

ORDINANCE NUMBER O- 18487 (NEW SERIES)

ADOPTED ON APR 07 1998

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, DIVISION 15 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 103.1503, 103.1504, 103.1505, 103.1507, 103.1508, 103.1509, 103.1510, 103.1511, 103.1512, 103.1513, 103.1514, ALL RELATING TO MID-CITY COMMUNITIES PLANNED DISTRICT.

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

Section 1. That Chapter X, Article 3, Division 15, of the San Diego Municipal Code is amended by amending section 103.1503, to read as follows:

SEC. 103.1503 Definitions

The definitions in Land Development Code Section 113.0103 apply except where a conflict exists with the definitions set forth in this Division. Where such a conflict exists, the definitions in this Division apply.

A. [No change.]

B. GROSS FLOOR AREA

[No change in first paragraph.]

Gross floor area shall include:

1. through 3. [No change.]

4. Half stories (attics) as described in Land Development Code Section 113.0210 when not used for parking, basements as defined in Land Development Code Section 113.0103, and cellars.

5. [No change.]

Section 2. That Chapter X, Article 3, Division 15, of the San Diego Municipal Code is amended by amending section 103.1504, to read as follows:

SEC. 103.1504 Project Review Regulations

A. ADMINISTRATOR

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

1. through 3. [No change.]

B. CITY MANAGER APPROVAL REQUIRED

No permit shall be issued for the erection, construction, conversion, establishment, alteration or enlargement of any building or structure, or for the grading of any site, in the Mid-City Communities Planned District until approval of the City Manager has been obtained by the applicant or owner. Each application for a permit shall state the intended purpose of the proposed building, structure or improvement, and shall specify the applicable zone and previously issued permits. Approval of the City Manager is not required for modifications, repairs, or other alterations that does not require a building permit.

C. OTHER PLANNING AND ZONING REGULATIONS WHICH APPLY

The following provisions of the Land Development Code apply to the Mid-City Communities Planned District, except where this Division states otherwise. Where there is a conflict, the provisions of this Division apply.

Chapter 11 (Land Development Procedures);

Chapter 12 (Land Development Reviews) except Article 6, Division 6 (Planned Development Permit Procedures);

Chapter 13 (Zones);

Chapter 14, Article 1 (Separately Regulated Use Regulations);

Chapter 14, Article 2, Division 1 (Grading Regulations);

Chapter 14, Article 2, Division 2 (Drainage Regulations);

Chapter 14, Article 2, Division 3 (Fence Regulations);

Chapter 14, Article 2, Division 4 (Landscape Regulations);

Chapter 14, Article 2, Division 5 (Parking Regulations);

Chapter 14, Article 2, Division 6 (Public Facility Regulations);

Chapter 14, Article 2, Division 8 (Refuse and Recyclable Materials Storage Regulations);

Chapter 14, Article 2, Division 12 (Sign Regulations);

Chapter 14, Article 3 (Supplemental Development Regulations) except Division 4 (Planned Development Permit Regulations);

Chapter 14, Article 4 (Subdivision Regulations);

Chapter 14, Article 5 (Building Regulations);

Chapter 14, Article 6 (Electrical Regulations); and

Chapter 14, Article 7 (Plumbing and Mechanical Regulations)

Other provisions of the Land Development Code are superseded unless specifically referenced in this Division.

D. PREVIOUSLY CONFORMING STRUCTURES

(In addition to those provisions in Land Development Code Chapter 12, Article 7, Division 1 (General Review Procedures for Previously Conforming Premises and Uses) regarding previously conforming 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 Land Development Code Chapter 12, Article 7, Division 1 (General Review Procedures for Previously Conforming Premises and Uses), where an addition of floor area on a property with a previously conforming structure would create greater nonconformity in terms of diagonal plan dimension, coverage, or other developmental requirements, the City Manager may approve or deny, in accordance with Process One, such an 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. through d. [No change.]
- e. All existing and new storage areas must be screened by fencing, walls or landscaping to the satisfaction of the City Manager.
- f. Any additional parking required by Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations) must be provided.
- g. The City Manager 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 Resources Board conforms to the Mid-City Communities Planned District requirements but a structure does not conform, the City Manager may nonetheless permit, in accordance with Land Development Code Chapter 12, Article 7, Division 1 (General Review Procedures for Previously Conforming Premises and Uses), such repair and rehabilitation of a previously conforming structure without requiring Administrative Review (Section 103.1504(G)) or a Mid-City Communities Development Permit (Section 103.1504(H)), subject to the City Manager's finding that there is no addition of floor area and no expansion of the use or structure.

E. EXCEPTION: FLOOR AREA ADDITIONS TO ONE OR TWO-UNIT PROJECTS

If units or other floor area are added to a one- or two-dwelling unit residential project where the existing structures are previously conforming, and if the proposed addition would not cause the project to exceed permitted density, the City Manager shall not require existing structures to meet the requirements of this Division.

F. ALTERNATIVE COMPLIANCE FOR USES PERMITTED IN SINGLE FAMILY ZONES

Projects which meet all requirements of the RS-1-7 Zone (Land Development Code Chapter 13, Article 1, Division 4 [Zones]) are exempt from the requirements of this District.

G. ADMINISTRATIVE REVIEW

1. The City Manager 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. and b. [No change.]

c. Facade improvements and similar alterations to previously conforming structures which do not increase the building floor area and do not create above-grade pedestrian areas such as balconies.

d. [No change.]

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

3. [No change.]

4. The decision of the City Manager shall be based on substantial conformance with the regulations and the purpose and intent of the Mid-City Communities Planned District.

5. The City Manager's decision may be appealed to a Hearing Officer in accordance with Land Development Code Section 112.0504.

6. If the City Manager decides 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. through c. [No change.]

d. Any proposal which would expand a previously conforming auto repair use located along Adams Avenue in the CN-3 or CV-3 zones. In the review of the proposed expansion of previously conforming auto repair uses along Adams Avenue, all existing and new storage areas shall be required to be screened by appropriate fences, walls or landscaping.

e. and f. [No change.]

2. An application for a Mid-City Communities Development Permit, including fees or deposits, shall be processed in the same manner as an application for a Site Development Permit, in accordance with Land Development Code Chapter 11, Article 2 (Required Steps in Processing) and Chapter 12, Article 6, Division 5 (Site Development Permit Procedures).

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 Land Development Code Section 112.0506.

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 change.]

I. [No change.]

Section 3. That Chapter X, Article 3, Division 7, of the San Diego Municipal Code is amended by amending section 103.1505, to read as follows:

SEC. 103.1505 Residential Zones--MR-3000, MR-2500, MR-1750, MR-1500, MR-1500B, MR-1250B, MR-1000, MR-1000B, MR-800B, MR-400

A. through H. [No change.]

I. OTHER REQUIREMENTS

The General Regulations (Section 103.1511), the Streetscape Development Regulations (Section 103.1512), and the Parking Regulations (Section 103.1513) also regulate development, as do the provisions of the Land Development Code referenced in Section 103.1504.C.

Section 4. That Chapter X, Article 3, Division 15, of the San Diego Municipal Code is amended by amending section 103.1507, to read as follows:

SEC. 103.1507 Commercial Nodes--CN-1, CN-1A, CN-2, CN-2A, CN-3, and CN-4 Zones

A. through C. [No change.]

D. OTHER REQUIREMENTS

The General Regulations (Section 103.1511), the Streetscape Development Regulation (Section 103.1512), and the Parking Regulations (Section 103.1513) also regulate development, as do the provisions of the Land Development Code referenced in Section 103.1504.C.

Section 5. That Chapter X, Article 3, Division 15, of the San Diego Municipal Code is amended by amending section 103.1508, to read as follows:

SEC. 103.1508 Commercial Linear Zones--CL-1, CL-2, CL-3, CL-5, CL-6, (CL-4 is renamed CV-3. See Section 103.1509)

A. through C. [No change.]

D. OTHER REQUIREMENTS

The General Regulations (Section 103.1511), the Streetscape Development Regulations (Section 103.1512) and the Parking Regulations (Section 103.1513) also regulate development, as do the provisions of the Land Development Code referenced in Section 103.1504.C.

Section 6. That Chapter X, Article 3, Division 15, of the San Diego Municipal Code is amended by amending 103.1509, to read as follows:

SEC. 103.1509 Commercial Village Zones--CV-1, CV-2, CV-3, CV-4

A. through C. [No change.]

D. OTHER REQUIREMENTS

The General Regulations (Section 103.1511), the Streetscape Development Regulations (Section 103.1512) and the Parking Regulations (Section 103.1513) also regulate development, as do the provisions of the Land Development Code referenced in paragraph 103.1504.C.

Section 7. That Chapter X, Article 3, Division 15, of the San Diego Municipal Code is amended by amending section 103.1510, to read as follows:

SEC. 103.1510 Neighborhood Professional Zones--NP-1, NP-2, NP-3

A. through C. [No change.]

D. OTHER REQUIREMENTS

The General Regulations (Section 103.1511), the Streetscape Development Regulations (Section 103.1512) and the Parking Regulations (Section 103.1513) also regulate development, as do the provisions of the Land Development Code referenced in Section 103.1504.C.3.

Section 8. That Chapter X, Article 3, Division 15, of the San Diego Municipal Code is amended by amending section 103.1511, to read as follows:

SEC. 103.1511 General Regulations

A. through K. [No change.]

L. SIGNS

1. All MR Zones

a. through f. [No change.]

g. Wall signs as defined in Land Development Code Section 113.0103

may be utilized provided no wall sign projects above the parapet or eaves of the building to which affixed or exceed a height of 12 feet, whichever is lower. Permanent or changeable copy of each wall or ground sign may include only on- premises or public interest messages.

2. CL-1 and CL-3 Zones. Ground signs constructed along El Cajon Boulevard in accordance with Land Development Code Section 142.1240(a) through (d) shall be placed consistent with all setbacks established by map or zone except as specified in this paragraph. Ground signs are not permitted within rear yards or interior side yards. Ground signs placed in whole or in part within a front yard or street side yard are subject to the requirements of the table below. Ground signs placed within a front yard or street side yard are in lieu of, not in addition to, signs permitted by Land Development Code Section 142.1240(a) through (d). For those

premises where multiple ground signs are permitted by Land Development Code Section 142.1240(a), ground signs within the required front or street side yard are subject to both the percentage limitation in the table below and the fifty percent limitation of Land Development Code Section 142.1240(d)(3)(A) cumulatively. If a sole occupant elects to combine sign areas as provided in Land Development Code Section 142.1240(d)(3)(B), the combined area of signs within the front or side street yard is subject to the percentage limitation in the table below.

[No change in TABLE FOR SECTION 103.1511.M.2.]

3. CL-5 Zone.

a. Wall signs as defined in Land Development Code Section 113.0103 are permitted, provided that no sign projects above the nearest parapet or eave of the building to which affixed.

[No change in second paragraph.]

b. through d. [No change.]

4. All NP Zones.

a. and b. [No change.]

5. Wall and Roof Sign on Previously Conforming Structures

A previously conforming structure serving permitted uses may have only the same wall and roof signage as would be allowed if the building conformed to current yard requirements and other development standards.

M. REQUIRED STREET YARD AREAS -- FENCES AND STRUCTURES

It is unlawful for any solid fence or structure exceeding three feet in height to be placed in any required street yard area, except as specifically permitted in this Division pursuant to Land

Development Code Chapter 14, Article 2, Division 3 (Fence Regulations).

N. [No change.]

Section 9. That Chapter X, Article 3, Division 15, of the San Diego Municipal Code is amended by amending section 103.1512, to read as follows:

SEC. 103.1512 Streetscape Development Regulations

A. CURB CUTS AND DRIVEWAYS

Curb cuts and driveways shall conform to Land Development Code Section 141.0560, in addition to the following regulations:

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

B. [No change in text.]

C. [No change in text.]

Section 10. That Chapter X, Article 3, Division 15, of the San Diego Municipal Code is amended by amending section 103.1513, to read as follows:

SEC. 103.1513 Parking Regulations

Parking shall conform to Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations).

A. through C. [No change in text.]

D. Vehicles may be parked within that portion of a required street yard that is not within a required front or street side yard, provided that vehicular use areas

within the street yard are constructed of an upgraded hardscape element as defined in Land Development Code Section 113.0103.

Section 11. That Chapter X, Article 3, Division 15, of the San Diego Municipal Code is amended by amending section 103.1514, to read as follows:

SEC. 103.1514 Permitted Uses

A. RESIDENTIAL ZONES

[No change in first paragraph.]

1. through 5. [No change.]

6. Temporary real estate sales offices and model homes in new subdivisions, subject to the limitations as set forth in Land Development Code Section 141.0702.

7. [No change.]

8. In addition to the uses listed above, the following uses shall be permitted in the MR-1000 through MR-400 zones:

a. through b. [No change.]

c. [No change in first paragraph.]

Facilities providing medical and counseling services which meet the criteria in Section 103.1514(A)(8)(c)(1)-(3) are not permitted on a lot or parcel 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 Land Development Code Section 141.0168(a):

(1) Facilities where five or more persons as described in

Section 101.0514(A)(8)(c)(2) are medically treated or medically or psychologically counseled, on a group or individual basis;

(2) The persons 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 for modification or any such sections.

(3) The medical and counseling services are directly related to physical or psychological treatment for the sex-related offenses committed and described in the above California Penal Code sections.

9. through 12. [No change.]

B. COMMERCIAL ZONES

[No change in first paragraph.]

TABLE FOR SECTION 103.1514.B.

	CN-1, 2 CN-1A, 2A CL-1, (6) CL-3 CL-6 CV-1, 2, 4	CL-2 (6)	CN-3, 4 (2), CV-3 (2)	CL-5 (6)	NP-1, 2, 3
[No change from "advertising, secretarial & telephone answering services" through "Private clubs, fraternal organizations and lodges".]					

	CN-1, 2 CN-1A, 2A CL-1, (6) CL-3 CL-6 CV-1, 2, 4	CL-2 (6)	CN-3, 4 (2), CV-3 (2)	CL-5 (6)	NP-1, 2, 3
Public utility electric substations, gas regulators and communications equipment buildings developed in accordance with building and landscaping plans approved by the City Manager [No change from Radio and television broadcasting studios through Public parks and playgrounds.]	X	X			X

	CN-1, 2 CN-1A, 2A CL-1, (6) CL-3 CL-6 CV-1, 2, 4	CL-2 (6)	CN-3, 4 (2), CV-3(2)	CL-5 (6)	NP-1, 2, 3
Residential development in accordance with the regulations of this District, according to the permitted densities of equivalent multi-family zones as specified in the RM-3-9 zone (Land Development Code Chapter 13, Article 1, Division 4 (Residential Base Zones) (e.g., one dwelling unit per 600 square feet.	X	X	X	X	X
Any other use which the Planning Commission may find to be similar in character to the uses, including accessory uses, numerated in this section and consistent with the purpose and intent of the particular zone in which it would be located. The adopted resolution embodying such finding shall be filed in the office of the City Clerk	X	X	X	X	X
Accessory uses as follows: Signs constructed, fabricated, erected, installed, attached, fastened, placed, positioned, operated, and abated in accordance with the regulations as set forth in Land Development Code Chapter 12, Article 9, Division 8 (Sign Permit Procedures) and Chapter 14, Article 2, Division 12 (Sign Regulations) subject to Section 103.1511.L.	X	X	X	X	X
Accessory uses determined by the City Manager to be appropriate in character and placement in relationship to a					

primary use	X	X	X	X	X
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Footnotes to table for section 103.1574.B

(1)a. Facilities providing medical and counseling services which meet the criteria in Section 103.1514(A)(8)(c)(1)-(3) are not permitted on a lot or parcel 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 Land Development Code Section 141.0168(a):

b. Facilities where five or more persons as described in Section 101.0514(A)(8)(c)(2) are medically treated or medically or psychologically counseled, on a group or individual basis;

c. The persons 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 for remodeling or any such sections.

d. The medical and counseling services are directly related to physical or psychological treatment for the sex-related offenses committed and described in the above California Penal Code sections.

(2) through (7) [No change.]

(8) In the CV-3 Zone, auto repair is permitted only as an expansion of an existing previously conforming use with the approval of a Mid-City Communities

Development Permit.

(9) through (11) [No change.]

Section 12. This ordinance shall take effect and be in force on the date the Coastal Commission unconditionally certifies as a local coastal program amendment the provisions of the Land Development Code subject to Coastal Commission jurisdiction, adopted by the City Council on December 9, 1997, by Ordinance No. O-18451.

APPROVED: CASEY GWINN, City Attorney

By Prescilla Dugard
Prescilla Dugard
Deputy City Attorney

PD:cdk
03/05/98
Or.Dept:Dev.Svcs.
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