisement of at least one-eighth page

in a newspaper of general daily circulation within the City.

(d) Notice Address.

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

(3) A notice mailed to a tenant address shall be addressed "Resident."

SEC. 111.0306 NOTICE FOR COASTAL DEVELOPMENT PERMITS

When a *Coastal Development Permit* is to be considered at a public hearing, the *Responsible Department* shall mail a *Notice of Public Hearing* to the *Coastal Commission* and all persons requesting notice on *Coastal Development Permits*. This notice shall be provided in addition to the other notice provisions of this Division. Notices for appealable *Coastal Development Permits* shall include provisions for appeals to the *Coastal Commission*.

SEC. 111.0309 FAILURE TO RECEIVE NOTICE

The failure of any person to receive notice given pursuant to the Planning and Zoning Law shall not constitute grounds for any court to invalidate any action taken by the City for which the notice was provided.

Section 3. That Chapter XI, Article 1, of the San Diego Municipal Code be and the same is hereby amended by amending Division 12, Sections 111.1201, 111.1206, 111.1207, 111.1209, 111.1213 and 111.1214 to read as follows:

SEC. 111.1201 PURPOSE AND INTENT

It is the purpose and intent of this Division to provide additional provisions for *Coastal Development* that requires a *Coastal Development Permit*. A *Coastal Development Permit* shall be processed in a manner consistent with the City's certified *Local Coastal Program*, the California Coastal Act of 1976 (Public Resources Code section 30000 et seq.), and the California Code of Regulations, Title 14, Division 5.5, Chapter 8, Subchapter 2, Article 17.

SEC. 111.1206 NOTICE OF FINAL CITY ACTION

(a) *Notice of Final City Action by Mail.*

Within five (5) *Days* after the *Date of Final Action* of a *Coastal Development Permit* or any amendment or extension of a *Coastal Development Permit*, the Planning Director shall mail a *Notice of Final City Action* to the *Coastal Commission* and to any other person requesting the notice.

(b) [No change.]

SEC. 111.1207 COASTAL COMMISSION APPEAL PROCEDURE

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

(d) *Filing an Appeal with the Coastal Commission.* An appeal to the *Coastal Commission* shall be filed with the *Coastal Commission* within ten (10) *Days* after the Commission's receipt of the *Notice of Final City Action*. The forms and

procedures for filing an appeal shall be filed in accordance with *Coastal Commission* regulations.

(e) and (f) [No change.]

SEC. 111.1209 EFFECTIVE DATE AND ISSUANCE OF PERMIT

(a) Appealable Permits.

(1) Decisions Appealable to *Coastal Commission*. Decisions which are appealable to the *Coastal Commission* shall become effective and shall be issued on the eleventh (11th) Day after the *Coastal Commission* has received the *Notice of Final City Action* from the City, provided an appeal application has not been filed with the *Coastal Commission*. The effective date shall be suspended and the permit will not be issued if a valid appeal is filed with the *Coastal Commission* or the Planning Director is notified by the *Coastal Commission* that the *Notice of Final City Action* has not been accepted.

(2) and (3) [No changes.]

(b) [No change.]

SEC. 111.1213 PERMITS ISSUED BY THE COASTAL COMMISSION

Any person who has a valid *Coastal Development Permit* from the *Coastal Commission* is not required to obtain a *Coastal Development Permit* for that same development from the City. The *Coastal Commission* shall be exclusively responsible for the issuance of an

amendment to a *Coastal Development Permit* which has been approved by the *Coastal Commission*, regardless of the jurisdictional boundaries governing applications for *Coastal Development Permits*. The City may not grant a *Coastal Development Permit* for the same development on a site which has an approved *Coastal Development Permit* issued by the *Coastal Commission* unless such permit has expired or been forfeited to the *Coastal Commission*.

SEC. 111.1214 COASTAL EMERGENCY PERMITS

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

(f) **Conditions.** The Planning Director may approve an emergency *Coastal Development Permit* with conditions, including an expiration date. All *Coastal Development Permits* shall include a condition requiring the processing of a regular permit application for any work authorized by the Planning Director.

(g) [No change.]

Section 4. 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
Ann Y. Moore
Deputy City Attorney

AYM:pev
10/23/92
Or.Dept:Plan
O-93-64
Form=o.code

DIAGRAM TWO Decision Levels

- | | |
|----------|---|
| 1 | Staff Decision, No Hearing, No Appeal |
| 2 | Staff Decision, No Hearing, Appeal to Hearing Officer |
| 3 | Hearing Officer Decision, Appeal to the Planning Commission or
Board of Zoning Appeals |
| 4 | Planning Commission Decision, Appeal to City Council |
| 5 | City Council Decision, following Planning Commission Recommendation |

LEGISLATIVE ACTION

	1	2	3	4	5
Community/Precise Plan Adoption or Amendment					X
Development Agreements					X
Local Coastal Plan Amendment					X
Specific Plan Adoption or Amendment					X
Zoning/Rezoning					X

SUBDIVISION

Certificate of Compliance	X				
Tentative Map				X	
Parcel Map	X				
Lot Line Adjustments	X				
Final Map					X ¹
Certificate of Correction/Amendment of Approved Map					
Errors or omissions	X				
Modification of approved conditions or substantial non-conformity				X	
Reversion					X
Right of Way Vacation or Easement Abandonment					X

SITE DEVELOPMENT

CITY-WIDE SITE REGULATION

Comprehensive Sign Plans	X [*]			
Discontinuance of Mobile Home Parks			X	
Grading Permit	X			
Grading Review			X	
Manufacturing/Industrial Park Zone			X	
Public Improvement Permit	X			

¹ No recommendation from the Planning Commission is required.

^{*} Process 3 decisions marked with an asterisk are appealable to the Board of Zoning Appeals. Appeals of all other Process 3 decisions are heard by the Planning Commission.

SITE DEVELOPMENT

<u>CITY-WIDE SITE REGULATION</u>	1	2	3	4	5
Major Public Improvement Permit					X ¹
Pushcarts		X			
Reclamation Plan				X	
Reconstruction	X				
Relocation (resulting in single house on lot)	X				
Satellite Antennas (> 10' diameter, other deviations)			X*		
Sidewalk Cafes		X			
Small Lots	X				
Sign Permits					
Special Sign Districts	X				
Temp. Off-Premises Subdivision Directional Signs	X				
Temp. On-Premises Subdivision Directional Signs	X				
Wind Signs, Special Permits	X				
Temporary Uses (< 10 months)	X				
Temporary Construction Storage Yards					
and/or Project Offices	X				
Temporary Real Estate Offices and/or Model Homes	X				
Transfer of Density Bonus			X		
Zoning Use Certificate	X				
 <u>TAILORED ZONING</u>					
Airport Approach Overlay Zone					
Conformance with Regulations	X				
Variance				X	
Barrio Logan Planned District			X		
Carmel Valley Planned District			X		
Cass Street Planned District					
(Permitted Uses Complying with Reg.s)	X				
(Special Use Permit)			X		
Community Plan Implementation Overlay Zone					
(Type A)	X				
(Type B)			X		
Golden Hill Planned District					
(Full Compliance)	X				
(Specified Structures)		X			
(Over Threshold or Deviations)			X		
Institutional Overlay Zone (Demolition, SUP)					X
La Jolla Planned District					
(Full Compliance)	X				
(Variance, SUP)			X		
La Jolla Shores Planned District			X		
Minor Projects	X				
Live/Work Quarters	X				

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SITE DEVELOPMENT

<u>TAILORED ZONING</u>	1	2	3	4	5
Mid-City Planned District					
(Full Compliance, Below Threshold)	X				
(Specified Exceptions, Below Threshold)		X			
(Over Threshold, Other Deviations)			X		
Mission Beach Planned District					
(Amusement/Entertainment Enterprise CUP)				X	
(Other CUP's or Variance)			X		
Mission Trails Design District			X		
Mission Valley Planned District					
(Full Compliance)	X				
(Limited Deviations)		X			
(Above ADT Threshold; Specified Locations; Transfer of Density)				X	
Mount Hope Planned District (Compliance Review)	X				
Old Town Planned District					
(Minor Projects)	X				
(Other Projects)				X	
Otay Mesa Development District					
(Full Compliance)	X				
(Deviations, Some Locations/Uses)				X	
Pedestrian/Commercial Overlay Zone	X				
San Ysidro Planned District					
(Below Threshold)	X				
(Limited deviations from regulations)		X			
(Over threshold)				X	
Southeast San Diego Planned District				X	
(Alcoholic Beverage Sales CUP)				X	
West Lewis Street Planned District					
(Below Threshold)	X				
(Above Threshold, Facade Alterations)				X	

RESOURCE OVERLAYS

Coastal Development			X ²		
Hillside Review Overlay Zone					X
(Single-Family Development)			X		
Resource Protection Overlay Zone					X
Sensitive Coastal Resource					X

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² The City's final approval of a Coastal Development Permit may be appealed to the Coastal Commission if the subject property is located within the Coastal Commission's appeal jurisdiction.

SITE DEVELOPMENT

<u>PLANNED DEVELOPMENT</u>	1	2	3	4	5
Planned Residential Development			X		
Future Urbanizing Area					X
Planned Infill Residential Development			X		
Planned Commercial Development			X		
Planned Industrial Development			X		

VARIANCE

Variance					
Limited Relief		X			
General-Relief			X*		
Height Limitation Zone Exception - Clairemont Mesa					X
FAR Exceptions - R and RV Zones			X*		

CONDITIONAL USES

Agricultural Commerce in Future Urbanizing Area			X*		
Airports					X
Alcoholic Beverage Sales					
(In connection with Automobile Service Stations)			X*		
(All Other)			X*		
Amusement Parks					X
Boarding Kennels			X		
Camping Parks				X	
Cemeteries				X	
Child Care Centers			X*		
Churches			X*		
Community Identification Signs			X*		
Companion Units			X		
Correctional Placement Centers				X	
Educational Institutions (except Elementary Schools)			X		
Electromagnetic Communications Facilities, Major				X	
Enterprises Involving a Large Number of People or Automobiles				X	
Facilities for Wrecking/Dismantling Automobiles				X	
Fairgrounds					X
Fraternity or Sorority Houses			X		
Golf Courses				X	
Guest Quarters			X*		
Hazardous Waste					
New Research, Development and Demonstration Facilities			X		
Disposal Facilities					X
Historical Sites; Residential, Commercial,					
Industrial or Institutional Uses In or On					X
Hospitals, Urgent Care Facilities, Nursing Homes				X	
Housing Facilities for the Elderly/Handicapped			X		

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SITE DEVELOPMENT

<u>CONDITIONAL USES</u>	1	2	3	4	5
Illumination of Tennis Courts			X *		
Impound Storage Yards			X *		
Living Units			X		
Marine Related Uses in Coastal Zone				X	
Mobile Homes for Watchmen			X *		
Moved Buildings			X *		
Natural Resource Development or Utilization				X	
Newspaper Publishing Plants			X		
Non-Profit Public Health or Welfare Enterprises				X	
Outdoor Storage/Display of New & Unregistered Vehicles			X *		
Parking Facilities			X *		
Parking in A-1 Coastal Zone				X	
Private Clubs/Lodges			X *		
Racetracks					X
Research and Development Enterprises			X		
Residential Care Facilities (7-12 people)			X *		
Residential Care Facilities (13+ people)				X	
Rotating/Revolving Signs			X *		
Schools (Elementary)			X *		
Service Stations			X *		
Solar Systems			X *		
Structures Operated by a Public Utility or Other Body Having the Power of Eminent Domain			X		
Tandem Parking			X *		
Teaching Fine Arts			X *		
Temporary Workers Camps				X	
Theater Marquee Signs			X		
Treatment or Counseling of Sex Offenders				X	
Utilities Distribution Stations			X *		
Veterinary Clinics & Hospitals			X *		

BUILDING/STRUCTURAL PERMITS

Airport Environs Overlay Zone	X
Combined Building Permit	X
Demolition	X
Historic Structures Subject to RPO	X
Electrical Permit	X
HVAC Permit	X
Mechanical Permit	X
Plumbing Permit	X
Removal	X
Structural Permit	X

* Process 3 decisions marked with an asterisk are appealable to the Board of Zoning Appeals. Appeals of all other Process 3 decisions are heard by the Planning Commission.



92 NOV -2 11 3: 31

CITY CLERK'S OFFICE
SAN DIEGO, CA

NOV 23 1992

Passed and adopted by the Council of The City of San Diego on
by the following vote:

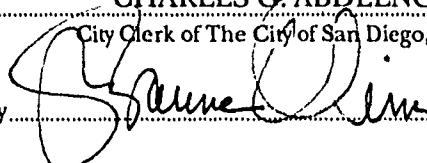
Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

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.

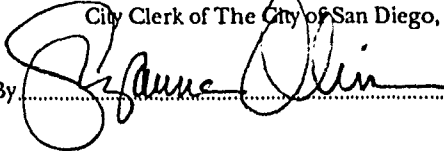
I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on **NOV 09 1992**, and on **NOV 23 1992**.

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

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

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

(Seal)

By  Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number	0-17873
Adopted	NOV 23 1992

92 NOV -2 11:10:24
CITY CLERK'S OFFICE
SALT LAKE, UT

NOV 09 1995

NOV 09 1995

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NOV 09 1995

CERTIFICATE OF PUBLICATION

DEC-3 2009 10

MANUAL CLERK

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

IN THE MATTER OF

NO.

ZONING

0-17873 NS

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-17873 (NEW SERIES)
AN ORDINANCE AMENDING THE SAN DIEGO MUNICIPAL CODE BY AMENDING CHAPTER XI, ARTICLE 1, BY AMENDING DIVISION 1, SECTION 111.0107; BY AMENDING DIVISION 3, SECTIONS 111.0301, 111.0302, 111.0308 AND 111.0309; BY AMENDING DIVISION 12, SECTIONS 111.1201, 111.1206, 111.1207, 111.1209, 111.1213 AND 111.1214 ALL RELATING TO ZONING.
This ordinance amends the provisions of Chapter XI, Article 1, to be consistent with the provisions of Chapter XI. The amendments to Chapter XI, Article 1 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 259901

ORDINANCE NUMBER O-17873 (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)

272 11.68