

ORDINANCE NO. 0-15263
(New Series)

O.80-250
REV.

MAY 12 1980

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,
DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE
BY AMENDING SECTION 101.0427 RELATING TO
THE CC ZONE.

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

Section 1. That Chapter X, Article 1, Division 4 of
the San Diego Municipal Code be, and it is hereby amended
by amending Section 101.0427 to read as follows:

SEC. 101.0427 CC (COMMUNITY COMMERCIAL) ZONE
COMMERCIAL CENTERS IN ESTABLISHED
NEIGHBORHOOD AREAS.

A. PURPOSE AND INTENT

(No amendment to this subsection.)

B. PERMITTED USES

In the CC Zone, no building or improvement, or
portion thereof, shall be erected, constructed, converted,
established, altered, or enlarged, nor shall any premises
be used except for one or more of the following purposes;
provided, however, that no premises shall contain an
establishment exceeding a total of 5,000 square feet
in gross floor area; and, further provided, that no
premises shall contain drive-thru or drive-in facilities
except through a Planned Commercial Development Permit.

(No amendment to subsections 1. through 3.)

4. Apartments, provided that a minimum of
50 percent of the total parcel area shall be
covered by the ground floor, and 50 percent

of the gross floor area of the ground floor shall be reserved for those uses permitted in Paragraphs "B.1.," "B.2." and "B.3."

(No amendment to subsections 5. through 8.)

C. SPECIAL REGULATIONS

(No amendment to this subsection.)

D. OUTDOOR DISPLAY AND STORAGE REGULATIONS

(No amendment to this subsection.)

E. PROPERTY DEVELOPMENT REGULATIONS

No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged, or used, nor shall any premises be used unless the lot or premises and buildings shall comply with the following regulations and standards:

(No amendment to subsections 1. through 7.)

8. Special Provision

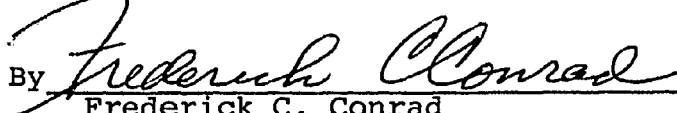
Any building or structure, erected under a building permit issued prior to March 1, 1971, utilized in whole or in part for residential purposes and located on commercially zoned property shall not require a variance for any structural expansion or modification which does not exceed the limitations imposed by the zoning regulations within the individual commercial zones.

F. OFF-STREET PARKING REGULATIONS

(No amendment to this subsection.)

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:clh
630
2/29/80
REV. 5/2/80
Or.Dept.:Planning

SEC. 101.0427 CC (COMMUNITY COMMERCIAL) ZONE COMMERCIAL
CENTERS IN ESTABLISHED NEIGHBORHOOD AREAS

A. PURPOSE AND INTENT

The purpose of this zone is to accommodate shopping areas which provide goods and services for residential areas in older established communities, and which, by virtue of their location along major streets often are called upon to fulfill a need or demand for a variety of goods and services on a broader basis than typically found in neighborhood commercial centers.

Since these commercial areas are situated in older communities which are generally located west of Interstate Highway 5 as well as south of Interstate Highway 8 and east of Interstate Highway 5 and were generally developed during the first half of this century and feature parcels or lots which are typically small and narrow in size and configuration it is therefore the intent of this zone that it provide standards and regulations which are designed to minimize conflicts between development which occurred during the first half of the century and development which would be permitted to take place under the standards and development regulations of this zone.

It is further the intent of this zone that its application be generally limited to commercial areas which abut major or

collector streets or are abutting major retail areas and centers and are indicated in an adopted community plan as commercial support areas.

B. PERMITTED USES

In the CC Zone, no building or improvement, or portion thereof, shall be erected, constructed, converted, established, altered, or enlarged, nor shall any premises be used except for one or more of the following purposes; provided, however, that no premises shall contain an establishment exceeding a total of 5,000 square feet in gross floor area; and, further provided, that no premises shall contain drive-thru or drive-in facilities except through a Planned Commercial Development Permit.

1. Business and professional offices.
2. Banks, including branch banks, and other similar financial institutions.
3. Retailing of consumer convenience goods and dispensing of consumer services from the following establishments:
 - a. Antique shops
 - b. Apparel shops

- c. Art stores and art galleries
- d. Bakeries
- e. Barber shops
- f. Beauty shops
- g. Bicycle shops
- h. Confectioneries
- i. Curtain, drapery and upholstery shops
- j. Drug stores
- k. Dry cleaning and laundry agencies and establishments and self-service dry cleaning and laundry establishments
- l. Florists
- m. Food stores
- n. Hardware stores

- o. Hobby shops
- p. Interior decorators
- q. Jewelry stores
- r. Liquor stores
- s. Music stores
- t. Nurseries - plant
- u. Paint and wallpaper stores
- v. Photographic studios and retail outlets
- w. Radio, television and home appliance repair shops
- x. Gyms, when equipped for physical fitness activities and athletic training programs
- y. Restaurants
- z. Rug and carpet stores
- aa. Shoe stores

- bb. Shoe repair shops
 - cc. Sporting goods stores
 - dd. Stationers
 - ee. Studios for teaching of art, dancing and music
 - ff. Variety stores
 - gg. Book stores
 - hh. Cocktail lounges and similar establishments
 - ii. Theaters (indoor only)
4. Apartments, ~~provided they are not located on the ground floor, and further~~ provided, that a minimum of 50 percent of total parcel area shall be covered by the ground floor and 50 percent of the gross floor area of the ground floor shall be reserved for those uses permitted in Paragraphs "B.1.", "B.2." and "B.3."
5. Private clubs, fraternal organizations and lodges.

6. Parking lots and facilities; provided, however, that, except for covered parking facilities which are located completely below grade such parking lots and facilities shall be assessory to a use permitted in Paragraphs "B.1.", "B.2." and "B.3." which shall be located on the same premises.

7. Any uses which, in the opinion of the Planning Director or Planning Commission, are similar in character to the uses enumerated in this section and are clearly within the intent and purpose of this zone. Any such finding by the Planning Director shall be final unless an appeal in writing is filed with the Planning Director, within 15 days from the date of action by the Director. In the event of such appeal, the Director shall cause the matter to be presented to the Commission at a public hearing and the Commission shall make the final determination. The adopted resolution embodying any such finding shall be filed in the office of the City Clerk.

8. Accessory uses for any of the foregoing permitted uses including on-premises signs constructed, fabricated, erected, installed, attached, fastened, placed, positioned, operated and abated in accordance with the regulations as set forth in Chapter X, Article 1,

Division II and Chapter IX, Article 5, Division 1 of this Code.

C. SPECIAL REGULATIONS

1. All uses except off-street parking, outdoor dining facilities, signs and the storage and display of those items listed in Paragraphs "D.1." and "D.2." shall be operated entirely within enclosed buildings.
2. Artificial lighting used to illuminate the premises shall be directed away from adjacent properties.
3. No mechanical equipment, tank duct, elevator enclosure, cooling tower or mechanical ventilator shall be erected, constructed, maintained or altered anywhere on the premises unless all such equipment and appurtenances are contained within a completely enclosed penthouse or other portion of a building having walls or visual screening with construction and appearances similar to the main building.

D. OUTDOOR DISPLAY AND STORAGE REGULATIONS

1. The following listed merchandise sold or rented on the premises may be displayed outdoors without screening

walls or fences except along common property lines of abutting residentially-zoned lots:

- a. Flowers and plants
 - b. Food products
 - c. Handcrafted products and goods
 - d. Artwork and pottery
 - e. Patio furniture
 - f. Any other merchandise which the Planning Director or the Planning Commission on appeal as set forth in Paragraph "B.7." may find to be similar in character, type or nature to the merchandise listed in paragraph "D.1." The adopted resolution embodying such finding shall be filed in the office of the City Clerk.
2. All other merchandise sold on the premises may be displayed outdoors during hours of operation provided that the display area is completely enclosed by walls, fences, buildings or landscape screening or a combination thereof.

3. All walls and fences required in paragraphs "D.2." of this section shall be a minimum of six feet in height and shall be constructed and maintained with not less than 50 percent of the surface area impervious to light. The location, materials and design of required walls and fences shall be subject to approval by the Zoning Administrator. Whenever feasible, the approval of the Zoning Administrator shall be based upon the similarity of architectural design and appearance of the wall or fence to existing buildings on the premises or to buildings being constructed concurrently on the premises. Any decision of the Zoning Administrator relating to walls or fences may be appealed to the Board of Zoning Appeals in accordance with the procedures set forth in Chapter X, Article 1, Division 5 of the San Diego Municipal Code. Such walls or fences shall be maintained in accordance with the provisions set forth in Chapter X, Article 1, Division 6 of the San Diego Municipal Code.

4. When landscape screening is used to enclose areas used for outdoor display or storage, a landscape screening proposal shall be submitted to the Zoning Administrator for review and approval. The landscape screening shall be developed in conformance with standards adopted by the Planning Commission as set forth in the document

entitled, "Development and Maintenance Standards - Landscaping" on file in the office of the Planning Department. Substantial conformance shall be determined by the Zoning Administrator. Said determination shall be subject to appeal in the manner set forth in Chapter X, Article 1, Division 5 of the San Diego Municipal Code.

Landscape screening shall be permanently maintained in accordance with the adopted standards referred to in this paragraph.

5. All walls, fences or screening required in paragraph "D.2." of this section shall be in compliance with the regulations of this section by January 1, 1980.

E. PROPERTY DEVELOPMENT REGULATIONS

No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged, or used nor shall any premises be used unless the lot or premises and buildings shall comply with the following regulations and standards:

1. Minimum Lot Dimensions
 - a. Area - 2,500 square feet

- b. Street frontage - 25 feet
- c. Width - 25 feet
- d. Depth - 100 feet
- e. Exception. Any lot which qualifies under the definition of a lot as set forth in this Code and which does not comply in all respects with the minimum lot dimensions specified herein may nevertheless be used as permitted and otherwise regulated by the provisions applicable to this zone.

2. Minimum Yards

- a. Front - none required
- b. Side
 - 1. Interior - zero except that a four foot side yard shall be provided if any portion of the side lot line abuts residentially zoned property. Such side yard shall be increased three feet for each story above two.

2. Street - none required.

c. Rear - zero except that a 15-foot rear yard shall be provided if any portion of the rear lot line abuts residentially zoned property. Such rear yard shall be increased three feet for each story above two.

3. Maximum Floor Area Ratio

The maximum floor area ratio shall be 2.0.

4. Regulations for Residential Development

All buildings, improvements, or portions thereof, erected, constructed, converted, established, altered or enlarged in this zone which are designed or intended for living purposes shall observe the same development standards as other permitted uses in the CC Zone provided that the area used for residential purposes does not exceed one-half of the permitted floor area ratio. No lot or parcel shall be developed or occupied by more than one unit for every 1,500 square feet of lot area.

5. Landscaping

Prior to the use and occupancy of any premises of 25 feet in width or less, a minimum of two percent of said premises, which shall be visible from an immediate abutting public street right-of-way, shall be suitably landscaped with shrubs, trees, and ornamental ground cover. The minimum landscaping requirement shall increase one-half of one percent for each 25 feet of parcel width but need not exceed a maximum of five percent. The landscaped area may include planter boxes and potted plants if said items are approved by the Zoning Administrator. Prior to the issuance of any building permits, a complete landscaping plan shall be submitted to the Zoning Administrator for approval. Substantial conformance shall be determined by the Zoning Administrator who may reduce or waive the landscaping requirement on a discretionary basis; said determination shall be subject to appeal in the manner set forth in Chapter X, Article 1, Division 5 of the San Diego Municipal Code.

6. Walls

Prior to the use or occupancy of any premises, a wall not less than six feet in height shall be constructed

along all portions of the perimeter of said premises that abut residentially zoned property except on public alleys; provided, however, that within any required front yard such wall shall be reduced in height to three feet.

7. Other applicable property development regulations are contained in Division 6 of this Article.

8. Special Provision

Any building or structure, erected under a building permit issued prior to March 1, 1971, utilized in whole or in part for residential purposes and located on commercially zoned property shall not require a variance for any structural expansion or modification which does not exceed the limitations imposed by the zoning regulations within the individual commercial zones.

F. OFF-STREET PARKING REGULATIONS

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

- a. For lots or parcels which abut an alley:
 - 1. For apartments, 1.0 parking spaces for each dwelling unit;
 - 2. For lots or parcels with 200 feet or less of alley frontage, one parking space per full ten feet of alley frontage with access only from the alley;
 - a. Tandem parking may be permitted not to exceed two full spaces in depth if the Zoning Administrator finds that such parking will provide for direct access to required parking for apartments.
 - 3. For lots or parcels with more than 200 feet of alley frontage;
 - a. For private clubs and similar establishments, one parking space for each guest room or one parking space for each 200 square feet of gross floor area, whichever is greater.

- b. For commercial retail and service establishments, one parking space for each 800 square feet of gross floor area.

- c. For restaurants and similar establishments, one parking space for each 800 square feet of gross floor area.

- d. For office establishments, including banks and financial institutions: one parking space for each 800 square feet of gross floor area; provided, however, that the requirement shall be one parking space for each 1,600 square feet for any such establishment or portion thereof located on the second or higher story.

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

b. For lots or parcels which do not abut an alley:

1. For lots or parcels of 100 feet or less in street frontage there shall be no required parking, provided:

a. That curb cuts or parking on the premises shall not be permitted; and

b. There shall be provided, in addition to the landscaping requirement set forth in Paragraph "E.5." (Landscaping) of this Section, a masonry or solid wood planter box, adequately treated, with vertical walls, a minimum of two inches thick, shall be provided along each street frontage. Said planter box shall be placed within three feet of the frontage property line. Said planter box shall be a minimum of two feet in height and a minimum of two feet in width; provided, however, that the combined height and width measurement shall be a minimum of six feet. Said planter box shall have a minimum length equal to 50 percent of the related street frontage. (Except

that said percentage may be reduced in any instance where the Zoning Administrator determines that such reduction will eliminate a safety hazard).

2. For lots of parcels of more than 100 feet in street frontage minimum parking shall be provided in accordance with the requirements of Paragraph "F.1.a.(3)." of this Section; provided, however, that parking shall be only permitted in the rear one-half of the premises.

2. No driveway shall exceed a width of 25 feet measured at the property line and there shall be no less than 45 feet measured at the property line between driveways serving the same lot or parcel and there shall be no more than two driveways for any one lot or parcel.

3. Off-premises parking may be provided in conformance with the provisions of Sec. 101.0800, Paragraph No. 7. (Off-Premises Parking for Uses in the C-1 and C-1S Zones).

4. Where ambiguity exists in the application of these off-street parking requirements or where any use not specified in paragraph "B." above is found to be a permitted use, the off-street parking requirement shall be consistent with that for similar uses in this zone.

5. All off-street parking facilities shall be constructed, operated and maintained in compliance with Division 8 of this Article.

(Added by Ord. 12389 N.S. effective 8-11-78)

Passed and adopted by the Council of The City of San Diego on **MAY 12 1980**,
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<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"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By *Ellen Board*, 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

APR 29 1980, and on **MAY 12 1980**

~~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.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By *Ellen Board*, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number	0-15263 Adopted MAY 12 1980

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
1980 MAY 28 PM 3:26
SAN DIEGO, CALIF.

San Diego, City of
12th floor, City Admin. Bldg.
202 C St., San Diego, CA 92101
ATTN: Ellen Bovard

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0427 RELATING TO THE CC ZONE.

ORDINANCE NO. O-15263
(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0427 RELATING TO THE CC ZONE. BEING ORDAINED by the Council of The City of San Diego, as follows:

Section 1. That Chapter X, Article 1, Division 4 of the San Diego Municipal Code be, and it is hereby amended by amending Section 101.0427 to read as follows:

SEC. 101.0427.CC (COMMUNITY COMMERCIAL) ZONE COMMERCIAL CENTERS IN ESTABLISHED NEIGHBORHOOD AREAS.

A. PURPOSE AND INTENT
(No amendment to this subsection.)
B. PERMITTED USES

In the CC Zone, no building or improvement, or portion thereof, shall be erected, constructed, converted, established, altered, or enlarged, nor shall any premises be used except for one or more of the following purposes; provided, however, that no premises shall contain an establishment exceeding a total of 5,000 square feet in gross floor area; and, further provided, that no premises shall contain drive-thru or drive-in facilities, except through a Planned Commercial Development Permit.
(No amendment to subsections 1. through 3.)

4. Apartments, provided that a minimum of 50 percent of the total parcel area shall be covered by the ground floor, and 50 percent of the gross floor area of the ground floor shall be reserved for those uses permitted in Paragraphs "B.1.", "B.2." and "B.3."

(No amendment to subsections 5. through 8.)
C. SPECIAL REGULATIONS
(No amendment to this subsection.)
D. OUTDOOR DISPLAY AND STORAGE REGULATIONS
(No amendment to this subsection.)
E. PROPERTY DEVELOPMENT REGULATIONS

No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged, or used, nor shall any premises be used unless the lot or premises and buildings shall comply with the following regulations and standards:
(No amendment to subsections 1. through 7.)

8. Special Provision
Any building or structure, erected under a building permit issued prior to March 1, 1971, utilized in whole or in part for residential purposes and located on commercially zoned property shall not require a variance for any structural expansion or modification which does not exceed the limitations imposed by the zoning regulations within the individual commercial zones.

F. OFF-STREET PARKING REGULATIONS
(No amendment to this subsection.)
Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Introduced on April 29, 1980.
Read and adopted by the Council of The City of San Diego on May 12, 1980.

AUTHENTICATED BY:
PETE WILSON,
Mayor of The City of San Diego, California.
CHARLES G. ABDELNOUR,
City Clerk of The City of San Diego, California.

(SEAL)
By ELLEN BOVARD, Deputy
Publish May 27, 1980

Camille Simpson

I, _____, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NO. O-15263 (New Series)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

May 27, 1980

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 27th day of May, 1980.

Camille Simpson

(Signature)

12" - \$80.04