

(O-98-71)

ORDINANCE NUMBER O- **18495** (NEW SERIES)

ADOPTED ON **APR 07 1998**

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3,
DIVISION 13 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTIONS 103.1303, 103.1304, 103.1305,
103.1306, ALL RELATING TO WEST LEWIS STREET
PLANNED DISTRICT.

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

Section 1. That Chapter X, Article 3, Division 13, of the San Diego Municipal Code is amended by amending section 103.1303, to read as follows:

SEC. 103.1303 Administrative Regulations

A. No permit shall be issued for the erection, construction, conversion, establishment, alteration, or enlargement of any building, structure or improvement, or for the change of use of any building or structure in the West Lewis Street Planned District until approval of the appropriate decision maker has been obtained by the applicant.

1. Approval by the City Manager is not required for interior modifications, repairs or alterations for which a building permit is not now required nor for some minor modification which do require building permit. These are defined by the Bureau of Census (BC) codes and include BC codes 201, 212, 221.

2. Approval by the City Manager, excluding design review, is required for all construction or modifications requiring building permits, of 1,000 square feet or less

and for reconstruction as determined in Section 103.1303(C).

3. A "Hearing Officer" may approve, conditionally approve or deny, in accordance with "Process Three", all construction or modifications that are 1,000 square feet in area or greater and all construction or modifications, requiring a building permit, which affect the West Lewis Street facade and are less than 1,000 square feet in area. The decision of the "Hearing Officer" may be appealed to the Planning Commission in accordance with Land Development Code Section 112.0506.

B. [No change.]

C. Previously Conforming Uses, Structures, and Conditions

1. [No change.]

2. Any discontinuance of a previously conforming use for a continuous period of 12 months constitutes abandonment of any nonconforming rights existing at the time of the enactment of this Planned District.

3. Any change from a previously conforming use of land or buildings to a conforming use constitutes abandonment of such previously conforming rights.

4. If any previously conforming structure, that is previously conforming in use or condition and that existed the date this Planned District was enacted, is destroyed by fire, explosion, act of God, or act of the public enemy, the building or structure may be rebuilt to the original area, footprint, and height, and must, in all other respects, be consistent with regulations of the Planned District. The reconstruction is subject to ministerial review (in accordance with SEC. 103.1303-A).

5. Previously conforming signs are subject to Land Development Code

Chapter 12, Article 7, Division 2 (Review Procedures for Previously Conforming Signs).

Section 2. That Chapter X, Article 3, Division 13, of the San Diego Municipal Code is amended by amending section 103.1304, to read as follows:

SEC. 103.1304 Applicable Planning, Zoning and Subdivision Regulations

Within the West Lewis Street Planned District unless 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);

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);

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.

Section 3. That Chapter X, Article 3, Division 13, of the San Diego Municipal Code is amended by amending section 103.1305, to read as follows:

SEC. 103.1305 Permitted Uses

[No change in first, second and third paragraphs.]

A. [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 or more persons in one 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. 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.

B. [No change.]

C. Single-family and multi-family dwelling units at a maximum density of 17

dwelling units per acre.

D. Signs, as identified in Section 103.1306(D).

E. [No change.]

Section 4. That Chapter X, Article 3, Division 13, of the San Diego Municipal Code is amended by amending section 103.1306 to read as follows:

SEC. 103.1306 Property Development Regulations

A. [No change.]

B. 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. Two percent of the lot area shall be suitably landscaped with shrubs, trees, or ornamental ground cover in accordance with the Landscape Guidelines of the Land Development Manual.

[No change in second paragraph.]

C. [No change.]

D. Signs. Signs shall be permitted only as follows:

1. [No change in first paragraph.]

The City Manager may consider sign messages which are painted on windows as an alternative to a wall sign.

2. [No change.]

E. Parking. Parking and driveways shall be in conformance with Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations).

Only one driveway is permitted per premises.

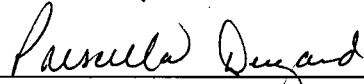
F. Design Review for New and Altered Structures. In making the finding of project conformance, the City Manager shall, pursuant to Section 103.1303-A.3, make the following design considerations:

1. through 4. [No change.]

Section 5. 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

PD:cdk
03/10/98
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