

ORDINANCE NO. 11634
(New Series)

JUN 12 1975

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, DIVISION 2, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 103.0204.2 RELATING TO THE OLD SAN DIEGO PLANNED DISTRICT (AREA A REGULATIONS).

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

Section 1. That Chapter X, Article 3, Division 2, of the San Diego Municipal Code be and it is hereby amended by amending Section 103.0204.2 relating to the Old San Diego Planned District (Area A Regulations), to read as follows:

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 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

MICROFILMED

00209

MAY 8 1978

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-289.1 and described in the appended boundary description filed in the office of the City Clerk as Document No. 748467.

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

00210

-2- MICROFILMED 11634
MAY 8 1978

- 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.

00211

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, 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.
3. Storage of merchandise, material, or equipment shall be permitted only when incidental to a

00212

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. Churches.
5. 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.

00213

E. 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 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.
 - d. For churches, one parking space for each three fixed seats in the main sanctuary, or one parking space for each 21 square feet of floor area in the main sanctuary where there are no fixed seats.
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.

00215

-7- MICROFILMED

MAY 8 1978

11634

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.

Section 2. 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
Chief Deputy City Attorney

FCC:cav
3/19/75
635

00216

JUN 12 1975

Passed and adopted by the Council of The City of San Diego on
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

(Seal)

By Kathleen Martinez 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

MAY 30 1975

JUN 12 1975

~~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 Kathleen Martinez Deputy.

RECEIVED
1975 JUN -8 AM 7:41
SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Ordinance Number **11634** Adopted **JUN 12 1975**

MICROFILMED

MAY 8 1978

RECEIVED
CITY CLERK'S OFFICE

1975 JUN 25 PM 1:09

SAN DIEGO, CALIF. *JW*

ATTORNEY(S)

San Diego, city of
12th Floor City Admin. Bldg.
San Diego, Ca. 92101

Kathleen Martinez

~~IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA~~

~~IN AND FOR THE COUNTY OF SAN DIEGO~~

CERTIFICATE OF PUBLICATION

No. _____

IN THE MATTER OF

AMENDING SECTION 103.0204.2 RELATING TO THE OLD SAN DIEGO, etc.

JUN 21 1975 *JW*

1, PATRICIA M. APPELSTILL hereby certify that San Diego 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; and the

ORDINANCE NO. 11634 (New Series)

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

June 20, 1975

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

June 20, 1975

Patricia M. Appelstill
(Signature)

00218

58 1/4" @ 4.42 \$124.87

JW

ORDINANCE NO. 11634
(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, DIVISION 2, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 103.0204.2 RELATING TO THE OLD SAN DIEGO, PLANNED DISTRICT (AREA A REGULATIONS).

BE IT ORDAINED, by the Council of The City of San Diego, as follows: Section 1. That Chapter X, Article 3, Division 2, of the San Diego Municipal Code be and it is hereby amended by amending Section 103.0204.2 relating to the Old San Diego Planned District (Area A Regulations), to read as follows:

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 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. 289 and described in the appended boundary description filed in the office of the City Clerk as Document No. 736382.

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, wheries;
 - 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. Museum;
 - k. Motion picture theatres, 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, 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.

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. Churches.

5. 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 qualified 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 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 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;
- d. For churches one parking space for each three fixed seats in the main sanctuary, or one parking space for each 21 square feet of floor area in the main sanctuary where there are no fixed seats.

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 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.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Introduced on May 30, 1975.

Passed and adopted by the Council of The City of San Diego on June 12, 1975.

AUTHENTICATED BY:

PETE WILSON,
Mayor of The City of San Diego, California.
EDWARD NIELSEN,
City Clerk of The City of San Diego, California.
By: KATHLEEN MARTINEZ, Deputy.

(SEAL)
Published June 20, 1975

I.S-2301

00219