

(O-98-62)

ORDINANCE NUMBER O- **18488** (NEW SERIES)

ADOPTED ON **APR 07 1998**

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, DIVISION 7 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 103.0703, 103.0704, 103.0706, 103.0707, 103.0708, 103.0709, 103.0710, 103.0711, 103.0712, 103.0713, 103.0714, 103.0715, 103.0716, 103.0717, ALL RELATING TO GOLDEN HILL PLANNED DISTRICT.

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

Section 1. That Chapter X, Article 3, Division 7, of the San Diego Municipal Code is amended by amending section 103.0703, to read as follows:

SEC. 103.0703 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 a conflict exists, the definitions in this Division apply.

1. [No change.]

Section 2. That Chapter X, Article 3, Division 7, of the San Diego Municipal Code is amended by amending section 103.0704, to read as follows:

SEC. 103.0704 Administrative Regulations

A. ADMINISTRATION. The City Manager 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 and the following design studies:

1. through 4. [No change.]

B. PLANNING, ZONING, AND SUBDIVISION REGULATIONS WHICH SHALL APPLY. Where not otherwise specified in this Division, the following provisions of the Land Development Code 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)

Where there is a conflict between the Land Development Code and this division, this division applies.

C. ACTIVITIES REGULATED. [No change in first paragraph.]

No permit may be issued for the erection, construction, conversion, demolition, establishment, alteration or enlargement of any building or structure, or for the grading of any site, or portion thereof, or for the change in use of any building or structure in the Golden Hill Planned District until approval of the City Manager has been obtained by the applicant or owner. Each application for a building, demolition or grading permit shall state the intended use of the proposed site, building, structure or improvement, shall specify the applicable zone, and describe any previously issued permits. Approval of the City Manager is not required for modifications, repairs, or other alterations which do not require a building, demolition or grading permit. Additional application requirements are contained in Section 103.0706.

D. [No change.]

E. PREVIOUSLY CONFORMING USES AND STRUCTURES. Previously conforming uses and structures are subject to Land Development Code Chapter 12, Article 7, Division 1 (General Review Procedures for Previously Conforming Premises

and Uses). Structures not conforming to the yard requirements specified in this planned district may be altered or enlarged, provided the alterations and additions observe all other existing zoning requirements.

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 City Manager 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 City Manager may not accept plans for a planned district ordinance review, nor may the City Manager 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 and the Greater Golden Hills Planning Committee, adopted October 6, 1978, the City Manager may not accept plans for a planned district ordinance review or 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 City Manager 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 City Manager identifies a potential historic structure, the demolition or removal permit application shall not be approved for ninety (90) calendar days or until the Historical Resources Board has evaluated and acted on the site's historical significance, whichever occurs first. If the site is not designated a historical resource, the application may be approved or denied by the City Manager in accordance with Process One. The provisions of this section do not apply to the following:

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

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 Resources 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).

Section 3. That Chapter X, Article 3, Division 7, of the San Diego Municipal Code is amended by amending section 103.0706, to read as follows:

SEC. 103.0706 Submittal Requirements

Application shall be made, in accordance with Land Development Code Section

112.0102, 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. A deposit or fee as indicated on the current fee schedule maintained in the office of the City Clerk;

B. through E. [No change.]

F. Any other information deemed necessary by the City Manager to evaluate the project for compliance with the regulations contained in this division and other applicable laws and regulations.

G. [No change.]

Section 4. That Chapter X, Article 3, Division 7, of the San Diego Municipal Code is amended by amending section 103.0707, to read as follows:

SEC. 103.0707

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

B. Copies of the application and plans shall be forwarded to the Greater Golden Hill Community Planning Committee within 10 working days of receipt by the City Manager.

C. The decision of the City Manager shall be based on conformance with the regulations and the Purpose and Intent of the Golden Hill Planned District Ordinance, the Golden Hill Planned District Design Criteria and Guidelines as adopted by Council with

this ordinance and the studies referenced in Section 103.0704.A.

D. The fee for this review shall be equivalent to that of a Plan Check Fee.

Section 5. That Chapter X, Article 3, Division 7, of the San Diego Municipal Code is amended by amending section 103.0708, to read as follows:

SEC. 103.0708 Exceptions

A. The City Manager may approve, or deny, in accordance with Process Two, an exception from selected provisions of the Golden Hill Planned District, when the application is for one of the following:

1. New construction or remodeling which would result in a finished project (all structures on the premises) deviating 20 percent or less from one of the following development regulations: 1) minimum required front, street, side or rear yards, 2) offsetting planes; 3) diagonal plan dimension; or 4) maximum lot coverage regulations. However, the City Manager shall require additional landscaping that may be feasibly placed on the site or parkway according to city-wide landscape standards, and/or other architectural features or improvements.

2. [No change.]

3. Walls or fences which vary from the regulations of Land Development Code Chapter 14, Article 2, Division 3 (Fence Regulations).

4. [No change.]

B. The City Manager may in no case approve or conditionally approve an exception when the application is for deviation from density, use, floor area ratio, parking requirements, building height, landscaping, street design requirements as specified in

Section 103.0711(B) (8) of this Division, average size of units, or 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 City Manager on an application for an exception prior to the City Manager 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. [No change.]

E. The City Manager shall review the proposed project for substantial conformance with the regulations and the Purpose and Intent of the Golden Hill Planned District. The City Manager may grant a deviation if the deviation is for the purpose of providing design flexibility resulting in a project which benefits surrounding properties and the community.

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

Section 6. That Chapter X, Article 3, Division 7, of the San Diego Municipal Code is amended by amending section 103.0709, to read as follows:

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. through 4. [No change.]

5. 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 Resources Board. Such projects shall be subject to the following:

a. Landscaping requirements (Land Development Code Chapter 14, Article 2, Division 4), Sidewalk Design Regulations (Section 103.0715 of this Division), and Parking Requirements (Land Development Code Chapter 14, Article 2, Division 5) shall be met in a manner which preserves the historic character of the building or site, including that of mature vegetation; and,

b. The proposed deviation shall be referred to the Historical Resources Board for recommendation on said exception; and,

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.

6. Previously conforming signs, deemed by the City Manager to have historical significance, to remain after the five (5) year compliance regulation as stated in Section 103.0713.K.2.k.

B. An application for a Golden Hill 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).

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 are made:

1. The proposed project design meets the purpose and intent of the Golden Hill Planned District and will be compatible with the goals and objectives of the Golden Hill Community Plan (1988), the Progress Guide and General Plan of The City of San Diego, the Golden Hill Planned District Design Criteria and Guidelines as adopted by Council and the design studies listed in Section 103.0704.A; and,

2. through 4. [No change.]

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

F. [No change.]

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 City Manager.

H. The decision of the Hearing Officer on the Golden Hill Development Permit may be appealed to the Planning Commission in accordance with Land Development Code Section 112.0506.

Section 7. That Chapter X, Article 3, Division 7, of the San Diego Municipal Code is amended by amending section 103.0710, to read as follows:

SEC. 103.0710 Regulations For Historic and Architecturally Significant Structures

A. DEVIATIONS FROM BUILDING CODE

Notwithstanding the provisions of this Division or any other provision of the Municipal Code, 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 Resources 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) to this Division. Such building(s) or structure(s) may be approved or denied in accordance with Process Two. The building(s) or structure(s) shall be safe and not hazardous to its occupants or the public. The City Manager 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 City Manager may be appealed to a Hearing Officer in accordance with Land Development Code Section 112.0504. Requirements of the City Manager concerning methods and materials or minor deviations to alleviate practical difficulties of construction may be appealed to the Board of Appeals and Advisors.

B. REMOVAL OF DAMAGED HISTORIC STRUCTURES

In the event any building or structure deemed by the Historical Resources Board to have architectural or historic significance is damaged by earthquake, fire, or act of God to such an extent that in the opinion of the City Manager it cannot reasonably be repaired and restored, the same may be removed upon issuance of a permit for said removal, subject to Section 103.0704.F.

Section 8. That Chapter X, Article 3, Division 7, of the San Diego Municipal Code is amended by amending section 103.0711, to read as follows:

SEC. 103.0711 Residential Zones

A. [No change.]

B. PROPERTY DEVELOPMENT REGULATIONS

1. through 7. [No change.]

8. Street Design Requirements. In all GH- residential zones, in addition to the criteria included in the Design Criteria and Guidelines, each residential building shall be designed in accordance with the following provisions.

a. [No change.]

b. In addition to the above standards, each residential building shall include architectural features, all to be chosen from only one of the following lists : (1), (2), (3), or (4)- as required by each list. If a project contains more than one residential building, all buildings are to contain features from the same list. All accessory buildings on the premises are to include similar architectural features as the residential structure(s).

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

c. [No change.]

9. Exception. Except in the Golden Hill Historic District, in those cases where an existing legal lot or parcel contains only one dwelling unit, the development regulations of the RS-1-7 zone (Land Development Code Sections 131.0431 through 131.0446) may be used. In all cases, however, the Landscape Regulations for multi-family development apply.

10. Other Regulations. The Special Regulations (Section 103.0713), the Design Standards (Section 103.0714), Sidewalk Design Regulations (Section 103.0715) and Parking, Curb Cut, and Driveway Regulations (Section 103.0716) also serve to regulate development, as do the provisions of the Land Development Code referenced in Section 103.0704.B.

Section 9. That Chapter X, Article 3, Division 7, of the San Diego Municipal Code is amended by amending section 103.0712, to read as follows:

SEC. 103.0712 Commercial Zones (GH-CN and GH-CC)

A. [No change.]

B. PROPERTY DEVELOPMENT REGULATIONS

1. through 4. [No change.]

5. Street Wall. Commercial projects must meet one of the following requirements:

a. and b. [No change.]

(1) [No change.]

(2) Pushcarts, established in conformance with Land Development Code Section 141.0619 are exempt from this provision.

6. and 7. [No change.]

8. Other Regulations.

a. through c. [No change.]

d. The Special Regulations (Section 103.0713), the Design Standards (Section 103.0714), the Sidewalk Design Regulations (Section 103.0715) and the Parking, Curb Cut, and Driveway Regulations (Section 103.0716) also serve to regulate development, as do the provisions of the Land Development Code referenced in Section 103.0704.B.

Section 10. That Chapter X, Article 3, Division 7, of the San Diego Municipal Code is amended by amending section 103.0713, to read as follows:

SEC. 103.0713 Special Regulations

A. through C. [No change.]

D. LANDSCAPING REQUIREMENTS

Prior to the use and occupancy of any premises, residential and commercial

development shall conform to Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations). If a structure is remodeled or enlarged in which a building permit is required, the premises shall conform to Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations). The GH-Residential Zones shall conform with the regulations for the residential zones and the GH-Commercial Zones shall conform with the regulations for the commercial zones.

E. and F. [No change.]

G. WALLS AND FENCES

1. and 2. [No change.]

3. All other walls and fences shall conform to Land Development Code Chapter 14, Article 2, Division 3 (Fence Regulations).

H. [No change.]

I. SIGNS

Signs shall be in conformance with Land Development Code Chapter 14, Article 2, Division 12 (Sign Regulations) and Chapter 12, Article 9, Division 8 (Sign Permit Procedures), except that the following regulations apply in all commercial zones. Where there is a conflict between the Land Development Code and this section, this section applies.

1. The total amount of commercial signs associated with business and professional office uses in residential zones or on historic sites shall not exceed eight square feet in area. None are to be backlighted.

2. Wall signs and projecting signs as defined in Land Development

Code Section 113.0103 are permitted, provided that no such sign shall project above the nearest parapet or eave of the building to which it is affixed or exceed a height of 12 feet, whichever is lower. Roof signs are prohibited.

3. Wall or ground signs may be utilized to identify the uses of the premises, to offer the premises for sale, rent, or lease, to advertise products, services or events related to or provided by businesses, persons or organizations located on the premises, or to display public interest messages.

4. One wall or ground sign, having a maximum area of four square feet, and designating the premises for sale, rent or lease shall be permitted for each street frontage.

5. The aggregate area of all signs permitted on the premises (excluding signs designating the premises for sale, rent or lease) shall not exceed one-half of a square foot for each linear foot of the street frontage of the property, not to exceed two frontages, provided that the aggregate area of all signs used by a single place of business need not be less than 15 square feet.

6. No sign shall exceed 100 square feet in total area.

7. Paper signs shall be prohibited.

8. Signs permitted herein, may be lighted; however, none shall contain visibly moving parts or be illuminated by flashing light.

9. Within the GH-CN zone, no sign shall be lighted prior to 6:00 a.m. or after 2:00 a.m.

10. A previously conforming structure containing permitted uses is

permitted the same wall signage as would be allowed if the building observed all current development standards.

11. All signs not in compliance with these regulations shall be removed without compensation to the sign owner upon completion of a fifteen year amortization period commencing on the effective date of this ordinance unless the sign is deemed historical by the City Manager and obtains a Golden Hill Development Permit to remain.

J. and K. [No change.]

Section 11. That Chapter X, Article 3, Division 7, of the San Diego Municipal Code is amended by amending section 103.0704, to read as follows:

SEC. 103.0714 Design Requirements

A. through D. [No change.]

E. SINGLE FAMILY SCALE REQUIREMENT. Development in the GH- 1500, GH-2500 and GH-3000 zones which results in two or more units on a parcel (including existing units) shall comply with the following design requirements:

1. The building(s) on the premises must be single family in scale and character as viewed from the street elevation(s), as determined by the City Manager.

2. and 3. [No change.]

Section 12. That Chapter X, Article 3, Division 7, of the San Diego Municipal Code is amended by amending section 103.0715, to read as follows:

SEC. 103.0715 Sidewalk Design Regulations

A. 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.

B. If the adjacent properties of the proposed development do not have an historic sidewalk pattern, the following pattern shall be used: Sixty inches (60") in width with scoring twenty inches (20") apart. Along the length of the sidewalk, there shall be scoring every twenty-four inches (24").

Section 13. That Chapter X, Article 3, Division 7, of the San Diego Municipal Code is amended by amending section 103.0716, to read as follows:

SEC. 103.0716 Parking, Curb Cut, and Driveway Regulations

Parking, curb cuts, and driveways shall be provided in accordance with Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations).

Section 14. That Chapter X, Article 3, Division 7, of the San Diego Municipal Code is amended by amending section 103.0717, to read as follows:

SEC. 103.0717 Permitted Uses

A. RESIDENTIAL ZONES

[No change in first paragraph.]

1. through 4. [No change.]

5. Temporary real estate sales offices and model homes in new subdivisions, subject to the limitations as set forth in Land Development Code Section 141.0701.

6. In addition to the uses listed in Section 103.0717.A.1-4, the following

uses shall be permitted in the GH-1000 and GH-600 zones:

a. and b. [No change.]

c. [No change in first paragraph.]

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 modification, 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 Land Development Code Section 141.0702(a). 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. through 9. [No change.]

B. COMMERCIAL ZONES

[No change in first paragraph.]

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 Land Development Code Section 113.0103	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(6)	X(6)
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(6)	X(6)
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	
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 Land Development Code Section 141.0619	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 change.]

(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 Land Development Code Section 141.0702(a). 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) through (7) [No change.]

Section 15. 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
03/09/98
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