

(O-85-133)

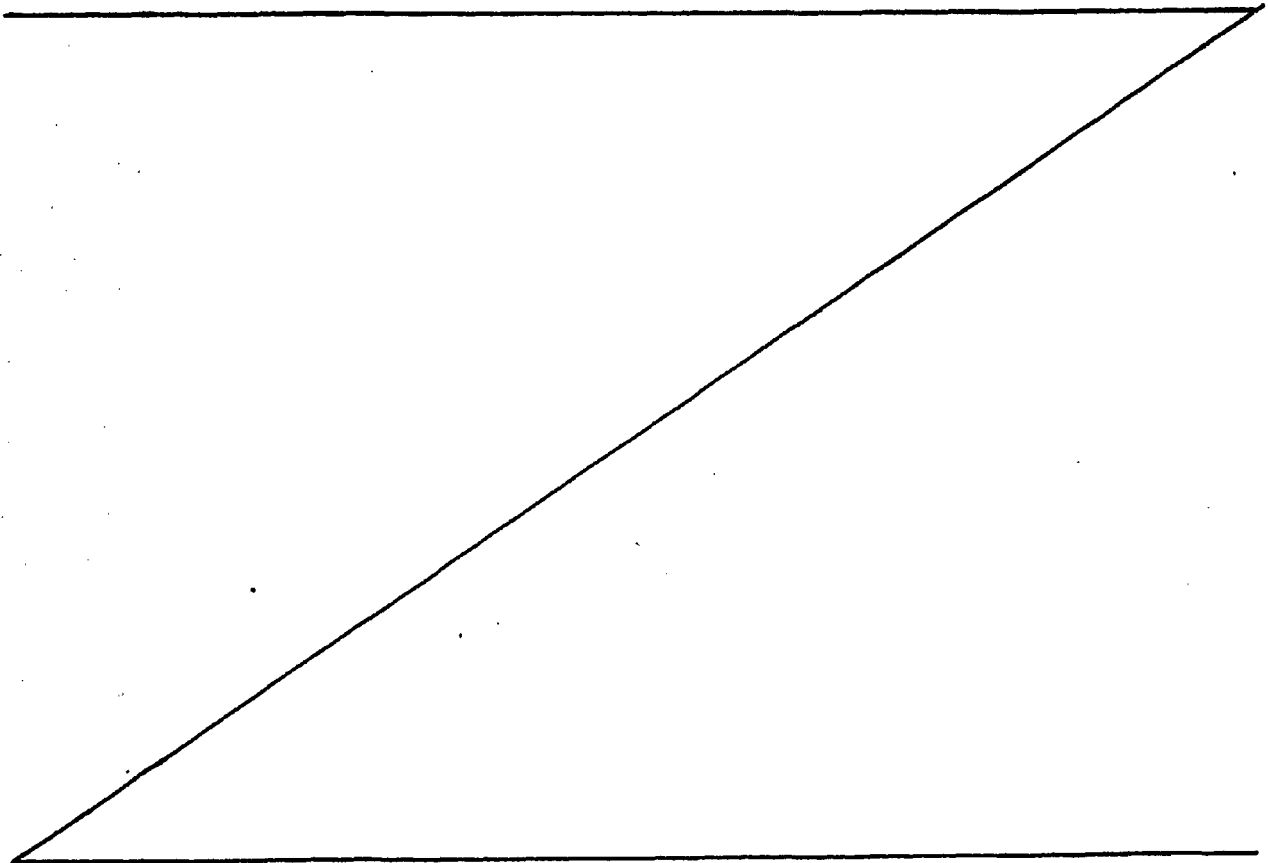
ORDINANCE NUMBER O- **16398** (NEW SERIES)

ADOPTED ON **APR 08 1985**

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, OF  
THE SAN DIEGO MUNICIPAL CODE, BY ADDING  
DIVISION 13, WEST LEWIS STREET PLANNED  
DISTRICT.

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  
Division 13, to read as follows:



DIVISION 13

WEST LEWIS STREET PLANNED DISTRICT

SEC. 103.1301 PURPOSE AND INTENT

The purpose of this District is to maintain compatibility of the existing commercial strip with the surrounding single-family residential area while permitting flexible and feasible commercial development and redevelopment options.

It is intended that new uses, new structures, and modifications to existing structures within this District complement the surrounding, architecturally-stable, single-family development in terms of parking requirements, compatible uses, and visual quality of buildings and accessory appurtenances and structures in conformance with the General Plan.

SEC. 103.1302 AREA OF APPLICABILITY

The regulations contained herein shall apply to the area whose boundaries are described and shown on Drawing

B- 3682 appended to this document and on file in the office of the City Clerk under Document number 00-16398.

The West Lewis Street Planned District is located in the Uptown Community, on the north and south sides of Lewis Street between Stephens Street and Lark Street.

A. The Building Inspection Department shall not issue any permit for the erection, construction, conversion, establishment, alteration, or enlargement of any building, structure or improvement, or for the change of use of any building or structure in the West Lewis Street Planned District until approval of the Planning Director has been obtained by the applicant.

1. Approval by the Planning Director is not required for interior modifications, repairs or alterations for which a building permit is not now required nor for some minor modification which do require building permit. These are defined by the Bureau of Census (BC) codes and include BC codes 201, 212, 221.

2. Approval by the Planning Director by ministerial review, excluding design review, is required for all other construction or modifications requiring building permits, of 1,000 square feet or less and for reconstruction as determined in SEC. 103.1303D.

3. Approval by the Planning Director, by discretionary review, as a public hearing item, including design review, is

required for all construction or modifications that are 1,000 square feet in area or greater. This review is also required for all construction or modifications, requiring a building permit, which affect the West Lewis Street facade and are less than 1,000 square feet in area.

An application shall be submitted and processed as follows:

- a. Adequate plans indicating proposed and existing uses, buildings and lot areas, lot coverage, required yards, building elevations (including adjacent structures), off-street parking, landscaping, and sign appearance, size and location.
- b. Any other information deemed necessary by the Planning Director to judge compliance with the regulations contained herein and other applicable laws and regulations.
- c. A deposit, in accordance with Section 101.0204.
- d. The Planning Director shall hold a public hearing which shall be noticed in accordance with SEC. 101.0220.

B. The Planning Director may approve the application if the following finding can be made: that the new use or building or modification of existing building is in conformance with the purpose and intent of this District.

C. The decision of the Planning Director may be appealed in accordance with SEC. 101.0230.

D. Nonconforming Uses Structures and Conditions

1. The lawful use of land which existed at the time the Planned District became effective and which use does not conform with the Planned District may be continued except when specifically prohibited provided no enlargement or additions (as determined in SEC. 103.1303-A) to such use is made.

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

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

3. Any change from a nonconforming use of land or buildings to a conforming use shall constitute abandonment of such nonconforming rights.

4. If any nonconforming structure, that is nonconforming in use or condition and that existed the date this Planned District was enacted, is destroyed by fire, explosion, act of God, or act of the public enemy, the building or structure may be rebuilt to the original area, footprint, and height, and shall comply with regulations of the Planned District and shall be subject to ministerial review (in accordance with SEC. 103.1303A).

5. Nonconforming Signs will be administered with SEC. 95.0118.1 of the Municipal Code.

SEC. 103.1304

APPLICABLE PLANNING, ZONING AND  
SUBDIVISION REGULATIONS

Chapter X, Articles 1 and 2 (Procedures, Zoning, and Subdivision Regulations) of the Municipal Code shall apply in the West Lewis Street Planned District. Where there are conflicts between the general regulations and this District, the District regulations shall prevail.

SEC. 103.1305

PERMITTED USES

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 purposes listed in this section.

No premises shall contain an establishment exceeding a total of 5,000 square feet in gross floor area.

No permitted use shall begin operating prior to 6:00 a.m. nor continue later than midnight of any day.

A. Business and professional offices. These may include accountants, architects, attorneys, clerical agencies, contractors, doctors, engineers, financial consultants, insurance

agencies, interior decorators, photographers, realtors, and graphic artists.

Such lot or parcel may not be used by one or more practitioners who, among them medically treat, or medically or psychologically counsel, on a group or individual basis, five or more persons in one calendar year who have committed, been charged by criminal indictment or complaint, or convicted of, a sex-related offense outside the family unit as defined in the California Penal Code, Part 1, Title 9, Chapter 1, or in Sections 286, 286.5, 288, 288a, 289 of Chapter 5, or in Section 314 of Chapter 8, or any amendment or recodification or any such sections, if such lot or parcel is located within 1,000 feet of any premises occupied by an elementary, junior, or senior high school, except that such use is permitted by organizations described in Section 101.0503 A.1, 4, 8 and Sections 101.0506 A.3, 4, 8, 10, 12, or the office use shall become a nonconforming use and be subject to Section 101.0303. This restriction applies only to medical and counseling services which are directly related to physical or psychological treatment for the sex-related offenses committed and described in the above California Penal Code sections.

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



1. Antique shops (incidental outdoor display permitted).
2. Art stores and art galleries.
3. Banks (drive-up or drive through prohibited).
4. Barber and beauty shops.
5. Bicycle shops.
6. Confectioneries and bake shops.
7. Custom shops for curtains, drapery, floorcovering and upholstery.
8. Drug stores.
9. Dry cleaning and laundry services.
10. Dry goods and notions stores.
11. Florists (incidental outdoor display permitted).
12. Gift shops.
13. Hardware stores.
14. Hobby shops.
15. Home furnishing stores.
16. Jewelry stores.
17. Liquor stores.
18. Locksmith.
19. Music stores.
20. Photographic studios and retail outlets.
21. Restaurants (incidental outdoor seating permitted, drive-in or drive-through restaurants and live entertainment prohibited).
22. Shoe sales and repair shops.

23. Stationers and bookstores (excluding adult book stores).
24. Studios for art, dance, and music instruction.
25. Travel bureaus.

All activities associated with the above uses, except as noted, shall be contained entirely within the structures on the lot or premises.

C. Single-family and multi-family dwelling units at a maximum density of R-2500.

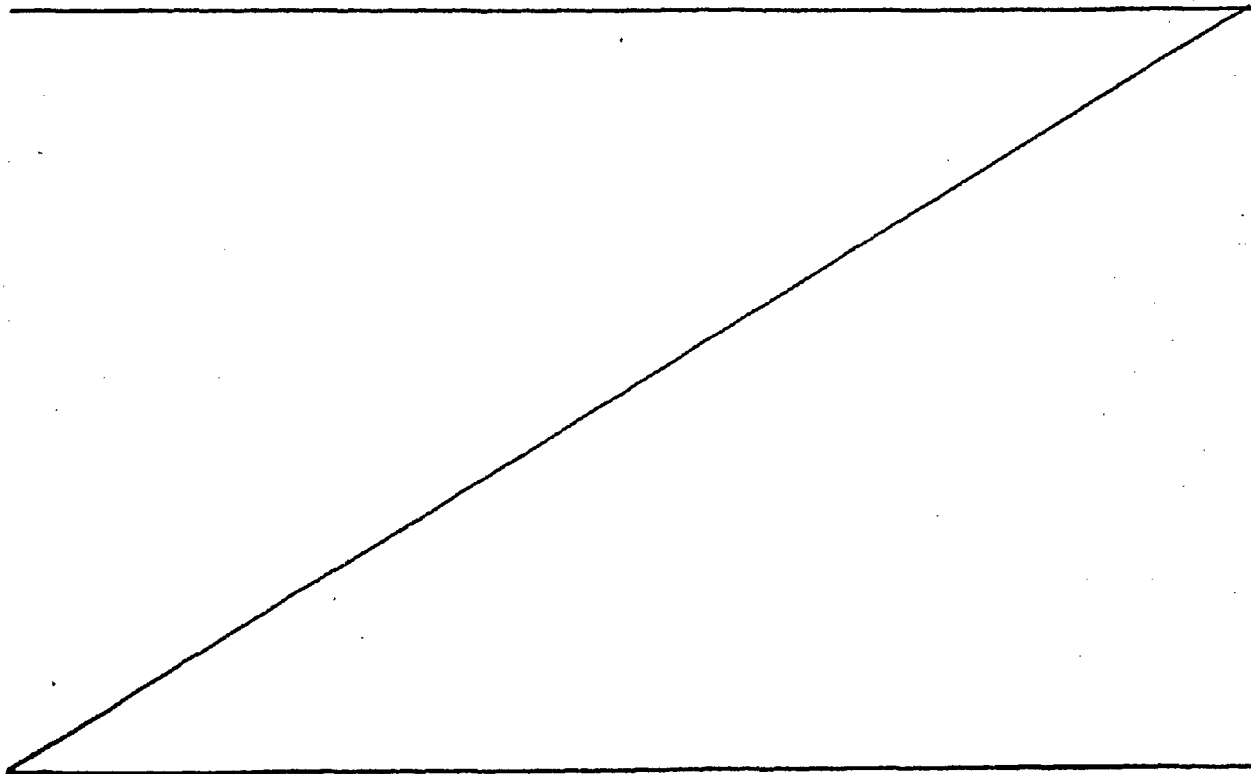
D. Signs, as identified in SEC. 101.1306.

E. Any uses which, in the opinion of the Planning Director, are similar in character to the uses enumerated in this section and which are clearly within the purpose and intent of this District. Any such finding by the Planning Director shall be final unless an appeal in writing is filed with the Planning Department within 10 days from the date of that finding. In the event of such appeal, the Director shall cause the matter to be presented to the Planning 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.

A. No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged, nor shall any lot or premises be used unless the following standards are observed:

Minimum Lot Dimensions

Lot Area	5000 square feet minimum
Street Frontage	50 feet minimum
Lot Width	50 feet minimum
Lot Depth	100 feet minimum



Minimum Yards

Front	0 feet; 10 feet adjacent to residentially zoned lot
Rear	0 feet; 10 feet adjacent to residentially zoned lot (plus 3 feet for each story above two)
Interior Side	0 feet; 4 feet adjacent to residentially zoned lot (plus 3 feet for each story above two)
Street Side	0 feet

Floor Area Ratio

Commercial Use	1.5
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B. Landscaping. Two percent of the lot area shall be suitably landscaped with shrubs, trees, or ornamental ground cover in accordance with adopted Planning Commission criteria.

The landscaped area shall be visible from the street and may include planter boxes and potted plants.

C. Height Limit. The maximum height limit shall be 30 feet for structures and appurtenances.

D. Signs. Signs shall be permitted only as follows:

1. Total signage, either single or double-faced, per premises, shall not exceed 20 square feet in area, identifying the business, person, activity, goods, products or services located on the premises, or displaying a public interest message. The signs may be wall mounted, projecting or freestanding not to exceed a height of four feet, measured vertically from the base at ground level to the apex of the sign, but in any case, shall not be mounted to the roof of the building nor shall it be lighted.

The Planning Director may consider sign messages which are painted on windows as an alternative to a wall sign.

2. One sign, either single-faced or double-faced, with a maximum area of eight square feet, that shall not exceed four feet (measured vertically from the base at ground level to the apex of the sign), offering the premises for sale, lease, or rent, or displaying a public interest message.

E.           Parking. Each premises used for one or more of the permitted uses listed in SEC. 103.1305 shall provide a minimum of off-street parking on the same lot or premises as follows:

1.   Rehabilitation or expansion of existing structures shall meet the following requirements:

a.   Up to 1,600 square feet of additional gross floor area - No parking requirement.

b.   Beyond 1,600 square feet of additional gross floor area - 1.0 parking space per 1,600 square feet of additional gross floor area.

2.   New construction shall meet the following requirements:

a.   For residential dwelling units - 1.0 parking space for each dwelling unit.

b.   For all other uses with frontages less than 75 feet - 1.0 parking space for each 1,200 square feet of gross floor area.

c. For all other uses with frontages greater than 75 feet - 1.0 parking space for each 800 square feet of gross floor area.

3. Mixed Residential and Commercial Uses Exception.

Parking requirements for a project which includes both residential and commercial shall be the total of the number of spaces required for paragraph 2 above.

However, on lots or premises where the commercial hours of operation will be approximately 9:00 a.m. to 5:00 p.m., Monday through Friday, a parking plan may be submitted which proposes the required parking to be the greater of either the commercial or residential parking requirement. This will be subject to Planning Director review as a discretionary item.

Only one driveway shall be permitted per premises.

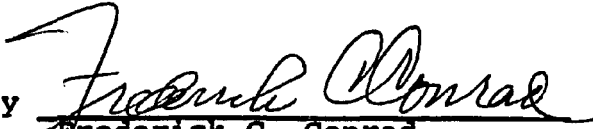
F. Design Review for New and Altered Structures. In making the finding of project conformance, the Planning Director shall, pursuant to Sec. 103.1303A.3, make the following design considerations:

1. New construction shall preserve and enhance the existing scale and character of the neighborhood. New construction shall be compatible with adjacent properties, scale and proportion, rhythm and spacing, materials and texture, architectural detailing and rooflines and materials.
2. Rehabilitation of and/or additions to existing structures shall respect the distinguishing original qualities or character of the property.
3. Parking along the street frontage shall be suitably screened and landscaped so as to mitigate any visual impacts.
4. Exemption: Single-family residential structures.



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: (SZ Plan.) ib:630  
02/14/85  
Or.Dept:Plan.  
O-85-133  
Form=o.none

APR 08 1985

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_  
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 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"/>
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 Mayrae L. Portocarrero, 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

MAR 26 1985

APR 08 1985

\_\_\_\_\_, and on \_\_\_\_\_.

~~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 Mayrae L. Portocarrero, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16398 Adopted APR 08 1985

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CITY CLERK'S OFFICE  
1995 FEB 28 AM 9:33  
SAN DIEGO, CALIF. *A*

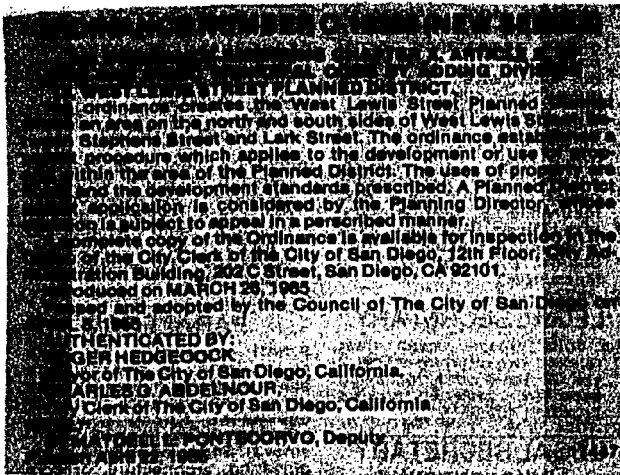
CERTIFICATE OF PUBLICATION

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

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3 OF THE SAN  
DIEGO MUNICIPAL CODE BY ADDING DIVISION 13, WEST LEWIS  
STREET PLANNED DISTRICT.



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 0-16398 (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:

April 22, 1985

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

Dated at San Diego, California this 22nd day of Apr., 19 85.

Michael L. Ungashick  
(Signature)

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