

(O-98-70)

ORDINANCE NUMBER O- **18494** (NEW SERIES)

ADOPTED ON **APR 07 1998**

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, DIVISION 17 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 103.1701, 103.1703, 103.1704, 103.1705, 103.1706, 103.1707, 103.1708, APPENDIX A AND APPENDIX C-1, ALL RELATING TO SOUTHEASTERN SAN DIEGO PLANNED DISTRICT.

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

Section 1. That Chapter X, Article 3, Division 17, of the San Diego Municipal Code is amended by amending the title of Division 17, to read as follows:

DIVISION 17

SOUTHEASTERN SAN DIEGO PLANNED DISTRICT

Section 2. That Chapter X, Article 3, Division 17, of the San Diego Municipal Code is amended by amending section 103.1701, to read as follows:

SEC. 103.1701 Purpose and Intent

It is the purpose of these regulations to provide reasonable development criteria for the construction or alteration of quality residential, commercial and industrial development throughout the Southeastern San Diego community. The intent is to implement the Southeastern San Diego Community Plan through the use of the applied urban design standards contained in this Planned District.

Section 3. That Chapter X, Article 3, Division 17, of the San Diego Municipal Code is amended by amending section 103.1703, to read as follows:

SEC. 103.1703 Applicable Regulations

A. GENERAL PROVISIONS

1. Where not otherwise specified in this division, the following chapters 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.

2. No permit shall be issued 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 Southeastern San Diego Planned District until approval of the appropriate decision maker 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 Southeastern Development Permit and/or building permit, or until the City Manager determines such action may proceed independent of said permits.

3. All minor additions, minor structural changes and curb cuts shall not require a Southeastern Development Permit. Minor additions shall be any construction project consisting of less than 25 percent 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 City Manager, in accordance with Process One. Application for zone variance shall be consistent with Land Development Code Chapter 12, Article 6, Division 8 (Variance Procedures), 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 Southeastern San Diego Historic Permit. See Section 103.1703(C).

4. An application for a variance, subdivision, and change of street name shall be acted upon in accordance with the applicable provisions of Land Development Code Chapter 12, Article 5 (Subdivision Procedures) and Chapter 12, Article 6 (Development Permits).

5. Any change in use shall require landscaping, fencing, signage, outdoor storage enclosures, on-site parking where possible and a toxics disclosure statement where applicable; to be provided as required by this division.

6. Land Development Code Chapter 12, Article 7, Division 1 (General Review Procedures for Previously Conforming Premises and Uses) shall apply except that expansion or enlargement of previously conforming uses shall not be permitted.

B. SOUTHEASTERN SAN DIEGO DEVELOPMENT PERMIT

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

a. through e. [No change.]

2. An application for a Southeastern San Diego 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).

An application for a Southeastern 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 Southeastern San Diego Development Permit if all of the following facts exist:

a. The proposed use and project design meet the purpose and intent of this division, comply with the recommendations of the Southeastern San Diego Community Plan, and will not adversely affect the General Plan or other applicable plans adopted by the City Council;

b. and c. [No change.]

d. The proposed use will comply with the relevant regulations of the Municipal Code.

3. A Southeastern San Diego Development Permit may not be granted 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.

4. The Hearing Officer's decision on an application for a Southeastern San Diego Development Permit may be appealed to the Planning Commission in accordance with Land Development Code Section 112.0506.

C. SOUTHEASTERN SAN DIEGO HISTORIC PERMIT

1. A Southeastern San Diego Historic Permit is required for the commencement of any work in the erection of any new building or structure, or remodeling, alteration, addition, or demolition of any existing building or structure within the Sherman Heights or Grant Hill Park Historic Districts, any structure which is proposed to be moved into the historic districts, or grading. The Southeastern San Diego Historic District boundaries are designated on Map Drawing Numbers C-737 and C-788 and are shown in Appendix H.

2. A Southeastern San Diego Historic Permit is not required for interior

modifications, repairs or remodeling, nor any exterior repairs or alterations for which a permit is not now required with the exception of fences, porch repairs, painting or stuccoing or other exterior siding, renewal of roof coverings and window replacement.

3. This section does not supersede, change, amend nor in any way alter the manner, method or requirements of the review procedures for any designated City of San Diego historical site by the Historical Resources Board.

4. Applications for permits shall be made in accordance with Land Development Code Section 112.0102.

a. Exceptions to application procedure:

(1) [No change.]

(2) Any development project which would otherwise require a Southeastern San Diego Development Permit shall follow all regulations as outlined in Sections 103.1701 through 103.1708 as a combined Southeastern San Diego Development Permit and Southeastern San Diego Historic Permit. Where there is a conflict in the design criteria between the Southeastern San Diego Planned District development criteria and the Design Criteria and Guidelines for the historic districts, the Sherman Heights and Grant Hill Park Historic District Design Criteria and Guidelines, Ordinance No. 00-16893-2 shall apply.

(3) [No change.]

5. The City Manager may approve or deny an application for a Southeastern 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 compliance with the Sherman Heights and Grant Hill Park Historic District Design Criteria and Guidelines, Ordinance No.

00-16893-2.

6. The City Manager may request that the Historical Resources Board review special projects that require design review for consistency with existing structures in the Historic District.

7. An approved Southeastern San Diego Historic Permit expires and is void 36 months after the "Date of Final Action" of the permit if the permit is not utilized in the manner set forth in Land Development Code Section 129.0216 and Section 129.0217.

8. The expiration date of a valid Southeastern San Diego Historic Permit may be extended in accordance with Land Development Code Section 129.0219. The City Manager shall notify the Southeastern San Diego Community Planning Committee of any extension of time requests.

D. DESIGN REVIEW

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

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

2. [No change.]

3. In order to assure the highest standards of quality of development within the Southeastern San Diego Economic Development Corporation's redevelopment and preliminary

plan areas, and to protect the City's investment in the area, the Southeastern Economic Development Corporation's Board shall make recommendations on design review for discretionary development permits within its area of responsibility.

4. The Southeastern San Diego Community Planning Committee shall review discretionary permits in the manner established by Council Policy 600-24 which provides for community review of ongoing projects and plan implementation.

5. Both the Southeastern San Diego Economic Development Corporation and the Southeastern San Diego Community Planning Committee shall prepare an annual report outlining actions on projects requiring a Southeastern Development Permit to the City Manager by no later than July 1 of each year.

E. [No change.]

F. FENCING

All fences constructed on-site shall be of wrought iron, wood, concrete or other masonry materials. Plant materials, including thorned species, may be used in lieu of fencing where appropriate. Plant material fencing shall be installed and maintained in accordance with Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations). All other applicable provisions of Land Development Code Chapter 14, Article 2, Division 3 (Fence Regulations), shall apply. Chain-link fencing may be allowed in SF zones and for temporary security of unsafe structures or sites in accordance with Land Development Code Chapter 14, Article 2, Division 3 (Fence Regulations).

G. [No change.]

Section 4. That Chapter X, Article 3, Division 17, of the San Diego Municipal Code is

amended by amending section 103.1704, to read as follows:

SEC. 103.1704 Residential Regulations

[No change in first paragraph.]

All manufactured or factory built housing and move-on structures and all institutional structures including churches are subject to the development criteria of the underlying Planned District zone unless otherwise stated in this division. All move-on structures must obtain a Southeastern San Diego Development Permit as specified in Section 103.1703.B. For all manufactured and factory built housing, roof, siding and foundation treatments shall conform to the relevant sections of the Uniform Building Code, including, but not limited to, Chapters 29 through 32, and roof overhang, roofing material and siding material shall be similar to types used for existing adjacent residential structures. Foundations and footings must be finished in a manner consistent with the structure for all housing types.

Section 5. That Chapter X, Article 3, Division 17, of the San Diego Municipal Code is amended by amending section 103.1705, to read as follows:

SEC. 103.1705 Single-Family Residential Development Criteria SF-40,000, SF-20,000, SF-15,000, SF-10,000, SF-8,000, SF-6,000, SF-5,000

A. PURPOSE AND INTENT

The single-family (SF) zones are designed to provide for areas of one-family residential development at varying levels of low density, consistent with the Progress Guide and General Plan for The City of San Diego or adopted community plans within the Southeastern San Diego Planned District. Further, the provisions of these

standards are intended to promote and protect those special amenities associated with a district of single-family homes.

B. and C. [No change.]

D. PROPERTY DEVELOPMENT REGULATIONS

[No change in first paragraph.]

1. Minimum Lot Dimension.

a. The minimum lot sizes, street frontage and dimensions shown on Table I shall be required in the Southeastern San Diego SF (single-family) zones.

[No change in TABLE I OF SECTION 103.1705.]

b. Exception. Any lot or parcel which does not comply with all the minimum lot dimensions set forth herein may nevertheless be used as a single building site provided the lot or parcel qualified under the definition of lot as set forth in Land Development Code Section 113.0103.

c. [No change in text.]

2. Minimum Yard Dimensions.

a. [No change.]

b. Notwithstanding the minimum front yard dimensions in the single-family (SF) zones, garages which face the street, and which take access from that street, shall have a minimum setback of 25 feet unless alternative on-site vehicle parking is provided satisfactory to the City Manager. (See Appendix B, Illustration 2.)

[No change in TABLE II OF SECTION 103.1705.]

c. [No change.]

3. through 8. [No change.]

9. Parking and Access Regulations.

Parking shall be provided in accordance with Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations):

Section 6. That Chapter X, Article 3, Division 17, of the San Diego Municipal Code is amended by amending section 103.1706, to read as follows:

SEC. 103.1706 Multiple-Family Residential Zone Regulations -- MF-3000, MF-2500, MF-2000, MF-1750, MF-1500, MF-1250, MF-1000

A. and B. [No change.]

C. SIGN REGULATIONS

Land Development Code Chapter 14, Article 2, Division 12 (Sign Regulations) applies.

D. [No change.]

E. MINIMUM LOT AREAS AND DIMENSIONS

1. and 2. [No change.]

3. Exception. Any lot or parcel which does not comply with all the minimum lot dimensions set forth herein may nevertheless be used as a building site provided the lot or parcel qualifies under the definition of lot as set forth in Land Development Code Section 113.0101.

F. through I. [No change.]

J. LANDSCAPING REGULATIONS

Prior to the use and occupancy of any premises, the property shall be landscaped

in accordance with the provisions of the Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations).

K. ENCLOSURE REGULATIONS

1. [No change.]

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

L. SPECIAL REGULATIONS

1. [No change.]

2. Exterior Usable Open Area. The following Exterior Usable Open Area criteria is applicable:

a. At least 200 square feet of exterior usable open area shall be provided on-site for each dwelling unit. The average slope for useable open areas shall not exceed 10 percent. This may include gardens; courtyards; terraces; roof-decks; recreation facilities; children's play areas; swimming pools and spas with associated decking; private exterior balconies; common exterior balconies; vegetated areas including lawns, gardens or landscaping (excluding the minimum required landscaping in required yards); and walkways or pathways not intended for access by motor vehicles (excluding walkways, and access balconies above the first floor). The land provided shall be determined by the City Manager to be functional useable open area which provides for reasonable use by the residents. Functional useable open area shall be a minimum area of 100 square feet with a minimum dimension of 6 feet with the exception noted below for private open area. For projects containing units with 2 or more bedrooms, a children's

play area shall be provided to contain a minimum area totaling 20 square feet per unit.

[No change in second paragraph.]

b. [No change.]

3. through 5. [No change.]

6. Off-street Parking and Access.

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

b. [No change.]

7. and 8. [No change.]

M. SPECIAL CHARACTER MULTI-FAMILY NEIGHBORHOOD CRITERIA

[No change in first paragraph.]

1. through 3. [No change.]

Section 7. That Chapter X, Article 3, Division 17, of the San Diego Municipal Code is amended by amending section 103.1707, to read as follows:

SEC. 103.1707 Commercial Zone Regulations -- CSF, CSR and CT

[No change in first paragraph.]

A. and B. [No change.]

C. MINIMUM LOT AREAS AND DIMENSIONS

1. [No change.]

2. Exception. Any lot which qualifies under the definition of a lot as set

forth in Land Development Code Section 113.0103 and Section 113.0237 and which does not comply in all respects with the minimum lot dimensions specified herein may nevertheless be used as permitted and otherwise regulated by the provisions applicable to this zone.

D. and E. [No change.]

F. SIGNS

Land Development Code Chapter 14, Article 2, Division 12 (Sign Regulations) applies.

G. and H. [No change.]

I. OFF-STREET PARKING REGULATIONS

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

J. SITE LANDSCAPE REQUIREMENTS

Prior to the use and occupancy of any premises, the property shall be landscaped in accordance with Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations).

K. DRIVEWAYS

Curb cuts for driveways shall comply with Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations).

L. and M. [No change.]

Section 8. That Chapter X, Article 3, Division 17, of the San Diego Municipal Code is amended by amending section 103.1708, to read as follows:

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

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

A. and B. [No change.]

C. PROPERTY DEVELOPMENT REGULATIONS

1. [No change.]

2. Exception: Any lot which qualifies under the definition of a lot as set forth in Land Development Code Section 113.0103 and Section 113.0237 and which does not comply in all respects with the minimum lot dimensions specified herein may nevertheless be used as permitted and otherwise regulated by the provisions applicable to this zone.

D. and E. [No change.]

F. SIGNS

Land Development Code Chapter 14, Article 2, Division 12 (Sign Regulations) applies.

G. and H. [No change.]

I. OFF-STREET PARKING REGULATIONS

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

J. SITE LANDSCAPE REQUIREMENTS

Prior to the use and occupancy of any premises, the property shall be landscaped

in accordance with Land Development Code Chapter 14, Article 2, Division 4
(Landscape Regulations).

[No change in second paragraph.]

K. DRIVEWAYS

Curb cuts for driveways shall comply with Land Development Code
Chapter 14, Article 2, Division 5 (Parking Regulations).

L. and M. [No change.]

N. ENVIRONMENTAL EFFECTS

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

1. through 3. [No change.]

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 Development Services 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 Land
Development Code Section 112.0506.

Section 9. That Chapter X, Article 3, Division 17, of the San Diego Municipal Code is amended by amending Appendix A, to read as follows:

APPENDIX A OF CHAPTER X, ARTICLE 3, DIVISION 17

USES

SOUTHEASTERN SAN DIEGO PLANNED DISTRICT

[NOTE: THE APPENDIX CONTAINS A TABLE OF PERMITTED USES AND THE TEXT BELOW. THERE ARE NO CHANGES PROPOSED TO THE TABLE.]

Any other use which the Planning Commission may find to be similar in character or compatible to the uses permitted in the specific zone or zones. The adopted resolution embodying such finding shall be filed in the Office of the City Clerk.

Any other use allowed with a Conditional Use Permit decided in accordance with Process Five as identified in Section 103.0105.

Section 10. That Chapter X, Article 3, Division 17, of the San Diego Municipal Code is amended by amending Appendix C.1, to read as follows:

Appendix C.1

Alcoholic Beverage Establishments

(Ed: Title into header format 9-6-89)

(Added 8-3-87 by O-16921 N.S.)

(Amended 11-23-92 by O-17870 N.S.)

A. APPLICATION

Within the boundaries of the Southeastern 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 demonstrating compliance with the provisions below.

B. ALCOHOLIC BEVERAGE SALES FOR OFF-SITE CONSUMPTION

Establishments for which a Type 20 Beer and Wine License or a Type 21 General Liquor License has been obtained from, or for which an application has been submitted to, the California Department of Beverage Control, for permission to sell alcoholic beverages for off-site consumption are regulated by Section 103.0105 and Land Development Code Section 141.0502.

C. ALCOHOLIC BEVERAGE SALES FOR ON-SITE CONSUMPTION

Establishments for which a Type 41 or 47 License (restaurants) or a Type 42 or 48 License (bars) has been obtained from, or for which an application has been submitted to, the California Department of Beverage Control, that have dancing or live entertainment on the premises or that serve alcoholic beverages in conjunction with a billiard or pool hall, bowling alley, or adult entertainment establishment shall obtain a Conditional Use Permit in accordance with Process Three. Conditions addressing the following issues may be imposed by the decision maker:

- (1) Entertainment uses or activities or amusement devices on the premises;
- (2) Hours of operation of the business;
- (3) Security measures; and
- (4) Lighting, litter, graffiti or nuisance abatement, or any other special requirements for the premises.

Section 11. 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

02/03/98

Or.Dept:Dev.Svcs.

O-98-70