

Article 13: Mission Beach Planned District

(“Mission Beach Planned District” added 3-27-2007 by O-19589 N.S.)

Division 2: Permits and Procedures

(“Permits and Procedures” added 3-27-2007 by O-19589 N.S.)

§1513.0201 Mission Beach Planned District Permit

The City Manager shall not issue any permit for the installation of fixtures or equipment, or for the erection, construction, conversion, establishment, alteration, or enlargement of any building, structure or improvement, or for the occupancy of any building or structure in any portion of the Mission Beach Planned District until a Mission Beach Planned District Permit has been obtained from the City Manager by the applicant or owner. Each application for a permit shall state therein the purpose for which the proposed building, structure, or improvement is used.

(“Mission Beach Planned District Permit” added 3-27-2007 by O-19589 N.S.; effective 4-26-2007.)

§1513.0202 Conditional Use Permit

(a) Process Three – Hearing Officer

An application for a Conditional Use Permit for the uses listed below, may be approved, conditionally approved or denied by a Hearing Officer in accordance with Process Three and Land Development Code Chapter 12, Article 6, Division 3 (Conditional Use Permit Procedures), subject to the development regulations in Land Development Code Chapter 14, Article 1. The Hearing Officer's decision may be appealed to the Planning Commission in accordance with Land Development Code Section 112.0506.

- (1) Public and private schools for academic, artistic, and vocational instruction.
- (2) Churches, temples or buildings of a permanent nature and used primarily for religious purposes.
- (3) Teaching of the fine arts including, but not limited to: music, drawing, painting, sculpture, drama and dancing.

- (4) Residential care homes for 7 or more aged or mentally disordered or otherwise handicapped persons or dependent or neglected children and which are licensed by the State of California..
- (5) Parking lots for nonresidential uses in residential and commercial subdistricts.
- (6) The following uses may be permitted in any Commercial Subdistrict, except as specified in Sections 1513.0202(a)(6)(D), (F) and (G).
 - (A) Automobile service station.
 - (B) Buildings, structures, and uses operated by a public utility or by a public body having the power of eminent domain.
 - (C) Drive-in or drive-thru offices, retail facilities, and food-handling establishments and services, including those providing pre-prepared food and "fast-food" services.
 - (D) Residential structures with a maximum of 6 dwelling units for any development qualifying and approved for housing assistance under programs administered by the Housing Authority of the City of San Diego or similar programs. The number of dwelling units on any lot shall not exceed the maximum permitted density in the applicable Residential or Commercial Subdistricts.
 - (E) Laboratories for medical, dental or general research, development or testing.
 - (F) Residential, commercial, industrial and institutional uses in and on historical resources in all Residential and Commercial Subdistricts.
 - (G) Video arcades limited to the Visitor Commercial Subdistricts only.

The Hearing Officer shall consider the following criteria when approving, conditionally approving or denying an application for a conditional use permit for a video arcade.

- (i) The video arcade is so constructed that it mitigates for adverse noise.

- (ii) The facility will be adequately supervised during hours of operation.
- (iii) Hours of operation shall be restricted to be consistent with the surrounding uses.
- (iv) Adequate lavatory facilities will be provided.
- (v) Bicycle racks are provided within 25 feet of the video arcade.

(b) Process Four – Planning Commission

An application for a Conditional Use Permit for amusement and entertainment enterprises such as amusement parks, all types of theatres, playhouses, swimming pools, skating rinks and dance halls limited to the Visitor Commercial Subdistrict only, may be approved, conditionally approved or denied by the Planning Commission in accordance with Process Four.

*(“Conditional Use Permit” added 3-27-2007 by O-19589 N.S.; effective 4-26-2007.)
(Amended 10-18-2010 by O-19999 N.S.; effective 8-9-2012.)*

§1513.0203 Encroachments/Ocean Front Walk

No permit for any development or redevelopment on any lot abutting the Ocean Front Walk public right of way or any public right of way may be issued, unless the owner obtains a permit in accordance with Land Development Code Chapter 12, Article 9, Division 7 (Public Right-of-Way Permits) for any existing or proposed encroachments into the public right of way.

(“Encroachments/Ocean Front Walk” added 6-26-2012 by O-20175 N.S.; effective 8-9-2012 Former Section 1513.0203 repealed.)