

12/6/16

ORDINANCE NUMBER O- 20769 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 16 2016

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 20, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 1520.0101, 1520.0102, AND 1520.0103; AMENDING CHAPTER 15, ARTICLE 20, DIVISION 2 BY REPEALING SECTIONS 1520.0201, 1520.0202, AND 1520.0203; AMENDING CHAPTER 15, ARTICLE 20, DIVISION 3 BY REPEALING SECTIONS 1520.0301, 1520.0302, AND 1520.0303; AND AMENDING CHAPTER 15, ARTICLE 20, DIVISION 4 BY REPEALING SECTIONS 1520.0401 AND 1520.0402 ALL RELATING TO THE UPTOWN COMMUNITY PLAN UPDATE AND THE WEST LEWIS STREET PLANNED DISTRICT ORDINANCE.

WHEREAS, Resolution No. R310767, which was considered along with this Ordinance, proposes to adopt a comprehensive update to the Uptown Community Plan (Uptown Community Plan); and

WHEREAS, Ordinance No. 0-20771, which was considered along with this Ordinance, proposes to rezone the land within the Uptown Community Plan area to use citywide zones as set forth in San Diego Municipal Code Chapter 13, Division 1, on file in the Office of the City Clerk as Document No. OO- 20771 (Uptown Rezone); and

WHEREAS, the West Lewis Street Planned District Ordinance, which only applies within the Uptown Community Plan area, is no longer necessary because of the adoption of the Uptown Rezone and Uptown Community Plan; and

WHEREAS, on October 6, 2016, the Planning Commission of the City of San Diego voted 5-0-2 to recommend approval of this Ordinance; and

WHEREAS, the matter was set for public hearing on November 14, 2016, testimony having been heard, evidence having been submitted and the City Council having fully considered the matter and been fully advised concerning the same; NOW, THEREFORE,

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

Section 1. That Chapter 15, Article 20, Division 1 of the San Diego Municipal Code is amended by repealing sections 1520.0101, 1520.0102, and 1520.0103.

Section 2. That Chapter 15, Article 20, Division 2 of the San Diego Municipal Code is amended by repealing sections 1520.0201, 1520.0202, and 1520.0203.

Section 3. That Chapter 15, Article 20, Division 3 of the San Diego Municipal Code is amended by repealing sections 1520.0301, 1520.0302, and 1520.0303.

Section 4. That Chapter 15, Article 20, Division 4 of the San Diego Municipal Code is amended by repealing sections 1520.0401 and 1520.0402.

Section 5. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 6. That prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

That if the SDCRAA finds this Ordinance consistent with the Airport Land Use Compatibility Plan (ALUCP) for the San Diego International Airport facility (SDIA), this Ordinance shall take effect and be in force on the date of the finding of consistency, provided that and not until at least thirty days have passed from the final date of passage, or the date that R- 310767 adopting the Uptown Community Plan becomes effective, whichever date occurs later.

That if the SDCRAA determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCP for SDIA, the Ordinance shall be submitted to the City Council for reconsideration.


That if the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCP for SDIA, but that consistency is subject to proposed modifications, the City Council may amend this Ordinance to accept the proposed modifications, and this Ordinance as amended shall take effect and be in force on the thirtieth day from and after its final passage, or the date that R- 310767 adopting the Uptown Community Plan becomes effective, whichever date occurs later.

That a proposed decision by the City Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code section 21670 and require a two-thirds vote. The proposed decision and findings shall be forwarded to the SDCRAA, the California Department of Transportation, Division of Aeronautics, and the airport operators for the applicable airport(s). The City Council shall hold a second hearing not less than forty-five days from the date the proposed decision and findings were provided, at which hearing any comments submitted by the public agencies shall be considered and a final decision to overrule a determination of inconsistency shall require a two-thirds vote.

That if the City Council makes a final decision to overrule a determination of inconsistency, this Ordinance shall take effect and be in force on the thirtieth day from and after that final decision, or the date that R- 310767 adopting the Uptown Community Plan becomes effective, whichever date occurs later.

Section 7. That no permits shall be issued for development that is inconsistent with the provisions of this Ordinance unless complete applications for such permits are submitted to the City prior to the date of adoption of this Ordinance.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Corrine L. Neuffer
Deputy City Attorney

CLN:dkr
10/28/2016
11/10/2016 COR. COPY
Or.Dept:Planning
Doc. No.: 1345753_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of DEC 06 2016.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 12/14/16
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

(NOTE: The date of final passage is December 16, 2016, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 20, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 1520.0101, 1520.0102, AND 1520.0103; AMENDING CHAPTER 15, ARTICLE 20, DIVISION 2 BY REPEALING SECTIONS 1520.0201, 1520.0202, AND 1520.0203; AMENDING CHAPTER 15, ARTICLE 20, DIVISION 3 BY REPEALING SECTIONS 1520.0301, 1520.0302, AND 1520.0303; AND AMENDING CHAPTER 15, ARTICLE 20, DIVISION 4 BY REPEALING SECTIONS 1520.0401 AND 1520.0402 ALL RELATING TO THE UPTOWN COMMUNITY PLAN UPDATE AND THE WEST LEWIS STREET PLANNED DISTRICT ORDINANCE.

~~Article 20: West Lewis Street Planned District~~

~~Division 1: General Rules~~

~~§1520.0101 Purpose and Intent~~

- (a) ~~The purpose of the West Lewis Street Planned District Ordinance is to maintain compatibility of the existing commercial strip with the surrounding single family residential area while permitting flexible and feasible commercial development and redevelopment options.~~
- (b) ~~It is intended that new uses, new structures, and modifications to existing structures within the West Lewis Street Planned District complement the surrounding, architecturally stable, single family development in terms of~~

~~parking requirements, compatible uses, and visual quality of buildings and accessory appurtenances and structures in conformance with the General Plan.~~

§1520.0102 Area of Applicability

~~The regulations contained herein shall apply to the area whose boundaries are described and shown on Drawing B-3682 appended to this document and on file in the office of the City Clerk under Document number OO-16398. The West Lewis Street Planned District is located in the Uptown Community, on the north and south sides of Lewis Street between Stephens Street and Lark Street.~~

§1520.0103 Applicable Planning, Zoning and Subdivision Regulations

~~Within the West Lewis Street Planned District, unless otherwise specified, 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 the West
Lewis Street Planned District Ordinance, the Planned District Ordinance applies.~~

~~**Article 20: West Lewis Street Planned District**~~

~~**Division 2: Permits and Procedures**~~

~~**§1520.0201 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
decisionmaker 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 a 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 1520.0203.~~
- (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 (Process Three Appeals).~~
- (b) ~~The decisionmaker may approve the application if the following finding can be made: that the new use or building or modification of existing building is in conformance with the purpose and intent of the West Lewis Street Planned District Ordinance.~~

§1520.0202 Design Review for New and Altered Structures

~~In making the finding of project conformance, the City Manager shall, pursuant to Section 1520.0201(a)(3), make the following design considerations:~~

- (a) ~~New construction shall preserve and enhance the existing scale and character of the neighborhood. New construction shall be compatible with adjacent properties, scale and proportion, rhythm and spacing, materials and texture, architectural detailing and rooflines and materials.~~

- (b) ~~Rehabilitation of and/or additions to existing structures shall respect the original distinguishing qualities or character of the property.~~
- (e) ~~Parking along the street frontage shall be suitably screened and landscaped so as to mitigate any visual impacts.~~
- (d) ~~Exemption: Single family residential structures.~~

§1520.0203 ~~Previously Conforming Uses, Structures, and Conditions~~

- (a) ~~The lawful use of land which existed at the time the West Lewis Planned District Ordinance became effective (April 8, 1985 by O 16398), and which use does not conform with the Planned District Ordinance, may be continued except when specifically prohibited, provided no enlargement or additions to such use is made, as determined in Section 1520.0201(a).~~
- (b) ~~The lawful use of buildings existing at the time the Planned District Ordinance regulations became effective with which regulations such buildings did not conform may be continued, provided any enlargement, addition, repairs, or alterations to such buildings will not increase the degree of nonconformity and will conform in every respect with all the West Lewis Planned District regulations.~~
- (c) ~~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 the West Lewis Planned District Ordinance.~~

- (d) ~~Any change from a previously conforming use of land or buildings to a conforming use constitutes abandonment of such previously conforming rights.~~
- (e) ~~If any previously conforming structure, that is previously conforming in use or condition and that existed the date the West Lewis Street 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 Section 1520.0201(a)).~~
- (f) ~~Previously conforming signs are subject to Chapter 12, Article 7, Division 2.~~

Article 20: West Lewis Street Planned District

Division 3: Zones

§1520.0301 Use Regulations

- (a) ~~No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for one or more of the purposes listed in Section 1520.0302.~~
- (b) ~~No premises shall contain an establishment exceeding a total of 5,000 square feet in gross floor area.~~
- (e) ~~No permitted use shall begin operating prior to 6:00 a.m. nor continue later than midnight of any day.~~

- (d) ~~All activities associated with the permitted uses, except as noted, shall be contained entirely within the structures on the lot or premises.~~

§1520.0302 Permitted Uses

- (a) ~~Business and professional offices. These may include accountants, architects, attorneys, clerical agencies, contractors, doctors, engineers, financial consultants, insurance agencies, interior decorators, photographers, realtors, and graphic artists.~~
- (1) ~~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.~~
- (2) ~~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) Retailing of consumer convenience goods and dispensing of consumer services from the following establishments:

- (1) Antique shops (incidental outdoor display permitted)
- (2) Art stores and art galleries
- (3) Banks (drive up or drive through prohibited)
- (4) Barber and beauty shops
- (5) Bicycle shops
- (6) Confectioneries and bake shops
- (7) Custom shops for curtains, drapery, floorcovering and upholstery
- (8) Drug stores
- (9) Dry cleaning and laundry services
- (10) Dry goods and notions stores
- (11) Florists (incidental outdoor display permitted)
- (12) Gift shops
- (13) Hardware stores
- (14) Hobby shops
- (15) Home furnishing stores
- (16) Jewelry Stores
- (17) Liquor stores
- (18) Locksmith
- (19) Music stores
- (20) Photographic studios and retail outlets

- (21) ~~Restaurants (incidental outdoor seating permitted, drive-in or drive-through restaurants and live entertainment prohibited)~~
- (22) ~~Shoe sales and repair shops~~
- (23) ~~Stationers and bookstores (excluding adult book stores)~~
- (24) ~~Studios for art, dance, and music instruction~~
- (25) ~~Travel bureaus~~
- (e) ~~Single family and multi-family dwelling units at a maximum density of 17 dwelling units per acre.~~
- (d) ~~Signs, as identified in Section 1520.0402.~~
- (e) ~~Any uses which, the Planning Commission finds, in accordance with Process Four, to be similar in character to the uses enumerated in this section and which are clearly within the purpose and intent of the West Lewis Street Planned District Ordinance. The adopted resolution embodying any such finding shall be filed in the Office of the City Clerk.~~

§1520.0303 Property Development Regulations

- (a) ~~No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged, nor shall any lot or premises be used unless the standards indicated in Table 1520-03A are observed:~~

Table 1520-3A

Property Development Standards

Minimum Lot Dimensions	
Lot Area	5000 square feet minimum
Street Frontage	50 feet minimum
Lot Width	50 feet minimum
Lot Depth	100 feet minimum
Minimum Yards	
Front	0 feet; 10 feet adjacent to residentially zoned lot
Rear	0 feet; 10 feet adjacent to residentially zoned lot (plus 3 feet for each story above 2)
Interior Side	0 feet; 4 feet adjacent to residentially zoned lot (plus 3 feet for each story above 2)
Street Side	0 feet
Floor Area Ratio	
Commercial Use	1.5
Height	
Structure Height	Maximum Height Limit shall be 30 feet.

- (b) ~~Parking and driveways shall be in conformance with Chapter 14, Article 2, Division 5. Only one driveway is permitted per premises.~~

~~**Article 20: West Lewis Street Planned District**~~

~~**Division 4: General and Supplemental Regulations**~~

§1520.0401 Landscaping

- (a) ~~Where not otherwise specified in the West Lewis Street Planned District Ordinance, landscaping shall be provided in accordance with Chapter 14, Article 2, Division 4. Where there is a conflict between the Land Development Code and the West Lewis Street Planned District Ordinance, the Planned District Ordinance applies.~~

- (b) ~~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.~~
- (c) ~~The landscaped area shall be visible from the street and may include planter boxes and potted plants.~~

§1520.0402 Signs

~~Signs shall be permitted only as follows:~~

- (a) ~~Total signage, either single or double faced, per premises, shall not exceed 20 square feet in area, identifying the business, person, activity, goods, products or services located on the premises, or displaying a public interest message. The signs may be wall mounted, projecting or freestanding not to exceed a height of 4 feet, measured vertically from the base at ground level to the apex of the sign, but in any case, shall not be mounted to the roof of the building nor shall it be lighted.~~
- (b) ~~The City Manager may consider sign messages which are painted on windows as an alternative to a wall sign.~~
- (c) ~~One sign, either single faced or double faced, with a maximum area of 8 square feet, that shall not exceed 4 feet measured vertically from the base at ground level to the apex of the sign, offering the premises for sale, lease, or rent, or displaying a public interest message.~~

CLN:dkr
10/28/2016
11/10/2016 COR. COPY
Or.Dept:Planning
Doc. No.: 1345739_2

Passed by the Council of The City of San Diego on DEC 06 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 3 - (Vacant)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 16 2016

AUTHENTICATED BY: KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal) ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.
By Linda Drueen, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on NOV 14 2016, and on DEC 16 2016.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal) ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.
By Linda Drueen, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 20769