

ORDINANCE NUMBER O- 16312 (NEW SERIES)

ADOPTED ON OCT 29 1984

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTIONS 103.1201 THROUGH 103.1209 RELATING TO THE LA JOLLA COMMERCIAL AREAS PLANNED DISTRICT ORDINANCE.

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

Section 1. That Chapter X, Article 3, of the San Diego Municipal Code be, and the same is hereby amended by adding Sections 103.1201 through 103.1209, to read as follows:

DIVISION 12

LA JOLLA COMMERCIAL AREAS PLANNED DISTRICT ORDINANCE
SEC. 103.1201 PURPOSE AND INTENT

It is the purpose of this ordinance to ensure that development and redevelopment of land in the central core area and outlying neighborhood commercial centers of La Jolla will be accomplished in a manner that retains and enhances the economic, cultural, and aesthetic values, and the overall quality of life within the community. The intent is to implement the goals and objectives of the adopted La Jolla Community Plan (1976), the La Jolla - La Jolla Shores Local Coastal Program Addendum (1983), and the Progress Guide and General Plan of The City of San Diego.

In accordance with the public health, safety, and general welfare, these regulations are intended to protect the unique character of La Jolla by:

A. The maintenance and encouragement of a diversified and balanced land use pattern including adequate levels of community retail services and residential development opportunities within the commercial areas while limiting additional office use;

B. The protection and enhancement of scenic vistas to the ocean, shoreline and hillside areas;

C. The maintenance of traditional building scale and facades in new commercial developments;

D. The provision of plazas, courtyards, malls, and other public amenities which serve to enhance the pedestrian environment;

E. The encouragement of small lot development in keeping with the traditional rhythm and spacing of buildings along the major retail oriented streets;

F. The beautification of the streetscape through appropriate landscaping, street furniture, and sidewalk surface treatment;

G. The protection of architecturally and historically significant structures; and

H. The prevention of commercial encroachment into adjacent residential development.

Additionally, these regulations are intended to improve traffic circulation and access to recreation, visitor-serving

retail, and residential uses through specific restrictions on office development and the provision of off-street parking standards. The office restrictions and parking standards are consistent with the need to maintain the pedestrian scale of the commercial areas, reduce peak hour traffic congestion, and assure that office uses do not come to dominate such areas nor adversely affect the retail continuity of the major commercial streets.

SEC. 103.1202 BOUNDARIES AND PLANNED DISTRICT ZONES

A. BOUNDARIES OF THE PLANNED DISTRICT

The regulations which follow shall apply in the La Jolla Planned District which is within the boundaries of the La Jolla community planning area in the City of San Diego, California, designated on that certain Map Drawing No. C-690, and described in the appended boundary description filed in the office of the City Clerk under Document No. 00-16312.

B. PLANNED DISTRICT ZONES

The following four zones are created along the designated street corridors in order to maintain and encourage development of a land use mix consistent with each zone's use and commercial function.

The division into zones will set forth land use densities and allocations for ground floor uses consistent with the Local Coastal Program and Community Plan Guidelines, as well as special restrictions for the development of above ground parking facilities, drive through establishments, hotel/motel development, setbacks and access requirements.

The boundaries of the four zones are designated on that certain Map Drawing No. C-690 as referenced in Section 103.1202 of this Division.

ZONE 1: Girard Avenue and Prospect Street.

This zone includes the primary retail and visitor oriented commercial area in the core of La Jolla. This area is characterized by high levels of pedestrian activity. Standards for this zone are designed to maintain that pedestrian scale and continuity, and preserve and enhance the retail development pattern of department stores and small retail shops and restaurants.

Subarea A, included in this zone is comprised of the area on the seaward or north side of Prospect Street from Cave Street to Eads Street as shown on the map. This subarea has been identified because of its unique orientation to the ocean. The Planned District Ordinance addresses development standards for the protection and enhancement of public ocean views.

ZONE 2: Herschel Avenue.

This zone includes an area characterized by community serving office development intermixed with retail establishments. Development standards for this zone are designed to permit the limited grouping of community serving professional offices, and to encourage residential uses to provide a transition zone to the single-family residential areas to the east.

ZONE 3: Fay Avenue.

This zone includes an area characterized by a mixture of community serving offices and retail establishments.

Development standards for this zone are intended to maintain that community serving retail/office balance and encourage residential uses to provide a transition zone to the multi-family residential areas to the west.

ZONE 4: Pearl Street and La Jolla Boulevard.

This zone includes neighborhood commercial areas characterized by small retail shops. Development in this zone is dominated by community serving and visitor service retail uses. This area, unlike the other zones, is automobile oriented because of its location along major streets. Development standards for this zone are intended to maintain the retail community serving and visitor serving uses, and encourage the development of some community serving offices, and residences.

The specific development controls for these zones are shown in the Section 103.1205 through Section 103.1209, inclusive, of this Division.

SEC. 103.1203 APPLICABLE REGULATIONS AND DEFINITIONS

A. APPLICABLE REGULATIONS

Where not otherwise specified in this Division, the provisions of Chapter X, Article 1, Division 1 through 9, Chapter X, Article 2 (Subdivisions) and Chapter X, Article 4, Division 2 (La Jolla Special Sign District) shall apply. Where there is a conflict between the provisions of Chapter X, Article 1, and the provisions of this Division, the provisions of this Division shall apply.

B. DEFINITIONS

It is the purpose of this Section to provide clear and concise definitions of those words, terms and phrases which apply specifically to the La Jolla Planned District.

It is also intended that the definitions in Chapter X, Article 1, Division 1 of the San Diego Municipal Code shall be used except where there may be a conflict with the definitions set forth in this Division. Where such a conflict exists the definitions in this Division shall take precedence.

1. Auto Oriented Establishment.

Auto oriented establishments are, auto repair shops, automobile parts, automobile sales, gasoline stations, car washes, and any other retail use or service which provides goods and services for automobile sales and maintenance.

2. Basement.

That portion of a building, measured at the property line, which is partly below and partly above grade but located so that vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

3. Cellar.

That portion of a building, measured at the property line, which is wholly or partly below grade and located so that the vertical distance from grade to floor is equal to, or greater than the vertical distance from grade to ceiling.

4. Change of Use.

A change of use that requires a review of the project under this Division is that change of use that includes but is not limited to the following:

a. Residential use to any type of commercial use including offices;

b. Commercial retail or service establishments to banks or savings and loans, business or professional offices, or restaurants;

c. Banks or savings and loans to business or professional offices, or restaurants;

d. Business or professional offices to restaurants; and

e. Any change of an establishment or tenancy which would require an increase in the number of off-street parking spaces based on the parking ratios contained in Section 103.1207 of this Division, or would affect the street level use requirements of this ordinance as identified in Section 103.1205 of this Division.

5. Community Serving Use.

A walk-in retail or service establishment which primarily serves the needs of the residential population living within a two-and-one-half mile radius of the place of business. For additional definitions see Appendix A of this Planned District Ordinance, on file in the office of the Planning Department.

6. Courtyard.

A pedestrian area on private property, open to the sky, surrounded by a building.

7. Department Store.

An establishment which is exclusively used for the retail sale of different products and merchandise types where the entire premises are used by a single tenant.

8. Drive-through Facility.

Any facility requiring a vehicular crossing of a public sidewalk for the purposes of entering the premises, and performing a business transaction from the vehicle. Examples of drive-through facilities are: service stations, bank drive-throughs, drive-in restaurants, drive-through cleaners, and other similar businesses, but excluding parking lots.

9. Building Street Facade.

The side of the building nearest the street or streets.

10. Fast Food Restaurants.

A restaurant business which sells primarily pre-packaged-precooked food or packaged food cooked on the premises, and provides minimal seating areas on the premises. Food sold by this restaurant is typically eaten outside the premises. This definition would not include confectionery-type uses such as a candy store.

11. Floor Area Ratio.

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

12. Gross Floor Area.

The total horizontal area expressed in square feet, of all the floors of a building included within the surrounding walls, including shafts, enclosed exterior stairwells, and aboveground parking structures.

Gross area shall include:

a. Enclosed exterior stairwells and ramps, above ground structures and exterior elevator shafts.

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

c. Half stories (attics) (Section 101.0101.65), basements, and cellars. Basements and cellars utilized exclusively for parking shall not be included in the calculation of gross floor area.

d. Penthouses (Section 101.0101.71) except when specially excepted by the provisions of Section 101.0101.62 HEIGHT (BUILDING), shall be included in gross floor area.

e. Any roofed area where more than 75 percent of the space is enclosed by walls or windows.

13. Ground Floor.

The floor level nearest to street grade. Where two floor levels are equidistant from street grade, the lower floor shall be designated as the ground floor.

14. Height Limitation - Measurement of.

The height of the building or structure shall be measured as the vertical distance between the highest point of the building and the preexisting grade directly below it.

Preexisting grade is defined as the ground level elevation which existed prior to the start of any site preparation, grading or construction related to, or to be incorporated into, the proposed new development or alteration. (See Section 103.1206, Paragraph C. and Appendix C of this Planned District Ordinance.)

15. Heritage Structure.

A heritage structure shall be defined as any building or structure which is found by the City of San Diego Historical Sites Board to be worthy of preservation.

16. In-lieu Fees.

The fees paid as an alternative to providing the required improvement on site. The "in-lieu fee" may be equivalent to the full cost, or percent of cost, of providing the improvement on site.

17. Landscaped Areas.

Landscaped areas on private property shall be defined as those unroofed areas open to the sky which include hardscape (paved pedestrian areas, fountains, sculptural elements), and vegetation.

18. Mall.

A narrow pedestrian landscaped area on private property, unroofed and open to the sky and developed through the building or between two buildings, linking a street to an alley.

19. Maximum Base Density.

The maximum building gross floor area allowable, by right, on each lot.

20. Maximum Bonus Density.

The maximum building gross floor area allowable under special circumstances, in order to provide development incentives for certain land uses that are highly desirable in the community.

21. Minor Addition or Enlargement.

Any building expansion that does not exceed 30 percent of the gross square footage of the existing building or 3,000 gross square feet whichever is less.

22. Mixed Use.

Any project that includes two or more land use categories.

23. Office.

An enterprise, organization or component thereof engaged in business, professional, or administrative activities including but not limited to corporate headquarters; governmental agencies; professional services such as physicians, attorneys, architects and accountants; banks and financial institutions such as saving and loans; insurance firms, brokerage firms, and investment companies; real estate offices; and advertising agencies.

24. Parking structure (Above Ground).

Any structure located at or above grade and used primarily for off-street parking purposes. This definition also includes ground level parking areas covered by a structure, and above ground roof parking area.

25. Plaza.

A landscaped space on private property, unroofed and open to the sky and an adjoining public right-of-way (street/sidewalk). A plaza is open to all types of pedestrian activity permitted in the adjacent sidewalk area.

26. Rehabilitation.

Rehabilitation is defined as the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and

features of the property which are significant to its historic, architectural and cultural values. Under rehabilitation, every reasonable effort shall be made to provide compatible use for a property which requires minimal alteration of the building, structure, or site and its environment. The distinguishing original qualities or character of a building structure, or the site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided.

27. Retail Establishment.

A retail enterprise, organization or component thereof engaged in the dispensing of consumer goods and/or services to the general public, including restaurants, and consisting of one or more of those businesses listed in Appendix A of this Planned District Ordinance, on file in the office of the Planning Department.

28. Small Lot.

Any lot which is 6,000 square feet, or less, in area.

29. Subarea.

A portion of the territory within the boundaries of a zone. A subarea will contain specific regulations and requirements which supersede certain regulations of the zone.

30. Visual Access Corridor (Private Property).

Any portion of a property located between a public right-of-way and a natural scenic vista which is unroofed and open to the sky and maintained free of all visual obstructions.

31. Zone.

A portion of the territory within the boundaries of the La Jolla Planned District within which certain regulations and requirements apply under the provisions of the Planned District Regulations, as designated on Map C-690, Document No. 00-16312, on file in the office of the City Clerk.

SEC. 103.1204 PROJECT REVIEW ADMINISTRATION

A. ACTIVITIES REGULATED

No building structure or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall the use of any building or structure be changed, nor shall any such building, structure or improvement be used or occupied unless it shall comply with the requirements of this ordinance.

The Department of Building Inspection shall not issue any permit for the erection, construction, conversion, establishment, alteration, or enlargement of any building, structure or improvement, or portion thereof, or for the change of use of any building or structure in any portion of the La Jolla Commercial Area Planned District until approval of such permit by the Planning Director or his designated

representative has been obtained in compliance with the provisions of this Planned District Ordinance.

Approval of the Planning Director is not required for interior modifications or repairs, nor any exterior repairs, alterations or maintenance where the existing building color or materials are not changed, and where such modifications or alterations do not involve a change of use as defined in Section 103.1203 of this Division.

B. EXCEPTION

For that certain property located on the southeast corner of Girard Avenue and Wall Street, identified as Assessor's Parcel Nos. 350-181-01 and 02, located within the La Jolla Commercial Areas Planned District Zone 1, which obtained coastal development permit approval prior to January 1, 1982, as amended, the following conditions shall apply:

1. The maximum base floor area ratio, as specified in Section 103.1205, Paragraph B., shall not exceed 2.0.

2. Redevelopment of the property shall be consistent with the provisions of this Planned District Ordinance regarding office square footage (0.5 floor area ratio or 10,000 sq. ft., whichever is less), as specified in Section 103.1205, Paragraph A.1., provided such use is located on the third floor of the building only, and further provided that additional office square footage shall be permitted for a bank or financial institution, as defined in Section 103.1203, Paragraph B.20., not exceeding 3,500 sq. ft. if such use is located on the second floor of the building.

3. All other provisions of this Planned District Ordinance shall apply.

C. PUBLIC FACILITIES, STRUCTURES

All open spaces, streets, sidewalks, street furniture, street signs, lighting installation, and any incidental structures or monuments, shall conform to the intent of this Division which is to preserve and maintain the scale and character of the community, and shall be subject to the same regulations, conditions and standards established herein.

D. APPLICATION PROCEDURES

The procedure for application of the above permits, as well as the procedures for public notice and public hearing process, shall be the same as set forth in Chapter X, Article 1, Division 2 of the San Diego Municipal Code.

A deposit as indicated on the current fee schedule maintained in the Planning Department shall be paid when application is made for any Planned District Permit.

Contents of application shall include the following:

1. The purpose for which the proposed building, structure or improvement or portion thereof, is intended to be used. The proposed uses shall be specified according to each building level.

2. Fully dimensioned plans and specifications (plot plan) indicating dwelling unit density, uses and gross square footage, lot area, lot coverage, floor area, floor area ratio, landscaping and surfaced or paved areas (existing and proposed, on site and on

public right-of-way), off-street parking including identification of required employee parking areas, and traffic circulation. The plans shall include any proposals that will require an encroachment permit on the public right-of-way.

3. Fully dimensioned plans and specifications for the buildings and improvements showing the exterior elevations, height, architectural detailing, roof designs, materials and color and existing adjacent structures, including exterior treatments, materials and colors.

4. Fully dimensioned plans and specifications for any accessory buildings, court yards, fences/walls, setbacks, view corridors, grading, signs, outdoor lighting, pedestrian areas, street furniture, and traffic and/or pedestrian circulation.

5. Any other information deemed necessary by the Planning Director or his/her representative to judge compliance with the regulations contained herein and other applicable laws and regulations.

6. No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, except in accordance with such plans as have been submitted and approved in accordance with these regulations.

E. DEPARTMENT REVIEW

The Planning Director, or his designee, shall be responsible for project review and approval, consistent with this Division's review and development regulations. Projects that meet these planned district regulations, and are not subject to a discretionary decision, shall be approved upon completion of the Planning Director's review. Projects that do not meet the regulations contained in this Planned District Ordinance, or require discretionary review, shall be subject to public hearing by the Planning Director.

Exception: Improvements requiring encroachment permits, shall be reviewed by the Planning Director and approved by the City Engineer.

F. INITIAL NOTICE

Upon receipt of an application for any permits required under this Division, the Planning Director shall give written notice to the following parties:

1. La Jollans, Inc., and La Jolla Parking and Business Improvement Association or their successors.
2. La Jolla Town Council.
3. La Jolla Light newspaper, and/or other local press.
4. Any interested party who requests said notice in writing. Parties 1. and 2. above shall also be furnished copies of all documents including plans, filed with the application. The Planning Director shall not issue his approval for any application submitted prior

to 30 days after mailing of the above required notices to all parties.

G. PUBLIC HEARING NOTICE

Notice shall be mailed for all permits requiring a public hearing (see Section 103.1204, Paragraph G. of this Division). The Public Hearing Notice requirements shall meet the requirements of Chapter X, Article 1, Section 102.0220 of the San Diego Municipal Code.

H. PUBLIC HEARING REQUIREMENTS

No exceptions to this ordinance shall be permitted without a public hearing. Any requests for variances, conditional use permits, Special Use Permits, other special permits, time extensions, final or parcel map, or any other City discretionary permits, shall not be approved except as noted, without a public hearing and proper notice to the community as required by Section 103.1204, Paragraphs E. and F. of this Planned District Ordinance.

Upon granting of any zoning variance, Conditional Use Permit, Special Use Permit, final or parcel map or any other Planning Department permit, the Planning Director, or his designated representative, shall furnish the community groups and the community newspaper identified in the Initial Notice, a detailed set of specific written findings consistent with this Division's Purpose and Intent (Section 103.1201) establishing the basis for his decision, and identifying the benefits and impacts to the community. These findings shall be the basis of the Planning Director's decision which is

final unless appealed within ten days to the City Planning Commission.

Exception: Public improvements and encroachment permits shall be reviewed by the Planning Director and City Engineer for consistency with this Division. These permits, are subject to approval by the City Engineer and may be appealed under the provisions of Chapter VI, Article 2, Section 62.0115 of the San Diego Municipal Code.

I. PROJECT DECISION APPEALS

Any Planning Director decision which requires a public hearing consistent with this Section, may be appealed to the City Planning Commission and City Council consistent with the appeals procedures contained in Chapter X, Article 1, Division 9, Section 101.0910, Paragraphs J. and K. of the San Diego Municipal Code.

J. PERMIT TIME LIMITS AND TIME EXTENSION

Any permit approved under this Division will be effective for a period of three years. One time extension of one year may be given only if both of the following requirements are met:

1. The applicant shall submit documentation showing that due to an unusual economic hardship beyond his control, the project could not be financed, and therefore, the permit option could not be exercised in a timely fashion; and

2. Development regulations have not changed, so that the prior approval is still current with existing regulations.

Time extension requests shall be subject to a public hearing in accordance with Sections 103.1204 F. and 103.1204 G. of this Planned District Ordinance.

Exception: Permits that are approved by the Engineering Department shall not be subject to this provision.

K. COASTAL HOUSING DETERMINATION OF RESIDENTIAL USE
FEASIBILITY

California Government Code Section 65590 mandates that local governments enforce certain regulations dealing with housing projects located in the Coastal Zone. Section 65590 (c) provides:

The conversion or demolition of any residential structure for purposes of a nonresidential use which is not "coastal dependent," as defined in Section 30101 of the Public Resources Code, shall not be authorized unless the local government has first determined that a residential use is no longer feasible in that location. If a local government makes this determination and authorizes the conversion or demolition of the residential structure, it shall require replacement of any dwelling units occupied by persons and families of low or moderate income pursuant to the applicable provisions of subdivision (b).

The San Diego City Council has authorized the Planning Director to make the initial determination as to the feasibility of residential use where such determinations are required by Section 65590 (c).

1. Government Code Section 65590 (g) contains the following definitions:

a. "Conversion" means a change of a residential dwelling, including a mobilehome, as defined in Section 18008 of the Health and Safety Code, or a mobilehome lot in a mobilehome park, as defined in Section 18214 of the Health and Safety Code, or a residential hotel as defined in paragraph (1) of subdivision (b) of Section 50519 of the Health and Safety Code, to a condominium, cooperative, or similar form of ownership; or a change of a residential dwelling, including a mobilehome, or a mobilehome lot in a mobilehome park, or a residential hotel to a nonresidential use.

b. "Demolition" means the demolition of a residential dwelling including a mobilehome, as defined in Section 18008 of the Health and Safety Code, or a mobilehome lot in a mobilehome park, as defined in Section 18214 of the Health and Safety Code, or a residential hotel, as defined in paragraph (1) of subdivision (b) of Section 50519 of the Health and Safety Code, which has not been declared to be a public nuisance under Division 13 (commencing with Section 17000) of the Health and Safety Code, or any local ordinance enacted pursuant to those provisions.

c. "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technical factors.

The requirements of the statute must be met in all housing projects within the Coastal Zone, even if no other local government discretionary action is required. The Building Inspection Department will not approve permit applications which have not already satisfied the requirements of Government Code Section 65590. There are no exemptions provided for small projects, nor is occupancy or income level of tenants a factor that can be considered as part of the Section 65590 (c) review.

2. A completed application must be submitted together with a statement of facts which support the applicant's contention that residential use of the subject property is infeasible based on specific economic, environmental, social and/or technical factors. The use designation identified for the property by the approved land use plan for the area and the applicable land development regulations (e.g., zone, planned district) should also be described in relation to residential use and the proposed nonresidential use of the property.

This review is not desired to evaluate the merits of the proposed nonresidential use, but only to

determine whether or not any residential use of the property is feasible. Moreover, if it is determined that residential use is not feasible, the project applicant may still be required to meet the requirements of City Council Policy 600-3 which implements the requirements of Government Code Section 65590 (b). The provisions of Policy 600-3 are administered by the City Housing Commission.

SEC. 103.1205 PERMITTED USES AND DENSITY REGULATIONS

The following regulations are applicable to all zones and are not subject to modification or variance provisions consistent with Chapter X, Article 1, Division 2, Section 101.0304 of the San Diego Municipal Code except as noted.

A. PERMITTED USES/DENSITY REGULATIONS

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

1. Retail establishments as described in Appendix A of this Planned District Ordinance, on file in the office of the Planning Department, and subject to the ground floor requirements of Paragraph B. of this Section.

2. Offices, subject to the ground floor restrictions of Paragraph B. of this Section, and density restrictions of Paragraph C. of this Section.

3. Residential consistent with the R-1000 density (Chapter X, Article 1, Division 4, Section 101.0410 of the San Diego Municipal Code), and subject to the Planned District Ordinance development controls.

4. Hotels/Motels as follows, subject to a Special Use Permit, provided however, that certain findings are made as identified in Section 103.1208 of this Division, and Appendix B of this Planned District Ordinance, on file in the office of the Planning Department.

Zone	Permitted only by Special Use Permit	Not Permitted
1	X	
2	X	
3	X	
4		X

5. Parking Lots and Parking Structures, as follows:

a. Surface parking lots (including street level roof areas of underground parking structures) complying with the requirements of Section 103.1207, Paragraph G.

b. Any surface parking area requiring more than 10,000 gross square feet of lot area shall be located underground.

c. Above ground parking structures (by Special Use Permit only) may be permitted in the following zones, only if they meet conditions set forth in Section 103.1208 of this Division:

<u>Zone</u>	<u>Not Permitted</u>	<u>Permitted only by Special Use Permit</u>
1	X	
2		X
3		X
4		X

6. Other Uses.

Other uses which shall be permitted, subject to a Special Use Permit consistent with Section 103.1208 of this Planned District Ordinance and Chapter X, Article 1, Division 5 of the San Diego Municipal Code, are as follows:

- a. Private clubs, fraternal organizations and lodges.
- b. Churches and religious facilities.
- c. Civic buildings.
- d. Public and private libraries.
- e. Other uses permitted in commercial zones under a Conditional Use Permit.

7. Nonconforming Uses.

The lawful use of land which existed on the effective date of this Planned District Ordinance and which does not conform with this Planned District Ordinance may be continued, except when specifically prohibited, provided that no enlargement or additions to such use are made, consistent with regulations contained in Chapter X, Article 1, Division 3 of the San Diego Municipal Code. Any change in building facade materials

or colors shall conform to the provisions of this Planned District Ordinance are not proposed.

8. Accessory Uses.

All accessory uses shall be located in the same building as the permitted use or uses which they serve. With the exception of loading areas or refuse collection areas, there shall be no entrance to any such accessory use except through foyer, court, lobby, patio, or other similar area.

B. GROUND FLOOR AND STREET FRONTAGE REQUIREMENTS

1. RETAIL - Retail uses are required on the ground floor as follows:

<u>Zone</u>	<u>Minimum Percent of Gross Ground Floor Area</u>	<u>Minimum Percent of Structures Street Frontage</u>
1	75%	75%
2	No minimum required	No minimum required
3	50%	50%
4	50%	50%

2. OFFICE - Office uses are restricted on the ground floor as follows:

<u>Zone</u>	<u>Maximum Ground Floor Area Restrictions</u>	<u>Maximum Street Frontage Area Restrictions</u>
1	25%	25%
2	No ground floor restrictions	No ground floor restrictions
3	50%	50%
4	50%	50%

3. RESIDENTIAL - Residential uses shall be restricted on the ground floor as follows:

Zone	Restriction
1	Not permitted within front 50% of lot
2	No restriction
3	Not permitted within front 50% of lot
4	Not permitted within front 50% of lot

C. MAXIMUM BASE DENSITY

Except as provided in Section 103.1205, Paragraph D., the maximum development density shall be as follows:

Zone	Maximum Base Floor Area Ratio (FAR) Permitted Per Lot	Maximum Office Area Permitted Within Maximum Base FAR*
1	1.3	.5 or 10,000 gross sq. ft., whichever is less
2	1.3	1.0 or 10,000 gross sq. ft., whichever is less
3	1.3	.7 or 10,000 gross sq. ft., whichever is less
4	1.0	.5 or 10,000 gross sq. ft., whichever is less

*For lot splits containing office uses, the office development ratios prior to the lot split will be required. See Section 103.1206, Paragraph A.3. of this Division.

D. MAXIMUM BONUS DENSITY

1. For an exclusively residential project the maximum building floor area ratio shall be:

Zone	Maximum Building Floor Area Ratio (including bonus)
1	NA
2	1.8
3	NA
4	NA

2. For a residential/retail mixed use project (with no office uses), provided however, that a minimum of 16 percent to a maximum of 50 percent of the gross floor area is in retail use, and the remainder floor area is in residential use, the maximum building floor area ratio shall be:

Zone	Maximum Building Floor Area Ratio (including bonus)
1	2.0
2	2.0
3	2.0
4	1.5

3. For an exclusively retail use project, provided however, that not less than 26,000 square feet of gross floor area must be occupied by one primary tenant, and the remaining area shall be occupied by additional retail tenants, the maximum building floor area ratio shall be:

Zone	Maximum Building Floor Area Ratio (including bonus)
1	2.0
2	2.0
3	2.0
4	1.5

SEC. 103.1206 PROPERTY DEVELOPMENT REGULATIONS

The following regulations are applicable to all Planned District Zones and development permits included in Section 103.1208 of this Division except as noted. No building or portion thereof shall be erected, constructed,

converted, established, altered or enlarged, nor shall any premises be used unless the lot or premises and buildings shall comply with the following requirements and special regulations:

A. MINIMUM LOT DIMENSIONS

1. The minimum lot size shall be 2,500 square feet, with a minimum frontage of 25 feet and a minimum lot depth of at least 100 feet.

2. Exception.

Any lot which qualifies under the definition of a lot as set forth in this 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 planned district, consistent with Section 101.0101, Chapter X, Division 1 of the San Diego Municipal Code.

3. Lot Splits.

Where any lot legally existing as of October 1, 1984, is subsequently divided into two or more lots, the maximum total combined area of office use on all lots resulting from the division shall not exceed the square footage limitation listed for the zone in which the lots are located prior to lot subdivision. See Section 103.1205 of this Division.

The parking requirements of the Planned District shall apply. No parking exceptions shall be provided for newly created lots smaller than 6,000 square feet. See Section 103.1206 of this Division.

For purposes of the square footage limitations in this Section, a parcel shall be defined as any contiguous piece of land which as of October 1, 1984, was comprised of one or more lots which were occupied generally by one building development, or by a general parking area, or was vacant, or any combination of the foregoing. Lot splits shall be consistent with Section 103.1205, Paragraph C. of this Division. Lot splits resulting in lots of 6,000 square feet or less shall not be permitted any parking exemption.

B. MINIMUM YARDS AND SETBACKS

The following minimum yards and setbacks shall be provided:

1. Side interior - none, 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 any building height above 20 feet.
2. Rear - none, except that a 15-foot rear yard shall be provided if any portion of the rear lot line abuts residentially zoned property. Such

rear yard shall be increased three feet for any building height above 20 feet.

3. Street corner lot setback - a building on a street corner lot shall be set back beyond an imaginary line that connects a point on each of the street front property lines which is distant from the corner by a length equal to 20 percent of the parcel frontage along that street, or 20 feet, whichever is less. See Appendix C of this Planned District Ordinance, on file in the office of the Planning Department. A 20 percent setback deviation at the property line may be approved as long as an additional equivalent area is made available beyond the imaginary line linking the setback points at the property line.

4. Street frontage setbacks - A minimum 16-foot setback measured from the curb to the building shall be required.

5. Alley frontage setback - A ten-foot setback at the alley shall be required for loading and refuse collection areas.

C. MAXIMUM HEIGHT

The maximum building height District shall be 30 feet. Height measurement shall be regulated by Section 103.1203 (Definitions).

D. BUILDING STREET FACADE HEIGHT

A building street facade height shall be measured along the property line at the public right-of-way (street/sidewalk). The street facade height shall vary as a result of variations in the elevations of the property line.

1. Street facades shall not exceed 20 feet, provided however, that 20 percent of the building street facade may exceed the 20-foot height limit if necessary, in order to provide roofline and facade variations, accents, tower elements, etc.

2. Within the street facade, no story or floor level of a structure shall overhang any floor level below, provided however, that within the ground floor level, recesses may be permitted for show windows needed for the retail use, and balconies on upper floors shall be permitted.

3. No building or portion thereof shall project above ground over the public right-of-way above ground level. Awnings and canopies may be permitted to encroach into the public right-of-way.

E. ABOVE FACADE SETBACK

All portions of the building above the established street facade shall be setback behind an imaginary plane beginning at the top of the established building street facade and sloping back toward the interior of the lot at a 45 degree angle from horizontal. See Appendix C of

this Planned District Ordinance, on file in the office of the Planning Department.

F. LANDSCAPING

Prior to the use or occupancy of any lot or premises at least one of the following landscaping requirements shall be met (see Appendix C of this Planned District Ordinance, on file in the office of the Planning Department):

1. Option A:

Provide a landscaped area equal to 25 percent of the total lot area. The landscaped area may be provided at the ground level or on upper level balconies, decks, roofs, with permanently affixed planter boxes or any combination thereof provided the landscaped area is visible from the opposite side of adjacent public rights-of-way (streets). A minimum of 40 percent of the landscaped area shall be vegetated.

2. Option B:

Provide a ground level landscaped area equal to 15 percent of the total lot area.

For landscaped areas designed as buffers, setbacks or visual backdrops, 40 percent of the area shall be vegetated with a combination of groundcover, vines, shrubs, and trees.

For large paved pedestrian spaces such as courtyards or plazas, a minimum 24-inch box tree or

15 gallon eight-foot tall tree shall be required for every 200 square feet of paved area.

For narrow pedestrian areas such as malls, where trees may not be appropriate, 25 percent of the ground plane shall be vegetated with potted plants, vines, shrubs, or groundcover.

3. ZONE 1 - Girard/Prospect:

The landscaping requirements of this Section may be satisfied by sidewalk improvements consistent with the encroachment permit Section 103.1209 of this Planned District Ordinance, or an in-lieu-fee as further discussed in Section 103.1208, Paragraph J. of this Planned District Ordinance.

4. Landscaping Plans and Maintenance: Prior to the issuance of any building permits, a complete landscaping and irrigation plan shall be submitted to the Planning Director for approval.

All required landscaped areas shall be permanently irrigated and maintained in accordance with the standards adopted by the Planning Commission as set forth in the document entitled "Development and Maintenance Standards - Landscaping," on file in the office of the Planning Department.

5. Paved Surfaces:

A minimum of 50 percent of all paved surfaces used for pedestrian activity shall be composed of a textured material such as brick, stone, or tile. The required percentage of textured paving may be combined in a single area such as a courtyard or plaza or integrated with non-textured paving to form bands or other patterns in harmony with the intended architectural theme. See also Streetscape Development Regulations, Section 103.1209 of this Division, and Appendix C of this Planned District Ordinance, on file in the office of the Planning Department.

G. SITING OF BUILDINGS IN SUBAREA 1-A

In Subarea 1A - on the seaward side of Prospect Street, in order to provide for see-throughs to the ocean, buildings shall be located so that the major axis of the structure will generally be at a right angle to the shoreline. An open visual access corridor of ten percent of the lot width shall be maintained open to the sky from the front property line to the rear property line of the project.

Refuse collection and loading areas shall not be located in any way that interferes into the visual access corridor. See Appendix C of this Planned District Ordinance, on file in the office of the Planning Department.

H. BUILDING SURFACE MATERIALS AND COLORS

1. Surface materials shall only be those which are in keeping with the traditional materials of the community. These include:

- Natural Materials such as Wood, Brick, or Natural Unpolished Stone.

- Stucco (painted).

- Formed Concrete.

- Split-faced or Slumpstone Concrete Block.

2. Not more than 40 percent of any exterior building elevation above the first story shall consist of glass or any other material that resembles glass unless otherwise permitted.

3. At ground floor and other pedestrian levels opaque, reflective or dark tinted glass shall not be used for any portions of the building developed for retail uses.

4. Surface materials that are not in keeping with the existing character of the community are prohibited, including:

- Metal panels of any kind on walls or roofs.

- Mirrored or highly reflective glass in any quantity.

- Glazed tiles covering more than ten percent of any building elevation.

- Polished marble, granite, or similar materials covering more than ten percent of any building elevation.

- Stucco containing sparkling particles, or integral colored stucco.

- Plain concrete block.
- Plastic materials of any kind except for awnings attached to the building.

5. Surface colors shall be those which are in keeping with the established character of the community. These include:

- White.
- Natural red-brick tones.
- Light earthtone colors (see Appendix D of this Planned District Ordinance, on file in the office of the Planning Department).
- Pastel Colors (see Appendix D of this Planned District Ordinance, on file in the office of the Planning Department).

Bright, excessively dark, and garish colors which are not in keeping with the established character of the community are prohibited.

I. ARTIFICIAL LIGHTING DIRECTION

Artificial lighting used to illuminate the premises shall be directed away from adjacent properties.

J. WALLS

Prior to the use or occupancy of any premises containing commercial uses, a wall of not less than six feet in height shall be constructed along all portions of the perimeter of said premises that abut residentially zoned land.

K. LOADING AREAS

Every building shall provide an off-street loading area containing a minimum of 600 square feet, which

shall not be used for parking. Where alley access is available such loading area shall be only accessible from the alley. No loading area shall be located at the street frontage or building facade. See Appendix C of this Planned District Ordinance, on file in the office of the Planning Department.

On lots of 50 foot frontage or less, no loading area is required, provided however, that where an alley abuts the lot, the building's loading area shall be arranged so that all loading activities take place from the alley only.

L. REFUSE COLLECTION AREAS

A minimum of 32 square feet of on-site refuse collection area shall be provided on each lot or premises and shall not be located in any front or street side yard. Where an alley exists the refuse collection area shall be located off the alley with a minimum setback of ten feet from the alley property line, in order to allow a truck to stop parallel to the property line off the alley without obstructing the alley.

The refuse collection area shall be screened by a solid wall with a minimum height of six feet. A six-foot solid wall or fence shall be constructed between any refuse container and any adjoining residentially zoned property. See Appendix B of this Division, on file in the office of the Planning Department.

M. MECHANICAL EQUIPMENT

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

N. EXTERNAL EFFECTS

The following effects shall not be permitted to emanate beyond the premises in which the permitted use is located:

1. Air contaminants such as smoke, fumes, odors or other gases.
2. Loud unnecessary or unusual noise.
3. Electrical disturbances which unduly interfere with the normal operation of equipment, appliances or instruments.

SEC. 103.1207 PARKING AND TRANSPORTATION REGULATIONS

A. OFF-STREET PARKING REGULATIONS

Every premises used for one or more of the permitted uses listed in Section 103.1205 of this Division shall be provided with permanently maintained, off-street parking spaces in a parking area or private garage on the same premises in minimum numbers (all numbers to be rounded up), as follows:

1. For one family dwellings - 2.0 spaces, provided there is not more than one dwelling unit on the premises.

2. For premises containing two or more dwelling units - 1.0 spaces for each dwelling unit containing one bedroom or less, 1.25 spaces for each dwelling unit containing two bedrooms, and 1.5 spaces for each dwelling unit containing three or more bedrooms.

3. For business and professional offices - one parking space for each 250 square feet of gross floor area. A minimum of 60 percent of the required office parking shall be designated exclusively for employee use free of charge. These spaces shall not be rented or otherwise used by non-employees of the building.

4. For banks and savings and loans - one parking space for each 300 square feet of gross floor area. A minimum of 20 percent of the required parking shall be designated exclusively for employee use free of charge. These spaces shall not be rented or otherwise used by non-employees of the building.

5. For restaurants and similar establishments - one parking space for each 200 square feet of gross floor area.

6. For commercial retail establishments - one parking space for each 600 square feet of gross floor area.

7. For hotels and motels - one parking space for each guest unit, and one space for each 500 square feet of gross floor area used for incidental business.

8. All off-street parking facilities shall be constructed, operated and maintained in compliance with Chapter X, Article 1, Division 8 of the San Diego Municipal Code.

B. SMALL LOT PARKING REQUIREMENTS

Parking requirement exemptions shall be provided for small lot development as follows:

1. For lots 6,000 square feet or less, no parking shall be required if the lot has no alley access or frontage.

2. For lots of 6,000 square feet or less with alley frontage, one parking space per full ten feet of alley frontage is required, with access only from the alley.

3. For lots of 7,000 square feet or less tandem parking may be permitted, provided it does not exceed two full standard off-street parking spaces in depth.

4. No parking exemptions shall be provided for newly created lots of 6,000 square feet or less in size.

5. Any small lot development that applies for an exemption to the off-street parking regulations, shall sign an agreement, satisfactory to the Planning Director, not to oppose the formation of a future parking and/or transit district. Such agreement shall

not include the property owner's right to protest the amount levied subsequent to the establishment of said district or districts. Such agreement shall be recorded with the County Recorder and shall run with the land.

C. REHABILITATION PARKING REQUIREMENTS

Parking requirement exemptions shall be provided for rehabilitation projects and heritage structure rehabilitation proposals which are consistent with the use and requirements of this Planned District Ordinance (Section 103.1205), or do not involve a change in use as defined in Section 103.1203 of this Planned District Ordinance.

1. If the project rehabilitation involves retail use, the parking requirement will be limited to providing parking off the alley. One parking space shall be required per full ten feet of vacant alley frontage area. If no alley frontage exists no parking shall be required on-site, provided however, that the property owner shall agree not to oppose the formation of a future parking and/or transit district as established by Paragraph B.5. of this Section.

2. If the project rehabilitation involves a residential use, a minimum of one space per each new unit added, shall be required either on site, as a part joint parking plan or through in lieu fees towards a community parking district, consistent with Section 103.1208 of this Planned District Ordinance.

3. If the rehabilitation involves hotel uses, the parking space requirements may be satisfied by a combination of on-site and off-site parking or in lieu transit fees, and a joint parking plan, consistent with Section 103.1208 of this Planned District Ordinance.

4. If the rehabilitation project involves office uses, the project will be required to meet the office parking requirements as established by this Section either on site or through a combination of a joint parking plan, and/or in lieu fees for parking or transit, consistent with Section 103.1208 of this Planned District Ordinance.

5. For rehabilitation projects tandem parking may be permitted, provided it does not exceed two full spaces in depth.

D. MINOR ADDITION PARKING REQUIREMENTS

Parking requirement exemptions shall be provided for minor additions or enlargements (including those made to heritage structures) provided however, that such request does not involve a change in use.

1. For retail projects the parking shall be provided off the alley. One parking space shall be required per full ten feet of vacant alley frontage. If no alley exists no parking shall be required on-site, provided however, that the property owner shall agree not to oppose the formation of a future parking and/or transit district as established by Paragraph B.5. of

this Section and Section 103.1208, Paragraph H. of this Planned District Ordinance.

2. For projects including other allowable uses, only the parking for the addition or enlargement shall be required. If parking cannot be provided on-site, the requirements may be satisfied through a combination of a joint parking plan and/or in-lieu-fees for parking or transit, consistent with Section 103.1208, Paragraphs H. and I. of this Planned District Ordinance.

E. JOINT USE PARKING FACILITIES

Joint use of parking facilities may be permitted by Special Use Permit pursuant to the "Off-Street Parking Requirements," of Division 8 of the San Diego Municipal Code, and Section 103.1208, Paragraph F. of this Planned District Ordinance.

F. TANDEM PARKING

Tandem parking shall be permitted under this Planned District Ordinance for residential uses, small lot development, minor additions and rehabilitation projects consistent with the "Off-Street Parking Regulations," of Division 8 of the San Diego Municipal Code.

G. SURFACE PARKING LOT DESIGN

Surface parking lots or street level roof parking for underground parking structures, shall not cover more than 10,000 square feet in area. If more than 10,000 square feet is required, the additional parking shall be provided underground. Surface parking areas fronting on a street

shall be wholly or partially screened with a landscaped buffer of not less than six feet in width between the public right-of-way (sidewalk) and the parking area. Surface parking areas with more than one parallel aisle or 7,000 square feet in area shall be landscaped. Parking lot landscaping shall include tall canopied trees. See Appendix C of this Planned District Ordinance, on file in the office of the Planning Department.

H. BICYCLE FACILITIES

Every premises used for one or more of the permitted uses listed in Section 103.1205 of this Division shall be provided with facilities and permanently maintained bicycle parking spaces (storage lockers or racks) on the same premises as follows:

1. Business and professional offices including banks and savings and loans - one bicycle space for each 2,500 square feet of gross floor area. Additionally, any business or professional office containing more than 7,500 square feet of gross floor area shall be required to provide shower facilities.
2. Restaurants and similar establishments - one bicycle space for every twenty seats.
3. Retail establishments - one bicycle space for each 3,500 square feet of gross floor area.
4. For hotels and motels - one bicycle space for ten guest units, or provision of bicycle rental facilities on site.

SEC. 103.1208 SPECIAL USE PERMIT DEVELOPMENT STANDARDS

A Special Use Permit (S.U.P.) is required for any of the following specific projects. Prior to Planning Director approval all of the following specific findings shall be made as follows:

A. The project is consistent with the Purpose and Intent Section of this Planned District Ordinance, Section 103.1201 of this Division;

B. The project is consistent with the Property Development Regulations of this Planned District Ordinance (Sections 103.1205, 103.1206 and 103.1207); and

C. The project is consistent with the standards identified in this Section.

A noticed public hearing with the Planning Director shall be required prior to issuance of any Special Use Permit. These projects will be subject to a public hearing for purposes of obtaining public input on the desirability of the specific business, type of use, hours of operation, location, and architectural design aspects. Public hearing notice and requirements shall be consistent with Section 103.1204, Paragraphs E., F. and G., of this Division. Project decision appeals procedures shall be consistent with those contained in Chapter X, Article 1, Section 101.0910, Paragraphs J. and K.

A. HERITAGE STRUCTURE PRESERVATION AND REUSE

Any Heritage structure proposed for preservation and reuse not consistent with Section 103.1205 of this Division's land use and density requirements shall comply with all of the following standards:

1. The structure shall be evaluated by the Historical Sites Board which shall make a finding that the structure is worthy of preservation if one or more of the following appropriate findings can be made that:

a. The structure is part of a historical event or personage in the development of the region.

b. The structure is architecturally significant in that it exemplifies a specific architect, architectural style, or period of development.

c. The structure is architecturally unique and worthy of preservation.

d. The structure is an integral part of a neighborhood development style, and an important "part of the scene" of urban development.

2. The project site and structure's rehabilitation proposals shall be reviewed by the Historical Sites Board for consistency with the building's and project site's design and historical conservation elements.

3. Property Development Regulations are the same as Sections 103.1205, 103.1206 and 103.1207 of this Planned District Ordinance except as follows:

a. The project will be exempt from the use requirements of Section 103.1205 of this Planned District Ordinance provided it can be proven that it is economically imperative to provide relief from such land use requirements. The Planning Director shall make a finding that the use will not negatively impact surrounding properties and the neighborhood, and will be consistent with the community plan.

b. The project may be exempted from the standard parking requirements consistent with Section 103.1207 of this Planned District Ordinance.

c. Landscaping, planting and vegetation standards shall be consistent with Sections 103.1206 through 103.1208 of this Planned District Ordinance, except when these standards conflict with heritage structure preservation or existing matured vegetation on site. The new landscaping proposed shall compliment the existing vegetation and landscape design. The Historical Site Board recommendation shall be considered in the Planning Director's decision.

B. HOTEL/MOTEL DEVELOPMENT (INCLUDING TIMESHARES)

Hotel and motel and timeshare development may be permitted in Zones 1, 2 and 3 only, subject to Special Use Permit if all the following findings can be made:

1. The proposal consists of redevelopment of an existing hotel site, and/or additions to an existing hotel. Such additions shall not exceed 30 percent of the existing hotel size, and number of rooms, or 20 guest units whichever is greater. If the proposal consists of a new development, the maximum density shall not exceed 60 guest units per acre;

2. The project proponent is able to demonstrate that the hotel/motel project will not increase substantially the number of hotel/motel rooms in the community. A substantial increase is defined as an increase of more than 20 percent of the existing hotel/motel rooms in the Zone where the new hotel project is located. A hotel/motel project shall not be approved where the accumulated number of new units in the Zone exceed 20 percent of the hotel room maximum for the Zone. See Appendix B of this Planned District Ordinance, on file in the office of the Planning Department; and

3. The proposed project complies with the development standards contained in this Planned District Ordinance (Sections 103.1205, 103.1206, 103.1207 and 103.1209).

C. OUTDOOR SALES AND DISPLAYS AND STORAGE REGULATIONS

1. The following listed merchandise sold on the premises may be displayed outdoors without screening walls or fences except along property lines abutting

residentially-zoned lots during business operation hours:

- Flowers and plants.
- Food products.
- Handcrafted products and goods.
- Artwork and pottery.

Any other merchandise which the Planning Director may find to be similar in character, type or nature to the merchandise listed in this Paragraph and which will not cause an adverse visual impact on the neighborhood.

2. All other merchandise sold on the premises may be displayed outdoors during hours of operation provided that the display area is enclosed by walls, fences, buildings or landscape screening or a combination thereof.

3. All walls and fences required in Paragraph 2. of this Section shall be a minimum of six feet in height except along the street frontage, where height may vary. Walls and fences shall be constructed and maintained with not less than 50 percent of the surface area impervious to light. The location, materials and design of required walls and fences shall be subject to approval by the Planning Director. The approval of the Planning Director shall be based upon the similarity of architectural design and appearance of the wall or fence to existing buildings on the premises or to buildings being constructed concurrently on the premises. Such

walls or fences shall be maintained in accordance with the provisions set forth in Chapter X, Article 1, Division 6 of the San Diego Municipal Code.

4. When landscape screening is used to enclose areas used for outdoor display or storage, a landscape screening proposal shall be submitted to the Planning Director 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.

D. FAST FOOD RESTAURANTS

Fast food restaurants may be permitted if all of the following standards are met:

a. The proposal includes indoor or outdoor seating areas with refuse collection receptacles.

b. The establishment shall maintain the premises and the immediate vicinity (at least to the first street intersection in both directions) clear of litter.

c. Food to take out shall be restricted to minimum packaging and shall include a container or paper sack in which the refuse can be collected to be thrown away.

d. Fumes and odors shall be contained within the cooking areas and shall not be allowed to spread beyond the property line.

e. Hours of operation shall be limited to daylight hours and until 12:00 Midnight or earlier as established by the Planning Director at the public hearing.

f. The development standards of this Planned District Ordinance shall be complied with (Sections 103.1206, 103.1207 and 103.1209 of this Division).

E. DRIVE THROUGH FACILITIES

1. Drive through facilities are not permitted in Zone 1 (Girard/Prospect).

2. Drive through facilities may be permitted in Zone 2 (Herschel), in Zone 3 (Fay Avenue), and Zone 4 (Pearl/La Jolla Boulevard) subject to all the following conditions:

a. The drive through area shall be paved with patterned paving consistent with the standards established in Section 103.1207, Paragraph G. and Appendix C and E of this Planned District Ordinance, on file in the office of the Planning Department.

b. Auto/pedestrian circulation conflicts shall be minimized. A drive through shall not be located along areas of a high pedestrian use.

c. The drive through shall be buffered with a minimum six-eight-foot-wide vegetated strip from adjacent pedestrian sidewalk areas.

d. Parking areas abutting the drive through area shall have not less than a six-eight-foot-wide

vegetated buffers adjacent to the public right-of-way (sidewalks). Ten percent of the parking area shall be landscaped with broad tall trees that provide shade areas. See Appendix C of this Planned District Ordinance, on file in the office of the Planning Department.

F. JOINT USE PARKING FACILITIES

Joint use parking facilities may be permitted by Special Use Permit, provided all the following requirements are met:

1. There are adequate parking spaces to service the proposed uses. Multiple use of parking spaces may be permitted provided it can be proven that their individual parking needs are not in conflict.

2. Joint parking facilities shall be located within a quarter-mile radius of the project site.

G. ABOVE GROUND PARKING STRUCTURES

Above-ground parking structures may be permitted consistent with the zone restrictions contained in Section 103.1205, Paragraph A.5.c., by Special Use Permit only, provided the building or structure does not exceed a floor area ratio of 2.5 and the following conditions are met:

1. There shall be a demonstrable community need for the additional parking proposed, based on parking and marketing studies submitted at the time of project review.

2. The structure is compatible in materials, colors, and architectural features to the character of

the surrounding development; particularly adjacent structures.

3. A minimum of 20 feet of depth from the street frontage at the structure, excepting only the portion required for driveways and pedestrian access, is utilized for community serving retail establishments and other establishments that provide auto oriented goods and services.

4. An eight-foot-wide vegetated area is provided between any non-commercial street frontages of the structure and the sidewalk. Use of large screening trees and vines to cover wall surface areas shall be required. See Appendix C of this Planned District Ordinance.

5. All parking levels are enclosed on all sides with solid walls of at least 42 inches above the floor.

6. Lighting fixtures utilizing exposed lamps of any kind are placed so that they are not visible from outside the building.

H. IN LIEU FEE PARKING PROVISIONS

An in-lieu fee program for the provision of parking may be added to this Planned District Ordinance at a future date. The incorporation of this program will be subject to the future approval by City Council of an implementation and funding program for parking in the La Jolla Planned District area. The option of using this program in lieu of required parking shall not be available until the program is established at a future date.

I. TRANSIT FEES IN LIEU PROVISIONS

An in-lieu fee program for the provision of additional public transit, may be added to this Planned District Ordinance at a future date. The incorporation of this program will be subject to the future approval by City Council of an implementation and funding program for provision of additional public transportation opportunities within the La Jolla Planned District area. The option of using this program in lieu of required parking shall not be available until the program is established at a future date.

J. IN-LIEU STREETScape IMPROVEMENT FEES

An in-lieu fee program for the improvement of the pedestrian spaces on public rights-of-way may be incorporated into this Planned District Ordinance at a future date. The incorporation of this program will be subject to future approval by City Council of an implementation and funding program for landscaping and ornamental lighting for the La Jolla Planned District area. The option of using this program in lieu of required landscaping shall not be available until the program is established at a future date.

K. OTHER USES PERMITTED UNDER A SPECIAL USE PERMIT

Private clubs, fraternal organizations and lodges, churches, civic buildings, public and private libraries, other uses allowable under Conditional Use Permits in commercial zones and any other permits issued by the Planning Director shall be permitted subject to the processing of a Special Use Permit. Development standards for such a permit

shall be regulated by Chapter X, Division 5 of the San Diego Municipal Code, as supplemented and superseded by Sections 103.1204, 103.1206, 103.1207 and 103.1209 of this Planned District Ordinance.

SEC. 103.1209 STREETScape DEVELOPMENT REGULATIONS/
ENCROACHMENT PERMITS

Within Zones 1, 2, 3, and 4 no building or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used unless the lot or premises and buildings shall comply with the following requirements and special regulations pertaining to the development and use of the abutting public right-of-way shall apply to all projects.

The following Streetscape and Encroachment Permit Standards shall be the basis for project review by the Planning Department and the Engineering and Development Department. Final approval for encroachment permits shall be by the City Engineer based on the Planning Director's recommendations of consistency with this Division.

A. DRIVEWAYS AND CURB CUTS

1. Maximum sizes.

a. One-way driveway shall be 12 feet in width or, as otherwise required for safety reasons by the City Engineer.

b. Two-way driveways shall be 24 feet in width or, as otherwise required for safety reasons by the City Engineer.

2. Existing driveways and curb cuts may be maintained except that such driveways shall be limited to one per lot. Whenever projects are processed where existing driveways are abandoned, the applicant shall be required to remove the driveway and reconstruct the sidewalk and curbs to match the adjacent sidewalk and curb areas.

3. No new driveways or curb cuts shall be approved on properties that have alley access provided that safety problems are not caused by this policy. Lots that have more than 150 feet in street frontage may have a driveway and curb cut to the street not exceeding 24 feet in width.

4. Above ground parking structures may have a single driveway and curb cut not exceeding 24 feet in width per 150 feet in frontage or, as required for safety reasons.

5. Properties without alley access may be permitted one driveway per property, such driveway shall not exceed 24 feet in width, or as required for safety reasons.

6. Driveway entrances across the sidewalk right-of-way shall continue the paving pattern utilized in the adjacent sidewalk areas. Projects subject to Special Use Permits, and requiring driveway access, shall improve the sidewalk area in a manner consistent with this Section's standards,

unless such requirement is specifically waived.
Signing giving the pedestrian the right-of-way
shall be included in the design.

B. UNDERGROUND PARKING ENCROACHMENTS

Encroachment for underground parking spaces may be permitted only if a more efficient underground parking design can be provided without resulting in a major expansion to the underground parking area.

No encroachments into the street for parking (underground and aboveground) access ramps parallel to the street shall be permitted.

Any access from underground parking areas to the street shall give the pedestrian the right-of-way at all times. Safety design, stop signs and other signage are required.

C. SIDEWALK DEVELOPMENT

1. Minimum Width.

All existing and new sidewalks shall maintain their present width and shall also maintain standard sidewalk elevation in relation to the curb for the entire distance between the curb and property line.

2. Clear Path.

A minimum clear path (free of obstructions) of eight feet in width shall be maintained at all points within the sidewalk right-of-way. The clear path may be linear, angled or curved provided that the configuration will not impede handicapped access. A clear path of greater than eight feet may be required if necessary to

maintain a line of sight essential for traffic or pedestrian safety.

3. Surface Treatment (sidewalk paving).

All development proposing sidewalk improvements through an encroachment permit shall be required to improve the abutting sidewalk areas in accordance with the following standards:

The sidewalk surface (exclusive of permanently landscaped areas) shall be paved with brick, clay or ceramic tile or interlocking concrete pavers. Standards for each of these materials shall be as set forth below.

The objective of these standards is to provide a complementary palette of paving materials and colors which provide an element of unity and continuity throughout the district, while encouraging the development of improved pedestrian sidewalk areas.

a. Materials.

Brick: Bricks shall be standard size eight inches by four inches, and shall be set in mortar.

Tile: Tile shall be square, not to exceed ten inches on any side. Minimum tile thickness shall be one-fourth inch for ceramic or quarry tile, and three-fourths inch for clay tile. Tiles shall be set in mortar.

Concrete Pavers: Concrete pavers and interlocking pavers may be of any uniform shape provided each unit does not exceed ten inches

across its longest dimension. Pavers shall be set in mortar.

b. Surface Textures.

All paving materials shall provide an even, slip-resistant surface at least equal to the City standard broom sweep sidewalk. All grouting shall be placed flush with the top of the pavers.

c. Pavement Patterns.

The pavement patterns shall be maintained constant except to define an entrance or an adjacent public plaza in which case paving patterns may be integrated with other paving to form bands or dividers in harmony with architectural themes. Unit pavers may be arranged in any uniform pattern provided the spaces created flow together avoiding sharp changes at the property line. Pavement patterns shall be consistent with the safety standards required for handicapped access.

d. Colors.

The color of paving shall generally be within the red to orange range (including reddish browns) with muted (non-bright) tones. Dark brown and other dark tones and colors are not appropriate.

D. STREET TREES

Existing street trees shall be preserved to enhance the character of the street through the continuity of existing street trees. New street trees shall be of the same species

as the existing trees fronting the site or alternatively of the most prevalent species located on the same street. Where appropriate, the preservation, planting and maintenance of palm trees and eucalyptus trees shall be given special consideration in order to maintain the unique subtropical character of La Jolla.

Trees shall be planted in the ground. The minimum size tree shall be a standard 48-inch box. Tree branches shall be at least eight feet above the sidewalk.

1. Tree Spacing.

Trees may be grouped or planted in a straight line. The placement of street trees shall be coordinated with the placement of light standards.

2. Tree Grates.

Tree grates shall meet safety requirements of Title 24 of the State Building Code. The maximum size of grid opening shall be no larger than one half inch. All tree grates shall be installed flush with the sidewalk surface and shall be set a minimum of two inches above a gravel base. The grates shall be factory primed and painted black.

3. Root Control Barriers.

A root control barrier shall be provided for each tree to avoid possible root damage to sidewalks and other facilities in the public right-of-way or surrounding buildings.

4. Street Tree Irrigation.

All landscaping in the public right-of-way, shall have a permanently installed and maintained irrigation system designed by registered Landscaped Architect, or as approved by the City Engineer and Parks and Recreation Department as follows:

- a. All street trees shall be irrigated.
- b. Irrigation water shall be metered through the property owner's meter.
- c. PVC pipe (SCH 40) or better to each tree well shall be in place prior to pouring public sidewalk or paving.
- d. PVC pipe to each tree well shall be laid perpendicular to the curb and connected to the irrigation system on private property where applicable.
- e. Each tree well shall have a minimum of one adjustable bubbler-type head or approved equal.
- f. All irrigation systems shall have anti-syphon, backflow prevention and shall be operated by an approved automatic timer on private property.

E. CURBS, GUTTERS, AND HANDICAPPED RAMPS

The design of curbs, gutters, and handicap ramps shall meet City of San Diego standards. A sprayed or rolled-on retarder (for light surface penetration) shall be applied to all curbs, gutters and handicap ramps. All joints in exposed aggregate concrete work shall be saw-cut.

F. UTILITY COVERS

1. For all areas finished in brick, tile or concrete pavers, all concrete utility covers shall be replaced with metal covers. All covers shall be painted black.

2. Large utility covers (exceeding eight square feet) if not avoidable, shall be covered with matching brick or tile veneer to match the sidewalk paving.

G. STREET FURNITURE

1. Light Standards.

Light standards shall be equal to the specified product manufactured by Western Lighting Standards, 18060 Mount Washington, Fountain Valley, California. See Appendix E of this Planned District Ordinance, on file in the office of the Planning Department.

2. Benches.

a. Materials.

Benches located in the sidewalk right-of-way shall be conformed to one or more of the following materials:

wood;

wood and iron;

wrought iron or cast iron; and

formed iron.

b. The siting of benches shall be as follows:

Benches shall not encroach into the required eight-foot sidewalk clearpath.

Benches shall not be located within five feet from the center of the sidewalk.

A bench located parallel to the sidewalk shall face the center of the sidewalk.

If two or more benches are situated perpendicular to the sidewalk, the benches shall be sited to face each other.

c. Advertisement on benches located in the public right-of-way shall be prohibited.

3. Awnings and Canopies.

Awnings and canopies made of plastic, canvas material or any other material permitted by building code standards, and approved by the City Engineer, may be permitted to encroach on the street right-of-way to provide shade or sun protection for retail exhibit areas.

For design see Appendix E of this Planned District Ordinance, on file in the office of the Planning Department.

H. SIDEWALK CAFES

Sidewalk cafes shall be permitted throughout the Planned District as regulated by Section 101.0550, Chapter X, Division 5 of the San Diego Municipal Code.

I. MAINTENANCE AND REPAIRS

All encroachment permits shall require adequate maintenance consistent with City Engineer standards. Except for those improvements which are the responsibility of public

utilities and improvements, private improvements to the public right-of-way shall be maintained privately until an alternative maintenance program is available.

All public utility and improvement repairs and maintenance, undertaken in an improved sidewalk area shall match existing material and color standards.

J. IN-LIEU STREETScape IMPROVEMENT FEES

In ZONE 1 - Girard/Prospect, the lot landscaping requirements may be satisfied by the contribution of "in-lieu-fees" for streetscape improvements consistent with a Special Use Permit, Section 103.1208, Paragraph J. of this Planned District Ordinance.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefor was made prior to the date of adoption of this ordinance.

APPROVED: John W. Witt, City Attorney

By



Frederick C. Conrad
Chief Deputy City Attorney

FCC:ib:ta:623.1
9/26/84
REV. 10/25/84
Or.Dept:Plan.
O-85-53
Form=o.none

Passed and adopted by the Council of The City of San Diego on OCT 29 1984,
 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"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY: ROGER HEDGECOCK
 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

OCT 15 1984, and on OCT 29 1984.

~~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 0-16312 Adopted OCT 29 1984

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SAN DIEGO, CALIF. *CK*

CITY OF SAN DIEGO
202 C Street, 12th Floor
San Diego, CA 92101

IN THE MATTER OF

NO.

ORDINANCE NUMBER O-16312

**ORDINANCE NUMBER O-16312
(NEW SERIES)**

ADOPTED ON OCT 29 1984

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTIONS 162.1201 THROUGH 162.1209 RELATING TO THE LA JOLLA COMMERCIAL AREAS PLANNED DISTRICT ORDINANCE.
The ordinance amends the Municipal Code by adding Division 12, La Jolla Commercial Areas Planned District Ordinance to the zoning regulations of the City of San Diego. Division 12 establishes a comprehensive land use and development program to regulate development and use of land within certain commercial areas of the La Jolla community as shown on Map Drawing No. C-690. These areas include the central business area of La Jolla and La Jolla Boulevard.
The Planned District Ordinance establishes four zones to which are applied specific regulations. The zone areas are identified as (1) Grand Avenue and Prospect Street, (2) Herschel Avenue, (3) Fay Avenue, and (4) Pearl Street and La Jolla Boulevard.
A complete copy of the ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 12th floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.
Introduced on October 15, 1984.
Passed and adopted by the Council of The City of San Diego on October 29, 1984.
AUTHENTICATED BY:
RODGER HEDGECOCK,
Mayor of The City of San Diego, California.
CHARLES G. ABDELNOUR,
City Clerk of The City of San Diego, California.
(SEAL) of the City of San Diego, California.
By **ELLEN BOVARD**, Deputy.
Pub. Nov. 12 6490

I, Michael L. Ungashick, 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 NUMBER O-16312
(NEW SERIES)
ADOPTED ON OCT 29 1984

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:

November 12, 1984

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

Dated at San Diego, California this 12th day of Nov., 1984.

6" x 9.76 = 58.56

01768

Michael L. Ungashick
Signature