

## ALIFORNIA COASTAL COMMISSION

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TH9C

January 14, 1999

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**TO: COMMISSIONERS AND INTERESTED PERSONS**

**FROM: DEBORAH LEE, SOUTH COAST DISTRICT DIRECTOR  
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO AREA OFFICE  
ELLEN LIRLEY, COASTAL PLANNER, SAN DIEGO AREA OFFICE**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF SAN DIEGO MAJOR LOCAL  
COASTAL PROGRAM AMENDMENT NO. 2-98C (Planned District  
Ordinance Revisions) (For Public Hearing and possible Commission Action at the  
Hearing of February 3 - 5, 1999)**

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**SYNOPSIS**

**SUMMARY OF AMENDMENT REQUEST**

The City of San Diego submitted its second request of 1998 to amend its certified Local Coastal Program (LCP) on May 21, 1998. The request consisted of three separate items: Part A addressed the Lodge at Torrey Pines site on Torrey Pines Mesa within the North City LCP segment; Part B addressed the North Bay redevelopment and Part C requests modification of the City's Planned District Ordinances in the coastal zone, which are part of the certified implementation plan, to make them compatible with the zoning code changes being addressed in Major Amendment No. 1-98B. This staff recommendation addresses only Part C; the other two items were addressed by the Commission at the August and September hearings. The subject item was presented to the Commission in October, 1998, and continued to the February, 1999 hearing to be heard in conjunction with Major Amendment Nos. 1-98A and 1-98B.

**SUMMARY OF STAFF RECOMMENDATION**

**Staff recommends denial of the implementation plan amendment request as submitted, then approval with suggested modifications. The appropriate resolutions and motions begin on Page 4. The suggested modifications begin on Page 5. The findings begin on Page 6.**

**BACKGROUND**

The City of San Diego Local Coastal Program (LCP) was segmented into twelve geographic areas, corresponding to community plan boundaries, with separate land use plans submitted and certified (or certified with suggested modifications) for each segment. The Implementing Ordinances were submitted and certified with suggested modifications, first in March of 1984, and again in January of 1988. Subsequent to the 1988 action on the implementation plan, the City of San Diego incorporated the suggested modifications and assumed permit authority for the majority of its coastal zone on October 17, 1988. Isolated areas of deferred certification remain, and will be submitted for Commission certification once local planning is complete. There have been numerous amendments to the certified LCP; these are discussed further under LCP History in the report.

**ADDITIONAL INFORMATION**

Further information on the City of San Diego LCP Amendment No. 2-98C may be obtained from Ellen Lirley, Coastal Planner, at (619) 521-8036.

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## **PART I. OVERVIEW**

### **A. LCP HISTORY**

The City of San Diego has a long history of involvement with the community planning process; as a result, in 1977, the City requested that the Coastal Commission permit segmentation of its Land Use Plan (LUP) into twelve (12) parts in order to have the LCP process conform, to the maximum extent feasible, with the City's various community plan boundaries. In the intervening years, the City has intermittently submitted all of its LUP segments, which are all presently certified, in whole or in part. The earliest LUP approval occurred in May, 1979, with others occurring in 1988, in concert with the implementation plan. The final segment, Mission Bay Park, was certified in November, 1996.

When the Commission approved segmentation of the LUP, it found that the implementation phase of the City's LCP would represent a single unifying element. This was achieved in January, 1988, and the City of San Diego assumed permit authority on October 17, 1988 for the majority of its coastal zone. Several isolated areas of deferred certification remained at that time; some of these have been certified since through the LCP amendment process. Other areas of deferred certification remain today and are completing planning at a local level; they will be acted on by the Coastal Commission in the future.

Since effective certification of the City's LCP, there have been twenty-six major amendments and seven minor amendments processed for it. These have included everything from land use revisions in several segments, to the rezoning of single properties, and to modifications of citywide ordinances. While it is difficult to calculate the number of land use plan revisions or implementation plan modifications, because the amendments often involve multiple changes to a single land use plan segment or ordinance, the Commission has reviewed a significant number of both land use plan revisions and ordinance amendments. Most amendment requests have been approved, some as submitted and some with suggested modifications; further details can be obtained from the previous staff reports and findings on specific amendment requests.

### **B. STANDARD OF REVIEW**

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

### **C. PUBLIC PARTICIPATION**

The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

**PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS**

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

- A. **RESOLUTION I** (Resolution to reject certification of the City of San Diego LCP Implementation Plan Amendment 2-98C, as submitted)

**MOTION I**

I move that the Commission reject the City of San Diego Implementation Plan Amendment 2-98C.

**Staff Recommendation**

Staff recommends a **YES** vote and adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

**Resolution I**

The Commission hereby **denies** certification of the amendment to the City of San Diego Local Coastal Program, if modified, on the grounds that, the amendment does not conform with, and is inadequate to carry out, the provisions of the certified land use plan. There are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the approval would have on the environment.

- B. **RESOLUTION II** (Resolution to approve certification of the City of San Diego LCP Implementation Plan Amendment 2-98C, if modified)

**MOTION II**

I move that the Commission approve the City of San Diego Implementation Plan Amendment 2-98C, if it is modified in conformity with the suggested modifications set forth in this report.

**Staff Recommendation**

Staff recommends a **YES** vote and adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

## Resolution II

The Commission hereby approves certification of the amendment request to the City of San Diego Local Coastal Program, if modified, on the grounds that, the amendment conforms with, and is adequate to carry out, the provisions of the certified land use plan. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the approval would have on the environment.

### **PART III. SUGGESTED MODIFICATIONS**

Staff recommends the following suggested revisions to the proposed Implementation Plan be adopted. The underlined sections represent language that the Commission suggests be added, and the ~~struck-out~~ sections represent language which the Commission suggests be deleted from the language as originally submitted.

#### *Chapter X, Article 3, Division 1 – Planned Districts*

1. **Section 103.0109, Applicable Regulations**, shall be revised to read:

(a) The applicable zoning regulations in a Planned District are those included in the Planned District and any Land Development Code zoning regulations expressly incorporated into the Planned District. Planned District regulations supersede any inconsistent zoning regulations in the Land Development Code not expressly incorporated into the Planned District regulations. Exceptions to the standards in a Planned District shall not be granted except as specifically provided for in the Planned District. Subdivision, building, plumbing and mechanical, and electrical regulations are not zoning regulations for purposes of this section and are not superseded by adoption of a Planned District.

#### *Chapter X, Article 3, Division 19 – The Centre City Planned District*

2. **Section 103.1959, Conditional Use Permit for Living Units, Parking Requirements**, shall be revised to read:

D. Development Criteria

3(c) Except in the Coastal Overlay Zone, ~~an~~ exemption under this section shall be considered by the City Council for projects in designated Redevelopment Areas and granted only if the City Council finds that the project will contribute to the health, safety, and general welfare and that its contribution will exceed any negative impact caused by implementation of the project.

**PART IV. FINDINGS FOR REJECTION OF THE CITY OF SAN DIEGO  
IMPLEMENTATION PLAN AMENDMENT**

**A. AMENDMENT DESCRIPTION**

The proposed LCP implementation plan amendment is fairly narrow in scope, addressing primarily administrative functions of the City's Planned District Ordinances (PDOs) in the Coastal Overlay Zone. The PDOs submitted for revision are Centre City, Marina, Mission Beach, Barrio Logan, La Jolla, La Jolla Shores, Cass Street, Carmel Valley, and San Ysidro/Southeastern. Because of departmental and managerial reorganization at the City, references to various decision-making positions and entities have been changed throughout the PDOs. For example, references to the Development Services Director have been replaced with references to the City Manager. In addition, references to sections in the formerly-certified municipal code have been replaced with references to the new Land Development Code, submitted for Commission approval in LCP Amendment 1-98B. These comprise the bulk of proposed modifications within each individual PDO.

The City is also proposing modification of its general provisions governing all PDOs, including many PDOs in non-coastal areas of the City. The proposed modifications include the addition of detailed regulations addressing the processing of PDO permits and lists of uses which may be permitted through the Conditional Use Permit process, unless otherwise regulated in the individual PDOs. Other portions of the General Provisions have been reworded and clarified, but not significantly altered in meaning.

**B. FINDINGS FOR REJECTION**

For the most part, the City's proposed revisions to the PDOs raise no conflicts with the certified land use plans for those areas within the Coastal Overlay Zone. The proposed modifications are generally administrative in nature and seek to make the PDOs consistent with current City organization and municipal code cross-references. The Commission finds that two areas of conflict do exist, one with the general provisions applicable to all PDOs and one affecting only the Centre City PDO.

The general provisions indicate the supremacy of PDOs in permit decisions whenever there is a discrepancy between the PDO and municipal code. However, in a fairly recent development proposal in Mission Beach, an exception to the setbacks required in the PDO was granted, on the basis that the PDO did not specifically prohibit such an exception (i.e., the PDO was silent on the issue). In other words, the language of the PDO was not considered controlling over the City regular variance process available to property owners outside areas regulated by PDOs. The whole purpose of a PDO is defined as a means to provide different (and generally more stringent) development controls within a specific community, or area of a community, to protect or enhance some unique aspect of the area (as generally identified in the land use plan for the area). Allowing the regular municipal code requirements to take precedence over the PDO standards defeats the whole purpose of having a PDO. Absent clarification of this issue, the "General Provisions" for each planned district cannot be accepted because they would fail to implement the development standards specified in the certified LUPs.

The second area of concern addresses the parking standards of the Centre City PDO. As proposed by the City, exemptions from the parking standards of the Centre City PDO can be granted if the City makes specific findings that the project will "contribute to the health, safety and general welfare and that potential benefits outweigh any negative impacts" caused by reduced parking standards. The Centre City Land Use Plan does include provisions for a minor reduction in parking for commercial office uses in the year 2000, but does not provide for an outright exemption from any parking requirement or for reduced standards applied to other development types, such as residential uses. Therefore, the proposed PDO revision is inconsistent with the certified Centre City Land Use Plan, which is the standard of review.

#### **PART V. FINDINGS FOR CERTIFICATION OF THE PLANNED DISTRICT ORDINANCE REVISIONS, IF MODIFIED**

As detailed above in the findings for rejection, there were two principal issues raised by the proposed planned district ordinance revisions. As submitted, the revisions failed to clarify the priority that the PDOs should be given since they are specifically drafted to reflect special resources, unique features of a community or address particular issues in a geographic sub-area. To address this concern, the first suggested modification clarifies that the standards of the PDO take precedence in the review of any development proposal. Only if the PDO itself provides a mechanism for exceptions or variance can its standards be modified. With the suggested modification, the Commission finds the general provisions clarified to the extent necessary to assure consistency with the underlying land use plans for each area.

The second concern presented by the amendment request related to the Centre City Planned District. In the proposed revisions, a parking exemption for any redevelopment area was being suggested. However, there are no such provisions in the certified land use plan. The suggested modification makes it clear that the proposed exemptions do not apply in the Coastal Overlay Zone. With the suggested modification, the Commission finds the PDO revisions for Centre City consistent with, and adequate to carry out, the certified land use plan. As revised by the suggested modifications, the Commission can support the proposed implementation plan amendment.

#### **PART VI. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA

provisions. As stated earlier, most of the proposed PDO revisions are to reflect administrative changes in City organization and to provide current cross references to the Land Development Code. These proposals do not raise any issues under CEQA. The Commission has added two suggested modifications addressing potential areas of concern. Again, the first is procedural in nature, clarifying that PDOs are controlling whenever their provisions are in conflict with the municipal code. The second assures that reduced parking standards will not be applied in the Coastal Overlay Zone, where such reductions could result in adverse impacts on public access opportunities. As modified, the PDO revisions proposed herein represent the least environmentally damaging alternative and are fully consistent with the intent of CEQA.

(SDLCPA 2-98C (PDO)finalstfrpt Feb.99 hearing)

Zoning Code Update  
4A  
(O-98-58)

ORDINANCE NUMBER O- 18484 (NEW SERIES)

ADOPTED ON APR 07 1998

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AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING EXISTING SECTION 103.0101, AND ADDING SECTIONS 103.0101, 103.0102, 103.0103, 103.0104, 103.0105, 103.0106, 103.0107, 103.0108, 103.0109, ALL RELATING TO GENERAL PROVISIONS FOR PLANNED DISTRICTS.

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

Section 1. That Chapter X, Article 3, Division 1, of the San Diego Municipal Code is amended by adding Sections 103.1201, 103.0102, 103.0103, 103.0104, 103.0105, 103.0106, 103.0107, 103.0108, and 103.0109, to read as follows:

**SEC. 103.0101 Purpose and Intent**

The purpose of this division is to provide the means to adopt plans for certain areas of the City which provide land use, capital improvements and public facilities controls in lieu of conventional zoning to accomplish the following goals:

- (a) To preserve and enhance the cultural, aesthetic or economic value of neighborhoods having special importance due to their historical significance or because of their being part of older, established communities and neighborhoods.
- (b) To Systematically implement a comprehensive plan for the phased growth of developing and undeveloped areas of the City.

**SEC. 103.0102 Planned District Defined**

Planned District means any legally described geographic area: (1) which has

<b>EXHIBIT NO. 1</b>
<b>APPLICATION NO.</b> City of San Diego LCPA #2-98C/Planned Districts
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historical significance or serves as an established neighborhood or community; or (2) which is at the time of adoption developing or substantially undeveloped and for which a program of phased growth is desirable; and (3) which has been designated a Planned District by the City Council. The District shall be wholly within the boundaries of a precise plan or coterminous with the boundaries of a Community Plan adopted by the City Council and on file in the office of the City Clerk. The plan must be detailed enough to permit the evaluation of proposed development controls for the District.

#### **SEC. 103.0103 Permitted Development Controls**

In a Planned District, no building or structure may be erected, constructed, altered, moved or enlarged on any premises nor may any premises be used unless the buildings, structures, and premises comply with the development controls in force in the Planned District.

(a) The following development controls may be made applicable to all Planned Districts:

- (1) Architectural design.
- (2) Color and texture of improvements.
- (3) Construction materials.
- (4) Development density.
- (5) Grading and site development.
- (6) Height and bulk of buildings
- (7) Landscaping.
- (8) Land use, including accessory uses.

- (9) Lot area and dimensions.
- (10) Lot coverage.
- (11) Off-street parking.
- (12) On-street parking.
- (13) Orientation of buildings.
- (14) Public areas.
- (15) Signs, provided that public interest signs shall be permitted in all

Planned District.

- (16) Street furniture.
- (17) Yards.
- (18) Site design.
- (19) Density bonuses and/or incentives.
- (20) Performance standards.
- (21) Timing and operational controls.
- (22) Any other regulations necessary to implement the adopted plan

covering the area of which the Planned District is a part.

(b) In addition to the development controls listed in paragraph (a) above, the following planning element and development controls for developing or undeveloped geographic areas in which a program of phased growth is desirable may be made applicable:

- (1) The location of housing, business, industry, open space, agriculture, recreation facilities, educational facilities, churches and related religious

facilities, public buildings and grounds, and solid and liquid waste disposal facilities, together with regulations establishing height, bulk and set-back limits for such land uses and facilities, including the location of areas, such as flood plains or excessively steep or unstable terrain.

(2) The locations and extent of existing or proposed streets and roads, the tentative proposed widths with reference to prospective standards for their construction and maintenance, and the location and standards of construction, maintenance and use of all other transportation facilities whether public or private.

(3) Standards for population density and building density, including lot size, permissible types of construction, and provisions for water supply, sewage disposal, storm water drainage and the disposal of solid waste.

(4) Standards for the conservation, development and utilization of natural resources, including underground and surface waters, forests, vegetation and soils, rivers, creeks and streams, and fish and wildlife resources. Such standards must include, where applicable, procedures for flood control, for prevention and control of pollution of rivers, streams, creeks and other waters, regulation of land use and stream channels and other areas which may have a significant effect on fish, wildlife and other natural resources of the area, the prevention, control and correction of soil erosion caused by subdivision roads or any other sources, and the protection of watershed areas.

(5) A capital improvements program indicating the sources and means of financing all required capital improvements within the Planned District.

(6) Standards for solar systems:

(A) Shadow Plans. When, in the opinion of the City Manager, structures and major landscaping at maturity for a development project may have an impact on the solar access of adjacent property, the applicant shall submit a satisfactory shadow plan prior to the approval of a Planned District development permit.

(B) Design Criteria. Wherever possible, maximum feasible energy conservation measures, including both active and passive solar systems, shall be utilized.

#### **SEC. 103.0104 Processing of Planned District Permits**

Planned District permits will be processed in accordance with the Land Development Code as follows:

(a) Where a Planned District requires a ministerial Planned District permit, the permit will be processed in accordance with Process One.

(b) Where a Planned District requires a discretionary Planned District permit that is identified as a Process Two decision, an applicant shall apply for a Neighborhood Development Permit in accordance with Land Development Code Chapter 12, Article 6, Division 1 (General Development Permit Procedures) and Division 4 (Neighborhood Development Permit Procedures). The findings required for approval will be the general findings for Neighborhood Development Permits in Land Development Code Section 126.0404(a), any applicable supplemental findings in Section 126.0404, and any additional findings provided in the Planned District.

(c) Where a Planned District requires a discretionary Planned District permit that is identified as a Process Three, Process Four, or Process Five decision, an applicant

shall apply for a Site Development Permit in accordance with Land Development Code Chapter 12, Article 6, Division 1 (General Development Permit Procedures) and Division 5 (Site Development Permit Procedures). The findings required for approval will be the general findings for Site Development Permits in Land Development Code Section 126.0504(a), any applicable supplemental findings in Section 126.0504, and any additional findings provided in the Planned District.

(d) Where Section 103.0105 requires a Neighborhood Use Permit, an applicant shall apply for a Neighborhood Use Permit in accordance with Land Development Code Chapter 12, Article 6, Division 1 (General Development Permit Procedures) and Division 2 (Neighborhood Use Permit Procedures). The findings required for approval will be the general findings for Neighborhood Use Permits in Land Development Code Section 126.0205 and any additional findings provided in the Planned District.

(e) Where Section 103.0105 or the Planned District requires a Conditional Use Permit, an applicant shall apply for a Conditional Use Permit in accordance with Land Development Code Chapter 12, Article 6, Division 1 (General Development Permit Procedures) and Division 3 (Conditional Use Permit Procedures). The findings required for approval will be the general findings for Conditional Use Permits in Land Development Code Section 126.0305 and any additional findings provided in the Planned District.

**SEC. 103.0105 Uses Permitted in the Planned Districts**

(a) Where not otherwise specified in the Planned District, the uses in Section

103.0105 may be permitted as limited uses or in accordance with the rules and procedures for Neighborhood Use Permits and Conditional Use Permits in Land Development Code Chapters 11 and 12. In addition to the uses listed in this section, other uses may be approved with a Conditional Use Permit as provided in each Planned District.

(b) Limited Uses

(1) The following uses, when permitted by the applicable Planned District, are subject to the regulations for limited uses in the Land Development Code section specified for each use.

(A) **Adult entertainment establishments**, subject to Land Development Code Section 141.0601.

(B) **Alcoholic beverage outlets**, subject to Land Development Code Section 141.0502.

(C) **Pushcarts on private property**, subject to Land Development Code Section 141.0619.

(2) The following uses are permitted in the Planned Districts subject to the regulations for limited uses in the Land Development Code section specified for each use and the location restrictions specified for each use.

(A) **Garage and yard sales in residential zones**, subject to Land Development Code Section 141.0305.

(B) **Home occupations in residential zones**, subject to Land Development Code Section 141.0308.

(C) **Large family day care homes** in zones where residential

use is permitted, except in agricultural zoned areas of the Coastal Overlay Zone that contain the 100-year floodplain, subject to Land Development Code Section 141.0606.

(D) **Recycling facilities as follows:**

(i) **Drop-off facilities** in all commercial and industrial zones, subject to Land Development Code Section 141.0620;

(ii) **Reverse vending machines** in all industrial zones, subject to Land Development Code Section 141.0620;

(iii) **Small collection facilities** in all industrial zones, subject to Land Development Code Section 141.0620;

(iv) **Small processing facilities accepting at least 98% of total annual weight of recyclables from commercial and industrial traffic** in general industrial zones, subject to Land Development Code Section 141.0620; and

(v) **Large processing facilities accepting at least 98% of total annual weight of recyclables from commercial and industrial traffic** in general industrial zones, subject to Land Development Code Section 141.0620.

(c) **Neighborhood Use Permits**

Except as otherwise provided in the Planned District, the following uses may be permitted with a Neighborhood Use Permit decided in accordance with Process Two, subject to the location restrictions and the Land Development Code section specified for each use.

(1) **Pushcarts** in the public right-of-way, subject to Land Development Code Section 141.0619.

(2) **Recycling facilities as follows:**

(A) **Large collection facilities** in all commercial and industrial zones, subject to Land Development Code Section 141.0620;

(B) **Small processing facilities** in general industrial zones, subject to Land Development Code Section 141.0620;

(C) **Large processing facilities** in general industrial zones, subject to Land Development Code Section 141.0620; and

(D) **Green materials composting facilities** in general industrial zones, subject to Land Development Code Section 141.0620.

(3) **Sidewalk cafes**, subject to Land Development Code Section 141.0621.

(d) **Conditional Use Permits/Process Three**

Except as otherwise provided in the Planned District, the following uses may be permitted with a Conditional Use Permit decided in accordance with Process Three, subject to the location restrictions and the Land Development Code section specified for each use.

(1) **Alcoholic beverage outlets**, subject to Land Development Code Section 141.0502.

(2) **Automobile service stations**, except in single dwelling unit residential zones or in the agricultural zoned areas of the Coastal Overlay Zone, subject to Land Development Code Section 141.0801.

(3) **Bed and breakfast facilities** in residential zones, subject to Land

Development Code Section 141.0603.

(4) **Boarding kennels** in any agricultural, commercial, or industrial zone, subject to Land Development Code Section 141.0604.

(5) **Child care facilities** in residential zones, except in the agricultural zoned areas of the Coastal Overlay Zone that contain the 100-year floodplain, subject to Land Development Code Section 141.0606.

(6) **Churches and places of religious ceremony**, except in agricultural zoned areas of the Coastal Overlay Zone that are in the 100-year floodplain, subject to Land Development Code Section 141.0404.

(7) **Communication antennas**, subject to Land Development Code Section 141.0405.

(8) **Community identification signs**, subject to Land Development Code Section subject to Land Development Code Section 141.1104.

(9) **Companion units** in single dwelling unit residential zones, except in the Coastal Overlay Zone, subject to Land Development Code Section 141.0302.

(10) **Educational facilities--schools for kindergarten to grade 12 and colleges/universities**, except in the agricultural zoned areas of the Coastal Overlay Zone that contain the 100-year floodplain, subject to Land Development Code Section 141.0407.

(11) **Energy generation and distribution stations and communications switching stations**, subject to Land Development Code Section 141.0408.

- (12) **Fraternity houses, sorority houses, and student dormitories,** subject to Land Development Code Section 141.0304.
- (13) **Guest quarters in a single dwelling unit residential zone,** subject to Land Development Code Section 141.0306.
- (14) **Historical buildings occupied by uses not otherwise allowed,** subject to Land Development Code Section 141.0411.
- (15) **Housing for senior citizens in any residential or commercial zone,** subject to Land Development Code Section 141.0310.
- (16) **Impound storage yards except in zones that permit residential development,** subject to Land Development Code Section 141.0901.
- (17) **Instructional studios, except in the agricultural zoned areas of the Coastal Overlay Zone that contain the 100-year floodplain,** subject to Land Development Code Section 141.0612.
- (18) **Newspaper publishing plants, except in the agricultural zoned areas of the Coastal Overlay Zone,** subject to Land Development Code Section 141.1006.
- (19) **Outdoor storage and display of new, unregistered motor vehicles as a primary use, except in the agricultural zoned areas of the Coastal Overlay Zone that contain the 100-year floodplain,** subject to Land Development Code Section 141.0803.
- (20) **Parking facilities as a primary use, except in the agricultural zoned areas of the Coastal Overlay Zone,** subject to Land Development Code Section 141.0616.

(21) **Private clubs, lodges, and fraternal organizations**, except in the agricultural zoned areas of the Coastal Overlay Zone that contain the 100-year floodplain, subject to Land Development Code Section 141.0617.

(22) **Radio and television broadcasting, microwave relay or similar systems facilities**, subject to Land Development Code Section 141.0416.

(23) **Recycling facilities** as follows:

(A) **Mixed organics composting facilities** in general industrial zones, subject to Land Development Code Section 141.0620;

(B) **Tire processing facilities** in general industrial zones, subject to Land Development Code Section 141.0620.

(24) **Residential care facilities** for 12 or fewer persons in any zone that permits residential use, except in the agricultural zoned areas of the Coastal Overlay Zone that contain the 100-year floodplain, subject to Land Development Code Section 141.0312.

(25) **Revolving projecting signs** subject to Land Development Code Section 141.1101.

(26) **Swap meets and other large outdoor retail facilities**, except in the agricultural zoned areas of the Coastal Overlay Zone, subject to Land Development Code Section 141.0504.

(27) **Theater marquees** subject to Land Development Code Section 141.1103.

(28) **Transitional housing facilities** for 12 or fewer persons in any

zone that permits residential use, except in the agricultural zoned areas of the Coastal Overlay Zone that contain the 100-year floodplain, subject to Land Development Code Section 141.0313.

(29) **Veterinary clinics and hospitals** in any agricultural, commercial, or industrial zone, except in the agricultural zoned areas of the Coastal Overlay Zone that contain the 100-year floodplain, subject to Land Development Code Section 141.0624.

(30) **Watchkeeper's quarters**, subject to Land Development Code Section 141.0314.

(e) **Conditional Use Permits/Process Four**

Except as otherwise provided in the Planned District, the following uses may be permitted with a Conditional Use Permit decided in accordance with Process Four, subject to the location restrictions and the Land Development Code section specified for each use.

(1) **Camping parks** in commercial zones, industrial zones except IP-1-1, and agricultural zones, subject to Land Development Code Section 141.0605.

(2) **Cemeteries, mausoleums, and crematories**, except in the agricultural zoned areas of the Coastal Overlay Zone that are in the 100-year floodplain, subject to Land Development Code Section 141.0403.

(3) **Correctional placement centers** in any zone except residential zones, neighborhood commercial zones, agricultural zoned areas of the Coastal Overlay Zone, or in the beach impact area of the Parking Impact Overlay Zone subject to Land Development Code Section 141.0406.

(4) **Exhibit halls and convention facilities**, except in the agricultural zoned areas of the Coastal Overlay Zone, subject to Land Development Code Section 141.0409.

(5) **Golf courses, driving ranges, and pitch and putt courses**, subject to Land Development Code Section 141.0609.

(6) **Hazardous waste research facilities** in any agricultural or industrial zone, subject to Land Development Code Section 141.1003.

(7) **Homeless facilities** in any zone that permits residential use subject to Land Development Code Section 141.0412.

(8) **Hospitals, intermediate care facilities, and nursing facilities**, except in the agricultural zoned areas of the Coastal Overlay Zone that are in the 100-year floodplain, subject to Land Development Code Section 141.0413.

(9) **Junk yards** in any agricultural or industrial zone, except in the Coastal Overlay Zone, subject to Land Development Code Section 141.0902.

(10) **Marine-related uses in the Coastal Overlay Zone** in any commercial zone except the CO and CN zones, subject to Land Development Code Section 141.1005.

(11) **Mining and extractive industries**, subject to Land Development Code Section 141.1001.

(12) **Museums**, except in the agricultural zoned areas of the Coastal Overlay Zone, subject to Land Development Code Section 141.0415.

(13) **Nightclubs and bars over 5,000 square feet**, except in the

agricultural zoned areas of the Coastal Overlay Zone, subject to Land Development Code Section 141.0614.

(14) **Privately operated recreational facilities over 10,000 square feet in size** in zones that permit similar uses under 10,000 square feet in size, except in the agricultural zoned areas of the Coastal Overlay Zone, subject to Land Development Code Section 141.0618.

(15) **Residential care facilities** for 12 or more persons in any zone that permits residential use, subject to Land Development Code Section 141.0312.

(16) **Social service institutions**, except in the agricultural zoned areas of the Coastal Overlay Zone that are in the 100-year floodplain, subject to Land Development Code Section 141.0417.

(17) **Theaters that are outdoor or over 5,000 square feet**, except in the agricultural zoned areas of the Coastal Overlay Zone, subject to Land Development Code Section 141.0623.

(18) **Transitional housing facilities** for 12 or more persons in any zone that permits residential use, subject to Land Development Code Section 141.0313.

(19) **Wrecking and dismantling of motor vehicles** in any agricultural or industrial zone, except in the Coastal Overlay Zone, subject to Land Development Code Section 141.1008.

(f) **Conditional Use Permits/Process Five**

Except as otherwise provided in the Planned District, the following uses may be permitted with a Conditional Use Permit decided in accordance with Process

Five, subject to the location restrictions and the Land Development Code section specified for each use.

(1) **Airports**, except in agricultural zoned areas of the Coastal Overlay Zone that are in the 100-year floodplain, subject to Land Development Code Section 141.0401.

(2) **Amusement parks**, except in the agricultural zoned areas of the Coastal Overlay Zone that are in the 100-year floodplain, subject to Land Development Code Section 141.0602.

(3) **Fairgrounds** subject to Land Development Code Section 141.0608.

(4) **Hazardous waste treatment facilities** in any agricultural or industrial zone, subject to Land Development Code Section 141.1002.

(5) **Helicopter landing facilities**, except in agricultural zoned areas of the Coastal Overlay Zone that are in the 100-year floodplain, subject to Land Development Code Section 141.0610.

(6) **Sports arenas and stadiums** except in the agricultural zoned areas of the Coastal Overlay Zone, subject to Land Development Code Section 141.0622.

(7) **Very heavy industrial uses**, subject to Land Development Code Section 141.1007.

#### **SEC. 103.0106 Initiation of Planned District Amendments**

The establishment, repeal, change in boundaries or change in development controls of a planned district may be initiated as follows:

(a) The City Council or the Planning Commission may initiate the matters listed above by resolution.

(b) Property owners that may be affected by the planned district regulations may file a petition with the City Manager. The petition must contain the signatures of the owners of at least 50 percent of the land located within the proposed or existing planned district.

#### **SEC. 103.0107 Additional Notice**

In addition to the persons entitled to be mailed notice as set forth in Section 111.0302(b), the City shall mail a Notice of Public Hearing to the owner of each parcel of land within the boundaries of the proposed Planned District in accordance with Section 111.0302, no later than ten (10) working days before the date of the public hearing.

#### **SEC. 103.0108 Decision Process**

(a) The establishment, repeal, change in boundaries or change in development controls of a Planned District may be approved or denied by the City Council in accordance with "Process Five".

(b) Planning Commission Recommendation.

(1) After the conclusion of a public hearing, the Planning Commission may recommend to the Council by affirmative vote of not less than a majority of its total voting members, the adoption of a Planned District Ordinance which will accomplish one or more of the following:

(A) Incorporate all or a portion of the property requested to be placed in the Planned District and impose development controls.

(B) Change the boundaries, as set forth in said notice, of an established Planned District and, when appropriate, impose development controls.

(C) Change the development controls of an established Planned District.

(D) Repeal the Planned District.

(2) In lieu of recommending adoption of an ordinance to accomplish one or more of the actions as set forth in Section 103.0108, the Planning Commission may recommend denial of the petition or proposal.

(3) The Planning Commission may recommend that the City Council adopt, change or repeal, any or all of the development controls listed in Section 103.0103.

(4) All recommended development controls shall recognize and reflect the special goals, objectives, requirements, criteria and standards of the adopted plans referred to in Section 103.0102.

(c) City Council Decision.

(1) At the conclusion of the public hearing, the City Council may take such action as it deems to be in the public interest as to the inclusion of property in a Planned District or the exclusion of property from a District or the adoption or modification of development controls to a District.

(2) All development controls adopted by ordinance shall recognize and reflect the special goals, objectives, requirements, criteria and standards of the plan covering the area of which the Planned District is a part.

(3) The City Council may establish a Planned District Review Board

to evaluate the appropriateness of any use, construction, alteration or demolition of buildings, structures or premises in relation to development controls established in a Planned District. Any ordinance establishing a Planned District Review Board shall describe the precise powers and duties of the Board, method of appointing members, tenure of office and other rules and regulations the City Council deems necessary.

#### **SEC. 103.0109 Applicable Regulations**

(a) The applicable zoning regulations in a Planned District are those included in the Planned District and any Land Development Code zoning regulations expressly incorporated into that Planned District. Planned District regulations shall supersede any zoning regulations in the Land Development Code that are inconsistent or not expressly incorporated into the Planned District regulations. Subdivision, building, plumbing and mechanical, and electrical regulations are not zoning regulations for purposes of this section and are not superseded by adoption of a Planned District. (b) The following regulations apply in all Planned Districts:

- (1) Land Development Code, Chapter 11 (Land Development Procedures).
- (2) Land Development Code, Chapter 12 (Land Development Reviews).
- (3) Child care facilities regulations contained in Land Development Code Section 141.0606.

Section 2. This ordinance shall take effect and be in force on May 1, 1998 or on the date the Coastal Commission unconditionally certifies the provisions subject to

Coastal Commission jurisdiction as a local coastal program amendment, whichever is later.

APPROVED: CASEY GWINN, City Attorney

By *Prescilla Dugard*  
Prescilla Dugard  
Deputy City Attorney

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DIVISION 3  
LA JOLLA SHORES PLANNED DISTRICT

RECORD PACKET COPY

SEC. 103.0300  
Purpose and Intent

The public health, safety, and welfare require that property in La Jolla Shores shall be protected from impairment in value and that the distinctive residential character and the open seascape orientation of the La Jolla Shores Area shall be retained and enhanced.

The development of land in La Jolla Shores should be controlled so as to protect and enhance the area's unique ocean-oriented setting, architectural character and natural terrain and enable the area to maintain its distinctive identity as part of one of the outstanding residential areas of the Pacific Coast. The proper development of La Jolla Shores is in keeping with the objectives and proposals of the Progress Guide and General Plan for the City of San Diego, of the La Jolla Community Plan, and of the La Jolla Shores Precise Plan.

(Added 5-30-74

May 30, 1974 by O-11332 N.S.)

SEC. 103.0301  
Boundaries

The regulations as defined herein shall apply in the La Jolla Shores Planned District which is within the boundaries of the La Jolla Shores Area in the City of San Diego, California, designated on that certain Map Drawing. No. C-403.4 and described in the appended boundary description, filed in the office of the City Clerk under Document No. OO-16006.

(Added 5-30-74 by O-11332 N.S.)  
(Amended 6-9-76 by O-11852 N.S.)  
(Amended 2-16-82 by O-15667 N.S.)

Amended 7-18-83

July 18, 1983 by O-16006 N.S.)

SEC. 103.0302  
Administrative Regulations

The administrative regulations as defined herein shall apply in the La Jolla Shores Planned District.

(Added 5-30-74 by O-11332 N.S.)  
(Amended 6-9-76  
June 9, 1976 by O-11852 N.S.)

EXHIBIT NO. 2
APPLICATION NO. City of San Diego LCPA#2-98C/La Jolla Shores Planned District
32 Pages

SEC. 103.0302.1

Administration of the La Jolla Shores Planned District

A. The ~~Development Services Director~~ City Manager shall administer the La Jolla Shores Planned District.

B. Powers and Duties.

It is the duty of the ~~Development Services Director~~ City Manager to administer and ensure compliance with the regulations and procedures contained within this division in the manner prescribed herein for both public and private developments; to recommend to the Planning Commission any changes to the regulations, provided such changes are necessary for the proper execution of the adopted plan, and to adopt rules of procedure to supplement those contained within this division.

(Added 5-30-74 by O-11332 N.S.)

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

(Amended 7-25-94

July 25, 1994 by O- 18088 N.S.)

SEC. 103.0302.2

La Jolla Shores Planned District Advisory Board

A. LA JOLLA SHORES PLANNED DISTRICT ADVISORY BOARD CREATED

1. There is hereby created a La Jolla Shores Planned District Advisory Board which shall be composed of seven members who shall serve without compensation. The members shall be appointed by the Mayor and confirmed by the Council. The members shall serve two-year terms and each member shall serve until his successor is duly appointed and qualified. The members shall be appointed in such a manner that the terms of not more than four members shall expire in any one year. The expiration date shall be April 1. During April of each year, the Mayor may designate one member as Chairman; however, in the absence of such designation, the Board shall, on or after May 15, select a Chairman from among its members.

2. At the time of appointment and during incumbency five of the seven-member board shall be resident property owners of the La Jolla Shores Planned District. The sixth member shall be a resident of the district but need not own property and the seventh member shall own property in the district but need not be a resident. Members of the Board shall be persons who shall be specifically qualified by reason of interest, training or experience in art, architecture, land development, landscape architecture, planning, urban design, or other relevant business or profession to judge the effects of a proposed development upon the desirability, property values, and development of surrounding areas. At least one member of such Board shall be a registered architect in the State of California.

3. The Board may adopt rules of procedure to supplement those contained within this division. Four members shall constitute a quorum for the transaction of business and a majority vote; and not less than four affirmative votes shall be necessary to make any Board decision.

4. The ~~Development Services Director or his designated representative~~ City Manager shall serve as Secretary of the Board and as an ex officio member and maintain records of all official actions of the Review Board. The Secretary shall not be entitled to vote.

5. All officers of the City shall cooperate with the Board and render all reasonable assistance to it.

6. The Board shall render a report annually on March 31, or on request, to the Mayor.

## B. POWERS AND DUTIES

It shall be the duty of the Advisory Board to review all applications for permits referred to it including applications for ~~Planned Residential Developments (PRD's)~~ Planned Development Permits within the La Jolla Shores Planned District and to submit its recommendations or comments on these matters in writing within 30 calendar days to the ~~Development Services Department: City Manager~~. When the California Environmental Quality Act requires that an Environmental Impact Report be prepared in conjunction with an application within the Planned District, the Advisory Board shall review this report before submitting its recommendation to the ~~Development Services Department: City Manager~~. It shall also recommend to the Planning Commission any changes to the regulations, provided such changes are necessary for the proper execution of the adopted plan, and to adopt rules of procedure to supplement those contained within this division. The Advisory Board shall utilize architectural criteria and design standards adopted by the City Council in evaluating the appropriateness of any development for which a permit is applied under this division.

(Added 5-30-74 by O-11332 N.S.)(Amended 6-9-76 by O-11852 N.S.; amended 11-23-92 by 17870 N.S.)(Amended 7-25-94 July 25, 1994 by O- 18088 N.S.)

### SEC. 103.0302.3

#### Procedures for Permits Application and Review

A. A La Jolla Shores Planned District Permit shall be issued pursuant to Land Development Code Chapter 14, Article 5 (Building Regulations) ~~the Municipal Code, Chapter IX, and Chapter IV6, Article 2 (Public Rights-of-Way and Land Development)~~, before 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 Planned District or any building which is moved into the Planned District or any grading or landscaping. A La Jolla Shores Planned District Permit is not required for interior modifications, repairs or remodeling, nor any exterior repairs or alterations for which a permit is not now required.

B. The applications shall include the following:

1. The purpose for which the proposed building, structure or improvement is intended to be used.
2. Adequate plans and specifications indicating dwelling unit density, lot area, lot coverage and off-street parking.
3. Adequate plans and specifications for the building and improvements showing the exterior appearance, color and texture of materials, and architectural design of the exterior.
4. Adequate plans and specifications for any outbuildings, party walls, courtyards, fences, setbacks, landscaping, signs, lighting or traffic safety.
5. Within the Coastal Zone, where any portion of a lot contains slopes of 25 percent or greater, the information required to accompany an application for a ~~Hillside Review Permit, as described in The City of San Diego Municipal Code Article 1, Division 4, SEC. 101.0454, Subsection J.2.~~ a Site Development Permit for environmentally sensitive resources shall also be required to accompany an application for a permit in accordance with the La Jolla Shores Planned District.
6. Any other information deemed necessary by the Advisory Board and the ~~Development Services Director~~ City Manager to judge compliance with the regulations contained herein and other applicable laws and regulations.

C. The City Engineer shall refer all applications made under Section 103.0302.3(A) to the ~~Development Services Director~~ City Manager.

D. A La Jolla Shores Planned District Permit may be approved, conditionally approved, or denied by a "Hearing Officer," in accordance with "Process Three," after receiving written recommendations or comments from the Advisory Board. The decision of the "Hearing Officer" may be appealed to the Planning Commission in accordance with ~~Section 111.0506~~ Land Development Code Section 112.0506. ~~Applications for PRD's shall be processed in accordance with Municipal Code section 101.0901.~~ Applications for Planned Development Permits shall be processed in accordance with Land Development Code Chapter 11 (Land Development Procedures) and Chapter 12 (Land Development Reviews). Action by the "Hearing Officer" on applications, other than those for PRD's, Planned Development Permits, shall follow receipt of recommendation or comments from the Advisory Board and shall include a statement that the "Hearing Officer" finds that the building, structure, or improvements for which the permit was applied does or does not conform to the regulations contained herein. In the event the "Hearing Officer" determines that the proposed development does not conform to the regulations contained herein, the specific facts on which that determination is based shall be included in the written decision. Applications for improvements to patio covers, decks, fences, retaining walls, uncovered swimming pools, unlighted tennis courts, single family residences and any addition to or alteration of any structure which the ~~Development Services Director~~ City Manager determines to be minor in scope, may be approved or denied in accordance with "Process One," by the ~~Development Services Director~~ City Manager, without receiving recommendations or comments from the Advisory Board. Notwithstanding the foregoing provision, the ~~Development Services Director~~ City Manager may refer an application for such improvement to the Advisory Board for a recommendation before taking action on the application. The ~~Development Services Director~~ City Manager may approve the application if the ~~Development Services Director~~ City Manager determines that the improvement conforms to the architectural criteria and design standards adopted by the City Council.

E. Within 60 days after the submission of a complete application to the ~~Development Services Director~~ City Manager, the ~~Development Services Director~~ City Manager shall send the decision in writing to the applicant, and City Engineer, except when the applicant requests or agrees to an extension of time.

F. A La Jolla Shores Planned District Permit granted by the City as herein provided, shall expire and become void 36 months after the "Date of Final Action" on the permit if the permit is not utilized in the manner set forth in ~~Section 111.1119~~ Land Development Code Section 126.0108 and Section 126.0109.

G. A "Hearing Officer" may grant an extension of time in accordance with the provisions set forth in ~~Section 111.1122~~ Land Development Code Section 126.0111. To initiate a request for extension of time, the property owner or owners shall file a written application with the ~~Development Services Department~~ City Manager. The extension of time may be approved if there has been no material change of circumstances since the permit was originally granted.

H. A La Jolla Shores Planned District Permit is not required for all other applications made under the Building Code and not under Section 103.0302.3 or involving interior work and not subject to any regulation contained within this division.

(Added 5-30-74 by O-11332 N.S.) (Amended 6-9-76 by O-11852 N.S.; amended 4-18-88 by O-17078 N.S.; amended 10-16-89 by O-17363 N.S.; amended 11-23-92 by O-17870 N.S.; amended 9-23-93 by O-17971 N.S.) (Amended 7-25-94 July 25, 1994 by O- 18088 N.S.)

## SEC. 103.0303 General Regulations

The general regulations as defined herein shall apply in the La Jolla Shores Planned District.

(Added 5-30-74 May 30, 1974 by O-11332 N.S.)

SEC. 103.0303.1

Planning, Zoning and Subdivision Regulations Which Shall Apply

~~Chapter X, Article 1, Division 1 (Definitions and Interpretations), Chapter X, Article 1, Division 9 (Planned Developments), Chapter X, Article 1, Division 4, SEC. 101.0406 (Home Occupations in Residential Zones), and Chapter X, Article 2 (Subdivisions), and Article 1, Division 4, SEC. 101.0458 (Sensitive Coastal Resource Overlay Zone) of the Municipal Code shall apply in the La Jolla Shores Planned District. All other Divisions of Chapter X, Article 1, are superseded in the La Jolla Shores Planned District by the regulations contained within Chapter X, Article 3, Division 3.~~

Within the La Jolla Shores Planned District, the following chapters of the Land Development Code apply:

Chapter 11 (Land Development Procedures):

Chapter 12 (Land Development Reviews):

Chapter 13 (Zones):

Chapter 14, Article 2, Division 1 (Grading Regulations):

Chapter 14, Article 2, Division 2 (Drainage 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 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 shall apply. In addition, Municipal Code Section 103.0105(b), which provides regulations for limited uses, applies in the La Jolla Shores Planned District, but Section 103.0105(c), (d), (e), and (f), which permits Neighborhood Use Permits and Conditional Use Permits, does not apply.

(Added 5-30-74 by O-11332 N.S.) (Amended 1-29-79 by O-12565 N.S.) (Amended 4-18-88 April 18, 1988 by O-17078 N.S.)

SEC. 103.0303.2

~~Noneonforming~~ Previously Conforming Uses and Structures

A. The lawful use of land which existed at the time the Planned District regulations became effective and which did not conform with said regulations may be continued except when specifically prohibited provided no enlargement or additions to such use is made.

The lawful use of buildings existing at the time the Planned District regulations became effective with which regulations such buildings did not conform may be continued, provided any enlargement, addition or alterations to such buildings will not increase the degree of nonconformity and will conform in every respect with all the District regulations.

B. Any discontinuance of a ~~noneonforming~~ previously conforming use for a ~~continuous~~ continuous period of 12 continuous months shall be deemed to constitute abandonment of any ~~noneonforming~~ previously conforming rights existing at the time of the enactment of the Division.

C. Any change from a ~~noneonforming~~ previously conforming use of land or buildings to a conforming use shall constitute abandonment of such ~~noneonforming~~ previously conforming rights.

D. Improvements, repairs and alterations which do not increase the degree of nonconformity of a ~~noneonforming~~ previously conforming building, structure or improvement shall be permitted.

E. If any ~~nonconforming~~ previously conforming building be destroyed by fire, explosion, act of God, or act of the public enemy to the extent of twice the assessed value, according to the assessment thereof by the County Assessor for the fiscal year during which such destruction occurs, then and without further action by the City Council the said building and the land on which said building was located or maintained shall from and after the date of such destruction be subject to all the regulations of this division. In the event it is determined by the Fire Chief of The City of San Diego the destruction was incendiary in origin then the building may be completely restored or rebuilt not exceeding the size of the original building.

(Added 5-30-74 by O-11332 N.S.)(Amended 6-9-76 by O-11852 N.S.)(Amended 12-22-76 December 22, 1976 by O-11973 N.S.)

### SEC. 103.0303.3

#### Height Limitation -- Measurement Of

The height of the building or structure, and measurement thereof shall be in accordance with this division and ~~Municipal Code sections 101.0214, 101.0215 and 101.0216.~~ Land Development Code Chapter 11, Article 3, Division 2 (Rules for Calculation and Measurement).

(Added 5-30-74 by O-11332 N.S.)(Amended 1-6-92 January 6, 1992 by O-17726 N.S.)

### SEC. 103.0303.4

#### General Design Regulations

Concurrent with the adoption of this division, the City Council by resolution adopted architectural and design standards to be used in evaluating the appropriateness of any development for which a permit is applied under this division; such architectural and design standards shall be filed in the office of the City Clerk as a numbered document.

#### A. CHARACTER OF THE AREA

In this primarily single-family residential community, a typical home is characterized by extensive use of glass, shake or shingle overhanging roof, and a low, rambling silhouette. Patios, the atrium or enclosed courtyard, and decks facilitate the "inside- outside" orientation of life in Southern California. Spanish Mediterranean and Mexican influences are seen in the prevalent use of the arch and of terra cotta and glazed tiles. The residential and commercial structures incorporate an honest use of natural building materials and, in many instances, are characterized as a truly American style of architecture, fusing the purity and geometry of the Mexican-Spanish period with a simplicity of materials and detail with integrated landscape design.

#### B. DESIGN PRINCIPLE

Within the limitations implied above, originality and diversity in architecture are encouraged. The theme "unity with variety" shall be a guiding principle. Unity without variety means simple monotony; variety by itself is chaos. No structure shall be approved which is substantially like any other structure located on an adjacent parcel. Conversely, no structure will be approved that is so different in quality, form, materials, color, and relationship as to disrupt the architectural unity of the area.

#### C. DESIGN REQUIREMENTS

Building materials and color are the most critical unifying elements. For this reason, roof materials within the La Jolla Shores Planned District shall be limited to wood shakes, wood shingles, clay tile, slate or copper of good quality where the pitch is 4 in 12 or greater, or other materials which would contribute to the character of the surrounding neighborhood. Roofs with a pitch of less than 4 in 12 may also be covered with crushed stone of muted dark tone.

Exterior wall materials shall be limited to wood siding, wood shingles, adobe and concrete blocks, brick, stucco, concrete or natural stone. White and natural earth colors should predominate. Primary colors may be used for accent.

To preserve the seaside character of the community each building shall be sited and designed so as to protect public views from public rights-of-way and public places and provide for see-throughs to the ocean.

Lighting which highlights architectural features of a structure shall be permitted. Such lighting shall be unobtrusive and shielded so as not to fall excessively on adjacent properties.

Appurtenances on the roof shall be enclosed or otherwise designed or shielded to be attractive.

#### D. GRADING REGULATIONS

1. It is the intent of these regulations to preserve canyons and to prevent the cutting of steep slopes and the excessive filling to create level lots. No grading or disruption of the natural terrain shall be permitted until a permit which includes grading has been approved by the ~~Director~~ City Manager.

2. Grading plans may be approved if it is concluded that:

a. The development will result in minimum disturbance of the natural terrain and vegetation commensurate with the proposed use of the lot or premises.

b. Grading, excavation and filling proposed in connection with the development will not result in soil erosion, silting of lower slopes, slide damage, flooding problems, or excessive cutting or scarring.

c. The proposed development will strive to preserve and enhance the natural environment and any existing aesthetic qualities of the site.

3. In evaluating a development for consistency with the above required findings, the appropriate decision-maker shall utilize the provisions set forth in ~~The City of San Diego Municipal Code, Division 4, Section 101.0454 (Hillside Review Overlay District) Subsection J~~ Land Development Code Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

(Added 5-30-74 by O-11332 N.S.)(Amended 6-9-76 by O-11852 N.S.)(Amended 1-29-79 by O-12565 N.S.)(Amended 4-18-88 by O-17078 N.S.)(Amended 11-23-92 November 23, 1992 by O-17870 N.S.)

#### SEC. 103.0304

##### Permitted Use Regulations

#### A. PURPOSE AND INTENT

The intent of these regulations is to preserve and enhance the environmental quality of La Jolla Shores Area as a place to live. A variety of housing types including single and multiple family units, motels and hotels supported by the necessary public facilities should be encouraged. The development of the businesses necessary to serve the residents and visitors to the area will be permitted in a compact and centrally located commercial area. Large high-rise buildings, out of scale with other structures within the community as well as automobile drive-in and drive-through establishments will be prohibited.

(Added 5-30-74

May 30, 1974 by O-11332 N.S.)

**SEC. 103.0304.1**

**Single-Family Zone -- Permitted Uses**

In the Single-Family (SF) Zone, designated on that certain map referenced in Section 103.0301, 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 following uses:

1. One-family dwellings.
2. Accessory uses and buildings customarily incidental to the foregoing permitted use including the following:
  - a. Not more than two lodgers or boarders.
  - b. Not more than one guest house on any premises.
3. Public parks, public playgrounds and golf courses.
4. Schools limited to primary, elementary, junior and senior high schools.
5. Churches, temples or buildings of a permanent nature, used primarily for religious purposes.
6. Electric distribution and gas regulating stations.
7. Temporary real estate sales offices and model homes in new subdivisions under the following conditions:

a. Within the boundaries of a subdivision where lots are offered for sale to the public for the first time, buildings and structures erected in compliance with the provisions of the prevailing area may be used as follows: one building for a temporary real estate sales office and not more than four dwelling units for temporary demonstration or model home purposes. Such temporary uses shall be maintained only in conjunction with the sale or rent of land or buildings within such subdivision, and such uses shall terminate two years after the filing in the office of the County Recorder of the final subdivision map which includes the lots on which the uses are located.

b. No use authorized by the preceding paragraph shall be established closer than 200 feet from any occupied dwelling unit not in the same subdivision.

**A. DWELLING UNIT DENSITY REGULATION**

In the following Single-Family Zone, designated on that certain map referenced in SEC.103.0301 unless specified otherwise, no lot or parcel shall be developed or occupied by more dwelling units than the average dwelling unit density (units per acre) of the developed SF Zone within 300 feet of the subject lot or parcel. In no event shall any area be included in the calculation of average dwelling unit density if such area lies on the opposite side of a density calculation boundary line indicated on the map referenced in SEC. 103.0301. However, in no instance shall the density exceed one unit per acre for areas which have a slope ratio of 25 percent or greater. Dwelling units that are allowed by computing density for those areas with a slope ratio of less than 25 percent may not be placed on slopes with a ratio of 25 percent or greater. In the event the subject parcel is not adjacent to or within 300 feet of subdivided and/or developed lots or parcels so that an average of dwelling unit density within 300 feet can be reasonably obtained, then said parcel shall be limited in dwelling-unit density by the regulation described below under paragraph "B.1.," of this same section.

## B. SPECIFIC TRACT REQUIREMENTS

In the following specific areas designated on that certain map referenced in SEC. 103.0301, no tract shall be occupied by more dwelling units than the number permitted below:

1. The dwelling unit density of Tracts A and B shall be limited to one unit for every 40,000 square feet of net land area with a slope ratio of 25 percent or greater and one unit for every 20,000 square feet net land area with a slope ratio less than 25 percent. Dwelling units that are allowed by computing density for those areas with a slope ratio of less than 25 percent may not be placed on slopes with a ratio of 25 percent or greater. Before calculating the number of permitted dwelling units and to determine the net land area within a particular tract, the amount of area proposed for public rights-of-way, private roadways and public or commercial parking shall be deducted from the gross tract area.

2. Where development under a PRD Planned Development Permit is permitted as provided for under ~~Section 101.0901 of the Municipal Code~~, Land Development Code Chapter 14, Article 3, Division 4 (Planned Development Permit Regulations) no more than eight dwelling units shall be permitted on any one acre. Parking under a "cluster" concept shall be provided at a ratio of two private spaces and one public or communal space per living unit.

3. Tract A, a portion of Pueblo Lot 1297, bounded generally by P.L. 1298 and the subdivisions of La Jolla Shores Terrace, La Jolla Coasta Dorada, and La Jolla Shores Heights, may be developed under a PRD Planned Development Permit or as a standard subdivision.

4. Tract B, a portion of Pueblo Lots 1265, 1266, and 1267, bounded generally by Ardath Road, La Jolla Scenic Drive, Interstate 5 and the westerly prolongation of the northerly line of La Jolla Kirjah Park Subdivision may be developed under a PRD Planned Development Permit or as a standard subdivision.

5. Tract D, a portion of Pueblo Lot bounded generally by Torrey Pines Road, the westerly line of Prestwick Estates Unit No. 1 and the northerly line of Pueblo Lot 1289 may be developed as follows:

a. This tract may be developed as a PRD Planned Development Permit or as a standard subdivision. Clustering the units is encouraged.

b. The dwelling unit density of Tract D shall be limited to one unit for every 40,000 square feet of net land area with a slope ratio of 25 percent or greater and 1 unit for every 4,000 square feet of net land area with a slope ratio of less than 25 percent.

c. No development or grading shall occur in areas with a slope of 25 percent or greater and these slopes be placed in a permanent open space easement, except that minor encroachments less than .25 acre into such slopes may be permitted pursuant to a Planned Residential Development Permit.

d. Development shall minimize drainage and erosion impacts resulting from land disturbance.

e. Continuity with any future bikeway or exclusive bus lane along Torrey Pines Road shall be provided.

f. Existing landscaping and tall trees shall be preserved and replaced only in the actual building site area; and extensive landscaping, including trees, shall be provided along Torrey Pines Road and all graded slopes.

g. The furnishing of a geotechnical report at the tentative map stage is encouraged to insure that the site is stable enough to support the proposed development.

h. Vehicular access to Torrey Pines Road shall be limited to one curb cut not to exceed 30 feet.

i. In this particular tract a 45-foot-plus roof height limit may be observed to permit the preservation of trees and minimize the cutting of slopes.

6. Tract F, a portion of Pueblo Lot 1288, including Lots 1 and 2 Tres Calles Subdivision bounded by the southerly line of Torrey Pines Road, the westerly line of Azure Coast Unit No. 2 and on the south by Azure Coast Drive and Ardath Road shall be limited to a maximum of eight dwellings per net acre. A maximum height of 32 feet plus roof shall be observed. The area bounded by Ardath Road, Torrey Pines Road and Ardath Lane may be developed with a fire station.

7. Tract G, portion of Lot 26, La Jolla Scenic Knolls, Unit No. 3, Map 6751, located westerly of Gilman Drive shall be developed in accordance with the following:

a. The maximum density permitted shall be 8.7 dwelling units per net acre.

b. A minimum of 900 square feet of usable open space shall be provided for each dwelling unit. Usable open space shall be composed of moderately level land having an overall grade not exceeding 10% and may not include land occupied by structures, streets, driveways or parking areas. The usable open space may be occupied by recreational facilities, excluding buildings.

c. Parking for any residential development under a "cluster" concept shall be provided at a ratio of two on-site parking spaces and one communal or public parking space for each unit with three or more bedrooms; 1.6 on-site spaces and one communal or public space for each two bedroom unit; and 1.2 on-site spaces and one communal or public space for each one bedroom unit.

d. Extensive landscaping, including trees, shall be provided along Gilman Drive, and on existing graded slopes.

e. A six-foot high masonry wall and/or earth berm shall be constructed along Gilman Drive no closer than five (5) feet from the street right-of-way.

f. A minimum of four hundred (400) feet shall be provided between curb cuts for vehicular access to Gilman Drive.

g. Pedestrian access shall be provided to Pottery Canyon Park.

h. Continuity shall be provided with any proposed bikeway along Gilman Drive.

8. Tract H, portion Pueblo Lot 1291, located westerly of Gilman Drive shall be developed as follows:

a. This tract may be developed at a maximum residential density of eighty-four (84) units on 7.076 acres (11.9 units per acres) and/or with private recreational facilities. Any residential development should be clustered in order to minimize disturbance of and should relate well to topography.

b. Parking for any residential development under a "cluster" concept shall be provided at a ratio of two on-site parking spaces and one communal or public parking space for each unit with three or more bedrooms; 1.6 on-site spaces and one communal or public space for each two bedroom unit; and 1.2 on-site spaces and one communal or public space for each one bedroom unit. Parking for any tennis facility should be provided at a ratio of four parking spaces for each tennis court.

c. Extensive landscaping, including trees, shall be provided along Gilman Drive and to all other areas of the tract. Existing trees shall be preserved where possible.

d. A minimum of four hundred (400) feet shall be provided between curb cuts for vehicular access along Gilman Drive.

e. Continuity with any future bikeway along Gilman Drive shall be provided.

f. Manufactures slopes shall not exceed a slope of 2 to 1 except for vehicular access.

g. Not less than 40% of the tract shall be preserved in natural and/or landscaped open space pursuant to an easement to be granted to The City of San Diego.

h. Vehicular access to any development shall be exclusively by way of the existing driveway entrance at the southerly boundary of the tract.

i. An internal access road linking residential development on the southerly and northerly portions of the tract shall minimize grading and visual impact to the extent feasible.

9. Tract I, portion of Blocks 1, 2, Leavitt's Addition, Map 117, westerly of Gilman Drive, shall be developed as follows:

a. The maximum density provided shall be one dwelling unit for every 40,000 square feet of land area.

b. Parking for any residential development under a "cluster" concept shall be provided at a ratio of two on-site parking spaces and one communal or public parking space for each unit with three or more bedrooms; 1.6 on-site spaces and one communal or public space for each two bedroom unit; and 1.2 on-site spaces and one communal or public space for each one bedroom unit.

c. Extensive landscaping, including trees, shall be provided along Gilman Drive.

d. To reduce traffic hazards, vehicular access from Gilman Drive shall be minimized.

e. Continuity with any future bikeway along Gilman Drive shall be provided.

#### C. SITING OF BUILDINGS

1. Buildings with openings (i.e., doors and/or windows) facing the side property line shall be constructed not closer than four feet from said property line, in some circumstances, provided the see-through provisions in Section 103.0303.4, paragraph "C" are observed.

2. Buildings without openings facing the side property line may be constructed on the side property line in some circumstances, provided the see-through provisions in Section 103.0303.4, paragraph "C" are observed and provided the drainage of storm water falling on the roof of such building is carried off on the subject property and shall in no way endanger or interfere with an abutting property, easement, or rights-of-way.

3. Increased yard dimensions may be required for development adjacent to a public park to avoid any detrimental impact on the park.

4. Building and structure setbacks shall be in general conformity with those in the vicinity.

#### D. MAXIMUM BUILDING HEIGHT

No building or structure shall be erected, constructed, altered, moved or enlarged to a greater height than thirty (30) feet.

#### E. MAXIMUM LOT COVERAGE

No building or structure shall be erected, constructed, altered, moved in or enlarged to cover more than 60% of the lot or parcel.

## F. LANDSCAPE REGULATIONS

1. In the Single-Family Zone designated on that certain map referenced in Section 103.0301, all of the property not used or occupied by structures, unplanted recreational areas, walks and driveways shall be landscaped which may include native materials, and in no case shall this landscaped area be less than thirty percent (30%) of the total parcel area. All landscaping and irrigation shall be developed in conformance with standards adopted by the City Council as set forth in the document entitled, "~~City of San Diego Landscape Technical Manual,~~" on file in the office of the City Clerk: the Landscape Guidelines of the Land Development Manual.

2. All landscaping shall be completed within six months of occupancy or within one year of the notice of completion of a residence.

3. All landscaped material shall be permanently maintained in a growing and healthy condition including trimming as appropriate to the landscaping material.

## G. OFF-STREET PARKING

~~The following off-street parking requirements, construction, maintenance and operation regulations shall apply to parking in the La Jolla Shores Planned District. Off-street parking shall be in substantial conformance with standards adopted by the Planning Commission as set forth in a document entitled "Locational Criteria, Developmental Standards and Operational Standards - Off-Street Parking Lots," on file in the office of the Development Services Department.~~

~~1. Every premises shall be provided with a minimum of permanently maintained off-street parking spaces as follows. The required parking shall be located on the same premises as the building it serves.~~

~~a. For each dwelling unit - two spaces.~~

~~b. For boarding and lodging houses - one space for each lodger.~~

~~c. For each guest house - one space.~~

~~d. For primary, elementary, and junior high schools:~~

~~(1) One and one-half spaces for each classroom where the school has no auditorium, gymnasium or other similar place of assembly; or~~

~~(2) One space for each 75 square feet of floor area used for seating in the school auditorium, gymnasium or other similar place of assembly.~~

~~e. For senior high schools:~~

~~(1) One space for each eight students at ultimate enrollment.~~

~~(2) One space for each 1.25 staff members at full employment.~~

~~f. For churches, temples or buildings of a permanent nature used primarily for religious purposes - one space for each three fixed seats, or one parking space for each 21 square feet of floor area where there are no fixed seats.~~

~~g. For a fire station a minimum of ten (10) parking spaces shall be provided.~~

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

~~2. Where ambiguity exists in the application of these off-street parking requirements or where any use not~~

a. Not more than two lodgers or boarders per dwelling unit.

b. Recreational and health facilities which are designed, used and clearly intended for the use of occupants of residential complexes, including tennis courts, putting greens, exercise rooms and sauna and steam baths.

c. Communal dining facilities and snack bars in residential complexes which are designed, used and clearly intended for the convenience of the occupants and guests of the residential complex only.

All accessory uses shall be located in the same building complex as the permitted uses which they serve. There shall be no entrance to any such accessory uses except through a foyer, court, lobby, hall, patio or similar interior area. However, neither of the foregoing regulations shall be applicable to accessory uses exclusively serving outdoor recreational activities. The combined gross floor area of all accessory uses, excluding outdoor recreational facilities, on any premises shall occupy not more than 20 percent of the gross floor area of the permitted uses.

5. Residential care homes for not more than six aged persons, which are licensed by the State of California Department of Social Welfare.

6. Parking facilities accessory to a permitted use in the Multi-Family Zones.

7. Any other use which the Planning Commission may find, in accordance with "Process Four", to be similar in character to the uses enumerated above and consistent with the purpose and intent of the Multi-Family Areas and the La Jolla Shores Planned District. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

#### A. DWELLING UNIT DENSITY REGULATIONS

In the Multi-Family (MF1 and MF2) Zones, designated on that certain map referenced in SEC. 103.0301 unless specified otherwise, no lot or parcel shall be developed or occupied by more than one unit for every 2,200 square feet of lot area in the MF1 Zone and one unit for every 1,000 square feet of lot area in the MF2 Zone.

#### B. SITING OF BUILDINGS

1. Buildings with openings (i.e., doors and/or windows) facing the side property line shall be constructed not closer than four feet from said property line.

2. Buildings without openings facing the side property line may be constructed on the side property line provided the drainage of storm water falling on the roof of such building is carried off of the subject property and shall in no way endanger or interfere with any abutting property, easement, or rights-of-way.

3. To provide for see-throughs to the ocean, buildings shall be located so that the major axis of the structure will generally be at right angle to the shore line. The secondary or minor axis of the structure shall not exceed 60 percent of the width of the parcel. However, no building facade may be a continuous plane over 50 feet in length.

#### C. BUILDING HEIGHTS

In the Multi-Family Areas (MF1 and MF2), designated on that certain map referenced in Section. 103.0301, no building or structure shall be erected, constructed, altered, moved in or enlarged to a greater height than thirty (30) feet.

Under no condition will any part of the building, including utility poles, electrical transmission towers, chimneys, ventilators, plumbing stacks, radio and television reception antennas, flagstaffs, elevator shafts and like appurtenances, exceed thirty (30) feet in height.

specified is found to be a permitted use, the off-street parking requirements shall be consistent with that for similar uses in the La Jolla Shores Planned District.

#### H. SIGN REGULATIONS

For the purposes of this section, the word "sign" is hereby defined to mean any painted or fabricated element including its structure which may consist of any letter, figure, character, or marks. Except for one nameplate having a maximum of one square foot for each dwelling unit, all signs shall be approved by the ~~Development Services Director~~ City Manager.

1. Any sign not in compliance with the regulations within this division shall be removed within seven years from the effective date of the ordinance enacting this division.

2. For each temporary real estate sales office and each model home -- one temporary sign not more than four square feet in area on the same premises identifying the subdivision in which the sales office or home is located. All such signs shall be removed within 18 months of the filing of the final subdivision map.

3. One temporary sign shall be permitted on each lot or parcel of real estate, to advertise the leasing, rental or sale of such lot or parcel, provided that such sign meets all of the following conditions:

a. Such sign shall be installed and maintained by, or at the direction of, the owner of such lot or parcel of real property;

b. Such sign shall not exceed 5 x 7 inches in size and no part of such sign shall extend more than four feet above the surface of the ground on which it is erected;

c. Such sign shall be unlighted.

4. One public interest wall or ground sign not more than four square feet in total area, nor more than four feet in height measured to the apex of the sign.

(Added 5-30-74 by O-11332 N.S.)

(Amended 6-9-76 by O-11852 N.S.; amended 1-5-77 by O-11984 N.S.; amended 1-29-79 by O-12565 N.S.; amended 5-18-81 by O-15501 N.S.; amended 2-16-82 by O-15667 N.S.; amended 7-18-83 by O-16006 N.S.; amended 1-17-84 by O-16117 N.S.; amended 10-16-89 by O-17363 N.S.; amended 1-6-92 by O-17726 N.S.; amended 11-23-92 by O-17870 N.S.) (Amended 7-25-94 July 25, 1994 by O- 18088 N.S.)

#### SEC. 103.0304.2

##### Multi-Family Zones -- Permitted Uses

In the Multi-Family (MF) Zones, designated on that certain map referenced in Section 103.0301, no building or improvement or portion thereof shall be erected, constructed, established, altered, or enlarged, nor shall any premises be used except for one or more of the following purposes:

1. Any use permitted in the Single Family Zone.

2. Two-family dwellings.

3. Apartment houses designed to serve as the principal place of residence for a family or person. These units should not serve transient and temporary residents in the manner of a hotel or motel.

4. Accessory uses may include the following:

#### D. LOT COVERAGE

No building or structure shall be erected, constructed, altered, moved in or enlarged to cover a greater portion of the lot or parcel than is shown in the following table:

Building Height Excluding Roof	Percent Maximum Coverage
40 to 45 feet	30
32 to 40 feet	40
below 32 feet	50

#### E. LANDSCAPING REGULATIONS

1. In the MF areas, designated on that certain map referenced in SEC. 103.0301, all of the property not used or occupied by structures, unplanted recreational areas, walks and driveways shall be landscaped which may include native materials and in no case shall this landscaped area be less than thirty percent (30%) of the total parcel area. All landscaping and irrigation shall be developed in conformance with standards adopted by the City Council as set forth in the document entitled, "City of San Diego Landscape Technical Manual," on file in the office of the City Clerk. the Landscape Guidelines of the Land Development Manual.

2. All landscaped material shall be permanently maintained in a growing and healthy condition including trimming as appropriate to the landscaping material.

3. Landscaping and watering system as required by the La Jolla Shores Review Board shall be installed within six weeks following occupancy of the premises.

#### F. OFF-STREET PARKING

~~The following off-street parking requirements shall apply to parking in the Multiple Family Zones in the La Jolla Shores Planned District. Off-street parking shall be in substantial conformance with standards adopted by the Planning Commission as set forth in a document entitled "Locational Criteria, Developmental Standards and Operational Standards - Off-Street Parking Lots," on file in the office of the Development Services Department.~~

~~1. Every premises shall be provided with a minimum of permanently maintained off-street parking spaces as follows:~~

~~a. For each dwelling apartment or condominium unit two spaces.~~

~~b. For boarding and lodging houses one space for each lodger.~~

~~c. For each guest house one space.~~

~~d. For primary, elementary, and junior high schools:~~

~~(1) One and one-half spaces for each classroom where the school has no auditorium, gymnasium or other similar place of assembly; or~~

~~(2) One space for each 35 square feet of floor area used for seating in the school auditorium, gymnasium or other similar place of assembly.~~

~~e. For senior high schools:~~

~~(1) One space for each eight students at ultimate enrollment.~~

~~(2) One space for each 1.25 staff members at full complement.~~

~~f. For churches, temples or buildings of a permanent nature used primarily for religious purposes one space for each three fixed seats, or one parking space for each 21 square feet of floor area where there are no fixed seats.~~

~~g. For residential care homes one space for each two aged persons.~~

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

~~2.~~ Where ambiguity exists in the application of these off-street parking requirements or where any use not specified is found to be a permitted use, the off-street parking requirements shall be consistent with that for similar uses in the La Jolla Shores Planned District.

### G. SIGN REGULATIONS

For the purpose of this section, the word "sign" is hereby defined to mean any painted or fabricated element including its structure which may consist of any letter, figure, character, or marks. A sign (supergraphics) may also include the entire wall of a building, freestanding walls, fences or other appurtenances upon which the graphics are painted or displayed. Except for one nameplate of one square foot for each dwelling unit, all signs shall be approved by the ~~Development Services Director~~ City Manager. Size, height and means of support for each sign will be considered on an individual basis subject to the conditions noted below. Each sign shall be in scale with the building it identifies. The use of natural materials, especially wood, is encouraged.

1. Any sign not in compliance with the regulations within this division shall be removed within seven years from the effective date of this division.

2. No signs shall be permitted except signs designating the premises for sale, rent or lease, signs which refer only to the permitted uses as set forth in this division and public interest signs.

3. One single-faced or double-faced ground directional sign shall be permitted at each driveway, except when such driveway serves a single-family dwelling unit where no sign is allowed. Such signs shall not exceed two square feet in total face area and four feet measured vertically from the base at ground level to the apex of the sign. Such signs shall not encroach into the public right-of-way.

4. In the MF Zones, no signs, displays or advertising relating to any accessory uses shall be visible from any street.

5. For each temporary real estate sales office and each model home -- one temporary sign not more than four square feet in area on the same premises identifying the subdivision in which the sales office or home is located. All such signs shall be removed within 18 months of the filing of the final subdivision map.

6. One temporary sign shall be permitted on each lot or parcel of real estate, to advertise the leasing, rental or sale of such lot or parcel, provided that such sign meets all of the following conditions:

a. Such sign shall be installed and maintained by, or at the direction of, the owner of such lot or parcel of real property;

b. Such sign shall not exceed 5 x 7 inches in size and no part of such sign shall extend more than four feet above the surface of the ground upon which it is erected;

c. Such sign shall be unlighted.

7. One public interest wall or ground sign not more than four square feet in total area nor more than four feet measured in height to the apex of the sign.

(Amended 5-30-74 by O-11332 N.S.)

(Amended 6-9-76 by O-11852 N.S.; amended 1-29-79 by O-12565 N.S.; amended 2-16-82 by O-15667 N.S.; amended 1-17-84 by O-16117 N.S.; amended 10-16-89 by O-17363 N.S.; amended 6-24-91 BY O-17657 N.S.; amended 1-6-92 by O-17726 N.S.; amended 11-23-92 by O-17870 N.S.)

(Amended 7-25-94

July 25, 1994 by O- 18088 N.S.)

### SEC. 103.0304.3

#### Visitor Zone

In the Visitor (V) Zone, designated on that certain map referenced in Section 103.0301, 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 following purposes:

1. Any use permitted in the Multi-Family Zones.
2. Hotels and motels and the following accessory uses:
  - a. Restaurants and bars.
  - b. News and tobacco stores.
  - c. Barber shops.
  - d. Beauty shops.
  - e. Valet services (agency for laundering, cleaning and pressing of clothing).
  - f. Travel, ticket and car rental agents.
  - g. Gift shops.
  - h. Florists.

All accessory uses shall be located in the same building as the permitted uses which they serve. There shall be no entrance to any such accessory uses except through a foyer, court, lobby, hall, patio or other similar interior area. However, neither of the foregoing regulations shall be applicable to accessory uses exclusively serving outdoor recreational activities. The combined gross floor area of all accessory uses, excluding outdoor recreational facilities, on any premises shall occupy not more than 20 percent of the gross floor area of the permitted uses.

3. Private clubs, lodges, and fraternal organizations except fraternities and sororities.

4. In the portion of Pueblo Lot 1286 bounded by La Jolla Shores Drive, Torrey Pines Road and Ardash Road (dedicated but unimproved as a roadway) a restaurant and automobile service station will be permitted in addition to any of the other visitor area uses.

5. Any other uses the Planning Commission may find, in accordance with "Process Four", to be similar in character to the uses, including accessory uses, enumerated above and consistent with the purpose and intent of the Visitor Zone and the La Jolla Shores Planned District. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

## A. GUEST ROOM DENSITY REGULATIONS

In the Visitor Zone, designated on that certain map referenced in SEC. 103.0301, no lot or parcel shall be occupied by more than one dwelling unit or two guest rooms for every 1,000 square feet of land area.

## B. SITING OF BUILDINGS

1. Buildings with openings (i.e., doors and/or windows) facing the side property line shall be constructed not closer than four feet from said property line, provided the see-through provisions in Section 103.0303.4, paragraph "C" are observed.

2. Buildings without openings facing the side property line may be constructed on the side property line provided the drainage of storm water falling on the roof of such building is carried off on the subject property and shall in no way endanger or interfere with any abutting property, easement, or rights-of-way.

## C. MAXIMUM BUILDING HEIGHT

In the Visitor Zone designated on that certain map referenced in Section 103.0301, unless specified otherwise, no building or structure shall be erected, constructed, altered, moved in or enlarged to a greater height than thirty (30) feet.

## D. MAXIMUM LOT COVERAGE

No building or structure shall be erected, constructed, altered, moved in or enlarged to cover a greater portion of the lot or parcel than is shown in the following table:

Building Height Excluding Roof	Percent Maximum Coverage
40 to 45 feet	30
32 to 40 feet	40
below 32 feet	50

## E. LANDSCAPE REGULATIONS

1. In the Visitor Zone, designated on that certain map referenced in SEC. 103.0301, all of the property not used or occupied by structures, unplanted recreational areas, walks and driveways, shall be landscaped which may include native materials and in no case shall this landscaped area be less than thirty percent (30%) of the total parcel area. All landscaping and irrigation shall be developed in conformance with standards adopted by the City Council as set forth in the document entitled, "City of San Diego Landscape Technical Manual," on file in the office of the City Clerk. the Landscape Guidelines of the Land Development Manual.

2. All landscaped material shall be permanently maintained in a growing and healthy condition including trimming as appropriate to the landscaping material.

3. Landscaping and watering system as required by the ~~Development Services Director~~ City Manager shall be installed within six weeks following occupancy of the premises.

## F. OFF-STREET PARKING REQUIREMENTS

~~The following off-street parking requirements shall apply to the Visitor Zone parking in the La Jolla Shores Planned District. Off-street parking shall be in substantial conformance with standards adopted by the Planning Commission as set forth in a document entitled "Locational Criteria, Developmental Standards and Operational Standards~~

~~Off-Street Parking Lots," on file in the office of the Development Services Department. The required spaces shall be located on the same premises as the building it serves.~~

~~1. Every premises shall be provided with a minimum of permanently maintained off-street parking spaces as follows:~~

~~a. For each dwelling unit two spaces.~~

~~b. For boarding and lodging houses one space for each lodger.~~

~~c. For each guest house one space.~~

~~d. For primary, elementary, and junior high schools:~~

~~(1) One and one-half spaces for each classroom where the school has no auditorium, gymnasium or other similar place of assembly; or~~

~~(2) One space for each 35 square feet of floor area used for seating in the school auditorium, gymnasium or other similar place of assembly.~~

~~e. For senior high schools:~~

~~(1) One space for each eight students at ultimate enrollment.~~

~~(2) One space for each 1.25 staff members at full complement.~~

~~f. For churches, temples or buildings of a permanent nature used primarily for religious purposes one space for each three fixed seats, or one parking space for each 21 square feet of floor area where there are no fixed seats.~~

~~g. For hotels and motels 1.2 spaces for each guest room, and one space for each 500 feet of gross floor area used for incidental business.~~

~~h. For private clubs and similar establishments 1.2 spaces for each guest room or one space for each 500 square feet of gross floor area, whichever is greater.~~

~~i. For uses accessory to motels and hotels as permitted in this section, except restaurants and bars one space for each 500 square feet of gross floor area.~~

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

~~2. Where ambiguity exists in the application of these off-street parking requirements or where any use not specified is found to be a permitted use, the off-street parking requirements shall be consistent with that for similar uses in the La Jolla Shores Planned District.~~

## G. SIGN REGULATIONS

For the purposes of this section, the word "sign" is hereby defined to mean any painted or fabricated element including its structure which may consist of any letter, figure, character, or marks. A sign (supergraphics) may also include the entire wall of a building, freestanding walls, fences or other appurtenances upon which the graphics are painted or displayed.

All signs shall be approved by the ~~Development Services Director~~ City Manager. Size, height and means of support for each sign will be considered on an individual basis subject to the conditions noted below. Each sign shall be in scale with the building it identifies. The use of natural materials, especially wood, is encouraged.

1. Any sign not in compliance with the regulations within this division shall be removed within seven years from the effective date of this division.

2. No signs shall be permitted except signs designating the premises for sale, rent or lease, signs which refer only to the permitted uses as set forth in this division and public interest signs.

3. Animated signs, including but not limited to those signs which rotate, move, flash, reflect, blink, or effect changes in hue or intensity or illumination are prohibited. Pennants, banners, streamers, and signs, any parts of which may be set in motion by the movement of the atmosphere, are also prohibited. Neon signs are prohibited.

4. A sign shall not project above the top of the second floor or the parapet or eaves, whichever is lower, of the building to which it is affixed.

5. One single-faced or double-faced ground directional sign shall be permitted at each driveway, except when such driveway serves a single - family dwelling unit where no sign is allowed. Such signs shall not exceed two square feet in total face area and four feet measured vertically from the base at ground level to the apex of the sign. Such signs shall not encroach into the public right-of-way.

6. Ground signs shall be permitted only when the following conclusions can be reached:

a. That there are special circumstances or conditions applying to the land or buildings for which the sign is sought, which do not apply generally to the land or buildings in the neighborhood. Such conditions shall not have resulted from any act of the applicant subsequent to the adoption of this division.

b. That the aforesaid circumstances or conditions are such that the strict application of the provisions of this division would deprive the applicant of the reasonable use of the land or buildings.

c. The granting of the sign will be in harmony with the general purpose and intent of the La Jolla Shores Planned District regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

d. Ground signs when permitted shall not exceed an area of 20 square feet in total face area or be less than three feet in any one dimension or exceed a height of eight feet. Ground signs shall not encroach or overhang into the public right-of- way.

7. For each dwelling unit one nameplate having a maximum area of one square foot shall be permitted.

8. In the Visitor Zone, no signs, displays or advertising relating to any accessory uses shall be visible from any street.

9. For each temporary real estate sales office and each model home -- one temporary sign not more than four square feet in area on the same premises identifying the subdivision in which the sales office or home is located. All such signs shall be removed within 18 months of the filing of the final subdivision map.

10. One temporary sign shall be permitted on each lot or parcel of real estate, to advertise the leasing, rental or sale of such lot or parcel, provided that such sign meets all of the following conditions:

a. Such sign shall be installed and maintained by, or at the direction of, the owner of such lot or parcel of real property;

b. Such sign shall not exceed 5 x 7 inches in size and no part of such sign shall extend more than four feet above the surface of the ground upon which it is erected;

c. Such sign shall be unlighted.

11. One public interest wall or ground sign not more than 20 square feet in total area nor more than eight feet in height measured to the apex of the sign.

(Added 5-30-74 by O-11332 N.S.)

(Amended 6-9-76 by O-11852 N.S.; amended 1-29-79 by O-12565 N.S.; amended 2-16-82 by O-15667 N.S.; amended 1-17-84 by O-16117 N.S.; amended 10-16-89 by O-17363 N.S.; amended 6-24-91 by O-17657 N.S.; amended 1-6-92 by O-17726 N.S.; amended 11-23-92 by O-17870 N.S.)

(Amended 7-25-94

July 25, 1994 by O- 18088 N.S.)

#### SEC. 103.0304.4

##### Commercial Center

In the Commercial Center (CC), designated on that certain map referenced in Section 103.0301, 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 following purposes provided that the ground floor area of any establishment does not exceed 6,000 square feet. The minimum floor area for each dwelling unit or apartment is 400 square feet.

1. Retailing of consumer goods and dispensing of consumer services from the following establishments:

- a. Antique shops.
- b. Apparel and tailor shops.
- c. Art galleries.
- d. Art supplies shops.
- e. Bakeries.
- f. Barber shops.
- g. Beauty shops.
- h. Bicycle shops.
- i. Book stores.
- j. Confectioneries.
- k. Curtain and drapery shops.
- l. Drug stores.
- m. Dry cleaning and laundry agencies and self- service dry cleaning and laundry establishments.
- n. Florists.
- o. Food stores.
- p. Gift shops.
- q. Hardware stores.
- r. Hobby shops.
- s. Import shops.
- t. Interior design studios.
- u. Jewelry stores.
- v. Liquor stores.
- w. Music and record stores.
- x. Paint and wallpaper stores.

- y. Picture frame shops.
- z. Photographic studios.
- aa. Radio, television and small home appliance sales and repair shops.
- bb. Real estate brokers.
- cc. Restaurants (excluding drive-in and drive-thru restaurants).
- dd. Shoe stores.
- ee. Shoe repair shops.
- ff. Sporting goods stores.
- gg. Stationers.
- hh. Travel agencies.
- ii. Variety stores.
- jj. Libraries.

2. Electric distribution and gas regulating stations serving the immediate area.

3. The following uses are also permitted provided that such uses are not located on the ground floor within the front half or 50% of the lot:

- a. Business and professional offices.
- b. Dwelling units and apartments.
- c. Studios for teaching of art, drama, dancing and music.
- d. Automobile parking.

4. Any other use which the Planning Commission may find, in accordance with "Process Four", to be similar in character to the uses enumerated above and consistent with the purpose and intent of the Commercial Center Area (CC) and the La Jolla Shores Planned District. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

#### A. COMMERCIAL CENTER ZONE DENSITY REGULATIONS

In the Commercial Center Zone, designated on that certain map referenced in SEC. 103.0301, commercial structures may occupy 100% of the lot or parcel.

#### B. BUILDING HEIGHTS

In the Commercial Center Zone, designated on that certain map referenced in Section 103.0301, unless specified otherwise, no building or structure shall be erected, constructed, altered, moved in or enlarged to a greater height than thirty (30) feet.

#### C. OFF-STREET PARKING REQUIREMENTS

~~The following off-street parking requirements shall apply to parking in the Commercial Center Zone in the La Jolla Shores Planned District. Off-street parking shall be in substantial conformance with standards adopted by the Planning Commission as set forth in a document entitled "Locational Criteria, Developmental Standards and Operational Standards - Off-Street Parking Lots," on file in the office of the Development Services Department.~~

#### ~~D. PARKING REQUIREMENTS~~

~~1. Every premises shall be provided with a minimum of permanently maintained off-street parking spaces as follows:~~

- ~~a. For each dwelling or apartment unit - two spaces.~~

~~b. For each 1,000 square feet of gross retail floor area — one space.~~

~~c. For each 500 square feet of gross business or professional office area — one space.~~

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

~~2.~~ Where ambiguity exists in the application of these off-street parking requirements or where any use not specified is found to be a permitted use, the off-street parking requirements shall be consistent with that for similar uses in the La Jolla Shores Planned District.

## E. SIGN REGULATIONS

For the purposes of this section, the word "sign" is hereby defined to mean any painted or fabricated element including its structure which may consist of any letter, figure, character, or marks. A sign (supergraphics) may also include the entire wall of a building, freestanding walls, fences or other appurtenances upon which the graphics are painted or displayed.

All signs shall be approved by the ~~Development Services Director~~ City Manager. Size, height and means of support for each sign will be considered on an individual basis subject to the conditions noted below. Each sign shall be in scale with the building it identifies. The use of natural materials, especially wood, is encouraged.

1. Any sign not in compliance with the regulations within this division shall be removed within seven years from the effective date of this division.

2. No signs shall be permitted except signs designating the premises for sale, rent or lease, signs which refer only to the permitted uses as set forth in this division and public interest signs.

3. Animated signs, including but not limited to those signs which rotate, move, flash, reflect, blink or effect changes in hue or intensity of illumination are prohibited. Pennants, banners, streamers, and signs, any parts of which may be set in motion by the movement of the atmosphere, are also prohibited. Neon signs are prohibited.

4. A sign shall not project above the top of the second floor or the parapet or eaves, whichever is lower, of the building to which it is affixed.

5. One single-faced or double-faced ground directional sign shall be permitted at each driveway, except when such driveway serves a single-family dwelling unit where no sign is allowed. Such signs shall not exceed two square feet in total face area and four feet measured vertically from the base at ground level to the apex of the sign. Such signs shall not encroach into the public right-of-way.

6. Ground signs shall be permitted only when the following conclusions can be reached:

a. That there are special circumstances or conditions applying to the land or buildings for which the sign is sought, which do not apply generally to the land or buildings in the neighborhood. Such conditions shall not have resulted from any act of the applicant subsequent to the adoption of this division.

b. That the aforesaid circumstances or conditions are such that the strict application of the provisions of this division would deprive the applicant of the reasonable use of the land or buildings.

c. The granting of the sign will be in harmony with the general purpose and intent of the La Jolla Shores Planned District regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

d. Ground signs when permitted shall not exceed an area of 20 square feet in total face area or be less than three feet in any one dimension or exceed a height of eight feet. Ground signs shall not encroach or overhang into the public right-of-way.

7. For each dwelling unit one nameplate having a maximum area of one square foot shall be permitted.

8. For each temporary real estate sales office and each model home -- one temporary sign not more than four square feet in area on the same premises identifying the subdivision in which the sales office or home is located. All such signs shall be removed within 18 months of the filing of the final subdivision map.

9. One temporary sign shall be permitted on each lot or parcel of real estate, to advertise the leasing, rental or sale of such lot or parcel, provided that such sign meets all of the following conditions:

a. Such sign shall be installed and maintained by, or at the direction of, the owner of such lot or parcel of real property;

b. Such sign shall not exceed 5 x 7 inches in size and no part of such sign shall extend more than four feet above the surface of the ground upon which it is erected;

c. Such sign shall be unlighted.

10. One public interest wall or ground sign not more than 20 square feet in total area nor more than eight feet in height measured to the apex of the sign.

#### F. PARKING LOCATION

1. Required off-street parking for uses in the Commercial Center Area (CC), designated on that certain map referenced in SEC. 103.0301, may not be located on the front 50% of the lot except when such parking is located on the second story or above. Also, required off-street parking for uses in the Commercial Center Area may be located in whole or in part on nearby land provided that all of the following criteria are met:

a. Some portion of the parking area is within 400 feet horizontal distance of the premises on which the use requiring off-street parking is located, and provided that said parking area is in the Commercial Center (CC) and Multi-Family (MF) Areas, designated on that certain map referenced in SEC. 103.0301.

b. Said land is owned or controlled by the owner or owners of the use requiring the off-street parking. In this connection, when parking is to be provided off the premises from where the use is located, the owner or lessee of record of the parking site shall furnish satisfactory evidence to the ~~Development Services Director~~ City Manager that he owns or has a sufficient interest in such property to provide and maintain the minimum off-street parking facilities which are provided or maintained for only the structure or use under consideration.

(Amended 5-30-74 by O-11332 N.S.)

(Amended 6-9-76 by O-11852 N.S.; amended 1-29-79 by O-12565 N.S.; amended 2-16-82 by O-15667 N.S.; amended 1-17-84 by O-16117 N.S.; amended 1-6-92 by O-17726 N.S.; amended 11-23-92 by O-17870 N.S.)

(Amended 7-25-94

July 25, 1994 by O- 18088 N.S.)

SEC. 103.0304.5  
Public Park Area

In the Public Park (PP) Area, designated on that certain map referenced in SEC. 103.0301, no building or improvement or portion thereof, shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for park purposes.

(Added 5-30-74 by O-11332 N.S.)  
(Amended 6-9-76 by O-11852 N.S.)

(Amended 2-16-82

February 16, 1982 by O-15667 N.S.)

SEC. 103.0304.6  
Northwest YMCA

In the area designated on that certain map referenced in Section 103.0301 as YMCA, no building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for YMCA purposes.

A. GENERAL DESIGN REGULATION

1. Expansion must not encroach on adjacent uses.

2. Adequate and appropriate landscaping and/or fencing must be provided between adjacent property and next to all public rights-of-way.

B. SITING OF BUILDINGS

1. Buildings with openings (i.e., doors and/or windows) facing the side property line shall be constructed not closer than four feet from said property line.

2. Buildings without openings facing the side property line may be constructed on the side property line provided the drainage of storm water falling on the roof of such building is carried off on the subject property and shall in no way, endanger or interfere with any abutting property, easement, or rights-of-way.

C. MAXIMUM LOT COVERAGE

No more than 20% of the total lot area shall be covered by buildings or structures.

D. LANDSCAPE REGULATIONS

1. All of the property not used or occupied by structures, unplanted recreational areas, walks and driveways shall be landscaped which may include native materials, and in no case shall this landscaped area be less than twenty-five (25%) percent of the total parcel area. All landscaping and irrigation shall be developed in conformance with standards adopted by the City Council as set forth in the document entitled, "City of San Diego Landscape Technical Manual," on file in the office of the City Clerk: the Landscape Guidelines of the Land Development Manual.

2. All landscaped material shall be permanently maintained in a growing and healthy condition including trimming as appropriate to the landscaping material.

3. Required landscaping and irrigation systems shall be installed within six (6) weeks following occupancy of the premises.

#### E. OFF-STREET PARKING REQUIREMENTS

~~Off-street parking shall be in substantial conformance with standards adopted by the Planning Commission as set forth in a document entitled "Locational Criteria, Developmental Standards and Operational Standards - Off-Street Parking Lots," on file in the office of the Development Services Department. The required spaces shall be located on the same premises as the building it serves.~~

~~One parking space shall be provided for every additional 200 square feet of building area.~~

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

Parking lot access requirements are to be determined by the Development Services Director City Manager and the City Engineer.

#### F. SIGNS

All signs shall be approved by the ~~Planning Director~~ City Manager. Size, height and means of support for each sign will be considered on an individual basis subject to the conditions noted below. Each sign shall be in scale with the building it identifies. The use of natural materials, especially wood, is encouraged.

1. Animated signs, including but not limited to those signs which rotate, move, flash, reflect, blink, or effect changes in hue or intensity of illumination are prohibited. Pennants, banners, streamers, and signs, any parts of which may be set in motion by the movement of the atmosphere, are also prohibited. Neon signs are prohibited.

2. Signs will be in harmony with the general purpose and intent of the La Jolla Shores Planned District Regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(Added 6-9-76 by O-11852 N.S.)

(Amended 2-16-82 by O-15667 N.S.; amended 10-16-89 by O-17363 N.S.; amended 11-23-92 by O-17870 N.S.)

(Amended 7-25-94

July 25, 1994 by O- 18088 N.S.)

#### SEC. 103.0304.7

##### Private Recreation Facility

In the area designated on that certain map referenced in Section 103.0301 as "PRF," 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 following uses:

##### 1. Private recreation facilities including:

- a. tennis courts.
- b. golf course.
- c. Guest units.
- d. restaurant.
- e. swimming pool.

- f. meeting rooms.
- g. business area catering to above uses.

2. Any other uses which the Planning Commission may find, in accordance with "Process Four", to be similar in character to the uses, including accessory uses, enumerated above and consistent with the purpose and intent of the Private Recreation Facility Zone and the La Jolla Shores Planned District. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

#### A. Density

In the Private Recreation Facility Zone designated on that certain map referenced in SEC. 103.0301, the guest unit density shall not exceed 6.3 guest units per acre.

#### B. Development Regulations

New development shall be compatible with the style, scale and character of the existing development in the zone.

An open park-like setting should be provided through use of open space, view corridors; landscaping and appropriate street setbacks.

#### C. Setback Requirements

New structures or additions shall not encroach on sandy beach areas with the exception of necessary erosion control devices consistent with the La Jolla Shores Local Coastal Program Addendum.

Building and structure setbacks shall be in general conformity with those in the vicinity.

#### D. Sign Regulations

All signs shall conform to the regulations of SEC. 103.0304.3G.

#### E. Maximum Building Height

No building or structure shall be erected, constructed, altered, moved in or enlarged to a greater height than 30 feet.

#### F. Maximum Lot Coverage

No building or structure shall be erected, constructed, altered, moved in or enlarged to cover more than 50 percent of the lot or parcel.

#### G. Landscape Regulations

1. All of the property not used or occupied by structures, unplanted recreational areas, walks and driveways shall be landscaped and may include native materials, and in no case shall this landscaped area be less than thirty percent (30%) of the total parcel area. All landscaping and irrigation shall be developed in conformance with standards adopted by the City Council as set forth in the document entitled, "~~City of San Diego Landscape Technical Manual,~~ on file in the office of the City Clerk. the Landscape Guidelines of the Land Development Manual.

2. Existing mature trees and landscaping features such as ponds shall be retained where feasible. New landscaped areas shall respect types and patterns of existing landscaping.

3. All landscape material shall be permanently maintained in a growing and healthy condition, including trimming, as appropriate to the landscaping material.

#### H. Off-Street Parking

~~Parking shall be provided with a minimum of permanently maintained off-street parking spaces as follows: Parking shall be provided in accordance with Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations). The required parking shall be located on the premises.~~

~~1. For each guest unit - 1.2 spaces.~~

~~2. For each tennis court - four spaces.~~

~~3. For restaurants - one space per 200 square feet of gross floor area.~~

~~4. Where ambiguity exists in the application of these off-street parking requirements or where any use not specified is found to be a permitted use, the off-street parking requirements shall be consistent with that for similar uses in the La Jolla Shores Planned District.~~

(Added 2-16-82 by O-15667 N.S.) (Amended 10-16-89 by O-17363 N.S.) (Amended 11-23-92 November 23, 1992 by O-17870 N.S.)

#### SEC. 103.0305

##### Off-Street Parking Construction, Maintenance and Operation Regulations

The following off-street parking construction, maintenance and operation regulations shall apply to all parking in the La Jolla Shores Planned District. ~~Off-street parking shall be in substantial conformance with standards adopted by the Planning Commission as set forth in a document entitled "Locational Criteria, Developmental Standards and Operational Standards - Off-Street Parking Lots," on file in the office of the Development Services Department.~~ Off-street parking shall also be in substantial conformance with the Architectural Controls as specified within this division. Substantial conformance shall be determined by the ~~Development Services Director~~ City Manager.

#### A. When Required

Off-street parking spaces and facilities required in any area shall be provided before the use requiring such parking facilities commences to operate and shall be maintained in good condition so long as the use for which it is provided exists.

#### B. Existing Parking Not to be Reduced

Notwithstanding any other provisions of this division, existing off-street parking facilities in any area which were provided on the same premises and maintained before parking was required and which serve a use now requiring off-street parking shall not be reduced in number, dimension or any other manner below the requirements of the use.

#### C. Use of Required Parking Spaces

Required off-street parking spaces shall be used only for the parking of usable vehicles of residents, employers, employees, customers and visitors.

#### D. Existing Uses -- Enlargement

Whenever an existing use which does not provide all the off-street parking spaces required by the Municipal Land Development Code on any premises is enlarged by an increase in dwelling units, floor area or otherwise, there shall be provided concurrently with such enlargement a minimum of twice the number of parking spaces as would be necessitated by the magnitude of said enlargement; provided, however, the total of the existing parking spaces and those required by this paragraph need not exceed the number of parking spaces required for the enlarged development computed at the rate provided in the Municipal Code.

#### E. Requirements Totaled

The off-street parking requirements for two or more uses on the same premises shall be the sum of the requirements for each use computed separately.

#### F. Parking and Business Improvement Area

If a parking and business improvement area is formed in accordance with Chapter VI, Article 1, Division 18 of the San Diego Municipal Code, the number of off-street parking spaces required for properties within the parking and business improvement area shall decrease in accordance with the following formula:

(Assessment against the subject property) divided by (total assessment against all property in parking district) multiplied by (parking spaces provided in the district facility) multiplied by 1.25 equals parking spaces excepted.

The remainder of the off-street parking spaces required by the applicable regulations shall be provided on the lot or premises of the subject property or as otherwise provided in the particular area. Property located within more than one parking and business improvement area shall be entitled to an exception based on the sum of the exceptions calculated by the application of the formula referred to above to each parking and business improvement area.

#### G. Computation

In computing the required number of off-street parking spaces, a remaining fraction of one-half or more shall be deemed a whole unit of measurement; a remaining fraction of less than one-half may be disregarded.

#### H. Marking of Spaces

Where five or more required parking spaces are provided on a lot, each space shall be clearly marked with paint or any other more durable material contrasting in color with the surface to which applied.

#### I. Computation -- Unmarked Areas

In an unmarked parking area containing less than five parking spaces, the number of spaces shall be the quotient of the total number of square feet in the usable parking area divided by 350 square feet.

#### J. Dimensions

~~1. Parking spaces shall have a minimum width of eight and one-third feet and a minimum depth of 20 feet except for spaces for less than standard size cars as authorized by this section, which shall have a minimum width of seven and one-half feet and a minimum depth of 15 feet.~~

~~2. Fifty percent of the total minimum parking requirement may be allocated to compact car spaces; commencing January 1, 1985, this allocation may be increased to 60 percent.~~

~~3. Compact car spaces shall be clearly designated and all necessary markings and signs shall be~~

maintained and/or replaced on a regular interval as may be necessary. When existing parking areas are redesigned to accommodate compact car spaces, the old signs and space markings shall be removed or completely covered in an appropriate manner as approved by the Development Services Director City Manager or designee.

Parking spaces shall be designed in accordance with Land Development Code Section 142.0560 (Development and Design Requirements for Parking Facilities).

#### K. Access

~~1. Each required parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.~~

~~2. All required parking facilities shall have convenient access to a public street or alley. There shall be no more than one two-way driveway with a maximum width of 20 feet or no more than two one-way driveways with a maximum width of ten feet each serving the same premises for each street frontage. Driveways shall be so located as to provide at least one on-street parking space for each 50 feet of frontage of the premises, the said on-street parking space being not less than 20 feet in length measured along a full height curb.~~

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

32. Access to on-premises parking shall not be permitted from Avenida de la Playa to properties with frontage of 50 feet or less.

#### L. Surfacing

All parking spaces and driveways shall be surfaced with the structural equivalent of two inches of asphaltic concrete as determined by the City Engineer.

#### M. Lighting

No exterior lighting shall fall excessively on adjacent properties or be disturbing to other properties.

#### N. Wheel Stops

On premises containing five or more parking spaces, all such spaces within ten feet of the boundaries of abutting properties shall be equipped with wheel stops not less substantial than six-inch square horizontal timber permanently anchored, maintained, and located so as to confine vehicles entirely within said premises.

#### O. Screening of Parking

All parking areas (excluding ingress and egress but including areas between driveways) shall be screened from public rights-of-way and adjoining properties by fences, walls, buildings, planting or a combination thereof. Said fences, walls, buildings and planting shall have a height of not less than four feet except that higher than four-foot fences, walls, buildings or planting may be required to provide adequate screening if the adjoining property is substantially higher than the parking area.

#### P. Landscaping

A minimum of ten percent of the interior of parking lots containing more than 20 parking spaces shall be landscaped and provided with a permanent underground watering system. This requirement is in addition to planting used for screening as permitted above. Landscaping and required watering systems shall be installed prior to the use of the parking lot. All landscaping material shall be permanently maintained in a growing and healthy condition including

trimming as appropriate. All landscaping and irrigation shall be developed in conformance with ~~standards adopted by the City Council as set forth in the document entitled, "City of San Diego Landscape Technical Manual," on file in the office of the City Clerk.~~ the Landscape Guidelines of the Land Development Manual.

(Added 5-30-74 by O-11332 N.S.)

(Amended 2-16-82 by O-15667 N.S.; amended 10-16-89 by O-17363 N.S.; amended 11-23-92 by O-17870 N.S.)

(Amended 7-25-94

July 25, 1994 by O- 18088 N.S.)

## SEC. 103.0306

### Special Regulations

#### A. STORAGE

Storage of merchandise, material, or equipment including refuse containers shall be permitted only when incidental to a permitted use located on the same premises, and shall be completely enclosed within a building which shall consist of walls and a roof. No outdoor storage shall be permitted.

#### B. PARKING OR STORAGE OF BOATS, TRAILERS, AND CAMPERS

Parking or storage of boats, trailers, and campers and other wheeled vehicles for greater than three days shall not be permitted within a dedicated public right-of-way or front yard.

#### C. ENCLOSURE OF SERVICE EQUIPMENT

No mechanical equipment, tank, duct, elevator enclosure, cooling tower or mechanical ventilator shall be erected, constructed, maintained or altered anywhere on the premises unless all such equipment and appurtenances are contained within a completely enclosed penthouse or other portion of a building having walls or visual screening with construction and appearance similar to the main building.

#### D. UTILITIES

Public utility systems and service facilities shall be located underground within the boundaries of a new development as provided for in ~~Section 102.0221 of the Municipal Code.~~ Land Development Code Section 144.0240.

#### E. ANTENNAS

Only one exterior television and/or radio antenna per building will be permitted.

#### F. PRIVATE STREETS, ALLEYS AND WALKWAYS

All streets, alleys and walkways proposed for general area wide use within any development which are not dedicated to public use shall be improved in accordance with standards established by the City Engineer. Provision acceptable to the City shall be made for the preservation and maintenance of all such streets, alleys and walkways.

#### G. PUBLIC IMPROVEMENTS

When a subdivision map is not required, a "Hearing Officer" may require improvements including but not limited to sidewalks, curbs, gutters, street pavement, and street trees as a condition for the approval of a La Jolla Shores Planned District Permit. Such improvements shall be in accordance with standards established by the City Engineer.

## H. TENNIS COURTS

No tennis courts shall be lighted past 10 p.m.

(Added 5-20-74 by O-11332 N.S.)  
(Amended 6-9-76 by O-11852 N.S.)  
(Amended 2-16-82 by O-15667 N.S.)

(Amended 11-23-92

November 23, 1992 by O-17870 N.S.)

### SEC. 103.0307

#### Structures Below The Water Table

Structures in the La Jolla Shores area may be constructed below the water table only if all of the following conditions are met:

1. No subsurface waters shall be discharged from any building onto the public streets, or into a storm drain system that discharges onto the beach, either during the construction period or after the structure is completed except as permitted under paragraph 2.

2. Any pumping system utilized shall be only for emergency use and shall not be designed, built or utilized for intermittent or continuous pumping and shall specifically not be used for the pumping of subsurface waters. Any discharge from such a system shall be pumped onto the public street and shall not be connected directly to the storm drain. The design for such a system shall be shown in detail on the plans submitted for approval. The owner shall immediately notify the City Engineer when water is pumped into the street.

3. If a "watertight" subterranean structure is to be utilized, it shall be the responsibility of the owner to ensure that it remains watertight at all times and to repair any leaks within 30 days.

4. A system to provide for the avoidance of any subsidence of adjoining or nearby structures, both during and after construction, shall be shown in detail on the plans submitted for approval. The plan shall indicate procedures to be taken in the event subsidence occurs. The owner of the proposed project shall provide the services of an independent testing laboratory to monitor continuously for such subsidence.

(Added 10-16-89 by O-17361 N.S.)(Amended 11-23-92 November 23, 1992 by O-17870 N.S.)

DIVISION 5  
MISSION BEACH PLANNED DISTRICT REGULATIONS

RECORD PACKET COPY

SEC. 103.0500  
Purpose and Intent

It is the purpose of these regulations to provide reasonable restrictions on the construction or alteration of residential and commercial developments related to the small-lot size and the urbanization pattern of the Mission Beach community. The intent is to implement the adopted Mission Beach Precise Plan.

(Added 1-2-79 January 2, 1979 by O-12540 N.S.)

SEC. 103.0501  
Boundaries of Planned District Area

The regulations which follow shall apply in the Mission Beach Planned District. The boundaries of the Mission Beach Precise Plan Area in the City of San Diego, California, are designated on Map Drawing No. C-637.1. (Described in the appended boundary description, filed in the office of the City Clerk under Document No. 768482.) The Mission Beach Planned District is generally bounded by Pacific Beach Drive on the north, Mission Bay Park on the east, the San Diego River Flood Control Channel on the south, and the Pacific Ocean on the west.

(Added 1-2-79 by O-12540 N.S.)(Amended 8-16-82 August 16, 1982 by O-15804 N.S.)

SEC. 103.0502  
Applicable Regulations

Where not otherwise specified in this Division, ~~the provisions of Municipal Code Chapter X, Article 1, Divisions 1 through 6, and Division 8, and Chapter X, Article 2, and Chapter XI, Article 1 shall apply. All other provisions of Chapter X, Article 1, of the Municipal Code are superseded by the regulations set forth herein. Where there is a conflict between the provisions of Chapter X, Article 1, and the provisions of this Division, the provisions of this Division shall apply.~~ 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 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 3 (Supplemental Development Regulations) except Division 4 (Planned Development Permit Regulations):

Chapter 14, Article 4 (Subdivision Regulations):

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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 shall apply.

(Added 1-2-79 by O-12540 N.S.)(Amended 11-23-92 November 23, 1992 by O-17870 N.S.)

**SEC. 103.0506**

Mission Beach Planned District Permit Required Before Issuance of Permit Building Permit

The ~~Development Services Department~~ 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 ~~Development Services Department~~ 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 intended to be used.

(Added 1-2-79 by O-12540 N.S.)(Amended 11-23-92 by O-17870 N.S.)(Amended 7-25-94 July 25, 1994 by O- 18088 N.S.)

**SEC. 103.0520**

Definitions -- Purpose and Intent

It is the purpose of this section to provide clear and concise definitions of those words, terms and phrases which apply only to the Mission Beach Planned District area.

It is also intended that the definitions in ~~Chapter XI, Article 1, Division 1 and Chapter X, Article 1, Division 1, of the Municipal Code~~ Land Development Code Section 113.0103 shall be used when they do not conflict with the definitions set forth in this Division. This is to provide uniformity of interpretation and application.

(Added 1-2-79 by O-12540 N.S.)(Amended 11-23-92 November 23, 1992 by O-17870 N.S.)

**SEC. 103.0520.20**

Balcony, Exterior

A roofed or unroofed platform, enclosed by a railing or parapet, projecting from an exterior wall of a building. When a balcony is roofed and has less than 40 percent of its vertical surface permanently open, it is considered to be part of the room or interior area it serves and is included in computations of gross floor area. When a portion of a roof is enclosed by a railing, said area shall be defined as a porch or terrace.

(Added 1-2-79 January 2, 1979 by O-12540 N.S.)

**SEC. 103.0520.31**

Corner Lot, Mission Beach

Any lot situated at the intersection of two or more streets, courts, places, walks, or alleys, which have an angle of intersection, measured within said lot, of not more than 135 degrees.

(Added 1-2-79 January 2, 1979 by O-12540 N.S.)

SEC. 103.0520.32

Court

Any named pedestrian way having no motorized vehicular access dedicated for the primary use of pedestrians as a means of access to abutting properties.

(Added 1-2-79 January 2, 1979 by O-12540 N.S.)

SEC. 103.0520.73

Floor Area Ratio

The numerical value obtained by dividing the gross floor area of a building or buildings on the premises by the total parcel area of the premises on which such building or buildings are located.

(Added 1-2-79 January 2, 1979 by O-12540 N.S.)

SEC. 103.0520.80

Gross Floor Area

The total horizontal area, expressed in square feet, of all the floors of a building included within the surrounding walls.

Gross floor area shall include:

A. Enclosed exterior stairwells (excluding the enclosed area under any stairwell from the ground to the second floor only), aboveground parking structures and exterior elevator shafts.

B. The floor area of mezzanines and other similar interior balconies.

C. Exterior balconies, entrances, porches, canopies, rigid awnings, stoops, openly supported terraces, openly supported stairways, and sun baffles or shades which are constructed and maintained with less than 40 percent of the vertical surface permanently open.

(Added 1-2-79 January 2, 1979 by O-12540 N.S.)

SEC. 103.0520.135

Lot Coverage

That portion of the area of a lot, expressed as a percentage, occupied by all buildings or structures which are roofed or otherwise covered and which extend more than three feet above grade level provided, however, that the following shall be exempted:

A. Exterior balconies, entrances, canopies, rigid awnings, stoops, openly supported terraces, openly supported exterior stairways and sun baffles or shades provided they:

1. Do not encroach into required yards;

2. Do not project more than six feet from the supporting structures;

3. Are constructed and maintained with not less than 40 percent of the vertical surface permanently open except for those walls which are used in common with the building.

B. Roofed areas enclosed by no more than three exterior walls of a building which provide shelter to

exterior balconies, entrances, stoops, terraces, and exterior stairways.

C. Cornices and eaves.

D. Those portions of a structure lying partially above grade but not exceeding three feet above grade. All horizontal dimensions shall be taken from the exterior faces of walls, including those structural and architectural appendages as defined and set forth herein.

(Added 1-2-79 January 2, 1979 by O-12540 N.S.)

SEC. 103.0520.182

Place

Any named vehicular way, also having pedestrian access, dedicated for the primary use of vehicles and pedestrians.

(Added 1-2-79 January 2, 1979 by O-12540 N.S.)

SEC. 103.0520.191

Sign

All definitions pertaining to "SIGN," shall be all those definitions set forth in ~~Chapter X, Article 1, Division 11,~~ of this Code. Land Development Code Section 113.0103.

(Added 1-2-79 January 2, 1979 by O-12540 N.S.)

SEC. 103.0520.197

Subdistrict

A portion of the territory within the boundaries of the Mission Beach Planned District within which certain regulations and requirements apply under the provisions of the Planned District Regulations.

(Added 1-2-79 January 2, 1979 by O-12540 N.S.)

SEC. 103.0520.230

Walk, Bayside and Ocean Front

Any public way immediately adjacent to the ocean in the case of an Ocean Front Walk and the bay in the case of a Bayside Walk, dedicated for the primary use of pedestrians and bicycles.

(Added 1-2-79 January 2, 1979 by O-12540 N.S.)

SEC. 103.0520.242

Yard, Bayfront, Ocean Front, Court, Place, and Mission Boulevard

That open, unoccupied space extending across the lot and measured inward, perpendicularly, from the property line adjacent to either Bayside Walk, Ocean Front Walk, Public Beach, Court, Place and/or Mission Boulevard and parallel thereto for a distance specified in this Division.

(Added 1-2-79 January 2, 1979 by O-12540 N.S.)

SEC. 103.0525

Subdistricts of the Mission Beach Planned District

In order to regulate the location of dwellings, businesses, recreation areas and other specified uses, subdistricts of the Mission Beach Planned District are established. The boundaries of said subdistricts are designated on that certain Map Drawing No. C-637.1.

(Added 1-2-79 by O-12540 N.S.)(Amended 8-16-82 August 16, 1982 by O-15804 N.S.)

SEC. 103.0526

Residential Subdistricts -- Northern and Southern -- Definition and Intent

The Residential Subdistricts are designated "R-N" and "R-S". The purpose of the Residential Subdistrict is to regulate the small- scale and low-profile developed area with a maximum residential density of approximately 36 dwelling units per net residential acre.

It is the intent of these regulations to allow the improvement or development of the standard Mission Beach lots with little or no need for variances.

(Added 1-2-79 by O-12540 N.S.)(Amended 8-16-82 August 16, 1982 by O-15804 N.S.)

SEC. 103.0526.1

Permitted Uses

No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the following purposes:

A. PRIMARY USES

1. Single-family dwellings.
2. Duplexes (two-family dwellings).
3. Multi-family dwellings; restricted to a maximum of four dwelling units in any single structure including common wall construction on adjoining lots.
4. Parks and Playgrounds.
5. Off-premises parking lots for residential uses in accordance with the provisions of ~~Chapter 10, Article 1, Division 8, Land Development Code Section 142.0555~~ except that the parking lot shall be within a horizontal distance of 300 feet of the premises for which the off-street parking is located. Off-premises parking shall not be utilized in lieu of required on-premises parking.

B. ACCESSORY USES

Accessory uses and buildings customarily incidental to any of the foregoing permitted uses including the following:

1. Private garages, parking areas, and storage areas.
2. Recreational facilities intended only for the use of residents residing on the premises.

3. Lodgers, permitted as follows:

a. For a single-family dwelling which is the only dwelling unit on the premises, not more than two lodgers with each being provided a minimum of 100 square feet of bedroom area, and with more than one full bathroom facility within the dwelling unit.

b. For duplexes and multi-family dwelling units, not more than one lodger with a minimum of 100 square feet of bedroom area and with more than one full bathroom facility on the premises.

4. On-premise signs as defined by Sec. 103.0532 -- (RESIDENTIAL SUBDISTRICT ON-PREMISES SIGN REGULATIONS).

(Added 1-2-79

January 2, 1979 by O-12540 N.S.)

SEC. 103.0526.2  
Density Regulations

One (1) dwelling unit shall be allowed, including lodging and boarding units, per 1,200 square feet of lot area; except that "R-S" lots of 2,000 square feet shall be entitled to a maximum of two (2) dwelling units if such lots are developed separately. Also, an "R-N" lot or lots totaling between 1,800 and 2,400 square feet shall be temporarily entitled to a maximum of two (2) dwelling units, provided any building permit for two (2) units on such lots must be applied for on or before June 30, 1985. ~~Section 101.0211 of the Municipal Code~~ Land Development Code Section 113.0222 shall not apply to any property regulated by this planned district ordinance.

(Added 1-2-79 by O-12540 N.S.) (Amended 5-7-84 by O-16198 N.S.) (Amended 11-23-92 November 23, 1992 by O-17870 N.S.)

SEC. 103.0526.3  
Minimum Lot Standards

TABLE I

	"R-N"	"R-S"
A. Area	1,250 Square Ft.	2,400 Square Ft.
B. Street Frontage	25 Feet	30 Feet
C. Width	5 Feet	30 Feet
D. Depth	50 Feet	80 Feet

E. Exception. Any lot which qualifies under the definition of a lot as set forth in ~~this code~~ 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.

(Added 1-2-79

January 2, 1979 by O-12540 N.S.)

SEC. 103.0526.4

Minimum Yards for Bayside and Ocean Front Walks

The minimum yards for Bayside and Ocean Front Walks shall be as follows:

1. "R-N" Subdistrict, Bayside Walk - five feet.
2. "R-N" Subdistrict, Ocean Front Walk - seven feet for the first story and for additional stories above the first story; three feet for 50 percent of the lot fronting on the walk and five feet for the remaining 50 percent. Use of these varying setbacks shall fulfill requirements for vertical offset.
3. "R-S" Subdistrict, Bayside and Ocean Front Walks - 10 feet.
4. Exception. A yard abutting Bayside Walk shall have an additional setback beginning 20 feet above grade in the "R-S" Subdistrict and 15 feet above grade in the "R-N" Subdistrict sloping back at a 45 degree angle. The angle is measured in a horizontal plane perpendicular to and away from the building wall in either direction. See Illustration A below.

(Added 1-2-79 by O-12540 N.S.)

(Amended 5-7-84 by O-16198 N.S.)

(Amended 4-28-86

April 28, 1986 by O-16630 N.S.)

SEC. 103.0526.5

Minimum Yards for Courts and Places

A. Ten feet in the "R-N" Subdistrict and 15 feet in the "R-S" Subdistrict except for buildings exceeding 20 feet in height and on the south side of a Court or Place. In this case an additional setback shall be observed beginning 20 feet above grade and sloping back at a 45 degree angle. The angle is measured in a horizontal plane perpendicular to and away from the building wall in either direction. See Illustration A below.

---(THE TABLE OR GRAPH HERE CANNOT BE DISPLAYED)--- ---(THE TABLE OR GRAPH HERE CANNOT BE DISPLAYED)--- (ILLUSTRATION A HERE CANNOT BE DISPLAYED))

B. Buildings facing a Court, Place, Bayside or Ocean Front Walk shall not be wider than 25 feet in the "R-N" Subdistrict or 30 feet in the "R-S" Subdistrict, unless a vertical offset in the facade is provided. The vertical offset extending full height shall be a minimum of three feet in depth not less than 45 degrees for not less than 50 percent of the building. The following option is permitted when providing the required vertical offset. The building may encroach into the required yard a maximum of 18 inches for a width not more than one-half of the total building width. However, for all yard encroachment an equal area must be left vacant behind the required setback line adjacent to the Court, Place, or Walk. See Illustration B below.

---(THE TABLE OR GRAPH HERE CANNOT BE DISPLAYED)--- ---(THE TABLE OR GRAPH HERE CANNOT BE DISPLAYED)--- (ILLUSTRATION B HERE CANNOT BE DISPLAYED)

(Added 1-2-79 by O-12540 N.S.)

(Amended 5-7-84

May 7, 1984 by O-16198 N.S.)

SEC. 103.0526.6  
Minimum Interior Yards

A. Three feet for structures whose facade is a maximum of 20 feet in height abutting the yard. Any portion of the structure's facade exceeding 20 feet in height shall observe an additional setback for the remainder of the structure by sloping away from the plane of the facade at an angle of 45 degrees. (See Illustration A on the preceding page.) Dormers shall be permitted to encroach into the 45 degree setback, provided that they shall be setback a minimum of five feet from the property line, shall not exceed a total width of 25 percent of the length of the roof abutting the interior yard, that each dormer shall not exceed a width of eight feet, and that there shall be a minimum of two feet between each dormer. When two lots are developed at the same time with common wall construction (combined total of units shall not exceed four) or when two or more lots are consolidated, each opposite side yard shall be six feet or 10 percent of the total width of the lots whichever is greater.

B. Five feet for structures whose facade abutting the yard exceeds 20 feet in height.

(Added 1-2-79 by O-12540 N.S.)

(Amended 5-7-84

May 7, 1984 by O-16198 N.S.)

SEC. 103.0526.7  
Minimum Yards on Streets and Alleys

Yards abutting Strandway and Bayside Lane and alleys shall not be required.

(Added 1-2-79 by O-12540 N.S.)

(Amended 5-7-84

May 7, 1984 by O-16198 N.S.)

SEC. 103.0526.8  
Mission Boulevard Yards

Buildings abutting Mission Boulevard shall be set back a minimum of three feet or ten percent of the lot's shortest property line intersecting Mission Boulevard, whichever is the greater. The maximum yard required need not exceed seven feet.

(Added 1-2-79

January 2, 1979 by O-12540 N.S.)

SEC. 103.0526.9  
Minimum Rear Yards

No rear yard is required except where the rear yard abuts an interior or rear yard of an adjacent lot; then, the regulations under MINIMUM INTERIOR YARDS, Sec. 103.0526.6 shall apply.

(Added 1-2-79 by O-12540 N.S.)

(Amended 5-7-84

May 7, 1984 by O-16198 N.S.)

SEC. 103.0526.11

Floor Area Ratio

A. The basic maximum floor area ratio shall be 1.1.

B. Portions of the building or structure used exclusively for required off-street parking shall not be included as part of the building area for the purposes of determining floor area ratio. This exemption is restricted to a maximum 200 square feet per required off-street parking space.

C. Regardless of lot size, individual buildings, including common wall construction, shall not exceed 5,280 square feet in total gross floor area. However, those areas excluded by Paragraph "B" of this Section from the calculations of floor area ratio shall not be considered as part of the 5,280 square feet.

(Added 1-2-79

January 2, 1979 by O-12540 N.S.)

SEC. 103.0526.12

Height

The maximum height of a building or structure shall be thirty (30) feet.

If the 30-foot height limitation of Ordinance No. 10960 N.S. is removed from Mission Beach, the building height limit shall be 35 feet.

(Added 1-2-79 by O-12540 N.S.)

(Amended 1-6-92

January 6, 1992 by O-17726 N.S.)

SEC. 103.0526.13

Landscaping

One hundred percent of all required yards except interior yards and rear yards shall be landscaped with a minimum of at least 50 percent and shall be a combination of trees, shrubs and ground cover. The remaining 50 percent may include, but is not restricted to, fountains, reflecting pools, art objects, decorative walkways, screens, walls, fences, benches, and decks not exceeding three feet in height and paved areas.

Landscaping located within the required yards for Courts and Places shall protect pedestrian view corridors by emphasizing tall trees with canopy areas and ground cover. Landscaping materials shall not encroach or overhang into the Courts and Places rights-of-way below a height of eight (8) feet above the finish surface or finish grade, as measured at the trunk. All landscaping and irrigation within the public-right-of-way shall be developed in accordance with standards adopted by the City Council and set forth in the document entitled, "City of San Diego Landscape Technical Manual" (Section 8) on file in the office of the City Clerk. the Landscape Guidelines of the Land Development Manual.

(Added 1-2-79 by O-12540 N.S.) (Amended 5-7-84 by O-16198 N.S.) (Amended 10-16-89  
October 16, 1989 by O-17363 N.S.)

SEC. 103.0526.15

Fences

Fences and walls shall be permitted as follows:

A. Fences and walls, including retaining walls, located within required yards except interior yards and rear yards shall not exceed a height of three feet.

B. Fences and walls, including retaining walls, located in interior or rear yards or adjacent to alleys or streets except Mission Boulevard shall not exceed a height of six feet.

C. No sharp-pointed or electrically charged fence shall be erected or maintained.

D. No fence shall exceed three feet in height in that triangular area created by measuring ten feet along each property line from the point of intersection where any combination of streets and/or alleys intersect.

(Added 1-2-79

January 2, 1979 by O-12540 N.S.)

SEC. 103.0526.16

Parking

A. Every premises used for one or more of those uses permitted in Sec. 103.0526.2 (PERMITTED USES) shall be provided with a minimum of permanently maintained off-street parking spaces located on the premises as follows:

1. 2.0 spaces per dwelling unit; except in "R-S" Subdistricts when a unit is added to a lot with an existing single-family unit and the lot has less than 34 feet of frontage on a street or alley, then the requirement shall be 1.5 spaces per dwelling unit, and in the "R-N" Subdistrict where the requirement shall be one space per dwelling unit for lots abutting Ocean Front Walk or Bayside Walk with less than 10 feet of vehicular access on a street or alley.

2. 1.0 spaces per unit (room) of boarder or lodger.

B. At least one space per dwelling unit and one space per two boarding or lodging units shall have direct access to a dedicated and improved street or alley.

C. Parking shall not be permitted in required yards other than interior or rear yards, except as provide herein.

1. For properties where any legal development, redevelopment or improvement that created or enlarged floor area on the premises occurred between February 27, 1964, and February 1, 1979, and the yard was being used for parking on or before February 1, 1979, parking shall be permitted within yards abutting courts, places, or Mission Boulevard provided that:

(a) Said area shall not be utilized to satisfy off-street parking required under this Division.

(b) Said area shall not be utilized by any vehicle that exceeds 6' in height when measured vertically from the highest point of the vehicle to the parking surface.

(c) A minimum of 25% of all required yards, except interior and rear yards, shall be landscaped

with a combination of trees, shrubs and ground cover in conformance with standards adopted by the Planning Commission as set forth in the document entitled, "City of San Diego Landscape Technical Manual," on file in the office of the City Clerk. the Landscape Guidelines of the Land Development Manual.

(d) For yards abutting courts or places and for parking adjacent to and parallel to Mission Boulevard:

(1) A 3' high wall or fence shall be located between the parking area and the sidewalk.

(2) Said wall or fence may be located within the public right-of-way if an encroachment permit is obtained.

(3) The Zoning Administrator may approve alternative methods of landscape and screening.

2. For properties developed prior to February 27, 1964, parking shall be permitted within yards abutting courts, places, or Mission Boulevard, and are not required to provide additional landscaping or the fencing separation, provided said property is in compliance with permits or regulations in effect at the time the property was developed.

D. Tandem off-street parking is permitted. The space required is 8 feet x 35 feet and accommodates two cars, one behind the other. The tandem space shall be marked reserved.

E. Fifty percent of the individual (non-tandem) parking spaces shall have a minimum 8-foot width and 20-foot depth. The other 50 percent shall not be less than a minimum 7 1/2-foot width and 15-foot depth.

F. All parking areas adjacent to Courts, Places, Walks or Mission Boulevard shall be screened by a solid fence five feet in height.

G. Where off-street parking access is perpendicular to an alley or street, it shall be a minimum of 21 feet measured from the opposite edge of the right-of-way. This 21-foot distance may be reduced one foot for each six-inch increase in parking space width but shall not be less than 18 feet.

(Added 1-2-79 by O-12540 N.S.)  
(Amended 5-7-84 by O-16198 N.S.)  
(Amended 10-13-86 by O-16726 N.S.)  
(Amended 5-7-90 by O-17466 N.S.)

(Amended 11-23-92

November 23, 1992 by O-17870 N.S.)

#### SEC. 103.0528

#### Commercial Subdistricts -- Definition and Intent

The Neighborhood Commercial Subdistricts are designated "NC-N" or "NC-S" and the Visitor Commercial Subdistricts are designated "VC-N" and "VC-S". The purpose of the Neighborhood Commercial is to provide adequate commercial services for the residents while the Visitor Commercial accommodates tourists, visitors and vacationers.

It is the intent of these regulations to provide development possibilities that will accommodate both commercial and mixed uses as well as compliment existing development and the surrounding residential areas.

(Added 1-2-79 by O-12540 N.S.)

SEC. 103.0528.1  
Permitted Uses

No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the following purposes:

A. PRIMARY USES

1. Those primary uses and density set forth in SEC. 103.0526.1 (PERMITTED USES) and SEC. 103.0526.2 (DENSITY REGULATIONS) except that residential uses shall not be permitted within the first story of any building on any lot abutting Mission Boulevard; and for lots exclusively developed residentially, that development is subject to all regulations of the appropriate residential subdistrict.

2. Business Offices (not including hiring halls) provided, however, that business offices shall not be permitted within the first story of any building on any lot within the "VC-N" and "VC-S" Subdistricts and further provided that 50 percent of the ground floor area of the first story shall be reserved for those uses permitted in paragraph "A.3." of this section.

3. Retailing of consumer convenience goods and dispensing of consumer services from the following establishments provided, however, that no premises shall contain drive-in or drive-thru facilities:

- a. Apparel shops
- b. Art stores
- c. Bakeries
- d. Barber shops
- e. Beauty shops
- f. Bicycle shops
- g. Book stores
- h. Curtain and drapery shops
- i. Drug stores
- j. Dry cleaning and laundry establishments and agencies and self-service dry cleaning and laundry establishments
- k. Gyms, when equipped for physical fitness activities and athletic training programs
- l. Florists
- m. Food stores
- n. Hardware stores
- o. Hobby shops
- p. Jewelry stores
- q. Liquor stores
- r. Nurseries -- plants
- s. Paint and wallpaper stores
- t. Photographic studios
- u. Radio, television and home appliance repair shops
- v. Restaurants
- w. Shoe stores
- x. Shoe repair shops
- y. Sporting goods including rental items
- z. Stationers
- aa. Studios for teaching of art, dancing and music

- bb. Variety stores
- cc. Taverns and other similar places serving alcoholic beverages.

4. Schools and studios for academic, cultural (including the fine arts), technical, vocational, or professional instruction.

5. Motels and hotels in the "VC" only including:

- a. Housekeeping units -- guest rooms having separate access to the outside or to a hallway used in common with other guest rooms and having cooking facilities and used for combined living, dining and sleeping purposes.
- b. Related recreational facilities.
- c. Restaurants and bars with incidental entertainment and dancing.

## B. ACCESSORY USES

Accessory uses and buildings customarily incidental to any of the foregoing permitted uses, including the following:

- 1. Private garages, parking areas and storage areas except access shall not be off Mission Boulevard.
- 2. Recreational facilities intended only for the use of residents residing on the premises.
- 3. On-premises signs as permitted by Sec. 103.0533. (Commercial Subdistrict On-Premises Sign Regulations).

(Added 1-2-79 by O-12540 N.S.)  
(Amended 5-7-84  
May 7, 1984 by O-16198 N.S.)

### SEC. 103.0528.3 Minimum Interior Yards

A three feet for structures whose facade is a maximum 20 feet in height abutting the yard. Any portion of the structure's facade height exceeding 20 feet in height shall observe an additional setback for the remainder of the structure by sloping away from the vertical plane of at least 45 degrees. Five feet for structures whose facade abutting the yard exceeds 20 feet in height. Dormers shall be permitted to encroach into the 45 degree setback, provided that they shall be setback a minimum of five feet from the property line, shall not exceed a total width of 25 percent of the length of the roof abutting the interior yard, that each dormer shall not exceed a width of eight feet, and that there shall be a minimum of two feet between each dormer. When two lots are developed at the same time with common wall construction (combined total of units shall not exceed four) or when two or more lots are consolidated, each opposite side yard shall be six feet or 10 percent of the total width of the lots whichever is greater.

B. A yard shall not be required for lots abutting Mission Boulevard, Ventura Place and West Mission Bay Drive.

C. A yard, consistent with paragraph "A." of this section, shall be required along any portion of a lot line which abuts a property in a residential subdistrict.

(Added 1-2-79 by O-12540 N.S.)  
(Amended 5-7-84  
May 7, 1984 by O-16198 N.S.)

**SEC. 103.0528.4**

**Minimum Yards on Streets and Alleys**

Yards abutting Strandway and Bayside Lane and alleys shall not be required.

(Added 1-2-79 by O-12540 N.S.)

(Amended 5-7-84

May 7, 1984 by O-16198 N.S.)

**SEC. 103.0528.5**

**Minimum Yards on Bayside and Ocean Front Walks in "NC-N," "NC-S," "VC-N" and "VC-S"**

A. The minimum yard for Bayside and Ocean Front Walks shall be as follows:

1. "NC-N" and "VC-N" Subdistricts, Bayside Walk - five feet.

2. "NC-N" and "VC-N" Subdistricts, Ocean Front Walk - seven feet for the first story and for any additional stories above the first story; three feet for 50 percent of the lot fronting on the walk and five feet for the remaining 50 percent.

3. "NC-S" and "VC-S" Subdistricts, Bayside and Ocean Front Walks - 10 feet.

4. Exception: A yard abutting Bayside Walk shall have an additional setback beginning 20 feet above grade in the "NC-S" and "VC-S" Subdistricts and 15 feet above grade in the "NC-N" and "VC-N" Subdistricts sloping back at a 45 degree angle. The angle is measured in a horizontal plane perpendicular to and away from the building wall in either direction.

(Added 1-2-79 by O-12540 N.S.)

(Retitled and amended 5-7-84

May 7, 1984 by O-16198 N.S.)

**SEC. 103.0528.6**

**Minimum Yards on Courts and Places in "VC-N," "VC-S," "NC-N" and "NC-S"**

The minimum yard requirement shall be those set forth in Sec. 103.0526.5 (MINIMUM YARDS FOR COURTS AND PLACES).

Added 1-2-79 by O-12540 N.S.)

(Retitled and amended 5-7-84

May 7, 1984 by O-16198 N.S.)

**SEC. 103.0528.8**

**Floor Area Ratio**

A. For lots developed exclusively for residential use in any Commercial Subdistrict, the floor area ratio provisions of Sec. 103.0526.11 (Residential Subdistricts) shall prevail.

B. For lots exclusively developed with nonresidential development the following floor area ratios are applicable:

1. The basic floor area ratio shall be 1.25.

2. The basic floor area ratio may be increased to 1.75 if one off-street parking space is provided for every 800 square feet of gross floor area.

C. For lots with mixed development with the first (or ground) story reserved for nonresidential activities (excluding parking and residential storage) and with the upper stories being designed for residential occupancy, the following floor area ratios are applicable:

1. The basic floor area ratio shall be 1.25.

2. The basic floor area ratio may be increased to 1.75 if 2.0 off-street parking spaces are provided for each dwelling unit.

D. For NS-N and NC-S Subdistricts, no individual building or structure shall exceed the total amount of gross floor area of 8,750 sq. ft.

(Added 1-2-79  
January 2, 1979 by O-12540 N.S.)

**SEC. 103.0528.9**  
Height

The maximum building height shall be that set forth in Sec. 103.0526.12 (Height).

(Added 1-2-79  
January 2, 1979 by O-12540 N.S.)

**SEC. 103.0528.10**  
Landscaping

A minimum of ten percent (10%) of the total lot area shall be landscaped adjacent to courts, places, walks, or Mission Boulevard in accordance with the standards set forth in SEC. 103.0526.13 (LANDSCAPING) of this Division.

(Added 1-2-79 by O-12540 N.S.)  
(Amended 4-18-88  
April 18, 1988 by O-17079 N.S.)

**SEC. 103.0528.11**  
Parking

A. For hotels and motels, there shall be provided 1.2 parking spaces for each guest room or suite. For hotels and motels with kitchenettes, there shall be provided 1.5 parking spaces for each unit containing one bedroom or less and 2.0 spaces per each unit containing two or more bedrooms.

B. For residential development the parking requirement shall be as required by Sec. 101.0526.16 (PARKING).

C. For business and professional office uses, there shall be provided one parking space for each 500 square feet of gross floor area.

D. Where off-street parking access is perpendicular to the alley or street, it shall be a minimum of 21 feet measured from the opposite edge of the right-of-way. This 21-foot distance may be reduced one foot for each six-inch increase in parking space width but shall not be less than 18 feet.

(Added 1-2-79 by O-12540 N.S.)  
(Amended 5-7-84  
May 7, 1984 by O-16198 N.S.)

**SEC. 103.0528.13**  
Fences

Fences and walls shall be permitted/required as follows:

A. Fences and walls, including retaining walls, located within required yards, except interior yards shall not exceed three feet in height.

B. Fences and walls, including retaining walls, located in interior yards or adjacent to alleys, Bayside Lane or Strandway shall not exceed eight feet in height.

C. No electrically charged fence shall be erected or maintained.

D. No fence shall exceed three feet in height in that triangular area created by measuring ten feet along each property line from the point of intersection where any combination of streets and/or alleys intersect.

E. Prior to the use or occupancy of any premises, a wall not less than six feet in height shall be constructed along all portions of said property that abuts property within a residential subdistrict; provided, however, that within any required yards for Bayside and Ocean Front Walks, Courts, and Places such walls shall be reduced in height to three feet.

(Added 1-2-79 by O-12540 N.S.)  
(Amended 5-7-84  
May 7, 1984 by O-16198 N.S.)

**SEC. 103.0532**  
Residential Subdistrict On-Premises Sign Regulations

A. The following non-illuminated wall signs shall be permitted, provided that no sign shall project above the parapet or eaves of the building to which affixed:

1. One nameplate per dwelling unit not exceeding one square foot in total area to identify only the occupant; or
2. In lieu of "1" above, the occupant of a dwelling unit, if the possessor of a valid home occupation permit, shall be permitted a sign indicating the nature of the home occupation not to exceed two square feet in total area.
3. One building identity sign not exceeding one percent of the area of the wall to which it is affixed or 20 square feet, whichever is the smaller figure.
4. One directional sign per vehicular entryway not exceeding two square feet in total area nor four feet in height measured to the apex of the sign.

5. One temporary wall or freestanding sign offering the premises for sale, rent or lease, not to exceed eight square feet in total area nor four feet in height measured to the apex of the sign. Such sign is permitted in required yards.

6. One public interest wall or ground sign not to exceed eight square feet in total area nor four feet in height measured to the apex of the sign. Such sign is permitted in required yard.

7. Any sign not in compliance with the provisions of this section within seven years from the effective date of the ordinance adopting these regulations shall be removed or brought into compliance, ~~unless said sign is granted an extension of time as set forth in the provisions of SEC. 95.0123 of this Code. (Repealed 11-20-89 by O-17311 N.S.)~~ Any sign located on property subsequently placed in the Residential Subdistricts and not in compliance with the provisions of this section shall be removed or brought into compliance within five years from the effective date of the ordinance establishing the Residential Subdistricts, ~~unless said sign is granted an extension of time as set forth in the provisions of Sec. 95.0123 of this Code.~~  
(Repealed 11-20-89 by O-17311 N.S.)

(Added 1-2-79 by O-12540 N.S.)  
(Amended 1-17-84  
1-17-84 by O-16117 N.S.)

#### SEC. 103.0533

##### Commercial Subdistrict On-Premises Sign Regulations

On-premises and public interest signs are as follows:

A. Signs on the faces of buildings are permitted provided that no sign shall project above the nearest parapet or eave of the building to which the signs are attached. The aggregate sign area for each street frontage on a given premises shall not exceed one (1) square foot for each lineal foot of street frontage or twenty-five (25) square feet, whichever is larger. In addition, the following identification signs shall be permitted:

1. One (1) single-faced or double-faced freestanding sign located adjacent to each entrance or exit driveway to a parking lot. Signs shall not exceed twelve (12) square feet in area nor a height of eight (8) feet measured vertically from the base at ground level to the apex of the sign.

2. One (1) sign on the exterior wall at each side or rear entrance to a store, shop or place of business provided that no sign shall project above the nearest parapet or eave of the building to which it is attached and, provided further, that no sign shall be attached to the perimeter framing of the building or to the face of canopies or porch roofs. No such sign shall have an area exceeding 12 1/2 square feet or one-half (1/2) square foot for each lineal foot of street frontage of the premises, whichever is larger.

B. For each street frontage of the premises, one (1) sign attached to the wall or one (1) freestanding sign designating the premises for sale, rent or lease is permitted, provided such sign has a maximum area of eight (8) square feet and a height, if a freestanding, sign not exceeding eight (8) feet measured vertically from the base at ground level to the apex of the sign.

C. Where the face of the building sets back from the property line in excess of twenty (20) feet, single-faced or double-faced, freestanding signs, in addition to those on the building, are permitted, provided that:

1. No part of such signs shall extend over public property or have a height exceeding eight (8) feet measured vertically from the base at ground level to the apex of the sign.

2. The total area of all such signs on any street frontage of the premises shall not exceed four-tenths (4/10) of a square foot per lineal foot of street frontage or thirty-seven and one half (37 1/2) square feet, whichever is smaller.

D. Any sign not in compliance with the provisions of this section within seven (7) years from the effective date of the ordinance adopting these regulations shall be removed or brought into compliance, ~~unless said sign is granted an extension of time as set forth in the provisions of SEC. 95.0123 of this Code. (Repealed 11-20-89 by O-17311 N.S.)~~  
Any sign located on property subsequently placed in a Commercial Subdistrict and not in compliance with the provisions of this section shall be removed or brought into compliance within five (5) years from the effective date of the ordinance establishing the Commercial Subdistricts on said property, ~~unless said sign is granted an extension of time as set forth in the provisions of SEC. 95.0123 of this Code. (Repealed 11-20-89 by O-17311 N.S.)~~

E. Signs permitted herein which are attached to walls or the face of a building shall be parallel to the wall or the face of the building and shall project not more than eighteen (18) inches therefrom.

F. Signs permitted herein may be illuminated, however, none shall contain visibly moving parts or be illuminated by flashing lights.

G. All signs permitted by the provisions of this Paragraph shall also comply with ~~the provisions of Chapter IX, Article 5, Division 1, of this Code. Land Development Code Chapter 12, Article 9, Division 8 (Sign Permit Procedures) and Chapter 14, Article 2, Division 12 (Sign Regulations).~~

(Added 1-2-79 by O-12540 N.S.)  
(Amended 1-17-84 by O-16117 N.S.)  
(Amended 4-18-88  
April 18, 1988 by O-17079 N.S.)

#### SEC. 103.0535 Existing Uses -- Enlargement

Whenever an existing use which does not provide all the off-street parking spaces required by ~~this~~ the Municipal Code on any premises is enlarged by floor area there shall be provided at the same time an increase in the number of parking spaces. The number of spaces required by this paragraph need not exceed the total number of parking spaces required for the total enlarged development.

(Added 1-2-79  
January 2, 1979 by O-12540 N.S.)

#### SEC. 103.0538 Encroachments/Ocean Front Walk

No permit or any development or redevelopment on any lot abutting the Ocean Front Walk public right-of-way or any public right-of-way shall be issued, unless an encroachment permit, ~~pursuant to Chapter VI, Article 2, Division 2 of the Municipal Code,~~ has been obtained 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.

(Added 5-7-84  
May 7, 1984 by O-16198 N.S.)

SEC. 103.0542

Conditional Use Permit

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 ~~Section 101.0510~~ 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 Board of Zoning Appeals in accordance with ~~Section 111.0506~~ 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 not more than ten 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 103.0542(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 six (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 all Residential and Commercial Subdistricts.
  - e. Laboratories for medical, dental or general research, development or testing.
  - f. Residential, commercial, industrial and institutional uses in and on historical sites in all Residential and Commercial Subdistricts.
  - g. Video arcades limited to the visitor commercial subdistricts only.

(1) 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.

- (a) The video arcade is so constructed that it mitigates for adverse noise.
- (b) The facility will be adequately supervised during hours of operation.
- (c) Hours of operation shall be restricted to be consistent with the surrounding uses.

(d) Adequate lavatory facilities will be provided.

(e) Bicycle racks are provided within 25 feet of the video arcade.

(2) An approved conditional use permit for a video arcade may be revoked in accordance with the provisions of Chapter XI, Article 1, Division 6. Land Development Code Sections 121.0314, 121.0315, and 121.0316.

("Conditional Use Permit Granted by the Zoning Administrator" added 1-2-79 by O-12540 N.S.)  
(Amended 6-24-91 by O-17657 N.S.)  
(Retitled to "Conditional Use Permit" and amended 11-23-92  
November 23, 1992 by O-17870 N.S.)

**SEC. 103.0545**

**Conditional Use Permit Granted by the Planning Commission**

An application for a conditional use permit for amusement and entertainment enterprises such as amusement parks, all types of theaters, 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".

(Added 1-2-79 by O-12540 N.S.)  
(Amended 5-7-84 by O-16198 N.S.)  
(Amended 11-23-92  
November 23, 1992 by O-17870 N.S.)

**SEC. 103.0599**

**Severability**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, and phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases hereof be declared invalid or unconstitutional.

Section 2. The following ordinances of the City of San Diego which zoned or rezoned all of that area within the boundaries of the Mission Beach Planned District, as shown on Zone Map Drawing No. C-637, filed in the office of the City Clerk as Document No. 765389, be, and they are hereby repealed insofar as they conflict herewith:

Ordinance No.            Date 119 N.S..... Adopted January 3, 1933 243 N.S..... Adopted June 5, 1933 2680  
N.S..... Adopted June 8, 1943 3323 N.S..... Adopted January 7, 1947 6719 N.S..... Adopted October 25, 1955  
6735 N.S..... Adopted November 3, 1955 10958 N.S..... Adopted December 5, 1972 10968 N.S..... Adopted  
January 2, 1973

Section 3. That area, as described in the appended boundary description, on file in the office of the City Clerk as Document No. 765388, in the City of San Diego, California, within the boundaries of that planned district designated "Mission Beach Planned District," together with designated subdistricts on Zone Map Drawing No. C-637, filed in the office of the City Clerk as Document No. 765389, be, and it is hereby incorporated in the Mission Beach Planned District as such district, together with its various subdistricts, is described and defined by Chapter X, Article 3, Division 5 of the San Diego Municipal Code.

(Added 1-2-79 January 2, 1979 by O-12540 N.S.)

DIVISION 6  
CARMEL VALLEY PLANNED DISTRICT

RECORD PACKET COPY

SEC. 103.0601  
Purpose and Intent

The public health, safety, and welfare necessitate distinctive development controls and requirements for capital improvements and public facilities in order to systematically implement the phased growth of Carmel Valley. The regulations contained herein are in keeping with the objectives and proposals of the Progress Guide and General Plan for The City of San Diego, of the Carmel Valley Planned District, and of precise plans adopted in accordance with the community plan. All development plans and subdivisions shall conform to the adopted precise plan. The regulations contained herein shall apply to any development, building or construction; but shall not apply to subdivision or parcel maps which provide solely for financing and, in themselves, authorize no development, construction or building.

("Area of Applicability" added 11-5-79 by O-15070 N.S.; amended 12-7-81 by O-15634 N.S.; amended 12-7-81 by O-15635 N.S.; amended 1-10-83 by O-15883 N.S.; amended 10-31-83 by O-16074 N.S.; amended 4-2-84 by O-16187 N.S.; amended 3-4-85 by O-16379 N.S.; amended 4-28-86 by O-16636 N.S.; amended 9-29-86 by O-16718 N.S.; amended 10-13-86 by O-16730; amended 11-9-87 by O-16975 N.S.; amended 4-4-88 by O-17050 N.S.; amended 2-13-89 by O-17245 N.S.; amended 2-21-89 by O-17247 N.S.; amended 5-8-89 by O-17290 N.S.; renumbered to Sec. 103.0602 on 1-8-90 by O-17410 N.S.; "Purpose and Intent" renumbered from Sec. 103.0600 on 1-8-90 by O-17410 N.S.)

(Amended 10-03-94

October 03, 1994 by O-18102 N.S.)

SEC. 103.0602  
Area of Applicability

The regulations contained herein shall apply in the Carmel Valley Planned District which is within the Carmel Valley area in the City of San Diego. The area to which the provisions of this Division are applicable is shown on those certain Map Drawing Nos. C-670.5, C-671.2, C-676.5, C-679.3, C-683.2, C-694 and C-698.3, and described in the appended boundary description filed in the office of the City Clerk.

("Applicable Regulations" added 11-3-79 by O-15070 N.S.; amended 7-6-81 by O-15540 N.S.; renumbered to Sec. 103.0603 on 1-8-90 by O-17410 N.S.)

("Area of Applicability" renumbered from Sec. 103.0601 on 1-8-90 by O-17410 N.S.)

(Amended 7-2-90 by O-17481 N.S.)

(Amended 9-10-90 by O-17522 N.S.)

(Amended 10-29-90 by O-17543 N.S.)

(Amended 3-30-92

March 30, 1992 by O-17752 N.S.)

EXHIBIT NO. 4

APPLICATION NO.  
City of San Diego LCPA  
#298C/Carmel Valley  
Planned District

23 Pages

SEC. 103.0603  
Applicable Regulations

Where not otherwise specified or inconsistent with this Division, ~~the provisions of Chapter X, Article 1, Division 1 (Definitions and Interpretations); Chapter X, Article 2 (Subdivisions); Chapter X, Article 1, Division 4 (Home Occupation Permits); Chapter X, Article 1, Division 5 (Variances and Conditional Use Permit Procedures); Chapter X, Article 1, Division 8 (Off-street Parking); Chapter X, Article 1, Division 9 (Planned Developments); and Chapter XI, Article 1 (Administration and Procedure), shall apply. the following chapters 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 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 3 (Supplemental Development Regulations):
- Chapter 14, Article 4 (Subdivision Regulations):
- Chapter 14, Article 5 (Building Regulations):
- Chapter 14, Article 6 (Electrical Regulations):
- Chapter 14, Article 7 (Plumbing and Mechanical Regulations).

~~All other existing provisions of Chapter X, Article 1 of the Municipal Code are superseded by the regulations set forth herein.~~

("Financing of Public Facilities" added 11-5-79 by O-15070 N.S.; amended 7-6-81 by O-15540 N.S.; amended 12-7-81 by O-15634 N.S.; amended 1-10-83 by O-15883 N.S.; renumbered to Sec. 103.0604 on 1-8-90 by O-17410 N.S.)

("Applicable Regulations" renumbered from Sec. 103.0602 on 1-8-90 by O-17410 N.S.)

(Amended 11-23-92

November 23, 1992 by O-17870 N.S.)

SEC. 103.0604  
Financing of Public Facilities

A. PURPOSE AND INTENT

The public health, safety and welfare require that residents in newly developing areas be adequately served with access, parks, schools, open space, libraries, fire stations, and other public facilities concurrent with the need.

B. FINANCIAL RESPONSIBILITY

All necessary public facilities shall be provided by the project applicant, either directly by the applicant or by other means such as a charge against the area within the Planned District, in accordance with the adopted Carmel Valley Planned District.

## C. FINANCIAL PROGRAM

### I. Municipal Facilities

The Municipal Facilities required for the Carmel Valley community shall be financed through four distinct programs:

#### a. Facilities Benefit Assessment.

The Facilities Benefit Assessment may finance facilities which are related to the entire Carmel Valley community pursuant to Municipal Code Sections 61.2200 - 61.2216 (Facilities Benefit Assessment Ordinance), ~~of the Municipal Code.~~ The facilities which may be provided by this assessment will be of four types:

- (1) For facilities which already exist outside of the Carmel Valley community, but which require additions or expansions to existing facilities to meet the requirements of the Carmel Valley community; such as, POLICE AND PUBLIC WORK FACILITIES.
- (2) For new facilities necessitated by the Carmel Valley community; such as, FIRE STATION AND LIBRARY FACILITIES.
- (3) For facilities which extend beyond the limit of the Carmel Valley community, whose service area is also greater than the Carmel Valley community and the need for which is not solely created by the Carmel Valley community; such as MASTER WATER SYSTEM (a connection of the Carmel Valley Water System to the Penasquitos Pipeline to the east, and necessary Freeway Facilities. Improvements so constructed may be subject to a reimbursement by the trust fund.)
- (4) For facilities, within or without the Carmel Valley community, which are intended for the use of residents; such as, PARKS, OPEN SPACE RESERVE FUND, STREET SCENE IMPROVEMENTS (landscaping of the medians and rights-of-way along major streets), TRAFFIC SIGNALS at the intersection of major streets, and other transportation facilities.

Such Facilities Benefits Assessments shall be in accordance with the provisions of Municipal Code Sections 61.2200 - 61.2216, or as may be amended. The amounts assessed will be based on an estimate of the cost of the facilities as approved by a resolution of the City Council. Such assessment may be subject to an annual review and may be adjusted from time to time by the Council to reflect changes in the cost of the facilities, in accordance with the Facilities Benefit Assessment Ordinance. The assessment will be paid prior to the issuance of a building permit for each dwelling unit. In lieu of an assessment, the project applicant may construct facilities pursuant to an agreement with The City of San Diego, and also pursuant to Municipal Code Sections 61.2200 - 61.2216 ~~of the San Diego Municipal Code.~~ Such an agreement may provide for reimbursement of the applicant from the trust fund for improvements constructed which benefit lands outside of the area of the applicant's development plan. A single trust fund will be established for all the above-described facilities in an interest-bearing account, and interest shall be credited to the trust fund. The City Manager will be responsible for the following:

- (1) Administration of the trust fund including the maintaining of a separate budget therefore.
- (2) Planning for and scheduling of the construction of the facilities; and
- (3) Disbursement of trust funds for construction or acquisition of the facilities.

#### b. Improvement District.

An Improvement District under the provisions of State law or local procedural ordinance may

be created covering each precise plan area, or portions of one or more precise plan areas, to create assessments against the land to generate funds to finance facilities which are related to each individual planned district area by the amount of benefit received. The facilities to be provided by this improvement district may include, but not be limited to; major perimeter streets; both municipal and other public utilities and drainage facilities contained therein, the neighborhood park, siltation abatement structures, and the public recreation facilities associated with schoolsite improvements. The boundary of each improvement district will be the centerline of the bordering perimeter streets, or other applicable limit, of each individual planned district area within the Carmel Valley community as the City shall determine.

c. On-site Municipal Improvements.

The on-site municipal facilities, those within the individual neighborhood and not provided by "a" or "b" above, such as: streets, stormdrains, and sewer, water, gas, power and telephone utilities, will be provided by the subdivider under the conventional bonded subdivision agreement.

d. Off-site Municipal Improvements.

The off-site municipal improvements are those outside of an individual precise plan area at the time of its development and not provided under the conventional subdivision process for off-site improvements. The off-site improvements so constructed may be subject to a reimbursement agreement between the person who constructed the improvements and The City of San Diego. Reimbursement pursuant to that agreement will be generated by the subdivider(s) of the subsequent precise plan areas, where adjacent, and will be paid to the appropriate subdivider(s) as and when such funds are generated within the subareas covered by the reimbursement agreement.

2. School Facilities

a. School Facilities shall be provided concurrently with development in such a manner as to serve the primary and secondary educational needs of the community.

b. Prior to the approval of a tentative subdivision map and approval of a development plan filed pursuant to Section 103.0606A., the developer shall demonstrate compliance with the terms of a Carmel Valley Schools Facilities Master Plan.

D. IMPLEMENTATION

No final subdivision map for the development of the property shall be approved by the City Council unless and until the following have been accomplished:

1. A financing plan for all public facilities needed to support the project, as required by the Carmel Valley Community Plan has been adopted pursuant to Council Policy 600-28.

2. There has been established by resolution a Facilities Benefit Assessment applicable to the property covered by the development plan, or a greater area, and the City Council has by resolution set the amount of such assessment when such assessment shall be used to finance public facilities.

3. The City Council shall have awarded a contract for any improvements to be financed pursuant to the San Diego Improvement District Procedural Ordinance or Improvement District to provide utilities and public improvements necessary to serve the property covered by the development plan.

4. The City Council has (a) amended ~~Section 102.0203~~ of the Municipal Code Land Development Code Section 144.0420 to permit the Council to authorize that unpaid special assessments may survive the filing of a final subdivision map and become a lien on the parcels created by the subdivision, and (b) amended Municipal Code

Section 61.0339 of the Municipal Code to permit Improvement District bonds to be issued subject to the right of The City of San Diego to permit the division of parcels securing such bonds and to issue two or more new bonds as replacement for any outstanding bond without the consent of the bondholder when such amendments are necessary for the financing of public facilities.

~~5. The City Council has amended Section 96.0402 and Section 102.0405.06 et seq. eliminating the property covered by the Development Plan from the provisions of such ordinance sections. (Note: these section numbers are obsolete)~~

~~6. 5. The City Council has amended by resolution the map of Population-based Park Service Districts to consolidate all property subject to the Improvement District into one community park district.~~

~~7. 6. The City Council has established an open space maintenance district including at least the property covered by the Development Plan pursuant to the "San Diego Maintenance District Procedural Ordinance."~~

("Design Criteria" added 11-5-79 by O-15070 N.S.; renumbered to Sec. 103.0605 on 1-8-90 by O-17410 N.S.)  
("Financing of Public Facilities" renumbered from Sec. 103.0603 on 1-8-90 by O-17410 N.S.)

(Amended 10-03-94

October 03, 1994 by O-18102 N.S.)

#### SEC. 103.0605 Design Criteria

Concurrent with the adoption of this Division, the City Council shall by resolution also adopt architectural and design standards which shall be used as a guideline for approving, modifying or disapproving any plans within the planned district.

("Grading Regulations" added 11-5-79 by O-15070 N.S.; amended 7-6-81 by O-15540 N.S.; renumbered to Sec. 103.0606 on 1-8-90 by O-17410 N.S.)  
("Design Criteria" renumbered from Sec. 103.0604 on 1-8-90 by O-17410 N.S.)

(Amended 11-23-92

November 23, 1992 by O-17870 N.S.)

#### SEC. 103.0606 Grading Regulations

A. The following criteria shall be incorporated by the ~~Development Services Department, Engineering Department, City Manager,~~ Planning Commission and City Council when implementing any proposed grading within the planned district:

1. Preparation of a comprehensive landscaping and irrigation plan for all graded slopes to provide for rapid stabilization of slope areas.

2. Close phasing of grading operations and slope landscaping and building construction to reduce the period when bare slopes are susceptible to erosion.

3. Design project to preserve natural topography, unique geologic formations, and native vegetation to the fullest extent possible.

4. Use contour grading techniques to reduce harsh, manufactured slopes, utilizing rounded top and toe of slopes which blend into natural contours wherever possible.

5. Minimize the height of cut-and-fill slopes wherever possible, while varying the gradient of long, horizontal banks.

6. Utilize slopes' gradients that can readily support landscaping.

7. Construct permanent energy dissipators and settling/catchment basins with regular, long-term maintenance.

8. Provide a system of bladed ditches at flat gradients across larger, graded pad areas to allow on-site entrapment of silt during construction.

Approval of the first tentative map which shall propose any grading, a development, building or construction for each precise plan, shall be subject to the approval of a comprehensive drainage plan by the City Engineering Director for the entire area of the precise plan prior to recordation of a final map. This plan shall show drainage facilities, both permanent and temporary, which will be installed to control or mitigate soil erosion, silting of lower slopes, slide damage, or flooding problems. Such drainage provisions shall recognize the sensitivity and proximity of the Penasquitos Lagoon.

B. Post Development: The following guidelines shall be used when evaluating grading and excavation proposed after the initial development has been completed.

1. The development shall result in minimum disturbance of the natural terrain and vegetation commensurate with the proposed use of the lot or premises.

2. Provisions are included to control or mitigate soil erosion, silting of lower slopes, slide damage, flooding problems, or excessive cutting or scarring.

("Administration" added 11-5-79 by O-15070 N.S.)

(Amended 6-15-81 by O-15526 N.S.; amended 7-6-81 by O-15540 N.S.; amended 12-7-81 by O-15634 N.S.; amended 1-10-83 by O-15883 N.S.; amended 10-31-83 by O-16074 N.S.; amended 6-23-86 by O-16670 N.S.; renumbered to Sec. 103.0607 on 1-8-90 by O-17410 N.S.; "Grading Regulations" renumbered from Sec. 103.0605 and amended 1-8-90 by O-17410 N.S.; amended 11-23-92 by O-17870 N.S.)

(Amended 7-25-94

July 25, 1994 by O- 18088 N.S.)

SEC. 103.0607  
Administration

#### A. DEVELOPMENT PLAN APPROVAL REQUIRED

Before any building permit may be approved, a development plan shall be submitted to the ~~Development Services Department for approval by a "Hearing Officer".~~ for approval in accordance with Process Three. The development plan shall be in substantial conformity with the regulations contained herein, the architectural and design standards adopted by the City Council, and the precise plan for the development unit, and shall also be in conformance with the Carmel Valley Community Plan. Final building and landscaping plans shall be in substantial

conformity to the approved development plan. The property shall be developed in substantial conformance with the approved final development plans, and no changes shall be made at any time until approved by the appropriate decision maker. Approval is not required for interior modifications, exterior alterations or grading for which a permit is not required.

## B. PROCEDURES FOR REVIEW

1. An application for a development plan shall be made in accordance with ~~Section 111.0202~~ Land Development Code Section 112.0102 before constructing a new building, remodeling, demolition of any existing building, moving any building into the planned district, or any grading or excavation which requires a permit.

2. ~~A deposit equal to that charged for a conditional use permit under Section 101.0204.1 shall be paid when application for a plan is made.~~ An application for a development plan, 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).

3. Applications must be signed by the record owner or owners of the property on which the development is proposed.

4. Application shall include the following:

a. Legal description.

b. A tabulation of proposed dwelling units by type and density, if applicable.

c. Data describing the housing balance projected regarding the quantity and/or proportion of low and moderate- income housing, as well as statements describing procedures to maintain an ethnic and racial balance, if applicable.

d. Location of existing and proposed buildings and structures if development is multi-family housing.

e. Representative plans and specifications for the buildings and improvements as required by the ~~Development Services Director.~~ City Manager.

f. A tabulation of all natural or landscaped open areas shown on the plot plan, indicating the square footage of each type.

g. Location and width of existing and proposed streets, alleys, easements, pedestrian ways and bikeways, including all abutting streets and streets proposed to provide primary access to the proposed development from a major street or freeway.

h. Representative plans of off-street parking facilities, including the location, number and dimensions of private and public parking spaces, aisles and driveways as required by the ~~Development Services Director.~~ City Manager.

i. Representative plans and specifications for any outbuildings, walls, courtyards, fences, setbacks, signs, lighting or traffic safety as required by the ~~Development Services Director.~~ City Manager.

j. Grading plan showing proposed finished grades superimposed over the existing topography.

k. Representative plans of proposed landscaping and permanent watering systems showing sizes and types of plant materials or hydroseed mix if proposed as required by the ~~Development Services Director~~. City Manager.

l. Any other information deemed necessary by the ~~Development Services Director~~. City Manager to judge compliance with the regulations contained herein and other applicable laws, regulations and standards.

5. Except as provided by Section 103.0607(B) (6), a "Hearing Officer" may approve, conditionally approve or deny a development plan in accordance with "Process Three", based on the regulations contained herein and the architectural and design standards adopted by the City Council. The "Hearing Officer's" decision may be appealed to the Planning Commission in accordance with ~~Section 111.0506~~. Land Development Code Section 112.0506.

6. Subdivision Map. The Planning Commission shall take action on all tentative subdivisions within the Planned District. A tentative map shall be submitted along with a development plan for property within the boundaries of the map. The tentative map and development plan shall be consolidated, as set forth in ~~Section 111.0203~~ Section 112.0103 and shall be heard concurrently by the Planning Commission in accordance with "Process Four".

An exception to this is the Employment Center Precise Plan and those areas within Multi-family Zones (MF) where the Planning Commission shall act on the tentative subdivision map independent of the development plans. The development plans, which shall consist of building and landscaping plans for each individual parcel within the Employment Center or Multi-family Zones, shall be considered by the Planning Commission subsequently, as submitted. Landscaping and irrigation plans for the parkways, medians, entry and open space areas, along with plans for any entry signs for the Employment Center shall be submitted for review by the Planning Commission in conjunction with the tentative map for that precise plan area.

7. The Planning Commission may approve, modify or disapprove any development plan based on the regulations contained herein and the architectural and design standards adopted by the City Council.

8. Following development plan approval ~~and subject to the consent of the Planning Director, the Development Services Director or City Engineer~~ the City Manager shall issue the permit(s) for any work requested which conforms to City regulations, except as provided in Section 103.0607(B) (9).

9. Building permits for dwelling units shall be issued when a final subdivision has been recorded, and the plans and specifications for dwelling units and attendant improvements shall substantially conform to the development plan and the Design Element. A final subdivision map shall substantially conform with the approved plan. Permits may be issued for model units prior to the final map recordation subject to the requirements of the City Attorney, ~~Engineering Director and Development Services Director~~. and City Manager.

Prior to the recordation of a final map for the Employment Center, final landscaping, including all paving and lighting, irrigation and entry sign plans, ~~shall be approved by the Development Services Director~~. must be approved by the City Manager. These final plans shall substantially conform to the plans and specifications submitted pursuant to Section 103.0607(B) (4), and the Design Element of the precise plan area. The property shall be developed in accordance with these final plans.

("Single-Family Zones" added 11-5-79 by O- 15070 N.S.)

(Amended 7-6-81 by O-15540 N.S.; amended 12-7-81 by O-15635 N.S.; amended 10-31-83 by O-16074 N.S.; amended 4-2-84 by O-16187 N.S.; renumbered to Sec. 103.0608 on 1-8-90 by O-17410 N.S.)

("Administration" renumbered to Sec. 103.0607 on 1-8-90 by O-17410 N.S.; amended 11-23-92 by O-17870 N.S.; Amended 7-25-94 by O- 18088 N.S.)

(Amended 10-03-94  
October 03, 1994 by 18102)

SEC. 103.0608  
Single-Family Zones (SF)

A. PURPOSE AND INTENT

The single-family zones are designed to encourage a variety of housing types and to provide flexibility relative to the development regulations.

B. DEVELOPMENT REGULATIONS

~~All paragraphs of Section 101.0407 (R-1 Zones) of the Municipal Code shall apply with the exception of Section 101.0407(D), Property Development Regulations. Instead, the following regulations shall apply: The use and development regulations of Land Development Code Chapter 13, Article 1, Division 4 (Residential Base Zones) for the RS-1-14 zone shall apply, except for the minimum lot area, minimum lot dimensions, setback requirements, maximum structure height, and maximum lot coverage regulations. Instead, the following regulations apply:~~

1. Minimum Lot Area and Lot Dimensions. The following minimum lot sizes and dimensions shall apply in the SF zones.

TABLE I OF SECTION 103.0608

ZONE	MINIMUM AREA IN SQUARE FEET	MINIMUM LOT DIMENSIONS IN LINEAR FEET	
		*STREET FRONTAGE	**WIDTH (INTERIOR)
SF	10,000	65	65
SF1	6,000	50	60
SF 1-A	5,500	50	50
SF2	4,500	40	45
SF3, SF4	3,000	25	30

\*Street frontage may be reduced to twenty (20) feet for any lot which fronts on a turnaround or curving street having a radius of curvature of less than one hundred (100) feet.

\*\*Measured at the midpoint of the lot.

Exception: The minimum lot areas shown above may be averaged.

Where such averaging is used, the minimum may be reduced a maximum of 500 SF.

Exception: Other lot configurations (flag lots, clusters, etc.) appropriate for certain product types may be approved by the appropriate decisionmaker. Each lot shall have a minimum frontage of fifteen feet (15') on a dedicated public street.

~~Z. Minimum Yard Dimensions: Setback requirements.~~ The following minimum ~~yard-setback~~ dimensions shall apply in the single-family zones:

TABLE II OF SECTION 103.0608

Minimum ~~Yard~~ Setback Dimensions in Linear Feet

Zone	Front Yard		Side Yard	Street	Rear Yard
	Residence	Garage	Interior		
SF	20	20	6	10	**6
SF 1, SF 1-A, SF 2, SF 3	10	15	*4	10	**4
SF 4	10	10	minimum of 6 feet between bldgs	10	**4

\*Building walls with no openings may be constructed on the side property line.

\*\*Attached and detached one-story accessory buildings not to exceed 500 square feet may disregard side and rear yards if not used for living or sleeping purposes.

3. Maximum Lot Coverage. No building shall cover more than 60 percent of the lot.

4. Maximum ~~Building~~ Structure Height.

No building shall be constructed, altered or enlarged to a height greater than thirty-five feet.

5. On-street Parking. ~~A minimum of twenty feet shall be provided between driveways along the curb, except on a turnaround or curving street having a radius of curvature of less than one hundred feet. If this criteria cannot be met, it must be demonstrated that parking of one-half of one space per dwelling unit is provided at a convenient distance from each dwelling unit. Parking shall be in conformance with Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations).~~

("Multi-Family Zones" added 11-5-79 by O-15070 N.S.; amended 7-6-81 by O-15540 N.S.; amended 12-7-81 by O-15634 N.S.; amended 12-7-81 by O-15635 N.S.; amended 1-10-83 by O-15883 N.S.; amended 10-31-83 by O-16074 N.S.; amended 9-29-86 by O-16718 N.S.; renumbered to Sec. 103.0609 on 1-8-90 by O-17410 N.S.)  
("Single-Family Zones (SF)" renumbered from Sec. 103.0607 and amended 1-8-90 by O-17410 N.S.)

(Amended 11-23-92

November 23, 1992 by O-17870 N.S.)

SEC. 103.0609  
Multi-Family Zones (MF)

A. PURPOSE AND INTENT

The multi-family zones are intended primarily for the development of cluster and multiple residential structures at densities of five to 44 dwelling units per net acre.

B. DEVELOPMENT REGULATIONS

~~All paragraphs of Section 101.0410 for the R-3000 Multiple Family Residential Zone of the Municipal Code shall apply with the exception of Section 101.0410(E), DENSITY REGULATIONS, Section 101.0410(F), MINIMUM LOT AREAS AND DIMENSIONS, Section 101.0410(G), YARD REQUIREMENTS, Section~~

~~101.0410(H), MAXIMUM BUILDING HEIGHTS, LOT COVERAGES, AND FLOOR AREA RATIOS (FAR), and Section 101.0410(I), LANDSCAPING REGULATIONS. Instead, the following regulations shall apply: The use and development regulations of Land Development Code Chapter 13, Article I, Division 4 (Residential Base Zones) for the RM-1-1 zone shall apply, except for the maximum permitted density, minimum lot area, minimum lot dimensions, setback requirements, maximum structure height, maximum lot coverage, and maximum floor area ratio regulations. Instead, the following regulations apply:~~

I. Density Regulations.

TABLE I OF SECTION 103.0609

DWELLING UNIT PER NET ACRE PERMITTED

Subarea	Minimum	Maximum
MFL	5	9
MF1	7	15
MF2	13	22
MF3	15	29
MF4	29	44

2. Property Development Regulations.

a. Minimum Project Area Regulations: The minimum project area in the MFL, MF1, MF2, MF3 and MF4 Subareas shall be 6,000 square feet.

b. Open Space:

(1) The open space provided on the property shall not be less than that shown in the following table:

TABLE II OF SECTION 103.0609

Subarea	Total Required O.S. Per D.U. (sq. ft.)	Required Usable O.S. Per D.U. (sq. ft.)
MFL and MF1	1,800	900
MF2 and MF3	900	450
MF4	500	250

(2) Usable open space shall not have an overall grade exceeding ten percent (10%) and shall not be occupied by buildings, streets, driveways, or parking areas, or any land proposed to be dedicated to the City as open space. The land provided must be determined by the appropriate decisionmaker to be functional usable open space which provides for reasonable use by the resident. Functional open space should include a minimum area of 100 square feet with a minimum dimension of six (6) feet on one side. The usable open space may, however, be occupied by recreational facilities excluding buildings, including the following: swimming pools, golf courses, tennis, basketball, volleyball and badminton courts, open handball courts, children's play areas and accompanying equipment, baseball diamonds, shuffleboard courts, croquet and lawn bowling facilities, walks and riding trails, picnic facilities and any other use which the Planning Commission may find to be similar in character to the uses enumerated in this paragraph, and consistent with the purpose and intent of Section ~~101.0901~~.

c. Maximum Building Structure Height. No building may be constructed to a height greater than 50 feet, or four stories, whichever is less.

("Neighborhood Commercial Center Zone" added 11-5-79 by O-15070 N.S.; retitled to "Commercial Zones" and amended 1-10-83 by O-15883 N.S.; amended 1-7-85 by O-16349 N.S.; amended 9-29-86 by O-16718 N.S.; renumbered to Sec. 103.0610 on 1-8-90 by O-17410 N.S.)

("Multi-Family Zones (MF)" renumbered from Sec. 103.0608 and amended 1-8-90 by O-17410 N.S.)

(Amended 11-23-92

November 23, 1992 by O-17870 N.S.)

## SEC. 103.0610

### Commercial Zones

#### A. NEIGHBORHOOD COMMERCIAL (NC)

~~All paragraphs of Section 101.0426 (CN Zone) of the Municipal Code shall apply. The use and development regulations of Land Development Code Chapter 13, Article 1, Division 5 (Commercial Base Zones) for the CN-1-2 zone shall apply in the Neighborhood Commercial zone, except for the Neighborhood Commercial Center of Neighborhood 6 of the Development Units 4, 5 and 6 Precise Plan area. Within Neighborhood 6, a total of 15 acres (including a detention basin lake) may be developed with Visitor Commercial uses in conformance with all paragraphs of Section 101.0421.1 (CR Zone) of the Municipal Code. the use and development regulations of Land Development Code Chapter 13, Article 1, Division 5 (Commercial Base Zones) for the CV-1-1 zone.~~

Within Neighborhood 6, one development plan shall be processed for the entire neighborhood commercial area and one development plan shall be processed for the entire visitor commercial area, or a combined neighborhood commercial and visitor commercial development plan for the entire site may be processed.

#### B. VISITOR COMMERCIAL (VC)

~~All paragraphs of Section 101.0421.1 (CR Zone) of the Municipal Code shall apply. The use and development regulations of Land Development Code Chapter 13, Article 1, Division 5 (Commercial Base Zones) for the CV-1-1 zone shall apply.~~

#### C. TOWN CENTER (TC)

~~All paragraphs of Section 101.0428 (CA Zone) and Section 101.0910 (Planned Commercial Development) of the Municipal Code shall apply with the exception of Section 101.0428(B), Permitted Uses, Section 101.0428(D) (5), Regulations for Residential Development, and Section 101.0428(E), Off-street Parking Regulation. Instead, the following regulations shall apply: - The development regulations of Land Development Code Chapter 13, Article 1, Division 5 (Commercial Base Zones) for the CC-1-3 zone shall apply. The use regulations are as follows:~~

##### 1. Permitted Uses

In the TC Zone, 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 following purposes:

a. ~~The following business and professional office uses; from those uses permitted by the CC Zone (Section 101.0423) and the CA Zone (Section 101.0428) of the Municipal Code:~~

Business and professional office uses. Such uses may include accountants, advertising agencies, architects, attorneys, contractors, doctors, engineers, financial institutions, insurance agencies, medical clinics (no overnight patients), photographers, real estate brokers, securities brokers, surveyors and graphic artists.

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 (5) or more persons in one (1) 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 of 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, ~~or the offices use shall become a nonconforming use and be subject to Section 101.0303.~~

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. Court ordered forensic evaluations are exempt services.

b. The following uses: ~~only from those uses permitted in the CO Zone:~~

- (1) Advertising, secretarial and telephone answering services.
- (2) Apartments.
- (3) Business machine sales display and service.
- (4) Drafting and blueprint services.
- (5) Electronic data processing, tabulating and record keeping services.
- (6) Labor unions (no hiring halls) and trade associations.
- (7) Medical appliance sales
- (8) Medical, dental, biological and X-ray laboratories.
- (9) Office furniture and equipment sales.
- (10) Pharmacies.
- (11) Private clubs, fraternal organizations and lodges.
- (12) Travel Bureaus.

c. The following uses: ~~only from those permitted in the CN Zone:~~

- (1) Apparel shops.
- (2) Bakeries.
- (3) Barber shops.
- (4) Beauty shops.
- (5) Bicycle shops.
- (6) Confectioneries.
- (7) Curtain and drapery shops.
- (8) Drug stores.
- (9) Dry cleaning establishments (no truck delivery of finished cleaning).
- (10) Dry cleaning and laundry agencies and self-service dry cleaning and laundry establishments.
- (11) Florists.
- (12) Food stores.
- (13) Hardware stores.
- (14) Hobby shops.
- (15) Jewelry stores.
- (16) Liquor stores.
- (17) Nurseries - plant.
- (18) Paint and wallpaper stores.
- (19) Photographic studios.
- (20) Radio, television and home appliance repair shops.
- (21) Shoe stores.
- (22) Shoe repair shops.
- (23) Stationers.

(24) Studios for teaching of art, dancing and music.

(25) Variety stores.

d. The following uses; ~~only from those permitted in the CA Zone:~~

(1) Antique shops.

(2) Automobile wash establishments.

(3) Book stores.

(4) Building materials stores, provided that any open storage areas are completely enclosed by walls or buildings or a combination thereof; said walls and buildings shall be not less than six feet in height, and provided also there shall be no outdoor storage of merchandise, materials, equipment or other goods to a height greater than that of any enclosing wall or building.

(5) Dairy stores, including drive-ins.

(6) Dry goods stores.

(7) Employment agencies.

(8) Equipment and tool rental establishments (no man-ridden equipment); provided that any open storage areas are completely enclosed by walls or buildings or a combination thereof; said walls and buildings shall be not less than six feet in height, and provided also there shall be no outdoor storage of merchandise, materials, equipment or other goods to a height greater than that of any enclosing wall or building.

(9) Financial institutions.

(10) Frozen food lockers.

(11) Furniture stores.

(12) Gymnasium and health studios.

(13) Leather goods and luggage shops.

(14) Locksmith shops.

(15) Music stores.

(16) Pet shops.

(17) Photographic equipment, supplies, and film processing stores.

(18) Post offices.

(19) Recreational facilities including bowling lanes, miniature golf courses, skating rinks, gymnasiums and health centers.

(20) Restaurants.

(21) Sporting goods stores.

(22) Theaters, nightclubs and bars, with or without live entertainment, or any combination thereof.

(23) Trade and business schools.

e. Library.

f. Any other use which the Planning Commission may find, in accordance with "Process Four", to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this zone. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

g. Accessory uses for any of the foregoing permitted uses including signs constructed, fabricated, erected, installed, attached, fastened, placed, positioned, operated and abated in accordance with the regulations as set forth in ~~Chapter X, Article 1, Division 11, and Chapter IX, Article 5, Division 1 of this Code. Land Development Code Chapter 12, Article 9, Division 8 (Sign Permit Procedures) and Chapter 14, Article 2, Division 12 (Sign Regulations).~~

2. Residential Density Regulations. The maximum density allowed within the TC Zone shall be 60 dwelling units per net residential acre. The maximum dwelling units allowed in the total TC Zone area shall be 799 dwelling units.

### 3. Regulations for Residential Development.

a. Minimum Project Area Regulations. The minimum project area in the TC Zone shall be 6,000 square feet.

b. Open Space.

(1) The open space provided on the property shall not be less than that shown in the following table:

TABLE I OF SECTION 103.0610

Total Required O.S. Per D.U. (sq. ft.)	Required Usable O.S. Per D.U. (sq. ft.)
300	150

(2) Usable open space shall not have an overall grade exceeding ten percent (10%) and shall not be occupied by buildings, streets, driveways or parking areas, or any land proposed to be dedicated to the City as open space. The land provided must be determined by the appropriate decision maker to be functional usable open space which provides for reasonable use by the resident. Functional open space should include a minimum area of 100 square feet with a minimum dimension of six (6) feet on one (1) side. The usable open space may, however, be occupied by recreational facilities excluding buildings, including the following: swimming pools, golf courses, tennis, basketball, volleyball and badminton courts, open handball courts, children's play areas and accompanying equipment, baseball diamonds, shuffleboard courts, croquet and lawn bowling facilities, walks and riding trails, picnic facilities and any other use 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 Section 101.0901.

~~4. Off-street Parking Regulations. Every premises used for one or more of the permitted uses listed in paragraph C.1. above shall be provided with a minimum of off-street parking spaces on the same lot or premises as follows:~~

~~a. For apartments - 1.3 parking spaces for each dwelling unit containing not more than one bedroom and 1.6 parking spaces for each dwelling unit containing two or more bedrooms.~~

~~b. For private clubs and similar establishments - one parking space for each guest room or one parking space for each 200 square feet of gross floor area, whichever is greater.~~

~~c. For theaters (other than drive-in theaters) and places of public assembly not otherwise provided for in this section - one parking space for each three fixed seats or one parking space for each 21 square feet of floor area where there are not fixed seats.~~

~~d. For business and professional office uses - one parking space for each 500 square feet of gross floor area.~~

~~e. For other permitted uses - one parking space for every 200 square feet of gross floor area.~~

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

D. SPECIALIZED COMMERCIAL (SC)

~~All paragraphs of Section 101.0428 (CA Zone) of the Municipal Code~~ The use and development regulations of Land Development Code Chapter 13, Article 1, Division 5 (Commercial Base Zones) for the CC-1-3 zone shall apply except that the following uses shall be prohibited:

1. Apartments
2. Truck Sales
3. Automobile wash establishments
4. Automobile repair and paint shops (including body and fender work if entirely within an enclosed building)
5. Boat and trailer sales agencies
6. Equipment and tool rental establishments
7. Frozen food lockers
8. Hotels, motels and time share projects.

("Elementary School Area" added 11-5-79 by O-15070 N.S.; amended 7-6-81 by O-15540 N.S.; amended 12-7-81 by O-15634 N.S.; amended 12-7-81 by O-15635 N.S.; amended 10-31-83 by O-16074 N.S.; renumbered to Sec. 103.0611 on 1-8-90 by O-17410 N.S.)

("Commercial Zones" renumbered from Sec. 103.0609 and amended 1-8-90 by O-17410 N.S.)  
(Amended 11-23-92 by O-17870 N.S.)

(Amended 11-29-93

November 29, 1993 by O-18015 N.S.)

SEC. 103.0611

Educational and Park Area (EP)

No premises may be used except for elementary, junior high and senior high school and/or a neighborhood or community parks. In the event an elementary school is not required, the zone appropriate to the alternate land use designated in the approved precise plan is mandated.

("Neighborhood Park Area" added 11-5-79 by O-15070 N.S.; repealed 7-6-81 by O-15540 N.S.)

("Employment Center" added 12-7-81 by O-15634 N.S.; amended 9-26-83 by O-16048 N.S.; amended 2-6-89 by O-17242 N.S.; amended 3-20-89 by O-17267 N.S.; renumbered to Sec. 103.0612 on 1-8-90 by O-17410 N.S.)

("Educational and Park Area (EP)" renumbered from Sec. 103.0610 on 1-8-90

January 8, 1990 by O-17410 N.S.)

SEC. 103.0612

Employment Center (EC)

~~Zoning regulations contained within Sec. 101.0435.1 M-IP Zone (Manufacturing-Industrial Park) shall apply except that uses, maximum floor area ratio, coverage, height and minimum lot dimensions permitted in the Employment Center shall be as follows: - - The development regulations of Land Development Code Chapter 13, Article 1, Division 5 (Commercial Base Zones) for the CC-1-3 zone shall apply, except for the minimum lot~~

dimensions, maximum structure height, maximum lot coverage, and maximum floor area ratio. Instead, the regulations in Section 103.0612B apply. The use regulations are as follows:

#### A. Permitted Uses

No building, improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged; nor shall any lot or premises be used except for one or more of the following purposes:

1. Any use permitted in the ~~SR (Science Research) Zone~~ IP-1-1 zone (Land Development Code Section 131.0622).
2. On Lots 8, 9, 23, 24, 28 and 29 only, as shown in the Precise Plan, the following businesses and services are permitted provided the combined gross floor area of all such uses shall not exceed 25 percent of the combined gross floor area of all other uses permitted:
  - a. Restaurants.
  - b. Travel bureaus.
3. Executive health clubs with accessory pro shop, juice bar, shower, sauna and steam room facilities, subject to prohibitions of freestanding health club buildings and outdoor signage; limitation of hours of operation from 7 a.m. to 10 p.m.; and requiring entry to the health club be through a building lobby providing access to other office uses within the structure. On Lots 1 and 3 only, as shown in the Neighborhood 6 Precise Plan, the following businesses and services are permitted provided the combined gross floor area of all such uses shall not exceed 5% of the combined gross floor area of all other uses permitted on the lot.
4. Establishments engaged primarily in the design, development, manufacturing, fabricating, and/or assembly of manufactured products.
5. The testing, repairing, servicing and processing of manufactured products when done in conjunction with the manufacturing, fabricating and assembly of those products by manufacturing establishments.
6. Storage or packaging of products only when a minimum of 50 percent of the gross floor area of the premises is devoted to the manufacturing process of any such product.
7. Offices of businesses, industry and governmental agencies.
8. The following business and professional establishments:
  - a. Accountants
  - b. Architects
  - c. Attorneys
  - d. Contractors
  - e. Engineers
  - f. Financial institutions
  - g. Insurance agencies
  - h. Photographers
  - i. Real estate brokers
  - j. Surveys
  - k. Graphic artists
  - l. Business machine sales
  - m. Drafting and blueprinting
  - n. Electronic data processing
  - o. Tabulating and record-keeping services

- p. Labor unions and trade associations
- q. Addressing and secretarial services

9. Medical offices on Lot No. 33 as shown on Precise Plan titled "Carmel Valley Employment Center, Development Unit No. 2."

10. On-premises accessory uses for any of the foregoing uses, including in-plant food service facilities, which are only intended to serve employees and others affiliated with the primary use or uses of the premises.

11. The following manufacturing uses only when secondary and supportive to the primary manufacturing use of the premises:

- a. Acid manufacture
- b. Gas manufacture
- c. Petroleum refining
- d. Smelting of metals

12. The following uses and classes of uses shall be prohibited from locating in the Employment Center Zone:

- a. Residential uses except for watchman's quarters, including trailers, when granted a conditional use permit, ~~by the Zoning Administrator.~~
- b. All uses permitted in all commercial zones except as may be specifically permitted in this section.
- c. Wholesaling operations
- d. Churches
- e. Schools, except for training facilities accessory to the primary manufacturing operation.
- f. Warehousing and storage operations except as permitted in paragraph B.6.

13. The following manufacturing uses shall be prohibited:

- a. Cement, lime, gypsum, or plaster of Paris manufacture.
- b. Distillation of bones
- c. Explosives, manufacturing or storage
- d. Fat rendering
- e. Fertilizer manufacture
- f. Garbage offal or dead animal reduction
- g. Glue manufacture
- h. Stockyards or slaughter of animals

## B. PROPERTY DEVELOPMENT REGULATIONS

1. Maximum Floor Area Ratio.

The maximum floor area ratio shall be 0.5.

2. Maximum Lot Coverage.

- a. Interior Lot - 50 percent.
- b. Corner Lot - 60 percent.

3. Maximum Structure Height.

- a. East of El Camino Real Road - 50 feet.
- b. West of El Camino Real Road - none.

4. Minimum Lot Dimensions.

a. Area 40,000 square feet. Lot may be resubdivided to minimum of 20,000 square feet after approval of Development Plan.

("Open Space" added 11-5-79 by O-15070 N.S.; amended 12-7-81 by O-15635 N.S.; renumbered to Sec. 103.0613 on 10-31-83 by 16074 N.S.)

("Special Use Area" added 10-31-83 by O-16074 N.S.; renumbered to Sec. 103.0613 on 1-8-90 by O-17410 N.S.; "Employment Center (EC)" renumbered from Sec. 103.0611 on 1-8-90 by O-17410 N.S.)

(Amended 10-03-94

October 03, 1994 by O-18102 N.S.)

SEC. 103.0613

Special Use Area (SP)

A. PURPOSE AND INTENT

The special use area zone is intended for the development of uses of an educational, recreational, institutional, public or quasi-public nature. In approving a development plan, the "Hearing Officer" may impose such conditions as it deems necessary and desirable to ensure that the proposed use will not adversely affect the Precise Plan or the Community Plan.

B. DEVELOPMENT REGULATIONS

~~All paragraphs of Section 101.0410 R Zones (Multiple Family Residential) of the Municipal Code shall apply, with the exception of Section 101.0410(B), Permitted Uses. Instead, the following regulations shall apply: - The development regulations of Land Development Code Chapter 13, Article I, Division 4 (Residential Base Zones) for the RM zones shall apply. The use regulations are as follows:~~

1. Permitted Use

- a. Buildings, structures and uses operated by a public body having the power of eminent domain.
- b. Public parks and playgrounds.
- c. Elementary schools.
- d. Homes for the full-time care of children.
- e. Intermediate health care facilities and nursing homes.
- f. Private recreational facilities or clubs.
- g. Nonprofit institutions whose primary purpose is the promotion of the public health and welfare.
- h. Private clubs, lodges and fraternal organizations, excepting fraternities and sororities.
- i. Electric distribution and gas regulating stations, provided all equipment is located within a building.
- j. Churches.
- k. Accessory uses customarily incidental to any of the foregoing permitted uses.
- l. Any other use, including accessory uses, which the Planning Commission may find, in accordance with "Process Four", to be similar in character to the uses enumerated above and consistent with the purpose and intent of this zone. The adopted resolution embodying such findings shall be filed in the office of the City Clerk.

## 2. Off-street Parking Regulations

~~a. Every premises used for one or more of the permitted uses 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 follows:—~~

~~(1) For schools—primary, elementary and junior high:—~~

~~(a) One and one-half spaces for each classroom where the school has no auditorium, gymnasium or other similar place of assembly; or—~~

~~(b) One space for each 35 square feet of floor area used for seating in the school auditorium, gymnasium or other similar place of assembly.—~~

~~(2) For schools—senior high:—~~

~~(a) One space for each eight students at ultimate enrollment.—~~

~~(b) One space for each 1.25 staff members at full complement.—~~

~~(3) For churches, temples or buildings of a permanent nature used primarily for religious purposes— one space for each 35 square feet of floor area used for seating in the main sanctuary or other principal place of assembly.—~~

~~(4) For private clubs and similar establishments— one parking spaces for each guest room or one parking space for each 200 square feet of gross floor area, whichever is greater.—~~

~~(5) For areas used for banquet rooms, dining, dancing or the serving of drinks— one parking space for each 60 square feet of gross floor area.—~~

~~(6) For each play or game court (tennis, handball, etc.)— one parking space for each player authorized to participate at one time under the rules of the Amateur Athletic Union.—~~

~~(7) For gymnasiums and swimming pools and health centers— one parking space for each 250 square feet of gross floor area and one parking space for each 35 square feet of water area.—~~

~~(8) For branch libraries— one space for each 400 square feet of floor area.—~~

~~(9) For institutions for the day or full-time care of children under the age of 16 years— one space for each two adult residents and employees.—~~

~~(10) For theaters (indoor only) and places of assembly not otherwise provided for in this section— one parking space for each three fixed seats or one space for each 21 square feet of gross floor area where there are no fixed seats.—~~

~~b. Where ambiguity exists in the application of these off-street parking requirements or when any use not specified above is found by the Planning Commission to be a permitted use, the off-street parking requirements shall be determined by the Development Services Director.—~~

~~c. Off-street parking facilities shall be constructed, maintained and operated in compliance with Division 8 of this Article.—~~

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

("Maintenance" added 11-5-79 by O-15070 N.S.; amended 12-7-81 by O-15635 N.S.; renumbered to Sec. 103.0614 on 10-31-83 by O-16074 N.S.)

("Open Space" renumbered from Sec. 103.0612 on 10-31-83 by O-16074 N.S.; renumbered to Sec. 103.0614 on 1-8-90 by O-17410 N.S.; "Special Use Area (SP)" renumbered from Sec. 103.0612 on 1-8-90 by O-17410 N.S.; amended on 1-9-91 by O-17578 N.S.; amended on 6-24-91 by O-17657 N.S.; amended 11-23-92 by O-17870 N.S.)

(Amended 7-25-94

July 25, 1994 by O- 18088 N.S.)

**SEC. 103.0614**  
Open Space (OS)

Open space preservation is required. Approval of the final map shall be conditioned upon preservation of the open space through a mechanism acceptable to the City, limiting the future use of the open space and preserving it as an open space.

("Energy Conservation" added 11-5-79 by O-15070 N.S.; amended 12-7-81 by O-15635 N.S.; renumbered to Sec. 103.0615 on 10-31-89 by O-16074 N.S.)

("Maintenance" renumbered from Sec. 103.0613 on 10-31-89 by O-16074 N.S.; renumbered to Sec. 103.0615 on 1-8-90 by O-17410 N.S.)

("Open Space (OS)" renumbered from Sec. 103.0613 on 1-8-90

January 8, 1990 by O-17410 N.S.)

**SEC. 103.0615**  
Maintenance

A maintenance district shall be established to assure the maintenance of open space, the parkway area of perimeter streets, and the landscaped islands at the entrances to development areas and settling/catchment basins.

("Energy Conservation" renumbered from Sec. 103.0614 on 10-31-89 by O-16074 N.S.; renumbered to Sec. 103.0616 on 1-8-90 by O-17410 N.S.)

("Maintenance" renumbered from Sec. 103.0614 on 1-8-90

January 8, 1990 by O-17410 N.S.)

**SEC. 103.0616**  
Energy Conservation

In order to reduce the amount of energy consumed, the following criteria shall be considered:

1. Where possible, building should be oriented to receive maximum benefits of active and passive solar access.

2. Outside shades and awnings for windows may be utilized.

3. The exterior of dwelling units should be shaded with vegetation, using non-deciduous trees on the north and deciduous trees on the south, where feasible.

~~The project applicant shall also comply with SECTION 101.0200 (SOLAR ENERGY SYSTEMS) OF THE MUNICIPAL CODE.~~

("Floodway Zone" added 4-2-84 by O-16187 N.S.; renumbered to Sec. 103.0617 on 1-8-90 by O-17410 N.S.)

("Energy Conservation" renumbered from Sec. 103.0615 on 1-8-90

January 8, 1990 by O-17410 N.S.)

SEC. 103.0617  
Floodway Zone

~~The provisions of Section 101.0403 of the San Diego Municipal Code shall apply. The use and development regulations of Land Development Code Chapter 13, Article 1, Division 2 (Open Space Zones) for the OF-1-1 zone shall apply.~~

("Floodplain Fringe Zone" added 4-2-84 by O-16187 N.S.; renumbered to Sec. 103.0618 on 1-8-90 by O-17410 N.S.)

("Floodway Zone" renumbered from Sec. 103.0616 on 1-8-90

January 8, 1990 by O-17410 N.S.)

SEC. 103.0618  
Floodplain Fringe Zone

~~The provisions of Section 101.0403.1 of the San Diego Municipal Code shall apply. Land Development Code Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations) shall apply.~~

("A-1-10 Agricultural Zone" added 4-2-84 by O-16187 N.S.; renumbered to Sec. 103.0619 on 1-8-90 by O-17410 N.S.)

("Floodplain Fringe Zone" renumbered from Sec. 103.0617 on 1-8-90

January 8, 1990 by O-17410 N.S.)

SEC. 103.0619  
A-1-10 Agricultural Zone

~~The provisions of Section 101.0404 of the San Diego Municipal Code shall apply. The use and development regulations of Land Development Code Chapter 13, Article 1, Division 3 (Agricultural Zones) for the AR-1-1 zone shall apply.~~

(Renumbered from Sec. 103.0618 on 1-8-90

January 8, 1990 by O-17410 N.S.)

SEC. 103.0620

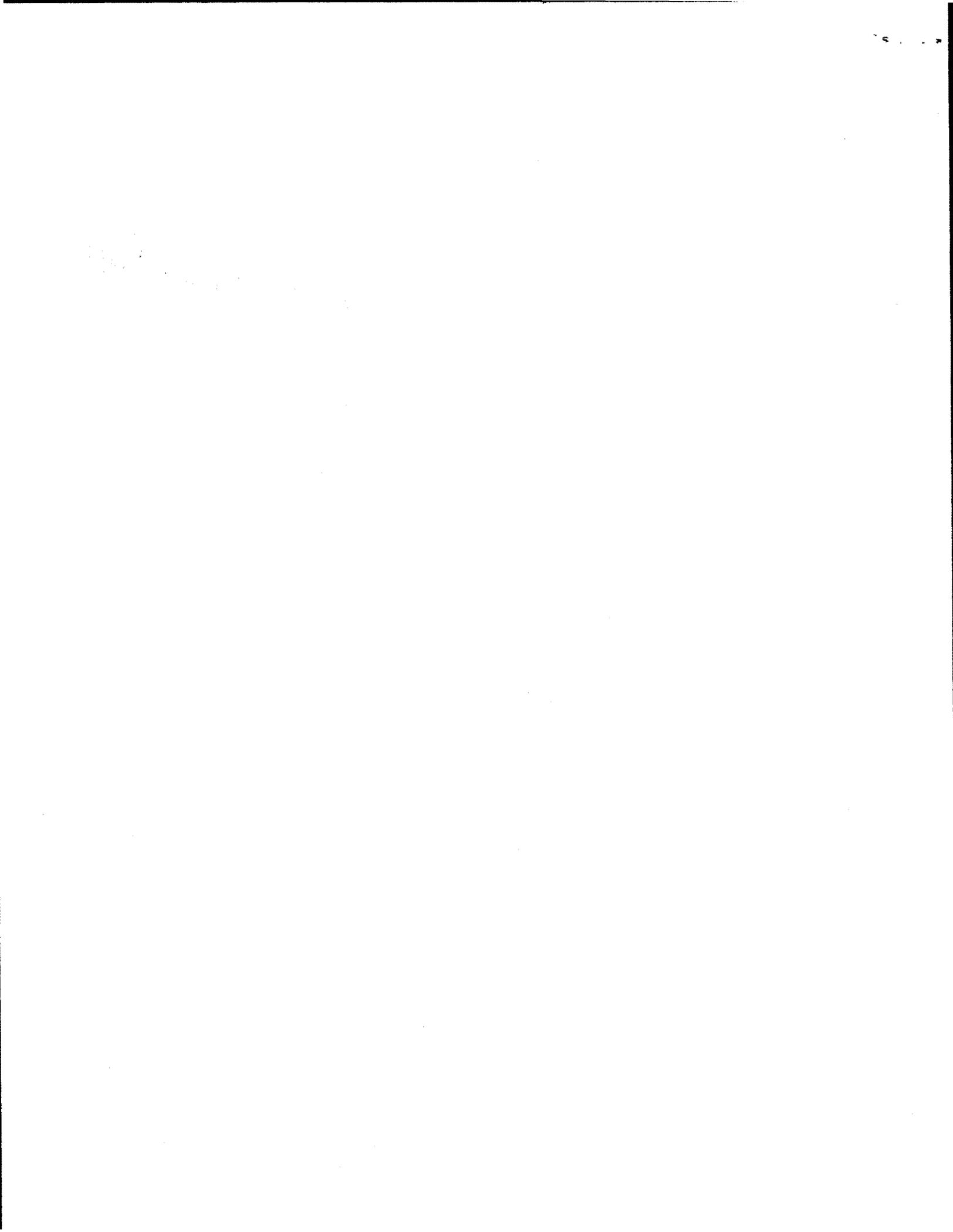
Permanent and Temporary Signage Guidelines

Notwithstanding any provision of the Carmel Valley Planned District Ordinance to the contrary, all signage located within the Carmel Valley Planned District area shall conform to the Carmel Valley Signage Guidelines and Criteria adopted by the City Council on January 9, 1991, and filed in the office of the City Clerk as Document NO. OO-17578. This document shall apply to all areas of the Carmel Valley Planned District. All other signage provisions contained within the Carmel Valley Planned District are superseded by the regulations set forth in this Section.

(Added 1-09-94 by O-17578 N.S.)

(Added on 10-03-94

October 03, 1994 by O-18102 N.S.)



DIVISION 9  
BARRIO LOGAN PLANNED DISTRICT

RECORD PACKET COPY

SEC. 103.0901  
Purpose and Intent

It is the purpose of these regulations to provide development criteria and urban design standards for the erection, construction, establishment, addition, enlargement, conversion, demolition, move on, alteration or rehabilitation of quality residential, commercial, industrial, public and quasi-public developments related to the small lot configuration and the urbanization pattern of the Barrio Logan community. The intent is to implement the Barrio Logan/Harbor 101 Community Plan and the Barrio Logan Redevelopment Plan.

("Boundaries of Planned District Area added 7-5-83 by O-16001 N.S.; renumbered to Sec. 103.0903 on 3-2-92 by O-17746 N.S.)

("Purpose and Intent" renumbered from Sec. 103.0900 and amended 3-2-92 March 2, 1992 by O-17746 N.S.)

SEC. 103.0902  
Definitions

1. Single Family Residential: One dwelling unit on a lot.
2. Multifamily Residential: Two or more dwelling units on a lot. This classification does not include single room occupancy ("SRO") hotels.
3. Live/Work Quarters (Lofts): An area comprised of one or more rooms or floors in a building originally designed for industrial or commercial occupancy. The new construction shall include cooking space, sanitary facilities, and living and working space for artists, artisans, and similarly situated individuals, as permitted by ~~Municipal Code section 101.0570.~~ Land Development Code Section 141.0311.
4. Senior Citizens Housing: At least one person residing in each unit shall be at least 55 years of age or physically handicapped. Senior housing may also include facilities meeting state and federal program standards for such housing, and are subject to the standards contained in the document entitled "~~Locational Criteria Design and Development Standards and Guidelines for Senior Citizen Housing Projects, available at the Development Services Department.~~" in Land Development Code Section 141.0310.
5. Limited Residential: Dwelling units on upper floors of nonresidential uses.
6. Mercado District Residential: Multifamily housing, and convenience commercial services and accessory uses for primary use by residents on the premises.
7. Food/Grocery Sales: Retail sales of prepared food and food for home preparation. This includes but is not limited to bakeries and bakery products, tortilla factories, seafood/meat/ poultry markets, fruit and vegetable markets, candy stores, ice cream stores, delicatessens, grocery stores and supermarkets, and similar uses.

8. Retail Sales: This includes but is not limited to department stores, drug stores, general household supplies, dispensing opticians, clothing stores, fabric stores, antique stores, art stores and art galleries, florists and florist supplies, locksmith shops, leather goods, gift shops, hardware stores, jewelry stores, furniture stores, music and video stores, resale and pawn shops, pet stores and businesses retailing the following goods: toys, hobby materials, books, rugs and carpets, photographic supplies, electrical and electronic equipment, sporting goods, shoes, office equipment and supplies, stationery, medical supplies, bicycles (including repair), new automotive parts and accessories (excluding service and installation).

9. Liquor Sales: Retail sales of alcoholic beverages pursuant to the provisions of ~~Municipal Code section 101.0515; Land Development Code Section 141.0502, and as amended from time to time.~~

10. Artists' Studios: This includes but is not limited to work and exhibit space for artist and artisans, including individuals practicing one of the fine arts, performing arts, or skilled in an applied art or craft.

11. Banks, Credit Unions, and Savings and Loan Associations: Financial institutions including money exchange houses that provide retail banking services.

12. Building Materials and Services: Retailing, wholesaling, or rental of building supplies or equipment.

13. Business, Communication and Home Services: Establishments providing appliance repair, office machine repair, building maintenance (janitorial), landscape maintenance, window cleaning, upholstery, graphic design, drafting, copying, faxing, printing or photographic services, broadcasting, recording, telephone switching centers and telegraph offices.

14. Catering Services: Preparation and delivery of food and beverages for off-site consumption without provision for on-site consumption.

15. Commercial Recreation and Entertainment: Provision for participant or spectator recreation or entertainment.

16. Eating and Drinking Establishments: Businesses serving or selling prepared food or beverages, including alcoholic beverages for consumption on the premises. This includes but is not limited to restaurants, cafes, cocktail lounges, bars, and taverns with live entertainment. Drive-through food establishments are not permitted.

17. Laboratories: This includes but is not limited to establishments providing medical or dental laboratory services; or establishments that provide photographic, analytical or testing services.

18. Personal Improvement Services: This includes but is not limited to the provision of instructional services or facilities, including photography, fine arts, crafts, drama, dance, music, sculpture, martial arts, driving schools, business and trade schools, weight reducing/tanning salons, health clubs/ spas and fitness studios.

19. Personal and Convenience Services: This includes but is not limited to the provision of personal services including barber and beauty shops, tailors, shoe repair shops, dry cleaning and laundry (excluding bulk cleaning), photocopying and self- service laundromats.

20. Wholesale and Warehouse: Storage and packaging of goods and merchandise associated with the primary on-site use, provided that the total floor area occupied for wholesaling or warehousing per business establishment does not exceed twenty- five percent (25%) of the total collective buildings' gross floor area.

21. Bed and Breakfast Inns: Establishments offering lodging on a less-than-weekly basis with incidental eating and drinking services for lodgers only. A single kitchen must serve the entire premises.

22. Hotels and Motels: This includes but is not limited to establishments offering lodging with or without meals

and having kitchens in no more than sixty percent (60%) of the guest units.

23. Single-Room-Occupancy ("SRO"): A dwelling unit as defined in ~~Municipal Code section 101.0101.76~~ Land Development Code Section 113.0103 and regulated by ~~Chapter X, Article 1, Division 19 of the Municipal Code~~ Land Development Code Chapter 14, Article 3, Division 5.

24. Professional and Business Offices: This includes but is not limited to offices of entities or organizations providing professional, executive, administrative, management, travel, real estate, insurance and consulting services including advertising, computer program design, data processing, architectural, engineering and landscape design, contractors offices, investment, legal and medical/dental offices and laboratories incidental to an office use.

25. Government Offices: Administrative, clerical, or public contact offices of a government agency, including but not limited to postal facilities, together with incidental storage and maintenance facilities for vehicles.

26. College and Universities: Public or private educational institutions that offer a course of study leading to a recognized degree, including facilities incidental to the educational institution and which support the college or university curriculum, students or faculty.

27. Schools, Public or Private: Public or private kindergarten, elementary or secondary schools, or other private schools that offer a curriculum comparable to that of the public schools of the State of California, excluding colleges and universities.

28. Cultural Institutions: Nonprofit institutions displaying or preserving objects of interest in one or more of the arts or sciences. As a land use classification, it includes libraries, museums and nonprofit art galleries.

29. Performing Arts/Theaters: Facilities providing live musical, dance and theatrical performances and film presentations other than those regulated as commercial or adult businesses.

30. Religious Assembly: Facilities for religious worship and incidental religious education.

31. Park and Recreation Facilities: Noncommercial parks, playgrounds, gymnasiums, recreation facilities and dedicated open spaces.

32. Child Care Facilities: Large family day care homes and child care centers subject to ~~the standards and provisions of the Child Care Facilities Ordinance, codified as Municipal Code section 101.0580.~~ Land Development Code Section 141.0606.

33. Clubs, Lodges and Fraternal Organizations: Private or non profit dining, meeting, recreational or social facilities used primarily by members and their guests.

34. Nonprofit, Charitable Institutions: Philanthropic, social services that promote the public health and welfare. This classification excludes residential care facilities, provisions for on-site residence or confinement, adult day care, alcohol recovery facilities, parolee rehabilitation services, emergency shelters and kitchens.

35. Primary Health Care: Drop-in medical service facilities, including clinics, counseling and referral services to persons afflicted with bodily or mental disease or physical injury, and to persons suffering from alcohol and drug abuse without provision for on-site residence or confinement.

36. Residential Care: Twenty-four (24) hour nonmedical care for adults and/or children in need of personal services, supervision, protection, or assistance essential to sustaining the activities of daily living, and facilities receiving any form of government funding or subsidy for that purpose. As a land use classification, this excludes housing for the elderly, handicapped, and nursing and convalescent homes.

37. Utilities: Electric distribution, gas regulating, and communication stations which do not involving aerial transmissions, which serve the immediate area provided all equipment is located within a single building. As a land use classification, this also includes facilities or infrastructure for cellular transmitting facilities subject to special standards and procedures, and all applicable provisions of the Municipal Code.
38. Vehicle/Equipment Sales and Rentals: Sale and rental of automobiles, trucks, recreational vehicles, motorcycles, auto parts, construction equipment and similar equipment, including storage of usable (operative) vehicles, and related incidental maintenance.
39. Vehicle/Equipment Repair: Repair of automobiles, trucks, recreational vehicles, motorcycles, including the sale, installation and servicing of related equipment and parts. As a land use classification, this includes auto repair shops, wheel and brake shops, tire sales and installation, tire retreading or recapping, metal recycling, body and fender shops, and similar uses, but excludes vehicle dismantling, salvage and storage of inoperative vehicles.
40. Automobile Painting, Washing and Detailing: Painting, washing, waxing, or cleaning of automobiles or similar light vehicles.
41. Automobile Service Stations: Establishments engaged in the retail sale of gas, diesel fuel, lubricants, parts, and customary accessory uses. This classification includes incidental maintenance and repair of automobiles and light trucks but excludes body and fender work or repair of heavy trucks or vehicles.
42. Manufacturing: Establishments engaged in the manufacturing, fabricating, assembly, treatment, servicing, packaging, processing, and handling of finished products and product parts primarily from previously prepared materials.
43. Maintenance Repair and Service Facilities: Establishments engaged in servicing or repairing industry machines and equipment, carpentry, welding and metal forming shops, print shops, laundry and dry cleaning plants, and other similar facilities. As a land use classification, this excludes vehicle dismantling, salvage and wrecking of automobiles and of other similar light vehicles, processing of scrap metals, junk yards and storage of salvaged materials, and similar uses.
44. Marine Oriented/Waterfront Dependent Uses: Manufacturing, distributing and processing of parts and equipment, and the provision of services related to marine and waterfront uses, and other supporting uses including U.S. Navy presence, research, shipping, fishing, water recreation and tourism. As a land use classification, this includes facilities that need access to the waterfront, as well as uses dependent upon servicing waterfront oriented activities. Examples include boat building, sales and related maintenance, shipping and brokerage facilities and services, marine parts sales, installation and services, marine carpentry and woodworking, sail making and repair, and cargo freight services.
45. Wholesale, Storage and Distribution: Establishments primarily engaged in wholesaling, storage and bulk sales distribution including open air handling of materials and equipment. Typical uses include wholesale distributors, moving and storage firms, storage of ambulant vendor vehicles (such as those used to sell ice cream products), wholesale showrooms, storage warehouses, and similar uses, but excludes storage of inoperative vehicles and of flammable or hazardous materials not associated with the industrial services operating on the premises.
46. Research and Development Facilities: Establishments primarily engaged in industrial or scientific research including limited product testing. As a land use classification, this includes but is not limited to pharmaceutical research laboratories, electron and biochemical research firms, including administrative offices and accessory use buildings commonly used in conjunction with research and development activities on the premises.
47. Transportation Facilities and Related Storage: Rights-of- way facilities for loading, unloading, and transferring passengers, baggage, and freight transfers among different modes of transportation. As a land use classification, this includes bus terminals, shipping terminals, railroads, storage yards for buses, trolleys, and railroad cars, and related maintenance and service facilities.

48. Surface Parking: Surface parking lots offering short-term or long-term parking to the public for a fee.

49. Parking Structures: Freestanding parking garages or structures open to the public for a fee or off-site parking structures associated with a specific building or business.

("Applicable Regulations" added 7-5-83 by O-16001 N.S.; renumbered to Sec. 103.0904 on 3-2-92 by O-17746 N.S.)  
("Definitions" added 3-2-92 by O-17746 N.S.)

(Amended 7-25-94

July 25, 1994 by O- 18088 N.S.)

#### SEC. 103.0903

##### Boundaries of Planned District Area

The regulations contained in this Division shall apply in all subdistricts of the Barrio Logan Planned District. The boundaries of the Barrio Logan Planned District in The City of San Diego, California, and its various subdistricts as amended are designated on Map Drawing No. C-840, on file in the office of the City Clerk as Document No. OO-17746 and contained in this Division as Figure 1 of ~~Chapter X, Article 3, Division 9~~. The Barrio Logan Planned District is generally bounded by Commercial Street on the north, Interstate 5 on the east, Division Street on the south, and the Mean High Tide Line (Port District) on the west.

("Planning Department Approval Required before Issuance of Permit" added 7-5-83 by O-16001 N.S.; renumbered to Sec. 103.0906 on 3-2-92 by O-17746 N.S.)

("Boundaries of Planned District Area" renumbered from Sec. 103.0901 and amended 3-2-92

March 2, 1992 by O-17746 N.S.)

#### SEC. 103.0904

##### Administrative Regulations

A. Where not otherwise specified in this Division, ~~the provisions of Municipal Code Chapter X, Articles 1, 2 and 5, shall apply. Where there is a conflict between the provisions of Chapter X, Articles 1, 2, and 5, and the provisions of this Division, the provisions of this Division shall apply.~~ the following chapters 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 shall apply. Where there is a conflict between the provisions of this Division and the goals and objectives of the Barrio Logan Redevelopment Plan (Ordinance No. 0-17644 (New Series)), the provisions of the Redevelopment Plan shall apply.

B. Any use, except for those uses permitted in this Division which existed on March 2, 1992, shall be considered a ~~non-conforming~~ previously conforming use. ~~Non-conforming uses may be continued provided no enlargement or addition to such uses is made as specified in and in conformance with Municipal Code sections 101.0301, 101.0302 and 101.0303.~~ 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.

C. Prior to any change in business use, an applicant shall obtain a Zoning Use Certificate pursuant to ~~Municipal Code section 101.0304, as amended from time to time.~~ Land Development Code Chapter 12, Article 3, Division 3 (Zoning Use Certificate Procedures).

D. Should an applicant wish to move a building from one location to another, the applicant shall first obtain a ~~Conditional Use Permit~~ Neighborhood Development Permit pursuant to ~~Municipal Code section 101.0510.~~ Land Development Code Section 143.0302.

E. All City projects, government subsidized projects, public facilities, structures and improvements, and redevelopment projects, shall conform to the purpose and intent of this Division and shall be subject to the same regulations, conditions and standards established in this Division.

("Procedures and Fees" added 7-5-83 by O-16001 N.S.; repealed 3-2-92 by 17746 N.S.)

("Administrative Regulations" renumbered from Sec. 103.0902 and amended 3-2-92 by O-17746 N.S.)

(Amended 11-23-92

November 23, 1992 by O-17870 N.S.)

**SEC. 103.0905**

**Exceptions**

A. The amendments herein shall not apply to any project for which a building permit has been obtained or for which a complete application has been received and accepted by the ~~City's Development Services Department~~ prior to March 2, 1992. Amendments to approved permits shall be subject to the provision of this Division.

B. Unless the work would expand a ~~nonconforming~~ previously conforming use, approval by the ~~Planning Department~~ City Manager is not required for interior modifications, repairs or alterations for which a building permit is not required as of March 2, 1992.

C. A "Hearing Officer" may approve, conditionally approve or deny, in accordance with "Process Three," any or all of the following exceptions listed in ~~Municipal Code sections~~ Section 103.0905(C)(1) through (C)(6) to certain Redevelopment Subdistrict regulations provided such exception(s) would serve to carry out the purpose and intent of the Redevelopment Subdistrict. These exceptions shall be limited to the area within the Redevelopment Subdistrict bounded by Harbor Drive, the Coronado Bay Bridge rights-of-way and the Barrio Logan Redevelopment Project Area boundaries, and shall apply only if this portion of the Redevelopment Subdistrict continues to be used for marine oriented industries, and port related transportation uses. The exceptions are:

1. ~~The provisions and regulations of Municipal Code section Section 103.0907 (Outdoor display, Operation and Storage) shall only apply to the portion of the property lying within fifty (50) feet of the Harbor Drive property line. All other property included within the exception area described in Municipal Code section Section 103.0905(C), is exempt from the regulations of Municipal Code section Section 103.0907.~~

2. Enclosure requirements shall not apply to equipment and installations which are integral parts of the manufacturing or industrial process on the premises.

3. Merchandise, material or equipment may be stored at a height greater than the wall or fence which screens it from Harbor Drive as allowed in ~~Municipal Code section Section 103.0905(C)(1)~~ above, provided the merchandise, material, or equipment is located at least fifty (50) feet from the Harbor Drive property line.

4. Except for office buildings, the height of structures may exceed the maximum building height of thirty- five (35) feet or two (2) stories established in ~~Municipal Code section Section 103.0959~~ (Figure 3) of this Division. However, this exception shall apply only to structures which are an integral part of the exclusive use and directly related to the existing industrial operations on the property.

5. Should a property span two (2) or more Barrio Logan Subdistricts or span the Barrio Logan Planned District and the Centre City Planned District, that property shall be subject to consistent regulations to be determined by the "Hearing Officer" at the time of review.

6. In granting any exception, the "Hearing Officer" shall make the following findings:

a. The proposed exception shall not result in any substantial reduction of public views toward San Diego Bay or Centre City.

b. The proposed exception is consistent with the goals, objectives and intent of the Barrio Logan Redevelopment Plan and the "Redevelopment Subdistrict" of the Barrio Logan Planned District.

("External Effects" added 7-5-83 by O-16001 N.S.; repealed 3-2-92 by O-17746 N.S.)

("Exceptions" added 3-2-92 by O-17746 N.S.; amended 11-23-92 by O-17870 N.S.; amended 9-13-93 by O-17973 N.S.)

(Amended 7-25-94

July 25, 1994 by O- 18088 N.S.)

## SEC. 103.0906

### Permit Application, Review and Issuance

#### A. Barrio Logan Planned District Permit

A Barrio Logan Planned District Permit ("Process Three") shall be required for all proposed development within the "Redevelopment Subdistrict" of the Barrio Logan Planned District. Additions to existing developments within the Redevelopment Subdistrict which meet all development regulations and do not exceed twenty percent (20%) of the existing floor area shall be reviewed as a "Process One." All proposed development outside the redevelopment subdistrict which meets the relevant development regulations shall be reviewed as a "Process One." ~~The Development Services Director~~ City Manager may conduct further review and approve or deny an application for an exception from the provisions of the Barrio Logan Planned District in accordance with "Process Two," when the application is for limited relief in the case of new construction or remodeling which would result in a finished product (all structures on the premises) deviating twenty percent (20%) or less from applicable development regulation pertaining to: required yards or setbacks, coverage, or special character design criteria included in Section 103.0939, Paragraph 7.). However, the ~~Development Services Director~~ City Manager shall require additional landscaping that may be feasibly placed on the site

or parkway according to City- wide landscape standards, and/or other architectural features or improvements.

The ~~Development Services Director~~ City Manager shall in no case provide Administrative Review or approve an application for an exception from floor area ratio, height, density, amount of parking, or use.

The decision of the ~~Development Services Director~~ City Manager shall be based upon substantial conformance with the regulations and the Purpose and Intent of the Barrio Logan Planned District. The granting of a deviation shall be for the purpose of providing design flexibility resulting in a project which benefits surrounding properties and the community.

The ~~Development Services Director~~ City Manager's decision may be appealed to a Hearing Officer in accordance with ~~Section 111.0504~~, Land Development Code Section 112.0504. Prior to the filing of the application, the applicant shall pay to the City a deposit equal to the estimated cost of processing the application. The deposit shall be adjusted periodically by the ~~Development Services Director~~ City Manager to ensure full cost recovery. A current list of all deposits is kept in the office of the City Clerk.

B. The permit application shall be filed ~~with the Development Services Department~~ in accordance with ~~Section 111.0202~~, Land Development Code Section 112.0102. An application for a Barrio Logan Planned District Permit may be approved, conditionally approved or denied by a "Hearing Officer", in accordance with "Process Three". The "Hearing Officer's" decision may be appealed to the Board of Zoning Appeals in accordance with ~~Section 111.0506~~ 112.0506.

#### C. Coastal Development Permit

A Coastal Development Permit shall be required for all proposed development within the Barrio Logan Planned District except for development specifically exempted under ~~Municipal Code section 105.0204~~, Land Development Code Section 126.0704.

D. ~~The Development Services Department Engineering Department shall not issue any permit~~ No permit shall be issued for the installation of fixtures or equipment, or for the erection, construction, conversion, establishment, alteration, rehabilitation, demolition, move on, addition or enlargement of any building, structure or improvement, or for the occupancy of any building, structure or premises, or for the grading, subdivision or street closure, nor shall any site be used in any portion of the Barrio Logan Planned District until the application has been approved pursuant to Section 103.0906(A) and (B). Each applicant shall state the purpose for which the proposed building, structure or improvement is intended to be used. Applications for grading permits and demolition of structures shall not be accepted unless application is made concurrently for a building permit.

E. The ~~Development Services Director~~ City Manager shall review projects which affect historic sites designated pursuant to all applicable Municipal Code sections. All applications for the demolition or removal of any building shall be submitted to the ~~Development Services Director~~ City Manager for review. The ~~Development Services Director~~ City Manager may approve, in accordance with "Process One", an application for a demolition permit if it is determined that the site in question is not a potential historic site. The ~~Development Services Director~~ City Manager shall make that determination within ten (10) working days of the receipt of the application. If the ~~Development Services Director~~ City Manager does not make the determination within the specified period, the site shall be deemed not to be a potential historic structure. If the site is a potential historic structure, the demolition or removal permit application may be approved, conditionally approved or denied by the Planning Commission, in accordance with "Process Four". The application shall not be approved for ninety (90) calendar days or until the Historical Site Resources Board has evaluated and acted on the site's historical significance, whichever occurs first. The provisions of ~~this Municipal Code section~~ Section 103.0906(E) shall not apply to the following:

1. Any building or structure found by the Building Official of the City of San Diego to present a hazard to public health or safety and for which an emergency permit for demolition must be issued; or
2. Any permit approved as part of a development project submitted, reviewed and approved in

accordance with this Division, and provided that the development application includes an environmental document prepared in accordance with the California Environmental Quality Act which describes and addresses the historic/architectural significance of the property. The environmental document shall be reviewed by the Historical Site Resources Board for the purpose of recommending to the ~~Development Services Director~~ City Manager whether the proposed project should be approved, modified or denied based on the importance of the existing building(s) or structure(s).

F. If any structure or building is intentionally demolished or substantially damaged without obtaining a demolition permit, a building permit for that site will not be issued for a period of one year, or a previously issued permit may be revoked for a period of one year from the date the City is made aware of the demolition. If the demolished or damaged structure was a designated historic site, a building permit will not be issued for two years, or a previously issued building permit may be revoked for a period of two (2) years from the date the City is made aware of the demolition.

G. On behalf of the Redevelopment Agency of The City of San Diego, the City Manager or designee shall review all development proposals located within the "Redevelopment Subdistrict" of the Barrio Logan Planned District, and make recommendations to the "Hearing Officer".

Projects requiring participation of the Redevelopment Agency of The City of San Diego (the "Agency") shall be reviewed by the Planning Commission prior to approval by the Agency. The Planning Commission may recommend to the Agency reasonable conditions to ensure compliance with the Barrio Logan Redevelopment Plan and the regulations contained in this Division.

#### H. Variances and Conditional Use Permits.

1. Variances and conditional use permits may be granted where variances or permits would serve to carry out the purpose and intent of the Barrio Logan Planned District, provided findings are made in accordance with ~~Municipal Code sections 101.0502, 101.0503 and 101.0510.~~ Land Development Code Section 126.0305 and Section 126.0805.

2. Applications for zone variances or conditional use permits shall be processed concurrently with any other required discretionary actions relating to the subject property, in accordance with ~~Municipal Code section 111.0203.~~ Land Development Code Section 112.0103.

I. The procedure for application for ~~Classification of Use, Variance, Conditional Use Permit and Subdivision,~~ as well as the procedures for taking action on such matters, shall be the same as set forth in ~~Chapter X, Article 1, Divisions 2 and 5, and Chapter X, Article 5, Division 2, of the Municipal Code.~~ Land Development Code Chapter 11 (Land Development Procedures) and Chapter 12 (Land Development Reviews).

("Outdoor Display, Operation and Storage" added 7-5-83 by O-16001 N.S.; renumbered to Sec. 103.0907 on 3-2-92 by O-17746 N.S.)

("Permit Application, Review and Issuance" renumbered from Sec. 103.0903, retitled and amended 3-2-92 by O-17746 N.S.; amended 11-23-92 by O-17870 N.S.; amended 9-13-93 by O-17973 N.S.)

(Amended 7-25-94

July 25, 1994 by O- 18088 N.S.)

#### SEC. 103.0907

Outdoor Display, Operation and Storage

In the Barrio Logan Planned District, the following regulations shall apply to all commercial and industrial uses

in all Subdistricts:

1. The following listed merchandise sold or rented on the premises may be displayed outdoors without screening walls or fences except along common property lines of abutting residentially zoned or residentially used lots:

- a. Flowers and plants.
- b. Food products.
- c. Handcrafted products and goods.
- d. Artwork and pottery.

e. Any other merchandise which the ~~Development Services Director~~ City Manager may find to be similar in character, type or nature to the other merchandise listed in this paragraph and which will not cause an adverse visual impact on the neighborhood.

2. All other commercial and industrial uses, activities, and operations shall be conducted within an enclosed building or within an area that is completely enclosed by walls or fences a minimum of six feet in height. No merchandise or equipment shall be stored to a height greater than any wall or fence which encloses it; however, usable vehicles, material, installations, etc., which are integral parts of the manufacturing, industrial or service process conducted on a parcel may exceed such height. No wall or fence need be built between two abutting uses which are required to be enclosed.

3. All walls and fences required in Paragraph 2 of this Section or any walls or fences visible from any publicly dedicated street or alley shall be of uniform masonry construction, solid wood construction derived from Redwood, Cedar or stained Douglas Fir species, or chain link fence with Redwood slats installed at a maximum interval of one inch, provided, however, that all walls and fences required in Paragraph 2 of this Section or any walls or fences visible from any publicly dedicated street or alley enclosing those commercial and industrial uses, activities and operations whose use activity or operation involves automotive dismantling, salvaging, recycling or uses primarily devoted to outdoor storage shall be limited to those of uniform masonry construction, or solid wood construction derived from Redwood, Cedar or stained Douglas Fir species. Landscaping treatment, consisting of creeping vines such as Bougainvillea or any similar drought tolerant, evergreen species shall be planted at a maximum of three-foot intervals the entire exterior length of chain link fences installed to satisfy the requirements of this Paragraph or Paragraph 2, except those portions abutting an alley. Landscaping shall be installed in such a manner as to allow the vines to climb the fence during growth. Gates in required walls and fences shall be constructed of either solid wood, chain link with Redwood slats (maximum one- inch interval), or metal, except corrugated metal. In the event that a business which stores dangerous toxic chemicals outdoors elects to enclose its premises with a chain link fence, it shall provide a concrete stem wall extending 12 inches above grade surrounding the area devoted to such storage. Sharp pointed fencing not exceeding a height of three and one-half feet shall be permitted on top of a minimum six-foot high fence, wall or gate, but shall not project beyond property lines. Required walls, fences, and gates shall be maintained in good repair.

4. Walls and fences required by this Section shall not be located within any required front yard or street side yard, provided however, that required walls or fences for any commercial or industrial use which existed on the effective date of this ordinance shall be exempt from the minimum yard requirements if compliance with the requirements of Paragraphs 2 and 3 of this Section is accomplished within two years of the effective date of this ordinance.

5. The ~~Development Services Director~~ City Manager may approve the use of other building materials for required walls, fences, and gates if he finds that such other building materials will be at least equal to the required materials in presenting a neat and attractive appearance. A change from the building material requirement, or to a lesser height, can be made pursuant to ~~Municipal Code section 101.0502.~~ Land Development Code Chapter 12, Article 6, Division 8 (Variance Procedures).

6. No merchandise, material or equipment shall be stored on the roof of any building.

7. All commercial and industrial uses shall conform to the requirements of Paragraphs 1, 2, 3, 4 and 6 of this Section within five years of the effective date of this ordinance.

("Subdistricts of the Barrio Logan Planned District" added 7-5-83 by O-16001 N.S.; renumbered to Sec. 103.0914 on 3-2-92 by O-17746 N.S.)

("Outdoor Display, Operation and Storage" renumbered from Sec. 103.0906 on 3-2-92 by O-17746 N.S.; amended 11-23-92 by O-17973 N.S.; amended 9-13-93 by O-17973 N.S.)

(Amended 7-25-94

July 25, 1994 by O- 18088 N.S.)

#### **SEC. 103.0914**

##### **Subdistricts of the Barrio Logan Planned District**

In order to regulate the location and minimize the land use conflicts among residential, industrial and commercial areas, and to implement the Barrio Logan Redevelopment Project, subdistricts of the Barrio Logan Planned District are established. The boundaries of said subdistricts are designated on Figure 1 of this Division.

---(THE TABLE OR GRAPH HERE CANNOT BE DISPLAYED)--- ---(THE TABLE OR GRAPH HERE CANNOT BE DISPLAYED)--- (FIGURE 1 HERE CANNOT BE DISPLAYED)

("Subdistrict "B" Purpose and Intent" added 7-5-83 by O-16001 N.S.; renumbered to Sec. 103.0925 on 3-2-92 by O-17746 N.S.)

("Subdistricts of the Barrio Logan Planned District" renumbered from Sec. 103.0907 and amended 3-2-92

March 2, 1992 by O-17746 N.S.)

#### **SEC. 103.0915**

##### **Subdistrict "A" Purpose and Intent**

Subdistrict "A" is intended to be applied primarily to the existing, older, predominantly residential neighborhoods of the Barrio Logan community for the purpose of encouraging the rehabilitation and development of residential structures at a maximum density of approximately 29 dwelling units per net acre, while allowing existing nonresidential uses to remain within certain rehabilitation and development standards. The provisions of Subarea "A" are basically designed to accommodate walk-up, low-rise apartments with provisions for screening and buffering residential uses from nonresidential uses.

("Permitted Uses" added 7-5-83 by O-16001 N.S.; renumbered to Sec. 103.0926 on 3-2-92 by O-17746 N.S.)

("Subdistrict "A" Purpose and Intent" renumbered from Sec. 103.0908 on 3-2-92

March 2, 1992 by O-17746 N.S.)

#### **SEC. 103.0916**

##### **Subdistrict "A" - Permitted Uses**

No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the following purposes:

1. One-family dwellings.
2. Two-family dwellings.

3. Apartment houses, excluding premises designed or used for the temporary residence of persons for less than one week.

4. Board and lodging houses.

5. Schools, limited to primary, elementary, junior high and senior high.

6. Public parks and public playgrounds.

7. Churches, temples or buildings of permanent nature used primarily for religious purposes.

8. Temporary real estate sales offices and model homes in new subdivisions, subject to the limitations as set forth in ~~Chapter X, Article 1, Division 4, SEC. 101.0407.~~ Land Development Code Section 141.0701.

9. Any use permitted in the ~~M-1 Zone~~ IL-3-1 zone (Land Development Code Section 131.0622) for lots or premises used for industrial or commercial activities or occupied by buildings designed for industrial or commercial use, including lots integrated by use into such industrial or commercial premises, which existed on the effective date of this ordinance.

10. Accessory uses customarily incidental to any of the foregoing permitted uses, including the following:

a. Not more than two lodgers per dwelling unit.

b. Recreational and health facilities which are designed, used and clearly intended for the use of residents of apartment houses, boarding and lodging houses, including tennis courts, putting greens, exercise rooms and sauna and steam baths.

c. Service establishments in residential complexes containing not less than 80 dwelling units which are designed, used and clearly intended for the primary convenience of the occupants of the residential complex, including the following:

(1) Barber shops.

(2) Beauty shops.

(3) Communal dining facilities.

(4) Snack bars.

(5) Dry cleaning and laundry pick up agencies.

d. Signs.

(1) For each dwelling unit - one nameplate having a maximum area of one square foot.

(2) For apartment houses, boarding and lodging houses, churches, temples, or buildings of a permanent nature used primarily for religious purposes - wall signs as defined in ~~SEC. 101.1101.240~~ Land Development Code Section 113.0103, designating the permitted uses of the premises, provided that no such sign shall project above the parapet or eaves of the buildings to which affixed or exceed a height of 12 feet, whichever is lower. In addition, one single or double-faced freestanding sign designating the permitted uses of the premises facing or adjacent to each street abutting the property. The height of any freestanding sign shall not exceed eight feet measured vertically from the base at ground level to the apex of the sign.

(3) For parking lots - one single or double-faced freestanding directional sign located at each driveway. Said directional sign shall not exceed two square feet in total face area and four feet in height measured vertically from the base at ground level to the apex of the sign.

(4) The combined total face area of all wall and freestanding signs on the premises, excluding signs designating the premises for sale, rent, or lease, shall not exceed 20 square feet.

(5) For all premises - one single or double-faced freestanding sign with a maximum area of eight square feet offering the premises for sale, rent or lease. Said sign shall not exceed a height of four feet measured vertically from the base at ground level to the apex of the sign. Such signs may be located anywhere on the premises.

(6) Signs permitted herein may be lighted; however, none shall contain visibly moving parts or be illuminated by flashing lights.

(7) Nonresidential uses - on- premises signs are permitted if constructed, fabricated, erected, installed, attached, fastened, placed, positioned, operated and abated in accordance with ~~the regulations as set forth in Chapter X, Article 1, Division 11 and Chapter IX, Article 5, Division 1 of this Code.~~ Land Development Code Chapter 12, Article 9, Division 8 (Sign Permit Procedures) and Chapter 14, Article 2, Division 12 (Sign Regulations).

11. Any other uses ~~requiring a classification of use, including accessory uses,~~ which may be determined by the Planning Commission, in accordance with "Process Four," which are consistent with the purpose and intent of this Subdistrict "A". The adopted resolution embodying such findings shall be filed in the office of the City Clerk.

("Special Regulations" added 7-5-83 by O-16001 N.S.; renumbered to Sec. 103.0927 on 3-2-92 by O-17746 N.S.)  
("Permitted Uses" renumbered from Sec. 103.0909 on 3-2-92 by O-17746 N.S.)  
(Amended on 11-23-92 by O-17973 N.S.)

(Retitled to "Subdistrict "A" - Permitted Uses" and amended 9-13-93

September 13, 1993 by O-17973 N.S.)

## SEC. 103.0917

### Subdistrict "A" - Special Regulations

#### 1. Residential Uses.

All accessory uses shall be located in the same building as the permitted uses which they serve. There shall be no entrance to any such accessory uses except through a foyer, court, lobby, hall, patio, or other similar interior area. However, neither of the foregoing regulations shall be applicable to accessory uses exclusively serving outdoor recreational activities. No signs, displays, or advertising relating to accessory uses shall be visible from any street. The combined gross floor area of all accessory uses, excluding outdoor recreational facilities, on any premises shall occupy not more than ten percent of the gross floor area of the structures containing permitted uses.

#### 2. Nonresidential Uses.

a. All uses except off-street parking, outdoor dining facilities, signs and the storage and display of those items listed in Sec. 103.0907, Paragraph 1 (Outdoor Display, Operation and Storage) shall be operated entirely within enclosed buildings or walls or fences as required in Sec. 103.0907.

b. Artificial lighting used to illuminate the premises shall be directed away from adjacent properties.

c. No mechanical equipment, tank duct, elevator enclosure, cooling tower or mechanical ventilator shall

be erected, constructed, maintained or altered anywhere on the roof or upper outside walls or buildings on the premises unless all such equipment and appurtenances are contained within a completely enclosed penthouse or other portion of a building having walls or visual screening with construction and appearances similar to the main building.

("Density Regulations" added 7-5-83 by O-16001 N.S.; renumbered to Sec. 103.0928 on 3-2-92 by O-17746 N.S.)  
("Special Regulations" renumbered from Sec. 103.0910 and amended on 3-2-92 by O-17746 N.S.)

(Retitled to "Subdistrict "A" - Special Regulations" and amended 9-13-93

September 13, 1993 by O-17973 N.S.)

#### SEC. 103.0918

##### Subdistrict "A" - Density Regulations

No lot shall be occupied by more than one dwelling unit for each 1,500 square feet of lot area, except that any currently developed lot may be redeveloped to the density which existed on the effective date of this ordinance.

("Property Development Regulations" added 7-5- 83 by O-16001 N.S.; amended 10-16-89 by O-17363 N.S.; renumbered to Sec. 103.0929 on 3-2-92 by O-17746 N.S.)

("Density Regulations" renumbered from Sec. 103.0911 on 3-2-92 by O-17746 N.S.)

(Retitled to "Subdistrict "A" - Density Regulations" and amended 9-13-93

September 13, 1993, by O-17973 N.S.)

#### SEC. 103.0919

##### Subdistrict "A" - Property Development Regulations

No building or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot be used unless the lot or premises and building or portion thereof shall comply with the following requirements and special regulations:

##### 1. Minimum Lot Requirements.

a. Area - 3,500 Square Feet.

b. Street frontage - 25 feet.

c. Width.

(1) Interior lot - 25 feet.

(2) Corner lot - 25 feet.

d. Depth - 100 feet.

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

2. Minimum Yards.

a. Front - five feet.

b. Side.

(1) Interior - three feet, except that the yard specified herein shall be increased three feet for each story above two.

(2) Street - four feet.

c. Exception.

(1) Two adjoining lots which have a common side lot line and which are developed concurrently may be developed with zero side yards on the common side lot line, provided that each opposite interior side yard is not less than six feet, which shall be increased three feet for each story above two.

(2) The front and street side yard requirements shall not apply to lots or premises where required walls or fences, in compliance with SEC. 103.0907, Paragraph 4, are not required to observe minimum yards.

3. Maximum Coverage.

a. Residential.

(1) Interior lot coverage - 40 percent.

(2) Corner lot coverage - 50 percent.

b. Nonresidential.

The maximum floor area ratio shall be two.

4. Building Height.

Maximum building height shall be 35 feet.

5. Maximum Driveway Width.

~~No driveway shall exceed a width of twenty-five feet (25') measured at the property line and there shall be not less than forty-five feet (45') measured at the property line between driveways serving the same premises. Driveways shall be so located as to provide at least one on-street parking space for each thirty feet (30') of frontage of the premises, the said on-street parking space being not less than twenty feet (20') in length measured along a full height curb; provided, however, that an alternative driveway spacing and location may be approved by the Development Services Director if such alternative will result in a maximum number of on-street parking spaces being provided. Driveway width and spacing shall comply with Land Development Code Section 141.0560.~~

6. Landscaping.

a. Prior to the use and occupancy of any premises, 100 percent of the required front and street side yards shall be suitably landscaped except for those areas occupied by driveways and walkways.

b. For any lot which is being developed with two (2) or more dwelling units, or with a nonresidential use and prior to the issuance of any building permits, a complete set of landscaping and irrigation plans

shall be submitted to the ~~Development Services Director~~ City Manager for approval; said landscaping and irrigation plan shall be in conformance with standards adopted by the Planning Commission as set forth in the document entitled, "City of San Diego Landscape Technical Manual," on file in the office of the City Clerk. ~~Conformance shall be determined by the Development Services Director~~ the Landscape Guidelines of the Land Development Manual.

c. Required landscaping and required watering system shall be installed prior to the use of the premises. All required landscaped areas shall be permanently maintained in accordance with the adopted standards referenced above in this Paragraph.

d. Landscaping required in Sections 103.0919(6)(a), (6)(b) and (6)(c) above, is required for all commercial and industrial uses which existed on the effective date of this ordinance and shall be installed within five (5) years of the effective date of this ordinance; provided, however, that for any portion of the lot or premises where no minimum yard is required, planter boxes or a landscaped strip between the property line and curb of the adjacent public street shall be substituted for the required landscaping. Such substitute landscaping shall be subject to the approval of the ~~Development Services Director~~ City Manager. If the substitute landscaping is determined to be infeasible ~~by the Zoning Administrator or City Manager~~, no substitute landscaping shall be required.

~~7. Other Applicable Regulations.~~

~~Other applicable property development regulations are contained in Chapter X, Article 1, Division 6 of the Municipal Code.~~

("Off-Street Parking Regulations" added 7-5-83 by O-16001 N.S.; renumbered to Sec. 103.0930 on 3-2-92 by O-17746 N.S.)

("Property Development Regulations" renumbered from Sec. 103.0912 and amended 3-2-92 by O-17746 N.S.; amended 11-23-92 by O-17870 N.S.; Retitled to "Subdistrict "A" - Property Development Regulations" and amended 9-13-93 by O-17973 N.S.)

(Amended 7-25-94

July 25, 1994 by O- 18088 N.S.)

**SEC. 103.0920**

**Subdistrict "A" - Off-Street Parking Regulations**

~~1. Every premises used for one or more of the permitted uses listed in SEC. 103.0916 (Permitted Uses) above 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 follows:~~

~~a. For one-family or multi-family dwellings one space for each dwelling unit.~~

~~b. For boarding and lodging houses one space for each lodger.~~

~~c. For schools primary, elementary, and junior high.~~

~~(1) One and one-half spaces for each classroom where the school has no auditorium, gymnasium or other similar place of assembly; or~~

~~(2) One space for each 35 square feet of floor area used for seating in the school auditorium, gymnasium or other similar place of assembly.~~

~~d. For schools senior high.~~

~~(1) One space for each eight students at ultimate enrollment.~~

~~(2) One space for each 1.25 staff members at full complement.~~

~~c. For churches, temples or buildings of a permanent nature used primarily for religious purposes one space for each 35 square feet of floor area used for seating in the main sanctuary or other principal place of assembly.~~

~~f. For permitted uses and accessory uses permitted under provisions of SEC. 103.0916, Paragraphs 9, 10 and 11 (Permitted Uses) above one space for each 400 feet of gross floor area.~~

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

2. For lots which are less than 2,500 square feet in area, no parking shall be required.

3. For all lots which abut an alley, all on-street parking spaces as described in SEC. 103.0919, Paragraph 5, that are at least 20 feet in length measured along a full height curb shall be counted toward off-street parking requirements.

4. Where ambiguity exists in the application of these off-street parking requirements or when any use not specified in SEC. 103.0916 (Permitted Uses) above is found to be a permitted use in accordance with SEC. 103.0916, Paragraph 11 above, the off-street parking requirements shall be consistent with that for similar uses in this Subdistrict.

~~5. Off-street parking facilities shall be constructed, maintained, and operated in compliance with Chapter X, Article 1, Division 8.~~

~~6. 5.~~ The off-street parking requirements set forth in this Section will be imposed only upon the completion of "new construction." For the purposes of this Paragraph, "new construction" shall mean any construction, alteration(s) or enlargement(s) of a structure which activities, in the aggregate, increase the fair market value of the lot or premises upon which such construction, alteration or enlargement is undertaken by more than 50 percent of the assessed fair market value of such lot or premises for the fiscal year during which such construction, alteration or enlargement is undertaken. In calculating the number of parking spaces required for any such new construction, only the gross floor area of any structures which existed on such affected lot or premises as of the effective date of this ordinance shall be excluded.

("Subdistrict "C" Purpose and Intent" added 7-5-83 by O-16001 N.S.; amended 9-23-91 by O-17684 N.S.; renumbered to Sec. 103.0935 on 3-2-92 by O-17746 N.S.)

("Off-Street Parking" renumbered from Sec. 103.0913 and amended 3-2-92 by O-17746 N.S.)

(Retitled "Subdistrict "A" - Off-Street Parking Regulations" and amended 9-13-93

September 13, 1993, by O-17973 N.S.)

## SEC. 103.0925

### Subdistrict "B" Purpose and Intent

The purpose of this Subdistrict is to accommodate areas of the community which provide goods and services for residential, commercial and industrial areas and through historic patterns of development, contain residential, commercial, and industrial mixed-uses.

Since these areas were generally developed during the first half of this century and feature parcels or lots which are typically small and narrow in size and configuration, it is, therefore, the intent of this Subdistrict that it provide standards and regulations which are designed to minimize conflicts between development which occurred during the first half of the century and development which would be permitted to take place under the standards and development

regulations of this Subdistrict as well as the existing mixed-use development patterns.

It is further the intent of this Subdistrict that it apply to that area of the community with mixed land use, including some heavy industrial; and that it allow the improvement, development or redevelopment of commercial and industrial uses with little need for variances.

("Property Development Regulations added 7-5-83 by O-16001 N.S.; amended 10-16-89 by O-17363 N.S.; amended 9-23-91 by O-17684 N.S.; renumbered to Sec. 103.0939 on 3-2-92 by O-17746 N.S.)

("Subdistrict "B" Purpose and Intent" renumbered from Sec. 103.0914 on 3-2-92

March 2, 1992 by O-17746 N.S.)

#### SEC. 103.0926

##### Subdistrict "B" - Permitted Uses

No building or improvement, or portion thereof, shall be erected, constructed, or enlarged, nor shall any premises be used except for one or more of the following purposes:

1. One-family dwellings.
2. Two-family dwellings.
3. Apartment houses, excluding structures designed or used for the temporary residence of persons for less than one week.
4. Any nonresidential use permitted in the ~~M-2 Zone~~ IH-2-1 zone as set forth in ~~Chapter X, Article 1, Division 4, SEC. 101.0441 of the Municipal Code.~~ Land Development Code Section 131.0622.
5. Parking lots and facilities; provided, however, that except for covered parking facilities which are located completely below grade such parking lots and facilities shall be accessory to a use permitted in this Section which shall be located on the same premises.
6. Any uses which the Planning Commission determines, in accordance with "Process Four", to be similar in character to the uses enumerated in this Section and are clearly within the intent and purpose of this Subdistrict.

The adopted resolution embodying any such finding shall be filed in the office of the City Clerk.

7. Accessory uses for any of the foregoing permitted uses including on-premises signs constructed, fabricated, erected, installed, attached, fastened, placed, positioned, operated and abated in accordance with the ~~regulations as set forth in Chapter X, Article 1, Division 11 and Chapter IX, Article 5, Division 1 of this Code.~~ Land Development Code Chapter 12, Article 9, Division 8 (Sign Permit Procedures) and Chapter 14, Article 2, Division 12 (Sign Regulations).

("Enclosure Regulations" added 7-5-83 by O-16001 N.S.; renumbered to Sec. 103.0940 on 3-2-92 by O-17746 N.S.)

("Permitted Uses" renumbered from Sec. 103.0915 on 3-2-92 by O-17746 N.S.)

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

(Retitled to "Subdistrict "B" - Permitted Uses" and amended 9-13-93

September 13, 1993 by O-17973 N.S.)

**SEC. 103.0927**

**Subdistrict "B" - Special Regulations**

1. All uses except off-street parking, outdoor dining facilities, signs and the storage and display of those items listed in SEC. 103.0907, Paragraph 1, (Outdoor Display, Operation and Storage) shall be operated entirely within enclosed buildings or walls or fences as required in SEC. 103.0907.

2. Artificial lighting used to illuminate the premises shall be directed away from adjacent properties.

3. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, or mechanical ventilator shall be erected, constructed, maintained or altered anywhere on the roof or upper outside walls of buildings on the premises unless all such equipment and appurtenances are contained within a completely enclosed penthouse or other portion of a building having walls or visual screening with construction and appearances similar to the main building.

("Off-Street Parking Regulations" added 7-5-83 by O-16001 N.S.; amended 9-25-89 by O-17343 N.S.; amended 9-23-91 by O-17684 N.S.; renumbered to Sec. 103.0941 on 3-2-92 by O-17746 N.S.)

("Special Regulations" renumbered from Sec. 103.0916 and amended 3-2-92 by O-17746 N.S.)

(Retitled to "Subdistrict "B" - Special Regulations" and amended 9-13-93

September 13, 1993 by O-17973 N.S.)

**SEC. 103.0928**

**Subdistrict "B" - Density Regulations**

No lot or parcel shall be developed or occupied by more than one dwelling unit for each 1,500 square feet of lot area, except that any currently developed lot may be redeveloped to the density which existed on the effective date of this ordinance.

("Subdistrict "D" - Purpose and Intent" added 7-5-83 by O-16001 N.S.; renumbered to Sec. 103.0945 on 3-2-92 by O-17746 N.S.)

("Density Regulations" renumbered from Sec. 103.0917 on 3-2-92 by O-17746 N.S.)

(Retitled to "Subdistrict "B" - Density Regulations" and amended 9-13-93

September 13, 1993 by O-17973 N.S.)

**SEC. 103.0929**

**Subdistrict "B" - Property Development Regulations**

No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged, or used nor shall any premises be used unless the lot or premises and building shall comply with the following regulations and standards.

1. Minimum Lot Requirements.

a. Area - 3,500 square feet.

b. Street frontage - 25 feet.

c. Width - 25 feet.

d. Depth - 100 feet.

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

## 2. Minimum Yards.

a. Front-five feet for not less than 50 percent of lot frontage.

b. Side.

(1) Interior - zero except that a three foot side yard shall be provided if any portion of the side lot line abuts residentially zoned or residentially used property. Such side yard shall be increased three feet for each story above two.

(2) Street - five feet for not less than 50 percent of lot frontage.

c. Rear - zero.

d. Exception - The front and street side yard requirements shall not apply to lots or premises where required walls or fences, in compliance with SEC. 103.0907, Paragraph 4, are not required to observe minimum yards.

## 3. Maximum Floor Area Ratio.

The maximum floor area ratio shall be 2.0.

## 4. Building Height.

Maximum building height shall be 35 feet.

## 5. Maximum Driveway Width.

~~No driveway shall exceed a width of twenty-five feet (25') measured at the property line and there shall be not less than forty-five feet (45') measured to the property line between driveways serving the same premises. Driveways shall be so located as to provide at least one on-street parking space for each thirty feet (30') of frontage of the premises; the said on-street parking space being not less than twenty feet (20') in length measured along a full height curb; provided, however, that an alternative driveway spacing and location may be approved by the Development Services Director if such alternative will result in a maximum number of on-street parking spaces being provided. Driveway width and spacing shall comply with Land Development Code Section 141.0560.~~

## 6. Landscaping.

a. Prior to the use and occupancy of any premises of twenty-five feet (25') in width or less, a minimum of two percent of said premises which shall be visible from an immediate abutting public street right-of-way, shall be suitably landscaped with shrubs, trees, and ornamental ground cover. The minimum landscaping requirement shall increase one-half of one percent for each twenty-five feet (25') of parcel width but need not exceed a maximum of five percent (5%). The landscaped area may include planter boxes and potted plants if said items are approved by the

~~Development Services Director~~ City Manager.

b. Prior to the issuance of any building permits, a complete landscaping plan and irrigation plan shall be submitted to the ~~Development Services Director~~ City Manager for approval. This landscaping plan and irrigation plan shall be in conformance with the requirements of this Section 103.0929 and with the "City of San Diego Landscape Technical Manual," on file in the office of the City Clerk. ~~Conformance shall be determined by the Development Services Director.~~ the Landscape Guidelines of the Land Development Manual.

c. Required landscaping and required watering system shall be installed prior to the use of the premises. All required landscaped areas shall be permanently maintained in accordance with the adopted standards referred to in this Paragraph.

d. Minimum Planting Standards. Unless other planting requirements are specified in a landscape plan approved by the ~~Development Services Director~~ City Manager, required landscaped strips on lots used for commercial and industrial uses shall include:

For each fifteen linear feet (15 lin. ft.) of lot frontage, front and street side: one tree ten feet in height or more at maturity.

For each one hundred square feet (100 sq. ft.) or portion thereof required front and street side yards: five shrubs.

e. Landscaping required in Sections 103.0929(6)(a), (6) (b) and (6)(c) above is required for all commercial and industrial uses which existed on the effective date of this ordinance and shall be installed within five years of the effective date of this ordinance; provided, however, that for any portion of the lot or premises where no minimum yard is required, planter boxes or a landscaped strip between the property line and curb of the adjacent public street shall be substituted for the required landscaping. Such substitute landscaping shall be subject to the approval of the ~~Development Services Director~~ City Manager.

~~7. Other applicable property development regulations are contained in Chapter X, Article 1, Division 6.~~

("Permitted Uses" added 7-5-83 by O-16001 N.S.; renumbered to Sec. 103.0946 on 3-2-92 by O-17746 N.S.)  
("Property Development Regulations" renumbered from Sec. 103.0918 and amended 3-2-92 by O-17746 N.S.; Retitled to "Subdistrict "B" - Property Development Regulations" and amended 9-13-93 by O-17973 N.S.)

(Amended 7-25-94

July 25, 1994 by O- 18088 N.S.)

**SEC. 103.0930**

**Subdistrict "B" - Off-Street Parking Regulations**

~~1. Every premises used for one or more of the permitted uses listed in SEC. 103.0926 (Permitted Uses) above shall be provided with a minimum of off-street parking spaces on the same lot or premises for any new construction as follows:~~

~~a. For one-family or multi-family dwellings one parking space for each dwelling unit.~~

~~b. Wholesale, Storage, and Distribution uses involving no fabrication, repair, dismantling or retail sales: one parking space for each 1,000 square feet of gross floor area or if the property has no driveway to the street, not more than one parking space for each ten feet of lot width at the alley shall be required provided that access for such parking spaces must be taken from the alley, whichever is less.~~

~~c. Other commercial and industrial uses: one parking space for each 600 square feet of gross floor area; or if the property has no driveway to the street, not more than one parking space for each ten feet of lot width at the alley shall be required, providing that access for such parking spaces must be taken from alley, whichever is less.~~

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

2. For all lots which abut an alley, all on-street parking spaces ~~as described in SEC. 103.0929, Paragraph 5 (Property Development Guidelines);~~ that are at least 20 feet in length measured along a full height curb shall be counted toward off-street parking requirements.

~~3. Off-premises parking may be provided in conformance with the provisions of SEC. 101.0800, Paragraph 7, (Off-premises Parking for Uses in the C-1 and C-1S Zones).~~

43. Where ambiguity exists in the application of these off-street parking requirements or where any use not specified in SEC. 103.0915 (Permitted Uses), above is found to be a permitted use, the off-street parking requirement shall be consistent with that for similar uses in this Subdistrict.

~~5. All off-street parking facilities shall be constructed, operated and maintained in compliance with Chapter X, Article 1, Division 8.~~

64. The off-street parking requirements set forth in this Section will be imposed only upon the completion of "new construction." For the purposes of this paragraph, "new construction" shall mean any construction, alteration(s) or enlargement(s) of a structure which activities, in the aggregate, increase the fair market value of the lot or premises upon which such construction, alteration or enlargement is undertaken by more than 50 percent of the assessed fair market value of such lot or premises for the fiscal year during which such construction, alteration or enlargement is undertaken. In calculating the number of parking spaces required for any such new construction, only the gross floor area of the new construction will be taken into consideration, and the gross floor area of any structures which existed on such affected lot or premises as of the effective date of this ordinance shall be excluded.

("Special Regulations" added 7-5-83 by O-16001 N.S.; renumbered to Sec. 103.0947 on 3-2-92 by O-17746 N.S.)  
("Off-Street Parking Regulations" renumbered from Sec. 103.0919 and amended 3-2-92 by O-17746 N.S.)

(Retitled to "Subdistrict "B" - Off-Street Parking Regulations" and amended 9-13-93

September 13, 1993 by O-17973 N.S.)

#### **SEC. 103.0935**

##### **Subdistrict "C" Purpose and Intent**

The purpose of this residential subdistrict is to regulate the development of this area with a maximum density of approximately 29 dwelling units per net acre.

It is the intent of these regulations to allow the improvement or development of the standard Barrio Logan lots with little or no need for variance. This subdistrict also includes special character multiple family neighborhood guidelines intended to preserve the low intensity scale, while allowing for multiple family use, as set forth in Section 103.0939, subsection 7, of the Municipal Code.

("Subdistrict "C" Purpose and Intent" renumbered from Sec. 103.0920 on 3-2-92

March 2, 1992 by O-17746 N.S.)

**SEC. 103.0936**

**Subdistrict "C" - Permitted Uses**

It shall be unlawful to erect, construct, convert, establish, alter, move-on or enlarge any building or improvement or portion thereof, nor shall any lot or premises be used except for one or more of the following purposes as provided herein:

1. One-family dwellings.

2. Two-family dwellings.

3. Multi-family dwellings, excluding structures designed or used for the temporary residence of persons for less than one week.

4. Boarding and lodging houses for no more than two lodgers per guest room. Communal dining facilities may not occupy more than 10 percent of the gross floor area occupied by the boarding or lodging house.

5. Public parks and public playgrounds.

6. The following conditional uses may be permitted according to the regulations set forth in ~~Section 101.0510 of the Municipal Code~~ Municipal Code Section 103.0105 and Land Development Code Chapter 14, Article 1 (Separately Regulated Use Regulations).

a. Churches, temples or buildings used primarily for religious purposes.

b. Private clubs, lodges and fraternal organizations.

c. Nursery and elementary schools, and day care facilities.

d. Residential care facilities for not more than twelve persons.

("Permitted Uses" renumbered from Sec. 103.0921 on 3-2-92 by O-17746 N.S.)

(Retitled to "Subdistrict "C" - Permitted Uses" and amended 9-13-93

September 13, 1993 by O-17973 N.S.)

**SEC. 103.0937**

**Subdistrict "C" - Sign Regulations**

All properties in Subdistrict "C" shall comply with the sign regulations set forth in ~~Section 101.0410, subsection E, of the Municipal Code~~ Land Development Code Chapter 14, Article 2, Division 12 (Sign Regulations).

("Sign Regulations" renumbered from Sec. 103.0923 on 3-2-92 by O-17746 N.S.)

(Retitled to "Subdistrict "C" - Sign Regulations" and amended 9-13-93

September 13, 1993 by O-17973 N.S.)

**SEC. 103.0938**

Subdistrict "C" - Density Regulations

No lot shall be occupied by more than one dwelling unit for each 1,500 square feet of lot area.

("Density Regulations" renumbered from Sec. 103.0924 on 3-2-92 by O-17746 N.S.)

(Retitled to "Subdistrict "C" - Density Regulations" and amended 9-13-93

September 13, 1993 by O-17973 N.S.)

SEC. 103.0939

Subdistrict "C" - Property Development Regulations

It shall be unlawful to erect, construct, convert, establish, alter, move-on or enlarge any building or improvement or portion thereof, nor shall any lot be used in violation of any of the following requirements and special regulations:

1. Minimum Lot Requirements:

a. Area - 3,500 square feet.

b. Street frontage - 25 feet.

c. Width - 25 feet.

d. Depth - 100 feet.

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

2. Maximum Lot Dimensions and Area: Lot consolidations created through maps or by means of building across property lines shall be prohibited when such action would create a parcel containing over 7,000 square feet of lot area or over 50 feet of frontage along the front property line.

3. Required Setbacks:

a. Front - 15 feet.

b. Side.

(1) Interior - For lots that are 25 feet or less in width, three feet; and for lots greater than 25 feet in width, four feet.

(2) Street - Five feet.

c. Rear - Four feet.

4. Lot Coverage Requirements:

a. 50 percent maximum for interior lots.

b. 60 percent maximum for corner lots.

5. Building Height:

a. 25 feet maximum allowed in the front 35 percent of the lot.

b. 35 feet maximum allowed in the rear 65 percent of the lot.

c. Chimneys and vents are allowed to exceed the permitted height by an additional 5 feet.

6. Driveway Standards:

~~For street driveway access there shall be a twelve foot minimum and an eighteen foot maximum permitted driveway width as measured at the front street property line. Driveways shall be so located as to provide at least one on-street parking space for each 25 feet of frontage of the premises; the said on-street parking space being not less than 20 feet in length measured along a full height curb; provided, however, that an alternative driveway spacing and location may be approved by the Zoning Administrator if such alternative will result in a maximum number of on-street parking spaces being provided. Driveway width and spacing shall comply with Land Development Code Section 141.0560.~~

7. Special Character Design Criteria:

a. Requirements for the addition of dwelling units:

(1) Where one or more dwelling units already exist on a lot, any additional dwelling unit, whether attached or detached, shall incorporate the same roof style.

(2) A minimum separation of ten (10) feet shall be required between the exterior building walls of the existing building and any additional detached dwelling unit on that lot.

(3) There shall be pedestrian access from each added dwelling unit to an abutting street.

b. Requirements for development on vacant or cleared lots:

(1) The particular facade, side or elevation of the building closest to the front yard shall have at least one pedestrian entry parallel to the street and contain a transparent glass window or windows with an aggregate area of at least 20 square feet.

(2) The facade of any new multi-story residential building closest to the front yard shall incorporate a 6 foot horizontal recess from the exterior wall of the first story.

(3) Covered porches may encroach 3 feet into the required front yard setback. A covered front porch having a minimum 6 foot depth and a width of 40 percent or more of the total first floor building width, can be used to fulfill the second-story 6 foot offset described in subsection 7.b.(2) of this section.

(4) Not more than two ten- foot wide garage doors or a single 16-foot wide garage door shall be permitted on the front facade. Any covered parking accessed from the street and in the front 30 percent of the lot shall be fully enclosed. Uncovered parking in the front 30 percent of the lot is not permitted.

c. Second-story additions to existing buildings shall conform to the regulations set forth in subsections 7.b.(2) and 7.b.(3) of this Section.

8. Landscaping:

All landscaping shall conform with the ~~City-wide Landscaping Ordinance, Municipal Code sections 101.0701 through 101.0714, and the City of San Diego Landscape Technical Manual which is on file in the office of the City Clerk as Document No. RR-274506.~~ Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations).

("Property Development Regulations" renumbered from Sec. 103.0925 on 3-2-92 by O-17746 N.S.)

(Retitled to "Subdistrict "C" - Property Development Regulations" and amended 9-13-93

September 13, 1993 by O-17973 N.S.)

#### SEC. 103.0940

##### Subdistrict "C" - Enclosure Regulations

1. No mechanical, equipment, tank duct, elevator enclosure, cooling tower, or mechanical ventilator shall be erected, constructed, maintained, or altered anywhere on the roof or upper outside walls of buildings on the premises unless all such equipment and appurtenances are contained within a completely enclosed penthouse or other portion of a building having walls and roofs with construction and appearance similar to the main building.

2. Applicable fence and wall regulations are contained in ~~Chapter X, Article 1, Division 6.~~ Land Development Code Chapter 14, Article 2, Division 3 (Fence Regulations).

("Enclosure Regulations" renumbered from Sec. 103.0926 on 3-2-92 by O-17746 N.S.)

(Retitled to "Subdistrict "C" - Enclosure Regulations" and amended 9-13-93

September 13, 1993 by O-17973 N.S.)

#### SEC. 103.0941

##### Subdistrict "C" - Off-Street Parking Regulations

~~1. Every premise used for one or more of the permitted uses listed in Section 103.0936 of the Municipal Code 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 follows:~~

~~a. For one family or multi-family dwellings refer to Section 101.0835 of the Municipal Code.~~

~~b. For boarding and lodging houses one space for each guest room.~~

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

2. Where a property is served by an improved alley, at least two-thirds of the required automobile parking shall be accessed from the alley, and all on-street parking spaces ~~as described in Section 103.0939, subsection 6, of the Municipal Code,~~ above at least 20 feet in length measured along a full height curb shall be counted toward off-street parking requirements.

~~3. Off-Street parking facilities shall be constructed, maintained, and operated in compliance with Chapter X, Article 1, Division 8 of the Municipal Code.~~

4. The off-street parking requirements set forth in this Section will be imposed only upon the completion of

"new construction." For the purposes of this subsection, "new construction" shall mean any construction, alteration(s) or enlargement(s) of a structure which activities, in the aggregate, increase the fair market value of the lot or premises upon which such construction, alteration or enlargement is undertaken by more than 50 percent of the assessed fair market value of such lot or premises for the fiscal year during which such construction, alteration or enlargement is undertaken.

54. Parking in front setbacks is prohibited.

("Off-Street Parking Regulations renumbered from Sec. 103.0927 and amended 3-2-92 by O-17746 N.S.)

(Retitled to "Subdistrict "C" - Off-Street Parking Regulations and amended 9-13-93

September 13, 1993 by O-17973 N.S.)

#### SEC. 103.0946

##### Subdistrict "D" - Permitted Uses

1. In Subdistrict "D," no building or improvement or portion thereof shall be erected, constructed, converted, established, altered, or enlarged, nor shall any lot or premises be used except for one or more of the uses permitted in the ~~M-2 Zone~~ IH-2-1 zone as set forth in ~~Chapter X, Article 1, Division 4, SEC. 101.0441;~~ Land Development Code Section 131.0622 provided, however, that the following uses shall be prohibited:

- a. Churches.
- b. Dwellings, whether single-family or multiple-family including house trailers, except one dwelling on the same lot or parcel of land which is legally being used so as to require the continuous supervision of a caretaker or superintendent and his immediate family.
- c. Hospitals, except for emergency hospitals incident to uses permitted in this Subdistrict.
- d. Hotels, motels, rooming houses, boarding houses and all other similar uses offering lodging to guests.
- e. Institutions or homes for the treatment or care of convalescent persons, children, aged persons, alcoholics, the wounded or mentally infirm.
- f. Schools, public and private, except for trade schools instructing in subjects incidental to a permitted use.
- g. Trailer parks.

2. On-premises signs are permitted if constructed, fabricated, erected, installed, attached, fastened, placed, positioned, operated, and abated in accordance with ~~the regulations as set forth in Chapter X, Article 1, Division 11, and Chapter IX, Article 5, Division 1 of this Code.~~ Land Development Code Chapter 12, Article 9, Division 8 (Sign Permit Procedures) and Chapter 14, Article 2, Division 12 (Sign Regulations).

("Permitted Uses" renumbered from Sec. 103.0929 on 3-2-92 by O-17746 N.S.)

(Retitled to "Subdistrict "D" - Permitted Uses" and amended 9-13-93

September 13, 1993 by O-17973 N.S.)

#### SEC. 103.0947

## Subdistrict "D" - Special Regulations

1. All uses except off-street parking, outdoor dining facilities, signs and the storage and display of those items listed in SEC. 103.0907, Paragraph 1 (Outdoor Display, Operation and Storage) shall be operated entirely within enclosed buildings or walls or fences as required in SEC. 103.0907.

2. Artificial lighting used to illuminate the premises shall be directed away from adjacent properties.

3. No mechanical equipment, tank duct, elevator enclosure, cooling tower or mechanical ventilator shall be erected, constructed, maintained or altered anywhere on the roof or upper outside walls of buildings on the premises unless all such equipment and appurtenances are contained within a completely enclosed penthouse or other portion of a building having walls or visual screening with construction and appearances similar to the main building.

("Special Regulations" renumbered from Sec. 103.0930 and amended 3-2-92 by O-17746 N.S.)

(Retitled to "Subdistrict "D" - Special Regulations" and amended 9-13-93

September 13, 1993 by O-17973 N.S.)

### SEC. 103.0948

#### Subdistrict "D" - Property Development Regulations

No building or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot be used unless the lot or premises and building comply with the following regulations and standards:

##### 1. Minimum Lot Requirements.

a. Area - 7,000 Square feet.

b. Street frontage - 50 feet.

c. Width - 50 feet.

d. Depth - 100 feet.

e. Exception. Any lot which qualifies under the definition of a lot as set forth in this Code Land Development Code Section 113.0103 and Section 113.0204 and which does not comply in all respects with the minimum lot requirements specified herein may nevertheless be used as permitted and otherwise regulated by the provisions applicable to this zone.

##### 2. Minimum Yards.

a. Front - 10 feet.

b. Side - 5 feet.

c. Exception. The front and street side yard requirements shall not apply to lot or premises where required walls or fences, in compliance with SEC. 103.0907, Paragraph 4, are not required to observe minimum yards.

##### 3. Maximum Floor Area Ratio.

The maximum floor area ratio shall be two.

4. Building Height.

Maximum building height shall be 35 feet.

5. Maximum Driveway Width. ~~No driveway shall exceed a width of twenty-five feet (25') measured at the property line and there shall be not less than forty-five feet (45') measured at the property line between driveways serving the same premises. Driveways shall be located so as to provide at least one on-street parking space for each thirty feet (30') of frontage of the premises; said on-street parking space being not less than twenty feet (20') in length measured along a full curb height; provided, however, that an alternative driveway spacing and location may be approved by the Development Services Director if such alternative will result in a maximum number of on-street parking spaces being provided. Driveway width and spacing shall be in conformance with Land Development Code Section 141.0560.~~

6. Landscaping.

a. Prior to the use or occupancy of any lot or premises, a planting strip shall be required along those portions of the perimeter of the lot or premises adjoining street highways and public places except where driveways and sidewalks are located. The planting strip shall have a depth of not less than ten feet (10'). Landscaping and irrigation shall be in conformance with the ~~"City of San Diego Landscape Technical Manual," on file in the office of the City Clerk. Conformance shall be determined by the Development Services Director.~~ the Landscape Guidelines of the Land Development Manual. Approved landscaping, including any required irrigation systems, shall be installed prior to the use or occupancy of any lot or premises and shall be in conformance with the approved landscaping and irrigation plans. All required landscaped areas shall be permanently maintained in accordance with the adopted standards referred to in this Section 103.0948(6)(a).

b. Landscaping required in Section 103.0948(6)(a), is required for all commercial and industrial uses which existed on the effective date of this ordinance and shall be installed within five (5) years of the effective date of this ordinance; provided, however, that for any portion of the lot or premises where no minimum yard is required, planter boxes or a landscaped strip between the property line and curb of the adjacent public street shall be substituted for the required landscaping. Such substitute landscaping shall be subject to the approval of the ~~Development Services Director~~ City Manager.

("Property Development Regulations" Renumbered from Sec. 103.0931 and amended 3-2-92 by O-17746 N.S.)  
(Amended 11-23-92 by O-17870 N.S.; Retitled to "Subdistrict "D" - Property Development Regulations" and amended 9-13-93 by O-17973 N.S.)

(Amended 7-25-94

July 25, 1994 by O- 18088 N.S.)

**SEC. 103.0949**

**Subdistrict "D" - Off-Street Parking**

~~1. Every premises used for one or more of the permitted uses listed in SEC. 103.0946 (Permitted Uses) above shall be provided with a minimum of off-street parking spaces on the same lot or premises as follows:~~

~~a. Wholesale, storage, and distribution uses involving no fabrication, repair, dismantling or retail sales: one parking space for each 1,000 square feet of gross floor area. If the property has no driveway to the street, not more than one parking space for each ten feet of lot width at the alley shall be required provided that access for such parking spaces must be taken from the alley.~~

~~b. Other commercial and industrial uses: one parking space for each 600 square feet of gross floor area. If the property has no driveway to the street, not more than one parking space for each ten feet of lot width at the alley~~

~~shall be required, providing that access for such parking spaces must be taken from alley.~~

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

2. For all lots which abut an alley, all on-street parking spaces ~~as described in SEC. 103.0948, Paragraph 5, that are at least 20 feet in length measured along a full height curb~~ shall be counted toward the off-street parking requirements

~~3. All off-street parking facilities shall be constructed, operated and maintained in compliance with Chapter X, Article 1, Division 8 of this Code.~~

43. The off-street parking requirements set forth in this Section will be imposed only upon the completion of "new construction." For the purposes of this paragraph, "new construction" shall mean any construction, alteration(s) or enlargement(s) of a structure which activities, in the aggregate, increase the fair market value of the lot or premises upon which such construction, alteration or enlargement is undertaken by more than 50 percent of the assessed fair market value of such lot or premises for the fiscal year during which such construction, alteration or enlargement is undertaken. In calculating the number of parking spaces required for any such new construction, only the gross floor area of the new construction will be taken into consideration, and the gross floor area of any structures which existed on such affected lot or premises as of the effective date of this ordinance shall be excluded.

("Off-Street Parking" renumbered from Sec. 103.0932 and amended 3-2-92 by O-17746 N.S.)

(Retitled to "Subdistrict "D" - Off-Street Parking" and amended 9-13-93

September 13, 1993 by O-17973 N.S.)

#### SEC. 103.0950

##### Subdistrict "D" - Exceptions

1. A "Hearing Officer" may approve, conditionally approve or deny, in accordance with "Process Three," an application for an exception to certain Subdistrict "D" regulations where such exception would serve to carry out the purpose and intent of this Subdistrict. These exceptions shall be limited to the area within Subdistrict "D" which is on the westerly side (bay side) of Harbor Drive or the southerly side of 32nd Street, and may include any or all of the following exceptions:

a. The provisions and regulations of Section 103.0907 ("Outdoor Display, Operation and Storage") shall only be required for all property lying within fifty feet (50') of the Harbor Drive on Main Street property line. All other property lines are exempt from the regulations of Section 103.0907.

b. All equipment, installations, etc., which are integral parts of the manufacturing or industrial process conducted on a parcel shall be exempt from the enclosure requirements of Sections 103.0947(1) and (2) (Special Regulations).

c. Merchandise, material or equipment may be stored at a height greater than the wall or fence which screens it from Harbor Drive or Main Street per Section 103.0950(1)(a) above, providing the merchandise, material, or equipment is located at least fifty feet (50') from the Harbor Drive or Main Street property line.

d. The maximum building height may exceed thirty-five feet (35') in lieu of the limits noted in Section 103.0948(4).

e. The off-street parking requirements in Section 103.0949 (Off-Street Parking) may be replaced by:

(1) Every premises used for one or more of the permitted uses listed in Section 103.0946 (Permitted Uses) above shall be provided with minimum off-street parking accommodations on the same premises or on a lot or premises per Section 103.0950(1)(e)(2) below, as follows:

(a) One parking space for each one and one-half employees on the shift having the greatest number of employees.

(b) One parking space for each vehicle used in the conduct of a permitted use if said vehicle is regularly parked on the premises.

(2) The land used for required off-premises parking shall be located in Subdistrict "D" and shall be owned or controlled by the owner or owners of the use requiring the off-premises parking. In this connection, the owner or lessee of record of the off-premises parking site shall furnish evidence satisfactory to the "Hearing Officer" that he owns or has sufficient interest in such property to provide the off-premises parking required by this Section 103.0950.

Provision for off-premises parking spaces required by this Section 103.0950 shall be maintained so long as they are required by the provisions of this Section 103.0950. In no event shall off-premises parking facilities which are provided to meet the requirements of this Section 103.0950 be considered as providing any of the required spaces for any other structure or use.

f. All uses shall be exempt from the provisions of Section 103.0948(6)(a), (Landscaping), provided that a landscaped strip of not less than ten feet (10') in depth be provided along all property fronting on the Harbor Drive or Main Street right-of-way. Landscaping shall be in substantial conformance with the standards adopted by the Planning Commission as set forth in the document entitled, "~~Developmental Standards/Operational Standards - Landscaped Strips,~~" on file in the office of the ~~Development Services Department.~~ the Landscape Guidelines of the Land Development Manual. Substantial conformance shall be determined by the "Hearing Officer." Approved landscaping, including any required watering systems, shall be installed prior to the use or occupancy of any lot or systems shall be in substantial conformance with the approved landscaping plan. All required landscaped areas shall be permanently maintained in accordance with the adopted standards referred to in this Section 103.0950(1)(f).

2. The "Hearing Officer" shall further find that in granting or conditionally granting these exceptions that:

a. The proposed exception shall not result in any substantial reduction of public views toward San Diego Bay or Centre City.

b. The proposed exception shall not inhibit the efficient and safe flow of vehicles.

c. The granting of an exception will be in harmony with the purpose and intent of the Subdistrict "D" regulations.

3. The "Hearing Officer's" decisions on the application requesting the exception may be appealed to the Board of Zoning Appeals in accordance with Section 111.0506.

("Exceptions" renumbered from Sec. 103.0933 and amended 3-2-92 by O-17746 N.S.)

(Amended 11-23-92 by O-17870 N.S.; Retitled to "Subdistrict "D" - Exceptions" and amended 9-13-93 by O-17973 N.S.)

(Amended 7-25-94

July 25, 1994 by O- 18088 N.S.)

SEC. 103.0955

## "Redevelopment Subdistrict" Purpose and Intent

The Redevelopment Subdistrict is established to implement the goals and objectives of the Barrio Logan Redevelopment Project. The Redevelopment Subdistrict designates land uses and development standards intended to create a compact, small scale, pedestrian oriented environment, and encourage compatible mixed use land patterns. It is the intent of this Division to encourage new development, as well as to retain, rehabilitate and adaptively reuse existing structures. It is further the intent of this Subdistrict to foster quality architecture, landscaping and urban design principles consistent with the objectives of the Redevelopment Plan, and to create an identifiable urban character and community image. Projects as large or larger than an entire city block or requiring land assembly assistance from the Redevelopment Agency shall be developed in accordance with design and operational standards as may be established by the Agency.

(Added 3-2-92

March 2, 1992 by O-17746 N.S.)

### SEC. 103.0956

#### "Redevelopment Subdistrict" - Permitted Land Use Categories

Six (6) major land use categories, described in Figure 2 of this Division are permitted within the Redevelopment Subdistrict. They are Commercial Use, Mercado District, Commercial/Residential Mixed Use, Residential Use, Public/Quasi- Public Use and Light Industry/Commercial Use. The permitted land use classifications within each of these six (6) land use categories are found in Section 103.0956 and are further set out in Table 1 of Section 103.0956.

---(THE TABLE OR GRAPH HERE CANNOT BE DISPLAYED)--- ---(THE TABLE OR GRAPH HERE CANNOT BE DISPLAYED)--- (TABLE 1 HERE CANNOT BE DISPLAYED)

---(THE TABLE OR GRAPH HERE CANNOT BE DISPLAYED)--- ---(THE TABLE OR GRAPH HERE CANNOT BE DISPLAYED)--- (FIGURE 2 HERE CANNOT BE DISPLAYED)

("Permitted Land Use Categories" added 3-2-92

(Retitled to "Redevelopment Subdistrict" - Permitted Land Use Categories" and amended 9-13-92

September 13, 1993 by O-17973 N.S.)

### SEC. 103.0957

#### "Redevelopment Subdistrict" - Land Use Classifications

Permitted land uses within the Barrio Logan Redevelopment Subdistrict are grouped into Land Use Classifications. Land use classifications describe one (1) or more uses having similar characteristics but do not list every use or activity that may be appropriate within the use classification. If a classification of use is necessary, the Planning Commission shall make that determination, in accordance with "Process Four," taking into consideration the purpose and intent of the Redevelopment Subdistrict. The Planning Commission shall adopt a resolution embodying their determination. Certain land uses, as indicated in Section 103.0957, shall be examined on a case by case basis by the ~~Development Services Director~~ City Manager to determine whether and under which conditions those uses may be approved at a given site in accordance with Municipal Code sections ~~101.0510 and 101.0513 through 101.0517, as amended from time to time.~~ Section 103.0105.

#### A. RESIDENTIAL

1. Single Family Residential
2. Multifamily Residential

3. Live/Work Quarters (Lofts): ~~Notwithstanding the provisions of Municipal Code section 101.0570(C)(1),~~ live/work quarters (lofts) shall be permitted within the Redevelopment Subdistrict of the Barrio Logan Planned District.

4. Senior Citizens Housing

5. Limited Residential

6. Mercado District Residential: This classification applies to the block bounded by Newton Avenue, Evans Street, Dewey Street and Main Street. Convenience commercial uses may include uses listed in ~~Municipal Code Section 103.0957(C)~~. Accessory uses may include, but not be limited to, recreation centers, health/fitness clubs and child care centers. Combined convenience commercial services and accessory uses shall not have a total square footage greater than twenty-five percent (25%) of the gross square footage of the lot area.

## B. COMMERCIAL RETAIL

1. Food/Grocery Sales

2. Retail Sales

3. Liquor Sales: An alcohol Conditional Use Permit ("CUP") is required prior to the retail sale of any alcohol.

4. Limited Commercial: This classification applies only to the Residential Use designation shown in Table 1 of Section 103.0957, and includes establishments listed in ~~Municipal Code sections 101.0935(B)(1), (B)(2), (C)(1), (C)(4), (C)(5), (C)(7), (C)(9), (C)(10) and (D)(1)~~ provided such establishments front a public street, are directly accessible from the sidewalk, and do not have a total square footage greater than twenty percent (20%) of the total gross square footage of the lot area. This classification excludes home occupations as ~~defined in Municipal Code section 101.0406-~~ described in Land Development Code Section 141.0308.

## C. COMMERCIAL SERVICES

1. Artists' Studios

2. Banks, Credit Unions, and Savings and Loan Associations: This classification applies only to those institutions engaged in the on-site circulation of cash. Drive-through banking facilities are not permitted.

3. Building Materials and Services: This classification includes but is not limited to tool and small equipment sales or rentals (no ridden equipment) and building contractors' showrooms, but excludes activities classified under vehicle/equipment sales and services, as set out in ~~Municipal Code section Section~~ Section 103.0957(F).

4. Business, Communication and Home Services: This classification excludes activities specified under vehicle/ equipment sales and services in ~~Municipal Code section Section~~ Section 103.0957(F).

5. Catering Services

6. Commercial Recreation and Entertainment: Typical uses include bowling alleys, miniature golf courses, tennis and racquet ball courts, gymnasiums and movie theaters. Video and pinball machine establishments and billiard and card parlors are prohibited.

7. Eating and Drinking Establishments: The sale of alcoholic beverages in the Barrio Logan Planned District must comply with the provisions of ~~Municipal Code section 101.0515-~~ Land Development Code Section

8. Laboratories
9. Personal Improvement Services
10. Personal and Convenience Services
11. Wholesale and Warehouse: This classification excludes auto storage.
12. Visitor Accommodations:

- a. Bed and Breakfast Inns

- b. Hotels and Motels: This classification includes eating, drinking and banquet service.

- c. Single-Room-Occupancy ("SRO"): ~~Notwithstanding the provisions of Municipal Code section 101.0101.76 and Chapter X, Article 1, Division 19, of the Municipal Code within~~ Within the Barrio Logan Redevelopment Subdistrict, each SRO unit shall have a minimum of two hundred (200) square feet, and the project shall not exceed 1.0 FAR. A Conditional Use Permit (CUP) decided by Process Three is required. ~~granted pursuant to Municipal Code section 101.0510 shall be required.~~ SRO's shall be separated by a straight line (measured from property line to property line) of no less than one-quarter mile to another SRO within the Barrio Logan Planned District.

#### D. COMMERCIAL/PROFESSIONAL OFFICE

1. Professional and Business Offices
2. Government Offices

#### E. PUBLIC AND QUASI PUBLIC

1. College and Universities
2. Schools, Public or Private
3. Cultural Institutions
4. Performing Arts/Theaters
5. Religious Assembly
6. Park and Recreation Facilities
7. Child Care Facilities
8. Clubs, Lodges and Fraternal Organizations
9. Nonprofit, Charitable Institutions: A Conditional Use Permit (CUP) ~~granted pursuant to Municipal Code section 101.0510,~~ decided in accordance with Process Four is required.
10. Limited Community and Human Care Facilities:
  - a. Primary Health Care: A Conditional Use Permit (CUP) ~~granted pursuant to Municipal Code~~

~~section 101.0510~~, decided in accordance with Process Four is required.

b. Residential Care: A Conditional Use Permit (CUP) granted pursuant to ~~Municipal Code section 101.0581~~, Section 141.0312, is required.

11. Utilities: In no case shall any utility or communication infrastructure exceed the height limitations contained in this Division. This classification excludes satellite antenna which are permitted throughout the Barrio Logan Planned District subject to the provisions of ~~Municipal Code section 101.0630~~. Land Development Code Section 141.0405.

#### F. VEHICLE/EQUIPMENT SALES AND SERVICES

1. Vehicle/Equipment Sales and Rentals
2. Vehicle/Equipment Repair
3. Automobile Painting, Washing and Detailing

4. Automobile Service Stations: Automobile service stations are subject to ~~developmental and operational standards contained within the document entitled "Guidelines for Automobile Service Stations," a copy of which may be obtained from the Development Services Department~~. Land Development Code Section 103.0105.

#### G. LIGHT INDUSTRIAL

1. Manufacturing: This classification also includes pharmaceutical manufacturing, cleaning and canning of edible products, and those uses permitted in ~~Municipal Code section 101.0435.1 (M-IP Zone), Subsection (B)(3), (except subsections a., b., aa., cc., mm. and ccc.), but excludes basic industrial processing from raw materials: the IP-2-1 zone as set forth in Land Development Code Section 131.0622, except that basic industrial processing from raw materials is excluded and establishments engaged in the manufacturing, fabrication, assembly, testing, repair, servicing and processing of the following uses are not permitted:~~

- a. Aircraft manufacturing and assembly
- b. Aircraft parts other than engines
- c. Farm machinery and equipment
- d. Guided missiles and space vehicles
- e. Motor vehicles, parts, and accessories
- f. Small arms.

All industrial activity shall be located within an enclosed building. No use, activity, nor process shall produce vibrations, noxious odors, or noises that are perceptible without instruments by the average person at the property lines of a site.

2. Maintenance Repair and Service Facilities
3. Marine Oriented/Waterfront Dependent Uses
4. Wholesale, Storage and Distribution

5. Research and Development Facilities

6. Transportation Facilities and Related Storage

7. Limited Industrial: This classification applies only to the block adjacent to the trolley station and bounded by Main Street, Crosby Street, the rights-of-way of the San Diego Coronado Bay Bridge and the San Diego and Arizona Eastern Railroad. Permitted uses include establishments listed in Municipal Code section 103.0935(G)(1) and similar labor intensive establishments, provided that such establishments do not have a total square footage greater than twenty five percent (25%) of the total gross square footage of the premises.

H. PARKING

1. Surface Parking

2. Parking Structures

I. ACCESSORY USES

Accessory Uses and ~~Buildings~~ Structures: Those uses and ~~buildings~~ structures as defined by Municipal Code sections ~~101.00101.1 and 101.0101.3.~~ Land Development Code Section 113.0103.

J. OTHER USES

Any other uses which the Planning Commission may determine, in accordance with "Process Four", to be similar in character and type to the uses, including accessory uses enumerated above, and consistent with the purpose and intent of the Redevelopment Subdistrict. ~~Such determination shall follow the appropriate procedures established by the Municipal Code.~~

K. LAND USE CLASSIFICATIONS PERMITTED BY LAND USE CATEGORIES

Land use classifications as described in this Section 103.0957 shall be permitted as shown in Table I of Section 103.0957.

("Land Use Classifications" added 3-2-92 by O-17746 N.S.)

(Amended 11-23-92 by O-17870 N.S.; Retitled to "Redevelopment Subdistrict" - Land Use Classifications" and amended 9-13-93 by O-17973 N.S.)

(Amended 7-25-94

July 25, 1994 by O- 18088 N.S.)

SEC. 103.0958

"Redevelopment Subdistrict" - Intensity of Development

A. MAXIMUM DENSITY FOR RESIDENTIAL DEVELOPMENT

Maximum residential density within the Redevelopment Subdistrict shall be one dwelling unit per one thousand (1,000) square feet, or forty-three (43) units per gross acre, plus an optional twenty-five percent (25%) bonus density for very low, low and moderate income dwelling units (in compliance with ~~Municipal Code sections 101.0307.1 through 101.0307.6~~ Land Development Code Chapter 14, Article 3, Division 7 (Affordable Housing Density Bonus Regulations) p to a maximum density of fifty-three (53) dwelling units per gross acre, as shown in Figure 3 of Section ~~101.0958: this section.~~)

1. When a proposed residential development meets the density set forth in ~~Municipal Code section~~  
Section 103.0958(A):

a. The development shall be subject to special review by the Barrio Logan Project Area Committee (PAC) or similar body as recognized by the City Council, if in existence at the time of the project proposal. The purpose of the review shall be to determine whether the project conforms to the adopted Barrio Logan Redevelopment Plan, the Barrio Logan-Harbor 101 Community Plan, and the Progress Guide and General Plan. The project to be reviewed shall be submitted to the chairperson of the PAC or similar body at least thirty (30) calendar days in advance of the scheduled meeting where review is sought.

b. The applicant shall submit a "Proposed Management Program" for rental units which addresses security, maintenance and operational plan.

#### B. MAXIMUM FLOOR AREA RATIO (FAR) FOR NONRESIDENTIAL DEVELOPMENT

Maximum FAR permitted within the Redevelopment Subdistrict shall be as shown in Figure 3 of Municipal Code section 103.0958.

#### C. MIXED RESIDENTIAL AND NONRESIDENTIAL USES

For mixed residential and nonresidential uses, the intensity of development shall be the sum of density for the residential and of the FAR for nonresidential.

#### D. DEVELOPMENT/OPEN AREA RATIO

In residential or mixed use projects including residential development on the ground floor of a property, the area occupied by buildings and structures including porches, terraces, balconies, stairways and exterior elevator shafts, roofed or otherwise, and all parking areas including surface parking areas, shall not occupy over sixty-five percent (65%) of the lot area.

---(THE TABLE OR GRAPH HERE CANNOT BE DISPLAYED)--- ---(THE TABLE OR GRAPH HERE CANNOT BE DISPLAYED)--- (FIGURE 3 HERE CANNOT BE DISPLAYED)

("Intensity of Development" added 3-2-92 by O-17746 N.S.)

(Retitled to "Redevelopment Subdistrict" - Intensity of Development" and amended 9-13-93

September 13, 1993 by O-17973 N.S.)

### SEC. 103.0959

#### "Redevelopment Subdistrict" - Property Development Regulations

It shall be unlawful to erect, construct, establish, move on, add, enlarge, convert, alter or maintain any building or portion thereof, or use any lot or premises be used in violation of any of the following requirements and special regulations:

#### A. MINIMUM LOT AREA AND DIMENSIONS

1. Lot Area - 3500 square feet

2. Street Frontage - 25 feet
3. Width
  - a. Interior Lot - 25 feet
  - b. Corner Lot - 25 feet
4. Depth - 100 feet

5. Exceptions: Any lot or parcel which does not comply with all the minimum lot dimensions set forth in ~~Municipal Code section~~ Section 103.0959(a) may nevertheless be used as a building site provided the lot or parcel qualifies as a legal lot pursuant to ~~Municipal Code section 101.0101-34.~~ Land Development Code Section 113.0103 and Section 113.0237.

## B. MAXIMUM LOT AREA REGULATIONS

Lot consolidations created through subdivision maps or by means of building across lot lines or property lines shall be prohibited when such action would create a premise containing over fourteen thousand (14,000) square feet of lot area or over one hundred (100) feet of frontage along the front property line. This requirement is intended among other things, to deter massive, large scale developments inconsistent with the small scale pedestrian oriented objectives for the Redevelopment Subdistrict. The Mercado District, and those districts where Light Industry/Commercial Use land use categories are allowed, are exempted from the maximum lot regulations. Existing parcels in excess of fourteen thousand (14,000) square feet shall not be affected by Section 103.0959.

## C. MINIMUM SETBACK REQUIREMENTS

### 1. Residential (when located at ground floor)

- a. Front - ten (10) feet
- b. Interior side - five (5) feet up to two (2) stories. Eight (8) feet above two stories. On lots less than twenty-five (25) linear feet in lot width, the minimum required interior side setback shall be zero. For the purposes of ~~Municipal Code~~ this section 103.0959, a story equals ten (10) feet maximum.
- c. Street side - fifteen (15) feet
- d. Rear - three (3) feet if the lot abuts an alley. On lots not abutting an alley the rear setback shall be zero.
- e. As an alternative to providing a front setback, residential developments may add (combine) the required front setback area to the common, exterior usable area required in ~~Municipal Code section~~ Section 103.0959(D)(1).
- f. A minimum separation of ten (10) feet shall be required between the exterior building walls of an existing structure and any additional detached structure on that lot.
- g. An unroofed portion of a structure or terrace less than three (3) feet above the surface ground level shall be permitted within the front yard setback area. Roofed, open appendages such as porches and balconies may encroach up to five (5) feet into the required front setback area. To qualify as open appendages, railings and enclosures not exceeding four (4) feet in height must be located on at least forty percent (40%) of the perimeter of such open appendage. Encroachments as permitted in ~~Municipal Code section~~ Section 103.0959, and as amended from time to time, are not allowed on the street side, interior side or rear setback areas.

## 2. Nonresidential

a. Front - zero, as described in ~~Municipal Code section~~ Section 103.0959(E)(2).)

b. Interior side - zero. The "Hearing Officer" may require a ten foot (10 ft.) interior side setback where a project is adjoining an existing residential project in order to maintain adequate provisions for light and air.

c. Street side - zero , as described in ~~Municipal Code section~~ Section 103.0959(E)(2).

d. Rear - three (3) feet for lots which abut an alley. On lots not abutting an alley the rear setback shall be zero.

e. Canopies/awnings may encroach on the sidewalk area in conformance with Section 4506 of the Uniform Building Code (1988 Edition).

3. Exception: In order to preserve the existing character of Logan Avenue, front setbacks facing Logan Avenue shall align horizontally with adjacent structures on either side, if adjacent structures exist.

### D. MINIMUM COMMON AND PRIVATE EXTERIOR AREAS

1. Residential or mixed use projects including residential development on the ground floor of the property shall dedicate at least ten percent (10%) of the gross lot area to common, exterior usable areas. These areas may consist of courtyards, patios, gardens or play areas and shall exclude walkways and access paths to dwelling units. Common, exterior usable areas shall be open to the sky, shall have a minimum dimension of twenty-five (25) square feet, and be centrally located within a project or between two (2) or more buildings, or readily accessible to the occupants of the dwelling units. Mixed use projects with exclusively upper floor residential units are exempted from Municipal Code section 103.0959.

2. At least sixty percent (60%) of all residential units within a project shall provide a private exterior usable area for each unit. This area may consist of balconies, terraces, roof decks, or porches and shall have a minimum area of twenty (20) square feet, but shall not exceed one hundred (100) square feet in size. In projects containing twenty (20) units or more, up to fifty percent (50%) of the required private exterior usable area may be provided instead as common, exterior usable area.

3. Common areas and recreational facilities shall be located so as to be readily accessible to the occupants of the dwelling units and shall be integrated in the overall project design.

### E. PEDESTRIAN ORIENTATION DESIGN CRITERIA

In order to encourage a pedestrian orientation on Logan, National and Newton Avenues, and Beardsley, Crosby, Main and Evans Streets, the following development standards shall apply to developments fronting those avenues and streets:

#### 1. Residential:

a. Residential buildings shall be required to be oriented toward the street and provide front, and side street facade features such as doors, windows, balconies, porches, terraces, wall offsets, varied materials, textures, colors, or any combination thereof. Windows shall be provided on the wall surface extending from the sidewalk up to twelve (12) feet in height. Wall offsets shall occur every forty (40) feet of linear street frontage.

b. Every dwelling unit (including those within mixed use buildings) shall have direct pedestrian access from both the abutting street and rear parking areas.

c. Not more than two ten (10) foot wide garage doors or a single sixteen (16) foot wide garage door shall be permitted on the front facade facing the above described pedestrian-oriented streets. Any covered parking accessed from such streets shall be fully enclosed. Open carports are not permitted except in the rear of the lot facing the alley.

2. Nonresidential:

a. Nonresidential building walls shall be continuously extended at least sixty-five percent (65%) of the street frontage and shall be located at the property line, or within five feet (5') of the property line. Facade indentations shall be limited to five feet (5') in depth. The continuity of the required street wall may be interrupted if pasajes are provided. For purposes of this Division, the term "pasaje" means a mid-block pedestrian passageway flanked by uses which have entrances or windows facing the passageway. On all corner parcels within the Redevelopment Subdistrict the building wall required by this ~~Municipal Code section~~ Section 103.0959 shall occupy the corner facing the street intersection. No surface parking areas or garages shall be permitted on corners of lots facing a street intersection. If the premises are bounded on all sides by pedestrian-oriented streets as designated in ~~Municipal Code section~~ Section 103.0959, an exception to this section shall be made by the "Hearing Officer," as to one or two abutting streets bounding the parcel in question.

b. At least fifty percent (50%) of the first story area street wall surface shall incorporate pedestrian entrances, windows, display windows, or openings allowing views into atriums, courtyards and street oriented activities. Windows, openings and entrances shall be located at a "pedestrian height level," which for purposes of this Division is defined as the wall surface extending from the sidewalk up to twelve (12) feet in height.

c. Street wall facades shall be enhanced through the use of expression lines, architectural details, materials and texture changes, artworks, awnings, canopies, or color. Facade treatment shall change every forty (40) feet of linear street frontage to avoid large monotonous developments.

d. Blank wall segments shall be limited to fifteen (15) feet in width, however, the maximum width may be increased to twenty-five (25) feet if the wall surface is enhanced with architectural detailing, ornamentation, or art work.

e. Surface parking occupying thirty-five percent (35%) or less of the linear street frontage shall be screened by a three (3) foot high solid wall or fence separated from the adjacent public right-of-way by a three (3) foot wide landscaped strip. This landscaped strip shall be achieved through the use of shrubs, vines, or ground covers. If surface parking occupies over thirty-five percent (35%) of the linear street frontage, the parking perimeter shall be defined by the wall or fence and landscaped strip required in Municipal Code section 103.0959, or by arcades, colonnades or arches having a height compatible with the buildings on the premises and separated from the adjacent public right-of-way by the landscaped strip required in Municipal Code section 103.0959, or a combination of wall, fence arcades, colonnades, or arches, and the required landscaped strip.

The required wall or fence shall be made of masonry, brick or similar materials compatible with the buildings on the premises. Chain link and similar type fences are not permitted.

All above-grade parking space visible from the public right-of-way shall be architecturally screened or enclosed.

Temporary, surface parking during the period of construction is exempted from ~~Municipal Code section~~ Section 103.0959(E) (2)(e).

f. Off-street loading areas shall not be located immediately adjacent to avenues or streets listed in ~~Municipal Code section~~ Section 103.0959(E).

g. The internal street system shall not be a dominant feature in the overall design; rather it shall

be designed for the efficient and safe flow of vehicles without creating a disruptive influence on the activity and function of any common areas and facilities.

#### F. OTHER DESIGN CRITERIA

1. The facade of buildings having three (3) or more stories shall stepback at least once above the first story to allow for balconies, roof terraces, and decks, as described by ~~Municipal Code section~~ Section 103.0959(D)(2).
2. Roofs shall be articulated (i.e., gabled, domed); however a roof may be flat if such flat roof is hidden by a raised parapet or terraces providing amenities to the occupants, such as an atrium or balcony.
3. Mechanical equipment, tanks, ducts, trash collection areas, elevator enclosures, cooling towers, mechanical ventilators and similar equipment and appurtenances shall be completely enclosed as integral parts of buildings or have an appearance similar to the main building(s).
4. Warm and bright colors should be used to reinforce existing and desired character in the area.

#### G. MAXIMUM BUILDING HEIGHT

1. The maximum building heights and number of stories permitted within the Redevelopment Subdistrict shall be as shown in Municipal Code section 103.0959, Figure 4. Height shall be measured in accordance with ~~Municipal Code section 101.0101.62-~~ Land Development Code Section 113.0270.
2. Chimneys, vents, elevator enclosures, solar systems, vertical decorative roof features, and similar roof appurtenances shall be excluded from maximum building height. Such appurtenances, however, shall be limited to ten percent (10%) of the total roof plan area, and their height shall not exceed twenty percent (20%) or six (6) feet, whichever is less, of the permitted maximum building height.

#### H. LANDSCAPING REGULATIONS

1. Except as specified otherwise in this Division, all landscaping shall conform with the ~~Citywide Landscaping Ordinance, located in Chapter X, Division 7 of the Municipal Code, and the City of San Diego Landscape Technical Manual, which is on file in the office of the City Clerk as Document No. RR-274506-~~ Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations).
2. When decorative paving or architectural landscape elements are used, they shall consist of colored concrete, clay tile, stone, interlocking pavers, planters, clay or ceramic pots containing drought resistant planting materials, fountains or trellises.

#### I. SIGNAGE

All signs shall conform to the ~~Citywide Sign Ordinance, codified in Chapter X, Article I, Divisions 11 and 11.5 and Chapter IX, Article 5, Division 1 of the Municipal Code-~~ Land Development Code Chapter 14, Article 2, Division 12 (Sign Regulations).

#### J. PARKING ACCESS

1. ~~Curb cuts for entrances to off-street parking areas shall be minimal in both size and number in order to reduce pedestrian and vehicular traffic conflicts and maximize the amount of on-street parking. Except as required for driveway access where no alternative access is available, the following standards shall apply in the Redevelopment Subdistrict for either one-way or two-way access. Driveway width shall be measured from the curb.~~

~~a. Residential Projects Driveway~~

<del>Number of Parking Spaces Accessed</del>	<del>Min. Width</del>	<del>Max. Width</del>
<del>1-8</del>	<del>12' 0"</del>	<del>16' 0"</del>
<del>9-19</del>	<del>16' 0"</del>	<del>18' 0"</del>
<del>20+</del>	<del>18' 0"</del>	<del>20' 0"</del>

~~b. Nonresidential Projects~~

<del>Number of Parking Spaces Accessed</del>	<del>Minimum Width</del>	<del>Maximum Width</del>
<del>1-49</del>	<del>17' 0"</del>	<del>24' 0"</del>
<del>50+</del>	<del>24' 0"</del>	<del>30' 0"</del>

1. Driveways shall be in conformance with Land Development Code Section 142.0560.

2. Where a property is served by an alley, parking shall be accessed from the alley unless physical access is not obtainable.

~~3. Driveways shall be located to ensure at least one on-street parking space for each thirty feet (30') of street frontage of the premises, the on-street parking space shall be not less than twenty feet (20') in length, measured along the curb. However, an alternative driveway spacing and location configuration may be approved by the "Hearing Officer" if the alternative will result in a maximum number of on-street parking spaces being provided.~~

~~---(THE TABLE OR GRAPH HERE CANNOT BE DISPLAYED)--- ---(THE TABLE OR GRAPH HERE CANNOT BE DISPLAYED)---~~ (FIGURE 4 HERE CANNOT BE DISPLAYED)

("Property Development Regulations" added 3-2-92 by O-17746 N.S.)

(Retitled to "Redevelopment Subdistrict" - Property Development Regulations" and amended 9-13-93

September 13, 1993 by O-17973 N.S.)

**SEC. 103.0960**

**"Redevelopment Subdistrict" - Parking Requirements and Regulations**

~~The Redevelopment Subdistrict is conveniently served by transit facilities (both trolley and bus) as well as by alley access. The provisions of Municipal Code section 101.0856(B) shall not apply to the Redevelopment Subdistrict of the Barrio Logan Planned District Ordinance. The applicable parking requirements for the Redevelopment Subdistrict are as follows: Every premises used for one or more of the permitted uses in Municipal Code sections 103.0955 through 103.0957 shall provide a minimum of permanently maintained off-street parking spaces. Such required spaces shall be located:~~

~~On the same lot or premises of the use(s) served; or~~

~~Off the premises where the use(s) served is located, provided the parking area or garage is within fifteen hundred (1500) feet of the premises served (as measured by a straight line from property line to property line). Off-site parking spaces shall require a Conditional Use Permit, signed by the applicant and parking facility owner. The applicant~~

shall also comply with to Municipal Code section 101.0807,  
as amended from time to time. The off-site parking option shall not apply to residential development.

~~A. MINIMUM REQUIRED PARKING SPACES FOR RESIDENTIAL USES~~

- ~~1. Two (2) or fewer bedrooms = 1 space per dwelling unit.~~
- ~~2. Three (3) bedrooms or more = 1.5 spaces per dwelling unit.~~
- ~~3. Live/work quarters = 1 space per artist's loft.~~
- ~~4. Senior citizen housing = 0.5 space per dwelling unit plus 1 guest space for every ten (10) units.~~
- ~~5. Residential developments = 1 guest space for every five (5) units, containing five (5) dwelling units or more.~~

~~B. MINIMUM REQUIRED PARKING SPACES FOR NONRESIDENTIAL USES~~

~~1. For the Commercial Retail and Services and Commercial/Professional Office land use classifications, a minimum of one space for every one thousand (1,000) square feet of gross floor area shall be provided, with the following exceptions:~~

~~a. Bed and Breakfast Inns = 0.5 space per room~~

~~b. Hotels/Motels = 0.5 space per room~~

~~c. Single Room Occupancy's = 0.2 space per room~~

~~2. For the Vehicle/Equipment Sales and Services and Light Industrial land use classifications, a minimum of 1 space for every two thousand (2,000) square feet of gross floor area shall be provided.~~

~~3. For the Public and Quasi Public land use classification the minimum parking requirements are as follows:~~

~~a. Religious Assembly = 1 space per each one hundred (100) square feet of seating area~~

~~b. Performing Arts/Theaters = 1 space for each eight (8) seats~~

~~c. Colleges/Universities, Schools, Child Care Facilities = 0.5 space per faculty or staff~~

~~d. Cultural Institutions Community/Human Care Facilities, Clubs/Lodges/Fraternal Organizations = 1 space for every one thousand (1,000) square feet of gross floor area space~~

~~e. Park and Recreation Facilities, Utilities = As specified by the conditions of approval.~~

~~4. For mixed uses on the same lot or premises the required parking spaces shall be the sum of the requirements for each individual use computed separately.~~

~~5. For nonresidential uses on lots which are two thousand five hundred (2,500) square feet or less in area, no parking shall be required.~~

~~6. On-site parking for nonresidential uses shall not exceed one (1) space for every four hundred (400) square feet of gross floor area, except for the Mercado commercial project, which is excluded from section 103.0960(B) (6).~~

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

EB. OTHER PARKING REGULATIONS

1. The parking requirements and regulations set forth in Municipal Code section 103.0960 shall be imposed only upon the completion of "new construction." For the purposes of this Section 103.0960, "new construction" shall mean any construction, addition, establishment, erection, enlargement, move on, alteration or conversion, of a building or structure. In calculating the number of parking spaces required for new construction, only the gross floor area of the new construction may be taken into consideration, and the gross floor area of any structures which existed on such affected lot or premises as of March 2, 1992, shall be excluded.

2. Parking spaces shall not be located on required setback areas, except that parking, if unenclosed, may encroach on rear setback area.

3. Off-street loading areas shall not be used for parking.

4. Tandem parking shall be permitted only for residential uses and subject to ~~the provisions of Municipal Code section 101.0821, as amended from time to time.~~ Land Development Code Section 142.0555.

5. Shared parking for nonresidential uses shall be permitted according to the provisions of ~~Municipal Code section 101.0830, as amended from time to time.~~ Land Development Code Section 142.0545.

6. Where ambiguity exists in the application of the parking requirement of Section 103.0960, the parking requirement shall be consistent with the parking requirements for the most similar uses in the Redevelopment Subdistrict.

~~7. All off-street parking facilities within the Redevelopment Subdistrict shall comply with Chapter X, Article 1, Division 8, of the Municipal Code, except Sections 101.0804, 101.0808 and 101.0835.~~

("Parking Requirements and Regulations" added 3-2-92 by O-17746 N.S.)

(Retitled to "Redevelopment Subdistrict" - Parking Requirements and Regulations" and amended 9-13-93

September 13, 1993 by O-17973 N.S.)

**SEC. 103.0961**

**Failure to Maintain**

A. All commonly owned land, improvements and facilities shall be preserved and maintained in a safe condition and in a state of good repair. Any failure to maintain the commonly owned land, improvements and facilities shall be, and the same is hereby declared to be, unlawful and a public nuisance endangering the health, safety and general welfare of the public and a detriment to the surrounding community.

B. Procedures for the abatement, removal and enjoinder of such public nuisance shall be as set forth in ~~Chapter X, Article 1, Division 9, Section 101.0901(S) of the Municipal Code;~~ Land Development Code Chapter 12, Article 1, Division 3 (Violations of the Land Development Code and General Remedies) in addition to other remedies as provided

by law.

(Added 3-2-92 March 2, 1992 by O-17746 N.S.)



DRAFT PDO REVISIONS  
OLD LANGUAGE: Strike-out  
NEW LANGUAGE: Underline

DIVISION 12  
LA JOLLA PLANNED DISTRICT

RECORD PACKET COPY

SEC. 103.1201  
Purpose and Intent

It is the purpose of this Division to require that development and redevelopment of land in the central core area, outlying neighborhood commercial centers, and the cultural and multi-family areas west and north of the village commercial core of La Jolla will be accomplished in a manner that retains and enhances the economic, historical, architectural, educational, civic, social, cultural, and aesthetic values, and the overall quality of life within the community. The intent is to implement the goals and objectives of the adopted La Jolla Community Plan (1976), the La Jolla - La Jolla Shores Local Coastal Program Addendum (1983), and the Progress Guide and General Plan of The City of San Diego.

In accordance with the public health, safety, and general welfare, these regulations are intended to protect the unique character of La Jolla by:

- A. The maintenance and encouragement of a diversified and balanced land use pattern including adequate levels of community retail services and residential development opportunities within the commercial areas while limiting additional office use;
- B. The protection and enhancement of scenic vistas to the ocean, shoreline and hillside areas;
- C. The maintenance of traditional building scale and facades in new commercial developments;
- D. The provision of plazas, courtyards, malls, and other public amenities which serve to enhance the pedestrian environment;
- E. The encouragement of small lot development in keeping with the traditional rhythm and spacing of buildings along the major retail oriented streets;
- F. The beautification of the streetscape through appropriate landscaping, street furniture, and sidewalk surface treatment;
- G. The protection of architecturally, historically and culturally significant structures;
- H. The prevention of commercial encroachment into adjacent residential development;
- I. The preservation and maintenance of cultural uses in the Cultural Zone;
- J. The preservation of the traditionally diverse and harmonious architectural styles, and design preferences reflecting the community's history and to encourage complementary design and construction; and
- K. The maintenance of the traditional scale and character of residential development bordering the

EXHIBIT NO. 6

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These regulations are intended to improve traffic circulation and access to recreation, visitor-serving retail, cultural and residential uses through specific restrictions on office development and the provision of off-street parking standards. The office restrictions and parking standards are consistent with the need to maintain the pedestrian scale of the commercial areas, reduce peak hour traffic congestion, and assure that office uses do not come to dominate such areas nor adversely affect the retail continuity of the major commercial streets. Additionally, these regulations are intended to ensure that new residential development and redevelopment is compatible with the traditional scale and character of the multi-family area and complementary to the Cultural Zone.

(Added 10-29-84 by O-16312 N.S.)  
(Amended 4-21-86 by O-16626 N.S.)  
(Amended 9-8-87  
September 8, 1987 by O-16934 N.S.)

## SEC. 103.1202

### Boundaries and Planned District Zones

#### A. BOUNDARIES OF THE PLANNED DISTRICT

The regulations which follow shall apply in the La Jolla Planned District which is within the boundaries of the La Jolla community planning area in The City of San Diego, California, designated on that certain Map Drawing Nos. C-690.1 and B-3934, and described in the appended boundary description filed in the office of the City Clerk under Document Nos. OO-16312 and OO-17613.

#### B. PLANNED DISTRICT ZONES

The following six zones are created along the designated street corridors in order to maintain and encourage development of a land use mix consistent with each zone's use and function.

The division into zones will set forth permitted uses, land use densities and allocations for ground floor uses consistent with the Local Coastal Program and Community Plan Guidelines, as well as special restrictions for the development of the cultural and multi-family zones, above ground parking facilities, drive through establishments, hotel/motel development, setbacks and access requirements.

The boundaries of the six zones are designated on Drawing Nos. C-690.1 and B-3934.

##### ZONE 1: Girard Avenue and Prospect Street.

This zone includes the primary retail and visitor oriented commercial area in the core of La Jolla. This area is characterized by high levels of pedestrian activity. Standards for this zone are designed to maintain that pedestrian scale and continuity, and preserve and enhance the retail development pattern of department stores, and small retail shops and restaurants.

Subarea 1A, included in this zone is comprised of the area on the seaward or north side of Prospect Street from Cave Street to Eads Street. This subarea has been identified because of its unique orientation to the ocean. This Division addresses development standards for the protection and enhancement of public ocean views.

##### ZONE 2: Herschel Avenue.

This zone includes an area characterized by community serving office development intermixed with retail establishments. Development standards for this zone are designed to permit the limited grouping of community serving professional offices, and to encourage residential uses to provide a transition zone to the single-family residential areas to

the east.

### ZONE 3: Fay Avenue.

This zone includes an area characterized by a mixture of community serving offices and retail establishments. Development standards for this zone are intended to maintain that community serving retail/office balance and encourage residential uses to provide a transition zone to the multi-family residential areas to the west.

### ZONE 4: Pearl Street and La Jolla Boulevard.

This zone includes neighborhood commercial areas characterized by small retail shops. Development in this zone is dominated by community serving and visitor service retail uses. This area, unlike the other zones, is automobile oriented because of its location along major streets. Development standards for this zone are intended to maintain the retail community serving and visitor serving uses, and encourage the development of some community serving offices, and residences.

### ZONE 5: Multi-Family Zone.

This zone includes the multi-family area to the west and north of the commercial core area and extends northward, northwestward and westward to the shoreline. This area is of major importance due to its location adjacent to the shoreline its relatively higher density and its location as the connecting link between the commercial core and the scenic shoreline and bluffs areas. Standards for new residential development and for redevelopment are intended to maintain the scale and character traditionally associated with these older residential portions of the village.

Subarea 5A, included in this zone, comprises the area on the seaward, or northwesterly, side of Prospect Street from Eads Avenue to La Jolla Boulevard. This subarea has been identified because of its unique orientation to the ocean. The standards are intended to protect and enhance public ocean views.

### ZONE 6: Cultural Zone.

This zone includes a unique assemblage of cultural uses representing the distinctive architectural, cultural, educational and historical heritage of La Jolla. A large portion of the properties in the zone were donated to the institutional cultural users who have enjoyed the privilege of a tax-free status for their entire existence. The regulations are intended to provide that the highest land use priority shall be reserved for these existing cultural uses. The design standards are intended to maintain the area's unique architectural appearance and scale.

Subarea 6A, included in this zone, comprises the area on the seaward, or northwesterly, side of Prospect Street from approximately Eads Avenue to approximately Cuvier Street. This subarea has been identified because of its unique orientation to the ocean. The standards are intended to protect and enhance public ocean views.

(Added 10-29-84 by O-16312 N.S.)

(Amended 4-21-86 by O-16626 N.S.)

(Amended 9-8-87 by O-16934 N.S.)

(Amended 3-18-91

March 18, 1991 by O-17613 N.S.)

## A. APPLICABLE REGULATIONS

Where not otherwise specified in this Division, the provisions of ~~Chapter X, Article 1, Division 1 through 9, Chapter X, Article 2 (Subdivisions) and Chapter X, Article 4, Division 2 (La Jolla Special Sign District) and SEC. 101.0410, Paragraph D, "Sign Regulations," of the San Diego Municipal Code shall apply. Where there is a conflict between the general regulations of the Municipal Code and this Division these Division regulations shall prevail, the following chapters 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 shall apply.

## B. DEFINITIONS

It is the purpose of this Section to provide clear and concise definitions of those words, terms, and phrases which apply specifically to the La Jolla Planned District.

It is also intended that the definitions in ~~Chapter X, Article 1, Division 1 and Chapter XI, Article 1, Division 1 of the San Diego Municipal Code~~ Land Development Code Section 113.0103 shall be used except where there may be a conflict with the definitions set forth in this Division. Where such a conflict exists the definitions in this Division shall prevail.

## 1. Accessory Uses

Any accessory use is intended to serve only the occupants of a principal permitted use on the premises and not the general public (see SEC. 103.1205, Paragraph A.11.).

## 2. Auto Oriented Establishment

Auto oriented establishments are auto repair shops, automobile parts store, enclosed automobile sales, gasoline stations, car washes, and any other retail use or service which provides goods and services for automobile sales and maintenance, excluding outdoor car sales lots.

### 3. Basement

That portion of a building which is partly below and partly above finished grade but located so that vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

### 4. Cellar

That portion of a building which is wholly or partly below grade and located so that the vertical distance from grade to floor is equal to, or greater than, the vertical distance from grade to ceiling.

### 5. Change of Use

A change of use that requires compliance of the project with this Division is any change of use that includes but is not limited to the following:

- a. Residential use to any type of commercial use including offices and retail;
- b. Commercial retail or service establishments to banks or savings and loans, business or professional offices, or restaurants;
- c. Banks or savings and loans to business or professional offices, or restaurants;
- d. Business or professional offices to restaurants;
- e. Restaurant to office or retail;
- f. A non-drive-thru use to a drive-thru use;
- g. Any use to a timeshare project; and
- h. Any change of an establishment or tenancy which would require an increase in the number of off- street parking spaces based on the parking ratios contained in SEC. 103.1207 of this Division, or would affect the street level use requirements of this ordinance as identified in SEC. 103.1205 of this Division.
- i. Any change from an Existing Cultural Use Within Zone 6 to any other use. Demolition of all or any part of an Existing Cultural Use Within Zone 6 shall be considered a change of use.
- j. No use (vacant) to any use.

### 6. Community Character

The particular combination of community resources which are associated with the community and collectively establish the sense of time, place and uniqueness associated with La Jolla.

### 7. Community Resource

Community resources are visual, cultural, archaeological, architectural, and historical focal points within community they may be man-made or natural.

### 8. Department Store

An establishment which is exclusively used for the retail sale of different products and merchandise types where the entire premises are used by a single tenant.

## 9. Drive-thru Facility

Any facility requiring a vehicular crossing of a public sidewalk for the purposes of entering the premises, and performing a business transaction from the vehicle. Examples of drive-thru facilities are service stations, bank drive-thrus, drive-in restaurants, drive-thru restaurants, drive-thru cleaners, and other similar businesses, but excluding parking lots.

## 10. Building Street Facade

The face or faces of the building nearest the street or streets.

## 11. Existing Cultural Use Within Zone 6

Any of the cultural institutions, or any portion thereof, within Zone 6 as shown on that certain Map Drawing No. C-690.1, on file in the office of the City Clerk. These cultural institutions are: 1) the La Jolla Recreation Center, 2) the La Jolla Woman's Club, 3) the La Jolla Museum of Contemporary Art, 4) the Bishop's School, 5) St. James-by-the-Sea Episcopal Church, and 6) the La Jolla Presbyterian Church.

## 12. Fast Food Restaurants

A restaurant business which sells primarily prepackaged-precooked food or packaged food cooked on the premises, and provides minimal seating areas on the premises. Food sold by this restaurant is typically eaten outside the premises. This definition would not include confectionery-type uses such as a candy store.

## 13. Floor Area Ratio

The numerical value obtained by dividing the gross floor area of a building or buildings on the premises by the total parcel area of the premises on which such building or buildings are located.

## 14. Gross Floor Area

For the purpose of calculating Floor Area Ratio (FAR) the gross area shall consist of the total horizontal area expressed in square feet, of all the floors of a building included within the surrounding walls, including shafts, enclosed stairwells at all levels, and above ground parking structures.

For the purpose of common area allocations to different uses, all common areas (hallways, service areas, mechanical equipment rooms, etc.) shall be allocated to each use based on the percent of gross floor area occupied by each use.

Gross area shall include:

a. Enclosed stairwells and ramps, above ground structures and exterior elevator shafts.

b. The floor area of mezzanines and other similar interior balconies.

c. Half stories (attics) (~~SEC. 101.0101.65 of the San Diego Municipal Code~~) as described in Land Development Code Section 113.0103 and Chapter 11, Article 3, Division 2 (Rules for Calculation and Measurement) basements and cellars. Areas of basements and cellars utilized exclusively for parking shall not be included in the calculation of gross floor area.

d. Penthouses (~~Section 101.0101.71 of the San Diego Municipal Code~~) as described in Land Development Code Section 113.0103 and Chapter 11, Article 3, Division 2 (Rules for Calculation and Measurement) shall be included in gross floor area, except when meeting the following criteria:

or stairs;

(1) The enclosure must be used exclusively for housing elevator mechanical equipment

(2) The height of enclosures above the roofline is no more than thirteen (13) feet for an elevator shaft nor more than nine (9) feet for a stairwell;

(3) The total plan area of an enclosure or enclosures is not more than ten (10) percent of the roof plan area of the building.

e. Any roofed area where more than 75 percent of the perimeter is enclosed by walls or windows.

#### 15. Ground Floor

The floor level nearest to street grade. Where two floor levels are equidistant from street grade, the lower floor shall be designated as the ground floor.

#### 16. Height

Notwithstanding the definition of "height" in ~~Municipal Code section 101.0101.62~~ Land Development Code Section 113.0103, the term "height" means the vertical distance between any point on any structure and the preexisting grade or finished grade, whichever is lower, directly below it.

"Preexisting grade" means that grade level which existed prior to the start of any site preparation, grading or construction related to the project being proposed. See Appendix B of Municipal Code Chapter X, Article 3, Division 12.

#### 17. Heritage Structure

A heritage structure shall be defined as any building or structure which is found by the City of San Diego Historical Sites Resources Board to be worthy of preservation.

#### 18. In-lieu Fees

The fees paid as an alternative to providing the required improvement on site. The "in-lieu fee" may be equivalent to the full cost, or percent of cost, of providing the improvement on site.

#### 19. Landscaped Areas

Landscaped areas on private property shall be defined as those unroofed areas open to the sky which include hardscape (paved pedestrian areas, fountains, sculptural elements), and vegetation.

#### 20. Mall

A narrow pedestrian landscaped area on private property, unroofed and open to the sky and developed through the building or between two buildings, linking a street to an alley or to streets (see Appendix B).

#### 21. Maximum Base Density

The maximum building floor area ratio allowable, by right, on each lot.

#### 22. Maximum Bonus Density

The maximum building floor area ratio allowable under special circumstances, in order to provide development incentives for certain land uses that are highly desirable in the community.

### 23. Minor Addition or Enlargement

Any building expansion that does not exceed 30 percent of the gross floor area of the existing building or 3,000 gross square feet, whichever is less.

### 24. Mixed Use

Any project that includes two or more land use categories.

### 25. Office

An enterprise, organization or component thereof engaged in business, professional, or administrative activities including but not limited to corporate headquarters; governmental agencies; professional services such as physicians, attorneys, architects, and accountants; banks and financial institutions such as saving and loans; insurance firms, brokerage firms, and investment companies; real estate offices; and advertising agencies.

### 26. Parking Structure (Above Ground)

Any structure located at or above grade and used primarily for off-street parking purposes. This definition also includes ground level parking areas covered by a structure, and above ground roof parking area.

### 27. Patio

A pedestrian area on private property, open to the sky and surrounded on at least three sides by a building (see Appendix B).

### 28. Plaza

A landscaped space on private property, unroofed and open to the sky and an adjoining public right-of-way (street/ sidewalk). A plaza is open to all types of pedestrian activity permitted in the adjacent sidewalk area (see Appendix B).

### 29. Rehabilitation

Rehabilitation is defined as the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values. Under rehabilitation, every reasonable effort shall be made to provide compatible use for a property which requires minimal alteration of the building, structure, or site and its environment. The distinguishing original qualities or character of a building structure, or the site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided.

### 30. Retail Establishment

A retail enterprise, organization or component thereof engaged in the dispensing of consumer goods and/or services to the general public, including restaurants, and consisting of one or more of those businesses listed in Appendix A.

### 31. Small Lot

Any lot which is 6,000 square feet, or less, in area.

### 32. Subarea

A portion of the territory within the boundaries of a zone. A subarea will contain specific regulations and requirements which supersede certain regulations of the zone.

### 33. Visual Access Corridor (Private Property)

Any portion of a property located between a public right-of-way and a natural scenic vista which is unroofed, and open to the sky and maintained free of all visual obstructions.

### 34. Zone

A portion of the territory within the boundaries of the La Jolla Planned District within which certain regulations and requirements apply under the provisions of the Planned District Regulations, as designated on Map C-690.1, Document No. OO-16312, on file in the office of the City Clerk.

(Added 10-29-84 by O-16312 N.S.)  
(Amended 4-21-86 by O-16626 N.S.)  
(Amended 9-8-87 by O-16934 N.S.)  
(Amended 1-6-92 by O-17726 N.S.)

(Amended 11-23-92

November 23, 1992 by O-17870 N.S.)

## SEC. 103.1204

### Project Review Regulations

#### A. ACTIVITIES REGULATED

No building structure or improvement or portion thereof shall be erected, constructed, converted, established, altered, removed, demolished or enlarged, nor shall the use of any building or structure be changed (as defined in this Division) nor shall the size of any such building or structure be increased; nor shall any such building, structure or improvement be used or occupied unless it shall comply with the requirements of this Division. ~~The Development Services Department shall not issue any permit~~ No permit shall be issued for the erection, construction, conversion, establishment, alteration, removal, demolition or enlargement of any building, structure or improvement, or portion thereof, or for the change of use of any building or structure in any portion of the La Jolla Planned District until approval of such permit by the ~~Development Services Director or designated representative~~ City Manager has been obtained in compliance with the provisions of this Division.

Any permit application which involves the demolition or removal of an existing building or structure shall be reviewed by the ~~Development Services Director~~ City Manager to determine whether the structure in question merits designation as a ~~historic site~~ historical resource consistent with the requirements of ~~Section 26.0201 et seq. of the San Diego Municipal Code~~ Land Development Code Chapter 12, Article 3, Division 2 (Designation of Historical Resources Procedures) and Chapter 14, Article 3, Division 2 (Historical Resources Regulations). ~~The Development Services Director~~ City Manager shall make such determination within ten (10) working days of receipt of said application. If the ~~Development Services Director~~ City Manager does not make the determination within this specified period, the building or structure shall be deemed not to be a potential historical structure and shall be construed to have received ~~Development Services Director~~ City Manager approval for demolition or removal. If the ~~Development Services Director~~ City Manager finds evidence that a potential may exist for the site's designation as a ~~historic site~~ historical resources, the permit application shall not be approved until the Historical Site Resources Board has evaluated and acted on the site's historical significance as required by ~~Section 26.0201 et seq. of the Municipal Code~~ Land Development Code Chapter 12, Article 3,

Division 2 (Designation of Historical Resources Procedures) and Chapter 14, Article 3, Division 2 (Historical Resources Regulations). The Historical-SiteResources Board shall hold a noticed hearing which may be continued to the next consecutive meeting, but in no case shall the Historical-SiteResources Board review process exceed ninety (90) calendar days. The Historical-SiteResources Board shall make its decision based on a historical and architectural report consistent with the Board's guidelines including a detailed list of source material, and specific references, to be used to make the finding for site designation. The Board shall make findings as required by ~~Section 26.0201 et seq. of the Municipal Code.~~ Land Development Code Chapter 12, Article 3, Division 2 (Designation of Historical Resources Procedures) and Chapter 14, Article 3, Division 2 (Historical Resources Regulations). The decision of the Historical-SiteResources Board shall be based on the following evidence which shall be provided in writing:

1. Evidence that establishes and documents the date and historic significance of the site or biographical information on the person(s) or event(s) associated with it.
2. Evidence that establishes the date and architectural significance of the site, including biographical information on the architect or builder (if known).

If the Historical-SiteResources Board acts affirmatively to designate a site, such site shall be subject to the requirements of ~~Section 26.0201 et seq. of the Municipal Code.~~ Land Development Code Chapter 12, Article 3, Division 2 (Designation of Historical Resources Procedures) and Chapter 14, Article 3, Division 2 (Historical Resources Regulations).

The provisions of this section shall not apply to the following:

1. Any building or structure found by the City Manager ~~of the City of San Diego~~ to present a hazard to public health or safety, and for which an emergency permit for demolition must be issued; or
2. Any permit approved as part of a discretionary development permit submitted, reviewed and approved in accordance with this Division. Such development application shall include an environmental document prepared in accordance with the California Environmental Quality Act which describes and addresses the historic/architectural significance of the property. If the property is found to have potential historical or architectural value, such report shall be reviewed by the Historical-SiteResources Board for the purposes of recommending whether the proposed project should be approved, modified or denied based on the importance of the existing building(s) or structure(s).
3. Any demolition permit for sites or buildings which have been previously considered for ~~Historic-Site~~ designation by the City's Historical-SiteResources Board.

In addition, the Department of Building Inspection shall not issue any permit for the demolition, alteration, reconstruction, or other change of any Existing Cultural Use Within Zone 6, or any portion thereof, until a Special Use Permit has been approved or conditionally approved by a "Hearing Officer" in accordance with the provisions of Section 103.1208 of this Division.

Approval by a decisionmaker is not required for interior modifications or repairs. Approval of the ~~Development Services Director~~ City Manager is required for all exterior modifications including painting. All painting shall be in accordance with the color palette listings (see Appendix C).

## B. EXCEPTION

i. For that certain property located on the southeast corner of Girard Avenue and Wall Street, identified as Assessor's Parcel Nos. 350-181-01 and 02, located within the La Jolla Planned District Zone 1, which obtained coastal development permit approval prior to January 1, 1982, as amended, the following conditions shall apply:

- a. The maximum base floor area ratio, as specified in SEC. 103.1205, Paragraph C., shall not exceed 2.0.

b. Redevelopment of the property shall be consistent with the provisions of this Division regarding office square footage (0.5 floor area ratio or 10,000 sq. ft., whichever is less), as specified in SEC. 103.1205, Paragraphs A.2 and provided such use is located on the third floor of the building only, and further provided that additional office square footage shall be permitted for a bank or financial institution, as defined in SEC. 103.1203, Paragraph B.26, not exceeding 3,500 sq. ft. if such use is located on the second floor of the building.

2. All other provisions of this Division shall apply.

### C. PUBLIC FACILITIES, STRUCTURES

All open spaces, streets, sidewalks, street furniture, street signs, street trees, lighting installations, and any incidental structures or monuments, shall conform to the intent of this Division which is to preserve and maintain the scale and character of the community, and shall be subject to the same regulations, conditions and standards established herein.

### D. APPLICATION PROCEDURE

An application for the above permits shall be made in accordance with ~~Section 111.0202~~ Land Development Code Section 112.0102.

Contents of application shall include the following:

1. The purpose for which the proposed building, structure or improvement or portion thereof, is intended to be used. The proposed uses shall be specified according to each building level or area.
2. A set of plans adequately dimensioned to judge compliance with this Division and other applicable laws and regulations. Such plans shall:
  - a. Indicate dwelling unit density, uses and gross square footage, lot area, lot coverage, floor area, floor area ratio, landscaping (including the size and species of existing and proposed landscaping, on-site and on the adjacent public right-of-way) and on surfaced or paved areas (existing and proposed, on-site and on the adjacent public right-of-way), off-street parking including identification of required employee parking areas, and traffic circulation. The plans shall include details of any proposals that will require an encroachment permit on the public right-of-way. For new buildings and new projects requiring substantial work, a detailed topographic map showing contours and elevations shall be included.
  - b. Include the buildings and improvements showing the elevations, height, architectural detailing, roof designs, materials, colors, exterior treatments, two sample boards (8-1/2" x 11") for all colors and materials, detailed area calculations for all requirements of this Division, and color photographs of all adjacent existing structures.
  - c. Include any accessory buildings, court yards, fences/walls, setbacks, view corridors, grading, signs, outdoor lighting, pedestrian areas, street furniture, and traffic and/or pedestrian circulation.
3. A copy of the County Assessor's Parcel Tax Map for the subject property.
4. Any other information deemed necessary by the ~~Development Services Director or representative~~ City Manager to judge compliance with the regulations contained herein and other applicable laws and regulations.
5. No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, except in accordance with such plans as have been submitted and approved in accordance with these regulations.
6. Any changes to approved plans shall be resubmitted to the ~~Planning Department~~ City Manager clearly

indicating such change(s). Any construction performed that is not consistent with approved plans is subject to removal.

#### E. DEPARTMENT REVIEW

The ~~Development Services Director~~ City Manager or designee, shall be responsible for project review and approval, consistent with this District's regulations. Projects that meet these Planned District regulations, and are not subject to a discretionary decision, may be approved or denied, in accordance with "Process One", upon completion of the ~~Development Services Director~~ City Manager's review.

#### EXCEPTION:

Improvements requiring encroachment permits, shall be reviewed by the ~~Development Services Director~~ City Manager or designee, and may be approved or denied by the City Engineer in accordance with the regulations of this Division upon receiving the ~~Development Services Director~~ City Manager's recommendations.

#### F. WRITTEN DECISION

Upon the granting of any variance, Special Use Permit, tentative, final or parcel map, or any other ~~Planning Department development~~ permit, the ~~Development Services Director~~ City Manager or designee, shall file with the ~~Planning Department, office of the City Clerk~~ and when applicable, with the County Recorder of San Diego County, in accordance with ~~Section 111.1116, Land Development Code Section 126.0107~~, a detailed set of specific written findings consistent with this Division's Purpose and Intent (Section 103.1201) establishing the basis for the decision, and identifying the benefits and impacts to the community.

#### G. ENCROACHMENT PERMIT

Public improvements and encroachment permits shall be reviewed in accordance with this section by the ~~Development Services Director and City Engineer~~ City Manager for consistency with this Division. These permits are subject to approval by the City Engineer, and may be appealed under the provisions of Chapter VI, Article 2, Section ~~62.0116 of the San Diego Municipal Code.~~ *(Section 62.0117, which discussed appeals, was repealed.)*

#### H. PERMIT TIME LIMITS AND TIME EXTENSION

A valid permit approved under this Division shall expire and become void thirty-six (36) months after the "Date of Final Action" of the permit if the permit is not utilized as set forth in ~~Section 111.1119, Land Development Code Section 126.0108 and Section 126.0109~~. The expiration date of a valid permit approved under this Division may be extended in accordance with ~~Section 111.1122, Land Development Code Section 126.0111~~, provided however all of the following requirements are met:

1. The Applicant shall submit documentation showing that due to an unusual economic hardship beyond his/her control, the project could not be financed, and therefore, the permit option could not be exercised in a timely fashion; and
2. Development regulations have not changed, so that the prior approval is still current with existing regulations.
3. For project which have been approved involving any discretionary decisions, including but not limited to any project approved by Special Use Permit, it must be shown by the applicant that conditions and circumstances surrounding the project have not changed, therefore the same decisions would be rendered upon application for the extension.
4. Exception: Permits that are approved by the Engineering Department shall not be subject to this provision.

## I. COASTAL HOUSING DETERMINATION OF RESIDENTIAL USE FEASIBILITY

California Government Code Section 65590 mandates that local governments enforce certain regulations dealing with housing projects located in the Coastal Zone. Section 65590 (c) provides:

The conversion or demolition of any residential structure for purposes of a nonresidential use which is not "coastal dependent," as defined in Section 30101 of the Public Resources Code, shall not be authorized unless the local government has first determined that a residential use is no longer feasible in that location. If a local government makes this determination and authorizes the conversion or demolition of the residential structure, it shall require replacement of any dwelling units occupied by persons and families of low or moderate income pursuant to the applicable provisions of subdivision (b).

The San Diego City Council has authorized the ~~Development Services Director~~ City Manager to make the initial determination as to the feasibility of residential use where such determinations are required by Section 65590 (c).

### 1. Government Code Section 65590 (g) contains the following definitions:

a. "Conversion" means a change of a residential dwelling, including a mobile home, as defined in Section 18008 of the Health and Safety Code, or a mobile home lot in a mobile home park, as defined in Section 18214 of the Health and Safety Code, or a residential hotel as defined in paragraph (1) of subdivision (b) of Section 50519 of the Health and Safety Code, to a condominium, cooperative, or similar form of ownership; or a change of a residential dwelling, including a mobile home, or a mobile home lot in a mobile home park, or a residential hotel to a nonresidential use.

b. "Demolition" means the demolition of a residential dwelling including a mobile home, as defined in Section 18008 of the Health and Safety Code, or a mobile home lot in a mobile home park, as defined in Section 18214 of the Health and Safety Code, or a residential hotel, as defined in paragraph (1) of subdivision (b) of Section 50519 of the Health and Safety Code, which has not been declared to be a public nuisance under Division 13 (commencing with Section 17000) of the Health and Safety Code, or any local ordinance enacted pursuant to those provisions.

c. "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technical factors.

The requirements of the statute must be met in all housing projects within the Coastal Zone, even if no other local government discretionary action is required. The ~~Development Services Department~~ City Manager will not approve permit applications which have not already satisfied the requirements of Government Code Section 65590. There are no exemptions provided for small projects, nor is occupancy or income level of tenants a factor that can be considered as part of the Section 65590 (c) review.

2. A completed application must be submitted together with a statement of facts which support the applicant's contention that residential use of the subject property is infeasible based on specific economic, environmental, social and/ or technical factors. The use designation identified for the property by the approved land use plan for the area and the applicable land development regulations (e.g., zone, planned district) should also be described in relation to residential use and the proposed nonresidential use of the property.

This review is not desired to evaluate the merits of the proposed nonresidential use, but only to determine whether or not any residential use of the property is feasible. Moreover, if it is determined that residential use is not feasible, the project applicant may still be required to meet the requirements of City Council Policy 600-03 which implements the requirements of Government Code Section 65590 (b). The provisions of Policy 600-03 are administered by the City Housing Commission.

("Project Review Administration" added 10-29-84 by O-16312 N.S.)  
(Amended 4-21-86 by O-16626 N.S.; Retitled to "Project Review Regulations" and amended 9-8-87 by O-16934 N.S.;  
amended 10-12-87 by O-16951 N.S.; amended 4-24-89 by O-17282 N.S.; amended 10-1-90 by O-17534 N.S.; amended  
11-23-92 by O-17870 N.S.)

(Amended 7-25-94

July 25, 1994 by O- 18088 N.S.)

## SEC. 103.1205

### Permitted Uses and Density Regulations

The following regulations are applicable to all the zones and are not subject to modification or variance except as noted.

#### A. PERMITTED USES/DENSITY REGULATIONS

No building or improvement or portion thereof shall be erected, constructed, converted, established, altered, or enlarged, nor shall any lot or premises be used except for one or more of the following purposes:

1. Zones 1, 2, 3 and 4 -- Retail establishments as identified in Appendix A of this Division, subject to the ground floor and street frontage requirements of Paragraph B. of this Section.
2. Zones 1, 2, 3 and 4 -- Offices, subject to the ground floor and street frontage requirements of Paragraph B. of this Section, and density requirements of Paragraph C. of this Section.
3. Zones 1, 2, 3 and 4 -- Residential Development which shall be limited to 29 dwelling units per net acre and subject to the development controls of this Division.
4. Zone 5 -- Except as provided in Paragraph A.5. of this Section, only residential development or redevelopment which shall be limited to 29 dwelling units per acre.
5. Zone 5 -- Those cultural uses, and accessory uses thereto, listed in Appendix E of this Division, shall be permitted if all applicable Special Use Permit requirements of SEC. 103.1208, and specifically SEC. 103.1208. Paragraph N. of this Division are complied with.
6. Zone 6 -- Only cultural uses and accessory uses thereto, as listed in Appendix E of this Division shall be permitted.
7. Hotels/Motels as follows, subject to a Special Use Permit, provided however, that certain findings are made as identified in SEC. 103.1208.

Zone	Permitted only by Special Use Permit	Not Permitted
1	X	
2	X	
3	X	
4		X
5		X
6		X

8. Parking Lots and Parking Structures, as follows:

a. Surface parking lots (including street level roof areas of underground parking structures) complying with the requirements of SEC. 103.1207, Paragraph G.

b. Above ground parking structures (by Special Use Permit only) may be permitted in the following zones, only if they meet conditions set forth in SEC. 103.1208 of this Division:

Zone	Not Permitted	Permitted only by Special Use Permit
1	X	
2		X
3		X
4		X
5	X	
6		X

9. Other Uses.

In Zones 1, 2, 3 and 4, other uses which shall be permitted, subject to a Special Use Permit consistent with SEC. 103.1208 of this Division, are as follows:

- a. Private clubs, fraternal organizations and lodges.
- b. Churches and religious facilities.
- c. Civic buildings.
- d. Public and private libraries.

e. Other uses designated in ~~Chapter X, Article 1, Division 5 of the San Diego Municipal Code~~ listed in Section 101.0301 that are permitted in other commercial zones of the City under a Conditional Use Permit shall be permitted in Zones 1, 2, 3 and 4 provided they are processed as a Special Use Permit and comply with all the requirements and standards of SEC. 103.1208 of this Division.

10. ~~Noneconforming Previously Conforming~~ Uses.

~~The lawful use of land which existed on the effective date of this Division and which does not conform with this Division may be continued, except when specifically prohibited, provided that no enlargement or additions to such use are made, consistent with regulations contained in Chapter X, Article 1, Division 5 of the San Diego Municipal Code. 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~~

Any change in building facade materials or colors shall conform to the provisions of this Division.

### 11. Accessory Uses.

An accessory use is intended to serve only the occupants of the principal permitted uses on the premises and not the general public. It shall be permitted only if it complies with all of the following requirements:

- a. Accessory uses shall be limited to those uses which are customary, incidental to, related to and clearly subordinate to a permitted principal use established on the same premises. In Zones 5 and 6, accessory uses are limited to those uses listed in Appendix E hereto.
- b. The combined gross floor area of all accessory uses on any premises shall occupy not more than 20 percent of the gross floor area occupied by the principal permitted uses.
- c. All accessory uses shall be located in the same building or buildings which they serve with the exception of loading areas or refuse collection areas. There shall be no entrance to any accessory use except through a foyer, lobby, fully enclosed court or a similar interior area.
- d. In Zones 5 and 6, no signs, displays or advertising relating to the accessory uses shall be visible from any street.

### B. GROUND FLOOR AND STREET FRONTAGE REQUIREMENTS

#### 1. RETAIL - Retail uses are required on the ground floor as follows:

Zone	Minimum Percent of Gross Ground Floor Area	Minimum Percent of Structure's Street Frontage Length
1	<del>75%</del> 50%*	75%
2	No minimum required	No minimum required
3	50%	50%
4	50%	50%
5	Not applicable	Not applicable
6	Not applicable	Not applicable

\* Access to the retail spaces from loading areas or alleys shall be provided where available.

#### 2. OFFICE - Office uses are restricted on the ground floor as follows:

Zone	Maximum Ground Floor Area Restrictions	Maximum Street Frontage Length Restrictions
1	25%	25%
2	No ground floor restrictions	No ground floor restrictions
3	50%	50%
4	50%	50%
5	Not applicable	Not applicable
6	Not applicable	Not applicable

3. RESIDENTIAL - Residential uses shall be restricted on the ground floor as follows:

Zone	Restriction
1	Not permitted within front 50% of lot
2	No restriction
3	Not permitted within front 50% of lot
4	Not permitted within front 50% of lot
5	No restriction
6	Not applicable

C. MAXIMUM BASE DENSITY

Except as provided in SEC. 103.1205, Paragraph D. (Maximum Bonus Density), below, the maximum development density shall be as follows:

Zone	Maximum Base Floor Area Ratio (FAR) or Area Permitted Per Lot	Maximum Office FAR Permitted Within Maximum Base FAR*
1	1.3	0.5 or 5,000 gross sq. ft., whichever is less
2	1.3	1.0 or 5,000 gross sq. ft., whichever is less
3	1.3	0.7 or 5,000 gross sq. ft., whichever is less
4	1.0	0.5 or 5,000 gross sq. ft., whichever is less
5	1.5	Not applicable
6	No restriction	Not applicable

\*For lot splits containing offices uses, the office development maximum area prior to the lot split will apply. See SEC. 103.1206, Paragraph A.3. of this Division.

D. MAXIMUM BONUS DENSITY

1. A residential/retail mixed use project (with no office uses), shall contain a minimum of 16 percent to a maximum of 50 percent of the total gross floor area in retail use, and the remainder of the total gross floor area in residential use, the maximum building floor area ratio shall be:

Zone	Maximum Building Floor Area Ratio (including bonus)
1	1.7
2	1.7
3	1.7
4	1.3
5	Not permitted
6	Not permitted

The ground floor requirements for retail use, as set out in SEC. 103.1205, Paragraph B.1. shall apply.

2. For an exclusively retail use project, containing not less than 26,000 square feet of total gross floor area occupied by one primary tenant, and the remaining area occupied by additional retail tenants, the maximum building floor area ratio shall be:

Zone	Maximum Building Floor Area Ratio (including Bonus)
1	1.7
2	1.7
3	1.7
4	1.3
5	Not permitted
6	Not permitted

The ground floor requirements for retail use, as set out in SEC. 103.1205, Paragraph B.1. shall apply.

3. For an exclusively retail use project, containing not less than 26,000 square feet of total gross floor area, occupied by one primary tenant, and the remaining area occupied by additional retail tenants, the maximum building floor area ratio shall be:

Zone	Maximum Building Floor Area (including Bonus)
1	2.0
2	2.0
3	2.0
4	1.5
5	Not permitted
6	Not permitted

(Added 10-29-84 by O-16312 N.S.)  
 (Amended 4-21-86 by O-16626 N.S.)  
 (Amended 9-08-87 by O-16934 N.S.)

(Amended 9-6-88

September 6, 1988 by O-17129 N.S.)

**SEC. 103.1206**  
**Property Development Regulations**

Please refer to Appendices B and C for illustrations of the requirements for this Section

The following regulations are applicable to all Planned District Zones and development permits included in SEC. 103.1208 of this Division except as noted. No building or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used unless the lot or premises and buildings shall comply with the following requirements and special regulations:

**A. MINIMUM LOT AREA AND DIMENSIONS**

1. In all zones the minimum lot area size shall be 2,500 square feet, with a minimum frontage of 25 feet and a minimum lot depth of at least 100 feet.

2. Exception.

Any lot which qualifies under the definition of a lot as set forth in this Division 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 Division, consistent with ~~SEC. 101.0101, Chapter X, Article 1, Division 1 of the San Diego Municipal Code. Land Development Code Section 113.0103 and Section 113.0237.~~

### 3. Lot Splits.

Where any lot legally existing as of October 1, 1984, is subsequently divided into two or more lots, the maximum total combined area of office use on all lots resulting from the division shall not exceed the square footage limitation listed for the zone in which the lots are located prior to lot subdivision. See SEC. 103.1205 of this Division.

The parking requirements of this Division shall apply. No parking exceptions shall be provided for newly created lots smaller than 6,000 square feet. See SEC. 103.1206 of this Division.

For purposes of the square footage limitations in this Section, a parcel shall be defined as any contiguous piece of land which as of October 1, 1984, was comprised of one or more lots which were occupied generally by one building development, or by a general parking area, or was vacant, or any combination of the foregoing. Lot split requirements shall be as indicated in SEC. 103.1205, Paragraph C. of this Division.

## B. YARD, SETBACKS AND FENCES

Except as provided in SEC. 103.1206, Paragraph B.8., the following minimum yard setbacks and fence requirements shall be observed:

### 1. Front Yards

Zones 1, 2, 3 and 4 -- No requirement.

Zones 5 and 6 -- A 15-foot minimum front yard is required, measured from the front property line to the building. A five-foot maximum encroachment into said yard may be approved, provided such encroachment does not exceed 50 feet in total length for any one encroachment and further provided that an additional equivalent landscaped area is provided directly in front of the building and behind and adjacent to the required yard (see also SEC. 103.1206, Paragraph B.6., and Appendix G).

### 2. Street Side Yards

Zones 1, 2, 3 and 4 -- No requirement.

Zones 5 and 6 -- A 10-foot minimum yard is required. A three-foot encroachment into said yard may be approved, provided such encroachment does not exceed 50 feet in total length for any one encroachment and further provided that an additional equivalent landscaped area is provided directly in front of the building and behind and adjacent to the required yard. (see also SEC. 101.1206, Paragraph B.6.), and Appendix G).

### 3. Interior Side Yards

Zones 1, 2, 3 and 4 -- None required, except that a four-foot side yard shall be provided if any portion of the side lot line abuts residentially zoned property. Such side yard shall be increased seven feet for any building height above 20 feet.

Zones 5 and 6 -- A four-foot minimum yard is required. Such yard shall be increased to seven feet for building heights above 20 feet.

### 4. Rear Yards

Zones 1, 2, 3 and 4 -- None required, except that a 15-foot rear yard shall be provided if any

portion of the rear lot line abuts residentially zoned property. Such rear yard shall be increased three feet for any building height above 20 feet.

Zones 5 and 6 -- A 15-foot minimum rear yard is required. Where the rear yard fronts along an alley, the rear yard may be reduced to 10 feet.

#### 5. Street Frontage Setback

All Zones -- A minimum 16-foot setback, measured from the curb to the building, shall be required. This is a separate requirement that must be met in addition to any front yard setback required by SEC. 103.1206, Paragraph B.1. (see Appendix B).

#### 6. Street Corner Lot Setbacks

Zones 1, 2, 3 and 4 -- A building on a street corner lot shall be set back behind an imaginary line that connects a point on each of the street front property lines which is distant from the corner by a length equal to 20 percent of the parcel frontage along that street, or 20 feet, whichever is less. See Appendix B of this Division. A 20 percent setback deviation at the property line may be approved as long as an additional equivalent area is made available behind the imaginary line linking the setback points at the property line.

Zones 5 and 6 -- Refer to SEC. 103.1206, Paragraph B.8. (Visibility Areas), for requirements.

#### 7. Walls and Fences

Zones 1, 2, 3 and 4 -- Refer to SEC. 103.1206, Paragraph I. and K. for requirements in these zones.

Zones 5 and 6 -- Walls and fences within a required front yard or street side yard shall not exceed three feet in height above the adjacent sidewalk. Such walls and fences shall be architecturally compatible with the main buildings on the premises and shall be constructed of wood, brick, stucco, wrought iron, natural unpolished stone, poured concrete, slumpstone block, split-faced block or a combination of these materials. Chain link is expressly prohibited. All other walls and fences on the premises shall conform to the fence requirements of Chapter X, Article 1, Division 6 of the San Diego Municipal Code. Land Development Code Chapter 14, Article 2, Division 3 (Fence Regulations).

#### 8. Visibility Areas

Zones 1, 2, 3 and 4 -- Refer to SEC. 103.1206 Paragraph B.6. (Street Corner Lot Setbacks) for requirements.

Zones 5 and 6 -- Within every premises in Zones 5 and 6 there shall be established visibility areas adjacent to every street corner intersection, driveway (on or off the premises) and alley. These triangular areas shall be of the size, shape and location shown in Appendix F. Within a visibility area, no portion of any fence, wall or other structure shall exceed three feet in height.

### C. MAXIMUM HEIGHT

The maximum height of any point on any structure shall be thirty (30) feet. Height shall be measured in accordance with ~~Municipal Code section 101.0214(A) and (B) but not Section 101.0214(C)~~. Land Development Code Section 113.0270 with the exception of Section 113.0270(a)(4) and (5).

See Appendix B of Municipal Code Chapter X, Article 3, Division 12.

In addition to the height limit criteria above, the following areas within the planned district, as graphically depicted on Drawing No. C-766 on file in the office of the City Clerk, shall be limited to structures containing a maximum of two stories:

1. All portions of Zone 2.
2. All portions of Zone 4.
3. Those portions of Zone 1 generally bounded by Herschel Avenue to the east, the alley parallel to and west of Girard Avenue to the west, Pearl Street to the south and Prospect Street to the north.
4. All portions of Zone 3 south of Silverado Street.
5. That small portion of Zone 5 surrounded by Coast Boulevard South and Coast Boulevard, generally west of the intersection of La Jolla Boulevard and Coast Boulevard South.

The definition of "story," as it pertains to this section, shall be identical to that contained in ~~San Diego Municipal Code SEC. 101.0101.63~~ Land Development Code Section 113.0103.

#### D. STREET FACADE ENVELOPE

In all zones a street facade envelope shall be created along any property line adjacent to any public street. The envelope shall be measured 20 feet vertically and at the top thereof, shall slope back at a 45 degree angle toward the interior of the lot. No portion of any building or structure shall extend outside such envelope except as noted below (see Appendix B.)

1. Exception: Twenty (20) percent of the length of the building facade may exceed the twenty (20) foot height limit, in order to provide roofline and facade variations, accents, tower elements, etc.
2. Within the street facade envelope, no story or floor level or portion thereof, shall overhang any floor level below, provided however, that balconies on upper floors shall be permitted.
3. No building or portion thereof shall project over the public right-of-way above ground level. Awnings and canopies may be permitted to encroach into the public right-of-way, subject to an encroachment permit consistent with the requirements of SEC. 103.1209 of this Division (see Appendix B).

#### E. LANDSCAPING

Please refer to Appendix B for illustrations of the requirements for this Section.

Prior to the use or occupancy of any lot or premises at least one of the following landscaping requirements shall be met.

##### 1. Zones 1, 2, 3 and 4 -- Option A

Provide a landscaped area equal to 25 percent of the total lot area. The landscaped area may be provided at the ground level or on upper level balconies, decks, roofs, with permanently affixed planter boxes or any combination thereof. A minimum of 40 percent of the landscaped area shall be vegetated.

##### 2. Zones 1, 2, 3 and 4 -- Option B

Provide a ground level landscaped area equal to 15 percent of the total lot area.

For landscaped areas designed as buffers, setbacks or visual backdrops, 40 percent of the area shall be vegetated with a combination of groundcover, vines, shrubs, and trees.

For large paved pedestrian spaces such as courtyards or plazas, a minimum 24-inch box tree or 15-gallon eight-foot tall tree shall be required for every 200 square feet of paved area.

For narrow pedestrian areas such as malls, where trees may not be appropriate, 25 percent of the ground plane shall be vegetated with potted plants, vines, shrubs, or groundcover.

### 3. Zone 1 -- Alternate

In Zone 1, the landscaping requirements of this section may be satisfied by sidewalk improvements consistent with the encroachment permit SEC. 103.1209 of this Division, or an in lieu fee as further described in SEC. 103.1208, Paragraph M. of this Division.

### 4. Zone 5 -- Option A

Provide a landscaped area equivalent to 50 percent of the total lot area. The landscaped area may be located at the ground level or on upper level balconies, decks, roofs with permanently affixed planter boxes or any combination thereof provided the landscaped area is visible from the opposite side of adjacent public rights-of-way (streets). A minimum of 50 percent of the landscaped area shall be vegetated.

### 5. Zone 5 -- Option B

Provide a landscaped area equivalent to 30 percent of the total lot area at ground level, provided the landscaped area is visible from the opposite side of adjacent public rights-of-way (streets). The 15-foot front yard setback shall be fully landscaped except for driveways and walkways. For landscaped areas designed as buffers, setbacks or visual backdrops, 50 percent of the area shall be vegetated with a combination of groundcover, vines, shrubs, and trees.

### 6. Zone 6

All required yards shall be fully landscaped in accordance with City-wide Landscape Regulations of ~~Chapter X, Article 1, Division 7 of the San Diego Municipal Code.~~ Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations).

7. Parking Lots -- Refer to SEC. 103.1207, Paragraph ~~HG.~~ for requirements.

### 8. Landscaping Plans and Maintenance:

Prior to the issuance of any building permits, a complete set of landscaping and irrigation plans shall be submitted to the ~~Development Services Director~~ City Manager for approval. The landscaping and irrigation plans shall be in conformance with the requirements of this section and with ~~standards adopted by the Planning Commission as set forth in the document entitled, "City of San Diego Landscape Technical Manual," on file in the office of the City Clerk.~~ the Landscape Guidelines of the Land Development Manual.

All required landscaped areas shall be permanently irrigated and maintained in accordance with ~~the standards adopted by the Planning Commission as set forth in the document entitled "City of San Diego Landscape Technical Manual," on file in the office of the City Clerk.~~ the Landscape Guidelines of the Land Development Manual.

### 9. Paved Surfaces

A minimum of 50 percent of all paved surfaces used for pedestrian activity shall be composed of a textured material such as brick, stone, or tile. The required percentage of textured paving may be combined in a single area such as a courtyard or plaza or integrated with non-textured paving to form bands or other patterns in harmony with the intended architectural theme. See also Streetscape Development Regulations, SEC. 103.1209 and Appendix D of this Division.

## F. SITING OF BUILDINGS IN SUBAREAS 1-A, 5A AND 6A

1. In Subareas 1A, 5A and 6A on the seaward side of Prospect Street, in order to provide for visual access corridors to the ocean, buildings shall be located so that the major axis of the structure will generally be at a right angle to the shoreline. An open visual access corridor of ten percent of the lot width shall be maintained open to the sky and free from all visual obstructions from the front property line to the rear property line of the project.

Refuse collection and loading areas shall not be located in any way that interferes into the visual access corridor (see Appendix B).

## G. BUILDING SURFACE MATERIALS AND COLORS

1. Surface materials shall only be those which are in keeping with the traditional materials of the community. These include:

Natural materials such as wood, brick, or natural unpolished stone.

Stucco (all stucco must be painted).

Formed concrete.

Split-faced or slumpstone concrete block.

2. Not more than 40 percent of any exterior building elevation above the first story shall consist of glass or any other material that resembles glass.

3. At ground floor and other pedestrian levels opaque, reflective or dark tinted glass shall not be used for any portions of the building developed for retail uses.

4. Surface materials that are not in keeping with the existing character of the community are prohibited, including:

Metal panels of any kind on walls, roofs of awnings.

Mirrored or highly reflective glass in any quantity.

Glazed tiles covering more than ten percent of any building elevation or on the roof.

Polished marble, granite, or similar materials covering more than ten percent of any building elevation.

Stucco containing sparkling particles, or integral colored stucco.

Plain concrete block.

Plastic materials of any kind except for awnings attached to the building.

5. Surface colors shall be those which are in keeping with the established character of the community. These include:

White.

Natural red-brick tones.

Light earthtone colors (see Appendix C.).

Pastel Colors (see Appendix C.).

Bright, excessively dark, and garish colors which are not in keeping with the established character of the community are prohibited. Exception: Dark colors are acceptable on roofs.

#### H. ARTIFICIAL LIGHTING DIRECTION

Artificial lighting used to illuminate any premises shall be directed away from adjacent properties. (see Appendix B).

#### I. WALLS

Prior to the use or occupancy of any premises containing commercial uses, a solid masonry wall of not less than six feet in height shall be constructed along all portions of the perimeter of said premises that abut residentially zoned land.

#### J. LOADING AREAS

ZONES 1, 2, 3, 4 -- Every building shall provide an on-site loading area containing a minimum of 600 square feet which shall not be used for parking (including required back-up space, and/or driveways). Where alley access is available such loading areas shall be adjacent to and accessible only from the alley (see Appendix B).

On lots of 50 foot frontage or less, no loading area is required, provided however, that where an alley abuts the lot, the building's loading area shall be arranged so that all loading activities take place from the alley only.

#### K. REFUSE COLLECTION AREAS

A minimum of 32 square feet of on-site refuse collection area shall be provided on each lot or premises and shall not be located in any front or street side yard. Where an alley exists the refuse collection area shall be located off the alley (see Appendix B).

The refuse collection area shall be screened by a solid wall with a minimum height of six feet. A six-foot high, solid masonry wall shall be constructed between any refuse container and any adjoining residentially zoned property.

#### L. MECHANICAL EQUIPMENT

No mechanical equipment, tank duct, elevator enclosure, cooling tower or mechanical ventilator shall be erected, constructed, maintained or altered anywhere on the premises unless all such equipment and appurtenances are contained within a completely enclosed penthouse or other portion of a building having walls or visual screening with construction and appearance similar to and integrated with the main building architectural design.

#### M. EXTERNAL EFFECTS

The following effects shall not be permitted to emanate beyond the premises in which the permitted use is located:

1. Air contaminants such as smoke, fumes, odors or other gases.
2. Loud, unnecessary or unusual noise.
3. Electrical disturbances which unduly interfere with the normal operation of equipment, appliances or instruments.

4. Emissions that endanger human health, cause damage to vegetation or property or cause soiling.

## N. RESIDENTIAL DESIGN CRITERIA

Exclusively residential development shall comply with all of the following standards:

1. The proposed use will comply with all development regulations of Secs. 103.1205, 103.1206, 103.1207, 103.1208 and 103.1209 of this Division, and the relevant regulations of the San Diego Municipal Code.
2. The proposed use will incorporate architectural features which are of visual interest such as awnings, canopies, collonades, porches, balconies, arcades, etc.
3. The proposed use will utilize pitched roofs and other roof designs to reduce the appearance of bulk and create an appearance compatible with surrounding development.
4. The proposed use will provide for private open space areas such as balconies, patios and courtyards. The total area for such spaces shall be not less than 150 square feet per unit.
5. The proposed use will utilize low water plant materials as determined by the Park and Recreation Department together with an automatic irrigation system.

(Added 10-29-84 by O-16312 N.S.)

(Amended 4-21-86 by O-16626 N.S.; amended 9-8-87 by O-16934 N.S.; amended 9-6-88 by O-17129 N.S.; amended 10-16-89 by O-17363 N.S.; amended 1-6-92 by O-17726 N.S.)

(Amended 7-25-94

July 25, 1994 by O- 18088 N.S.)

## SEC. 103.1207

### Parking and Transportation Regulations

#### A. OFF-STREET PARKING REGULATIONS

Please refer to Appendix B for illustrations of the requirements of this Section 103.1207.

Every premises used for one or more of the permitted uses listed in Section 103.1205 shall be provided with 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) in minimum numbers (all numbers to be rounded up), as follows:

#### ~~ZONES 1, 2, 3 and 4~~

- ~~1. For one family dwellings — 2.0 spaces, provided there is not more than one dwelling unit on the premises.~~
- ~~2. For premises containing two or more dwelling units — 1.0 spaces for each dwelling unit containing one bedroom or less, 1.25 spaces for each dwelling unit containing two bedrooms, and 1.5 spaces for each dwelling unit containing three bedrooms or more.~~
- ~~3. For business and professional offices — one parking space for each 250 square feet of gross floor area. A minimum of 50 percent of the required office parking shall be designated exclusively for employee use free of charge. These spaces shall not be used by non-employees of the building or rented to anyone.~~

~~4. For banks and savings and loans — one parking space for each 300 square feet of gross floor area. A minimum of 20 percent of the required parking shall be designated exclusively for employee use free of charge. These spaces shall not be used by non-employees of the building or rented to anyone.~~

~~5. For restaurants and similar establishments — one parking space for each 200 square feet of gross floor area.~~

~~6. For commercial retail establishments — one parking space for each 600 square feet of gross floor area.~~

~~7. For hotels and motels — one parking space for each guest unit, plus one space for each 500 square feet of gross floor area used for incidental business.~~

~~8. All off-street parking facilities shall be constructed, operated and maintained in compliance with Chapter X, Article 1, Division 8 of the San Diego Municipal Code.~~

~~9. All required parking shall be kept available at all times for the parking of operative vehicles and shall not be used for storage or other purposes.~~

#### ~~ZONE 5~~

~~1. For one family dwellings — 2.0 spaces, provided there is not more than one dwelling unit on the premises.~~

~~2. For premises containing two or more dwelling units — 1.5 spaces for each dwelling unit containing one bedroom or less, 2.0 spaces for each dwelling unit containing two bedrooms or more.~~

#### ~~ZONE 6~~

~~1. For cultural uses — one space per employee or one space per 200 feet of administrative area, whichever is greater. Cultural accessory uses shall require one space per 600 square feet of space.~~

### B. STREET FRONTAGE PARKING AREAS

Street frontage parking (parking between a building and the adjacent public street) shall not be permitted except as follows:

ZONE	NOT PERMITTED	PERMITTED
1		X
2		X
3		X
4		X
5	X	
6	X	

### ~~C. SMALL LOT PARKING REQUIREMENTS~~

~~Parking requirement exemptions shall be provided for small lot development in Zones 1, 2, 3 and 4 as follows:~~

~~1. For lots 6,000 square feet or less, no parking shall be required if the lot has no alley access or frontage.~~

~~2. For lots of 6,000 square feet or less with alley frontage, one parking space per ten feet of alley frontage is required, with access only from the alley. Where more than one alley exists the parking requirement shall be based upon the longest alley frontage.~~

~~3. For lots of 7,000 square feet or less tandem parking may be permitted, provided it does not exceed two~~

full standard off-street parking spaces in depth.

- ~~4. No parking exemptions shall be provided for newly created lots of 6,000 square feet or less in size.~~
- ~~5. Any small lot development that applies for an exemption to the off-street parking regulations, shall sign an agreement, satisfactory to the Planning Director, not to oppose the formation of a future parking and/or transit district. Such agreement shall not include the property owner's right to protest the amount levied subsequent to the establishment of said district or districts. Such agreement shall be recorded with the County Recorder and shall run with the land.~~

#### DC. REHABILITATION PARKING REQUIREMENTS

Parking requirement exemptions shall be provided for rehabilitation projects and heritage structure rehabilitation proposals which are consistent with the use and requirements of this Division (SEC. 103.1205), or do not involve a change in use as defined in SEC. 103.1203 of this Division, provided that the existing number of on-site parking spaces is maintained.

1. If the project rehabilitation involves retail use, the parking requirement will be limited to providing parking off the alley. One parking space shall be required per full ten feet of vacant alley frontage area. If no alley frontage exists no parking shall be required on-site, provided however, that the property owner shall ~~agree not to oppose the formation of a future parking and/or transit district as established by Paragraph B.5. of this Section.~~ sign an agreement, satisfactory to the City Manager, not to oppose the formation of a future parking or transit district. The agreement shall not include the property owner's right to protest the amount levied subsequent to the establishment of the district or districts. The agreement shall be recorded with the County Recorder and shall run with the land.

2. If the project rehabilitation involves a residential use, a minimum of one space per each new unit added shall be required either on site, as a part of a joint parking plan or through in lieu fees towards a community parking district consistent with SEC. 103.1208 of this Division.

3. If the rehabilitation involves hotel uses, the parking space requirements may be satisfied by a combination of on-site and off-site parking or in lieu transit fees, and a joint parking plan, consistent with SEC. 103.1208, Paragraphs I., K. and L. of this Division.

4. If the rehabilitation project involves office uses, the project will be required to meet the office parking requirements as established by this Section either on site or through a combination of a joint parking plan, and/or in lieu fees for parking or transit, consistent with SEC. 103.1208, Paragraphs I., K. and L. of this Division.

5. For rehabilitation projects tandem parking may be permitted, provided it does not exceed two full spaces in depth.

#### ED. MINOR ADDITION PARKING REQUIREMENTS

Parking requirement exemptions shall be provided for minor additions or enlargements (including those made to heritage structures) provided however, that such additions or enlargements do not involve a change in use.

1. For retail projects the parking shall be provided off the alley where one parking space shall be required per full ten feet of vacant alley frontage. Where more than one alley exists the parking requirement shall be based upon the longest alley frontage. If no alley exists no parking shall be required on-site, provided however, that the property owner shall agree not to oppose the formation of a future parking and/or transit district as established by Paragraph C.5. of this Section and SEC. 103.1208, Paragraphs K. and L. of this Division.

2. In Zones 1, 2, 3 and 4 for projects including other allowable uses, only the parking for the addition or enlargement shall be required. If parking cannot be provided on-site, the requirements may be satisfied through a combination of a joint parking plan and/or in lieu fees for parking or transit, consistent with SEC. 103.1208, Paragraphs I. K. and L. of this Division.

## FE. SHARED PARKING FACILITIES

Sharing of parking facilities may be approved or denied by the Planning Director in accordance with "Process One" pursuant to ~~San Diego Municipal Code section 101.0830.~~ Land Development Code Section 142.0545.

## GF. TANDEM PARKING

Tandem parking shall be permitted under this ordinance for residential uses, small lot development, minor additions and rehabilitation projects consistent with the ~~"Off Street Parking Regulations," of Chapter X, Article 1, Division 8 of the San Diego Municipal Code.~~ Land Development Code Section 142.0555.

## HG. SURFACE PARKING LOT DESIGN

Surface parking lots or street level roof parking for underground parking structures, shall not cover more than 10,000 square feet in area. If more than 10,000 square feet is required, the additional parking shall be provided underground. Surface parking areas fronting on a street shall be screened with a landscaped buffer of not less than six feet in width between the public right-of-way (sidewalk) and the parking area. The interior portions of surface parking areas with more than one parallel aisle or 7,000 square feet in area shall be landscaped. Parking lot landscaping shall conform to the ~~City-wide landscape requirements for vehicular use areas Chapter X, Article 1, Division 7 of the San Diego Municipal Code.~~ Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations) (see Appendix B).

## IH. BICYCLE FACILITIES

All premises used for one or more of the permitted uses listed in SEC. 103.1205 of this Division shall be provided with facilities and permanently maintained bicycle parking spaces (storage lockers or racks) easily accessible to the public, on the same premises as follows:

1. Business and professional offices including banks and savings and loans -- one bicycle space for each 2,500 square feet of gross floor area. Additionally, any business or professional office containing more than 7,500 square feet of gross office floor area shall be required to provide shower facilities.
2. Restaurants and similar establishments -- one bicycle space for every 20 seats.
3. Retail establishments -- one bicycle space for each 3,500 square feet of gross floor area.
4. For hotels and motels -- one bicycle space for ten guest units, or provision of bicycle rental facilities on-site.

(Added 10-29-84 by O-16312 N.S.)

(Amended 4-21-86 by O-16626 N.S.)

(Amended 9-8-87 by O-16934 N.S.)

(Amended 9-13-93

September 13, 1993 by O-17974 N.S.)

## SEC. 103.1208

### Special Use Permit Development Standards

A. A Special Use Permit (SUP) is required for any of the following projects described in Sections 103.1208(B) through 103.1208(N). An application for a Special Use Permit may be approved, conditionally approved or denied by a "Hearing Officer:" in accordance with "Process Three". The "Hearing Officer's" decision may be appealed to the Planning

Commission, in accordance with ~~Section 111.0506~~ Land Development Code Section 112.0506. The "Hearing Officer" may approve the Special Use Permit if the following findings are made in addition to the findings specified for particular uses:

1. The project is consistent with the Purpose and Intent Section of this Division (SEC. 103.1201);
2. The project is consistent with (Secs. 103.1205, 103.1206 and 103.1207) of this Division; and
3. The project is consistent with the standards identified in this section.

#### B. HERITAGE STRUCTURE PRESERVATION AND RE-USE

Any Heritage structure in Zones 1, 2, 3, 4 and 5 only, proposed for preservation and re-use not consistent with Section 103.1205 of this Division's land use and density requirements, shall comply with all of the following standards:

1. The structure shall be evaluated by the ~~Historical Site~~ Resources Board which shall make a finding that the structure is worthy of preservation if one or more of the following appropriate findings can be made that:
  - a. The structure is part of a historical event or personage in the development of the region.
  - b. The structure is architecturally significant in that it exemplifies a specific architect, architectural style, or period of development.
  - c. The structure is architecturally unique and worthy of preservation.
  - d. The structure is an integral part of a neighborhood development style, and an important "part of the scene" of urban development.
2. The project site and structure's rehabilitation proposals shall be reviewed by the ~~Historical Site~~ Resources Board for consistency with the building's and project site's design and historical conservation elements.
3. Development Regulations are the same as Sections 103.1205, 103.1206 and 103.1207 of this Division except as follows:
  - a. The project may be exempt from the use and density requirements of Section 103.1205 of this Division provided it can be proven that it is economically imperative to provide relief from such land use requirements. A "Hearing Officer" may approve, conditionally approve or deny, in accordance with "Process Three". The "Hearing Officer's" decision may be appealed to the Planning Commission in accordance with ~~Section 111.0506~~ Land Development Code Section 112.0506. The "Hearing Officer" may approve or conditionally approve the exemption if a finding can be made that the use and density will not negatively impact surrounding properties and the neighborhood, and will be consistent with the community plan.
  - b. The project may be exempted from the standard parking requirements consistent with SEC. 103.1207 of this Division.
  - c. Landscaping, planting and vegetation standards shall be consistent with Secs. 103.1206 through 103.1208 of this Division, except when these standards conflict with heritage structure preservation or existing matured vegetation on site. The new landscaping proposed shall compliment the existing vegetation and landscape design. The ~~Historical Site Resources~~ Board recommendations shall be considered in the ~~Development Services Director~~ City Manager's decision.

#### C. EXISTING CULTURAL USE WITHIN ZONE 6 DEMOLITION

A "Hearing Officer" may approve, conditionally approve or deny, in accordance with "Process Three", a

Special Use Permit for the demolition, alteration, reconstruction or other change of any portion of an Existing Cultural Use within Zone 6. The permit may be approved or conditionally approved only upon the specific finding that such demolition, alteration, reconstruction or change is being made in conjunction with a permitted addition, enlargement, restoration or rearrangement of a permitted cultural use within Zone 6.

#### D. HOTEL/MOTEL DEVELOPMENT (INCLUDING TIMESHARES)

Hotel and motel and timeshare development may be permitted in Zones 1, 2 and 3 only, subject to Special Use Permit if all the following findings can be made:

1. The proposal consists of redevelopment of an existing hotel site, and/or additions to an existing hotel, and such additions do not exceed 30 percent of the existing hotel size, and number of rooms, or 20 guest units whichever is greater. Where the proposal consists of a new development, the maximum density does not exceed 60 guest units per acre nor will the additional rooms cause the total number of new rooms in the Zone to exceed the amount designated in Paragraph E.2. of this Section;

2. The total number of new hotel/motel rooms and timeshares in any Zone shall not exceed the amounts designated in the following table:

##### Maximum Development Allowed Per Zone\*

ZONE 1 - Existing Units (Oct., 1984)	=	203
- ADDITIONAL UNITS PERMITTED**	=	41
ZONE 2 - Existing Units (Oct., 1984)	=	30
- ADDITIONAL UNITS PERMITTED**	=	6
ZONE 3 - Existing Units (Oct., 1984)	=	207
- ADDITIONAL UNITS PERMITTED**	=	41
ZONE 4 - NO ADDITIONAL UNITS PERMITTED		
ZONE 5 - NO ADDITIONAL UNITS PERMITTED		
ZONE 6 - NO ADDITIONAL UNITS PERMITTED		

\*Denotes that existing Hotel/Motel units include those existing within the Planned District Division Zone plus units existing within any adjacent RV Zone.

\*\*Denotes that additional units permitted represent a 20 percent increase over existing units, as of October, 1984 for that zone.

3. The proposed project complies with the development standards contained in this Division (Secs. 103.1205, 103.1206, 103.1207 and 103.1209).

#### E. OUTDOOR SALES AND DISPLAYS AND STORAGE REGULATIONS IN ZONES 1, 2, 3 AND 4 ONLY

1. The following listed merchandise sold on the premises may be displayed outdoors during hours of business operation without screening walls or fences except along property lines abutting residentially-zoned lots:

Flowers and plants.

Food products.

Handcrafted products and goods.

Artwork and pottery.

Any other merchandise which the ~~Development Services Director~~ City Manager may find to be similar in character, type or nature to the merchandise listed in this Paragraph and which will not cause an adverse visual impact on the neighborhood.

2. All other merchandise sold on the premises may be displayed outdoors during hours of operation provided that the display area is enclosed by walls, fences, buildings or landscape screening or a combination thereof.

3. All walls and fences required in Paragraph 2 of this Section shall be a minimum of six feet in height except along the street frontage, where height may vary. Walls and fences shall be constructed and maintained with not less than 50 percent of the surface area impervious to light. The location, materials and design of required walls and fences shall be subject to approval by the ~~Development Services Director~~ City Manager. The approval of the ~~Development Services Director~~ 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 Chapter X, Article 1, Division 6 of the San Diego Municipal Code. 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 three-foot high solid (at time of planting) landscape screening proposal shall be submitted to the ~~Development Services Director~~ City Manager for review and approval. The landscape screening shall be developed in conformance with standards adopted by the Planning Commission as set forth in the document entitled "Development and Maintenance Standards - Landscaping" on file in the office of the ~~Development Services Department~~. Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations).

5. Outdoor sales and displays are not permitted in Zone 5.

#### F. FAST FOOD RESTAURANTS IN ZONES 1, 2, 3 AND 4 ONLY

Fast food restaurants may be permitted if all of the following standards are met:

1. The proposal includes indoor or outdoor seating areas with refuse collection receptacles.

2. The establishment shall maintain the premises and the immediate vicinity (at least to the first street intersection in both directions) clear of litter.

3. Food to take out shall be restricted to minimum packaging and shall include a container or paper sack in which the refuse can be collected to be thrown away.

4. Fumes and odors shall be contained within the cooking areas and shall not be allowed to spread beyond the property line.

5. Hours of operation shall be limited to daylight hours and until 12:00 Midnight or earlier as established by the ~~Development Services Director~~ City Manager at the public hearing.

6. The development standards of this Planned District Division shall be complied with (Secs. 103.1206, 103.1207 and 103.1209 of this Division).

7. Any drive through facility in connection with a fast food restaurant shall comply with all the requirements of Paragraph H. (Drive-thru Facilities) of this Section.

8. Fast food restaurants are not permitted in Zone 5 or Zone 6.

#### G. DRIVE THROUGH FACILITIES

1. Drive through facilities are not permitted in Zone 1, Zone 5 or Zone 6.

2. Drive through facilities may be permitted in Zone 2 (Herschel), in Zone 3 (Fay Avenue), and Zone 4 (Pearl/ La Jolla Boulevard) subject to all the following conditions:

a. The drive through area shall be paved with patterned paving consistent with Appendix B and D of this Division.

b. Auto/pedestrian circulation conflicts shall be minimized. A drive through shall not be located along areas of a high pedestrian use.

c. The drive area through shall be buffered with a ten-foot-wide and a minimum of three-foot-high vegetated strip from adjacent pedestrian sidewalk areas.

d. Parking areas abutting the drive through area shall have ten-foot-wide and a minimum three-foot-high at time of planting vegetated buffer adjacent to the public right-of-way (sidewalks). Ten percent of the parking area shall be landscaped with broad tall trees that provide shade areas (See Appendix B of this Division).

#### H. ABOVE GROUND PARKING STRUCTURES

Aboveground parking structures may be permitted consistent with the zone restrictions contained in SEC. 103.1205, Paragraph A.8.e~~b~~, by Special Use Permit only, provided the building or structure does not exceed a floor area ratio of 2.5 and the following conditions are met:

1. There shall be a demonstrable community need for the additional parking proposed, based on parking and marketing studies submitted at the time of project review.

2. The structure is compatible in materials, colors, and architectural features to the character of the surrounding development, particularly adjacent structures.

3. A minimum of 20 feet of depth from the street frontage at the structure, excepting only the portion required for driveways and pedestrian access, is utilized for community serving retail establishments and other establishments that provide auto oriented goods and services.

4. An eight-foot-wide vegetated area is provided between any noncommercial street frontages of the structure and the sidewalk. Use of large screening trees and vines to cover wall surface areas shall be required. See Appendix B of this Division.

5. All parking levels are enclosed on all sides with solid walls of at least 42 inches above the floor.

6. Lighting fixtures utilizing exposed lamps of any kind are placed so that they are not visible from outside the building.

#### I. IN LIEU FEE PARKING PROVISIONS

An in lieu fee program for the provision of parking may be added to this Division at a future date. The incorporation of this program will be subject to the future approval by City Council of an implementation and funding program for parking in the La Jolla Planned District area. The option of using this program in lieu of the required parking shall not be available until the program is established at a future date.

#### J. TRANSIT FEES IN LIEU PROVISIONS

An in lieu fee program for the provision of additional public transit, may be added to this Planned District Division

at a future date. The incorporation of this program will be subject to the future approval by City Council of an implementation and funding program for provision of additional public transportation opportunities within the La Jolla Planned District area. The option of using this program in lieu of the required parking shall not be available until the program is established at a future date.

#### K. IN LIEU STREETScape IMPROVEMENT FEES

An in lieu fee program for the improvement of the pedestrian spaces on public right-of-way may be incorporated into this Division at a future date. The incorporation of this program will be subject to future approval by City Council of an implementation and funding program for landscaping and ornamental lighting for the La Jolla Planned District area. The option of using this program in lieu of required landscaping will not be available until the program is established at a future date.

#### L. OTHER USES PERMITTED UNDER A SPECIAL USE PERMIT

Private clubs, fraternal organizations and lodges, churches, civic buildings, public and private libraries, schools, museums and other uses allowable under Conditional Use Permits in other commercial and residential zones of the City, as identified in Section 103.0105, and any other discretionary permits issued by the ~~Development Services Director~~ City Manager shall be permitted subject to the processing of a Special Use Permit under the terms of this Section. Development standards for such a permit shall be regulated by ~~Chapter X, Division 5 of the San Diego Municipal Code~~ Land Development Code Chapter 14, Article 1, Division 1 (Separately Regulated Use Regulations) as supplemented and superseded by Secs. 103.1204, 103.1206, 103.1207 and 103.1209 of this Division.

#### M. CULTURAL ZONE -- TRANSFER OF DEVELOPMENT RIGHTS PROGRAM

A Transfer of Development Rights Program to be applied to the cultural uses within the Cultural Zone shall be incorporated into this Planned District Ordinance by June 30, 1987. The program shall be designed to give the cultural institutional uses an equivalent value to their present maximum residential permitted use of 29 du/ac, in exchange for the perpetual restriction of residential redevelopment on these sites. The incorporation of a specific Transfer of Development Rights (TDR) implementation program shall be the subject of future approval by the City Council. Approval of such TDR program shall take place within the specified period, but no later than June 30, 1987.

(Added 10-29-84 by O-16312 N.S.)

(Amended 4-21-86 by O-16626 N.S.; amended 9-8-87 by O-16934 N.S.; amended 9-6-88 by O-17129 N.S.; amended 11-23-92 by O-17870 N.S.; amended 9-13-93 by O-17974 N.S.)

(Amended 7-25-94

July 25, 1994 by O- 18088 N.S.)

#### SEC. 103.1209

##### Streetscape Development Regulations/Encroachment Permits

Within all zones no building or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any such premises be used unless the lot or premises and buildings shall comply with the following requirements and special regulations pertaining to the development and use of the abutting public right-of-way. The above shall apply to all projects.

The following Streetscape and Encroachment Permit Standards shall be the basis for project review by the ~~Development Services Department and the Engineering Department~~ City Manager. Final approval for encroachment permits shall be by the City Engineer based on the ~~Development Services Director~~ City Manager's recommendations of

## A. DRIVEWAYS AND CURB CUTS

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

~~1. Maximum size.~~

~~a. One-way driveway shall be a maximum of 12 feet in width or as otherwise required for safety reasons by the City Engineer.~~

~~b. Two-way driveways shall be a maximum of 24 feet in width or as otherwise required for safety reasons by the City Engineer.~~

~~2. Existing driveways and curb cuts currently in use may be maintained except that such driveways shall be limited to one per lot. Whenever projects are processed where existing driveways are abandoned, the applicant shall be required to remove the driveway and reconstruct the sidewalk and curbs to match the adjacent sidewalk and curb areas.~~

~~3. No new driveways or curb cuts shall be approved on properties that have alley access, provided that safety problems are not caused by this policy as determined by the City Engineer, except that lots that have more than 150 feet in street frontage may have a driveway and curb cut to the street not exceeding 24 feet in width. Exception: Above-ground parking structures may have a single driveway and curb cut not exceeding 24 feet in width per 150 feet in frontage or as required for safety reasons by the City Engineer.~~

~~4. Properties without alley access may be permitted one driveway per property. Such driveway shall not exceed 24 feet in width, or as required for safety reasons by the City Engineer.~~

~~5. Driveway entrances across the sidewalk shall continue the paving pattern utilized in the adjacent sidewalk areas. Projects subject to Special Use Permits, and requiring driveway access, shall improve the sidewalk area in a manner consistent with this section's standards, unless such requirement is specifically waived. Signing giving the pedestrian the right-of-way shall be included in the design.~~

## B. UNDERGROUND PARKING ENCROACHMENTS

Encroachment into the public right-of-way for underground parking spaces may be permitted only if a more efficient underground parking design can be provided without resulting in a major expansion to the underground parking area.

No encroachments into the public right of way for parking access ramps (underground and above-ground) parallel to the street shall be permitted.

Any access from underground parking areas to the street shall give the pedestrian the right-of-way at all times. Safety design, stop signs and other signage are required.

## C. SIDEWALK DEVELOPMENT

### 1. Minimum Width.

For existing projects all sidewalks shall maintain their present width and shall also maintain standard sidewalk elevation in relation to the curb for the entire distance between the curb and property line.

### 2. Clear Path.

For new construction a minimum clear path (free of obstructions) of eight feet in width shall be maintained at all points within the sidewalk right-of-way. The clear path may be linear, angled or curved, provided that the configuration will not impede handicapped access. A clear path of greater than eight feet may be required if necessary to maintain a line of sight essential for traffic or pedestrian safety. Where there are street trees, the clear path shall be measured from the trunk of the tree, provided tree grates conforming to the requirements of SEC. 103.1209, Paragraph D.8. of this Division are installed and maintained at all times.

### 3. Surface Treatment (sidewalk paving).

All development proposing sidewalk improvements through an encroachment permit shall be required to improve the abutting sidewalk areas in accordance with the following standards:

The sidewalk surface (exclusive of permanently landscaped areas) shall be paved with brick, clay or ceramic tile or interlocking concrete pavers. Standards for each of these materials shall be as set forth below. The objective of these standards is to provide a complementary palette of paving materials and colors which provide an element of unity and continuity throughout the district, while encouraging the development of improved pedestrian sidewalk areas.

#### a. Materials.

BRICK: Bricks shall be standard size eight inches by four inches, and shall be set in mortar.

TILE: Tile shall be square, not to exceed ten inches on any side. Minimum tile thickness shall be one-fourth inch for ceramic or quarry tile, and three-fourths- inch for clay tile. Tiles shall be set in mortar.

CONCRETE PAVERS: Concrete pavers and interlocking pavers may be of any uniform shape provided each unit does not exceed ten inches across its longest dimension. Pavers shall be set in mortar.

#### b. Surface Textures.

All paving materials shall provide an even, slip resistant surface at least equal to the City standard broom sweep sidewalk. All grouting shall be placed flush with the top of the pavers.

#### c. Pavement Patterns.

The pavement patterns shall be perpendicular to the curb and be maintained constant except to define an entrance or an adjacent public plaza in which case paving patterns may be integrated with other paving to form bands or dividers in harmony with architectural themes. Pavement patterns shall be consistent with the safety standards required for the handicapped.

#### d. Colors.

The color of paving shall generally be within the red to orange range (including reddish browns) with muted (non- bright) tones. Dark brown and other dark tones and colors, including grey are not appropriate.

## D. STREET TREES

1. Existing street trees shall be preserved to enhance the character of the street through the continuity of existing street trees.

2. New street trees shall be of the same species as the existing trees fronting the site or alternatively of the most prevalent species located on the same street provided they are listed on the Approved Street Tree List as shown in Appendix G.

3. Where neither the species of existing street trees fronting the site or the most prevalent species located on the same street appears on the Approved Street Tree List, the ~~Development Services Director~~ City Manager shall designate the species of trees to be used which, is in keeping with the surrounding area.

4. For all portions of La Jolla Boulevard and Pearl Street within the Planned District, the Jacaranda Mimosifolia is the designated tree.

5. Unless otherwise stated above, where appropriate, the preservation, planting and maintenance of approved palm trees and approved eucalyptus trees shall be given special consideration in order to maintain the unique subtropical character of La Jolla.

6. Trees shall be planted in the ground. The minimum size tree shall be a standard 48-inch box. Trees with a low spreading branch structure shall typically not be used in the street rights-of-way. Individual specimens shall be selected, planted, and pruned, if necessary, such that major scaffold branches are at least eight (8) feet above the finish surface or finish grade, as measured at the trunk.

Trees shall be positioned and kept maintained so that any branches that extend out over dedicated street rights-of-way have a minimum of fourteen (14) feet six (6) inches of clearance above the surface of the street.

#### 7. Tree Spacing.

Trees may be grouped or planted in a straight line. The placement of street trees shall be coordinated with the placement of light standards. Spacing shall be as approved by the Park and Recreation Department.

#### 8. Tree Grates.

Tree grates shall meet safety requirements of Title 24 of the State Building Code. The maximum size of grid opening shall be no larger than one-half-inch. All tree grates shall be installed flush with the sidewalk surface and shall be set a minimum of two inches above a gravel base. The grates shall be factory primed and painted black.

#### 9. Root Control Barriers.

A root control barrier shall be provided for each tree to avoid possible root damage to sidewalks and other facilities in the public right-of-way or surrounding buildings.

#### 10. Street Tree Irrigation.

All landscaping in the public right-of-way, shall have a permanently installed and maintained irrigation system designed by registered Landscaped Architect, or as approved by the City Engineer and Parks and Recreation Department as follows:

- a. All street trees shall be irrigated.
- b. Irrigation water shall be metered through the property owner's meter.
- c. PVC pipe (SCH 40) or better to each tree well shall be in place prior to pouring public sidewalk or paving.
- d. PVC pipe to each tree well shall be laid perpendicular to the curb and connected to the irrigation

system on private property.

e. Each tree well shall have a minimum of one adjustable bubbler-type head or approved equal.

f. All irrigation systems shall have anti-syphon, backflow prevention and shall be operated by an approved automatic timer on private property.

#### E. CURBS, GUTTERS AND HANDICAPPED RAMPS

The design and surface finish of curbs, gutters, and handicap ramps shall meet City of San Diego standards.

#### F. UTILITY COVERS

1. For all areas finished in brick, tile or concrete pavers, all concrete utility covers shall be replaced with metal covers. All covers shall be painted black.

2. Large utility covers (exceeding eight square feet) if not avoidable, shall be covered with matching brick or tile veneer to match the sidewalk paving.

#### G. STREET FURNITURE

##### 1. Light Standards.

Light standards shall be equivalent to the street lamp shown in Appendix D.

##### 2. Benches.

###### a. Materials.

Benches located in the sidewalk shall be constructed to one or more of the following materials:

Wood;

Wrought iron, cast iron, or formed iron

###### b. The placement of benches shall be as follows:

Benches shall not encroach into the required eight-foot sidewalk clearpath. Benches shall not be located within five feet of the center of the sidewalk.

A bench located parallel to the sidewalk shall face the center of the sidewalk.

If two or more benches are situated perpendicular to the sidewalk, the benches shall be sited to face each other.

###### c. Advertisement on benches located in the public right-of-way shall be prohibited.

##### 3. Awnings and Canopies.

Awnings and canopies made of plastic, canvas material or any other material permitted by this Division and approved by the City Engineer, and the ~~Development Services Director~~ City Manager or designee may be permitted to encroach on the street right-of-way to provide shade or sun protection for retail exhibit areas (see Appendix B

## H. SIDEWALK CAFES

Sidewalk cafes ~~shall~~ may be permitted throughout the Planned District except in Zone 5, as regulated by ~~SEC. 101.0550, Chapter X, Division 5 of the San Diego Municipal Code. Section 103.0105 and Land Development Code Section 141.0621.~~

## I. MAINTENANCE AND REPAIRS

All encroachment permits shall require adequate maintenance consistent with City Engineer's standards. Except for those improvements which are the responsibility of public utilities, private improvements to the public right-of-way shall be maintained privately until an alternative maintenance program is available.

All public utility and improvement repairs and maintenance, undertaken in an improved sidewalk area shall match existing materials and colors.

## J. IN-LIEU STREETScape IMPROVEMENT FEES

In ZONE 1 - Alternate, landscaping requirements may be satisfied by the contribution of "in lieu fees" for streetscape improvements as described in SEC. 103.1208., Paragraph M. of this Division.

(Added 10-29-84 by O-16312 N.S.)

(Amended 4-21-86 by O-16626 N.S.; amended 12-8-86 by O-16770 N.S.; amended 9-8-87 by O-16934 N.S.; amended 10-16-89 by O-17363 N.S.)

(Amended 7-25-94

July 25, 1994 by O- 18088 N.S.)

DIVISION 14  
CASS STREET COMMERCIAL PLANNED DISTRICT

RECORD PACKET COPY

SEC. 103.1400

Purpose and Intent

The purpose of this district is to retain the existing mix of residential and commercial uses on Cass Street, and to provide for establishments catering to the lodging, dining, shopping and service needs of the adjacent single-family and multi-family residential neighborhoods with the inclusion of adequate parking facilities. This zone is intended to encourage a pedestrian-oriented scale and aesthetically pleasing environment that is compatible with the surrounding single-family and multi-family residential development.

SEC. 103.1401

Boundaries

The regulations which follow shall apply along the commercial areas of Cass Street within the boundaries of the Pacific Beach Community Planning Area in the City of San Diego, California, designated on that certain Zone Map Drawing No. B-3741, filed in the office of the City Clerk under Document No. OO-16543, and described as follows:

All that property zones "Cass Street Commercial Planned District," beginning at the southeast corner of Lot 4, Block 196, Pacific Beach, Map No. 854; thence in a general northerly direction parallel to and 100 feet east of the easterly right-of-way line of Cass Street to its intersection with the centerline of the first alley north of Sapphire Street; thence westerly along said centerline to a point 100 feet west of the westerly right-of-way line of Cass Street and the intersection of the northerly prolongation of the westerly line of Lot 19, Block 1, Reed's Ocean Front Addition, Map No. 913; thence in a general southerly direction parallel to and 100 feet west of the westerly right-of-way line of Cass Street to the centerline of the first alley south of Opal Street; thence westerly along said centerline to its intersection with the northerly prolongation of the westerly line of Lot 22, Block 4, of said subdivision; thence in a general southerly direction parallel to and 175 feet west of the westerly right-of-way line of Cass Street along said prolongation to the centerline of Loring Street; thence easterly along said centerline to its intersection with the northerly prolongation of the westerly line of Lot 19, Block 43, Ocean Spray Addition, Map No. 941; thence in a general southerly direction parallel to and 50 feet west of the westerly right-of-way line of Cass Street along said prolongation of the westerly line of Lot 19 and its southerly prolongation to the centerline of the first alley south of Loring Street; thence westerly along said centerline to the northerly prolongation of the westerly line of Lot 24, Block 43 of said subdivision; thence in a general southerly direction parallel to and 100 feet west of westerly right-of-way line of Cass Street to the centerline of the first alley south of Felspar Street; thence easterly along said centerline to its intersection with the southerly prolongation of the easterly line of Lot 4, Block 196, Pacific Beach, Map No. 854; thence northerly to the point of beginning, in the City of San Diego, California.

SEC. 103.1402

Applicable Regulations

~~Where not otherwise specified by this Division, the provisions of Chapter X, Article 1, Divisions 1 through 6, and 8, and Chapter X, Article 2, of this Code shall apply. All other provisions of Chapter X, Article 1, of this Code are superseded by the regulations set forth herein. Where there is a conflict between the provisions of Chapter X, Article 1, and the provisions of this Division, the provisions of this Division shall apply. Where not otherwise specified by the division, the following chapters 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);

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Chapter 14, Article 2, Division 2 (Drainage Regulations);  
Chapter 14, Article 2, Division 3 (Fence 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 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.

#### SEC. 103.1403

##### Activities Regulated

No building, structure or improvement or portion thereof shall be erected, constructed, converted, demolished, established, altered or enlarged, nor shall the use of any building or structure be changed, nor shall any building, structure or improvement be used or occupied unless it shall comply with the requirements of this Division.

#### SEC. 103.1405

##### Procedures and Fees

An application for the permits listed in Section 103.1406 shall be filed in accordance with ~~Section 111.0202~~  
Land Development Code Chapter 11, Article 2, (Required Steps in Processing).

The contents of application shall include the following:

- A. The purpose for which the proposed building, structure or improvement, or portion thereof, is intended to be used. The proposed uses shall be specified according to each building level.
- B. Fully dimensioned plans and specifications (plot plan) indicating dwelling unit density, uses and gross square footage, lot area, lot coverage, floor area, floor area ratio, landscaping and surfaced or paved areas (existing and proposed on-site and on public right-of-way), off-street parking areas, and traffic circulation. The plans shall include any proposals that will require an encroachment permit on the public right-of-way.
- C. Fully dimensioned plans and specifications for the buildings and improvements showing the exterior elevations height, architectural detailing, roof designs, materials and color and existing adjacent structures, including exterior treatments, materials and colors.
- D. Fully dimensioned plans and specifications for any accessory buildings, court yards, fences/walls, setbacks, view corridors, grading, signs, outdoor lighting, pedestrian areas, street furniture, and traffic and/or pedestrian circulation.
- E. Any other information deemed necessary by the ~~Development Services Director~~ or his/her representative City Manager to judge compliance with the regulations contained herein and other applicable laws and regulations.
- F. No building or improvement, or portion thereof, shall be erected, constructed, converted, established, altered or enlarged, except in accordance with such plans as have been submitted and approved in accordance with these regulations.

#### SEC. 103.1406

##### Decision Process

###### A. ADMINISTRATIVE REVIEW

1. Projects that meet these planned district regulations, and are not subject to other discretionary decisions, may be approved or denied by the ~~Development Services Director~~ City Manager in accordance with "Process One." Projects that require the issuance of variations from the regulations contained in this Division, or require discretionary review, ~~shall be a~~ subject to Section 103.1406(B).
2. Improvements requiring an encroachment permit shall be reviewed by the ~~Development Services Director~~ City Manager and the encroachment permit may be approved or denied, in accordance with "Process One." by the City Engineer.
3. The ~~Development Services Director~~ City Manager may conduct further review and approve or deny an application for an exception from the provisions of the Cass Street Commercial Planned District in accordance with "Process Two." when the application is for limited relief in the case of new construction or remodeling which would result in a finished project (all structures on the premises) deviating twenty percent (20%) or less from applicable development

regulations pertaining to: required yards or setbacks, or facade offsets. However, the ~~Development Services Director~~ City Manager shall require additional landscaping that may be feasible placed on the site or parkway according to City-wide landscape standards, and/or other architectural features or improvements. The ~~Development Services Director~~ City Manager shall in no case provide Administrative Review or approve an application for an exception from floor area ratio, height, density, amount of parking, or use. The decision of the ~~Development Services Director~~ City Manager shall be based upon substantial conformance with the regulations and the Purpose and Intent of the Cass Street Commercial Planned District. The granting of a deviation shall be for the purpose of providing design flexibility resulting in a project which benefits surrounding properties and the community. The ~~Development Services Director~~ City Manager's decision may be appealed to a "Hearing Officer" in accordance with ~~Section 112.0504~~ Land Development Code Section 112.0504.

#### B. CASS STREET COMMERCIAL DEVELOPMENT PERMIT

1. Except as set out in Section 103.1406(B)(3), requests for variances, conditional use permits, Special Use Permits, other special permits, final or parcel maps, or other City discretionary permits, shall be acted upon in accordance with the applicable provisions of ~~Chapter X, Article 1 and Article 2~~ the Land Development Code.

2. The decisionmaker may approve the request if a set of specific written findings can be made that the request is consistent with this Division's purpose and intent and is the basis for his/her decision. The written findings shall identify the benefits and impacts to the community.

3. Public improvements and encroachment permits shall be reviewed by the ~~Development Services Director~~ City Manager and City Engineer for consistency with this Division. These permits are subject to approval by the City Engineer and may be appealed under the provisions of ~~Section 62.0116~~ the Land Development Code.

#### SEC. 103.1409

##### Special Use Permits

A Special Use Permit (SUP) is required for certain specified uses in the Cass Street Commercial Planned District, and for all other applicable discretionary development permits required by this Code such as conditional use and planned commercial development permits located within the boundaries of this planned district. An application for a SUP may be approved, conditionally approved or denied by a "Hearing Officer" in accordance with "Process Three". The "Hearing Officer's" decision may be appealed to the Planning Commission in accordance with Land Development Code Section 112.0506 ~~112.0506~~. The "Hearing Officer" may approve the application for a SUP if all of the following specific findings can be made:

- A. The project is consistent with the purpose and intent of the planned district;
- B. The project is consistent with the property and building development regulations of the planned district; and
- C. The project is consistent with all of the standards of the planned district.

#### SEC. 103.1411

##### Permit Time Limits and Time Extension

A valid permit approved under this Division shall expire and become void thirty-six (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 126.0108 ~~112.1122~~ and 126.0109.

- A. The applicant shall submit documentation showing that due to an unusual economic hardship beyond his/her control, the project could not be financed, and therefore the permit option could not be exercised in a timely fashion; and
- B. Development regulations have not changed, so that the prior approval is still consistent with existing regulations.

The expiration date of a valid permit approved under this Division may be extended in accordance with Land Development Code Section 126.0111 ~~112.1122~~.

Exception: Permits that are approved by the Engineering Department shall not be subject to this provision.

#### SEC. 103.1412

##### Definitions

- A. "Live entertainment" means entertainment provided by performers appearing in person.
- B. "Auto repair facilities" means establishments which provide services for the maintenance and repair of automobiles.

#### SEC. 103.1413

## Permitted Uses

In the Cass Street Commercial Planned District, no building or improvement, or portion thereof, shall be altered, constructed, converted, demolished, erected, established, or enlarged, nor shall any premises be used except for one or more of the following purposes; provided, however, that no premises shall contain a single establishment exceeding a total of 5,000 square feet in gross floor area; and further provided, that no premises shall contain auto repair services, live entertainment or funeral parlors unless approved pursuant to a Special Use Permit. Business and professional offices may be permitted on the ground floor in accordance with the provisions of paragraph F. Building occupancy shall be limited to those uses identified in Sections 103.1413(A) through 103.1413(K) in accordance with the provisions of those paragraphs.

### A. Hotels and motels.

B. Residential and apartment development to a maximum density of one dwelling unit per 1,500 square feet of lot area, except that this density may be exceeded in conjunction with a density bonus for the provision of affordable housing pursuant to ~~Section 101.0307 of this Code~~ Land Development Code Chapter 14, Article 3, Division 7 (Affordable Housing Density Bonus Regulations).

### C. Retailing goods and services from the following establishments except drive-through facilities:

1. Antique shops.
2. Apparel shops.
3. Art stores and art galleries.
4. Automobile repair services by Special Use Permit only, as provided in paragraph G.
5. Bakeries.
6. Barber shops.
7. Bars, excluding live entertainment, except as provided in paragraph H.
8. Beauty shops.
9. Bicycle shops, including rental and repair.
10. Book stores.
11. Confectioners.
12. Curtain, drapery and upholstery shops.
13. Delicatessens.
14. Dry cleaning establishments (no truck delivery or finished cleaning).
15. Drug stores.
16. Florists.
17. Food stores.
18. Gift shops.
19. Greeting card shops.
20. Gymnasiums, where equipped for physical fitness activities and athletic training programs.
21. Hardware stores including the sale of appliances (new and used) and building materials.
22. Hobby shops.
23. Interior decorators.
24. Jewelry stores.
25. Laundromats.
26. Liquor stores.
27. Music stores.
28. Nurseries - plant.
29. Paint and wallpaper stores.
30. Photographic equipment retail outlets.
31. Photographic studios.
32. Radio, television and home appliance repair shops.
33. Restaurants including outdoor dining, but excluding live entertainment except as provided in paragraph H.
34. Rug and carpet stores.
35. Shoe stores and shoe repair shops.
36. Sporting goods stores, including rental and repair.
37. Stationers.
38. Studios for teaching art, dancing and music.

39. Variety stores.

D. Public utility electrical substations, gas regulators, and communications' equipment buildings developed in accordance with building and landscaping plans approved by the ~~Planning Director~~ City Manager.

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 are clearly within the intent and purpose of this zone. The adopted resolution embodying any such finding shall be filed in the office of the City Clerk.

F. Business and professional offices (excluding employment agencies and hiring halls) shall be permitted; provided, however, that none may occupy any portion of the ground floor of any building except in conjunction with the rehabilitation of an existing structure or a planned commercial development.

A planned commercial development with office use on the ground floor may be permitted by Special Use Permit, if all of the following conditions and operational requirements are met:

1. Ground floor office uses shall be limited to those office uses which serve residents of surrounding neighborhoods.

2. Building street facades of ground floor office uses shall include pedestrian-oriented design features such as enhanced entry ways and windows.

Such lot or parcel may not be used by one (1) or more practitioners who, among them, medically treat, or medically or psychologically counsel, on a group or individual basis, five (5) or more persons in one (1) 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, or the office use shall become a ~~noneconforming~~ previously conforming use and be subject to ~~Section 101.0303~~ Land Development Code Chapter 12, Article 7 (Previously Conforming Premises and Uses).

G. Automobile repair shops may be permitted subject to a Special Use Permit if all of the following conditions and operational requirements are met:

1. Adequate on-site parking facilities and auto storage area shall be provided. Parking and storage areas shall be completely screened from streets, alleys, and adjacent development with walls and landscaping. No parking or auto storage areas shall be located in front of buildings. No off-site storage of vehicles shall be permitted. One on-site parking space shall be provided for each 300 square feet of gross floor area.

2. Access to parking and auto storage areas shall be from an alley or side street. If no alley or side street access is available, one driveway with a maximum width of 24 feet shall be permitted.

3. All repair activities shall take place in an enclosed building. Noise, dust, and fumes shall be controlled within such building. No automobile painting facilities shall be permitted.

4. Hours of operation shall not be earlier than 7:00 a.m. nor later than 6:00 p.m. and shall be limited to Mondays through Fridays.

5. Auto repair facilities shall not be located on any parcel that is within 50 feet of any residential zone.

6. Building height, bulk, roof line and materials shall be compatible with surrounding buildings.

7. All development regulations of this planned district shall be met, including but not limited to streetscape development regulations.

H. Live entertainment in conjunction with a bar or restaurant may be permitted subject to a Special Use Permit if all of the following conditions and operational requirements are met:

1. Live entertainment shall not be located on a parcel that is within 50 feet of any residential zone.

2. Hours of operation shall not be earlier than 9:00 a.m. nor later than 12:00 midnight.

I. Funeral parlors may be permitted subject to a Special Use Permit if all of the following conditions and operational requirements are met:

1. Adequate parking areas shall be provided in accordance with Section 103.1422.

2. Loading areas shall be fully enclosed and shall be accessed from the alley or side street.

3. All external effects shall be controlled.

J. Other uses that may be permitted by conditional use permit in the CN-1-2 Zone may be permitted subject to a Special Use Permit, ~~except that~~ Outdoor storage and display of new unregistered motor vehicles shall not be permitted.

K. Parking lots and facilities: provided, however that, except for covered parking facilities which are located completely below grade such parking lots and facilities shall be accessory to a use permitted in paragraphs A through J above which shall be located on the same premises.

### SEC. 103.1414

#### Minimum Lot Area and Dimensions

- A. Area - 5,000 square feet.
- B. Street frontage - 50 feet.
- C. Width - 50 feet.
- D. Depth - 100 feet.

E. Exception: Any lot which qualifies under the definition of a lot as set forth in ~~this~~ the Land Development Code and which does not comply in all respect with the minimum lot dimensions specified herein may nevertheless be used as permitted and otherwise regulated by the provisions applicable to this planned district.

### SEC. 103.1415

#### Building Setbacks

##### A. FRONT

Ten feet, landscaped with 90% vegetation. Five-foot encroachments may be permitted for no more than 50% of the building length; provided, however, that a 15-foot landscaped setback is provided in the remaining 50% of the lot area.

##### B. SIDE

1. Interior - none, except that a five-foot side yard shall be provided if any portion of the side lot line abuts residentially zoned property. Such side yard shall be increased three feet for any building of a height greater than 20 feet. A minimum of 50% of such side yard shall be vegetated.

2. Street - five feet, landscaped with 90% vegetation.

##### C. REAR

None, except that a 15-foot landscaped rear yard shall be provided if any portion of the rear lot line abuts residentially zoned property. A minimum of 30% of such rear yard shall be vegetated. Such rear yard shall be increased three feet for any building of a height greater than 20 feet.

### SEC. 103.1416

#### Maximum Floor Area Ratio

The maximum floor area ratio (FAR) shall be one (1.0) for any exclusively commercial use building. The floor area ratio may be increased to two (2.0) for mixed use projects combining commercial and residential development, provided that the residential component shall be a minimum of one (1.0) FAR and shall not exceed one and one-half (1.5) FAR.

The maximum floor area ratio for exclusively residential development shall be one and one-half (1.5).

### SEC. 103.1417

#### Building Development Regulations

##### A. FACADE OFFSETS

Any continuous facade greater than 25 feet in length shall be provided with recessed offsets or indentations extending the full height of the facade. There shall be one offset or indentation for each 25 feet of facade length. Such recessed offsets or indentations shall each have a minimum average depth of two feet, and a minimum length of four feet measured along the vertical plane of the facade, and their inward angles shall be not less than 30 degrees when measured from such plane.

B. Bay windows may be used for facade offsets, provided they are located at least 10 feet apart and are a minimum of 7 feet in width.

C. Street facades shall be a maximum of 20 feet in height at the 10-foot set back line. All parts of the building above the established street facade shall be setback behind an imaginary plane beginning at the top of the established building street facade and sloping back toward the interior of the lot at a 45 degree angle from horizontal.

### SEC. 103.1418

#### Special Regulations

A. All uses except off-street parking, outdoor dining facilities, signs and the storage and display of art exhibits, handcrafted goods, recreational equipment, and nursery plants shall be operated entirely within enclosed buildings.

B. All accessory uses shall be located in the same building as the permitted use or uses which they serve. There shall be no entrance to any such accessory uses except through a foyer, court, lobby, patio or similar area.

C. No permitted commercial use shall commence operating prior to 6:00 a.m. nor continue later than 12:00 midnight of any day.

D. Artificial lighting used to illuminate the premises shall be directed away from adjacent properties.

### SEC. 103.1419

#### Enclosure Regulations

A. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, or mechanical ventilator shall be erected, constructed, maintained, or altered anywhere on the premises unless all such equipment and appurtenances are contained within a completely enclosed penthouse or other portion of a building having walls or visual screening with construction and appearance similar to the main building.

B. Prior to the use or occupancy of any premises, a wall not less than six feet in height shall be constructed along all portions of the perimeter of said premises that abut residentially zoned property except on public alleys; provided, however, that within any required front or street side yard such wall shall not be required. In the case of rehabilitation of an existing structure, no wall shall be required unless parking is to be located adjacent to residentially zoned property.

### SEC. 103.1420

#### Outdoor Display and Storage Regulations

A. The following listed merchandise sold or rented on the premises may be displayed outdoors without screening walls or fences, except along property lines that abut residentially zoned lots:

1. Artwork and pottery.
2. Flowers and plants.
3. Food Products.
4. Handcrafted products and goods.
5. Recreational equipment such as roller skates, bicycles, and surfboards.

6. Any other merchandise which the Development Services Director may find to be similar in character, type, or nature to the merchandise listed in this paragraph. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

B. All other merchandise sold on the premises may be displayed outdoors during hours of operation, provided that the display area is completely enclosed by walls, fences, buildings, or landscape screening, or a combination thereof.

C. All walls and fences required in Section 103.1420(B) 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. Deviation from this requirement may be permitted subject to the approval of the ~~Development Services Director~~ City Manager for areas which are to be used exclusively for display purposes. The location, materials and design of required walls and fences shall be subject to approval by the ~~Development Services Director~~ City Manager. Whenever feasible, the approval of the ~~Development Services Director~~ 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 ~~Chapter X, Article 1, Division 6 of this Code~~ Land Development Code Section 142.0380.

### SEC. 103.1421

#### Off-Street Parking Regulations

A. Every premises used for one or more of the permitted uses listed in Section 103.1414 shall be provided with a minimum of off-street parking spaces on the same lot or premises, except as otherwise provided in ~~Division 3 of this Article, as follows:~~ Land Development Code Chapter 14, Article 3, Division 5 (Parking Regulations).

- ~~1. For residential development — refer to Section 101.0835.~~
- ~~2. For hotel and motel uses — one parking space for each guest room or suite.~~
- ~~3. For areas of assembly and other similar establishments — one parking space for each 400 square feet of gross floor area.~~
- ~~4. For restaurants — one parking space for each 200 square feet of gross floor area.~~
- ~~5. For all commercial retail — one parking space for each 300 square feet of gross floor area.~~
- ~~6. For all office uses — one parking space for each 300 square feet of gross floor area.~~
- ~~7. For gymnasiums, where equipped for physical fitness activities and athletic training programs — one parking space per 150 square foot of gross floor area.~~

B. Access to parking shall be from the alley exclusively except when no alley access is available. No access to parking shall be permitted from Cass Street except where such access is the only access available, in which case the maximum driveway size shall be limited to 24 feet.

C. Parking areas shall be located behind the building and the street sideyard setbacks. No parking areas shall be permitted in front of any building on Cass Street or on any side street.

D. Adjacent parking areas, not divided by a street or an alley, shall be linked to allow for multiple use of parking, and a more efficient overall parking and circulation layout. A temporary gate may be constructed in these linkage areas, if needed to protect parking areas from overcrowding.

E. Rehabilitation and Small Addition Projects

Any rehabilitation of an existing building or small addition (1,500 square feet or less) shall be exempted from the required parking, provided that the proposed use of the building is consistent with Section 103.1414 and that one new parking space is provided off the alley for each ten feet of unbuilt alley frontage. In no event shall the number of additional parking spaces exceed the number required by the size of the addition.

F. Parking reductions may be permitted for lot consolidation and mixed use projects. The request for reduction in the amount of reduced parking may be approved, conditionally approved or denied, by a "Hearing Officer", in accordance with "Process Three", after considering the recommendations of the ~~Engineering Department~~ City Manager. The "Hearing Officer's" decision may be appealed to the Board of Zoning Appeals in accordance with Section ~~111.0506~~ 12.0506. The amount of reduced parking will depend on the uses and hours of operation proposed for the project, as established through the development permit.

G. All off-street parking facilities shall be constructed, maintained, and operated in compliance with ~~Division 8 of this Article~~ Land Development Code Chapter 14, Article 3, Division 5 (Parking Regulations).

### SEC. 103.1422

#### Landscaping Regulations

A. Prior to the use and occupancy of any premises, the required front yard setback within said premises abutting public street rights-of-way (except for approved ways of ingress and egress) shall be suitably landscaped with shrubs, trees, and ornamental ground cover. Prior to the issuance of any building permits, a complete landscaping plan shall be submitted to the ~~Development Services Director~~ City Manager for approval. Said landscaping plan shall be in substantial conformance with standards and specifications adopted by the Planning Commission as set forth in the document entitled "Developmental Standards and Operational Standards - Landscaped Strips," on file in the office of the Development Services Department. Substantial conformance shall be determined by the ~~Development Services Director~~ City Manager. Landscaping and required watering systems shall be installed prior to the use of the premises. All landscaping material in required landscaped areas shall be permanently maintained in a growing and healthy condition, including trimming, as appropriate to the landscaping material in accordance with the "Developmental Standards and Operational Standards - Landscaped Strips."

B. When landscape screening is used to enclose areas used for outdoor display or storage, a minimum landscaping strip of five (5) feet shall be included with trees of a minimum height of eight (8) feet at the time of installation. Such a screening proposal shall be submitted to the ~~Development Services Director~~ City Manager for review and approval. The landscape screening shall be developed in conformance with standards adopted by the Planning Commission as set forth in the document entitled "Development and Maintenance Standards - Landscaping" on file in the office of the Development Services Department. Substantial conformance shall be determined by the ~~Development Services Director~~ City Manager. Landscape screening shall be permanently maintained in accordance with the adopted standards referred to above.

C. All edges of parking areas (lots plus above ground structures) shall be landscaped with a five-foot landscaping buffer. Wheel stops shall be placed two feet away from the landscaped buffer.

Surface parking lots with more than two rows of parking shall include five-foot-wide landscaping islands between rows and wheel stops at two feet from this landscaped area. Canopied trees of low water consumption shall be planted within this landscaped strip. One tree of a minimum 24-inch box or 15-gallon size and a minimum eight feet in height at the time of installation shall be required per 2,000 square foot of parking lot area. Where a five-foot-wide landscaped island is not feasible, patterned paving shall be required with one crated tree of minimum 24-inch box or 15-gallon size and a minimum eight feet in height at the time of installation for every 1,000 square feet of parking lot area.

### SEC. 103.1423

#### Sign Regulations

A. The aggregate area of all signs permitted on the premises (excluding signs designating the premises for sale, rent or lease) shall not exceed one-half of a square foot for each lineal foot of the street frontage of the premises, provided that the aggregate area of all signs used by a single place of business need not be less than 15 square feet. Signs may be utilized to identify the uses of the premises, to offer the premises for sale, rent, or lease, to advertise products, services or events provided on the premises or to display public interest messages as ~~defined~~ described in ~~101.1101.169.A.6~~ Land Development Code Section 142.1210(a)(1)(B) - (D).

B. Wall signs as defined in ~~Chapter X, Article 1, Division 11~~ Land Development Code Section 113.0103, are permitted provided that no such sign shall project above the nearest parapet or eave of the building to which it is affixed. It is further provided that the area of wall signs shall not exceed two feet in height multiplied by the width of the premises, or 15 square feet per premise, whichever is less.

C. Wall graphics shall be permitted in addition to a wall sign provided that the wall graphic contains only a pictorial image of the product or service provided or the logo of the business establishment. No lettering shall be included in a wall graphic. Wall graphics shall be limited to a maximum of 15 square feet per establishment.

D. As an alternative to a wall sign, a projecting sign may be permitted, provided, however, that it meets the following standards:

1. The sign projects horizontally from the building and is oriented to the pedestrian;
2. The sign does not project more than three feet from the face of the building;
3. The bottom of the sign shall not be higher than seven feet above ground level and shall not exceed five square feet in size;
4. A projecting sign may be two sided;
5. A hanging projecting sign with a vertical clearance of less than seven feet may be placed in a vegetated area set back a minimum of five feet from the property line and not accessible by pedestrians, provided that the height of the sign does not exceed six feet; and
6. A projecting sign with a vertical clearance of less than seven feet may be placed over a vegetated area not accessible by pedestrians.

E. One ground monument sign may be permitted for premises containing more than four uses. The sign shall be permitted on one street yard setback only, and set back a minimum of five feet from the property line. The sign and monument shall not exceed 30 square feet and four feet in height.

F. One window graphic shall be permitted per premises. The window graphic shall be limited to individual letters and graphic symbols identifying the premises, the service provided, and the hours of operation. The lettering shall be placed on a transparent board or directly affixed to a window or door. The window graphic shall not exceed 25% of the glass area of the window or door.

G. Signs permitted herein may be lighted; however, none shall contain visibly moving parts or be illuminated by flashing lights. No sign shall be lighted prior to 6:00 a.m. or after 12:00 midnight of any day.

H. One temporary wall or ground sign for each street frontage, having a maximum area of eight square feet, designating the premises for sale, rent or lease.

I. All signs permitted by the provisions of this section shall also comply with the provisions of ~~Chapter IX, Article 5, Division 1, of this Code~~ Land Development Code Chapter 12, Article 9, Division 8 (Sign Permit Procedures).

## SEC. 103.1424

### Streetscape Development Regulations/Encroachment Permits

Within the Cass Street Commercial District, no alteration, construction, development or use of the abutting public right-of-way shall be permitted unless the streetscape and encroachment permit standards are met.

The following Streetscape and Encroachment Permit Standards shall be the basis for project review by the ~~Development Services Department and the Engineering Department~~ City Manager. Final approval for encroachment permits shall be by the ~~City Engineer based on the Development Services Director's recommendations of consistency with this Division.~~

#### A. DRIVEWAYS AND CURB CUTS

##### 1. ~~Maximum Sizes~~

~~a. One-way driveway shall be 12 feet in width, or as otherwise required for safety reasons by the City Engineer. Driveway widths shall be in conformance with Land Development Code Section 142.0560. No new driveways shall be permitted on Cass Street, except as provided in paragraphs 3 and 4 below.~~

~~b. Two-way driveways shall be 24 feet in width, or as otherwise required for safety reasons by the~~

2. Existing driveways and curb cuts may be maintained except that such driveways shall be limited to one per lot. Whenever projects are processed where existing driveways are abandoned, the applicant shall be required to remove the driveway and reconstruct the sidewalk and curbs to match the adjacent sidewalk and curb areas.

3. No new driveways or curb cuts shall be approved on properties that have alley access provided that safety problems are not caused by this policy.

4. Properties without alley access may be permitted one driveway per property, such driveway shall not exceed 24 feet in width, or as required for safety reasons.

5. Driveway entrances across the sidewalk right-of-way shall continue the paving pattern utilized in the adjacent sidewalk areas. Projects subject to Special Use Permits, and requiring driveway access, shall improve the sidewalk area in a manner consistent with this section's standards, unless such requirement is specifically waived. Driveway entrances across the sidewalk shall be signed to provide for pedestrian safety at all times.

#### B. UNDERGROUND PARKING ENCROACHMENTS

Encroachment for underground parking spaces may be permitted only if a more efficient underground parking design, as determined by the ~~Development Services Director~~ City Manager, can be provided without resulting in a major expansion to the underground parking area.

No encroachments into the street for parking or (underground and aboveground) access ramps parallel to the street shall be permitted.

Any access from underground parking areas to the street shall be signed to provide for pedestrian safety at all times.

#### C. SIDEWALK DEVELOPMENT

##### 1. Minimum Width.

All existing and new sidewalks shall maintain their present width and shall also maintain standard sidewalk elevation in relation to the curb for the entire distance between the curb and property line.

##### 2. Clear Path.

A minimum clear path (free of obstruction) of eight feet in width shall be maintained at all points within the sidewalk right-of-way. The clear path shall be linear, and shall not impede handicapped access. A clear path of greater than eight feet may be required if necessary to maintain a line of sight essential for traffic or pedestrian safety.

##### 3. Surface Treatment (Sidewalk Paving).

All development proposing to improve the abutting sidewalk areas through an encroachment permit shall be in accordance with the following standards:

The sidewalk surface (exclusive of permanently landscaped areas) shall be paved with brick, clay or ceramic tile, or interlocking concrete pavers. Standards for each of these materials shall be as set forth below.

Materials, surface textures, pavement patterns and colors for enhanced pavement shall be compatible with the materials of adjacent buildings and paved areas.

The objective of these standards is to provide a complementary palette of paving materials and colors which provide an element of unity and continuity throughout the district while encouraging the development of improved pedestrian sidewalk areas.

##### a. Materials.

Brick: Bricks shall be standard size eight inches by four inches, and shall be set in mortar.

Tile: Tile shall be square, not to exceed ten inches on any side. Minimum tile thickness shall be one-fourth inch for ceramic or quarry tile, and three-fourths inch for clay tile. Tiles shall be set in mortar.

Concrete Pavers: Concrete pavers and interlocking pavers may be of any uniform shape provided each unit does not exceed ten inches across its longest dimension. Pavers shall be set in mortar.

##### b. Surface Textures.

All paving materials shall provide an even, slip-resistant surface at least equal to the City standard broom sweep sidewalk. All grouting shall be paced flush with the top of the pavers.

##### c. Pavement Patterns.

The pavement patterns shall be maintained constant except to define an entrance or an adjacent public plaza in which case paving patterns may be integrated with other paving to form bands or dividers in harmony with architectural themes. Unit pavers may be arranged in any uniform pattern that is perpendicular to the curb line, provided that the spaces created flow together and avoid sharp changes at the property line. Pavement patterns shall be consistent with the safety standards required for handicapped access.

d. Colors.

The color of paving shall generally be within the red to orange range (including reddish browns) with muted (non-bright) tones. Dark brown and other dark tones and colors are not appropriate.

D. PARKWAY LANDSCAPING AND STREET TREES

Landscaping of areas between the sidewalk and the curb shall be encouraged on Cass Street and on side streets. Such planting within the street right-of-way shall be subject to the approval of the ~~Park and Recreation Director~~ City Manager as required by Section ~~62.0603~~ 62.0501. The provision of street trees and vegetated parkway areas shall be included in the calculation of the required vegetation in front yards and street side yards. Vegetated parkway areas with the specified street tree species shall be permitted to contribute up to two-thirds of the required front and street side yard vegetation. Each one square foot of vegetated parkway area with street trees provided shall satisfy one and one-half square feet of the front and street side yard vegetated area requirements.

Existing street trees shall be preserved to provide continuity and to enhance the character of the street. New street trees on Cass Street shall be of the species *Agonis flexuosa* (Peppermint Willow), which is the most prevalent species located on Cass Street. New street trees on side streets shall be of the species which is most prevalent on that side street.

Trees shall be planted in the ground between the sidewalk and the curb. The minimum size tree shall be a standard 24-inch box or fifteen (15) gallon size and a minimum of eight (8) feet high. Trees with a low spreading branch structure shall typically not be used in the street rights-of-way. Individual specimens shall be selected, planted, and pruned, if necessary, such that major scaffold branches are at least eight (8) feet above the finish surface or finish grade, as measured at the trunk.

Trees shall be positioned and kept maintained so that any branches that extend out over dedicated street rights-of-way have a minimum of fourteen (14) feet six (6) inches of clearance above the surface of the street.

1. Tree Spacing.

Trees shall be planted in a straight line spaced 20 feet apart except where such spacing conflicts with the location of pedestrian oriented light standards, in which case trees shall be spaced 30 feet apart. The placement of street trees shall be coordinated with the placement of light standards.

2. Tree Grates.

Tree grates shall meet safety requirements of Title 24 of the Uniform Building Code. The maximum size of grid opening shall be no larger than one half inch. All tree grates shall be installed flush with the sidewalk surface and shall be set a minimum of two inches above a gravel base. The grates shall be factory primed and painted black. Tree grates shall not be required if trees are planted in a landscaped parkway, provided no safety hazards are caused by this exception.

3. Root Control Barriers.

A root control barrier shall be provided for each tree to avoid possible root damage to sidewalks and other facilities in the public right-of-way or surrounding buildings.

4. Street Tree Irrigation.

All landscaping in the public right-of-way shall have a permanently installed and maintained irrigation system designed by registered landscaped architect. or as approved by the ~~City Manager~~ Engineer and Park and Recreation Department as follows:

a. All street trees shall be irrigated.

b. Irrigation water shall be metered through the property owner's meter.

c. PVC pipe (SCH 40) or better to each tree well shall be in place prior to pouring public sidewalk or paving.

d. PVC pipe to each tree well shall be laid perpendicular to the curb and connected to the irrigation system on private property where applicable.

e. Each tree shall have a minimum of one adjustable bubbler-type head or approved equal.

f. All irrigation systems shall have anti-syphon, backflow prevention and shall be operated by an approved automatic timer on private property.

E. CURBS, GUTTERS AND HANDICAPPED RAMPS

The design of curbs, gutters and handicap ramps shall meet The City of San Diego standards. A sprayed or rolled-on retarder (for light surface penetration) shall be applied to all curbs, gutters and handicap ramps. All joints in exposed aggregate concrete work shall be saw-cut.

F. UTILITIES

1. For all areas finished with enhanced paving, all concrete utility covers shall be replaced with metal

covers. All covers shall be painted black.

2. Large utility covers (exceeding eight square feet) if not avoidable, shall be covered with veneer to match the sidewalk paving material.

3. Public utility systems and service facilities shall be located underground within the property boundaries as provided for in ~~Section 102.0404~~ Land Development Code Section 144.0240. Any waiver granted to this requirement shall be subject to the property owner's agreement not to oppose the formation of an undergrounding district in the future.

#### G. STREET FURNITURE

##### 1. Light Standards.

Light standards shall be equal to the product specified as "San Diegan Series Type C." manufactured by Western Lighting Standards, 18060 Mount Washington, Fountain Valley, California.

##### 2. Benches.

###### a. Materials.

Benches located in the sidewalk right-of-way shall conform to one or more of the following materials: wood; wood and iron; wrought iron or cast iron; and formed iron.

###### b. The siting of benches shall be as follows:

- (1) Benches shall not encroach into the required eight-foot sidewalk clearpath.
- (2) Benches shall not be located within five feet from the center of the sidewalk.
- (3) A bench located parallel to the sidewalk shall face the center of the sidewalk.
- (4) If two or more benches are situated perpendicular to the sidewalk, the benches shall be

sited to face each other.

###### c. Advertisement on benches located in the public right-of-way shall be prohibited.

##### 3. Awnings and Canopies.

Awnings and canopies made of canvas or any other material permitted by Uniform Building Code standards, and approved by the City Engineer, may be permitted to encroach on the street right-of-way to provide shade or sun protection for exhibit areas.

#### H. SIDEWALK CAFES

Sidewalk cafes shall be permitted throughout the planned district as regulated by ~~Section 101.055~~ Land Development Code Section 141.0621.

#### I. MAINTENANCE AND REPAIRS

All encroachment permits shall require adequate maintenance consistent with City Engineer standards. Except for those improvements which are the responsibility of public utilities, private improvements to the public right-of-way shall be maintained privately until an alternative maintenance program is available.

All public utility and improvement repairs and maintenance, undertaken in an improved sidewalk area shall match the existing material and color.

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DRAFT PDO REVISIONS  
OLD LANGUAGE: Strike-out  
NEW LANGUAGE: Underline

DIVISION 17  
SOUTHEASTERN SAN DIEGO PLANNED DISTRICT

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.

("Boundaries of the Planned District" added 8-3-87 by O-16921 N.S.; renumbered to Sec. 103.1702 on 2-5-90 by O-17420 N.S.)

("Purpose and Intent" renumbered from Sec. 103.1700 on 2-5-90

February 5, 1990 by O-17420 N.S.)

SEC. 103.1702  
Boundaries of the Planned District

This division is specifically applied to that area commonly known as the "Southeastern San Diego Community Planning area." designated on that certain Map Drawing Nos. C-732-A through C-732-Q, and described in the appended boundary description filed in the office of the City Clerk. (See Appendix B, Illustration 1.)

("Applicable Regulations" added 8-3-87 by O-16921 N.S.; amended 10-16-89 by O-17363 N.S.; renumbered to Sec. 103.1703 on 2-5-90 by O-17420 N.S.)

("Boundaries of the Planned District" renumbered from Sec. 103.1701 on 2-5-90

February 5, 1990 by O-17420 N.S.)

SEC. 103.1703  
Applicable Regulations

A. GENERAL PROVISIONS

1. Where not otherwise specified in this division, the provisions of Chapter X, Article 1, Divisions 1 through 8, 10, 11, 11.1, 12 and 18; Chapter X, Article 2, and Chapter XI, Article 1 shall apply. All other provisions of

EXHIBIT NO. 8

APPLICATION NO.  
City of San Diego LCPA  
#2-98C/Southeastern San  
Diego Planned Dist.

26 Pages

~~Chapter X, Article 1, of the Municipal Code are superseded by the regulations set forth herein. Where there is a conflict between the provisions of Chapter X, Article 1, and the provisions of this division, the provisions of this division shall apply: 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 shall apply.

2. ~~The Development Services Department and/or Engineering Department shall not issue any permit~~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 ~~Development Services Director~~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 ~~Development Services Director~~City Manager, in accordance with "Process One". Application for zone variance shall be consistent with ~~Section 101.0502~~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 ~~classification of use, variance, subdivision, and change of street name~~ shall be acted upon in accordance with the applicable provisions of ~~Chapter X, Article 1, Division 2, Division 4 and Division 5 of the Municipal Code.~~ 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 ~~Ordinance~~.

6. ~~Noneconforming uses may be continued provided no enlargement or addition to such uses are made as specified and in conformance with Sections 101.0301, 101.0302 and 101.0303 of this Code 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. Multi-family residential projects of four or more units.
- b. Projects that are sited on or adjacent to environmentally sensitive areas, including hillsides, creek/ drainage areas, and other areas within the community's open space system.
- c. Commercial and industrial development.
- d. Move-on buildings to assure that they are properly integrated into the neighborhood.
- e. Uses requiring a Conditional Use Permit.

2. ~~Application, including fees/deposits for a Southeast San Diego Development Permit shall be consistent with the Planned Residential Development Permit (Section 101.0901) for residential projects, with the Planned Commercial Development Permit (Section 101.0910) for commercial projects and with the Planned Industrial Development Permit (Section 101.0920) for industrial projects. 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. The proposed development shall be compatible with existing and planned land use on adjoining properties and shall not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community shall be achieved as far as practicable;
- c. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity; and
- d. The proposed use will comply with the relevant regulations of ~~the~~ Municipal Code.

3. A Southeastern San Diego Development Permit shall 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 ~~Section 111.0504~~ and Development Code Section 112.0506.

### C. SOUTHEASTERN SAN DIEGO HISTORIC PERMIT

1. A Southeastern San Diego Historic Permit shall be 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 Site Resources~~ Board.

4. Applications for permits shall be made in accordance with ~~Municipal Code section 111.0202~~ and Development Code Section 112.0102.

#### a. Exceptions to application procedure:

(1) No application fee/deposit is required for fencing, painting, renewal of roof coverings.

(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 application fee/deposit is required for the rehabilitation of owner-occupied single family structures.

5. The ~~Development Services Director~~ 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 ~~Development Services Director~~ City Manager may request that the ~~Historical Site 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 shall expire and become void 36 months after the "Date of Final Action" of the permit if the permit is not utilized in the manner set forth in ~~Section 111.1119~~ and 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 Section 111.1122. Land Development Code Section 129.0219. ~~The Development Services Director~~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 ~~Development Services Director~~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. All parties shall provide the appropriate decision maker with a recommendation on said discretionary permit submittals within 30 calendar days of receipt of the proposal. Recommendations shall be provided as required in a timely fashion.
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 ~~Development Services Director~~City Manager by no later than July 1 of each year.

#### E. PUBLIC FACILITIES, STRUCTURES AND AREA

All public facilities, redevelopment projects, open spaces, streets, sidewalks, street furniture, street signs, lighting installations and other incidental structures or monuments shall conform to the purpose and intent of this division, and shall be subject to the same regulations, conditions and standards established herein.

#### F. FENCING

All fences constructed on-site shall be of wrought iron, wood, concrete or other masonry materials. Plant material including thorned species, may be used in lieu of fencing where appropriate. Plant material fencing shall be installed and maintained in accordance with ~~the provisions of Division 7 and the Landscape Technical Manual~~Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations). All other applicable fence regulations of ~~Division 6 provisions of Land Development Code Chapter 14, Article 2, Division 3 (Fence Regulations)~~, shall apply. Chain-link fencing may be allowed in SF zones ~~according to Division 6 regulations~~, and for temporary security of unsafe structures ~~at sites in accordance with Land Development Code Chapter 14, Article 2, Division 3 (Fence Regulations)~~.

#### G. NEIGHBORHOOD FOCUS

Additional focused development criteria is established per neighborhood requirements as contained in Appendix C through Appendix T.

("Residential Regulations" added 8-3-87 by O-16921 N.S.; amended 10-16-89 by O-17363 N.S.; renumbered to Sec. 103.1704 on 2-5-90 by O-17420 N.S.)

("Applicable Regulations" renumbered from Sec. 103.1702 and amended on 2-5-90 by O-17420 N.S.; (amended 11-23-97

by O-17870 N.S.)

(Amended 7-25-94

July 25, 1994 by O- 18088 N.S.)

#### SEC. 103.1704

##### Residential Regulations

The following regulations are applicable to all residential zones. Section 103.1705 presents the single-family residential development criteria for those projects which will be processed with standard ministerial permit action. Section 103.1706 presents the multiple-family residential development criteria.

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. ~~of the Municipal Code~~. 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.

("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" added 8-3-87 by O-16921 N.S.; renumbered to Sec. 103.1705 on 2-5-90 by O-17420 N.S.)

("Residential Regulations" renumbered from Sec. 103.1703 and amended 2-5-90

February 5, 1990 by O-17420 N.S.)

#### 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. PERMITTED USES

No building or improvement or portion thereof, shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the uses outlined in attached Appendix A.

##### C. DENSITY REGULATIONS

In the SF zones only one dwelling unit is permitted on any legal lot or premises.

##### D. PROPERTY DEVELOPMENT REGULATIONS

No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged, or used, nor shall any lot or premises be used unless the lot or premises and building or portion thereof shall comply with the following requirements and special regulations:

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.

TABLE I OF SECTION 103.1705

SF ZONES  
MINIMUM LOT SIZE AND DIMENSIONS

Zone	Minimum Area in Street (Sq. Ft.)	Minimum Dimensions (Linear Feet)			
		Width Frontage	Width (Interior)	Width (Corner)	Depth
SF-40,000	40,000	100	100	110	100
SF-20,000	20,000	80	80	85	100
SF-15,000	15,000	75	75	80	100
SF-10,000	10,000	65	65	70	100
SF-8,000	8,000	60	60	65	100
SF-6,000	6,000	60	60	65	95
SF-5,000	5,000	50	50	55	95

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 ~~Section 101.0101.34~~ of this Code. Land Development Code Section 113.0103.

~~e. Small lot overlay zoning (Section 101.0455) is not permitted in the SF zones. The use of small lot overlay zoning development criteria (Section 101.0455) is permitted in the MF zones for single-family residential construction on small lots when such use is desired. A Southeast San Diego Development Permit shall be required for small lot overlay development in MF zones.~~

d. For any lot which fronts principally on a turnaround or on a curving street having a centerline radius of curvature of less than 100 feet, the minimum frontage shall be 60 percent of the number shown in the frontage column of Table I.

2. Minimum Yard Dimensions.

a. The minimum yard dimensions shown on Table II shall apply in the single-family (SF) zones.

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 ~~Planning Director~~ City Manager. (See Appendix B, Illustration 2.)

TABLE II OF SECTION 103.1705  
MINIMUM YARD DIMENSIONS (LINEAR FEET)

Zone	Front Yard	Side Yard			Rear Yard
		Interior	Street	Street	
SF-40,000	25	10	20	10	
SF-20,000	25	8	15	8	
SF-15,000	25	7	10	7	

SF-10,000	20	6	10	6
SF-8,000	15	5	10	5
SF-6,000	15	5	10	5
SF-5,000	15	5	10	5

c. Exceptions to Minimum Yard Dimensions.

(1) Interior Side Yard. An interior side yard of any lot in any single-family (SF) zone, which has a width less than the minimum specified for the zone in which it is located, may be reduced to a minimum of 10 percent of the width of said lot, provided that in no case shall such side yard be reduced to less than 4 feet.

(2) Street Side Yard. The street side yard of any corner lot in any single-family (SF) zone which has a width of less than the minimum specified for the zone in which it is located, may be reduced to a minimum of 15 percent of the width of said lot, provided that in no case shall any street side yard be reduced to less than 8 feet.

(3) Front Yard. For that portion of any lot which fronts on a turnaround, the minimum front yard may be reduced 5 feet below the requirements shown in Table II.

3. Floor Area Ratios.

The maximum floor area ratio in the single-family (SF) zone shall be 0.50.

4. Maximum Building Height.

No building or structure shall be erected, constructed, altered, moved or enlarged to a greater height than 24 feet for structures with a flat roof nor greater than 30 feet measured to the ridge line on structures with roofs having a pitch of 3:12 or steeper. All buildings in the SF zones shall be limited to 2 stories.

5. Facade Design/Orientation.

a. The particular facade, side or elevation of the building which faces the front and street side yard shall have window and entry door orientation parallel to the street. Entry door may be oriented to either front yard or street side yard on corner lots.

b. In those cases where the entry door is in an elevation with a single plane, a porch or stoop with a minimum dimension of 4 feet by 4 feet shall be provided. The porch or stoop shall have a finish floor elevation not less than 18 inches above finished grade level.

6. Maximum Diagonal Dimension

a. The Diagonal Plan Dimension shall be used in all single-family residential projects and shall apply to all new buildings of the development project. The maximum diagonal plan dimension shall be measured between the two most extreme points on the structure. No diagonal plan dimension shall exceed the numerical figure obtained from the percentage of street frontage, as established below:

TABLE III OF SECTION 103.1705

Street Frontage (in Linear Feet)	Diagonal Measurement Length (in Linear Feet)
0-50	125% of frontage
more than 50 to 100	100% of frontage
more than 100	85% of frontage

b. Exceptions to the maximum diagonal requirement for single-family zones are the same as for

multiple-family zones. See Section 103.1706.L.1.b. and c.

7. Hardscape/Landscape

a. A maximum of 30 percent of the required front and street side yards is permitted for installation of hardscape features which shall include driveways, walkways or decorative pavement treatments.

b. One street tree shall be required in the public right-of-way for every 50 feet of each lot or parcel street frontage. Groundcover shall be installed and maintained for all unpaved or undeveloped land area.

8. Lighting.

Any artificial lighting shall be directed or shaded so as not to fall onto adjacent properties.

9. Parking and Access Regulations.

~~a. Every premises shall be provided with a minimum of two (2) permanently maintained off-street parking spaces in a parking area or private garage on the same premises.~~

~~b. Minimum driveway width shall be not less than ten (10) feet.~~

~~Maximum driveway width shall not exceed twenty-five (25) feet. There shall be no less than thirty (30) feet measured at the property line between driveways serving the same premises. All driveways shall lead to legal off-street parking spaces on the same premises.~~

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

("Multiple-Family Residential Zone Regulations - MF-3000, MF-2500, MF-2000, MF-1750, MF-1500, MF-1250, MF-1000" added 8-3-87 by O-16921 N.S.; amended 9-25-89 by O-17343 N.S.; renumbered to Sec. 103.1706 on 2-5-90 by O-17420 N.S.)

("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 " renumbered from Sec. 103.1704 and amended 2-5-90 by O-17420)  
(Amended 1-6-92 by O-17726 N.S.)

(Amended 12-8-92

December 8, 1992 by O-17879 N.S.)

**SEC. 103.1706**

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

**A. PURPOSE AND INTENT**

The multiple-family (MF) zones are primarily intended to provide for multiple-family residential development at varying densities ranging up to 45 dwelling units per net residential acre. The multiple family (MF) zones are applied consistent with the Progress Guide and General Plan for The City of San Diego and adopted Southeastern San Diego Community Plan.

**B. PERMITTED USES**

No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the uses listed for the applicable zone in Appendix A.

**C. SIGN REGULATIONS**

The sign provisions shall comply with the regulations of the R (Multiple-Family Residential) zone, Section 103.0410.D of the Municipal Code. Land Development Code Chapter 14, Article 2, Division 12 (Sign Regulations) shall apply.

**D. DENSITY REGULATIONS**

1. The maximum number of dwelling units permitted on any lot or premises in any multiple-family (MF) zone shall be determined by dividing the area of the lot by the number of square feet required for each dwelling unit as prescribed by the zone in which the lot is located. If the quotient exceeds a whole number by 0.50 or more, the number of dwelling units may be increased to the next larger whole number.

2. The maximum number of dwelling units permitted per acre and land area requirements in any MF zone shall be as follows:

TABLE I OF SECTION 103.1706

Zone	Maximum Dwelling Units Per Net Acre	Required Land Area Per Dwelling Unit
MF-3000	14.52 du/ac	3,000 sq. ft.
MF-2500	17.42 du/ac	2,500 sq. ft.
MF-2000	21.78 du/ac	2,000 sq. ft.
MF-1750	24.89 du/ac	1,750 sq. ft.
MF-1500	29.04 du/ac	1,500 sq. ft.

**E. MINIMUM LOT AREAS AND DIMENSIONS**

1. Minimum lot areas and dimensions required within the respective multiple family (MF) zones shall be as shown in Table II, below:

TABLE II OF SECTION 103.1706

**MF ZONES  
MINIMUM LOT AREAS AND DIMENSIONS  
(In Lineal Feet)**

Zone	Minimum Area (sq. ft.)	Minimum Lot Width Dimensions			
		Street Frontage	Interior	Corner	Depth
MF-3000	6,000	60	60	65	100
MF-2500	6,000	60	60	65	100
MF-2000	6,000	60	60	65	100
MF-1750	6,000	60	60	65	100
MF-1500	6,000	60	60	65	100

2. For any lot which fronts principally on a turnaround or on a curving street having a radius of curvature of less than 100 feet, the minimum frontage shall be 60 percent of the number shown in the frontage column.

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 Section 101.0101.34 of the Municipal Code, Land Development Code Section 113.0101.

#### F. YARD AND SETBACK REQUIREMENTS

1. Minimum area of front yard--a front yard shall be provided at a minimum area calculated by multiplying the linear feet of frontage by 20 feet.

2. Minimum area of street side yard--a street side yard shall be provided at a minimum area calculated by multiplying the linear feet of frontage by 10 feet.

3. Minimum Setbacks (linear feet)

TABLE III OF SECTION 103.1706

Yard Location	Dimensions
Front	10
Interior Side	5 (a)(b)
Street Side	8
Rear	5 if alley 15 if no alley

a. Setback. For each story or portion thereof above 2 stories, the building shall be setback or the story may be stepped back an additional 3 feet.

b. Exception. On lots which have less than 30 linear feet in lot width, the minimum interior side yard may be reduced to 4 feet.

#### G. MAXIMUM BUILDING HEIGHTS

The maximum building height permitted in the MF-3000 zone shall be 24 feet for buildings with flat roofs or 30 feet measured to the ridge line on structures having roofs with a pitch of 3:12 or steeper. All buildings in the MF-3000 zone shall be limited to 2 stories.

#### H. MAXIMUM LOT COVERAGE

The maximum lot coverage permitted in the MF zones shall be 50 percent.

#### I. MAXIMUM FLOOR AREA RATIO (F.A.R.)

The maximum F.A.R. permitted in the MF zones shall be 1.00.

#### J. LANDSCAPING REGULATIONS

Prior to the use and occupancy of any premises, the property shall be landscaped in accordance with the provision of the City-wide Landscape Regulations in Chapter X, Article 1, Division 7, of the Municipal Code Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations).

#### K. ENCLOSURE REGULATIONS

1. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, or mechanical ventilator shall be erected, constructed, maintained, or altered anywhere on the premises unless all such equipment and appurtenances are

contained within a completely enclosed penthouse or other portion of a building having walls and roofs with construction and appearance similar to the main building.

2. Applicable wall regulations are contained in ~~Division 6 of this Article~~ Land Development Code Chapter 14, Article 2, Division 3 (Fence Regulations).

### L. SPECIAL REGULATIONS

#### 1. Maximum Diagonal Dimension

a. The Diagonal Plan Dimension shall be used in all multiple-family residential projects and shall apply to all new and existing buildings of the development project. The maximum diagonal plan dimension shall be measured between the two most extreme points on the structure, except for those lots that have a lot depth that exceeds the lot width by 275 percent. (See Appendix B, Illustration 3.)

No diagonal plan dimension shall exceed the numerical figure obtained from the percentage of street frontage, as established below:

TABLE IV OF SECTION 103.1706

Lot Frontage (in Linear Feet)	Diagonal Measurement Length (in Linear Feet)
0-100	100% of frontage
more than 100 to 200	85% of frontage
more than 200 to 300	70% of frontage
more than 300	50% of frontage

b. For lots that have lot depths that exceed the lot width by 275 percent, the maximum diagonal plan dimension may be measured between the first extreme building point to the point of the first building modulation along the length of the building with subsequent measurements allowed between modulations. The maximum diagonal plan dimension in the building modulation areas if utilized shall conform to the criteria outlined above. The modulation shall have a minimum 4-foot differential and shall extend for a minimum of 10 feet in length. (See Appendix B, Illustration 4.)

c. In those cases where the lot street frontage is less than the minimum street frontage requirement of the underlying multiple-family residential zone, the minimum street frontage requirement specified in that zone will be considered as the street frontage for maximum diagonal plan dimension calculation.

#### 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 ~~Development Service Director~~ 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.

Area used for parking or garaging of motor vehicles; enclosed storage areas; trash collection areas; or pads for any mechanical or electrical equipment shall not be used to satisfy the usable open area requirement.

b. Where private open area is provided, that open area shall be a minimum of 40 square feet per dwelling unit with a minimum dimension of 5 feet; however, not all units are required to have a private open area.

### 3. Offsetting Planes Requirement

a. For structures in multiple-family residential zones each building wall elevation shall have building offset variations in a minimum of 3 vertical or horizontal separate planes. A separate building plane is distinguished by an average horizontal or vertical difference of 4 feet measured perpendicular to the subject plane. The proportions of these building planes along each elevation shall not be less than 20 percent nor more than 50 percent of the building elevation area. (See Appendix B, Illustration 6.)

b. Exceptions: For structures of 3 or fewer units in multiple-family residential zones the separate building planes may be reduced to a vertical or horizontal difference of 2 feet.

For single-unit structures in multiple-family zones, each building wall elevation may be reduced to a minimum of 2 separate planes distinguished by an average horizontal or vertical difference of 2 feet.

For all exceptions the building plane proportions defined in Section 103.1706.L.3.a. shall apply.

### 4. Facade Design/Orientation

The particular facade, side or elevation of the building which faces the front and street side yards shall have window and entry door orientation parallel to the street.

5. Outdoor Storage. Outdoor storage of personal belongings of occupants of dwelling units, material or equipment, shall be permitted only when incidental to a permitted use, or other similar items are used, located on the same premises, and provided that:

a. The storage area shall be completely enclosed by wall, fences or buildings, or a combination thereof. Any walls or fences shall be solid and not less than 6 feet in height and shall not be located on the property line or within the setback areas.

b. There shall be no outdoor storage of personal belongings of occupants of dwelling units, materials or equipment, or other similar items, to a height greater than that of any enclosing wall, fence or building.

c. Operable motor vehicles shall not be considered as items of outdoor storage, and shall not be regulated by this paragraph.

d. Outdoor storage shall be restricted to only those items which are considered to be the personal property of the occupants of the premise, or the owner of the premise, when the items are required for the functional operation of the premise.

(1) For the purpose of this paragraph an individual shall be considered to be an occupant of the premises for a period not exceeding 30 days prior to occupancy of the premises, and a period not exceeding 30 days following discontinuance of occupancy of the premises.

(2) No portion of any premises shall be used by, leased, or rented to a non-occupant for storage purposes.

### 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 follows: required by Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations).

~~(1) For single-family dwellings refer to Section 101.0835.~~

~~(2) For multi-family dwellings refer to Section 101.0835.~~

~~(3) For boarding and lodging houses one (1) space for each lodger.~~

b. For any lot containing four or more dwelling units a minimum of 25 percent of the required off-street parking spaced shall be fully enclosed, entirely within the occupied building or in a garage or structure attached to the occupied building or buildings located on the said lot. An additional 25 percent of required off-street parking may be covered by carports that have roofing materials and design comparable to the primary building or buildings on the site or by trellis coverings that are made of wood, wrought iron or other similar screen material. Flat or corrugated metal or plastic sheeting material is not permitted for use as carport or trellis covering. In no case shall the uncovered parking on-site exceed 50 percent of the required parking.

~~c. Minimum driveway width shall not be less than twelve (12) feet.~~

~~Maximum driveway width shall not exceed twenty-five (25) feet. There shall be no less than forty-five (45) feet, measured at the property line, between driveways serving the same premises. All driveways shall lead to a legal off-street parking area on the same premises.~~

7. Lighting. Any artificial lighting shall be directed or shaded so as not to fall onto adjacent properties. Lighting shall be provided for walkways, common areas, and parking areas for security.

8. Management. A management and security plan shall be provided and reviewed by the Police Department where necessary.

#### M. SPECIAL CHARACTER MULTI-FAMILY NEIGHBORHOOD CRITERIA

The regulations in Section 103.1705 shall apply to the multi-family residential neighborhoods shown on attachment A, entitled "Southeast San Diego Special Character Multi-Family Neighborhoods."

1. Maximum Lot Dimensions and Area. Lot consolidation created through maps or by means of building across property lines shall be prohibited when such action would create a parcel containing over 7000 square feet of lot area or over 60 feet of frontage along the front property line.

2. Detached Unit Requirement. Each lot must contain one detached unit in the front portion of the lot. Additional units may be built in the rear portion of the lot in accordance with the requirements of the zone and as stated below.

3. Addition of Dwelling Units. In the case of adding one or more dwelling units to an existing residential project, or when rear unit(s) are a part of a project where a detached unit is required in the front portion of a lot:

a. Structures containing dwelling units shall be separated by a minimum of 12 feet.

b. There shall be direct pedestrian access from all added dwelling units to an abutting street.

c. The maximum building height shall be 24 feet for buildings with flat roofs or 30 feet measured to the ridge line on structures having roofs with a pitch of 3:12 or steeper. All buildings shall be limited to 2 stories.

d. Where one or more units already exist on a lot, the color and design of the new unit(s) shall be complementary to the existing structure(s).

("Commercial Zone Regulations - CSF, CSR and CT" added 8-3-87 by O-16921 N.S.; amended 9-25-89 by O-17343 N.S.)

renumbered to Sec. 103.1707 on 2-5-90 by O-17420 N.S.)

("Multiple-Family Residential Zone Regulations - MF-3000, MF-2500, MF-2000, MF-1750, MF-1500, MF-1250, MF-1000" renumbered from Sec. 103.1705 and amended 2-5-90 by O-17420 N.S.; amended 3-12-90 by O-17441 N.S.; amended 3-18-91 by O-17620 N.S.; amended 1-6-92 by O-17726 N.S.)

(Amended 7-25-94

July 25, 1994 by O- 18088 N.S.)

## SEC. 103.1707

### Commercial Zone Regulations -- CSF, CSR and CT

The commercial elements in the Southeastern San Diego Planned District are contained in three distinct design zones which are further regulated by use categories. The assignments correspond to the land use designations of the Community Plan for this Planned District.

#### A. ZONES AND CATEGORIES -- PURPOSE AND INTENT

1. Design Zones. The design zones are provided to utilize the urban design features of the community as discussed in the Urban Design section of the Southeastern San Diego Community Plan. The intent is to establish zones that are tailored to the specific functions of the commercial entities.

a. The CSF zone is intended to allow for commercial strip development with parking in the front or side of the building. These zones are applied to accommodate existing development patterns or encourage patterns that are deemed to be appropriate because of the urban design features anticipated for the area. The focus is on automobile-oriented establishments where the primary commercial function is geared to a single stop activity.

b. The CSR Zone is intended to allow for commercial strip development with parking to the rear or side of the building. This zone is suggested in those areas where pedestrian activity is predominant.

c. The CT Zone is a commercial center area that generally contains its own internal vehicular circulation and parking system and functions as an independent entity. It is expected that this zone will accommodate commercial areas of activity that have numerous retail commercial facilities available in close proximity.

2. Use Categories are established to determine which use activities are appropriate for each design zone. The uses are assigned in conjunction with the land use designations of the Southeastern San Diego Community Plan.

a. The Neighborhood-Commercial Category-1 is primarily intended to accommodate shopping areas that provide convenience goods and specialized office and professional services for residential neighborhoods. Since these individual areas will normally be of limited size, it is important to emphasize the local needs. The development standards set forth herein are designed to minimize possible conflicts with adjacent residential uses.

b. The Community-Commercial Category-2 is intended to accommodate a wide variety of community shopping and business needs and services which are both retail and wholesale in nature. Since the uses in this category service larger areas and therefore have considerable impact on the adjacent land uses and circulation patterns, these areas must be sensitively selected and located in the community.

c. The Recreational-Commercial Category-3 is intended to provide for establishments catering to the lodging, dining, and general entertainment uses of the community and for visitors to the community.

#### B. PERMITTED USES

1. 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 uses permitted in the zones in Appendix A.

2. Residential use is not permitted by right in the commercial zones, except where designated. The designation authorizing residential use is symbolized by an "R" following the commercial zone category and further qualified with the density of development that would be permitted (i.e., CSF-1- R-3000) . The residential development must conform with the criteria of the referenced residential zone of this Planned District. Development in multiple use zones shall consist of either commercial or residential uses. Mixed uses shall not be permitted. See Appendix P for multiple-use zone development criteria in the Sherman Heights Historic District.

3. Exception: Community commercial category- 2 uses may be permitted in neighborhood commercial category-1 zones where the subject property has direct vehicle access from two streets classified as Major Streets. For this exception, all approved community commercial uses will be specified as conditions of a Southeastern San Diego Development Permit.

### C. MINIMUM LOT AREAS AND DIMENSIONS

1. Minimum lot areas and dimensions required within the respective commercial zones and categories shall be as shown in Table I below:

TABLE I OF SECTION 103.1707

#### COMMERCIAL ZONES MINIMUM LOT AREAS AND DIMENSIONS (Linear Feet)

Zone	Minimum Area (Sq. Ft.)	Street Frontage	Minimum Dimensions		
			Interior	Width Corner	Depth
CSF-1	5,000	50	50	60	100
CSR-1	5,000	50	50	60	100
CSF-2,3	10,000	100	100	100	100
CSR-2,3	10,000	100	100	100	100
CT-1,2,3	10,000	100	100	100	100

2. Exception. Any lot which qualifies under the definition of a lot as set forth in ~~this Code and~~ 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. YARD REQUIREMENTS

1. Yard requirements for properties in the respective commercial categories shall be as shown in Table II below:

TABLE II OF SECTION 103.1707

#### MINIMUM YARD DIMENSIONS (Linear Feet)

Zone	Front Yard	Side Yard	Side Yard	Rear Yard
	Min.	Int.	Street	Yard
CSF	20	0(1)	10(2)	0(1)

1,2,3 CSR	0	0(1)	10(2)	0(1)
1,2,3 CT	15	0(1)	15	0(1)

(1) If adjacent to residentially zoned property, provide a 15-foot building setback with the exception that the first story can be placed along the property line (0-foot setback) provided that the second story is stepped back 15 feet. In all cases, the building shall be set back or stepped back from the required setback or property line an additional distance of 3 feet for each story above 2 stories.

(2) Where the lot is less than 50 feet in width, the minimum Street Side Yard shall be as follows:

Lot Width	No. of Feet
45 up to 50 feet	9
40 up to 45 feet	8
35 up to 40 feet	7
30 up to 35 feet	6
less than 30 feet	5

### E. MAXIMUM BUILDING HEIGHT, LOT COVERAGE, AND FLOOR AREA RATIOS

The maximum lot coverage, building heights and floor area ratios permitted in the C zones shall be as shown on Table III:

TABLE III OF SECTION 103.1707

#### MAXIMUM LOT COVERAGE, BUILDING HEIGHTS AND FLOOR AREA RATIOS – COMMERCIAL ZONES

Zone	Building		FAR
	Coverage	Height	
CSF-1	50%	(1)	0.50
CSF-2,3	50%	--	0.50
CSR-1,2,3	75%	--	0.75
CT-1,2,3	35%	--	1.00

(1) 24 feet if flat roof. 30 feet if structure has roof with pitch of 3:12 or steeper.

### F. SIGNS

~~The sign provisions shall comply with the criteria contained within the City-wide sign regulations, Chapter X, Article 1, Division 11 of the Municipal Code. Land Development Code Chapter 14, Article 2, Division 12 (Sign Regulations) shall apply.~~

### G. WALLS

Prior to the use or occupancy of any premises, a solid fence or wall not less than 6 feet in height shall be constructed along all portions of the perimeter of said premises that abut residentially zoned property; provided, however, that within any required front yard or street side yard such wall shall be reduced to 3 feet in height.

### H. OUTDOOR STORAGE

Outdoor storage of merchandise, material or equipment shall be permitted only when incidental to a permitted use located on the same premises, and provided that:

1. The storage area shall be completely enclosed by solid fences, walls or buildings or a combination thereof. Said walls shall be not less than 6 feet in height.

2. There shall be no outdoor storage of merchandise, materials, equipment or other goods to height greater than that of any enclosing wall or building.

### I. OFF-STREET PARKING REGULATIONS

~~1. Every premises used for one (1) or more of the permitted uses listed in Appendix A shall be provided with a minimum of off-street parking spaces on the same lot or premises as follows:~~

~~a. For hotels and motels — one (1) parking space for each guest room and one (1) space per employee per shift.~~

~~b. For private clubs and similar establishments — one parking space for each guest room or one parking space for each 400 square feet of gross floor area, whichever is greater.~~

~~c. For areas used for banquet rooms, dining, dancing or the serving of drinks — one parking space for each 60 square feet of gross floor area.~~

~~d. For each play or game court (tennis, handball, etc.) — one parking space for each player authorized to participate at one time under the rules of the Amateur Athletic Union.~~

~~e. For gymnasiums, and swimming pools and health centers — one parking space for each 250 square feet of gross floor area and one parking space for each 35 square feet of water area.~~

~~f. For incidental offices — one (1) parking space for each four hundred (400) square feet of gross floor area.~~

~~g. For medical and dental facilities — one parking space for each 250 square feet of gross floor area.~~

~~h. For business and professional office uses — one parking space for each 300 square feet of gross floor area.~~

~~i. For restaurants — one parking space for each 200 square feet of gross floor area.~~

~~j. For all commercial retail, service and similar establishments and associated warehousing — (1) one parking space for each four hundred (400) square feet of gross floor area.~~

~~2. Where ambiguity exists in the application to these off-street parking requirements or where any use not specified in Appendix A is found by the Planning Commission to be a permitted use, the off-street parking requirement shall be consistent with that for similar uses in that zone.~~

~~3. All off-street parking facilities shall be constructed, operated and maintained in compliance with Division 8 of this Article.~~

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 the

requirements of City-wide Landscape Regulations contained in Chapter X Article 1, Division 7 of the Municipal Code. Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations).

### K. DRIVEWAYS

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

~~TABLE IV OF SECTION 103.1707~~

<del>Parcel Street Frontage</del>	<del>Maximum number of and width of curb cuts</del>
<del>150 feet or less</del>	<del>1 @ 25 feet</del>
<del>151-200 feet</del>	<del>2 @ 25 feet</del>
<del>201 feet or more</del>	<del>1 additional curb cut of 25 feet for each additional 100 feet of parcel frontage over 200 feet.</del>

### L. OFF-STREET LOADING FACILITIES

Loading or unloading facilities shall be so sized and located so as to not permit trucks in required front or street side yards during loading and unloading activities.

### M. SPECIAL REGULATIONS

#### 1. Hours of Operation

In the zones with a Category 1 designation, no permitted use shall commence operating prior to 6:00 a.m. nor continue later than 12:00 midnight of any day.

#### 2. Lighting

Artificial lighting used to illuminate the premises shall be directed away from adjacent properties.

#### 3. Offsetting Planes and Building Facade Variation Requirement

a. Offsetting plane -- The particular facade, side or elevation of a building which faces the front and street side property line, shall have building variations in a minimum of 3 separate planes for up to 50 feet of horizontal building wall elevation. A separate building plane shall be provided for each additional 25 feet of building elevation or part thereof. A separate building plane is distinguished by an average horizontal difference of 2 feet measured perpendicular to the subject plane. No single plane shall total more than 50 percent or less than 20 percent of the building elevation area (Appendix B, Illustration 6); and

b. Building Facade Variation -- The particular face, side or elevation of the building which faces the front and street side property line, shall have building facade variations in a minimum of three (3) separate materials, textures, colors, or any combination thereof. No single variation shall total less than twenty (20%) percent nor more than fifty (50%) percent of the building elevation area.

("Industrial Zone Regulations - I-1 and I-2" added 8-3-87 by O-16921 N.S.; renumbered to Sec. 103.1708 on 2-5-90 by O-17420 N.S.)

("Commercial Zone Regulations - CSF, CSR and CT" renumbered from Sec. 103.1706 and amended 2-5-90 by O-17420 N.S.)

March 18, 1991 by O-17620 N.S.)

**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. PURPOSE AND INTENT**

1. The Light Industrial I-1 Zone is intended to provide for a wide range of manufacturing, light industrial uses and certain heavy commercial uses such as lumber yards which are not commonly found in shopping centers.

2. The standards and regulations in this zone are designed to permit development and use of property in a manner that is consistent with efficient industrial operation, while at the same time providing proper safeguards for adjoining industrial and non-industrial properties.

3. The I-1 and I-2 zones are intended to provide quality development, decrease land use conflicts and provide maximum employment opportunities.

**B. PERMITTED USES**

No building or improvement, or portion thereof, shall be erected, constructed, converted, established, altered or enlarged, nor shall any premise be used except for one or more of the uses listed for applicable zones in Appendix A.

**C. PROPERTY DEVELOPMENT REGULATIONS**

1. Minimum lot areas and dimensions required within the respective industrial zones shall be as shown on Table I below.

TABLE I OF SECTION 103.1708

**INDUSTRIAL ZONES  
MINIMUM LOT AREAS AND DIMENSIONS**

Zone	Area (Sq. ft.)	Street Frontage	Lot Width	Lot Depth
I-1	10,000	100	100	100
I-2	40,000	150	150	150

2. Exception: Any lot which qualifies under the definition of a lot as set forth in ~~this Code~~ and 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. YARD REQUIREMENTS**

Yard requirements for properties in the respective industrial zones shall be as shown in Table II below:

TABLE II OF SECTION 103.1708

YARDS

Zone	Front Yard	Side Yard (Interior)	Side Yard (Street)	Rear
I-1	10 ft.	0 ft.(1)	10 ft.	15 ft.(2)
I-2	25 ft.	10% wd (3) 30 ft. max.	25 ft.	25 ft.(4)

- (1) Interior side yard abutting residentially zoned property: 25 ft.
- (2) Rear yard abutting residentially zoned property: 25 ft.
- (3) Interior side yard abutting residentially zoned property: 50 ft.
- (4) Rear yard abutting residentially zoned property: 50 ft.

E. MAXIMUM BUILDING HEIGHT, LOT COVERAGE, AND FLOOR AREA RATIOS

The maximum lot coverage, building heights and floor area ratios permitted in the industrial zones shall be as shown on Table III.

TABLE III OF SECTION 103.1708

INDUSTRIAL ZONES  
LOT COVERAGE, BUILDING HEIGHTS, F.A.R.

Zone	Coverage	Building Height (1)	F.A.R.
I-1	50%	-	1.5
I-2	40%	-	2.0

Note: (1) Any portion of a building on-site within 200 feet of residentially zoned property shall not exceed 30 feet in height.

F. SIGNS

~~The sign provisions shall comply with the criteria contained within the City-wide sign regulations - Chapter X, Article 1, Division 11, of the Municipal Code. Land Development Code Chapter 14, Article 2, Division 12 (Sign Regulations) shall apply.~~

G. WALLS

Prior to the use or occupancy of any premises, a wall not less than 6 feet in height shall be constructed along all portions of the perimeter of said premises that abut residentially zoned property; provided, however, that within any required front yard or street side yard, such wall shall be reduced to 3 feet in height.

H. OUTDOOR STORAGE

Outdoor storage of merchandise, material or equipment shall be permitted only when incidental to a permitted use located on the same premises, and provided that:

1. The storage area shall be completely enclosed by walls or buildings or a combination thereof. Said walls shall be not less than 6 feet in height.

2. There shall be no outdoor storage of merchandise, materials, equipment or other goods to height greater than that of any enclosing walls, or building.

## I. OFF-STREET PARKING REGULATIONS

~~1. Every premises used for one or more of the permitted uses listed in Appendix A shall be provided with a minimum of off-street parking spaces on the same lot or premises as follows:~~

~~a. For business and professional office uses one parking space for each 300 square feet of gross floor area.~~

~~b. For incidental businesses and offices one parking space for each 400 square feet of gross floor area.~~

~~c. For light industrial/ manufacturing uses one parking space for each 450 square feet of gross floor area.~~

~~d. For warehousing and storage uses one parking space for each 550 square feet of gross floor area.~~

~~2. Where ambiguity exists in the application of these off-street parking requirements or where any use not specified in Appendix A is found to be a permitted use, the off-street parking requirement shall be consistent with that for similar uses in this zone.~~

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 the provision of the City-wide Landscape Regulations in Chapter X, Article 1, Division 7 of this Code Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations).~~

Landscaping requirements contained herein are required for all industrial uses which existed on the effective date of this division and shall be installed within five years of the effective date of this division.

## K. DRIVEWAYS

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

~~TABLE IV OF SECTION 103.1708~~

<del>Parcel Street Frontage</del>	<del>Maximum number of and width of curb cuts</del>
<del>150 feet or less</del>	<del>1 at 30 feet</del>
<del>151-200 feet</del>	<del>2 at 30 feet</del>
<del>201 feet or more</del>	<del>1 additional curb cut of 30 feet for each additional 100 feet of parcel frontage over 200 feet.</del>

~~In those cases where the lot or parcel has less than one hundred fifty (150) feet of street frontage and the lot or parcel does not have an alley or the alley adjacent to the lot or parcel is unimprovable two (2) driveways with a maximum width of thirty (30) feet each, measured at the property line, may be allowed provided that the driveways are sc~~

located as to provide at least one (1) on-street parking space being not less than twenty (20) feet in length measured along a full height curb.

#### L. OFF-STREET LOADING FACILITIES

Loading or unloading facilities shall be so sized and located so as to not permit trucks in required front or street side yards during loading and unloading activities.

#### M. SPECIAL REGULATIONS

##### 1. Lighting

Artificial lighting used to illuminate the premises shall be directed away from adjacent properties.

##### 2. Building Modulation or Offsetting Planes and Building Facade Variation Requirement

a. Building Modulation - The particular face, side or elevation of a building which faces the front, street side, and alley property lines shall have building breaks or modulations which vary in setback by at least 2 feet for each 20 feet of the particular facade or building elevation. The differential offset shall extend for a minimum distance of 4 feet. The face of the building will be offset in plan for each floor (Appendix B, Illustration 5); or

b. Offsetting Plane - The particular face, side or elevation of a building which faces the front, street side, and alley property lines, shall have building variations in a minimum of 3 separate planes. A separate building plane is distinguished by an average horizontal or vertical difference of 2 feet measured perpendicular to the subject plane. No single plane shall total more than 50 percent or less than 20 percent of the building elevation area (Appendix B, Illustration 6); and

c. Building Facade Variation - The particular face, side, or elevation of a building which faces the front, street side, or alley property line, shall have building facade variations in a minimum of 3 separate materials, textures, colors, or any combination thereof. No single variation shall total less than 20 percent nor more than 50 percent of the building elevation area.

#### 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. Air contaminants, including but not limited to smoke, charred paper, dust, soot, grime, carbon, noxious acids, toxics, fumes, gases, odors, or particulate matter, or any combination thereof or any emissions that endanger human health, cause damage to vegetation or property or cause soiling.

2. Loud, unnecessary or unusual noise which endangers health, peace or safety of others, or objectionable changes in temperature or direct or sky-reflected glare.

3. Radioactivity or electrical disturbance which unduly interferes with the normal operation of equipment or instruments.

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 the procedures set forth in Section 111.0506, Land Development Code Section 112.0506.

~~O. Other applicable property development regulations are contained in Division 6 of this Article.~~

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 with the City Council as decision maker per Section 101.0510 C.4. decided in accordance with Process Five as identified in Section 103.0105.

("Industrial Zone Regulations - I-1 and I-2 " renumbered from Sec. 103.1707 and amended 2-5-90 by O-17420 N.S.)  
(Amended 3-18-91 by O-17620 N.S.; amended 1-6-92; amended 11-23-92 by O-17870 N.S.)  
(Amended 7-25-94 July 25, 1994 by O- 18088 N.S.)

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 first obtaining a Conditional Use Permit under the procedures as set forth 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 shall be regulated by Municipal Code 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 be required to 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.

~~B. PROCEDURE~~

~~1. A "Hearing Officer" may approve, deny, or approve with conditions the use of a premises for the retail sale of alcoholic beverages in accordance with "Process Three".~~

~~2. The decision of the "Hearing Officer" may be appealed to the Board of Zoning Appeals in accordance with Section 111.0506.~~

~~3. The applicant shall submit a processing fee, as specified in the Planning Department schedule of fees/deposits.~~

~~4. The use restrictions and property development regulations of the underlying zone shall be applicable.~~

~~5. The issued permit shall be posted on the premises.~~

~~6. This section shall be reviewed by the Planning Commission one year after its adoption.~~

~~C. FINDINGS~~

~~The decision-making body shall make findings of fact, concerning the matters listed in this paragraph, in rendering a decision.~~

~~1. Whether the proposed use will adversely affect the health, safety and general welfare of neighborhood residents.~~

~~2. Whether the proposed use will result in an undue concentration of establishments dispensing alcoholic beverages as defined the State Alcoholic Beverage Control (ABC) Department (Rule 61.5), or as determined by the "Hearing Officer".~~

~~3. Whether the proposed use is located within 500 horizontal feet of a church, school, hospital, public park or recreational area, or a social welfare institution.~~

~~The decision-maker shall also consider the report and recommendation of the San Diego Police Department regarding the proposed use and its proposed location, a copy of which shall be entered in the public record.~~

~~D. CONDITIONS~~

~~The decision-making body may impose conditions upon the permit which relate to one or more of the following elements of the operation:~~

~~1. The permitted hours for alcohol sales.~~

~~2. The quantity and size of the containers.~~

~~3. Any related entertainment uses.~~

~~4. The minimum square footage requirement of the premise and maximum square footage for alcoholic beverage sale and display.~~

~~5. The sign requirements and restrictions pertaining to or referencing alcoholic beverages.~~

#### ~~E. EXEMPTIONS FROM CONDITIONAL USE PERMIT APPROVAL FOR SALES OF ALCOHOLIC BEVERAGES~~

~~The Zoning Administrator shall have the authority to grant an exemption to the requirements of obtaining a Conditional Use Permit for the sale of alcoholic beverages, if the applicant is proposing to operate an establishment meeting the following requirements:~~

~~1. Establishments which obtain an Alcoholic Beverage Control (ABC) License Type 41 or 47 (restaurants having the following characteristics:~~

~~a. No dancing or live entertainment is permitted on the premises.~~

~~b. No alcoholic beverages are served in conjunction with any billiard or pool hall, bowling alley, or adult entertainment business.~~

~~2. Hotels, motels, or any other lodging establishment where the sale of alcoholic beverages is accessory or incidental to the primary operation of the establishment.~~

~~3. Stores greater than 10,000 square feet in floor area where the shelving allocated to alcoholic beverages does not exceed ten percent of the total shelving within the store.~~

~~4. Establishment which obtain an Alcoholic Beverage Control License Types 1 through 19 (manufacturing/wholesaling), 22 through 31 (shippers/growers), 37 and 39 (temporary), 43 through 46, 53 through 60, 62 through 64 (trains/boats), and 49 (seasonal).~~

#### ~~F. EXISTING ESTABLISHMENTS~~

~~The use of a lot or premise for an establishment dispensing, offering for sale or other consideration, either on or off premises, alcoholic beverages, may not be continued or reestablished without a Conditional Use Permit granted in accordance with paragraph B. of this section, consistent with Section 101.0303 of this Code, if any of the following occur after the effective date of this section:~~

~~1. The establishment changes its type of liquor (ABC) license within a license classification;~~

~~2. The operation of the establishment is abandoned, discontinued or suspended for a continuous period of 12 months, as defined in Section 101.0303 of this Code;~~

~~3. Any modification occurs which results in increased square footage of the premises where the alcohol related business is conducted;~~

~~4. The establishment is found to be in violation of Section 101.0213.B (nuisances) of this Code;~~

~~5. Pursuant to a hearing before the Department of Alcoholic Beverage Control, the ABC license is revoke or suspended for a period of more than 30 days; or~~

~~6. There is substantial change in the mode or character of the operation of the establishment. \*NOTE\*(Ed. Appendix must be header, not sec) \*NOTE\*(Ed. QLCONV table only uses "no sec") \*NOTE\*(Ed. for sections, never "no appendix")~~

DIVISION 19  
THE CENTRE CITY PLANNED DISTRICT

SEC. 103.1901

Purpose and Intent

The purpose of the Centre City Planned District is to establish design and development criteria to implement the Centre City Community Plan. This Division is intended to establish development standards that will:

- A. Reinforce Centre City as the regional center for office, finance, government and cultural events.
- B. Create neighborhoods with a residential emphasis.
- C. Produce distinct mixed-use developments with the amenities and services necessary to support a vibrant urban center.
- D. Maximize access, use and enjoyment of the waterfront.
- E. Encourage gracefully designed buildings with sculptured, articulated building tops to achieve a more interesting and varied skyline.
- F. Provide a pedestrian environment.

(Added 5-11-92

May 11, 1992 by O-17764 N.S.)

SEC. 103.1902

Definitions

"Adjacent Lot" means a lot that abuts another lot for a distance not less than twenty-five (25) feet along a side or rear lot line or would so abut for such a distance if not separated by an alley.

"Atrium" means an opening through two (2) or more floor levels (other than enclosed stairways, elevators, hoistways, escalators, plumbing, electrical, air conditioning or other equipment) which is enclosed at the top.

"Blank Wall" means any wall not enhanced by architectural detailing, artwork, landscaping, windows, doors, or similar features.

"Building Line" means the location of an exterior wall of a building nearest to and most nearly parallel to a property line.

"Building Materials" means all materials visible from the exterior of a development, including materials used for walls, roofs, structure windows, doors, architectural or decorative features applied to the facade and trim.

"Centre City Development Permit" means all permits which are required pursuant to this section.

EXHIBIT NO. 9

APPLICATION NO.  
City of San Diego LGF  
#2-98C/The Centre C  
Planned District

"Common Open Space" means those usable spaces commonly accessible to all residents and users of the building.

"Comprehensive Sign Design Plan" means building design and signs integrated into one architectural plan. The comprehensive plan must show the location, dimensions and materials of the sign.

"Conditional Use" means any use that requires a Conditional Use Permit subject to the regulations set forth in ~~Chapter X, Article 1, Division 5, of the San Diego Municipal Code-~~ Section 103.0105.

"Cornice" means a decorative, projecting member which crowns or finishes the top of a wall.

"Court" means an open space unobstructed to the sky, located at or above grade level on a lot, and bounded on two (2) or more sides by walls of a building.

"Encapsulate" means enclosure of a space or area by a solid material that is compatible and integrated with the material and architectural design of the project from the adjacent or contiguous development or the public right-of-way.

"Floor Area Ratio" means the numerical value obtained by dividing the total Gross Floor Area of building(s) by the area of the lot or premises, and as further defined in ~~Municipal Code section 101.0101-21-~~ Land Development Code Section 113.0103.

"Gross Floor Area" means the total horizontal square footage of existing, proposed or potential floors of building(s) or portion thereof, included within the exterior surface of the surrounding exterior walls. The Gross Floor Area is calculated in relationship to the structure and grade (~~Municipal Code section 101.0101-24~~) adjacent to the exterior walls of a building, and as further defined in ~~Municipal Code section 101.0101-25-~~ Land Development Code Section 113.0103.

"Habitable Room" means any room except kitchen, hall, bathroom and toilet compartments.

"High Rise" means a building exceeding one hundred twenty-five (125) feet in height.

"High-Rise Building Elements" means high-rise buildings with the following elements: base, tower, and roof. The tower may be subdivided into transition floors, a lower tower, and an upper tower.

"Land Use Mix" means a percentage distribution of a building's gross floor area devoted to residential or nonresidential uses.

"Logo" means an identifying symbol using graphics, color schemes, figures, hieroglyphics, numerals, letters or words.

"Low Rise" means a building with a maximum height of fifty (50) feet.

"Mass and Scale" means the visual perception of the organization of the gross floor area of the structure compared to adjoining development.

"Midrise" means a building ranging in height from fifty (50) feet to one hundred and twenty-five (125) feet.

"Mixed Use Development" means developments in which two (2) or more land uses are permitted.

"Off-Site Parking" means parking in a privately or publicly owned parking lot or structure that is not located on the same lot as the use it serves.

"Pedestrian Entrance" means a functional entrance or door that is accessible to the general public and provides

access to commercial, residential or "street level" uses as defined in this Section 103.1902. This does not include entrances to mechanical equipment or storage areas, emergency exits, or decorative nonfunctional doors and entrances.

"Private Open Space" means an area connected or immediately adjacent to a dwelling unit. The space can be a balcony, ground or above grade patio or adjoining roof area used exclusively by the occupants of the dwelling unit.

"Recreational Facilities" means facilities ancillary to a residential complex, including swimming pools, saunas, and courts.

"Reflective Glass" means a glazing material which obscures vision and has limited transparent qualities.

"Religious Assembly" means facilities for religious worship and incidental religious education.

"Residential Density" means a measure of housing, expressed in dwelling units per acre ("DUPA").

"Schools - Public and Private" means a building used for the primary purpose of education.

"Screening" means partial enclosure of a space or area by a solid material that is compatible and integrated with the materials and architectural design of the project from adjacent or contiguous development or public right-of-way.

"Skyviews" means a horizontal and near-horizontal view of the sky.

"Small Lot Development" means a designation applied to a legal lot of ten thousand (10,000) square feet or less.

"Stepback" means a separation between a specified plane or line (such as a property line) and structural or building elements.

"Street Level Uses" means uses that are accessible to the general public which generate walk-in pedestrian clientele and contribute to a high level of pedestrian activity. Uses that generate pedestrian activity include retail shops, restaurants, bars, theaters and the performing arts, commercial recreation and entertainment, personal and convenience services, hotels, banks, travel agencies, airline ticket agencies, child care services, libraries, museums and galleries.

"Tenant Improvements" means minor interior or exterior improvements, such as the finishing or remodeling of interior space to accommodate a new tenant or occupant, the installation of ancillary mechanical equipment, and the replacement of doors and windows. This does not include building rehabilitation or renovation, structural modifications or exterior modifications to the design, form or materials of a building.

"Urban Open Space" means any usable space accessible to the general public which is one thousand (1,000) square feet or greater in size such as plazas, parks, etc.

\*NOTE\*(Editor's note: Supplement653)

(Added 5-11-92 by O-17764 N.S.)

(Amended 1-9-95

January 9, 1995 by O-18147 N.S.)

## SEC. 103.1903

### Boundaries and Applicable Districts

This Division applies to all property located in the Centre City Community Planning Area shown in Figure 1 of Chapter ~~X~~ 10, Article 3, Division 19, except for lands within the jurisdiction of the San Diego Unified Port District which

are subject to the provisions of the San Diego Port District Act, the Tidelands Trust and the California Coastal Act of 1976, the Navy Broadway Complex, and land within the jurisdiction of the Gaslamp Quarter Planned District Ordinance and Marina Planned District, Ordinance, codified in the San Diego Municipal Code as Chapter ~~10~~, Article 3, Division 4 et seq., and Chapter ~~10~~, Article 3, Division 20 et seq., respectively.

(Added 5-11-92

May 11, 1992 by O-17764 N.S.)

## SEC. 103.1904

### Administration and Required Permits

#### A. Administration

The ~~Executive Vice-President~~ of Centre City Development Corporation or his or her designee (hereafter known as the "~~Executive Vice-President~~") shall administer this Division to ensure compliance with the regulations and procedures of this Division and the Centre City Community Plan. The ~~Zoning Administrator~~ City Manager shall administer the issuance of Zoning Use Certificates ("ZUCs") in compliance with the land use classifications permitted in TABLE 4 of Chapter ~~10~~, Article 3, Division 19, Land Use Classifications Permitted by Land Use Districts, and Figure 2 of Chapter ~~10~~, Article 3, Division 19, Land Use Map.

#### B. Permit Required

1. The provisions of this Division shall apply to any construction, erection, conversion, establishment, alteration, enlargement, or change in use in any area of Centre City identified in ~~Municipal Code section~~ Section 103.1903.
2. The requirements of this Division shall be subject to, and any conflicting requirements shall not apply to, any Disposition and Development Agreement or Owner participation Agreement entered into by the Redevelopment Agency of The City of San Diego, or Development Agreement entered into by The City of San Diego, prior to May 11, 1992, along with any amendments made thereto, including those amendments made after May 11, 1992.
3. The requirements of this Division shall not apply to modifications, repairs or other alterations which do not require any type of permit issued by The City of San Diego.
4. The requirements of this Division shall not apply to tenant improvements. However, tenant improvements exceeding two hundred fifty thousand dollars (\$250,000) in value shall meet the requirements of the Centre City Streetscape Manual.
5. ~~The Development Services Department, Sign Code Administration, or Engineering Department shall not issue any permit~~ No permit shall be issued for the construction, erection, conversion, establishment, alteration, enlargement, or change in use in any area of Centre City identified in ~~Municipal Code section~~ Section 103.1903 until approval of a Centre City Development Permit by the ~~Executive Vice-President~~ has been obtained by the owner or applicant.

#### C. Use of Existing Structures

Structures existing as of May 11, 1992, may be reused for any land use classification permitted within that land use district (the residential land use requirements of the Mixed Use/ Residential Emphasis or the Hotel/Residential Districts would not apply) as set out in Table 4 of Chapter ~~10~~, Article 3, Division 19, provided that there is no alteration, enlargement, or rehabilitation of the existing structure which results in an increase of gross square footage or an increase in the number of on-site parking spaces.

#### D. Noneonforming Previously Conforming Uses

1. Any existing use in a structure existing as of May 11, 1992, that does not meet the criteria established by this Division will be considered a noneonforming previously conforming use.

2. If the noneonforming previously conforming use does not meet the residential land use requirements of the Mixed Use/Residential or the Hotel/Residential Districts but is otherwise a permitted use as shown in Table 4 of Chapter ~~X~~ 10, Article 3, Division 19, then it may be expanded or enlarged up to one hundred percent (100%) of the existing gross square footage of the building.

3. If the noneonforming previously conforming use is on a five thousand (5,000) square foot lot or less and is otherwise a permitted use as shown on Table 4 of this Division, it may be expanded up to the maximum floor area ratio.

4. The strict application of the property development regulations contained in ~~Municipal Code section~~ Section 103.1915(E), (F), (H), (J) and (K) as they apply to conversion, alteration, of enlargement of existing structures may not meet the purpose and intent of this Division.

Therefore, the ~~Executive Vice President~~ may grant exception to the property development regulations of ~~Municipal Code section~~ Section 103.1915(E), (F), (H), (J) and (K), for the conversion, alteration or enlargement of existing structures if all of the following conditions are met:

a. The condition is unique to the property in question and is not created by an action or actions of the property owner or applicant.

b. The strict application of the requirements of this Division will constitute unnecessary hardship upon the property owner represented in the application.

c. Granting the exception will not adversely affect the health, safety, prosperity, or general welfare of adjacent property owners or residents.

d. Granting the exception will not conflict with the purpose and intent of this Division.

5. Should a noneonforming previously conforming use be discontinued for a continuous period of twelve (12) months or more, it shall be deemed to be an abandonment of any noneonforming previously conforming rights existing at the enactment of the Division.

#### E. Historic Sites

1. The ~~Executive Vice President~~ shall review all project proposals that alter a designated historic site or any site listed in the Historic Site Inventory of Centre City East, November 1988; the Historic Site Inventory of Core, May 1989; and the Historic Inventory of Bayside, May 1989 (hereafter known as the "Historic Site Inventory") which has not yet been considered for designation by the Historical Site Board.

2. The ~~Executive Vice President~~ may approve minor alterations (as determined by the ~~Executive Vice President~~) to a designated historic site or a site listed in the Historic Site Inventory which has not yet been considered for designation by the Historical Site Board.

3. Other than minor alterations to a designated historic site or site listed in the Historic Site Inventory which has not yet been considered for designation by the Historical Site Board shall be reviewed by the Historical Site Board.

#### F. Demolition Permits

1. No permits shall be issued for the demolition or removal of any building or structure unless the application for the permit has been approved by the ~~Executive Vice~~-President. If any structure or building is intentionally demolished or substantially damaged without obtaining a demolition permit, a building permit for that site will not be issued for a period of one year or a previously issued permit may be revoked for the period of one year. If the site was a designated historic site, a permit will not be issued for two (2) years or a previously issued permit may be revoked for a period of two (2) years.

2. The ~~Executive Vice~~-President shall approve an application for a demolition permit if it is determined that the site in question is not a designated historic site or a site listed in the Historic Site Inventory which has not yet been considered for designation by the Historical Site Board. The ~~Executive Vice~~-President shall make the determination within ten (10) working days of the receipt of the application in the offices of the Centre City Development Corporation (hereafter known as "CCDC"). If the ~~Executive Vice~~-President does not make the determination within that specified period, the site shall be deemed not to be a designated historic site or a site listed in the Historic Site Inventory which has not yet been considered for designation by the Historical Site Board. If the site is found to be listed in the Historic Site Inventory and has not yet been considered for designation by the Historical Site Board, the demolition or removal permit application shall not be approved for ninety (90) days or until the Historical Site Board has made a formal determination of the site's historic significance, whichever occurs first. The provisions of this section shall not apply to the following:

a. Any building or structure found by the City Manager of The City of San Diego to present a hazard to public health or safety and for which an emergency permit for demolition must be issued; or

b. Any permit approved by the ~~Executive Vice~~-President, Centre City Development Corporation Board, Planning Commission, Redevelopment Agency of The City of San Diego, or City Council as part of a development project submitted, reviewed and approved in accordance with this Division, and provided that such development application includes an environmental document prepared in accordance with the California Environmental Quality Act which describes and addresses the historic or architectural significance of the property. That environmental document shall be reviewed by the Historical Site Board for the purpose of recommending to the ~~Executive Vice~~ President whether the proposed project should be approved, modified or denied based on the importance of the existing building(s) or structure(s).

#### G. Other Applicable Planning and Zoning Regulations

1. In evaluating and reviewing the appropriateness of any development for which a Centre City Development Permit is required, the ~~Executive Vice~~-President shall utilize the provisions of this Division and the following as they apply and as they may be subsequently amended:

a. Centre City Community Plan; April 28, 1992.

b. Redevelopment Plan for the Centre City Redevelopment Project; April 28, 1992.

c. Redevelopment Plan for the Horton Plaza Redevelopment Project; July 25, 1972.

d. City of San Diego/Port District Memorandum of Understanding regarding the Central Bayfront Design Guidelines, September 25, 1989, on file in the office of the City Clerk as Document No. RR-274457.

e. Centre City Parking Ordinance; April 28, 1992.

f. Centre City Transit Ordinance; April 28, 1992.

g. Centre City Streetscape Manual; April 28, 1992.

2. Notwithstanding the provisions of ~~Chapter X, Article 1, Division 5, Sections 101.0510, 101.0512, 101.0513, 101.0514, 101.0515, 101.0516, 101.0517, 101.0518, 101.0550, 101.0560, 101.0570, 101.0580 and 101.0581,~~

Section 103.0105, the Executive Vice-President shall be the decision maker for the purpose of granting conditional use permits within the boundaries delineated in ~~Municipal Code section~~ Section 103.1903.

The ~~Executive Vice-President~~ shall grant conditional use permits according to the ~~same criteria required for conditional use permits in Municipal Code section 103.1904(G)(2)~~ provisions of Section 103.0105, Land Development Code Chapter 12, Article 6, Division 3 (Conditional Use Permit Procedures), and Chapter 14, Article 1 (Separately Regulated Use Regulations). In all cases, the appeals procedures shall remain the same for conditional use permits in Municipal Code section Section 103.1904(G)(2), with the following exception:

~~For those conditional use permits delineated in Municipal Code section 101.0510(C)(4), in which the City Council is listed as the decision maker, For the conditional use permits listed in Section 103.0105 that are decided by Process Five, the Executive Vice-President shall serve as the decision maker, but appeals shall be heard by the City Council, following a recommendation to the City Council by the Planning Commission as set out in Municipal Code Chapter XI, Article 1, Divisions 4 and 5. Land Development Code Section 112.0509.~~

3. Where not otherwise specified in this Division, ~~the provisions of the San Diego Municipal Code shall apply.~~ the following chapters 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)

4. In case of conflict with any other applicable legislation the regulations of this Division shall apply.

5. The Navy Broadway Complex and other Navy property is located within the boundaries of various areas and districts described in this Division. Redevelopment of the Navy Broadway Complex, bounded by Broadway to the north, Pacific Highway to the east, and Harbor Drive to the west and south, is expected to be developed in accordance with the Navy's development plan and urban design guidelines as specified in a development agreement with the City and incorporating the Central Bayfront Design Principles adopted by the Bayfront Complex Coordinating Group on September 22, 1989, or as otherwise provided by law.

\*NOTE\*(Editor's note: Supplement653)

(Added 5-11-92 by O-17764 N.S.; amended 7-25-94 by O- 18088 N.S.)

(Amended 1-9-95

January 9, 1995 by O-18147 N.S.)

SEC. 103.1905

## Application Procedures

The preparation, submittal, and review of projects in Centre City shall proceed through the following progression: A. Basic Concept/Schematic Drawings; B. Fifty Percent (50%) Construction Drawings; and C. One Hundred Percent (100%) Construction Drawings.

### A. Basic Concept/Schematic Drawings

The design submittal shall illustrate the basic organization of the site. Plans shall be reviewed for two-dimensional considerations such as the relationship of land uses within the project, relationship of the project to proposed and existing land uses adjoining the site, siting considerations such as vehicular and pedestrian circulation, provision for urban open space, and three-dimensional images of the project. A narrative explanation of the design concept shall be provided.

### B. Fifty Percent (50%) Construction Drawings

This submittal shall be a refinement of and resolve issues identified during Basic Concept/ Schematic Drawings, and shall include accurate site surveys, floor plans, elevations, sections, design details and a palette of exterior colors and materials. Other considerations such as pedestrian and vehicular circulation, landscape plans, provision for servicing, off-site improvement drawings, utility infrastructure and exterior architectural and urban design features shall be included as appropriate.

### C. One Hundred Percent (100%) Construction Drawings

These represent the final plans, specifications and other documentation as appropriate for the proposed project. These drawings shall illustrate how the conditions approving the previous submissions have been accommodated. These drawings shall be in sufficient detail to obtain a building permit.

(Added 5-11-92)

May 11, 1992 by O-17764 N.S.)

## SEC. 103.1906

### Project Review Procedures

#### A. Administrative Review

Upon receipt of a complete Centre City Development Permit application, the ~~Executive Vice~~ President shall conduct an administrative review of the subject project. No public hearing is required for this review.

#### B. Exceptions

The ~~Executive Vice~~ President may grant a maximum deviation of fifteen percent (15%) [twenty percent (20%) for parcels ten thousand (10,000) square feet or less] to ~~Municipal Code sections~~ Section 103.1915(E)(2)(b) and (E)(2)(c) if all of the following conditions are met:

1. Any exception requested arises from a condition unique to the property in question and that is not ordinarily found in the same zone or district and is not created by an action or actions of the property owner or applicant.
2. The granting of an exception will not adversely affect the rights of adjacent property owners or residents.
3. The strict application of the provisions of this Division and the Centre City Community Plan will

constitute unnecessary hardship upon the property owner represented in the application.

4. The exception desired will not adversely affect the public health, safety, prosperity, or general welfare.

5. The granting of an exception will not be in conflict with other development and design criteria found in this Division, Centre City Community Plan or the Municipal Code.

#### C. Permit Issuance

If the ~~Executive Vice~~ President approves a Centre City Development Permit, the application shall be referred to Building Inspection or the City Engineer for any other action as necessary.

#### D. Permit Denial

Denial of any Centre City Development Permit application requires the ~~Executive Vice~~ President to issue findings in writing of nonconformance with the provisions of this Division and the Centre City Community Plan.

#### E. Appeals

1. Appeals of the ~~Executive Vice~~ President's determination can be made to the Planning Commission. Appeals must be submitted in writing to CCDC within ten (10) working days following the date of the ~~Executive Vice~~ President's decision.

2. The following sections of this Division are appealable:

a. ~~Municipal Code section~~ Section 103.1915(E)(2)(d) regarding the articulation of the upper tower.

b. ~~Municipal Code section~~ Section 103.1906(B), denial of a request for an exception pursuant to the exception criteria.

3. Any project that is appealed requires a Notice of Public Hearing ten (10) working days prior to the Planning Commission hearing. Noticing requirements of ~~Chapter XI, Article 1, Division 5, of the Municipal Code~~ Land Development Code Chapter 11, Article 2, Division 3 (Notice) shall apply to this section.

#### F. Permit Time Limits

Centre City Development Permit approval under this Division will be effective for a period of three (3) years. If a building permit has not been obtained within the three (3) years the Centre City Development Permit is invalid, and if the project is to proceed, the applicant must reapply for a Centre City Development Permit pursuant to legislation that exists at that time.

#### G. Permit Revocation

The ~~Executive Vice~~ President at any time may revoke a Centre City Development Permit issued under this Division for failure to comply with the conditions of approval. Prior to such a revocation, the applicant shall be given a hearing after ten (10) calendar days' notice to show cause why the permit should not be revoked.

\*NOTE\*(Editor's note: Supplement653)

(Added 5-22-92 by O-17764 N.S.)

(Amended 1-9-95)

**SEC. 103.1910**  
**Land Use Districts**

Nine land use districts as shown in Figure 2 of Chapter ~~X~~ 10, Article 3, Division 19, have been established to define geographic areas that allow specific land use classifications. In addition, specific uses are required on designated streets in Centre City, as shown in Figure 3 of Chapter ~~X~~ 10, Article 3, Division 19. Permitted land use classifications within each land use district are shown in TABLE 4 of Chapter ~~X~~ 10, Article 3, Division 19.

**A. Commercial Office District (CO)**

This district is intended to accommodate government, business and professional offices, hotels, judicial facilities, and a variety of support commercial services and residential development.

**B. Recreation/Visitor/Marine District (RVM)**

This district is expressly designed for application to the waterfront and is intended to accommodate major tourist and local visitor attractions, recreation areas and marine related industry.

**C. Mixed Use/Residential Emphasis District (MR)**

This district is intended to accommodate high density residential with limited nonresidential uses that provide for an active street environment. At least eighty percent (80%) of the total gross floor area of a project must be a residential use. A maximum of twenty percent (20%) gross floor area or full ground floor, whichever is greater, may be used to accommodate nonresidential uses permitted in this district.

**D. Mixed Use District (MU)**

This district is intended to provide for commercial services that support office, business, professional and personal needs.

**E. Commercial Services District (CS)**

This district is intended to provide for business, commercial and limited industrial uses that function in support of other downtown uses.

**F. Institutional District (IU)**

This district is intended to accommodate civic, educational and recreational uses, both public and private.

**G. Hotel/Residential District (HR)**

This district is intended to accommodate high intensity residential and hotel development. Hotel development is permitted without additional land-use mix restrictions. For all other projects, at least seventy-five percent (75%) of the total gross floor area of a project must be a residential use. A maximum of twenty-five percent (25%) or full ground floor, whichever is greater, may be used to accommodate nonresidential uses permitted within this district.

**H. Required Street Level Uses**

Along the streets shown in Figure 3 of Chapter ~~X~~ 10, Article 3, Division 19, at least seventy percent (70%) of the

first story street wall frontage shall be devoted to Street Level Uses. For projects located within the Mixed Use/Residential Emphasis or Hotel/Residential District and fronting designated Required Street Level Uses streets, the gross square footage of a project devoted to meeting the required street level use may be excluded from the calculation of the maximum nonresidential land use requirement.

(Added 5-11-92

May 11, 1992 by O-17764 N.S.)

**SEC. 103.1911**  
Performance Standards

The following performance standards shall apply to all land use classifications including the use of existing structures, expansion of ~~nonconforming~~ previously conforming land uses and proposed land uses.

A. No use, activity or process shall produce continual noise, vibrations or noxious odors that are perceptible without instruments by the average person at the property lines of a site.

B. No use, activity or process shall produce continual loading or unloading of heavy trucks at the site exclusive of permitted industrial uses.

C. All outdoor lighting shall be shielded or directed away so that direct light or glare does not adversely impact adjacent residential land uses.

D. All storage and mechanical equipment shall be enclosed in a structure and completely screened from view.

(Added 5-11-92

May 11, 1992 by O-17764 N.S.)

**SEC. 103.1915**  
Property Development Regulations

A. Lot Area and Minimum Lot Coverage: None.

B. Minimum Building Setbacks

None, except where specified in Section 103.1915(E), (F) and (G); and, the ~~Executive Vice~~ President may require a ten foot (10') setback where a project is adjoining an existing residential project to maintain minimum provisions for light and air.

C. Building Height

1. Building height shall be measured from the average height of the ground plane to the roof parapet of the highest habitable floor. Uninhabited roof structures that conceal mechanical equipment or roof elements that add architectural interest to the structure shall not be included in the measurement of building height provided that:

a. The structure provides multi-level roofs which establish a varied skyline;

b. The structure provides a sloping roof; or

c. The structure provides a combination of (a) and (b) above.

2. In no case shall the exception to height permitted by nonhabitable space exceed the height of a cone projected by a forty-five (45) degree angle from the parapet of the lowest dimension of the floor plate of the highest habitable floor, or a maximum of thirty (30) feet.

3. Within the area located between Pacific Highway and California Street, Ash Street and Grape Street, the maximum height for structures is eighty-five (85) feet above grade.

4. Maximum building heights are determined by Sun Access Criteria, as per Section 103.1915(I).

5. Throughout the remainder of Centre City, building heights are determined by the Airport Approach Overlay Zone; (Land Development Code Chapter 13, Article 2, Division 2), the Federal Aviation Administration (FAA), and the San Diego Unified Port District, as applicable.

#### D. Floor Area Ratios

1. Floor area ratios are established for each site and determine the intensity of development in Centre City as set out in Figure 4 of Chapter ~~10~~, Article 3, Division 19.

2. For development infilled on a parcel which contains a designated historic structure, or where a designated historic structure is rehabilitated and integrated into the proposed project, the floor area ratio of the designated historic structure may be excluded from the calculation of the total floor area ratio ("FAR") of the project provided that the historic, and/or architectural, character of the structure is not adversely impacted.

#### 3. Residential Incentive

Within the Residential Incentive Area, specified in Figure 5 of Chapter ~~10~~, Article 3, Division 19, a maximum floor area ratio increase of 2.0 may be permitted for the provision of at least eighty percent (80%) of the gross square footage developed as residential. The gross square footage of the project may be anywhere from one hundred percent (100%) to eighty percent (80%) residential. The remaining twenty percent (20%) of the gross square footage of the project may be any use that is permitted within that land use district.

#### 4. Street Level Use Incentive

Within the Street Level Use Incentive Area, specified in Figure 6 of Chapter ~~10~~, Article 3, Division 19, up to 2.0 of floor area ratio may be excluded from the calculation of the maximum permitted floor area ratio provided that the excluded floor area is: (1) within the building base; (2) is not located below the tower floor plate; (3) is not used as parking; (4) meets the street level development standards of ~~Municipal Code section~~ Section 103.1915(F); and (5) meets the street level use requirements of ~~Municipal Code section~~ Section 103.1910(H).

#### E. Building Bulk

Different bulk controls are established for structures less than one hundred twenty-five (125) feet tall and for structures one hundred twenty-five (125) feet tall and greater. Bulk controls address the architectural design of specific projects to avoid unarticulated, box-like buildings.

1. Bulk criteria for buildings less than one hundred twenty-five (125) feet tall:

a. Maximum floor plate dimension and upper tower setbacks are not required.

b. The top of the building facade will be visually terminated through the use of cornices, stepped parapets, hip and mansard roofs, stepped terrace, domes and other forms of multifaceted tops, as specified in Figure A of Chapter X 10, Article 3, Division 19.

2. Bulk criteria for buildings one hundred twenty-five (125) feet tall and greater define three (3) different elements of a building: the base, lower tower and upper tower, as specified in Figure B of Chapter X 10, Article 3, Division 19.

a. The building base is the lower portion of the building and defines the street wall. The maximum and minimum height of the building base shall be as specified in Section 103.1915(F)(2).

b. The lower tower is defined as seventy-five percent (75%) of the portion of the building height above the building base (the height shall be measured from the first horizontal stepback at or above thirty (30) feet). Above the building base, a twenty-five-foot (25-foot) stepback (thirty (30) feet within the Waterfront District as shown in Figure 8) is required from the property line to the lower tower. The stepback may occur incrementally within the area defined by a forty-five (45) degree angle originating from the property line of the opposite side of the street.

c. Maximum floor plate dimensions apply to the lower tower and differ for buildings between one hundred twenty-five (125) and three hundred fifty (350) feet and for those greater than three hundred fifty (350) feet in height. Maximum floor plate sizes are shown in the following TABLE 1 OF SECTION 103.1915.

TABLE 1 OF SECTION 103.1915: MAXIMUM FLOOR PLATES

Building Height:	125-350 feet	+350 feet
Max. Floor Plate:	21,000 sq. ft.	22,000 sq. ft.

d. The upper tower is defined as the remaining twenty-five percent (25%) of the tower height above the building base. To achieve "articulation" of the building form in the upper portions of the tower, the upper tower will be built to achieve a reduction of building mass proportional to the mass of the lower tower as shown in Figure C of Chapter X 10, Article 3, Division 19.

3. Building tops and roof treatments: Penthouse space, mechanical equipment, heliports, and vertical and decorative roof attachments are permitted above the upper tower that are an integral part of the architectural design. All mechanical equipment, appurtenances and access areas shall be completely architecturally screened and enclosed.

The addition of pylons, chimneys, or obelisk, with a maximum cross-sectional plan area of one hundred (100) square feet that meet Federal Aviation Administration (FAA) and building code requirements, will be permitted.

4. Cornices and decorative projections are permitted at any level of the building.

## F. Street Level Development Standards

### 1. Street Wall

a. The street wall is the building facade along a property line adjacent to any public right of way. The street wall may include arcades, colonnades, recessed entrances, private open space, public plazas, urban open space and mid-block connectors, such that:

(1) Arcades and colonnades shall be a minimum width of five (5) feet.

(2) Recessed entrances shall not exceed twenty-five (25) feet in length and shall be within fifteen (15) feet of the property line.

(3) Public plazas and open space shall meet the criteria of the Plaza Design Guidelines of the Centre City Community Plan to qualify as a street wall.

(4) Mid-block connectors shall be as defined in the Centre City Community Plan to qualify as a street wall.

b. A street wall is required along one hundred percent (100%) of the total linear property line adjacent to the public right-of-way. The street wall shall be located at, or within five (5) feet of the street property line.

## 2. Street Wall Height

a. The maximum street wall height is a 1:1 ratio to the width of the adjacent public right-of-way unless otherwise specified by Sections 103.1915(G) and (I); e.g., if the right of way is eighty (80) feet the maximum height of the street wall is eighty (80) feet as shown in Figure D of Chapter ~~X~~ 10, Article 3, Division 19.

b. Except as provided in Section 103.1915(F)(2) (b), the minimum street wall height is thirty feet (30'). Projects meeting all other requirements of Sections 103.1915(F) (1)(a)(3) and (4) and Sections 103.1915(K)(3) and (4) may have a street wall height of less than thirty feet (30').

c. On sites with slopes greater than five percent (5%), the height of the street wall shall be measured at the midpoint of each bay as shown in Figure E of Chapter ~~X~~ 10, Article 3, Division 19, as defined in ~~Municipal Code section~~ Section 103.1915(F) (3)(a).

## 3. Street Wall Facade

a. The street wall facade shall be architecturally modulated by bays that are not more than fifty (50) feet in width. A smaller module may be super-imposed within the larger bay.

b. Bays within the street wall shall be defined by changes in the rhythmic pattern of window openings, bay windows, awnings and canopies, entrances, balconies, arcades, columns, pilasters, plane of the facade, materials and color, or other architectural features.

c. Major entrances, corners of buildings, and street corners shall be articulated within the street wall facade.

d. Within the area between three (3) feet and twelve (12) feet above the sidewalk, required entries and windows shall be transparent, e.g. clear or lightly tinted glass.

e. Blank wall area shall be any street wall area that is not transparent (including solid doors and mechanical areas but not including garage entrances). The maximum total blank wall area is thirty percent (30%) of the first story street wall. The maximum length of any continuous blank wall is fifteen (15) feet; however, the maximum length may be increased to thirty (30) feet if the wall area is enhanced with architectural detailing, ornamentation, or art work.

## 4. Pedestrian Entrances

a. Pedestrian entrances shall be provided for all uses adjacent to the public right-of-way. Such pedestrian entrances shall be directly accessible from the public right-of-way. At least one separate pedestrian entrance shall be provided for each frontage adjacent to the public right-of-way.

b. Pedestrian entrances shall have direct access at the grade of the sidewalk.

## G. View Corridor Stepbacks

1. Stepbacks are required along those streets shown in Figure 7 of Chapter X 10, Article 3, Division 19. Required stepbacks shall be measured from the property line, above the sidewalk along the designated Centre City view corridors as specified in the following TABLE 2. Where the public right-of-way or sidewalk is required to be widened, the view corridor shall be taken from the new property line.

2. The ground level right-of-way width along Juniper, Date, A, B, C, E, F, and G Streets and Fifth and Sixth Avenues will be the same average dimension as the existing street right-of-way for each street; e.g., eighty (80) feet.

3. Elevated pedestrian walkways or "skytubes," or gross floor area may not be constructed above, over, or within existing or designated public rights-of-way or view corridors unless compelling reasons exist to ensure safe pedestrian movements and where no feasible alternatives for pedestrian access are available.

TABLE 2 OF SECTION 103.1915: VIEW CORRIDORS

STREET	STEPBACK	STEPBACK ELEVATION
Laurel	15'	30'
Juniper	15'	30'
Hawthorn	15'	30'
Grape	15'	30'
Date	15'	30'
Fir	15'	30'
Cedar	15'	Ground Level
Beech	15'	30'
Ash	25'	50'
A	25'	50'
B	25'	50'
C	15'	50'
Broadway *		
West of Kettner*	50'	Ground Level
East of Kettner	15'	Ground Level
East of Kettner	10'	90'
E	25'	50'
F	25'	50'
G	25'	50'
Market	25'	50'
Fifth	15'	65'
Sixth	15'	65'
Seventh	15'	65'
Eighth	15'	65'
Ninth	15'	65'
Pacific Highway	15'	50'

Street Wall and Building Bulk requirements (25' stepback above the building base) apply along the length of Broadway.

#### H. Building Orientation

Building orientation criteria are established to reduce the impact of taller building elements within the Waterfront District and Sun Access areas.

1. Within the Waterfront District as shown in Figure 8 of Chapter X 10, Article 3, Division 19, the maximum north-south plan dimension is one hundred forty (140) feet above the building base. Multiple towers within a block must be separated by a minimum of forty (40) feet.

2. Within designated Sun Access areas and those blocks located between Pacific Highway and California Street and between Laurel and Ash Streets, the maximum north-south plan dimension is one hundred (100) feet above ninety (90) feet.

### I. Sun Access Criteria

1. Sun access criteria are established to maintain adequate sunlight and air to sidewalks and residential areas during the winter solstice (December 21) between 10:30 a.m. and 1:30 p.m. View corridor, building bulk and building orientation criteria also apply to sun access areas.

2. Sun access criteria apply to the areas designated on Figure 9 of Chapter ~~10~~, Article 3, Division 19, and establish a building envelope which applies to the entire block. There are two different building envelopes, the Sun Access Envelope and the Transition Envelope.

a. The Sun Access Envelope is defined by a fifty-foot (50-foot) street wall along all street frontages. Above the fifty-foot (50-foot) street wall on the east and west block faces, a forty-five (45) degree angle defines the envelope up to their point of intersection which is one hundred fifty (150) feet. On the north and south block faces, above the fifty-foot (50-foot) street wall, a fifteen-foot (15-foot) stepback is required. The Sun Access Envelope is shown on Figure F of Chapter ~~10~~, Article 3, Division 19.

b. The Transition Envelope is defined by the Street Level Development Standards of this Division on the east, west, and south block faces. The north block face is the same as that of the Sun Access Envelope as defined in ~~Municipal Code section~~ Section 103.1915(K)(2)(a). Transition heights are permitted by a thirty-four (34) degree angle, originating from a height of eight (8) feet above the sidewalk from the opposite street wall. The Transition envelope is shown on Figure F of Chapter ~~10~~, Article 3, Division 19.

### J. Vehicular Access

1. The maximum linear feet of curb cut for vehicular access shall be calculated at a ratio of 1.0 linear foot per five hundred (500) square feet of site area.

2. No vehicular access curb cut may be closer than sixty-five (65) feet from the curb line of the closest intersection or closer than eighty (80) feet from the nearest curb cut except for parcels of five thousand (5,000) square feet or less, in which case the aforementioned dimensional criteria shall be reduced by one-half.

3. No curb cuts for vehicular access are permitted on the designated streets as shown in Figure 10 of Chapter ~~10~~, Article 3, Division 19. A curb cut may be permitted on these streets if it serves a residential development.

4. All vehicular access must be provided perpendicular to the public right-of-ways. Curb cuts for one-way traffic may be no less than ten (10) feet or greater than twelve (12) feet in width. Curb cuts for two-way traffic may be no greater than thirty (30) feet in width, and as satisfactory to the City Engineer.

### K. Parking

#### 1. Structured Parking

a. All parking that is incidental and associated with a project shall be enclosed and architecturally integrated into the structure.

b. For Commercial/Professional office uses and for all other uses with a floor area ratio greater than 4.0, at least two (2) levels of parking shall be accommodated below grade prior to the provision of any above grade parking with the following exceptions:

(1) Below grade parking shall not be required for parcels that are ten thousand (10,000) square feet or less.

(2) For development infilled on sites which contain historic structures, designated pursuant to applicable Municipal Code sections, an exception to below grade parking requirements may be permitted by the Executive Vice President. All other parking requirements shall apply.

(3) For development on sites proven to be significantly impacted by the water table, the provision of below grade parking may constitute unnecessary hardship upon the property owner. However, where parking is permitted above grade, special attention shall be given to its architectural treatment and encapsulation. All other parking requirements apply.

c. At least fifty percent (50%) of the street wall of any structured parking shall include street level uses.

d. All structural elements, lights and mechanical equipment shall be screened from view.

## 2. Supplemental Parking

a. Supplemental parking shall include all parking structures that are a primary use, or are off-site and incidental and associated with a project.

b. Supplemental parking shall be permitted only within Supplemental Parking Areas shown on Figure 2 of Chapter ~~X~~ 10, Article 3, Division 19, with the following exceptions:

(1) Supplemental parking incidental and associated with a governmental or civic project.

(2) Supplemental parking incidental and associated with a defined parking assessment district.

c. Supplemental parking shall meet all Structured Parking criteria of ~~Municipal Code section~~ Section 103.1915(K)(1).

## 3. Surface Parking

a. Surface parking shall include all nonstructured parking lots and shall be permitted throughout the planning area.

b. A landscape area of at least five (5) feet in width shall be provided along the property line adjacent to any public right of way. The landscape area shall be planted with shrubs, ground cover and at least one (1) tree for each twenty-five (25) feet of street frontage.

c. In addition to perimeter landscaping, at least one (1) tree per five thousand (5,000) square feet of lot area shall be provided for lots greater than thirty thousand (30,000) square feet. Trees shall be grouped or spaced within the interior of the lot.

d. All trees shall be a minimum of thirty-six (36) inch box in size.

e. An irrigation system shall be provided as required for proper irrigation, development, and maintenance of the vegetation.

f. Wheel stops shall be placed at the edge of all landscape areas to protect plant materials.

g. Lighting shall be provided to maintain security and safety within the lot. All lighting shall be shielded from surrounding uses.

4. In addition to the criteria of this Division, the Executive Vice President may require any additional measures to ensure land use, circulation and urban design compatibility with all structured, supplemental and surface parking.

#### L. Signage

1. Initial application for a sign permit shall be made to CCDC, ~~along with all appropriate documentation required by Chapter X, Article 1, Division 11, of the San Diego Municipal Code (the San Diego Sign Ordinance") and Municipal Code section 103.1915(L), for review and comment to the Sign Code Administrator prior to the Sign Code Administrator issuing a sign permit:~~ in accordance with the requirements of Land Development Code Chapter 12, Article 9, Division 8 (Sign Permit Procedures) and Chapter 14, Article 2, Division 12 (Sign Regulations). ~~This review and comment by~~ The Executive Vice President of CCDC shall take no longer than ten (10) review the application and provide a recommendation to the City Manager within 10 calendar days from the date of receipt of the application.

2. In addition to the requirements of ~~Chapter X, Article 1, Division 11 of the Municipal Code, Land Development Code Chapter 12, Article 9, Division 8 (Sign Permit Procedures) and Chapter 14, Article 2, Division 12 (Sign Regulations)~~ the following provisions apply:

- a. A comprehensive sign program is required.
- b. Signs, inflatable displays and banners cannot be placed on the roof of any structure.
- c. The sign (or any part of the sign) may not be located more than sixty-five (65) feet above the sidewalk. This is measured from the street property line closest to the sign.

3. Logos may be used on the upper tower of a building if the following criteria are met:

- a. The logo must be designed as an integral part of the exterior of the building.
- b. Logos may not be located on any two (2) adjacent facades.
- c. The maximum area of the logo is based on building height as described on TABLE 3 OF SECTION 103.1915.

TABLE 3 OF SECTION 103.1915: LOGO AREA

Logo Area	Building Height
50 sq. ft.	65 - 125 feet
75 sq. ft.	126 - 200 feet
100 sq. ft.	201 + feet

\*NOTE\*(Editor's note: Supplement653)

(Added 5-11-92 by O-17764 N.S.)

(Amended 1-9-95

January 1, 1995 by O-18147 N.S.)

SEC. 103.1916

## Off-Street Loading Requirements

A. Off-street loading facilities shall be required for all developments which exceed a gross floor area of one hundred thousand (100,000) square feet.

B. All off-street loading areas shall be screened from view.

C. No off-street loading shall be required for any use occupying space in an existing building or structure that is renovated, converted or adapted for new use.

(Added 5-11-92

May 11, 1992 by O-17764 N.S.)

## SEC. 103.1917

### Plaza Design Guidelines

The ~~Executive Vice~~ President shall refer to the Plaza Design Guidelines of the Centre City Community Plan in the review and approval of any urban open space that is one thousand (1,000) square feet or more in area and any urban open space proposed as an exception to required Street Level Development Standards.

(Added 5-11-92

May 11, 1992 by O-17764 N.S.)

## SEC. 103.1918

### County Administration Center Design Zone

A. The County Administration Center Design Zone is located within the Waterfront District boundaries between Grape and Ash Streets and between Pacific Highway and California Street, and on one block immediately north and south of the County Administration Center as shown in Figure 11 of Chapter ~~X~~ 10, Article 3, Division 19.

B. Any development proposal in this zone shall be reviewed by the County Chief Administrative Officer as well as the ~~Executive Vice~~ President regarding the design of the proposal prior to the issuance of a Centre City Development Permit.

C. Within the area located between Pacific Highway and California Street, Ash Street and Grape Street the maximum height for the structures is eighty-five (85) feet above grade.

D. The ~~Executive Vice~~ President shall refer to the Design Guidelines for The Pacific Highway - County Administration Center Design Zone, on file in the office of the Clerk of the Board of the County of San Diego and adopted by the County Board of Supervisors on April 24, 1990, in review and approval of any project within this zone.

(Added 5-11-92

May 11, 1992 by O-17764 N.S.)

## SEC. 103.1919

## Alcohol Beverage Sale Permit

Establishments engaged in the sale of alcoholic beverages for "off-site consumption" or "on the premises of sale consumption" shall be required to obtain an alcohol beverage sale permit from the ~~Executive Vice~~ President.

A. The following conditions of approval for a "off- site consumption" permit shall apply:

1. No wine or distilled spirits shall be sold in containers of less than seven hundred fifty (750) milliliters.
2. No malt beverage products shall be sold in less than six-pack quantities per sale.
3. No wine shall be sold with an alcoholic content greater than fifteen percent (15%) by volume.
4. No refrigerated or otherwise chilled alcoholic beverages shall be sold or maintained on the licensed premises.
5. Quarterly gross sales of alcoholic beverages shall not exceed twenty percent (20%) of the quarterly gross sales of the establishment.
6. No alcoholic beverages shall be sold or delivered except between the hours of 10:00 a.m. and 10:00 p.m. of each day of the week.

B. The following conditions of approval for a "on the premises of the sale consumption" shall apply:

1. The sale of alcoholic beverages shall be an accessory or secondary use to the primary use of the property and the intended use must be a permitted use within that district.
2. Liquor, beer and wine sales shall not exceed fifty percent (50%) of the total gross sales of the business conducted at that location. Food may be served throughout the premises at any time and entertainment may be permitted throughout the premises.

C. After considering the facts presented in the application, the ~~Executive Vice~~ President may grant such a permit if it is concluded at the hearing that all of the applicable criteria set forth above and in ~~Municipal Code section~~ Section 103.0403(C) (Gaslamp Quarter Planned District) have been met. In granting the Alcohol Beverage Sale Permit, the ~~Executive Vice~~ President may impose reasonable conditions to ensure compliance with the provisions of this Division.

D. The ~~Executive Vice~~ President may grant, with Police Department comment and review, an Alcohol Beverage Sale Permit with the following conditions of approval:

1. Allowing the sale of refrigerated or otherwise chilled alcoholic beverages.
2. Allowing the off premises quarterly sales of alcoholic beverages not to exceed fifty percent (50%) of the quarterly gross sales of the establishment.
3. Allowing uses as identified in Section 103.0408(F) (1)(a) relief from Section 103.0408(F)(3)(a)(3) (Gaslamp Quarter Planned District), ~~of the Municipal Code.~~

E. The ~~Executive Vice~~ President may revoke an Alcohol Beverage Sale Permit if conditions as set forth in the permit are not being met. Prior to revocation, the permittee shall be given a hearing after ten (10) working days' notice to show cause why the permit should not be revoked.

\*NOTE\*(Editor's note: Supplement653)

(Added 5-11-92 by O-17764 N.S.)

(Added 1-9-95

January 9, 1995 by O-18147 N.S.)

## SEC. 103.1925

### Land Use Classifications

Land use classifications describe one or more uses having similar characteristics but do not list every use or activity that may be appropriate within the classification. The Executive-Vice President shall determine whether a specific use falls within one or more of the use classifications described in Table 4 of Chapter ~~X~~ 10, Article 3, Division 19, entitled LAND USE CLASSIFICATIONS PERMITTED BY LAND USE DISTRICTS.

#### A. Residential

1. Group Residential: Shared living quarters without separate kitchen facilities for each room or unit. This classification includes boarding houses, dormitories and private clubs. It does not include single room occupancy hotels or any community and human care facilities.

2. Live/Work Quarters (Loft): An area comprised of one or more rooms or floors in a building originally designed for industrial or commercial occupancy, and new construction, that includes cooking space, sanitary facilities and working space for artists, artisans, and similarly situated individuals and as set forth in ~~Municipal Code section 101.0570.~~ Land Development Code Section 141.0311.

3. Living Units: An enclosed space of more than one hundred fifty (150) net square feet which is not required to, but may contain a full or partial kitchen and bathroom and as further defined in ~~Municipal Code section 101.0518.~~ described in Section 103.1959.

4. Multifamily Residential: Two (2) or more dwelling units on a lot.

5. Senior Citizens Housing: At least one person residing in each unit shall be at least sixty-two (62) years of age or physically handicapped except for projects of one hundred fifty (150) units or more where a resident aged fifty- five (55) or over is deemed to be a "senior." Senior housing may also include facilities meeting state and federal program standards.

#### B. Commercial/Professional Office

1. Professional and Business Offices: Offices of entities or organizations providing professional, executive, management, travel, airline reservation and airline ticketing services, and auto rentals with no on-site storage of vehicles. Administrative services include advertising, computer program design, data processing, architectural design, engineering, landscape design, insurance, investment, legal and medical/dental offices. This classification includes medical/ dental laboratory Ps incidental to an office use but excludes banks and savings and loan associations.

2. Governmental Offices: Administrative, clerical, or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance facilities for vehicles.

#### C. Commercial Retail

1. Food/Grocery Sales: Retail sales of prepared food and food for home preparation. This includes bakeries, candy stores, ice cream stores, and delicatessens, as well as grocery stores and supermarkets.

2. Retail Sales: This classification includes department stores, drug stores, dispensing opticians,

clothing stores, fabric stores, resale and pawn shops, pet stores and businesses retailing the following goods: toys, hobby materials, books, guns, cameras, photographic supplies, electronic equipment, compact discs, sporting goods, shoes, office supplies, stationery, medical supplies, bicycles, and new automotive parts and accessories (excluding service and installation).

3. Wholesale/Retail Sales: Establishments engaged in wholesaling and retail sales of food/grocery and retail goods as defined in ~~Municipal Code section~~ Section 103.1925(C) including the storage and open-air handling of goods. At least twenty-five percent (25%) of the gross floor area must be devoted to retail sales.

#### D. Commercial Services

1. Ambulance Services: Provision of emergency medical care or transportation, including incidental storage and maintenance of vehicles.

2. Animal Hospitals: Establishments where small animals receive medical and surgical treatment. This classification includes only those facilities that are entirely enclosed, soundproofed, and air-conditioned. Grooming and temporary boarding (up to 30 days) of animals is included if incidental to the hospital use.

3. Artists' Studios: Work space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft.

4. Banks, Credit Unions, and Savings and Loan Associations: Financial institutions that provide retail banking services. This classification applies only to those institutions engaged in the on-site circulation of cash.

5. Banquet Facilities, Clubs and Lodges: Commercial, private or nonprofit dining, meeting, recreational, or social facilities used primarily by members and guests, including those provided as a secondary use with visitor accommodations.

6. Building Materials and Services: Retailing, wholesaling, or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and building contractors' yards, but excludes activities classified under Vehicle/Equipment Sales and Services, paragraph F, of this Section.

7. Business and Home Services: Establishments providing appliance repair, office machine repair, building maintenance (janitorial), landscape maintenance, window cleaning, upholstering, graphic design, drafting, blueprinting, typesetting, printing, copying, or photographic services. This classification excludes uses specified in paragraphs B and F of this Section.

8. Catering Services: Preparation and delivery of food and beverages for off-site consumption without provision for on-site pick-up or consumption.

9. Commercial Recreation and Entertainment: Provision for participant or spectator recreation or entertainment. Typical uses include game center, billiard parlor, bowling alley, ice-and roller-skating rink, miniature golf course, tennis/racquetball court, and theatre.

10. Commercial Communications Facilities: Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms; television or recording studios; telephone switching centers; and telegraph offices.

11. Eating and Drinking Establishments: Businesses serving or selling prepared food or beverages, including wine or beer with meals, for consumption on or off the premises. This use includes cocktail lounges, bars, and taverns with live entertainment.

12. Laboratories: Establishments providing medical or dental laboratory services; or establishments that

provide photographic, analytical, or testing services.

13. Mortuaries: Provision of services such as preparing the deceased for burial and conducting funerals. This classification excludes cemeteries, crematoriums, and columbariums.

14. Nurseries, Plant: Establishments primarily engaged in the sale of plants, where all merchandise other than plants is kept within an enclosed building or a fully screened enclosure and fertilizer of any type is stored and sold in package form only.

15. Personal Improvement Services: Provision of instructional services or facilities, including photography, fine arts, crafts, dance or music studios, driving schools, business and trade schools, reducing salons, and fitness studios.

16. Personal and Convenience Services: Provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, tailors, shoe repair shops, dry cleaning agencies (excluding bulk cleaning), photocopying, and self-service laundries.

17. Research and Development Services: Establishments primarily engaged in industrial or scientific research, including limited product testing. This classification includes electron research firms or pharmaceutical research laboratories but excludes manufacturing or medical testing and analysis.

18. Visitor Accommodations:

a. Bed and Breakfast Inns: Establishments offering lodging on a less-than-weekly basis with incidental eating and drinking service (for lodges only) provided from a single kitchen.

b. Hotels and Motels: Establishments offering lodging with or without meals and having kitchens in no more than sixty percent (60%) of the guest units. This classification includes eating, drinking, and banquet service.

c. Single-Room Occupancy: A dwelling unit within a hotel providing sleeping and living facilities in which cooking and sanitary facilities may be provided within the unit or shared, and as further defined in ~~Municipal Code section 101.0101.76~~. Land Development Code Section 113.0103. SRO's are considered a commercial use and should follow the appropriate building codes for commercial development.

E. Public and Semi-Public

1. Colleges and Universities: Public or private educational institutions that offer a course of study leading to a recognized degree, including facilities incidental to training and education in support of the college or university curriculum, students or faculty.

2. Community and Human Care Facilities Limited:

a. Day Care, Adult: Provision of nonmedical care for seven or more adults on a basis of less than twenty-four (24) hours.

b. Drug Abuse Centers: Facilities offering drop-in services for persons suffering from drug abuse, including treatment and counseling with no provision for on-site residence or confinement.

c. Primary Health Care: Medical services, including clinics, counseling, and referral services to persons afflicted with bodily or mental disease or physical injury without provision for on-site residence or confinement.

d. Emergency Kitchens: Establishments offering food for the "homeless" and others in need.

e. Emergency Shelters: Establishments offering food and shelter programs for "homeless" people and others in need. This classification does not include facilities licensed for residential care, as defined by the State of California, which provide supervision of daily activities.

f. Neighborhood Recovery Centers: Drop-in facilities for persons suffering from problems associated with alcohol abuse with no provisions for on-site residence or confinement.

g. Residential Alcohol Recovery, General: Facilities providing twenty-four (24) hour care for more than six (6) persons suffering from problems associated with alcohol abuse, who are in need of personal services, supervision, protection, or assistance. These facilities may include an inebriate reception center as well as facilities for treatment, training, research, and administrative services but includes only those facilities licensed by the State of California.

h. Residential Care, General: Twenty-four (24) hour nonmedical care for seven (7) or more persons, including wards of the Juvenile Court, in need of personal services, supervision, protection, or assistance essential to sustaining the activities of daily living. This classification includes only those facilities licensed by the State of California.

3. Correctional Placement Centers: Correctional Placement Centers means any building or place that is maintained and operated as a housing facility used for the confinement or placement of adults and as further defined in Municipal Code section 101.0101-0105: described in Land Development Code Section 141.0406. This classification includes work furlough facilities, halfway houses and community correction centers.

4. Cultural Institutions: Nonprofit institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification includes libraries, museums, and nonprofit art galleries.

5. Hospitals/Clinics: Facilities providing medical, surgical, psychiatric, or emergency medical service to sick or injured persons, primarily on an inpatient basis.

6. Park and Recreation Facilities: Noncommercial parks, playgrounds, gymnasiums, recreation facilities and dedicated open spaces.

7. Performing Arts/Theatres: Facilities providing live musical, dance and theatrical performances and film presentations other than those regulated as adult businesses.

8. Religious Assembly: Facilities for religious worship and incidental religious education.

9. Schools, Public or Private: Public or private elementary or secondary schools, or private schools that offer a curriculum comparable to that of the public schools of the State of California, excluding colleges and universities.

10. Transportation Facilities, General: Facilities for loading, unloading, and transferring passengers, baggage, and incidental freight among different modes of transportation. This classification includes bus terminals, shipping terminals and rail transit.

11. Transportation Facilities, Limited: Bus transit stops and trolley stations.

#### F. Vehicle/Equipment Sales and Services

1. Automobile Rentals: Rental of automotive vehicles, including storage and incidental maintenance but excluding maintenance requiring pneumatic lifts.

2. Automobile Washing and Detailing: Washing, waxing, or cleaning of automobiles or similar light

vehicles.

3. Service Stations: Establishments engaged in the retail sale of gas, diesel fuel, lubricants, parts, and accessories. This classification includes incidental maintenance and repair of automobiles and light trucks but excludes body and fender work or repair of heavy trucks or vehicles.

4. Vehicle/Equipment Sales and Rentals: Sale and rental of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, small-scale construction equipment and similar equipment, including storage and incidental maintenance.

5. Vehicle/Equipment Repair, Limited: Repair of automobiles, trucks, motorcycles, mobile homes, or recreational vehicles, including the sale, installation, and servicing of related equipment and parts. This classification includes auto repair shops, wheel and brake shops, and tire sales and installation but excludes vehicle dismantling or salvage, tire retreading or recapping, and body and fender shops.

## G. Industrial

1. Industry, General: Manufacturing of products, primarily from extracted or raw materials, or bulk storage and handling of such products and materials. This classification includes food processing and packaging, laundry and dry cleaning plants, automobile dismantling within an enclosed building, and stonework and concrete products manufacture but excludes industrial activities; e.g., acid manufacture, concrete ready-mix plants, explosives manufacture or storage, fertilizer manufacture, glue manufacture, petroleum refining, smelting, stockyards, and activities involving hazardous materials and wastes.

2. Industry, Limited: Manufacture of finished parts or products, primarily from previously prepared materials within an enclosed building. This classification includes processing, fabrication, assembly, treatment, and packaging, but excludes basic industrial processing from raw materials, and food processing.

3. Maintenance and Service Facilities: Facilities providing maintenance and repair services for vehicles and equipment and materials storage yards. This classification includes construction yards, equipment service centers, taxi yards, bus and trolley yards, and similar facilities.

4. Marine Industry: Manufacturing, distributing, and processing of goods and the provision of services related to and supporting defense, research, shipping, fishing, and tourism.

5. Trucking Terminals: Storage and distribution facilities having more than six (6) buses and/or trucks of two (2) tons or greater on the premises at one time.

### 6. Utilities:

a. Major: Refuse collection facilities and similar facilities of public agencies or public utilities, excluding hazardous wastes from refuse collection facilities.

b. Limited: Electrical substations and utility facilities that are necessary to support legally established uses that involve only structures related to electrical distribution lines and transmission lines.

7. Wholesaling, Distribution and Storage: Establishments primarily engaged in wholesaling, storage, and bulk sales distribution, including open-air handling of materials and equipment but excluding storage of flammable or hazardous materials. Typical uses include wholesale distributors, wholesale showrooms, storage warehouses, and moving and storage firms.

## H. Parking

1. Surface Parking: Parking that is not enclosed in a structure and is not associated with a specific project.

2. Supplemental Parking: Free standing parking structure(s) or surface parking. Supplemental parking may include parking that is associated with a specific project but is constructed off-site to the project, or, parking that is not associated with a specific project.

I. Accessory Uses Accessory Uses and Structures: Uses and structures that are incidental and subordinate to the primary use and are customarily found on the same site.

(Added 5-11-92

May 11, 1992 by O-17764 N.S.)

#### SEC. 103.1931

##### Purpose and Intent

The purpose of ~~Municipal Code sections~~ Sections 103.1931 through 103.1936 is to establish policies and criteria that support the land use and transportation objectives of the Centre City Community Plan. These sections are intended to establish standards that will:

A. Encourage a comprehensive transportation system with a major emphasis on public transit.

b. Meet the transportation requirements generated by development in Centre City.

C. Encourage public transit to, from, and within Centre City.

D. Reduce single occupancy vehicle trips to Centre City.

E. Limit the amount of off-street parking and reduce the amount of land area devoted exclusively to parking in Centre City.

(Added 5-11-92

May 11, 1992 by O-17765 N.S.)

#### SEC. 103.1932

##### Boundaries

This Division applies to all property located in the Centre City Community Planning Area as shown in Figure 1 of this division. ~~Chapter X, Article 3, Division 19, of the Municipal Code~~, except for lands located within the jurisdiction of the San Diego Unified Port District which are subject to the provisions of the San Diego Port District Act, the Tidelands Trust and the California Coastal Act of 1976.

(Added 5-11-92

May 11, 1992 by O-17765 N.S.)

#### SEC. 103.1933

##### Administration and Permits

A. Administration

The ~~Executive Vice~~ President of Centre City Development Corporation or his or her designee (hereafter known as the "~~Executive Vice~~ President") shall administer this Ordinance.

B. Permit Required

1. The provisions of this Division shall apply to any construction, erection, conversion, establishment, alteration, enlargement, or change in use in any area of Centre City identified in ~~Municipal Code section~~ Section 103.1932 that results in an increase in dwelling units, rooms, off-street parking, or an increase in the gross square footage of a building by greater than twenty percent (20%) or five thousand (5,000) square feet, whichever is greater.

2. The requirements of this Division shall be subject to, and any conflicting requirements shall not apply to, any Disposition and Development Agreement or Owner Participation Agreement entered into by the Redevelopment Agency of The City of San Diego, or Development Agreement entered into by the City, prior to May 11, 1992, along with any amendments made thereto, including those amendments made after May 11, 1992.

3. The requirements of this Division shall not apply to modifications, repairs, or other alterations which do not require any type of permit issued by The City of San Diego.

4. The Development Services Department or the Engineering Department shall not issue any permit for the construction, erection, conversion, establishment, alteration, enlargement or change in use of any building or structure in any area of Centre City identified in ~~Municipal Code section~~ Section 103.1932 until approval of a Centre City Parking Permit by the ~~Executive Vice~~ President has been obtained by the owner or applicant.

C. Use of Existing Structures

The strict application of the parking requirements contained in ~~Municipal Code section~~ Section 103.1936(A) and (B) as they apply to the conversion, alteration, or enlargement of existing structures may not meet the purpose and intent of this Division.

Therefore, the ~~Executive Vice~~ President may grant exception to the parking requirements of ~~Municipal Code section~~ Section 103.1936(A) and (B) for the conversion, alteration, or enlargement of existing structures if all of the following conditions are met:

1. The condition is unique to the property in question and is not created by an action or actions of the property owner or applicant.

2. The strict application of the requirements of this Division will constitute unnecessary hardship upon the property owner represented in the application.

3. Granting the exception will not adversely affect the health, safety, prosperity, or general welfare of adjacent property owners or residents.

4. Granting the exception will not conflict with the purpose and intent of this Division.

D. Other Applicable Planning and Zoning Regulations

1. In evaluating and reviewing the appropriateness of any development for which a permit is required under this Division, the ~~Executive Vice~~ President shall utilize the provisions of this Division and the following as they apply and as they may be subsequently amended:

- a. Centre City Community Plan; April 28, 1992.
- b. Redevelopment Plan for the Centre City Redevelopment Project; April 28, 1992.
- c. Centre City Planned District Ordinance; April 28, 1992.
- d. Centre City Transit Ordinance; April 28, 1992.
- e. Gaslamp Quarter Planned District Ordinance; February 1990, codified in Chapter X, Article 3, Division 4, of the Municipal Code.
- f. Marina Planned District Ordinance and Design Manual; August 1, 1988, codified as Chapter X, Article 3, Division 20, of the Municipal Code.
- g. Redevelopment Plan for the Horton Plaza Redevelopment Project; July 25, 1972, on file in the office of the City Clerk as Document No. O-10882.
- h. City of San Diego/Port District Memorandum of Understanding regarding the Central Bayfront Design Manual; September 25, 1989, on file in the office of the City Clerk as Document No. RR-274457.
- i. Centre City Streetscape Manual; April 28, 1992.

2. Where not otherwise specified in this Division, the provisions of the San Diego Municipal Code shall apply.

3. The following provisions of the ~~San Diego Municipal Code~~ Land Development Code related to off-street parking are superseded by the provisions of this Division: ~~Chapter X, Article 1, Division 8, Sections 101.0804, 101.0805, 101.0807, 101.0808, 101.0815, 101.0822 through 101.0830, subsection (A), and 101.0831 through 101.0835 of the Municipal Code shall not apply to this Division. Sections 142.0520, 142.0525, 142.0530, 142.0535, 142.0540, 142.0545, 142.0555, 142.0560(a)(2).~~ All other provisions of ~~Chapter X, Article 1, Division 8, Land Development Code~~ Chapter 14, Article 2, Division 5 (Parking Regulations) shall apply.

4. In case of conflict with any other applicable legislation, the regulations of this Division shall apply.

5. The Navy Broadway Complex and other Navy property is located within the boundaries of various areas and districts described in this Division. Redevelopment of the Navy Broadway Complex, bounded by Broadway to the north, Pacific Highway to the east, and Harbor Drive to the west and south, is expected to be in accordance with the Navy's development plan and urban design guidelines as specified in a development agreement with the City and incorporating the Central Bayfront Design Principles adopted by the Bayfront Complex Coordinating Group on September 22, 1989, or as otherwise provided by law. Replacement of Navy facilities currently located at 1220 Pacific Highway may provide off-street parking at a ratio of two (2.0) spaces per one thousand (1,000) gross square feet.

(Added 5-11-92 by O-17765 N.S.)

(Amended 7-25-94

July 25, 1994 by O- 18088 N.S.)

#### SEC. 103.1934

#### Application Procedures

Concurrent with the application for a Centre City Development Permit, a Marina Planned District Permit, or a

Gaslamp Quarter Permit, the project applicant shall submit to the ~~Executive Vice~~ President or designated representative a Centre City Parking Permit application which is in conformance with the provisions of this Division.

(Added 5-11-92

May 11, 1992 by O-17765 N.S.)

#### SEC. 103.1935

##### Project Review Procedures

###### A. Administrative Review

Upon receipt of a complete Centre City Parking Permit application, the ~~Executive Vice~~ President shall conduct an administrative review. No public hearing is required for this review. ~~All projects shall be reviewed by the Transportation Demand Management ("TDM") Administrator. The comments provided to the Executive Vice President by the TDM Administrator will be considered in the review and approval of the project.~~

###### B. Permit Issuance

If the ~~Executive Vice~~ President approves a Centre City Parking Permit, the application shall be referred to Building Inspection or the City Engineer for any other action as necessary.

###### C. Permit Denial

If the ~~Executive Vice~~ President denies a Centre City Parking Permit, he or she shall issue findings in writing of the nonconformance with the provisions of this Division.

###### D. Permit Time Limits

Centre City Parking Permit approval under this Division shall be in effect for a period of three (3) years. If a building permit has not been obtained within three (3) years the Centre City Parking Permit is no longer valid, and if the project is to proceed, the applicant must reapply for a Centre City Parking Permit pursuant to legislation that exists at that time.

###### E. Permit Revocation

The ~~Executive Vice~~ President at any time may revoke a Centre City Parking Permit issued under this Division for failure to comply with the conditions of approval. Prior to such a revocation, the applicant shall be given a hearing after ten (10) calendar days' notice to show cause why the permit should not be revoked.

(Added 5-11-92

May 11, 1992 by O-17765 N.S.)

#### SEC. 103.1936

##### Off-Street Parking Requirements

###### A. Minimum Off-Street Parking

1. No minimum off-street parking requirements shall apply to any non-residential use permitted within

Centre City.

2. Minimum off-street parking requirements apply to residential and single room occupancy land uses and shall be as follows:

- a. The minimum number of parking spaces for Group Residential projects shall be 0.1 spaces per room.
- b. The minimum number of parking spaces for Live/Work Quarters shall be 0.5 spaces per unit.
- c. The minimum number of parking spaces for Living Units shall be 0.9 spaces per living unit, ~~(unless otherwise allowed by Municipal Code section 101.0517(D)(3)).~~
- d. The minimum number of parking spaces for studio units shall be 0.5 spaces per unit.
- e. The minimum number of parking spaces for multi-family housing shall be 0.5 spaces per unit.
- f. The minimum number of parking spaces for senior housing shall be as determined by condition of approval.
- g. The minimum number of parking spaces for single room occupancy hotels shall be 0.2 spaces per unit.

3. For premises with two (2) or more dwelling units (excluding senior housing) the required number of motorcycle spaces is five percent (5%) of the total number of dwelling units.

4. For premises with two (2) or more dwelling units (excluding senior citizen housing) the minimum number of secured bicycle storage facilities required is twenty percent (20%) of the total number of dwelling units. Bicycle storage facilities shall be enclosed with access restricted to authorized persons. If a storage room is used, bicycles shall be locked to a stationary object inside the room.

#### B. Maximum Off-Street Parking

1. Maximum off-street parking for all uses permitted within Centre City shall be as indicated in Table 3 of Section 103.1936.

2. The maximum number of off-street parking spaces for mixed-use projects shall be based on the maximum allowable parking ratios for the two (2) major land uses contained within the proposed project and fifty percent (50%) of the maximum number of parking spaces permitted for ancillary uses.

3. In calculating the maximum number of off-street parking spaces, a remaining fraction of one-half or more is rounded up to the next whole unit; a remaining fraction of less than one-half is disregarded.

4. The maximum number of off-street parking spaces shall be determined by multiplying the maximum allowable off-street parking ratio as specified in Table 3 of Section 103.1936 by the number of dwelling units, gross square feet, seating area or rooms.

5. The maximum number of off-street parking spaces for Commercial/Professional Uses shall be reduced over a ten (10) year period from 1.5 spaces per one thousand (1,000) gross square feet, as shown in Table 1 of Section 103.1936. At the end of the ten (10) year period, the maximum allowable number of off-street parking spaces shall remain at 1.0 spaces per one thousand (1,000) gross square feet.

TABLE 1 OF SECTION 103.1936

MAXIMUM COMMERCIAL/PROFESSIONAL PARKING

Building Permit Issued After	Maximum On-Site Parking Spaces Per 1,000 Gross Square Feet
10/23/91	1.5
10/23/92	1.45
10/23/93	1.40
10/23/94	1.35
10/23/95	1.30
10/23/96	1.25
10/23/97	1.20
10/23/98	1.15
10/23/99	1.10
10/23/2000	1.00

C. Transportation Demand Management

1. Transportation Demand Management ("TDM") for the purposes of this Division, is a program of specific measures shown in Table 2 of Section 103.1936, implemented by the project applicant that will result in a reduction of single- occupant- vehicle trips into Centre City.

2. For the purposes of this Division, TDM measures shall not apply to any residential development.

3. All applicants shall achieve a minimum of twenty- four (24) points by implementing TDM measures as contained in Table 2 of Section 103.1936.

TABLE 2 OF SECTION 103.1936

TRANSPORTATION DEMAND MANAGEMENT

Points	Measure
10	Proximity to public transit (within approximately 1,320 feet)
8	Preferential car pool and/or van pool parking (two percent (2%) of permitted off-street maximum)
8	On-site commuter and car pool/van pool waiting area
6	On-site bicycle storage, lockers and shower facilities (one each per 25,000 square feet)
6	Provision of "Fleet Vehicles" for property tenants
4	On-site transit amenities (bus shelter with seating and lighting)
2	On-site transit pass sale and information area
2	On-site day care facilities
2	Membership in a Transportation Demand Management Association
48	TOTAL

TABLE 3 OF SECTION 103.1936

OFF-STREET PARKING REQUIREMENTS

LAND USE CLASSIFICATIONS

(As defined in section  
103.1925)

MAXIMUM OFF-STREET PARKING\*

A. RESIDENTIAL**	
Group Residential	0.2 per room
Live/Work Quarters (Loft)	1.0 per bedroom up to 2.0 per dwelling unit
Living Units	0.9 per living unit (as per Municipal Code)
Multi-Family Residential	
Studio Units	0.9 per studio unit
One-bedroom Units	1.0 per dwelling unit
Two-bedroom Units	2.0 per dwelling unit
Three-or-more-bedroom Units	2.0 per dwelling unit
Senior Citizen Housing	0.6 per dwelling unit, plus 1.0 guest space per 10 units
B. COMMERCIAL/PROFESSIONAL OFFICE	
Professional and Business Office	1.5
Governmental Offices	1.5
C. COMMERCIAL RETAIL	
Food/Grocery Sales	2.5
Retail Sales	2.5
Wholesale/Retail Sales	1.0
D. COMMERCIAL SERVICES	
Ambulance Services	1.0
Animal Hospitals	1.0
Artist's Studios	1.0
Banks, Credit Unions, and Savings and Loan Associations	1.0
Banquet Facilities, Clubs and Lodges	1.0 per 150 sf of seating area
Building Materials & Services	1.0 per 1,000 sf of lot area
Business & Home Services	1.0
Catering Services	1.0
Commercial Recreation & Entertainment	1.0
Commercial Communication Facilities	1.0
Eating & Drinking Establishments	2.5 up to 5.0 for detached use
Laboratories	1.0
Mortuaries	1.0 per 150 sf of seating area
Nurseries, Plant	1.0 per 1,000 sf of sales area
Personal Improvement Services	1.0
Personal & Convenience Services	1.0

Research & Development Services	1.0
Visitor Accommodations	
Bed & Breakfast Inns	0.7 per room
Hotels & Motels	0.7 per room
Single Room Occupancy	0.2 per room
<b>E. PUBLIC AND SEMIPUBLIC</b>	
Colleges & Universities	0.25 per ADA Student or FTE Student
Community & Human Care Facilities	1.0
Correctional Placement Centers	As specified by condition of approval
Cultural Institutions	1.0
Hospitals/Clinics	1.0
Park & Recreation Facilities	As specified by condition of approval
Performing Arts/Theatres	1.0 for each 8 seats
Religious Assembly	1.0 per 150 sf of seating area
Schools, Public or Private	As specified by condition of approval
Transportation Facilities	
Major	As specified by condition of approval
Limited	As specified by condition of approval
<b>F. VEHICLE/EQUIPMENT SALES &amp; SERVICES</b>	
Automobile Rentals	0.5
Automobile Washing & Detailing	0.5
Service Stations	0.5 per 1,000 sf of lot area
Vehicle/Equipment Sale & Rentals	0.5
Vehicle/Equipment Repair, Limited	0.5
<b>G. INDUSTRIAL</b>	
Industrial	
General	0.5
Limited	0.5
Maintenance & Service Facilities	0.5 plus 1.0 per commercial vehicle
Marine Industry	0.5
Trucking Terminals	0.5 per sf of lot area
Utilities	
Major	As specified by condition of approval
Limited	As specified by condition of approval
Wholesaling, Distribution and Storage	0.5

\*Spaces per 1,000 gross square feet unless otherwise stated.

\*\*Other off-street residential parking requirements apply.

(Added 5-11-92 by O-17765 N.S.)

(Added 1-9-95

January 9, 1995 by O-18150 N.S.)

#### SEC. 103.1951

##### Purpose and Intent of the Centre City Transit and Parking Improvement Fund

A. It is the intent of the City Council to create a Transit and Parking Improvement Fund as a permanent and renewable source of revenue to meet, in part, the transit and parking needs of the Centre City Community Plan.

B. It is the further intent of the City Council to foster and encourage the private sector to join with the public sector and the non-profit sector to further the goals of Sections 103.1951 through 103.1958.

C. It is the further intent of the City Council to improve and maintain existing public transit facilities and to provide for new such facilities as necessitated by new non-residential development within Centre City.

(Added 5-11-92

May 11, 1992 by O-17766 N.S.)

#### SEC. 103.1952

##### Definitions

For purposes of Sections 103.1951 through 103.1958, the following definition shall apply:

"Net Floor Area" means the total horizontal square footage of existing, proposed or potential floors of building(s), as defined in ~~Municipal Code section 101.0101.25~~ Land Development Code Section 113.0103 for Gross Floor Area, but not including space devoted to parking and common circulation and mechanical equipment areas such as enclosed exterior stairwells, enclosed exterior elevator shafts, interior elevator shafts, interior stairwells, ramps and mechanical equipment rooms.

(Added 5-11-92

May 11, 1992 by O-17766 N.S.)

#### SEC. 103.1953

##### Boundaries

Sections 103.1951 through 103.1958 apply to all property located in the Centre City Community Planning Area shown in Figure 1 of ~~Chapter X, Article 3, Division 19,~~ this division except for lands located within the jurisdiction of the San Diego Unified Port District which are subject to the provisions of the San Diego Port District Act, the Tidelands Trust and the California Coastal Act of 1976.

(Added 5-11-92

May 11, 1992 by O-17766 N.S.)

**SEC. 103.1954**

**Establishment of the Centre City Transit and Parking Improvement Fund**

A. There is hereby established a fund to be known and denominated as the Centre City Transit and Parking Improvement Fund. The fund shall consist of funds derived from the fees to be paid to the City pursuant to provisions of Sections 103.1951 through 103.1958 and any other appropriations as determined from time to time by legislative action of the City Council. This fund shall be administered by the City pursuant to the provisions of Sections 103.1951 through 103.1958, and in conjunction with the Centre City Community Plan, the Three-Year Program Plan identified in Section 103.1956, the appropriation ordinances and Council policies applicable thereto.

B. Fees shall be calculated by multiplying the new Net Floor Area of the project by the amount of the Transit and Parking Improvement Fee identified in Table 1 of Section 103.1954.

C. Residential and Single Room Occupancy (SRO) hotel projects are exempt from the requirements of this Section. D. Fees shall be calculated at the level in effect when the building permit is issued.

D: Fees shall be calculated at the level in effect when the building permit is issued.

E. Fees shall be paid at issuance of the Certificate of Occupancy.

F. Fees shall be valid for not more than two years after the issuance of the building permit. After two years, the level of fees will be calculated at the current level in effect at that time.

G. The payment of fees shall be credited to any citywide or regional transportation fees applied to downtown.

(Added 5-11-92

May 11, 1992 by O-17766 N.S.)

**SEC. 103.1955**

**Purpose and Use of Centre City Transit and Parking Improvement Fund**

A. Funds in the fund shall be used solely for programs and administrative support approved by the City Council to meet the transit and parking needs of the Centre City Community Plan. These programs shall include those providing transit and parking facilities and improvements through redevelopment of land within Centre City.

B. It is the intent of the City Council to coordinate with the Metropolitan Transit Development Board (MTDB) to implement the programs and projects contemplated herein.

C. The provisions of Sections 103.1951 through 103.1058 shall apply to any non-residential construction, erection, conversion, establishment, alteration, enlargement, or change in use in any area of Centre City identified in ~~Municipal Code section~~ Section 103.1953 that results in an increase in the Net Floor Area of a building by greater than twenty percent (20%) or five thousand (5,000) square feet, whichever is greater.

(Added 5-11-92

May 11, 1992 by O-17766 N.S.)

**SEC. 103.1956**

**Criteria For Expenditure**

While the existing street and transportation system is at capacity in many locations, it is adequate to meet current transportation needs. The redevelopment of the Centre City Community Planning area and the construction of new non-residential development will place unmitigatable demands on the existing street and transportation system.

Funds in the fund shall be used solely for the provision of transit and parking facilities and improvements that benefit the Centre City Community Planning area by increasing the peak period work-related transit mode split with an ultimate goal of forty percent (40%).

This is necessitated by the increased transportation demand generated by new non-residential development anticipated to occur in the Centre City Community Planning area and as further provided for in the Centre City Community Plan, Centre City Planned District Ordinance, Centre City Parking Ordinance and the Centre City Redevelopment Plan.

To this end, a Three Year Program Plan shall be established that will provide for the timely expenditure of the funds. Projects may include but are not limited to the purchase of transit vehicles, bus shelters, implementation of the Park Boulevard light rail transit line and other guideway improvements.

(Added 5-11-92

May 11, 1992 by O-17766 N.S.)

#### SEC. 103.1957

##### Three-year Program Plan

Prior to the commencement of the fiscal year and annually thereafter, Centre City Development Corporation (CCDC) shall adopt a Three-Year Program Plan and present it to Council for action. This document shall plan for the following three (3) years. The Program Plan shall set forth with respect to the three-year period a description of all programs to be funded with funds from the Transit and Parking Improvement Fund specifying the intended beneficiaries of the program. All disbursements from the fund shall be consistent with the Program Plan. The Program Plan shall comply with all of the applicable requirements of California State law.

(Added 5-11-92

May 11, 1992 by O-17766 N.S.)

#### SEC. 103.1958

##### Reserve Fund

The City may establish and maintain a reserve fund account adequate to preserve the ability of the fund to take maximum advantage of unforeseen opportunities in assisting transit and parking facilities and to ensure prudently against unforeseen expenses. The amount to be maintained in this reserve fund shall be determined by CCDC. CCDC shall establish procedures for maintaining such a fund.

(Added 5-11-92 May 11, 1992 by O-17766 N.S.)

*(The following section has been moved from Section 101.0518)*

SEC. 103.1959

Conditional Use Permit for Living Units

A. PURPOSE AND INTENT

It is the purpose of the living unit ordinance to create a rental and homeownership demonstration program in the Centre City Community Planning Area for lower income people. This new type of housing unit has been made possible by enabling legislation enacted by the State of California.

B. PERMITTED LOCATIONS

Not to exceed three living unit projects may be permitted by a Conditional Use Permit in the Centre City Community Planning Area.

C. DEFINITIONS

1. A LIVING UNIT is an enclosed space of more than 150 net square feet which is not required to, but may contain a full or partial kitchen and bathroom.
2. A LIVING UNIT PROJECT is a building containing 12 or more living units.
3. A COMPLETE BATHROOM is a room containing all of the following: a toilet, sink, and shower or tub. A partial bathroom is missing at least one of the above facilities.
4. A FULL KITCHEN contains all of the following: a sink, refrigerator and stove, range top or oven. A partial kitchen is missing at least one of the above facilities.
5. COMMON INDOOR SPACE means all usable interior common areas not used for circulation or service facilities. Common indoor space includes lobby, recreation room or reading rooms.
6. LIVING UNIT TRANSIT CORRIDOR means the area within 500 feet of existing accessible public bus lines having a fifteen minute level of service frequency as established by the Metropolitan Transit Development Board (MTDB) identified on Map No. C-794, on file in the office of the City Clerk.
7. LIVING UNIT TRANSIT NODE is the area within 500 feet of existing and proposed trolley stops. Proposed trolley stops are those that have been approved for development by the MTDB with identified funding available identified on Map No. C- 794, on file in the office of the City Clerk.
8. LOWER INCOME means any household whose income is below 80 percent of the median household income for the region, and as adjusted for a one-person household.

~~D. APPLICABLE REGULATIONS~~

~~These regulations shall be supplemental to those contained in Section 101.0510 of this Code, provided, however that where there is a conflict between the requirements of this Section and other sections of Chapter X, the provisions of this Section shall apply.~~

E D. DEVELOPMENT CRITERIA

Living unit projects in The City of San Diego may be permitted by Conditional Use Permit subject to the

provisions of this ordinance and are not subject to existing residential density standards.

### 1. Unit Requirements.

a. Each unit within a living unit project must have at least 150 square feet of net floor area. The average size of all living units may not exceed 275 square feet. When a living unit exceeds 400 square feet in area, existing underlying zone density and parking standards for a one bedroom apartment unit shall apply.

b. Maximum occupancy is two persons.

c. A full kitchen is not required in every living unit. However, a kitchen sink with garbage disposal and counter top is required in every living unit. The counter top must be a minimum of 12 inches deep by 24 inches wide.

d. A refrigerator and microwave oven must be provided in, or be available from the permittee for every living unit. Electrical outlets for these appliances must be provided in proximity to the sink and counter top.

e. Each living unit shall be pre-wired for phone and cable T.V. service.

f. A complete bathroom is not required in every living unit. However, each living unit must be provided with a private toilet. If a private toilet is not enclosed within each living unit, provision must be made to screen the toilet.

g. A closet and designated storage space is required in every living unit.

h. Handicap access facilities shall be as required by applicable state or local law. However, at least one handicapped-accessible unit shall be required for every 25 units.

### 2. Project Requirements.

a. Showers/Bathtubs. Each living unit that is not provided with a private shower and/or bathtub must be served by a shared shower (and optionally, a bathtub). Shared bathing facilities must be provided at a ratio of at least one facility for every five units, or fraction thereof, which lack a private bathing facility. Each shared bathing facility shall be on the same floor as the units it is intended to serve, and shall be directly accessible from a common area or hallway.

b. Each shared bathroom facility shall be provided with an interior lockable door.

c. At least one janitorial closet with sink is required on each floor.

d. Laundry facilities must be provided in a separate room at the ratio of one washer and one dryer for every 15 units or fractional number thereof. At least one washer and one dryer shall be provided in every living unit project. The laundry facility must be located near the common indoor space. Washers and dryers may be coin operated.

e. A cleaning supply storeroom and/or utility closet with at least one laundry tub with hot and cold water must be provided on each floor of the living unit building.

f. Common indoor space is required in each living unit project. For each living unit sized as follows, minimum common indoor space requirements per living unit shall be:

Living Unit Size	Common Indoor Space Requirements Per Living Unit
Less than 160 square feet	4.5 Square feet
160-169 square feet	4.0 square feet
170-179 square feet	3.5 square feet
180+ square feet	3.0 square feet

g. In no case shall common indoor space be less than 200 square feet in any living unit project.

h. All living unit buildings for rent shall have either a front desk with a full view of the entry area, staffed 24 hours a day, seven days a week, or an operational outdoor entry intercom system with intercoms in each living unit and the manager's apartment.

i. All living unit buildings shall be equipped with fully automatic, Class I, fire sprinkler systems.

In living unit buildings up to and including three stories in height, consideration shall be given by the Building Official to allow alternate equivalents when a fire sprinkler system is provided. The fire sprinkler system must be provided pursuant to this section and it must not otherwise be required by any other applicable code or regulation. Such alternatives may include but are not limited to the following items:

(1) Fire-rated stair enclosures may have 20-minute, fire-rated, self-closing, tight-fitting, smoke and draft control assemblies.

(2) Exit courts may discharge into one-hour, fire-resistive corridors.

(3) No requirements for 20-minute, fire-rated, smoke and draft control assembly separation between elevator shafts and one-hour, fire-rated corridors.

(4) No requirements for Class II standpipe systems (fire hose cabinets).

(5) Reduction of standpipe size requirement from four-inch to two and one-half-inch diameter or equivalent flow.

(6) The use of plastic pipe as an alternate to cast iron pipe.

The determinations made pursuant to this section by the Building Official shall be on a case-by-case basis and are appealable exclusively to the Board of Building Appeals and Advisors.

j. A manager's unit is required in every living unit project. The manager's unit shall be a complete dwelling unit and so designated on all plans.

k. A supply room shall be provided adjacent to the manager's unit.

l. All living units shall have posted in the common indoor space area a notice from the City's ~~Housing Inspection Department~~ regarding contact procedures to investigate housing code violations.

m. An adequate number of trash cans with close fitting covers must be provided on each floor. Management controlled locked trash chutes must be provided on every floor above ground level.

n. In every living unit lobby area, pay telephones, a drinking fountain and mail boxes shall be provided.

o. The architecture creates a livable space in a small area with multi-use features and incorporates security and acoustic features, particularly in the light wells, if any.

3. Parking Requirements.

a. Base Parking Requirement. The number of required off-street parking spaces is 0.90 per living unit. If a living unit is rent restricted at monthly rentals affordable to an individual earning 65 percent of the median area income or less, the number of required off-street parking spaces is 0.70 per unit.

~~b. Supplemental Parking Requirement. The number of supplemental spaces required is 30 percent of the total base spaces required.~~

~~c. Parking Calibration.~~

~~(1) Intensity. For the following densities of development, the allotted reductions to the supplemental parking requirements shall be allowed. This reduction can be used in conjunction with shared parking (Reference Section 101.0822 and Section 101.0803. Land Development Code Section 142.0545.)~~

<del>Net Living Unit</del>	<del>Supplemental</del>
<del>Density Achieved</del>	<del>Reduction</del>
<del>LU/NRA</del>	<del></del>
<del>42-72</del>	<del>10%</del>
<del>73-142</del>	<del>20%</del>
<del>143+</del>	<del>30%</del>

~~(2) Mixed Use. For living unit projects consisting of mixed use development, the following reductions to the supplemental parking requirements shall be allowed. The square footage of nonliving unit commercial space used to determine the scheduled percentage must provide an overall average of on-site parking at a rate of at least one space per 400 square feet gross floor area (gfa) of commercial area. This reduction cannot be used in conjunction with shared parking (Reference Section 101.0822 and Section 101.0823. Land Development Code Section 142.0545.)~~

<del>Commercial Use (GFA)</del>	<del>Supplemental</del>
<del></del>	<del>Reduction</del>
<del>4-8.9%</del>	<del>10%</del>
<del>9-12.9%</del>	<del>20%</del>
<del>13+%</del>	<del>30%</del>

~~(3) Living Unit Transit Corridors and Transit Nodes. In addition to the requirements of Sections 3.C(1) and 3.C(2) the following reductions to the base and supplemental parking requirements shall be allowed. This reduction may be used in conjunction with shared parking (Reference Section 101.0822 and Section 101.0823. Land Development Code Section 142.0545.)~~

<del>Location</del>	<del>Base and</del>
<del></del>	<del>Supplemental</del>
<del></del>	<del>Reductions</del>
<del>Transit Corridor</del>	<del>10%</del>
<del>Nodal Corridor/Transfer</del>	<del></del>
<del>Corridor</del>	<del>20%</del>
<del>Transit Node</del>	<del>30%</del>
<del>Transit Hub</del>	<del>60%</del>

~~The above reductions may be added to one another such that the base and supplemental parking requirements may be reduced by the sum of all permitted reductions.~~

d. b. At the request of the applicant and with the approval of the Development Services Director and City Engineer, City Manager in-lieu-of fees may be used when a public improvement project providing additional parking and found to be in conformance with the community plan is within one-quarter-mile of the subject property. The total number of spaces which may be provided for through this provision shall be equivalent to 50 percent of the required base and supplemental parking as calculated after any permitted reductions. The fee is 150 percent of the estimated cost per net additional space required to be provided for by financing of the identified public improvement project.

e. c. An exemption under this section shall be considered by the City Council for projects in designated Redevelopment Areas and granted only if the City Council finds that the project will contribute to the health, safety, and general welfare and that such contribution will exceed any negative impact caused by implementation of the project.

4. Management Plan. For living unit projects for rent, a management plan must be submitted for review with the living unit permit application. The Management Plan shall contain management policies, operations, rental procedures, maintenance plans and staffing needs. An on-site, 24-hour manager is required in every living unit project. The rental procedures must allow for both weekly and monthly tenancies and specify deposit requirements for each type of tenancy.

#### F E. RENT RESTRICTIONS

Rent restrictions are determined by the base number of vehicular parking spaces provided per Subdivision 3a of this section. In any event, an affordable rent agreement shall be filed by the applicant with the Housing Commission and shall be enforced pursuant to paragraph G (10) below and shall be recorded in the office of the County Recorder prior to the issuance of a building permit. No living unit shall be occupied by or sold to a person or persons whose income exceeds 80 percent of median area income as most recently defined by the Department of Housing and Urban Development (HUD) for the Standard Metropolitan Area of San Diego, California, as adjusted for a one-person household. All living units will be rent restricted at a rate which when combined with costs for electricity, gas, and water does not exceed 22.5 percent of median income for a single person household. Additional limitations on rent may be made if public subsidies are provided. An exemption under this section shall be considered by the City Council for projects in designated Redevelopment Areas and granted only if the City Council finds that the project will contribute to the health, safety and general welfare and that such contribution will exceed any negative impact created by implementation of the project.

#### G E. OWNER OCCUPANCY REQUIREMENTS AND RESALE LIMITATIONS

If condominium living units are offered for sale, they can only be sold or resold to owner-occupants. No living unit shall be sold to a person or persons whose income exceeds 80 percent of median area income as most recently defined by the Department of Housing and Urban Development (HUD) for the Standard Metropolitan Area of San Diego, California, as adjusted for a one-person household. In the event that an owner cannot sell after a 90-day listing period, the property must be listed with the Housing Commission for rental at cost to cover mortgage, taxes, association fees and insurance.

#### H G. ADMINISTRATION

1. Living Unit Conditional Use Permit Required. A Living Unit Conditional Use Permit shall be required to be obtained prior to application for any other City required permit. No person shall begin any construction or remodeling to provide living units without first obtaining a Living Unit Conditional Use Permit in accordance with this section.

2. Application. An application for a Living Unit Conditional Use Development Permit shall filed with

the Planning Department in accordance with ~~Section 111.0202~~ Land Development Code Section 112.0102. The application shall additionally include:

- a. Copies of fully dimensioned floor plans and specifications indicating living unit sizes and electrical outlets as required by Paragraph E of this Section.
- b. The plans shall include any proposals that will require an encroachment permit on the public right-of-way.
- c. The plans shall specify whether the project is to be a rental or a condominium project.
- d. Copies of a Management Plan to include management policies, proposed rent schedule, rental procedures, maintenance and cleaning, and staffing.
- e. Copies of the conditions, covenants and restrictions (CCR's) which stipulate that units for sale can only be sold or resold to owner-occupants, and which stipulate the terms of resale. In the event that an owner cannot sell after a 90-day listing period, the property must be listed with the Housing Commission for rental at cost to cover mortgage, taxes, association fees and insurance.
- f. A location map pursuant to the requirements in Section B.

3. An application for a Living Unit Conditional Use ~~Development~~ Permit may be approved, conditionally approved or denied by a "Hearing Officer" in accordance with "Process Three". ~~The "Hearing Officer's" by the President~~ The President's decision may be appealed to the Planning Commission in accordance with ~~Section 111.0506~~ Land Development Code Section 112.0506.

4. Building Permit Issuance. If an application for a Living Unit Conditional Use ~~Development~~ Permit has been approved, and the rent agreement has been recorded, the ~~Development Services Director or City Engineer~~ City Manager is authorized to issue any other requisite permits for the project, provided it conforms to all other regulations and ordinances of the City of San Diego.

#### 5. Enforcement.

a. Violations. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of ~~the Living Unit Ordinance~~ this section or the Living Unit Conditional Use Permit shall be guilty of a misdemeanor as defined in Chapter One of the San Diego Municipal Code. Any person convicted of a misdemeanor under the provisions of this code shall be punished in accordance with Section 12.0201. Further, the imposition of civil penalties, pursuant to Sections 12.0801 through 12.0810 of the Municipal Code is an alternative method of enforcement. Each such person shall be guilty of a separate offense for each and every day during which any violation of any provision of the Living Unit Ordinance is committed, continued, or permitted by such person and shall be punished accordingly.

b. Low-Income Occupancy and Rents. The staff of the Housing Commission shall have the responsibility for the verification, certification and enforcement of lower income occupancy and the monitoring of living unit rents and shall report findings on an annual basis to the City Council. Living unit owners shall provide appropriate documentation to the Housing Commission on an annual basis to verify compliance with requirements defined in Section (F).

c. Planning Powers. The ~~Development Services Director or a designated representative~~ City Manager shall invoke the powers of enforcement and inspection as provided for in ~~Section 101.0212 of the Municipal Code~~ Land Development Code Chapter 12 (Land Development Reviews) for any violation of this ~~Living Unit Ordinance section~~ except for those responsibilities delegated to the Housing Commission or the Building Official.

d. Housing Inspection. The Building Official or assigned representative shall invoke the powers of enforcement and inspection as provided for in Section 98.0104 of the Municipal Code for all matters normally enforced by the ~~Development Services Department~~ City Manager.

e. Revocation of the Living Unit Conditional Use Permit and Conversion Provisions. Failure of owners to comply with ongoing conditions may result in the revocation of the Living Unit Conditional Use Permit in accordance with ~~Chapter XI, Article 1, Division 6. Land Development Code Chapter 12, Article 1, Division 3 (Violations of the Land Development Code and General Remedies)~~. A ~~"Hearing Officer"~~ may revoke a Living Unit Conditional Use Permit may be revoked if any one or more of the following grounds are found:

(1) That the Living Unit Conditional Use Permit is being or has been exercised contrary to the provisions of the permit or of this ~~ordinance~~, section or in violation of any applicable licenses, permits, regulations or laws;

(2) That the use for which the Living Unit Conditional Use Permit was obtained is being or has been exercised so as to be detrimental to the public health, safety, or general welfare or so as to constitute a public nuisance; or

(3) That the property or any structure thereon subject to the Living Unit Conditional Use Permit has been abandoned or the use authorized by the permit has ceased for a period exceeding 12 months and no time extension has been granted for a longer time.

(4) That restricted rents are not in compliance with the rent agreement filed with the Housing Commission. If the finding is made that the rent agreement has been violated, restitution of the amounts in excess of those provided by the Rent Agreement shall be made to the tenants and an equal amount shall be paid to the lease/sale proceed funds administered by the Housing Commission, in addition to any remedies provided by the Rent Agreement.

f. Civil Actions. The City may institute a civil action to recover in damages all rents paid to the owner if the owners of condominium units fail to comply with the owner occupancy requirements of Paragraph G of this Section.

g. Review Procedures.

(1) The San Diego Housing Commission shall report to the City Council on an annual basis the location and number of living units that have been completed in the previous year, the monthly rents of each living unit, the monthly income of living unit residents, the number of vehicles owned by residents and the adequacy of management services.

~~(2) The Planning Department shall report to the City Council's Committee on Land Use and Housing on a semi-annual basis with a record of all living unit projects submitted for permit approval in the preceding six months.~~

(Added 10-16-89 by O-17360 N.S.; amended 11-23-92 by O-17868 N.S.; amended 8-10-93 by O-17956 N.S.; amended 7-25-96 by O-18088 N.S.)

(Amended 3-4-96

March 4, 1995 by O-18266 N.S.)



**DIVISION 20  
THE MARINA PLANNED DISTRICT**

**SEC. 103.2001**

**Purpose and Intent**

The purpose of the Marina Planned District is to establish development controls that will:

1. Create discrete neighborhoods.
2. Encourage new housing.
3. Conserve heritage buildings.
4. Permit mixed-use developments.
5. Provide opportunities for both large- and small- scale development.
6. Guide the location of high-rise development intensity and land use characteristics.
7. Establish strong linkages to the waterfront.
8. Prescribe building mass standards.
9. Establish a strong sense of pedestrian orientation at the street level.

(Added 8-1-88

August 1, 1988 by O-17123 N.S.)

**SEC. 103.2002**

**Definitions**

For purposes of Chapter X, Article 3, Division 20, the following terms are defined as:

"Atrium" means an opening through two or more floor levels which are enclosed on top. "Atrium" does not include enclosed stairways, elevators, hoist ways, escalators, plumbing, electrical, air conditioning or other equipment.

"Building Materials" means all materials visible from the exterior of a development, including materials used for walls, roofs, structure windows, doors, architectural or decorative features applied to the facade and trim.

"Business and Home Services" means establishments providing appliance repair, office machine repair, building maintenance (janitorial), upholstery, graphic design, drafting, blueprinting, typesetting, printing, copying or photographic services.

"Common Open Space" means those usable spaces commonly accessible to all residents and users of the building.

"Conditional Planned District Permit" is a permit which conditions development and is in effect after the approval of the Basic Concept/Schematic Drawings. It signals preliminary approval and allows the completion of the design review process.

"Cultural/Institutional" means a term applied to any use which provides a public or quasi-public function or which is nonprofit.

"Eating and Drinking Establishments" means businesses serving prepared food or beverages for consumption on or off the premises.

"Floor Area" means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. Floor area does not include areas below grade which are considered basements under the Uniform Building Code as adopted in ~~Chapter IX of the San Diego Municipal Code~~ Land Development Code Chapter 14, Article 5.

"Floor Area Ratio (FAR)" means the ratio of total enclosed building area including parking at and above grade to the area of the site. The FAR is an indication of the intensity of development.

"Food Sales" means retail sales of prepared food or food for home preparation including bakeries, candy stores, ice cream stores, delicatessens, grocery stores and supermarkets.

"Health Facilities" means club rooms, gymnasias and fitness centers contained within a structure and ancillary to residential or commercial use.

"Height-to-Width Ratio" means the ratio described for a high-rise building in which the vertical dimension of all facades is greater than 1.6 times the widest horizontal dimension.

"High rise" means a building exceeding 90 feet in height.

"High-Rise Building Elements" means high-rise buildings that have the following elements: base, tower and roof. The tower may be subdivided into transition floors, a lower tower and an upper tower.

"Land Use Mix" means a percentage distribution of a building's gross floor area devoted to residential or nonresidential uses.

"Live/Work Quarters" means an area comprised of one or more rooms or floors in a building which includes: (1) cooking space and sanitary facilities, and (2) working space reserved for persons residing therein.

"Low-Rise" means a building with maximum height of 50 feet.

"Mass and Scale" means the visual perception of the organization of the gross floor area of the structure compared to adjoining development.

"Mid-Rise" means a building ranging in height from 50 feet to 90 feet.

"Mixed Use Development" means developments in which two or more major land uses are permitted.

"Multi-Family Residential" means a building used or designed to be used for housing three or more families.

"Personal and Convenience Services" include services of a frequently recurring nature such as barber and beauty shops, drug stores, dry cleaning, self-service laundries, shoe repair and tailors.

"Personal Improvement Services" means instructional services or facilities, including photography, fine arts, crafts, dance or music studios, driving schools, business and trade schools, reducing salons and fitness studios.

"Planned District Exception Permit" means a permit that allows construction of projects which vary from the requirements of the Marina Planned District regulations but which comply with the Marina Urban Design Plan and Development Guidelines and facilitate the establishment of a residential community.

"Planned District Permit" means all permits which are required pursuant to the Marina Planned District regulations.

"Private Open Space" means those usable spaces accessible only by the residents of a single dwelling unit.

"Public Open Space" means those usable spaces accessible by the general public.

"Recreational Facilities" means outdoor facilities ancillary to a residential complex, including swimming pools, saunas and courts.

"Reflective Glass" means a glazing material which obscures vision and has limited transparent qualities.

"Religious Assembly" means facilities for religious workshop and incidental religious education.

"Residential Density" means a measure of housing, expressed in dwelling units per acre (dupa).

"Schools -- Public & Private" means buildings housing students for the primary purpose of education.

"Setback" means a horizontal separation between a vertical element and a property line.

"Single Room Occupancy (SRO)" means any hotel room within a hotel intended or designed to be used, or which is used, rented or hired out to be occupied for sleeping purposes by guests and which is also the primary residence of such guests. The term does not include any hotel room which is used by transient guests who do not occupy such hotel room as their primary residence.

"Skyviews" means a horizontal and near-horizontal views of the sky.

"Small Office -- Business and Professional Services" includes offices such as architectural design, medical-dental, travel or administrative services, real estate, insurance and legal offices.

"Small Site Development" means a designation applied to a block in which multiple developments occur.

"Stepback" means the horizontal separation between two major vertical elements. Stepbacks occur at upper levels.

"Street Level" means any access opposite the public right-of-way which ranges from 4 feet below grade to 5 feet above grade.

"Streetwall" means the facade of buildings, or frontage, along a property line shared with a public right-of-way.

"Tower" means any structure that exceeds a height of 90 feet.

"Utility Substation" means those structures and facilities which provide franchised or city utility services to land use and transportation systems located within the Marina Planned District.

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("Boundaries" added 8-1-88 by O-17123 N.S.; renumbered to Sec. 103.2003 on 9-14-92 by O-17830 N.S.)

("Definitions" renumbered from Sec. 103.2007 Glossary and amended 9-14-92

September 14, 1992 by O-17830 N.S.)

## **SEC. 103.2004**

### **Administrative Regulations**

#### **A. ADMINISTRATION**

The Centre City Development Corporation ("CCDC") shall administer the Marina Planned District as the designee of the City Council in accordance with the provisions of this division.

#### **B. ACTIVITIES REGULATED**

1. No building, structure or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall the use of any building or structure be changed, nor shall any such building, structure or improvement be used or occupied unless it complies with the requirements of this division.

2. The ~~Development Services Department~~ City Manager shall not issue any permit for such activities in any portion of the Marina Planned District until CCDC has issued a Marina Planned District Permit or a Marina Planned District Exception Permit signifying compliance with the provisions of this division.

#### **C. MARINA PLANNED DISTRICT PERMIT PROCESS**

##### **1. Permit Required.**

A Marina Planned District Permit shall be required prior to issuance of any City building permit within the Marina Planned District.

##### **2. Application for Marina Planned District Permit.**

a. A Marina Planned District Permit shall be issued after the applicant has completed a three (3) step design review process consisting of the submission of:

(1) Basic Concept/Schematic Drawings.

(2) 50 Percent Construction Drawings.

(3) 100 Percent Construction Drawings.

CCDC may issue a Marina Planned District Permit after review of the drawings based on the size of the project, nature of improvement or the participation of the Redevelopment Agency. CCDC may, at its discretion,

consolidate Steps 2 or 3 to facilitate review of the project.

b. CCDC shall review all Basic Concept/Schematic Drawings, 50 Percent Construction Drawings and 100 Percent Construction Drawings as identified in the Marina Planned District regulations. The criteria for submitting each of the three types of drawings and a description of the design review process are as follows:

(1) The Basic Concept/Schematic Drawings shall illustrate the basic organization of the site. CCDC shall review Basic Concept/Schematic Drawings for two-dimensional considerations such as the relationship of land use within the project, relationship of the project to proposed and existing land uses adjoining the site, siting considerations such as vehicular and pedestrian circulation, provision for public open space and three-dimensional images of the project. The applicant shall provide a narrative explanation of the design concept and shall submit the following items as part of the Basic Concept/ Schematic Drawings:

(a) Description of the development concept including the density, dwelling unit composition, gross area devoted to specific land use, number of floors, type of construction and FAR.

(b) Site plan at a scale no smaller than 1/32 inch equals 1 foot. The site plan shall show the relationship of the proposed project to adjoining development within approximately 300 feet and shall also illustrate the dimensions of the site and the proposed project.

(c) Ground floor plan that illustrates subsurface and ground floor plans at a scale not smaller than 1/16 inch equals 1 foot.

(d) Two project sections at a scale not smaller than 1/16 inch equals 1 foot.

(e) Exterior concept elevations of each street frontage.

(f) One exterior perspective drawn from a street level view.

(g) Tabulation of the net leasable and gross building area including FAR, building coverage, Common Open Space areas, Private Open Space, total area devoted to parking and number of spaces.

(h) Preliminary identification of materials, finishings, colors and landscaping.

(i) Preliminary off-site improvements, landscape and grading plans that illustrate how the design elements of on-site public spaces are coordinated with the off-sites.

(j) Preliminary evaluation of environmental factors such as sun and shade on open space and adjoining properties.

(k) Statement of conformity to or variation from the Marina Planned District regulations.

(l) Massing model that illustrates the scale and architectural design concept of the project.

(2) 50 Percent Construction Drawings shall resolve concerns identified during review of the Basic Concept/Schematic Drawings. The applicant may be required to submit additional material for this review, shall including off-site improvement drawings and landscape plans.

(3) 100 Percent Construction Drawings shall represent the final plans, specifications and other documentation for the proposed project. These drawings shall illustrate how the conditions approving the previous submissions have been accommodated. These drawings shall be in sufficient detail for the applicant to obtain a building permit.

### 3. Review Procedures.

Application for a Marina Planned District Permit shall begin with the applicant's submission of Basic Concept/Schematic Drawings to CCDC. Basic Concept/Schematic Drawings shall be reviewed according to the following process:

a. The ~~Executive Vice~~ President shall review all applications.

b. The Redevelopment Agency of The City of San Diego (the "Agency") shall review all projects that request or require financial assistance, are governed by either a Disposition and Development Agreement or an Owner Participation Agreement, or request an exception to the Marina Planned District Ordinance.

Interested citizens and area residents may review and comment on individual projects prior to or at the time of the above reviews.

### 4. Determination -- Conditions of Approval.

The approval, modification or disapproval of Basic Concept/Schematic Drawings shall be as follows:

a. CCDC may approve, modify or disapprove any application for a Marina Planned District Permit, described in ~~Municipal Code~~ Section 103.2004(C)(3)(a), which has been initiated by the submission of Basic Concept/Schematic Drawings. In approving a Marina Planned District Permit, CCDC may impose reasonable conditions to ensure compliance with these regulations.

b. CCDC shall advise the Agency and the Agency may approve, modify or disapprove any application for a Marina Planned District Permit, described in ~~Municipal Code~~ Section 103.2004(C)(3)(b), which has been initiated by the submission of Basic Concept/Schematic Drawings. In recommending approval of a Marina Planned District Permit, CCDC may propose to the Agency reasonable conditions to ensure compliance with these regulations.

### 5. Conditional Planned District Permit.

The approval of Basic Concept/Schematic Drawings, as specified in ~~Municipal Code~~ Section 103.2004(C)(4), constitutes a Conditional Planned District Permit. Following approval, the applicant shall submit to CCDC the 50 Percent Construction Drawings and 100 Percent Construction Drawings to CCDC for approval.

### 6. Issuance of Planned District Permit.

If CCDC finds that the 100 Percent Construction Drawings conform to the Conditional Planned District Permit, then the applicant may apply for any other necessary permits from the ~~Development Services Director, Planning Director or City Engineer~~ or other applicable governmental agency.

### 7. Permit Time Limits and Time Extensions.

Any permit approved under ~~Chapter X, Article 3, Division 20~~ this division shall be effective for a period not to exceed two years. CCDC may grant a one time extension of one year if it finds from the evidence submitted that there have been no material changes of circumstances since the permit was originally granted.

### 8. Revocation.

Following a hearing, CCDC may, at any time, revoke a Marina Planned District Permit issued under Section 103.2004. CCDC shall give the holder of the Marina Planned District Permit 30 calendar days notice of the proposed revocation and hearing. After that hearing, CCDC may revoke a permit if it finds any of the following is true:

a. That the building or structure for which the permit was issued is being used for purposes other than or in addition to, the purposes and manner described in the permit application; or

b. That the use or operation of the building or structure for which the permit was issued is contrary to ~~Chapter X, Article 3, Division 20 of the San Diego Municipal Code; this division;~~ or

c. That the building or structure for which the Marina Planned District Permit was issued was not constructed in compliance with the terms and conditions of the Marina Planned District Permit.

("Applicable Planning, Zoning and Subdivision Regulations" added 8-1-88 by O-17123 N.S.; renumbered to Sec. 103.2006 on 9-14-92 by O-17830 N.S.)

("Administrative Regulations" renumbered from Secs. 103.2003 and 103.2007 (Appendix A) and amended 9-14-92 )

(Amended 7-25-94

July 25, 1994 by O- 18088 N.S.)

### SEC. 103.2005

#### Conditional Use Permits

A. Notwithstanding the provisions of ~~San Diego Municipal Code Chapter X, Article 1, Division 5, Sections 101.0510, 101.0512, 101.0513, 101.0514, 101.0515, 101.0516, 101.0517, 101.0518, 101.0550, 101.0560, 101.0570, 101.0580 and 101.0581, Section 103.0105,~~ the Executive Vice President of CCDC shall be the decision maker for the purpose of granting conditional use permits within the boundaries delineated in Section 103.2003.

B. The ~~Executive Vice President shall grant conditional use permits according to the same criteria required for the conditional use permits listed in Section 103.2005(A);~~ the provisions of Section 103.0105, Land Development Code Chapter 12, Article 6, Division 3 (Conditional Use Permit Procedures), and Chapter 14, Article 1 (Separately Regulated Use Regulations). Except as provided in the next paragraph, the appeals procedure shall remain the same for the conditional use permits listed in ~~Section 103.2005(A);~~ Section 103.0105.

For those conditional use permits ~~delineated in Municipal Code section 101.0510(C)(4), in which the City Council is listed as the decision maker,~~ listed in Section 103.0105 to be decided in accordance with Process Five, the Executive Vice President shall serve as the decision maker, but appeals shall be heard by the City Council, as set out in ~~Municipal Code Chapter XI, Article 1, Divisions 4 and 5-~~ Land Development Code Section 112.0508.

\*NOTE\*(Editor's note: Supplement)

("Use Classifications for the Marina Planned District" added 8-1-88 by O-17123 N.S.; amended 6-24-91 by O-17657 N.S.; amended 12-9-91 by O-17723 N.S.; renumbered to Sec. 103.2011 on 9-14-92 by O-17830 N.S.) ("Conditional Use Permits" added 9-14-92 by O-17830 N.S.)(Amended 1-9-95 January 9, 1995 by O-18148 N.S.)

### SEC. 103.2006

#### Applicable Planning, Zoning and Subdivision Regulations

Where not otherwise specified in this division, ~~the provisions of the San Diego Municipal Code, Chapter X, Article 1, Divisions 1 through 3, 5, 6 and 8 through 18 and Chapter X, Article 2 shall apply. All other provisions of Chapter X, Article 1 of the San Diego Municipal Code are superseded by the regulations of this division. Where there is a conflict between the provisions of Chapter X, Article 1 and Chapter X, Article 2 and the provisions of this division, the provisions of this division shall apply.~~ the following chapters 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 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 shall apply. All applicable building code requirements must be met for construction, alteration, addition or repair of a building.

("Property Development Regulations" added 8-1-88 by O-17123 N.S.; renumbered to Sec. 103.2012 on 9-14-92 by O-17830 N.S.)("Applicable Planning, Zoning and Subdivision Regulations" renumbered from Sec. 103.2004 on 9-14-92 September 14, 1992 by O-17830 N.S)

#### SEC. 103.2011

##### Use Classifications for the Marina Planned District

Use classifications for the Marina Planned District are illustrated geographically in Table 1 of ~~Chapter X, Article 3, Division 20 of the San Diego Municipal Code.~~ this division.

1. In the area designated 80 percent residential/20 percent nonresidential as shown in Figure 1 of ~~Chapter X, Article 3, Division 20 of the San Diego Municipal Code,~~ this division at least 80 percent of the gross floor area shall be residential use and up to 20 percent of the gross floor area may be nonresidential use. The total of all corridor, storage, utility, parking and other support space shall be allocated to residential or nonresidential on an 80 percent residential/20 percent nonresidential basis.

On the block bounded by G Street, Second Avenue, Market Street and First Avenue, an alternative to 80 percent residential/20 percent nonresidential as shown in Figure 1 of ~~Chapter X, Article 3, Division 20 of the San Diego Municipal Code~~ this division may be the specific development which is the subject of Marina Conditional Planned District Permit No. 94-0452.

2. On the property legally described as Lot "L" of Block 30, New San Diego Addition, according to the map thereof No. 456, made by Gray and Johns, on file in the office of the County Recorder of San Diego County, at least 60 percent of the gross floor area shall be residential use and up to 40 percent of the gross floor area may be nonresidential use.

#### A. RESIDENTIAL USES

The following permanent residential uses are permitted in the Marina Planned District:

1. Multi-family.

2. The following uses may be considered by conditional use permit if the use is the primary residence of the occupants and the major use of the structure:

a. Single Room Occupancy.

b. Live/Work Quarters. Not over 33 percent of each live/work quarter shall be used for residential purposes such as a sleeping area, kitchen, bathroom and closet area.

## B. NONRESIDENTIAL USES

1. Uses permitted by Right. The following nonresidential uses are permitted in the Marina Planned District for that portion of the area designated 20 percent nonresidential:

a. Eating and Drinking Establishments.

b. Food Sales.

c. Small Office-Business and Professional Services.

d. Personal and Convenience Services.

e. Cultural/Institutional.

f. Recreation-health Facilities.

g. Business and Home Services.

h. Personal Improvement Services.

i. Retail Sales.

(1) Arts and Crafts.

This classification includes establishments selling art objects, art supplies, antiques, jewelry, handmade glass, custom photographs, pottery, porcelain, leather goods and similar products. This classification also includes art galleries, antique shops, ceramic studios, craft shops, jewelry design and creation studios and photo studios.

(2) Home Furnishings and Hardware.

This classification includes establishments selling awnings and canvas, home appliances, carpets and floor coverings, hardware, furniture, kitchen utensils, paint and wallpaper.

(3) Other Retail Sales.

This classification includes small department stores, drugstores, dispensing opticians, clothing stores, fabric stores, and businesses retailing the following goods: toys, hobby materials, books, cameras, photographic supplies, electronic equipment, records, sporting goods, shoes, office supplies, stationery, medical supplies, bicycles and new automotive parts and accessories (excluding service and installation).

(4) Display windows provided, however, that they have a minimum depth of approximately 3 feet and displays are changed every 60 days.

2. Uses permitted by issuance of a Conditional Use Permit. The following uses may be considered by conditional

use permit for that portion of the area designated 20 percent nonresidential or within any portion of an existing structure if determined to be compatible with residential development:

- a. Religious assembly.
- b. Schools, public/private child care facilities.
- c. Broadcasting, recording and other communication services accomplished through electronic or telephonic mechanisms.

This classification includes radio, television or recording studios, telephone switching centers and telegraph offices, but excludes receiving towers and satellite dishes.

- d. Utility Substations.
- e. Residential Care Facilities.

On the property legally described as Lots "C" through "L" of Block 27, New San Diego Addition, according to the Map thereof No. 456, made by Gray and Johns, on file in the office of the County Recorder of San Diego County.

3. Uses permitted within existing structures. Structures existing as of September 22, 1988 which are rehabilitated, recreated or adaptively reused (i.e., the structure is being legally used for a use other than what was originally contemplated when it was built) may be developed entirely with nonresidential uses. A conditional use permit is required if the nonresidential uses are those contained in Section 103.2011(B)(2) or if the nonresidential uses exceed 20 percent of the gross floor area of the existing structure. A conditional use permit may be issued only if it is determined that the use is compatible with residential development.

#### C. MIXED HOTEL/RESIDENTIAL DEVELOPMENT

In the area designated Subarea 1 on Figure 2 of ~~Chapter X, Article 3, Division 20~~, this division, mixed uses including hotel and residential are permitted.

1. Subarea 1 permits hotel use if accompanying residential use is provided.
2. Development of an entire two block site requires 150 residential dwelling units. Development of individual blocks requires a minimum residential density of 85 dwelling units per acre ("dupa").
3. Specialty commercial and entertainment uses may be permitted on a conditional use basis.
4. Residential development may be provided as an alternate to hotel use. Such development shall allocate at least 80 percent of the gross floor area to residential use and may allocate up to 20 percent of the gross floor area to nonresidential land use from the listed uses provided for in Section 103.2011. Exceptions to the percentage ratio of 80 percent residential/20 percent nonresidential are contained in ~~Municipal Code~~ Section 103.2012(B)(5).

#### D. HOTEL SUBAREA 2

In the area designated Subarea 2 on Figure 2, the following hotel uses are permitted:

1. Subarea 2 uses and ancillary hotel uses such as meeting rooms, food establishments and gift shops.
2. Residential development may be provided as an alternate use. Any such development shall be allocated such that at least 80 percent of the gross floor area is devoted to residential use and up to 20 percent of the gross floor area is devoted to nonresidential land use from the listed uses provided for Section 103.2011. Exceptions to the percentage ratio of 80

percent residential/20 percent nonresidential are permitted only as set forth in ~~Municipal Code~~ Section 103.2012(B)(5).

3. Specialty commercial uses may be permitted on a conditional use permit basis.

\*NOTE\*(Editor's note: Supplement653)

(Renumbered from Sec. 103.2005 and amended 9-14-92 by O-17830 N.S.; amended 1-3-94 by O-18022 N.S.)

(Amended 1-9-95

January 9, 1995 by O-18148 N.S.)

## SEC. 103.2012

### Property Development Regulations

#### A. PLANNING STANDARDS AND URBAN DESIGN GUIDELINES

Redevelopment Agency has by resolution adopted architectural and design standards to be used in the evaluation of the appropriateness of any development for which a permit is applied under this division. These architectural and design standards shall be entitled, "Marina Urban Design Plan and Development Guidelines," a copy of which is on file in the office of the City Clerk as Document No. OO-17123.

#### B. REGULATIONS

The following regulations shall apply to the specific areas as indicated:

##### 1. Mixed Residential/Nonresidential Land Use Areas.

The major land use in the Marina Planned District shall be residential as illustrated on Figure 1. In the area designated 80 percent residential/20 percent nonresidential (except in structures 50 feet or less in height), at least 80 percent of the gross floor area shall be residential use and up to 20 percent of the gross floor area may be nonresidential. Where structures are 50 feet or less in height or meet the height requirements of the Uniform Building Code, as adopted by ~~Chapter IX of the San Diego Municipal Code~~, Land Development Code Chapter 14, Article 5, for Type V construction, gross floor area in nonresidential use may exceed 20 percent if the entire nonresidential use is accessible to and located at the street level of the project. The permitted uses are described in ~~Municipal Code~~ Section 103.2011. Exceptions to the ratio of 80 percent to 20 percent for High-Rise structures are contained in ~~Municipal Code~~ Section 103.2012(B) (4).

##### 2. Permitted Heights.

a. Heights for buildings in the Marina Planned District range from 50 feet to 300 feet as illustrated in Figure 3, unless the building meets the criteria for exceptions to the height limits as set out in Section 103.2012(B)(2)(b).

The intent of height limits as established in Section 103.2012 is to guide the location of vertical development within the Marina Redevelopment Project area to accomplish the following objectives:

- (1) Enhance view corridors.
- (2) Provide variety in the provision of dwelling unit types.
- (3) Create distinct residential neighborhoods.
- (4) Conserve the character of existing residential development.

(5) Minimize the impact of shadow on existing and future development.

b. Exceptions to Height Limits.

(1) Exceptions to height limits may be permitted as follows:

(a) 50-foot height limits may be increased to a maximum of 90 feet.

(b) 90-foot height limits may be increased to a maximum of 120 feet.

(c) Heights designated 120 feet or greater as illustrated in Figure 3 may be increased without a maximum height.

(2) The following criteria shall be used to evaluate requests for height exceptions.

(a) Applicant shall provide one or more parks, setback areas or widened and enhanced public rights-of-way. Such areas shall be landscaped by the applicant. Their location shall complement the adjoining public right-of-way and while either public or private in nature, shall be designed to be visually or physically enjoyed by residents, residents of adjoining structures and the general public; and

(b) Applicant's project shall increase nonresidential or residential activity at the street level of the development from 50 percent of the total frontage to all the remaining street frontage with the exception of vehicular access and truck service delivery to serve the site.

Such activity shall be directly accessible to the public right-of-way. Entrances to activity shall be provided at intervals which are approximately 50 feet or less in distance apart; and

(c) Applicant's project shall accommodate of all or a substantial amount of all parking needed to serve the proposed development below grade.

(d) Applicant shall mitigate the mass and scale of the project by reducing the size of the floor plate and creating a more slender tower which enhances view corridors or reduces the effect of shadow on adjoining developments.

(3) The procedure for considering exceptions to height are subject to ~~Municipal Code~~ Section 103.2013.

3. Floor Area Ratios ("FAR").

An FAR of 3.5 to 4.0, 4.0 to 4.5, 5.0 to 5.5, 6.0 to 6.5 and 8.0 to 8.5 shall be the maximum development intensity in the Marina Planned District for those areas identified in Figure 4 with the following exceptions:

a. Existing structures which are historically or architecturally significant, or which are restored or adaptively reused, may transfer unused FAR to contiguous development within the block if such structures are part of an integrated or architectural development for the total site.

b. Atria or common interior or enclosed space shall be included in the calculation of FAR. For each floor that an atrium penetrates through a structure, the square-footage per floor shall be included in the calculations of the FAR.

4. Conditions for Exceptions to FAR.

a. An increase in FAR in the amount of 0.5 of the base FAR, as illustrated in Figure 4, may be permitted as follows, subject to conditions set forth in Section 103.2012(B) (4)(c):

TABLE I OF SECTION 103.2012

Base FAR	Permitted Increase in FAR
3.5	4.0
4.0	4.5
5.0	5.5
6.0	6.5
8.0	8.5

b. Subject to conditions set forth in Section 103.2012(B)(4)(a), an increase in the ratio of nonresidential use in the amount of 5 percent may be permitted as follows:

TABLE II OF SECTION 103.2012

Base Land Use Mix	Permitted Land Use Mix
80% Residential/20% Nonresidential	75% Residential/25% Nonresidential

c. Exceptions to either FAR or mixed land use standards may be recommended by CCDC's Board and approved by the Redevelopment Agency where the project complies with the development standards contained in this Division and the Marina Urban Design Plan and Development Guidelines provided that three of the following seven conditions set forth in Section 103.2012(B)(4)(c)(i) through (vii) are met.

In the event that exceptions are requested for both land use mix and FAR, 4 of the 7 conditions set forth in Section 103.2012(B)(4)(c)(i) through (vii) must be met.

(i) Development is infilled on sites or blocks which contain historic or architecturally significant structures or where historic or architecturally significant buildings are rehabilitated and integrated into the proposed new development.

(ii) The average size of 25 percent of all units exceeds 1,000 square feet.

(iii) That a minimum of 10 percent of all units contain three bedrooms.

(iv) The required ground floor activity increases from 50 percent to 60 percent of the street frontage. Such increase in activity shall be consumer-oriented commercial or residential land use.

(v) At least one full level of underground parking is provided.

(vi) The site is a receiver of a major public amenity including park, plaza, public art and sculpture or other equivalent amenity designed primarily for public use.

(vii) No Redevelopment Agency financial, assistance excluding off-site public improvements, is required for the project.

### C. GENERAL PROVISIONS

~~Municipal Code~~ Section 103.2012(C) sets forth the general provisions of the Marina Planned District. Exceptions to the criteria contained in ~~Municipal Code~~ Section 103.2012(C) may be granted subject to the procedures established in Section 103.2013. The following regulations apply to all areas:

1. Minimum lot area shall be 5,000 square feet.
2. There shall be no minimum side yard, interior and rear yard setbacks.
3. Development pattern.

A variety of development sites (single full block development and blocks with multiple developments) shall be encouraged throughout the project area. Guidelines for smaller site development are contained in the Marina Urban Design Plan and Development Guidelines.

#### 4. Permitted Projections.

a. Subject to encroachment permits as may be required by The City of San Diego, projections such as balconies and window bays are permitted to encroach up to 4 feet into the public right-of-way starting at no less than 12 feet above street level or above the height of the first floor.

b. Projections from tower elements which are set back from the street may be granted by Conditional Use Permit.

c. Subsurface structures within the public right-of-way up to 3 feet from the curb.

#### 5. Signs.

Proposed signage will be evaluated by CCDC for conformance to the signing objectives of the Marina Urban Design Plan and Development Guidelines and by The City of San Diego for compliance with ~~Chapter X, Article 1, Division 11 and Chapter IX, Article 5 of the San Diego Municipal Code. Land Development Code Chapter 14, Article 2, Division 12 (Sign Regulations).~~

#### 6. Streetwall.

a. All buildings shall have a minimum Streetwall of 2 stories or 25 feet.

b. All buildings shall have a maximum Streetwall of 50 feet or the height of an adjoining existing structure if the existing structure is a part of an integrated development.

c. At least 50 percent of each side of the total ground floor frontage of all new or reconstructed first story building walls that face a public street shall be devoted to pedestrian entrances, residential use, or windows affording views into retail consumer services, offices or lobby space or display windows. All blank facades shall be enhanced by architectural detailing, artwork, landscaping or similar features having visual interest.

d. At least 75 percent of the street facade of the building base shall be constructed to the street property line.

e. All residential/nonresidential activities located at the street level shall provide one direct at-grade entrance from the public right-of-way for each street frontage. Where such frontages exceed 75 feet, one entrance shall be provided for each 75 feet of frontage or portion thereof. Such entrances shall conform to the State of California Administrative Code, State Building Code, Part 2, Title 24 (Handicapped Requirements).

#### 7. Setbacks.

a. The tower portion of any structure shall be setback at the podium level at least 20 feet from the base of the street wall on all street frontages except one frontage of a structure, as may be required for fire and safety access by all applicable laws, rules and regulations.

b. Two or more towers on the same parcel shall be separated by at least 40 feet.

c. The tower element of Mid-Rise and High-Rise structures that share a common property line with another parcel shall be set back at least 20 feet from that common property line.

d. All properties fronting on the proposed linear park shall observe a minimum landscaped setback of 50 feet.

#### 8. Height.

a. The height of any structure over 160 feet shall observe a minimum 1:1.6 width-to-height ratio.

b. The average floor plate for the top 1/3 of any tower structure over 160 feet shall diminish in size to create a slimmer silhouette; such reduction shall be in scale with the lower 2/3 of the structure.

#### 9. Open Space.

a. All development shall maintain a minimum of 30 percent of the site open to the sky, occurring at grade or podium levels. This open space area, including courtyards and terraces, shall be considered common open space.

b. First floor residential units which front on common interior courtyards may use up to 25 percent of the interior area for private enclosed open space related to individual units.

c. Balconies shall be provided for at least 25 percent of all hotel rooms.

d. Seventy-five percent of all multi-family residential units above the first floor shall have a Private Open Space of 36 square feet or 5 percent of the unit's gross floor area whichever is larger. The Private Open Space shall have a minimum dimension of 3 feet.

e. Private Open Space or common interior courtyards open to the sky shall not be calculated in the FAR of any structure.

f. No structure shall be sited in such a way so as to terminate a skyview down an existing street or potential view of San Diego Bay from a street in a southerly or westerly direction.

#### 10. Screening and Landscape.

a. All refuse storage and mechanical equipment shall be screened by walls, fences, buildings or combinations thereof to a height of 6 feet.

b. All on-site open space or setback areas shall be landscaped or architecturally enhanced.

c. Mechanical equipment or appurtenances on the roof shall be architecturally screened or enclosed or painted to blend with the roof surface to mitigate the view of cluttered roof surfaces.

#### 11. Parking.

a. All above grade parking structures shall be architecturally integrated into the structure and screened from view by landscaping, architectural detailing or buffered by residential or nonresidential use.

b. Outdoor or garage lighting shall be indirect and diffused.

#### 12. Off-Street Loading.

a. Off-street loading facilities shall be required for all developments which exceed a gross floor area of 100,000 square feet.

b. All off-street loading areas shall be screened from view.

c. All trash container areas shall be enclosed within and integrated into the structure and not visible from the public right-of-way.

### 13. Building Materials.

a. With the exception of the first level, no more than 50 percent of each of the facades of the structure shall be vision glass or spandrel construction of material which is up to 30 percent in reflectivity. The remaining 50 percent may be masonry or stone or other appropriate material.

b. Clear or lightly tinted glass for doors and display window shall be installed at the first or pedestrian level.

### 14. Roof Tops.

a. Exposed roof top parking is not permitted.

b. Roof surfaces shall be simplified and appurtenances shall be grouped and screened.

c. Flat exposed roofs at any level shall be designed as an architectural or landscape amenity to enhance the views from the proposed structure or adjacent structures. Such enhancements may include roof gardens, architectural features, special pavings and patterns or other comparable treatment.

### 15. Solar Access.

a. No more than 50 percent of the area of a sidewalk on the opposite side of a development shall be shaded by that development for no more than one hour between 11:00 a.m. and 2:00 p.m.

b. The location of existing and proposed development shall be considered in the siting of new structures in order to maximize views and sun penetration to the greatest extent possible.

(Renumbered from Sec. 103.2006 and amended 9-14-92

September 14, 1992 by O-17830 N.S.)

## SEC. 103.2013

### Exceptions to the Provisions of the Marina Planned District Regulations

A. The Centre City Development Corporation may recommend and the Redevelopment Agency may approve permit exceptions from certain limits, restrictions and controls of this Division as provided in ~~Municipal Code~~ Sections 103.2012(B)(3) and 103.2012(C).

B. Conditions under which exceptions to this division may be considered will be based on the developer's demonstration that the implementation of a proposed exception will meet the criteria described below. Application for exceptions shall be submitted concurrently with application for a Marina Planned District Permit in accordance with ~~Municipal Code~~ Section 103.2004(D) (Marina Planned District Exception Permit Process) and shall include:

1. Demonstration that the proposed exceptions implement the intent of this Marina Planned District, comply with the objectives of the Marina Urban Design Plan and Development Guidelines and are design solutions which enhance the

livability of the Marina Planned District.

2. The granting of exceptions to the Division does not adversely affect the development of the residential community.
3. The granting of an exception will have a beneficial impact on the residential community.
4. The granting of an exception will not establish an adverse precedent for the consideration of future requests for exception.
5. The design of the proposed development is distinctively San Diegan and architecturally superior. Such distinction will be evaluated against the objectives of the Marina Urban Design Plan and Development Guidelines and one or more of the following:
  - a. The degree to which the architecture characterizes the historical context of San Diego as contrasted with any other location.
  - b. Incorporation or adoption of design elements from San Diego's architectural past into the proposed development.
  - c. Innovation or creativity of the project design.

#### C. REVIEW PROCEDURES

Application for exceptions to the provisions of the Marina Planned District regulations shall follow the review procedures outlined in ~~Municipal Code~~ Section 103.2004, with the following additional requirements:

Two public hearings are required, the first before CCDC's Board of Directors and the subsequent hearing before the Redevelopment Agency. Notice shall be given at least 10 working days prior to the hearing of the time, place and purpose of the hearing in the following manner:

1. Submission of an application fee to cover the cost of noticing. The fee shall be published in the City Clerk's rate book.
2. The notice shall be prepared as required under ~~San Diego Municipal Code Chapter XI, Article 1, Division 3, as amended from time to time.~~ Land Development Code Chapter 11, Article 2, Division 3 (Notice).

\*NOTE\*(Editor's note: Supplement)

(Renumbered from Sec. 103.2007 and amended 9-14-92 by O- 17830 N.S.)(Amended 1-9-95 January 9, 1995 by O-18148 N.S.)



DIVISION 22  
SAN YSIDRO IMPLEMENTING ORDINANCE

SEC. 103.2201  
Purpose and Intent

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

(Added 10-1-90 October 1, 1990 by O-17548 N.S.)

SEC. 103.2202  
Boundaries

This division is specifically applied to areas designated on certain Map Drawing No. C-801.2, and described in the appended boundary description filed in the office of the City Clerk. (See Appendix B, Illustration 1, of San Diego Municipal Chapter X, Article 3, Division 22.)

(Added 10-1-90 by O-17548 N.S.)  
(Added 5-13-91 by O-17642 N.S.)

(Amended 4-13-93

April 13, 1993 by O-17906 N.S.)

SEC. 103.2203  
Applicable Requests

A. GENERAL PROVISIONS

1. Where not otherwise specified in this division ~~22~~, the provisions of Chapter X, Article 1, Divisions 1 through 8, 10, 11, 12 and 18; Chapter X, Article 2, and Chapter XI, Article 1 shall apply. All other provisions of Chapter X, Article 1, of the Municipal Code are superseded by the regulations set forth herein. Where there is a conflict between the provisions of Chapter X, Article 1, and the provisions of this division, the provisions of this division shall apply. 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):

EXHIBIT NO. 11

APPLICATION NO.  
City of San Diego LCPA  
#2-98C/San Ysidro  
Implementing Ordinance

5 Pages

Chapter 14, Article 2, Division 2 (Drainage Regulations);  
Chapter 14, Article 2, Division 3 (Fence Regulations);  
Chapter 14, Article 2, Division 4 (Landscaping 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);  
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 Code Regulations);  
Chapter 14, Article 6 (Electrical Code Regulations); and  
Chapter 14, Article 7 (Plumbing and Mechanical Code Regulations).

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

2. ~~Neither the Development Services Department nor the Engineering Department may issue any permit~~  
No permit may be issued for the erection, construction, establishment, or enlargement of any structure or for the occupancy of any building or structure or for the grading, subdivision or street actions for any site shown on Map Drawing No. C-801.2 in the San Ysidro community until approval by 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 San Ysidro Development Permit and/or building permit, or until the ~~Development Services Director~~ City Manager or designee determines such action may proceed independent of said permits.

3. A San Ysidro Development Permit is not required for the ~~Development Services Department to issue~~  
issuance of permits for tenant improvements and facade improvements that do not increase the square-foot floor area of the structure.

4. The procedure for application and for taking action on requests for ~~classification of use, variance,~~  
conditional use permit, subdivision, and change of street name shall be the same as set forth in ~~Chapter X, Article 1,~~  
Division 2, Division 4 and Division 5 of the Municipal Code. Land Development Code Chapter 12, Article 5  
(Subdivision Procedures) and Chapter 12, Article 6 (Development Permit Procedures).

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 ~~shall be the same as set forth in Chapter X,~~  
Article 5, Division 17, to be provided as required by the Southeast San Diego Planned District, Sections 103.1701 through Section 103.1708.

## B. MINISTERIAL REVIEW

1. Applications for building permits for additions consisting of less than 25 percent of the gross square foot floor area of the existing structure for up to 1,000 square feet and attached to the existing structure shall be made pursuant to ~~Section 91.02.0301 through Section 91.02.0304~~ Land Development Code Chapter 12, Article 9, Division 1  
(General Construction Permit Procedures and Authorities) and Chapter 12, Article 9, Division 2 (Building Permit Procedures) to the ~~Development Services Department~~ and shall be reviewed by the ~~Development Services Department~~ for conformance with the development standards of this division in accordance with Process One.

2. Additions greater than 25 percent to less than 50 percent of the gross square foot floor area of an existing structure, commercial development less than 5,000 square feet, and industrial development less than 7,000 square feet shall be reviewed by the ~~Development Services Department~~ for conformance with the development standards of this division in accordance with Process One.

### C. ADMINISTRATIVE REVIEW

The ~~Development Services Director~~ City Manager or designee may conduct further review and approve or deny an application for an exception from the provisions of the San Ysidro Implementing Ordinance in accordance with "Process Two," when the application is for limited relief in the case of new construction or remodeling which would result in a finished product (all structures on the premises) deviating 20 percent or less from applicable development regulation pertaining to: required yards or setbacks, offsetting planes, or coverage. However, the ~~Development Services Director~~ City Manager or designee shall require additional landscaping that may be feasibly placed on the site or parkway according to City-wide landscape standards, and/or other architectural features or improvements. The ~~Development Services Director~~ City Manager or designee shall in no case provide Administrative Review or approve an application for an exception from floor area ratio, height, density, amount of parking, or use. The decision of the ~~Development Services Director~~ City Manager or designee shall be based upon substantial conformance with the regulations and the purpose and intent of the San Ysidro Implementing Ordinance. The granting of a deviation shall be for the purpose of providing design flexibility resulting in a project which benefits surrounding properties and the community. The ~~Development Services Director's~~ City Manager or designee's decision may be appealed to a ~~Hearing Officer~~ the Board of Zoning Appeals in accordance with ~~Section 111.0504~~ Land Development Code Section 112.0504.

### D. SAN YSIDRO DEVELOPMENT PERMIT

#### 1. A San Ysidro Development Permit shall be required for:

- a. Additions to structures greater than or equal to 50 percent of the existing gross square foot floor area.
- b. Commercial development greater than or equal to 5,000 square feet of gross floor area.
- c. Industrial development greater than or equal to 7,000 square feet of gross floor area.
- d. Development of any project in the areas shown on Map Drawing No. C-801.2, sheet 2, with the exception of tenant improvements and facade improvements as per Section 103.2203 A.3.
- e. Mixed use projects consisting of commercial and residential development.
- f. Variances from development standards not covered in Section 103.2203(C), or requests for deviations in excess of 20 percent of standards listed in Section 103.2203(C).

2. ~~Application, including fee/deposit schedule, for a San Ysidro Development Permit shall be consistent with the Planned Commercial Development Permit (Section 101.0910) for commercial projects and with the Planned Industrial Development Permit (Section 101.0920) for industrial projects. An application for a San Ysidro 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).~~

3. An application for a San Ysidro Development Permit may be approved, conditionally approved or denied, by a "Hearing Officer", in accordance with "Process Three". The "Hearing Officer's" decision may be appealed to the Planning Commission in accordance with ~~Section 111.0506~~ Land Development Code Section 112.0506 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 a San Ysidro 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 San Ysidro Community Plan, and will not adversely affect the San Ysidro Community Plan,

the General Plan or other applicable plans adopted by the City Council;

b. The proposed development shall be compatible with existing and planned land use on adjoining properties and shall not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community shall be achieved as far as practicable;

c. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity; and

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

4. A San Ysidro Development Permit shall not be approved 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.

5. Prior to the "Hearing Officer" taking action on an application for a San Ysidro Development Permit, copies of said application shall be forwarded and reviewed by the San Ysidro Community Planning Committee. The Community Planning Committee shall provide the "Hearing Officer" with a written recommendation on said application within 30 calendar days of receipt of the proposal.

6. The San Ysidro 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.

#### E. PUBLIC FACILITIES, STRUCTURES AND AREA

All public facilities, redevelopment projects, open spaces, streets, sidewalks, street furniture, street signs, lighting installations and other incidental structures or monuments shall conform to the purpose and intent of this division, and shall be subject to the same regulations, conditions and standards established herein.

#### 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 the provisions of Section 101.0701 et seq. and the Landscape Technical Manual: Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations). All other applicable fence regulations of Section 101.0620- provisions of Land Development Code Chapter 14, Article 2, Division 3 (Fence and Wall Regulations), shall apply. Chain-link fencing may be allowed according to Section 101.0620 in accordance with Land Development Code Chapter 14, Article 2, Division 3, and for temporary security of unsafe structures or sites.

#### G. NEIGHBORHOOD FOCUS

Additional focused development criteria are established per neighborhood/special district requirements as contained in Appendix C, page 2, of Division 22 of Chapter X, Article 3: this division.

(Added "Applicable Regulations" 10-1-90 by O-17548 N.S.)

(Amended 5-13-91 by O-17642 N.S.; amended 11-23-92 by O-17870 N.S.; amended 4-13-93 by O-17906 N.S.; amended and retitled "Applicable Requests" 9-13-93 by O-17980 N.S.)

(Amended 7-25-94

July 25, 1994 by O- 18088 N.S.)

SEC. 103.2204

Commercial Zone Regulations – CSF, CSR and CT

A. ZONES AND CATEGORIES

The development and use of land within the CSF, CSR, and CT Zones shall be regulated by the provisions set forth in the Southeast San Diego Planned District regulations, Municipal Code Section 103.1707, except as otherwise stated herein. These zones shall apply as shown on Map Drawing Nos. C-801.2 and C-836.1 (~~Appendix C, page 1, San Diego Municipal Code Chapter X, Article 3, Division 22, Appendix C, page 1~~).

B. PERMITTED USES

Permitted uses shall be those listed in Municipal Code Chapter X, Article 3, Division 17 (Southeast San Diego Planned District) Section 103.1707 B, Appendix A, except as provided in ~~Appendix A of Division 22 of Chapter X, Article 3, Division 22, Appendix A~~.

(Added 10-1-90 by O-17548 N.S.)

(Amended 5-13-93 by O-17642 N.S.)

(Amended 4-12-93

April 12, 1993 by O-17906 N.S.)

