

ORDINANCE NUMBER O- **18489** (NEW SERIES)

ADOPTED ON **APR 07 1998**

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, DIVISION 10 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 103.1002, 103.1003, 103.1004, 103.1005, 103.1006, 103.1008, 103.1009, 103.1010, ALL RELATING TO MOUNT HOPE PLANNED DISTRICT.

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

Section 1. That Chapter X, Article 3, Division 10, of the San Diego Municipal Code is amended by amending section 103.1002, to read as follows:

**SEC. 103.1002 Boundaries**

The regulations in this division apply in the Mount Hope Planned District which is within the boundaries of the Southeastern San Diego Community planning area in The City of San Diego, California, designated on that certain Map Drawing No. C-684, and described in the appended boundary description filed in the office of the City Clerk under Document No. OO-16206.

[No change in last paragraph.]

Section 2. That Chapter X, Article 3, Division 10, of the San Diego Municipal Code is amended by amending section 103.1003, to read as follows:

**SEC. 103.1003 Applicable Regulations**

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;

Chapter 13, Zones; and

Chapter 14, General Regulations.

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

Section 3. That Chapter X, Article 3, Division 10, of the San Diego Municipal Code is amended by amending section 103.1004, to read as follows:

**SEC. 103.1004 Approval Required before Issuance of Planned District Permit**

**A. APPLICATION.**

Applications for a building permit shall be made in accordance with Land Development Code Chapter 11, Article 2 (Required Steps in Processing). The City Manager shall not issue any building permit 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, until a Planned District Permit is obtained.

**B. CONTENT**

The application shall include the following:

1. through 3. [No change.]
4. Any other information deemed necessary by the City Manager to judge compliance with the regulations contained herein and other applicable laws and regulations.

### C. REFERRAL

The City Engineer shall refer all applications to the City Manager .

### D. DETERMINATION

The City Manager may approve or deny, in accordance with Process One, applications for the permits described in Section 103.1004(A). The City Manager shall provide a statement that the project does or does not conform to the regulations contained in this division. If the City Manager determines that the proposed project does not conform to the regulations contained in this division, the specific facts on which that determination is based shall be included in a written decision and provided to the applicant.

The City Manager may waive the requirements contained in this division to issue a building or construction related permit application of an emergency nature if such actions are to correct any condition which renders a building unsafe.

### E. ISSUANCES

If the City Manager approves the application, and the application conforms to all other regulations and ordinances of the City of San Diego, the City Manager may then issue the appropriate permit for the work.

Section 4. That Chapter X, Article 3, Division 10, of the San Diego Municipal Code is amended by amending section 103.1005, to read as follows:

#### **SEC. 103.1005 Procedures and Fees**

The fees for variance, conditional use permit, development permits, reconstruction permits, subdivisions, and amendments to this Planned District shall be the same as set

forth in the City's Ratebook of Fees and Charges.

The procedure for application of the above permits, as well as the procedures for taking action on the permits, shall be the same as set forth in Land Development Code Chapter 11, Article 2 (Required Steps in Processing).

Section 5. That Chapter X, Article 3, Division 10, of the San Diego Municipal Code is amended by amending section 103.1006, to read as follows:

**SEC. 103.1006 Sign Regulations**

Commercial and industrial developments shall be regulated by Land Development Code Chapter 14, Article 2, Division 12 (Sign Regulations).

The following sign provisions shall apply to residential development:

1. through 6. [No change.]

7. For apartment houses, boarding and lodging houses, churches, temples and buildings of a permanent nature used primarily for religious purposes, wall signs as defined in Land Development Code Section 113.0103 designating the principal uses of the premises shall be permitted, provided that no such sign shall project above the parapet or eaves of the building to which it is affixed or exceed a height of 12 feet, whichever is lower.

Section 6. That Chapter X, Article 3, Division 10, of the San Diego Municipal Code is amended by amending section 103.1008, to read as follows:

**SEC. 103.1008 Subdistrict I Regulations**

A. and B. [No change.]

C. PERMITTED USES

[No change in first paragraph.]

1. through 3. [No change.]

4. Specialized Uses

a. [No change.]

b. Temporary real estate sales offices subject to the limitations as set forth in Land Development Code Section 141.0701.

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. SPECIAL REGULATIONS

1. [No change.]

2. [No change in first paragraph.]

a. Density. One dwelling unit per 1500 square feet of land area.

b. [No change.]

c. Fences. A fence or wall not less than six (6) feet in height shall be required along all portions of the perimeter of the premises that abut residentially zoned property. The fence may be either a solid fence or an open fence as defined in Land Development Code Section 113.0103.

d. [No change.]

#### E. PROPERTY DEVELOPMENT REGULATIONS

[No change in first paragraph.]

1. Minimum Lot Dimensions:

a. through d. [No change.]

e. Exception. Any lot which qualifies under the definition of a lot as set forth in Land Development Code Section 113.0103 and which does not comply in all respects with the minimum lot dimensions specified in this division may nevertheless be used as permitted and otherwise regulated by the provisions applicable to this zone.

2. Minimum Yards:

a. through b. [No change.]

c. Other applicable yard regulations are contained in Land Development Code Section 131.0140.

3. Maximum Lot Coverage:

a. [No change.]

4. through 6. [No change.]

7. Enclosure Regulations:

a. [No change.]

b. Applicable fence and wall regulations are contained in Land Development Code Chapter 14, Article 2, Division 3 (Fence Regulations).

8. Landscaping Regulations:

Where not otherwise specified in this division, landscaping shall be provided in accordance with Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations). Where there is a conflict between the Land Development Code

and this division, this division applies.

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.

b. [No change.]

9. Off-Street Parking and Driveway Regulations:

a. Every premises used for one or more of the permitted uses listed in Section 103.1008.C., shall be provided with a minimum of permanently maintained, off-street parking spaces in a parking area or private garage on the same premises in conformance with Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations).

b. Driveway width and spacing shall be in conformance with Land Development Code Section 142.0560.

Section 7. That Chapter X, Article 3, Division 10, of the San Diego Municipal Code is amended by amending section 103.1009, to read as follows:

**SEC. 103.1009 Subdistrict II Regulations**

A. through D. [No change.]

**E. OUTDOOR DISPLAY AND STORAGE REGULATIONS**

1. [No change in first sentence.]

a. through d. [No change.]

e. Any other merchandise which the City Manager may find to be similar in character, type or nature to the merchandise listed in Section 103.1009(E)(1)(a)-(d). The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

2. [No change.]

3. All walls and fences required in Section 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 City Manager. Whenever feasible, the approval of the City Manager 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 Land Development Code Chapter 14, Article 2, Division 3 (Fence Regulations).

4. When landscape screening is used to enclose areas used for outdoor display or storage, a landscape screening proposal shall be submitted to the City Manager for approval. The landscape screening shall be developed in substantial conformance with Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations). Landscape screening shall be permanently maintained in accordance with the adopted standards referred to in this section.

#### F. PROPERTY DEVELOPMENT REGULATIONS

[No change in first paragraph.]



1. through 3. [No change.]

4. Landscaping:

[No change in first and second paragraphs.]

Where not otherwise specified in this division, landscaping shall be provided in accordance with Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations). Where there is a conflict between the Land Development Code and this division, this division applies. Prior to the issuance of any building permits, a complete set of landscaping and irrigation plans shall be submitted to the City Manager for approval.

[No change in last paragraph of subsection 4.]

5. Walls:

Prior to the use or occupancy of any premises, a wall or solid fence as defined in Land Development Code Section 113.0103, not less than six (6) feet in height shall be constructed along all portions of the perimeter of the premises that abut residentially zoned property.

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, in conformance with Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations).

b. Driveway width and spacing shall be in conformance with Land Development Code Section 142.0560.

Section 8. That Chapter X, Article 3, Division 10, of the San Diego Municipal Code is amended by amending section 103.1010, to read as follows:

**SEC. 103.1010 Subdistrict III Regulations**

A. through D. [No change.]

**E. PROPERTY DEVELOPMENT REGULATIONS**

[No change in first paragraph.]

1. through 3. [No change.]

**4. Landscaping:**

Where not otherwise specified in this division, landscaping shall be provided in accordance with Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations). Where there is a conflict between the Land Development Code and this division, this division applies. 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.

**5. Walls:**

Prior to the use or occupancy of any premises, a wall or solid fence as defined in Land Development Code Section 113.0103, not less than six (6) feet in height shall be constructed along all portions of the perimeter of the premises that abut residentially zoned property.

6. Off-Street Parking and Driveway Regulations:

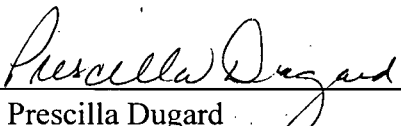
1. through 3. [No change.]

4. Parking shall be in conformance with Land Development Code

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

Section 9. 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  
Deputy City Attorney

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