

ORDINANCE NO. _____

10608

JUN 30 1971

(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, OF THE SAN DIEGO MUNICIPAL CODE, BY REPEALING DIVISION 10, OLD SAN DIEGO ARCHITECTURAL CONTROL DISTRICT ORDINANCE, AND SECTIONS 101.1000 THROUGH 101.1008; AND AMENDING CHAPTER X, ARTICLE 3, OF THE SAN DIEGO MUNICIPAL CODE, BY ADDING THERETO DIVISION 2, OLD SAN DIEGO PLANNED DISTRICT, AND SECTIONS 103.0200 THROUGH 103.0207.5, AND REPEALING CERTAIN ZONING ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, the City Council has held a public hearing on the desirability of a Planned District for the Old San Diego Area in the City of San Diego, California, designated on that certain Map Drawing No. C-289, filed in the office of the City Clerk under Document No. 736382; and

WHEREAS, Section 103.0101 of the San Diego Municipal Code states that the purpose and intent of Planned Districts is:

1. 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 community centers.
2. To provide a method of implementing adopted plans for such areas through the adoption of appropriate controls in lieu of conventional zoning;

and

WHEREAS, the development of land in Old San Diego should be controlled so as to create an exciting and viable community capitalizing on the area's proud heritage and importance as California's birthplace and first settlement; and

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WHEREAS, the preservation of buildings, structures, and landscape having historical and/or architectural value, and/or the redevelopment of other property through appropriate construction in the Old San Diego Area in the City of San Diego would benefit the people of San Diego, the State of California, and all interested in our cultural heritage; NOW, THEREFORE,

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

Section 1. That Chapter X, Article 1, of the San Diego Municipal Code be amended by repealing Division 10, Old San Diego Architectural Control District Ordinance, and Sections 101.1000 through 101.1008, as follows:

DIVISION 10

OLD SAN DIEGO ARCHITECTURAL CONTROL DISTRICT ORDINANCE

SEC. 101.1000	OLD SAN DIEGO ARCHITECTURAL CONTROL DISTRICT - PURPOSE AND INTENT
SEC. 101.1001	SAME - OLD SAN DIEGO ARCHITECTURAL CONTROL DISTRICT - DEFINED
SEC. 101.1002	SAME - APPLICATION FOR BUILDING PERMITS
SEC. 101.1003	SAME - ARCHITECTURAL CONTROL BOARD CREATED
SEC. 101.1004	SAME - ARCHITECTURAL CONTROL BOARD POWERS AND DUTIES
SEC. 101.1005	SAME - CITY COUNCIL - APPEALS
SEC. 101.1006	SAME - DAMAGED HISTORIC STRUCTURES - REMOVAL AUTHORIZED
SEC. 101.1007	SAME - DEVIATIONS FROM BUILDING CODE ALLOWED
SEC. 101.1008	SAME - EXCEPTIONS TO ZONING REGULATIONS ALLOWED

Section 2. That Chapter X, Article 3, of the San Diego Municipal Code be amended by adding Division 2, and Sections 103.0200 through 103.0207.5, to read as follows:

DIVISION 2

OLD SAN DIEGO PLANNED DISTRICT

SEC. 103.0200 PURPOSE AND INTENT

The public health, safety, and welfare require that property in Old San Diego shall be protected from impairment in value and that the distinctive character of the Old San Diego community that existed prior to 1871 shall be retained and enhanced.

The development of land in Old San Diego should be controlled so as to create an exciting and viable community capitalizing on the area's proud heritage and importance as California's birthplace and first settlement. The proper redevelopment of Old San Diego is in keeping with the objectives and proposals of the Progress Guide and General Plan for the City of San Diego and of the Old San Diego Community Plan.

SEC. 103.0201 BOUNDARIES

The Old San Diego Planned District is within the boundaries of the Old San Diego Area in the City of San Diego, California, designated on that certain Map Drawing No. C-289 and described in the appended boundary description, filed in the office of the City Clerk under Document No. 736382.

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SEC. 103.0202

ADMINISTRATIVE REGULATIONS

The administrative regulations as defined herein shall apply in the Old San Diego Planned District.

SEC. 103.0202.1

OLD SAN DIEGO PLANNED DISTRICT REVIEW BOARD

A. OLD SAN DIEGO PLANNED DISTRICT REVIEW BOARD CREATED

1. The Architectural Control Board created by Ordinance No. 9511 (New Series) shall be redesignated the Old San Diego Planned District Review 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 year. The expiration date shall be March 1. During March of each year, the Mayor may designate one member as Chairman; however, in the absence of such designation, the Board shall, on or after April 15, select a Chairman from among its members.
2. All members shall be electors of the County of San Diego at the time of appointment and during incumbency. Members of the Board shall be persons who shall be specifically qualified by reason of training or experience in history, art, architecture, land

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development, landscape architecture, tourism, planning, or other relevant business or profession to judge the effects of a proposed development upon the desirability, property values, and development of surrounding areas. Three persons who are property owners in the Old San Diego Area shall be appointed as members of the Board. 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 Division 2 of this Article. 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 Building Inspection Director or his designated representative shall serve as Secretary of the Board as an ex officio member. 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, or on request, to the Mayor.

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B. POWERS AND DUTIES

It is the duty of the Review Board to administer and ensure compliance with the regulations and procedures contained within Division 2 of this Article in the manner prescribed herein; 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 Division 2 of this Article. The Review Board shall adopt architectural criteria and standards to be used in evaluating the appropriateness of any development for which a permit is applied under Division 2 of this Article; such architectural criteria and standards shall first have been approved by resolution of the City Council and filed in the office of the City Clerk as a numbered document. The Review Board may approve, modify, or disapprove any application for a building permit based upon its condition of compliance or noncompliance with the adopted regulations and approved criteria and standards. It shall not be the responsibility of the Review Board to prepare or adopt precise, area or community plans.

SEC. 103.0202.2 PROCEDURES FOR BUILDING PERMITS
APPLICATION AND REVIEW

A. Application for a building permit shall be made to the Building Inspection Director before the commencement of any work in the erection of any new building or structure,

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or repainting of exterior surfaces, remodeling or repair, alteration, addition to or demolition of any existing building or structure within the Planned District or any building which is relocated into the Planned District.

B. The application 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, traffic safety, or other dependency thereof; and
5. Any other information deemed necessary by the Review Board and the Building Inspection Director to judge compliance with the regulations contained herein and other applicable laws and regulations.

C. The Building Inspection Director shall refer all applications made under "A." above to the Review Board.

- D. The Review Board may approve, modify, or disapprove any application for a building permit referred to it by the Building Inspection Director. Approval or disapproval shall be by a majority vote of all of the members of the Review Board at any meeting where the vote is taken and shall include a statement that the Review Board finds that the building, structure, or improvement for which the permit was applied would or does not conform to the regulations contained herein.
- E. Within 60 days after the submission of a complete application to the Building Inspection Director as required above, the Review Board shall send its decision in writing to the Director of Building Inspection with the application and documents, except when the applicant requests or agrees to an extension of time.
- F. If the Review Board approves the application and the Building Inspection Director finds that the application conforms to all other regulations and ordinances of The City of San Diego, he shall then issue the permit for the work.
- G. All other applications made under the Building Code and not under Section 103.0202.2 or involving interior work not subject to public view from the streets or alleys of the Planned District and not subject to any regulation contained within Division 2 of this Article shall be processed in the normal manner without referral to or approval by the Review Board.

SEC. 103.0202.3 APPEALS TO THE CITY COUNCIL

- A. Any interested person may appeal from the decision of the Old San Diego Planned District Review Board to the City Council within ten days after the decision is filed with the City Clerk. The appeal shall be in writing and filed in duplicate with the City Clerk upon forms provided by the City Clerk. If an appeal is filed within the time specified, it automatically stays proceedings in the matter until a determination is made by the City Council.
- B. Upon the filing of the appeal, the City Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in Sections 103.0101 and 101.0206. The City Clerk shall send the Old San Diego Planned District Review Board a duplicate copy of the appeal and request the Board to transmit to the City Council a copy of its decision and findings, minutes of the hearing, and all other evidence, maps, papers and exhibits upon which the Review Board made its decision.
- C. Decision of the City Council. Upon the hearing of such appeal, the City Council may, by resolution, affirm, reverse, or modify, in whole or in part, any determination of the Old San Diego Planned District Review Board.

SEC. 103.0203 GENERAL REGULATIONS

The general regulations as defined herein shall apply in the Old San Diego Planned District.

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SEC. 103.0203.1

PLANNING, ZONING AND SUBDIVISION
REGULATIONS WHICH SHALL APPLY

Chapter X, Article 1, Division 1 (Definitions and Interpretations), and Chapter X, Article 2 (Subdivisions) of the Municipal Code shall apply in the Old San Diego Planned District. All other Divisions of Chapter X, Article 1, are superseded in the Old San Diego Planned District by the regulations contained within Chapter X, Article 3, Division 2.

SEC. 103.0203.2

NONCONFORMING USES

- A. The lawful use of land or buildings which existed at the time the Planned District regulations became effective and which did not conform in every respect with said regulations may be continued except when specifically prohibited provided no enlargement or additions to such use or buildings is made except as hereinafter provided.
- B. Any discontinuance of such a nonconforming use for a continuous period of 12 months shall be deemed to constitute abandonment of any nonconforming rights existing at the time of the enactment of the ordinance.
- C. Any change from a nonconforming use of land or buildings to a conforming use shall constitute abandonment of such nonconforming rights.
- D. Repairs and alterations which do not enlarge or increase the size of a nonconforming building, structure or improvement may be made provided that the aggregate value of all

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such repairs and alterations shall not exceed 100 percent of the assessed value of the building on the date the building first became a nonconforming building. The terms "repairs and alterations" do not include painting or replacement of exterior stucco siding or shingles.

- E. If any nonconforming building be destroyed by fire, explosion, act of God, or act of the public enemy to the extent of 200 percent or more of the assessed value thereof, 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 Division 2 of this Article.

SEC. 103.0204 AREA REGULATIONS

The area regulations as defined herein shall apply in the Old San Diego Planned District.

SEC. 103.0204.1 PURPOSE AND INTENT

Various areas within the Old San Diego Planned District are physically and functionally well suited for certain types of development and grouping of activities because of the area's proximity to freeway access points, nearness to the State Historic Park or topographic conditions. Therefore, it is the purpose

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and intent of AREA REGULATIONS to present those controls which reflect the unique characteristics of the various areas within the Old San Diego Planned District.

While certain groupings of uses should be encouraged or emphasized, it is not the intent that the commercial, office, commercial recreation, and residential uses should be rigidly separated. Therefore, the regulations contained herein should develop combinations of uses and structures related to the historic and visitor-oriented pattern and environment desired in Old San Diego.

It is the further intent of these regulations to discourage the following types of uses which are not considered compatible with the development goals of Old San Diego: auto parts stores, auto repair garages, auto sales offices, auto trailer parks, boat sales offices, contractors yards, hospitals, large apartments, factories, large office buildings, large printing plants, lumber yards, machine shops, mortuaries, storage warehouses, unscreened automobile service stations, unscreened drive-in establishments, used car lots and wholesale distributors stores.

SEC. 103.0204.2 AREA A REGULATIONS

A. PURPOSE AND INTENT

Area A is located in the heart of the Old San Diego Area and is adjacent to the State Historic Park, a pedestrian-oriented visitors' attraction. The purpose and intent of Area A

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is to complement the State Historic Park by encouraging small-scale, pedestrian-oriented establishments, architecturally typical of San Diego prior to 1871, which provide goods, services and entertainment. Uses such as art galleries, variety stores, gift shops, sidewalk cafes and night clubs should be encouraged to occupy the ground floor frontage. Uses such as living units and offices should also be permitted but should be located above or behind the shopper and visitor-oriented uses to avoid inactive areas at street level. It is not the intent of these regulations to permit large-scale businesses such as supermarkets and department stores or drive-in establishments. To encourage and facilitate pedestrian traffic by decreasing auto traffic within the area and to permit maximum development of parcels, required off-street parking is encouraged to locate off-premises on sites adjacent to or near Juan and Congress Streets, the primary northwest-southeast routes through the community.

B. BOUNDARIES

Area A is within the boundaries of the Old San Diego Planned District in the City of San Diego, California, designated on Map Drawing No. C-289 and described in the appended boundary description, filed in the office of the City Clerk under Document No. 736382.

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C. PERMITTED USES

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

1. The following uses are permitted provided that the ground floor area of any establishment does not exceed 10,000 square feet:
 - a. Variety stores, general stores.
 - b. Grocery stores, candy stores, bakery shops, outdoor food markets, liquor stores, wineries.
 - c. Dress shops, haberdasheries, clothing stores, tailor shops, shoe stores.
 - d. Music stores, flower shops, jewelry stores, picture frame shops.
 - e. Restaurants, sidewalk cafes, bars, night clubs, coffee houses, ice cream parlors, snackbars and other entertainment facilities.
 - f. Barber shops, beauty shops, shoe repair shops.
 - g. Art galleries, artist studios, art shops, antique shops, book stores, stationery stores, photography studios, photography shops, gift shops, newspaper and magazine shops, import shops, home furnishings shops, interior design studios.
 - h. Pet shops, sporting goods stores, drug stores.

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- i. Travel agencies, telegraph offices, banks.
 - j. Museums.
 - k. Motion picture theaters, legitimate theaters.
 - l. Handicraft shops, including woodcraft shops, leathercraft shops, metalcraft shops.
2. The following uses are permitted provided they do not occupy ground floor frontage and are located above or behind a permitted use designated above:
- a. Dwelling units, including one and two-family dwellings, apartment houses, group dwellings, multiple dwellings, boarding and lodging houses provided that there are not more than two lodgers per dwelling unit and not more than six children, including children of the operator on the same lot or premises.
 - b. Hotels and motels.
 - c. Offices for architects, landscape architects, physicians, dentists, attorneys, accountants, real estate brokers, insurance agencies, advertising agencies, contractors, engineers, surveyors, securities brokers.
 - d. Art, drama, music, dancing and language schools.
 - e. Automobile parking facilities, provided such facility is accessory to a permitted use located in Area A.

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3. Storage of merchandise, material, or equipment 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.
4. Any other use which the Planning Commission may find to be similar in character to the uses, including accessory uses, enumerated in "C." above and consistent with the purpose and intent of Area A and the Old San Diego Planned District. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

D. MINIMUM LOT AREA REGULATIONS

1. No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged, nor shall any premises be used unless the lot has a minimum area of 3,000 square feet.
2. Exception. Any lot which qualifies under the definition of a lot as set forth in the Municipal Code and which does not comply with the minimum lot area specified herein may nevertheless be used as permitted and otherwise regulated by the provisions applicable to Area A.

E. OFF-STREET PARKING REGULATIONS

1. Every premise used for one or more of the permitted uses listed in "C." above shall be provided with a minimum of off-street parking spaces, as follows:

- a. For dwelling units, 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 hotels and motels, one parking space for each guest room.
 - c. For all other permitted uses, one parking space for each 400 square feet of gross floor area.
2. Required off-street parking for uses in Area A may be located in whole or in part on nearby land provided that all of the following facts prevail:
- 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 Areas A, B or C of the Old San Diego Planned District. The 400-foot distance factor shall not apply to establishments which participate in a parking district as defined in Chapter VI, Article 1, Division 18 of the San Diego Municipal Code.
 - 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

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is located, the owner or lessee of record of the parking site shall furnish satisfactory evidence to the Review Board that he owns or has a sufficient interest in such property to provide and maintain the minimum off-street parking required by the Municipal Code. In no event shall parking facilities which are provided or maintained for a structure or use be considered as providing any of the required space for any other structure or use.

3. Where ambiguity exists in the application of these off-street parking requirements or where any use not specified in "C." above is found to be a permitted use, the off-street parking requirement shall be consistent with that for similar uses in Area A.
4. All off-street parking facilities including parking districts shall be constructed, operated and maintained in compliance with Section 103.0205.2.

SEC. 103.0204.3 AREA B REGULATIONS

A. PURPOSE AND INTENT

The purpose and intent of Area B is to encourage professional offices, financial institutions, cultural facilities, and residential units to locate in close proximity to the State

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Historic Park and the pedestrian-oriented shopping area. This area shall also accommodate selected commercial uses.

B. BOUNDARIES

Area B is within the boundaries of the Old San Diego Planned District in the City of San Diego, California, designated on Map Drawing No. C-289 and described in the appended boundary description, filed in the office of the City Clerk under Document No. 736382.

C. PERMITTED USES

In Area B, 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. The following uses are permitted provided that the ground floor area of any establishment does not exceed 10,000 square feet:
 - a. Those uses enumerated in paragraph "C.1.," Section 103.0204.2.
 - b. Offices for architects, landscape architects, physicians, dentists, attorneys, accountants, real estate brokers, insurance agencies, advertising agencies, contractors, engineers, surveyors, securities brokers.
 - c. Savings and loan associations.
 - d. Laundries, dry cleaners, including self-service.

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- e. Bicycle sales and repair shops.
2. Cultural centers, meeting halls.
 3. Churches.
 4. Dwelling units, including one and two-family dwellings, apartment houses, group dwellings, multiple dwellings, boarding and lodging houses provided that there are not more than two lodgers per dwelling unit and not more than six children, including children of the operator on the same lot or premises.
 5. Hotels, motels.
 6. Automobile parking facilities.
 7. In addition to any other use permitted in Area B, the existing elementary school shall be permitted in that area bounded by Jefferson Street, Conde Street, Congress Street and Ampudia Street.
 8. Storage of merchandise, material or equipment 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.
 9. Any other use which the Planning Commission may find to be similar in character to the uses, including accessory uses, enumerated in "C." above and consistent with the purpose and intent of Area B and

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the Old San Diego Planned District. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

D. DENSITY REGULATION

No lot shall be occupied by more than one dwelling unit for each 1,000 square feet of lot area.

E. MINIMUM LOT AREA REGULATIONS

1. No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged nor shall any premises be used unless the lot has a minimum area of 5,000 square feet.
2. Exception. Any lot which qualifies under the definition of a lot as set forth in the Municipal Code and which does not comply with the minimum lot area specified herein may nevertheless be used as permitted and otherwise regulated by the provisions applicable to Area B.

F. OFF-STREET PARKING REGULATIONS

1. Every premise used for one or more of the permitted uses listed in "C." above, shall be provided with a minimum of off-street parking spaces on the same lot or premise as follows:
 - a. For dwelling units, 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.

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- b. For hotels and motels, one parking space for each guest room.
 - c. For each 100 square feet of floor area used for dining, dancing, or the serving of drinks, at least one parking space. When subject facilities are accessory to a hotel or motel, one parking space for each 150 square feet of floor area used for dining, dancing, or the serving of drinks.
 - d. For theaters, churches, meeting halls, one parking space for each three fixed seats, or one parking space for each 21 square feet of floor area where there are no fixed seats.
 - e. For kindergarten, primary and elementary schools, one and one-half parking spaces for each classroom when the school has no auditorium, gymnasium, or other similar place for public assembly; or one parking space for each 35 square feet of floor area used for seating in the school auditorium, gymnasium, or similar place of assembly, whichever is greater.
 - f. For all other permitted uses, one parking space for each 400 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 "C." above is found to be a permitted use,

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the off-street parking requirements shall be consistent with that for similar uses in Area B.

3. All off-street parking facilities shall be constructed, operated and maintained in compliance with Section 103.0205.2.

SEC. 103.0204.4 AREA C REGULATIONS

A. PURPOSE AND INTENT

The purpose and intent of Area C is to accommodate auto-oriented activities such as inns, hotels, motels, restaurants, offices and limited accessory uses such as shops and services on the periphery of Old San Diego and at the major ingress and egress points to the community.

B. BOUNDARIES

Area C is within the boundaries of the Old San Diego Planned District in the City of San Diego, California, designated on Map Drawing No. C-289 and described in the appended boundary description, filed in the office of the City Clerk under Document No. 736382.

C. PERMITTED USES

In Area C, 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. Hotels and motels.

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2. Business services customarily catering to hotel and motel guests, provided such accessory uses shall be located in the same complex as the hotel or motel and provided the combined gross floor area of all accessory uses shall not exceed 25 percent of the gross floor area of all uses on the premises. These uses may include sales of newspapers and magazines; sales of tobacco and packaged liquor; barber and beauty shops; florists and gift shops; agencies for laundering, dry cleaning and pressing; agencies for tickets, travel and car rentals.
3. Restaurants and accessory bar with incidental entertainment and dancing.
4. Automobile service stations provided such premises (excluding ingress and egress but including areas between driveways) are screened from public rights-of-way and adjoining properties by fences, walls, buildings, planting or a combination thereof which shall have a height of not less than six feet, except that higher than six-foot fences, walls, buildings, or planting may be required to provide adequate screening if the adjoining property is substantially higher than the service station site; and also provided that driveways serving the premises do not exceed a width of 30 feet measured

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at the property line and are not less than 31 feet apart measured at the property line.

5. Dwelling units, including one and two-family dwellings, apartment houses, group dwellings, multiple dwellings, boarding and lodging houses provided that there are no more than two lodgers per dwelling unit and not more than six children, including children of the operator on the same lot or premises.
6. Offices for architects, landscape architects, physicians, dentists, attorneys, accountants, real estate brokers, insurance agencies, advertising agencies, contractors, engineers, surveyors, securities brokers.
7. Automobile parking facilities.
8. Storage of merchandise, material or equipment 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.
9. Any other use which the Planning Commission may find to be similar in character to the uses, including accessory uses, enumerated in "C." above and consistent with the purpose and intent of Area C and the Old San Diego Planned District. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

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D. DENSITY REGULATION

No lot shall be occupied by more than one dwelling unit for each 1,000 square feet of lot area.

E. MINIMUM LOT AREA REGULATIONS

1. No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged, nor shall any premises be used unless the lot has a minimum area of 10,000 square feet.
2. Exception. Any lot which qualifies under the definition of a lot as set forth in the Municipal Code and which does not comply with the minimum lot area specified herein may nevertheless be used as permitted and otherwise regulated by the provisions applicable to Area C.

F. OFF-STREET PARKING REGULATIONS

1. Every premise used for one or more of the permitted uses listed in "C." above shall be provided with a minimum of off-street parking spaces on the same lot or premise as follows:
 - a. For dwelling units, 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 hotels and motels, one parking space for each guest room.

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- c. For each 100 square feet of floor area used for dining, dancing, or the serving of drinks, at least one parking space. When subject facilities are accessory to a hotel or motel, one parking space for each 150 square feet of floor area used for dining, dancing, or the serving of drinks.
 - d. For service stations, at least three parking spaces for employees and one parking space for each service bay.
 - e. For offices, one parking space for each 400 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 "C." above is found to be a permitted use, the off-street parking requirements shall be consistent with that for similar uses in Area C.
3. All off-street parking facilities shall be constructed, operated and maintained in compliance with Section 103.0205.2.

SEC. 103.0204.5 AREA D REGULATIONS

A. PURPOSE AND INTENT

The purpose and intent of Area D is to encourage residential uses adjoining an established residential development in Mission Hills. The area, which consists mostly of steep hillside, should contain a variety of housing types, but maximum densities should not exceed forty units per net acre.

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B. BOUNDARIES

Area D is within the boundaries of the Old San Diego Planned District in the City of San Diego, California designated on Map Drawing No. C-289 and described in the appended boundary description, filed in the office of the City Clerk under Document No. 736382.

C. PERMITTED USES

In Area D, 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. Dwelling units, including one and two-family dwellings, apartment houses, group dwellings, multiple dwellings, boarding and lodging houses provided that there are not more than two lodgers per dwelling unit and not more than six children, including children of the operator, on the same lot or premises.
2. Churches.
3. Storage of material or equipment 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.
4. Any other use which the Planning Commission may find to be similar in character to the uses,

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including accessory uses, enumerated in "C." above and consistent with the purpose and intent of Area D and the Old San Diego Planned District. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

D. DENSITY REGULATION

No lot shall be occupied by more than one dwelling unit for each 1,000 square feet of lot area.

E. MINIMUM LOT AREA REGULATIONS

1. No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged, nor shall any premises be used unless the lot has a minimum area of 5,000 square feet.
2. Exception. Any lot which qualifies under the definition of a lot as set forth in the Municipal Code and which does not comply with the minimum lot area specified herein may nevertheless be used as permitted and otherwise regulated by the provisions applicable to Area D.

F. MAXIMUM COVERAGE REGULATION

Lot coverage shall not exceed 60 percent of the lot area.

G. OFF-STREET PARKING REGULATIONS

1. Every premise used for one or more of the permitted uses listed in "C." above shall be provided with a minimum of off-street parking spaces on the same lot or premise as follows:

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- a. For dwelling units, 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 churches, one parking space for each three fixed seats, or one parking space for each 21 square feet of floor area where there are no fixed seats.
2. Where ambiguity exists in the application of these off-street parking requirements, or where any use not specified in "C." above is found to be a permitted use, the off-street parking requirements shall be consistent with that for similar uses in Area D.
 3. All off-street parking facilities shall be constructed, operated and maintained in compliance with Section 103.0205.2.

SEC. 103.0204.6 STATE HISTORIC PARK REGULATIONS

A. PURPOSE AND INTENT

It is the intent of the State Historic Park to encourage development which strongly reflects the character of San Diego from its founding to 1871 by preserving, restoring, and re-creating historic sites, structures and activities on the original site of the town. The area should not be developed solely as a museum but as a living, viable community. Commerce

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and other activities historically associated with San Diego prior to 1871 should be an integral part of the State Historic Park.

B. BOUNDARIES

The State Historic Park is within the boundaries of the Old San Diego Planned District in the City of San Diego, California, designated on Map Drawing No. C-289 and described in the appended boundary description, filed in the office of the City Clerk under Document No. 736382.

C. PERMITTED USES

In the area defined in "B." above, no building or improvement or portion thereof shall be erected, constructed, established, altered, or enlarged, nor shall any premises be used except for a State Historic Park.

SEC. 103.0204.7 PRESIDIO PARK AREA REGULATIONS

A. PURPOSE AND INTENT

Presidio Park Area contains the historic sites of Fort Stockton and the Presidio, both of which preceded the first developments in Old San Diego by a few years, and the Serra Museum which houses many artifacts of early San Diego and the Southwest. The park also offers both active and passive recreation facilities for use by local as well as city-wide residents. It is the intent that Presidio Park Area continue to provide historic and recreation facilities and that such facilities be fully integrated and consistent with the historic atmosphere

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being fostered in the adjacent State Historic Park and elsewhere in the community.

B. BOUNDARIES

Presidio Park Area is within the boundaries of the Old San Diego Planned District in the City of San Diego, California, designated on Map Drawing No. C-289 and described in the appended boundary description, filed in the office of the City Clerk under Document No. 736382.

C. PERMITTED USES

In the area defined in "B." above, no building or improvement or portion thereof shall be erected, constructed, converted, established, altered, or enlarged, nor shall any premises be used except for parks and recreation.

SEC. 103.0205 PARKING AND CIRCULATION REGULATIONS

The parking and circulation regulations as defined herein shall apply in the Old San Diego Planned District.

SEC. 103.0205.1 PURPOSE AND INTENT

The regulations contained herein shall provide an adequate parking and circulation system to accommodate the anticipated growth of the Old San Diego Area as a prime visitor center of San Diego by implementing the various objectives and proposals of the Old San Diego Community Plan.

SEC. 103.0205.2 OFF-STREET PARKING CONSTRUCTION,
MAINTENANCE AND OPERATION REGULATIONS

The following off-street parking construction, maintenance

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and operation regulations shall apply to all parking in the Old San Diego 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 Planning Department. Off-street parking shall also be in substantial conformance with the Architectural Controls as specified within Division 2 of this Article. Substantial conformance shall be determined by the Old San Diego Planned District Review Board; said determination shall be subject to appeal in the manner set forth in Section 103.0202.3.

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 Division 2 of this Article, 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.

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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 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. REQUIPEMENTS 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. BEDROOMS DEFINED

For the purpose of calculating off-street parking requirements for dwelling units, the following shall be considered as bedrooms if they contain 90 square feet or more of superficial floor area:

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1. Living rooms in studio, bachelor and efficiency apartments containing no bedrooms.
2. Dens.
3. Studies.
4. Family rooms.
5. Studios.

G. 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.

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H. 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.

I. 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.

J. 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.

K. DIMENSIONS

Parking spaces shall have a minimum width of eight and one-half feet and a minimum depth of 20 feet.

L. ACCESS

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. All required parking facilities shall have convenient access to a public street or alley. Driveways shall not exceed a width of 30 feet measured at the property line and there shall

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be no less than 31 feet measured at the property line between driveways serving the same premises.

M. 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.

N. LIGHTING

Any artificial lighting shall be shaded so as not to fall on adjacent properties.

O. 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 a six-inch square horizontal timber permanently anchored and located so as to confine vehicles entirely within said premises.

P. PARKING PROHIBITED

Off-street parking spaces shall not be located in any area lying between the public street and a setback line.

Q. 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 or planting shall have a height of not less than six feet except that higher than six-foot fences, walls,

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buildings or planting may be required to provide adequate screening if the adjoining property is substantially higher than the parking area.

R. LANDSCAPING

A minimum area of two percent of the interior parking lots containing more than 20 parking spaces shall be landscaped and provided with an adequate permanent underground watering system. This requirement is in addition to planting used for screening as permitted above. A site plan of interior landscaping and planting used for screening shall be submitted to the Review Board for approval prior to installation of any plant material. Landscaping and required watering systems shall be installed prior to the use of the parking lot. 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.

SEC. 103.0205.3 CONGRESS STREET SETBACK

A five-foot setback shall be established along each side of Congress Street, between San Diego Avenue and Wallace Street, to provide for possible future street widening.

SEC. 103.0206 ARCHITECTURAL CONTROL REGULATIONS

The architectural control regulations as defined herein shall apply in the Old San Diego Planned District.

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SEC. 103.0206.1 PURPOSE AND INTENT

The development of land in the Old San Diego Planned District should be controlled in order to develop the unique, distinctive character and atmosphere of Old San Diego prior to 1871. It is necessary to impose reasonable restrictions upon erection of new buildings and structures and the alteration of existing and relocated buildings and structures. The regulations contained within Section 103.0206 are intended as a continuation of the Architectural Controls adopted on September 27, 1966 by Ordinance No. 9511 (New Series).

SEC. 103.0206.2 FORMS, MATERIALS, TEXTURES, COLORS AND HEIGHT OF STRUCTURES AND LANDSCAPING

Forms, materials, textures, colors and height of structures shall be in general accord with the appearance of structures built in Old San Diego prior to 1871. To this end, they shall be in general accord with the designs prevailing during the principal recognized Old San Diego historical periods, commonly known as the Spanish period, Mexican period and American period as exemplified but not limited to the following existing structures:

Casa Estudillo	4000 Mason Street
Casa de Machado	2745 San Diego Avenue
Casa de Bandini	2660 Calhoun Street
Altamarino House	2626 San Diego Avenue
Casa de Pedrorrena	2616 San Diego Avenue

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Whaley House	2482 San Diego Avenue
Pendleton House	4017 Harney Street
Gatewood House	2525 San Diego Avenue

Amplified and illustrated criteria for forms, materials, textures, colors, and height of structures and landscaping were approved September 12, 1967 by Resolution No. 191556 of the City Council and filed in the office of the City Clerk as Document No. 715752. Said resolution shall apply in the Old San Diego Planned District except that the Old San Diego Planned District Review Board shall assume the powers and duties of the Architectural Control Board. Changes or additions to the criteria used in evaluating the appropriateness of forms, materials, textures, colors, and height of structures and landscaping may be adopted by the Review Board; such criteria shall first have been approved by resolution of the City Council and filed in the office of the City Clerk as a numbered document.

SEC. 103.0206.3¹ SIGNS

- A. The structure, content, lettering, location, size, number, illumination, color, projection and other characteristics of all signs in the Old San Diego Planned District shall be subject to the criteria and standards approved March 26, 1968 by Resolution No. 193272 of the City Council and filed in the office of the City Clerk as Document No. 722068 except that the Old San Diego Planned District Review

Board shall assume the powers and duties of the Architectural Control Board.

- B. Within three years from the effective date of Resolution No. 193272 all signs in the Old San Diego Planned District which do not conform to the approved regulations, criteria and standards shall be altered to comply or shall be removed.
- C. Changes or additions to the criteria and standards to be used in evaluating the appropriateness of any signs may be adopted by the Review Board; such criteria and standards shall first have been approved by resolution of the City Council and filed in the office of the City Clerk as a numbered document.

SEC. 103.0206.4 PUBLIC FACILITIES, STRUCTURES AND AREAS

All open spaces, streets, sidewalks, street furniture, street signs, lighting installations, and any incidental structures or monuments, shall conform to the intent of Division 2 of this Article which is to re-create the history of the character of Old San Diego in general accord with the period prior to 1871 and shall be subject to the same regulations, conditions and standards established herein.

SEC. 103.0207 REGULATIONS FOR HISTORIC AND
ARCHITECTURALLY SIGNIFICANT STRUCTURES

The regulations as defined herein for historic and architecturally significant structures shall apply in the Old San Diego Planned District.

SEC. 103.0207.1 PURPOSE AND INTENT

The provisions contained herein are intended to permit and encourage in Old San Diego the preservation and restoration of buildings, structures and sites having historic or architectural value for the benefit of the people of San Diego, the State of California and all interested in the record of the progress of western civilization.

SEC. 103.0207.2 RELOCATION OF HISTORIC BUILDINGS

Historic and/or architecturally significant buildings, as determined by the Historical Site Board, may be relocated into the Old San Diego Area. Relocation of such buildings shall be first authorized by permits issued by the Inspection Department as provided in Chapter IX, Article 1, of the Municipal Code. Upon receipt of an application for permit to relocate such a building, the Building Inspection Director shall refer the application to the Old San Diego Planned District Review Board for review and approval as provided in Section 103.0202.2. Any building approved for relocation into the Old San Diego District shall be subject to all the exceptions and other provisions contained herein.

SEC. 103.0207.3 EXCEPTIONS TO OLD SAN DIEGO
PLANNED DISTRICT REGULATIONS

- A. Section 103.0203.2, paragraphs "B." through "E.," concerning alterations of nonconforming uses, shall not apply to historic or architecturally significant buildings, structures, or sites as designated by the Historical Site Board.

B. The Old San Diego Planned District Review Board shall have the power to grant an exception to any regulation within Division 2 of this Article including permitted uses, when such exception is necessary to permit the preservation or restoration of a historic or architecturally significant building, structure or site. Such exception shall be subject to the following conditions:

1. The subject building, structure or site must be identified by the Historical Site Board as being historic or architecturally significant;
2. The proposed exception shall be referred to the Planning Department for a report and recommendation;
3. The Old San Diego Planned District Review Board, in granting an exception, shall make a finding that the exception is necessary to permit the preservation or restoration of a historic or architecturally significant building, structure or site; that strict application of the provisions contained within Division 2 of this Article would result in economic or other practical difficulties in securing the preservation or restoration of a historic or architecturally significant building, structure or site; and that the granting of an exception will not be injurious to the community or detrimental to the public welfare; and

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4. In granting any exception the Review Board shall make a written finding which shall specify facts relied upon in rendering its decision. A copy of this written finding, together with all evidence presented to the Board, including plans required elsewhere in Division 2 of this Article shall be filed with the Review Board's decision in the office of the City Clerk, the Department of Building Inspection and the Planning Department. The written finding and decision shall be mailed to the applicant and shall be subject to appeal by any interested person in the manner as provided in Section 103.0202.3.

SEC. 103.0207.4 DEVIATIONS FROM BUILDING CODE ALLOWED

Notwithstanding the provisions of this ordinance or any other ordinance, it shall be lawful in the Old San Diego Planned District to repair, remodel or restore all historic or architecturally significant buildings or structures designated by the Historical Site Board in the same manner and with the same kind or similar materials with which they were originally constructed, provided that such building or structure shall be approved by the Old San Diego Planned District Review Board and the Building Inspection Director and such building or structure shall be safe and not hazardous to its occupants or the public.

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The Old San Diego Planned District Review Board and the Building Inspection Director shall require such repairs, modifications, and/or improvements to the building or structure as conditions to the permit, as are deemed necessary to preserve the architectural and historic character and provide minimum life and fire safety. Requirements of the Review Board and the Building Inspection Director may be appealed to the City Council as provided by Section 103.0202.3.

SEC. 103.0207.5 REMOVAL OF DAMAGED HISTORIC STRUCTURES

In the event any building or structure of architectural or historic value or interest shall be damaged by earthquake, fire, or act of God to such an extent that in the opinion of the Review Board it cannot reasonably be repaired and restored, the same may be removed upon issuance of a permit for said removal.

Section 3. The following Ordinances of The City of San Diego which rezoned all or portions of the area within the Old San Diego Planned District be, and they are hereby repealed insofar as they conflict herewith:

Ordinance No. 12990	approved October 20, 1930
Ordinance No. 1356 (New Series)	adopted April 12, 1938
Ordinance No. 2090 (New Series)	adopted March 25, 1941
Ordinance No. 1947 (New Series)	adopted October 1, 1940
Ordinance No. 3062 (New Series)	adopted September 11, 1945

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Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By Frederick C. Conrad
Frederick C. Conrad, Deputy

FCC:cav
6/7/71

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APR 28 1978

Passed and adopted by the Council of The City of San Diego on JUN 30 1971,
by the following vote:

RECEIVED
CITY CLERK'S OFFICE
1971 JUN -8 PM 4:00
SAN DIEGO, CALIF.

Councilmen	Yeas	Nays	Excused	Absent
Helen Cobb	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam T. Loftin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floyd L. Morrow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Schaefer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Frank Curran	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

FRANK CURRAN

Mayor of The City of San Diego, California.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

(Seal)

By Elfa D. Hamel, Deputy.

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

JUN 15 1971

JUN 30 1971

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

(Seal)

By Elfa D. Hamel, Deputy.

Office of the City Clerk, San Diego, California

Ordinance
Number

10608

Adopted

JUN 30 1971

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ATTORNEY (S)

- City of San Diego
202 "C" Street
Community Concourse
San Diego, California 92101

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

PLANNED DISTRICTS

RECEIVED
CITY CLERK'S OFFICE
1971 JUL 26 PM 4:47
SAN DIEGO, CALIF.

I, Patricia M. Applestill hereby certify that The Daily Transcript is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the principal clerk of said newspaper; that the

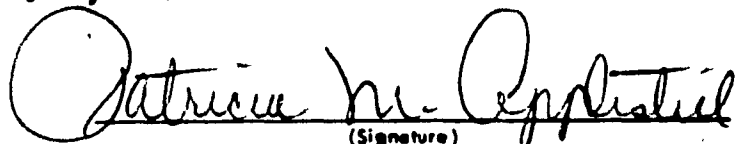
ORDINANCE NO. 10608 (NEW SERIES)

to a true and correct copy of which this certificate is annexed was published in said newspaper on

July 8, 1971

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on

July 8, 1971


(Signature)

170 3/4" \$717.15

ORDINANCE NO. 1088
CITY OF SAN DIEGO

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, OF THE SAN DIEGO MUNICIPAL CODE, BY REPEALING DIVISION 10, OLD SAN DIEGO ARCHITECTURAL CONTROL DISTRICT ORDINANCE, AND SECTIONS 101.1000 THROUGH 101.1008; AND AMENDING CHAPTER X, ARTICLE 3, OF THE SAN DIEGO MUNICIPAL CODE, BY ADDING THERETO DIVISION 2, OLD SAN DIEGO PLANNED DISTRICT, AND SECTIONS 103.0200 THROUGH 103.0207.5, AND REPEALING CERTAIN ZONING ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, the City Council has held a public hearing on the desirability of a Planned District for the Old San Diego Area in the City of San Diego, California, designated on that certain Map Drawing No. C-289, filed in the office of the City Clerk under Document No. 736382; and

WHEREAS, Section 103.0101 of the San Diego Municipal Code states that the purpose and intent of Planned Districts is:

1. 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 community centers.
2. To provide a method of implementing adopted plans for such areas through the adoption of appropriate controls in lieu of conventional zoning;

and

WHEREAS, the development of land in Old San Diego should be controlled so as to create an exciting and viable community capitalizing on the area's proud heritage and importance as California's birthplace and first settlement; and

WHEREAS, the preservation of buildings, structures, and landscape having historical and/or architectural value, and/or the redevelopment of other property through appropriate construction in the Old San Diego Area in the City of San Diego would benefit the people of San Diego, the State of California, and all interested in our cultural heritage; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows: Section 1. That Chapter X, Article 1, of the San Diego Municipal Code be amended by repealing Division 10, Old San Diego Architectural Control District Ordinance, and Sections 101.1000 through 101.1008, as follows:

DIVISION 10

OLD SAN DIEGO ARCHITECTURAL CONTROL DISTRICT ORDINANCE

SEC. 101.1000 OLD SAN DIEGO ARCHITECTURAL CONTROL

DISTRICT — PURPOSE AND INTENT

SEC. 101.1001 SAME — OLD SAN DIEGO ARCHITECTURAL CONTROL

DISTRICT — DEFINED

SEC. 101.1002 SAME — APPLICATION FOR BUILDING PERMITS

SEC. 101.1003 SAME — ARCHITECTURAL CONTROL BOARD CREATED

SEC. 101.1004 SAME — ARCHITECTURAL CONTROL BOARD POWERS

AND DUTIES

SEC. 101.1005 SAME — CITY COUNCIL — APPEALS

SEC. 101.1006 SAME — DAMAGED HISTORIC STRUCTURES —

REMOVAL AUTHORIZED

SEC. 101.1007 SAME — DEVIATIONS FROM BUILDING CODE

ALLOWED

SEC. 101.1008 SAME — EXCEPTIONS TO ZONING REGULATIONS

ALLOWED

Section 2. That Chapter X, Article 3, of the San Diego Municipal Code be amended by adding Division 2, and Sections 103.0200 through 103.0207.5, to read as follows:

DIVISION 2

OLD SAN DIEGO PLANNED DISTRICT

SEC. 103.0200 PURPOSE AND INTENT

The public health, safety, and welfare require that property in Old San Diego shall be protected from impairment in value and that the distinctive character of the Old San Diego community that existed prior to 1871 shall be retained and enhanced.

The development of land in Old San Diego should be controlled so as to create an exciting and viable community capitalizing on the area's proud heritage and importance as California's birthplace and first settlement. The proper redevelopment of Old San Diego is in keeping with the objectives and proposals of the Progress Guide and General Plan for the City of San Diego, and of the Old San Diego Community Plan.

SEC. 103.0201 BOUNDARIES

The Old San Diego Planned District is within the boundaries of the Old San Diego Area in the City of San Diego, California, designated on that certain Map Drawing No. C-289 and described in the appended boundary description, filed in the office of the City Clerk under Document No. 736382.

SEC. 103.0202 ADMINISTRATIVE REGULATIONS

The administrative regulations as defined herein shall apply in the Old San Diego Planned District.

SEC. 103.0202.1 OLD SAN DIEGO PLANNED DISTRICT REVIEW BOARD

A. OLD SAN DIEGO PLANNED DISTRICT REVIEW BOARD CREATED

1. The Architectural Control Board created by Ordinance No. 9511 (New Series) shall be redesignated the Old San Diego Planned District Review 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 year. The expiration date shall be March 1. During March of each year, the Mayor may designate one member as Chairman; however, in the absence of such designation, the Board shall, on or after April 15, select a Chairman from among its members.

2. All members shall be electors of the County of San Diego at the time of appointment and during incumbency. Members of the Board shall be persons who shall be specifically qualified by reason of training or experience in history, art, architecture, land development, landscape architecture, tourism, planning, or other relevant business or profession to judge the effects of a proposed development upon the desirability, property values, and development of surrounding areas. Three persons who are property owners in the Old San Diego Area shall be appointed as members of the Board. 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 Division 2 of this Article. Four members shall constitute a quorum for the transaction of business. The Board may, by a majority vote, and not less than five members, suspend or expel any member who fails to make any bona fide effort to

4. The Building Inspection Director or his designated representative shall serve as Secretary of the Board and shall be a member. The Secretary shall not be entitled to vote on any matter.

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, or on request, to the Mayor.

B. POWERS AND DUTIES

It is the duty of the Review Board to administer and ensure compliance with the regulations and procedures contained within Division 2 of this Article in the manner prescribed herein; 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 Division 2 of this Article. The Review Board shall adopt architectural criteria and standards to be used in evaluating the appropriateness of any development for which a permit is applied under Division 2 of this Article; such architectural criteria and standards shall first have been approved by resolution of the City Council and filed in the office of the City Clerk as a numbered document. The Review Board may approve, modify, or disapprove any application for a building permit based upon its condition of compliance or noncompliance with the adopted regulations and approved criteria and standards. It shall not be the responsibility of the Review Board to prepare or adopt precise area or community plans.

SEC. 103.0202.2 PROCEDURES FOR BUILDING PERMITS

APPLICATION AND REVIEW

A. Application for a building permit shall be made to the Building Inspection Director before the commencement of any work in the erection of any new building or structure, or repainting of exterior surfaces, remodeling or repair, alteration, addition to or demolition of any existing building or structure within the Planned District or any building which is relocated into the Planned District.

B. The application 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, traffic safety, or other dependency thereof; and
5. Any other information deemed necessary by the Review Board and the Building Inspection Director to judge compliance with the regulations contained herein and other applicable laws and regulations.

C. The Building Inspection Director shall refer all applications made under "A." above to the Review Board.

D. The Review Board may approve, modify, or disapprove any application for a building permit referred to it by the Building Inspection Director. Approval or disapproval shall be by a majority vote of all of the members of the Review Board at any meeting where the vote is taken and shall include a statement that the Review Board finds that the building, structure, or improvement for which the permit was applied would or does not conform to the regulations contained herein.

E. Within 60 days after the submission of a complete application to the Building Inspection Director as required above, the Review Board shall send its decision in writing to the Director of Building Inspection with the application and documents, except when the applicant requests or agrees to an extension of time.

F. If the Review Board approves the application and the Building Inspection Director finds that the application conforms to all other regulations and ordinances of The City of San Diego, he shall then issue the permit for the work.

G. All other applications made under the Building Code and not under Section 103.0202.2 or involving interior work not subject to public view from the streets or alleys of the Planned District and not subject to any regulation contained within Division 2 of this Article shall be processed in the normal manner without referral to or approval by the Review Board.

SEC. 103.0202.3 APPEALS TO THE CITY COUNCIL

A. Any interested person may appeal from the decision of the Old San Diego Planned District Review Board to the City Council within ten days after the decision is filed with the City Clerk. The appeal shall be in writing and filed in duplicate with the City Clerk upon forms provided by the City Clerk. If an appeal is filed within the time specified, it automatically stays proceedings in the matter until a determination is made by the City Council.

B. Upon the filing of the appeal, the City Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in Sections 103.0101 and 101.0206. The City Clerk shall send the Old San Diego Planned District Review Board a duplicate copy of the appeal and request the Board to transmit to the City Council a copy of its decision and findings, minutes of the hearing, and all other evidence, maps, papers and exhibits upon which the Review Board made its decision.

C. Decision of the City Council. Upon the hearing of such appeal, the City Council may, by resolution, affirm, reverse, or modify, in whole or in part, any determination of the Old San Diego Planned District Review Board.

SEC. 103.0203 GENERAL REGULATIONS

The general regulations as defined herein shall apply in the Old San Diego Planned District.

SEC. 103.0203.1 PLANNING, ZONING AND SUBDIVISION REGULATIONS WHICH SHALL APPLY

Chapter X, Article 1, Division 1 (Definitions and Interpretations), and Chapter X, Article 2 (Subdivisions) of the Municipal Code shall apply in the Old San Diego Planned District. All other Divisions of Chapter X, Article 1, are superseded in the Old San Diego Planned District by the regulations contained within Chapter X, Article 3, Division 2.

SEC. 103.0203.2 NONCONFORMING USES

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

B. Any discontinuance of such a nonconforming use for a continuous period of 12 months shall be deemed to constitute abandonment of any nonconforming rights existing at the time of the enactment of

Repairs and alterations which do not enlarge or increase the use of a nonconforming building structure or improvement shall be made provided that the aggregate value of all such repairs and alterations shall not exceed 100 percent of the assessed value of the building on the date the building first became a nonconforming building. The terms "repairs and alterations" do not include painting or replacement of exterior stucco siding or shingles.

E. If any nonconforming building be destroyed by fire, explosion, act of God, or act of the public enemy to the extent of 200 percent or more of the assessed value thereof, according to the assessment thereof by the County Assessor, for the place, year, during which such destruction occurs, then the building, structure, or improvement shall be deemed to have been destroyed on the date on which such building was destroyed or maintained shall from and after the date of such destruction be subject to all the regulations of Division 2 of this Article.

SEC. 103.0204 AREA REGULATIONS

The area regulations as defined herein shall apply in the Old San Diego Planned District.

SEC. 103.0204.1 PURPOSE AND INTENT

Various areas within the Old San Diego Planned District are physically and functionally well suited for certain types of development and grouping of activities because of the area's proximity to freeway access points, nearness to the State Historic Park or topographic conditions. Therefore, it is the purpose and intent of AREA REGULATIONS to present those controls which reflect the unique characteristics of the various areas within the Old San Diego Planned District.

While certain groupings of uses should be encouraged or emphasized, it is not the intent that the commercial, office, commercial recreation, and residential uses should be rigidly separated. Therefore, the regulations contained herein should develop combinations of uses and structures related to the historic and visitor-oriented pattern and environment desired in Old San Diego.

It is the further intent of these regulations to discourage the following types of uses which are not considered compatible with the development goals of Old San Diego: auto parts stores, auto repair garages, auto sales offices, auto trailer parks, boat sales offices, contractors yards, hospitals, large apartments, factories, large office buildings, large printing plants, lumber yards, machine shops, mortuaries, storage warehouses, unscreened automobile service stations, unscreened drive-in establishments, used car lots and wholesale distributors stores.

SEC. 103.0204.2 AREA A REGULATIONS

A. PURPOSE AND INTENT

Area A is located in the heart of the Old San Diego Area and is adjacent to the State Historic Park, a pedestrian-oriented visitors' attraction. The purpose and intent of Area A is to complement the State Historic Park by encouraging small-scale, pedestrian-oriented establishments, architecturally typical of San Diego prior to 1917, which provide goods, services and entertainment. Uses such as art galleries, variety stores, shops, sidewalk cafes and night clubs should be encouraged to occupy the ground floor frontage. Uses such as living units and offices should also be permitted but should be located above or behind the shopper and visitor-oriented uses to avoid inactive areas at street level. It is not the intent of these regulations to permit large-scale businesses such as supermarkets and department stores or drive-in establishments. To encourage and facilitate pedestrian traffic by decreasing auto traffic within the area and to permit maximum development of parcels, required off-street parking is encouraged to locate off-premises on sites adjacent to or near Juan and Congress Streets, the primary northwest-southeast route through the community.

B. BOUNDARIES

Area A is within the boundaries of the Old San Diego Planned District in the City of San Diego, California, designated on Map Drawing No. C-289 and described in the appended boundary description, filed in the office of the City Clerk under Document No. 738382.

C. PERMITTED USES

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

1. The following uses are permitted provided that the ground floor area of any establishment does not exceed 10,000 square feet:
 - a. Variety stores, general stores.
 - b. Grocery stores, candy stores, bakery shops, outdoor food markets, liquor stores, wineries.
 - c. Dress shops, haberdasheries, clothing stores, tailor shops, shoe stores.
 - d. Music stores, flower shops, jewelry stores, picture frame shops.
 - e. Restaurants, sidewalk cafes, bars, night clubs, coffee houses, ice cream parlors, snackbars and other entertainment facilities.
 - f. Barber shops, beauty shops, shoe repair shops.
 - g. Art galleries, artist studios, art shops, antique shops, book stores, stationery stores, photography studios, photography shops, gift shops, newspaper and magazine shops, import shops, home furnishings shops, interior design studios.
 - h. Pet shops, sporting goods stores, drug stores.
 - i. Travel agencies, telegraph offices, banks.
 - j. Museums.
 - k. Motion picture theaters, legitimate theaters.
 - l. Handicraft shops, including woodcraft shops, leathercraft shops, metalcraft shops.
2. The following uses are permitted provided they do not occupy ground floor frontage and are located above or behind a permitted use designated above:
 - a. Dwelling units, including one and two-family dwellings, apartment houses, group dwellings, multiple dwellings, boarding and lodging houses provided that there are not more than two lodgers per dwelling unit and not more than six children, including children of the operator on the same lot or premises.
 - b. Hotels and motels.
 - c. Offices for architects, landscape architects, physicians, dentists, attorneys, accountants, real estate brokers, insurance agencies, advertising agencies, contractors, engineers, surveyors, securities brokers.
 - d. Art, drama, music, dancing and language schools.
 - e. Automobile parking facilities, provided such facility is necessary to a permitted use located in Area A.
3. Storage of merchandise material or equipment shall be permitted only when incidental to a permitted use.

any other use which the Planning Commission may find to be similar in character to the uses including accessory uses enumerated in "C." above and consistent with the purpose and intent of Area A and the Old San Diego Planned District. The adopted resolution embodying such findings shall be filed in the office of the City Clerk.

D. MINIMUM LOT AREA REGULATIONS

1. No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged, nor shall any premises be used unless the lot has a minimum area of 3,000 square feet.
2. Exception. Any lot which qualifies under the definition of a lot as set forth in the Municipal Code and which does not comply with the minimum lot area specified herein may nevertheless be used as permitted and otherwise regulated by the provisions applicable to Area A.

E. OFF-STREET PARKING REGULATIONS

1. Every premise used for one or more of the permitted uses listed in "C." above shall be provided with a minimum of off-street parking spaces as follows:
 - a. For dwelling units, 1.3 parking spaces for each dwelling unit containing not more than one bedroom, and 1.8 parking spaces for each dwelling unit containing two or more bedrooms.
 - b. For hotels and motels, one parking space for each guest room.
 - c. For all other permitted uses, one parking space for each 400 square feet of gross floor area.
2. Required off-street parking for uses in Area A may be located in whole or in part on nearby land provided that all of the following facts prevail:
 - 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 Areas A, B or C of the Old San Diego Planned District. The 400-foot distance factor shall not apply to establishments which participate in a parking district as defined in Chapter VI, Article 1, Division 18 of the San Diego Municipal Code.
 - 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 Review Board that he owns or has a sufficient interest in such property to provide and maintain the minimum off-street parking required by the Municipal Code. In no event shall parking facilities which are provided or maintained for a structure or use be considered as providing any of the required space for any other structure or use.
3. Where ambiguity exists in the application of these off-street parking requirements or where any use not specified in "C." above is found to be a permitted use, the off-street parking requirement shall be consistent with that for similar uses in Area A.
4. All off-street parking facilities including parking districts shall be constructed, operated and maintained in compliance with Section 103.0205.2.

SEC. 103.0204.3 AREA B REGULATIONS

A. PURPOSE AND INTENT

The purpose and intent of Area B is to encourage professional offices, financial institutions, cultural facilities, and residential units to locate in close proximity to the State Historic Park and the pedestrian-oriented shopping area. This area shall also accommodate selected commercial uses.

B. BOUNDARIES

Area B is within the boundaries of the Old San Diego Planned District in the City of San Diego, California, designated on Map Drawing No. C-289 and described in the appended boundary description, filed in the office of the City Clerk under Document No. 736382.

C. PERMITTED USES

In Area B, 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. The following uses are permitted provided that the ground floor area of any establishment does not exceed 10,000 square feet:
 - a. Those uses enumerated in paragraph "C.1." Section 103.0204.3.
 - b. Offices for architects, landscape architects, physicians, dentists, attorneys, accountants, real estate brokers, insurance agencies, advertising agencies, contractors, engineers, surveyors, securities brokers.
 - c. Savings and loan associations.
 - d. Laundries, dry cleaners, including self-service.
 - e. Bicycle sales and repair shops.
2. Cultural centers, meeting halls.
3. Churches.
4. Dwelling units, including one and two-family dwellings, apartment houses, group dwellings, multiple dwellings, boarding and lodging houses provided that there are not more than two lodgers per dwelling unit and not more than six children, including children of the operator on the same lot or premises.
5. Hotels, motels.
6. Automobile parking facilities.
7. In addition to any other use permitted in Area B, the existing elementary school shall be permitted in that area bounded by Jefferson Street, Conde Street, Congress Street and Ampudia Street.
8. Storage of merchandise, material or equipment 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.
9. Any other use which the Planning Commission may find to be similar in character to the uses including accessory uses enumerated in "C." above and consistent with the purpose and intent of Area B and the Old San Diego Planned District. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

D. DENSITY REGULATION

No lot shall be occupied by more than one dwelling unit for each 1,000 square feet of lot area.

E. MINIMUM LOT AREA REGULATIONS

1. No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged, nor shall any premises be used unless the lot has a minimum area of 5,000 square feet.

OFF-STREET PARKING REGULATIONS

1. Every premises used for one or more of the purposes listed in "C." above shall be provided with a minimum of off-street parking spaces on the same lot or premises as follows:
- a. For dwelling units, 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 hotels and motels, one parking space for each guest room.
 - c. For each 100 square feet of floor area used for dining, dancing, or the serving of drinks, at least one parking space. When such facilities are accessory to a hotel or motel, one parking space for each 150 square feet of floor area used for dining, dancing, or the serving of drinks.
 - d. For theaters, churches, meeting halls, one parking space for each three fixed seats, or one parking space for each 21 square feet of floor area where there are no fixed seats.
 - e. For kindergarten, primary and elementary schools, one and one-half parking spaces for each classroom when the school has no auditorium, gymnasium, or other similar place for public assembly, or one parking space for each 35 square feet of floor area used for seating in the school auditorium, gymnasium, or similar place of assembly, whichever is greater.
 - f. For all other permitted uses, one parking space for each 200 square feet or gross floor area.
2. Where ambiguity exists in the application of these off-street parking requirements or where any use not specified in "C." above is found to be a permitted use, the off-street parking requirements shall be consistent with that for similar uses in Area B.
3. All off-street parking facilities shall be constructed, operated and maintained in compliance with Section 103.0205.2.

SEC. 103.0204.4. AREA C REGULATIONS

A. PURPOSE AND INTENT

The purpose and intent of Area C is to accommodate authorized activities such as shops, hotels, restaurants, offices and limited accessory uses such as shops and services on the peninsula of Old San Diego and at the major ingress and egress points of the community.

B. BOUNDARIES

Area C is within the boundaries of the Old San Diego Planned District in the City of San Diego, California, designated on Map Drawing No. C-289 and described in the appended boundary description, filed in the office of the City Clerk under Document No. 736352.

C. PERMITTED USES

In Area C, 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. Hotels and motels.
2. Business services customarily catering to hotel and motel guests, provided such accessory uses shall be located in the same complex as the hotel or motel and provided the combined gross floor area of all accessory uses shall not exceed 25 percent of the gross floor area of all uses on the premises. These uses may include sales of newspapers and magazines; sales of tobacco and packaged liquor; barber and beauty shops; florists and gift shops; agencies for laundering, dry cleaning and pressing; agencies for tickets, travel and car rentals.
3. Restaurants and accessory bar with incidental entertainment and dancing.
4. Automobile service stations provided such premises (excluding ingress and egress but including areas between driveways) are screened from public rights-of-way and adjoining properties by fences, walls, buildings, planting or a combination thereof which shall have a height of not less than six feet, except that higher than six-foot fences, walls, buildings, or planting may be required to provide adequate screening if the adjoining property is substantially higher than the service station site; and also provided that driveways serving the premises do not exceed a width of 30 feet measured at the property line and are not less than 31 feet apart measured at the property line.
5. Dwelling units, including one and two-family dwellings, apartment houses, group dwellings, multiple dwellings, boarding and lodging houses provided that there are no more than two lodgers per dwelling unit and not more than six children, including children of the operator on the same lot or premises.
6. Offices for architects, landscape architects, physicians, dentists, attorneys, accountants, real estate brokers, insurance agencies, advertising agencies, contractors, engineers, surveyors, securities brokers.
7. Automobile parking facilities.
8. Storage of merchandise, material or equipment 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.
9. Any other use which the Planning Commission may find to be similar in character to the uses, including accessory uses, enumerated in "C." above and consistent with the purpose and intent of Area C and the Old San Diego Planned District. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

D. DENSITY REGULATION

No lot shall be occupied by more than one dwelling unit for each 1,000 square feet of lot area.

E. MINIMUM LOT AREA REGULATIONS

1. No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged, nor shall any premises be used unless the lot has a minimum area of 10,000 square feet.
2. Exception. Any lot which qualifies under the definition of a lot as set forth in the Municipal Code and which does not comply with the minimum lot area specified herein may nevertheless be used as permitted and otherwise regulated by the provisions applicable to Area C.

F. OFF-STREET PARKING REGULATIONS

1. Every premises used for one or more of the permitted uses listed in "C." above shall be provided with a minimum of off-street parking spaces on the same lot or premises as follows:

ject facilities are accessory to a hotel or motel, one parking space for each 150 square feet of floor area used for dining, dancing, or the serving of drinks.

d. For service stations, at least three parking spaces for employees and one parking space for each service bay.

e. For offices, one parking space for each 400 square feet of gross floor area.

2. When ambiguity exists in the application of these off-street parking requirements or where any use not specified in "C." is found to be a permitted use, the off-street parking requirements shall be consistent with that for similar uses in Area C.

3. All off-street parking facilities shall be constructed, operated and maintained in compliance with Section 103.0205.2.

SEC. 103.0204.5 AREA D REGULATIONS

A. PURPOSE AND INTENT

The purpose and intent of Area D is to encourage residential uses adjoining an established residential development in Mission Hills. The area, which consists mostly of steep hillside, should contain a variety of housing types, but maximum densities should not exceed forty units per net acre.

B. BOUNDARIES

Area D is within the boundaries of the Old San Diego Planned District in the City of San Diego, California designated on Map Drawing No. C-289 and described in the appended boundary description, filed in the office of the City Clerk under Document No. 736382.

C. PERMITTED USES

In Area D, 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. Dwelling units, including one and two-family dwellings, apartment houses, group dwellings, multiple dwellings, boarding and lodging houses provided that there are not more than two lodgers per dwelling unit and not more than six children, including children of the operator, on the same lot or premises.

2. Churches.

3. Storage of material or equipment 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.

4. Any other use which the Planning Commission may find to be similar in character to the uses, including accessory uses enumerated in "C." above and consistent with the purpose and intent of Area D and the Old San Diego Planned District. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

D. DENSITY REGULATION

No lot shall be occupied by more than one dwelling unit for each 1,000 square feet of lot area.

E. MINIMUM LOT AREA REGULATIONS

1. No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged, nor shall any premises be used unless the lot has a minimum area of 5,000 square feet.

2. Exception. Any lot which qualifies under the definition of a lot as set forth in the Municipal Code and which does not comply with the minimum lot area specified herein may nevertheless be used as permitted and otherwise regulated by the provisions applicable to Area D.

F. MAXIMUM COVERAGE REGULATION

Lot coverage shall not exceed 60 percent of the lot area.

G. OFF-STREET PARKING REGULATIONS

1. Every premise used for one or more of the permitted uses listed in "C." above shall be provided with a minimum of off-street parking spaces on the same lot or premise as follows:

a. For dwelling units, 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 churches, one parking space for each three fixed seats, or one parking space for each 21 square feet of floor area where there are no fixed seats.

2. Where ambiguity exists in the application of these off-street parking requirements, or where any use not specified in "C." above is found to be a permitted use, the off-street parking requirements shall be consistent with that for similar uses in Area D.

3. All off-street parking facilities shall be constructed, operated and maintained in compliance with Section 103.0205.2.

SEC. 103.0204.6 STATE HISTORIC PARK REGULATIONS

A. PURPOSE AND INTENT

It is the intent of the State Historic Park to encourage development which strongly reflects the character of San Diego from its founding to 1871 by preserving, restoring, and re-creating historic sites, structures and activities on the original site of the town. The area should not be developed solely as a museum but as a living, viable community. Commerce and other activities historically associated with San Diego prior to 1871 should be an integral part of the State Historic Park.

B. BOUNDARIES

The State Historic Park is within the boundaries of the Old San Diego Planned District in the City of San Diego, California, designated on Map Drawing No. C-289 and described in the appended boundary description, filed in the office of the City Clerk under Document No. 736382.

C. PERMITTED USES

In the area defined in "B." above, no building or improvement or portion thereof shall be erected, constructed, established, altered or enlarged, nor shall any premises be used except for a State Historic Park.

SEC. 103.0204.7 PRESIDIO PARK AREA REGULATIONS

A. PURPOSE AND INTENT

Presidio Park Area contains the historic sites of Fort Stockton and the Presidio, both of which preceded the first developments in Old San Diego by a few years, and the Serra Museum which houses many artifacts of early San Diego and the Southwest. The park also offers both active and passive recreation facilities for use by local as well as city-wide residents. It is the intent that Presidio Park Area continue to provide historic and recreation facilities and that both facilities be fully integrated and consistent with the historic atmosphere being created in the adjacent State Historic Park and adjacent to the downtown area.

altered, or enlarged, nor shall any premises be used except for parking and recreation.

SEC. 103.0205. PARKING AND CIRCULATION REGULATIONS.

The parking and circulation regulations as defined herein shall apply in the Old San Diego Planned District.

SEC. 103.0205.1. PURPOSE AND INTENT.

The regulations contained herein shall provide an adequate parking and circulation system to accommodate the anticipated growth of the Old San Diego Area as a prime visitor center of San Diego by implementing the various objectives and proposals of the Old San Diego Community Plan.

SEC. 103.0205.2. 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 Old San Diego 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 Planning Department. Off-street parking shall also be in substantial conformance with the Architectural Controls as specified within Division 2 of this Article. Substantial conformance shall be determined by the Old San Diego Planned District Review Board; said determination shall be subject to appeal in the manner set forth in Section 103.0202.3.

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 Division 2 of this Article, 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 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 required for the enlargement of such use. The number of parking spaces shall be determined by the formula set forth in Section 103.0205.2.3.

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. BEDROOMS DEFINED.

For the purpose of calculating off-street parking requirements for dwelling units, the following shall be considered as bedrooms if they contain 80 square feet or more of superficial floor area:

1. Living rooms in studio, bachelor and efficiency apartments containing no bedrooms.
2. Dens.
3. Studies.
4. Family rooms.
5. Studios.

G. 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.

H. 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.

I. 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.

J. 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.

K. DIMENSIONS.

Parking spaces shall have a minimum width of eight and one-half feet and a minimum depth of 20 feet.

L. ACCESS.

Each required parking space shall open directly onto an alley or driveway of such width and design as to provide safe and efficient access to and from each parking space. All required parking facilities shall be accessible to all persons.

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

N. LIGHTING

Any artificial lighting shall be shielded so as not to fall on adjacent properties.

O. 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 a six-inch square horizontal timber permanently anchored and located so as to confine vehicles entirely within said premises.

P. PARKING PROHIBITED

Off-street parking spaces shall not be located in any area lying between the public street and a setback line.

Q. 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 or planting shall have a height of not less than six feet except that higher than six-foot fences, walls, buildings or planting may be required to provide adequate screening if the adjoining property is substantially higher than the parking area.

R. LANDSCAPING

A minimum area of two percent of the interior parking lots containing more than 20 parking spaces shall be landscaped and provided with an adequate permanent underground watering system. This requirement is in addition to planting used for screening as permitted above. A site plan of interior landscaping and planting used for screening shall be submitted to the Review Board for approval prior to installation of any plant material. Landscaping and required watering systems shall be installed prior to the use of the parking lot. 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.

SEC. 103.0205.3 CONGRESS STREET SETBACK

A five-foot setback shall be established along each side of Congress Street, between San Diego Avenue and Wallace Street, to provide for possible future street widening.

SEC. 103.0206 ARCHITECTURAL CONTROL REGULATIONS

The architectural control regulations as defined herein shall apply in the Old San Diego Planned District.

SEC. 103.0206.1 PURPOSE AND INTENT

The development of land in the Old San Diego Planned District should be controlled in order to develop the unique, distinctive character and atmosphere of Old San Diego prior to 1871. It is necessary to impose reasonable restrictions upon erection of new buildings and structures and the alteration of existing and relocated buildings and structures. The regulations contained within Section 103.0206 are intended as a continuation of the Architectural Controls adopted on September 27, 1966 by Ordinance No. 9511 (New Series).

SEC. 103.0206.2 FORMS, MATERIALS, TEXTURES, COLORS AND HEIGHT OF STRUCTURES AND LANDSCAPING

Forms, materials, textures, colors and height of structures shall be in general accord with the appearance of structures built in Old San Diego prior to 1871. To this end, they shall be in general accord with the designs prevailing during the principal recognized Old San Diego historical periods, commonly known as the Spanish period, Mexican period and American period as exemplified but not limited to the following existing structures:

Casa Estudillo	4000 Mason Street
Casa de Machado	2745 San Diego Avenue
Casa de Bandini	2660 Calhoun Street
Altamarino House	2626 San Diego Avenue
Casa de Pedronera	2616 San Diego Avenue
Whaley House	2482 San Diego Avenue
Pendleton House	4017 Harney Street
Gatewood House	2525 San Diego Avenue

Amplified and illustrated criteria for forms, materials, textures, colors, and height of structures and landscaping were approved September 12, 1967 by Resolution No. 101556 of the City Council and filed in the office of the City Clerk as Document No. 715752. Said resolution shall apply in the Old San Diego Planned District except that the Old San Diego Planned District Review Board shall assume the powers and duties of the Architectural Control Board. Changes or additions to the criteria used in evaluating the appropriateness of forms, materials, textures, colors, and height of structures and landscaping may be adopted by the Review Board; such criteria shall first have been approved by resolution of the City Council and filed in the office of the City Clerk as a numbered document.

SEC. 103.0206.3 SIGNS

A. The structure, content, lettering, location, size, number, illumination, color, projection and other characteristics of all signs in the Old San Diego Planned District shall be subject to the criteria and standards approved March 26, 1968 by Resolution No. 193272 of the City Council and filed in the office of the City Clerk as Document No. 722068 except that the Old San Diego Planned District Review Board shall assume the powers and duties of the Architectural Control Board.

B. Within three years from the effective date of Resolution No. 193272 all signs in the Old San Diego Planned District which do not conform to the approved regulations, criteria and standards shall be altered to comply or shall be removed.

C. Changes or additions to the criteria and standards to be used in evaluating the appropriateness of any signs may be adopted by the Review Board; such criteria and standards shall first have been approved by resolution of the City Council and filed in the office of the City Clerk as a numbered document.

SEC. 103.0206.4 PUBLIC FACILITIES, STRUCTURES AND AREAS

All open spaces, streets, sidewalks, street furniture, street signs, lighting installations, and any incidental structures or monuments shall conform to the intent of Division 2 of this Article which is to recreate the history of the character of Old San Diego in general accord with the period prior to 1871 and shall be subject to the same regulations, conditions and standards established herein.

SEC. 103.0207 REGULATIONS FOR HISTORIC AND

courage in Old San Diego the preservation and restoration of buildings, structures and sites having historic or architectural value for the benefit of the people of San Diego, the State of California and all interested in the record of the progress of western civilization.

SEC. 103.0207.2. RELOCATION OF HISTORIC BUILDINGS

Historic and/or architecturally significant buildings, as determined by the Historical Site Board, may be relocated into the Old San Diego Area. Relocation of such buildings shall be first authorized by permits issued by the Inspection Department as provided in Chapter IX, Article 1, of the Municipal Code. Upon receipt of an application for permit to relocate such a building, the Building Inspector-Director shall refer the application to the Old San Diego Planned District Review Board for review and approval as provided in Section 103.0202.3. Any building approved for relocation into the Old San Diego District shall be subject to all the exceptions and other provisions contained herein.

SEC. 103.0207.3. EXCEPTIONS TO OLD SAN DIEGO PLANNED DISTRICT REGULATIONS

- A. Section 103.0203.2, paragraphs "B." through "E." concerning alterations of nonconforming uses, shall not apply to historic or architecturally significant buildings, structures, or sites as designated by the Historical Site Board.
- B. The Old San Diego Planned District Review Board shall have the power to grant an exception to any regulation within Division 2 of this Article including permitted uses, when such exception is necessary to permit the preservation or restoration of a historic or architecturally significant building, structure or site. Such exception shall be subject to the following conditions:
1. The subject building, structure or site must be identified by the Historical Site Board as being historic or architecturally significant;
 2. The proposed exception shall be referred to the Planning Department for a report and recommendation;
 3. The Old San Diego Planned District Review Board, in granting an exception, shall make a finding that the exception is necessary to permit the preservation or restoration of a historic or architecturally significant building, structure or site; that strict application of the provisions contained within Division 2 of this Article would result in economic or other practical difficulties in securing the preservation or restoration of a historic or architecturally significant building, structure or site; and that the granting of an exception will not be injurious to the community or detrimental to the public welfare; and
 4. In granting any exception the Review Board shall make a written finding which shall specify facts relied upon in rendering the decision. A copy of this written finding, together with all evidence presented to the Board, including plans required elsewhere in Division 2 of this Article shall be filed with the Review Board's decision in the office of the City Clerk, the Department of Building Inspection and the Planning Department. The written finding and decision shall be mailed to the applicant and shall be subject to appeal by any interested person in the manner as provided in Section 103.0202.3.

SEC. 103.0207.4. DEVIATIONS FROM BUILDING CODE ALLOWED

Notwithstanding the provisions of this ordinance or any other ordinance, it shall be lawful in the Old San Diego Planned District to repair, remodel or restore all historic or architecturally significant buildings or structures designated by the Historical Site Board in the same manner and with the same kind or similar materials with which they were originally constructed, provided that such building or structure shall be approved by the Old San Diego Planned District Review Board and the Building Inspection Director and such building or structure shall be safe and not hazardous to its occupants or the public. The Old San Diego Planned District Review Board and the Building Inspection Director shall require such repairs, modifications, and/or improvements to the building or structure as conditions to the permit, as are deemed necessary to preserve the architectural and historic character and provide minimum life and fire safety. Requirements of the Review Board and the Building Inspection Director may be appealed in the City Council as provided by Section 103.0202.3.

SEC. 103.0207.5. REMOVAL OF DAMAGED HISTORIC STRUCTURES

In the event any building or structure of architectural or historic value or interest shall be damaged by earthquake, fire, or act of God to such an extent that in the opinion of the Review Board it cannot reasonably be repaired and restored, the same may be removed upon issuance of a permit for said removal.

Section 3. The following Ordinances of The City of San Diego which rezoned all or portions of the area within the Old San Diego Planned District be, and they are hereby repealed insofar as they conflict herewith:

Ordinance No. 12990	approved October 20, 1930
Ordinance No. 1356 (New Series)	adopted April 12, 1938
Ordinance No. 2090 (New Series)	adopted March 25, 1941
Ordinance No. 1947 (New Series)	adopted October 1, 1940
Ordinance No. 3062 (New Series)	adopted September 11, 1945

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Introduced on June 15, 1971.
Passed and adopted by the Council of The City of San Diego on June 30, 1971.

AUTHENTICATED BY:

FRANK CURRAN,
Mayor of The City of San Diego, California.
EDWARD NIELSEN,
City Clerk of The City of San Diego, California.
BY ALFA F. HAMEL, Deputy