

(O-86-44)

ORDINANCE NUMBER O- 16543 (NEW SERIES)

ADOPTED ON NOV 25 1985

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3,
OF THE SAN DIEGO MUNICIPAL CODE BY ADDING
DIVISION 14 RELATING TO THE CASS STREET
COMMERCIAL 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 14, entitled "Cass Street Commercial Planned District," to read as follows:

DIVISION 14

CASS STREET COMMERCIAL PLANNED DISTRICT

SEC. 103.1400 PURPOSE AND INTENT

The purpose of this district is to retain the existing mix of residential and commercial uses on Cass Street, and to provide for establishments catering to the lodging, dining, shopping and service needs of the adjacent single-family and multi-family residential neighborhoods with the inclusion of adequate parking facilities. This zone is intended to encourage a pedestrian-oriented scale and aesthetically pleasing environment that is compatible with the surrounding single-family and multi-family residential development.

SEC. 103.1401 BOUNDARIES

The regulations which follow shall apply along the commercial areas of Cass Street within the boundaries of the Pacific Beach Community Planning Area in the City of San Diego, California, designated on that certain Zone Map Drawing No. B-3741, filed in the office of the City Clerk under Document No.

00-16543, and described as follows:

All that property zoned "Cass Street Commercial Planned District," beginning at the southeast corner of Lot 4, Block 196, Pacific Beach, Map No. 854; thence in a general northerly direction parallel to and 100 feet east of the easterly right-of-way line of Cass Street to its intersection with the centerline of the first alley north of Sapphire Street; thence westerly along said centerline to a point 100 feet west of the westerly right-of-way line of Cass Street and the intersection of the northerly prolongation of the westerly line of Lot 19, Block 1, Reed's Ocean Front Addition, Map No. 913; thence in a general southerly direction parallel to and 100 feet west of the westerly right-of-way line of Cass Street to the centerline of the first alley south of Opal Street; thence westerly along said centerline to its intersection with the northerly prolongation of the westerly line of Lot 22, Block 4, of said subdivision; thence in a general southerly direction parallel to and 175 feet west of the westerly right-of-way line of Cass Street along said prolongation to the centerline of Loring Street; thence easterly along said centerline to its

intersection with the northerly prolongation of the westerly line of Lot 19, Block 43, Ocean Spray Addition, Map No. 941; thence in a general southerly direction parallel to and 50 feet west of the westerly right-of-way line of Cass Street along said prolongation of the westerly line of Lot 19 and its southerly prolongation to the centerline of the first alley south of Loring Street; thence westerly along said centerline to the northerly prolongation of the westerly line of Lot 24, Block 43 of said subdivision; thence in a general southerly direction parallel to and 100 feet west of westerly right-of-way line of Cass Street to the centerline of the first alley south of Felspar Street; thence easterly along said centerline to its intersection with the southerly prolongation of the easterly line of lot 4, Block 196, Pacific Beach, Map No. 854; thence northerly to the point of beginning, in the City of San Diego, California.

SEC. 103.1402 APPLICABLE REGULATIONS

Where not otherwise specified by this Division, the provisions of Chapter X, Article 1, Divisions 1 through 6, and 8, and Chapter X, Article 2, of this Code shall apply. All other provisions of Chapter X, Article 1, of this Code are superseded by the regulations set forth herein. 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.

SEC. 103.1403 ACTIVITIES REGULATED

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

**SEC. 103.1404 PLANNING DEPARTMENT APPROVAL REQUIRED
 BEFORE ISSUANCE OF PERMIT**

The Department of Building Inspection shall not issue any permit for the installation of fixtures or equipment, or for the erection, construction, conversion, demolition, establishment, alteration or enlargement of any building, structure or improvement, or for the occupancy of any building or structure in the Cass Street Commercial Planned District until approval of the Planning Director has been obtained by the applicant or owner. Each application for a planned district permit shall state therein the purpose for which the proposed building, structure or improvement is intended to be used.

A permit is not required for interior modifications or repairs, nor any exterior repairs or maintenance for which a building permit is not required, unless otherwise specified by the provisions of this planned district.

SEC. 103.1405 PROCEDURES AND FEES

The fees for classification of property, subdivision, and change of street name shall be the same as set forth in Chapter X, Article 1, Division 2, of this Code.

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, Divisions 2 and 5 of this Code.

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

Contents of application shall include the following:

A. 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.

B. 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 areas, and traffic circulation. The plans shall include any proposals that will require an encroachment permit on the public right-of-way.

C. 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.

D. 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.

E. 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.

F. 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.

SEC. 103.1406 DEPARTMENT REVIEW

The Planning Director or his/her 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 other discretionary decisions, shall be approved upon completion of the Planning Director's review. Projects that require the issuance of variations from the regulations contained in this Division, or require discretionary review, shall be subject to public hearing by the Planning Director.

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

SEC. 103.1407 PUBLIC HEARING NOTICE

Notice shall be mailed for all permits requiring a public hearing (see Section 103.1408). The public hearing notice requirements shall meet the requirements of Section 101.0220.

SEC. 103.0408 PUBLIC HEARING REQUIREMENTS

No exceptions to this Division 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.

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/her designated representative shall prepare a detailed set of specific written findings consistent with this Division's purpose and intent establishing the basis for his/her 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 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 Section 62.0115.

SEC. 103.1409 SPECIAL USE PERMITS

A Special Use Permit (SUP) is required for certain specified uses in the Cass Street Commercial Planned District, and for all other applicable discretionary development permits required by the this Code such as conditional use and planned commercial development permits located within the boundaries of this planned

district. Prior to Planning Director approval, all of the following specific findings shall be made:

A. The project is consistent with the purpose and intent of the planned district;

B. The project is consistent with the property and building development regulations of the planned district; and

C. The project is consistent with all of the standards of the planned district.

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 Sections 103.1406 and 103.1407. Project decisions may be appealed as provided by Chapter X, Article 1, Section 101.0910, Paragraphs J and K.

SEC. 103.1410 PROJECT DECISION APPEALS

Any Planning Director decision which requires a public hearing consistent with this Division, 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, Paragraph J and K of this Code.

SEC. 103.1411 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:

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

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

Time extension requests for projects which were originally subject to a public hearing shall be subject to a public hearing in accordance with Sections 103.1407 and 103.1408.

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

SEC. 103.1412 DEFINITIONS

A. "Live entertainment" means entertainment provided by performers appearing in person.

B. "Auto repair facilities" means establishments which provide services for the maintenance and repair of automobiles.

SEC. 103.1413 PERMITTED USES

In the Cass Street Commercial Planned District, no building or improvement, or portion thereof, shall be altered constructed, converted, demolished, erected, established, or enlarged, nor shall any premises be used except for one or more of the following purposes; provided, however, that no premises shall contain a single establishment exceeding a total of 5,000 square feet in gross floor area; and further provided, that no premises shall contain auto repair services, live entertainment or funeral parlors unless approved pursuant to a Special Use Permit.

Business and professional offices may be permitted on the ground

floor in accordance with the provisions of paragraph F. Building occupancy shall be limited to those uses identified in paragraphs A through K below in accordance with the provisions of those paragraphs.

A. Hotels and motels.

B. Residential and apartment development to a maximum density of one dwelling unit per 1,500 square feet of lot area, except that this density may be exceeded in conjunction with a density bonus for the provision of affordable housing pursuant to Section 101.0307 of this Code.

C. Retailing goods and services from the following establishments except drive-in and drive-through facilities:

1. Antique shops.
2. Apparel shops.
3. Art stores and art galleries.
4. Automobile repair services by Special Use Permit only, as provided in paragraph G.
5. Bakeries.
6. Barber shops.
7. Bars, excluding live entertainment, except as provided in paragraph H.
8. Beauty shops.
9. Bicycle shops, including rental and repair.
10. Book stores.
11. Confectioners.
12. Curtain, drapery and upholstery shops.
13. Delicatessens.

14. Dry cleaning establishments (no truck delivery or finished cleaning).

15. Drug stores.

16. Florists.

17. Food stores.

18. Gift shops.

19. Greeting card shops.

20. Gymnasiums, where equipped for physical fitness activities and athletic training programs.

21. Hardware stores including the sale of appliances (new and used) and building materials.

22. Hobby shops.

23. Interior decorators.

24. Jewelry stores.

25. Laundromats.

26. Liquor stores.

27. Music stores.

28. Nurseries - plant.

29. Paint and wallpaper stores.

30. Photographic equipment retail outlets.

31. Photographic studios.

32. Radio, television and home appliance repair shops.

33. Restaurants including outdoor dining, but excluding live entertainment except as provided in paragraph H.

34. Rug and carpet stores.

35. Shoe stores and shoe repair shops.

36. Sporting good stores, including rental and repair.

37. Stationers.

38. Studios for teaching art, dancing and music.

39. Variety stores.

D. Public utility electrical substations, gas regulators, and communications' equipment buildings developed in accordance with building and landscaping plans approved by the Planning Director.

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

F. Business and professional offices (excluding employment agencies and hiring halls) shall be permitted; provided, however, that none may occupy any portion of the ground floor of any building except in conjunction with the rehabilitation of an existing structure or a planned commercial development.

A planned commercial development with office use on the ground floor may be permitted by Special Use Permit, if all of the following conditions and operational requirements are met:

1. Ground floor office uses shall be limited to those office uses which serve residents of surrounding neighborhoods.

2. Building street facades of ground floor office uses shall include pedestrian-oriented design features such as enhanced entry ways and windows.

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, paragraphs A.1, A.4, A.8, and Section 101.0506, paragraphs A.3, A.4, A.8, A.10, A.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-cited Penal Code sections. Court ordered forensic evaluations are exempt services.

G. Automobile repair shops may be permitted subject to a Special Use Permit if all of the following conditions and operational requirements are met:

1. Adequate on-site parking facilities and auto storage area shall be provided. Parking and storage areas shall be completely screened from streets, alleys, and adjacent development with walls and landscaping. No parking or auto storage areas shall be located in front of buildings. No off-site storage of vehicles shall be permitted. One on-site parking space shall be provided for each 300 square feet of gross floor area.

2. Access to parking and auto storage areas shall be from an alley or side street. If no alley or side street access is available, one driveway with a maximum width of 24 feet shall be permitted.

3. All repair activities shall take place in an enclosed building. Noise, dust, and fumes shall be controlled within such building. No automobile painting facilities shall be permitted.

4. Hours of operation shall not be earlier than 7:00 a.m. nor later than 6:00 p.m. and shall be limited to Mondays through Fridays.

5. Auto repair facilities shall not be located on any parcel that is within 50 feet of any residential zone.

6. Building height, bulk, roof line and materials shall be compatible with surrounding buildings.

7. All development regulations of this planned district shall be met, including but not limited to streetscape development regulations.

H. Live entertainment in conjunction with a bar or restaurant may be permitted subject to a Special Use Permit if all of the following conditions and operational requirements are met:

1. Live entertainment shall not be located on a parcel that is within 50 feet of any residential zone.

2. Hours of operation shall not be earlier than 9:00 a.m. nor later than 12:00 midnight.

I. Funeral parlors may be permitted subject to a Special Use Permit if all of the following conditions and operational requirements are met:

1. Adequate parking areas shall be provided in accordance with Section 103.1422.

2. Loading areas shall be fully enclosed and shall be accessed from the alley or side street.

3. All external effects shall be controlled.

J. Other uses that may be permitted by conditional use permit in the CN Zone may be permitted subject to a Special Use Permit, except that outdoor storage and display of new unregistered motor vehicles shall not be permitted.

K. Parking lots and facilities; provided, however that, except for covered parking facilities which are located completely below grade such parking lots and facilities shall be accessory to a use permitted in paragraphs A through J above which shall be located on the same premises.

SEC. 103.1414 MINIMUM LOT AREA AND DIMENSIONS

A. Area - 5,000 square feet.

B. Street frontage - 50 feet.

C. Width - 50 feet.

D. Depth - 100 feet.

E. Exception: Any lot which qualifies under the definition of a lot as set forth in this Code and which does not comply in all respect with the minimum lot dimensions specified herein may nevertheless be used as permitted and otherwise regulated by the provisions applicable to this planned district..

SEC. 103.1415 BUILDING SETBACKS

A. Front

Ten feet, landscaped with 90% vegetation. Five-foot encroachments may be permitted for no more than 50% of the building length; provided, however, that a 15-foot landscaped setback is provided in the remaining 50% of the lot area.

B. Side

1. Interior - none, except that a five-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 of a height greater than 20 feet. A minimum of 50% of such side yard shall be vegetated.

2. Street - five feet, landscaped with 90% vegetation.

C. Rear

None, except that a 15-foot landscaped rear yard shall be provided if any portion of the rear lot line abuts residentially

zoned property. A minimum of 30% of such rear yard shall be vegetated. Such rear yard shall be increased three feet for any building of a height greater than 20 feet.

SEC. 103.1416 MAXIMUM FLOOR AREA RATIO

The maximum floor area ratio (FAR) shall be one (1.0) for any exclusively commercial use building. The floor area ratio may be increased to two (2.0) for mixed use projects combining commercial and residential development, provided that the residential component shall be a minimum of one (1.0) FAR and shall not exceed one and one-half (1.5) FAR.

The maximum floor area ratio for exclusively residential development shall be one and one-half (1.5).

SEC. 103.1417 BUILDING DEVELOPMENT REGULATIONS

A. Facade Offsets

Any continuous facade greater than 25 feet in length shall be provided with recessed offsets or indentations extending the full height of the facade. There shall be one offset or indentation for each 25 feet of facade length. Such recessed offsets or indentations shall each have a minimum average depth of two feet, and a minimum length of four feet measured along the vertical plane of the facade, and their inward angles shall be not less than 30 degrees when measured from such plane.

B. Bay windows may be used for facade offsets, provided they are located at least 10 feet apart and are a minimum of 7 feet in width.

C. Street facades shall be a maximum of 20 feet in height at the 10-foot set back line. All parts 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.

SEC. 103.1418 SPECIAL REGULATIONS

A. All uses except off-street parking, outdoor dining facilities, signs and the storage and display of art exhibits, handcrafted goods, recreational equipment, and nursery plants shall be operated entirely within enclosed buildings.

B. All accessory uses shall be located in the same building as the permitted use or uses which they serve. There shall be no entrance to any such accessory uses except through a foyer, court, lobby, patio or similar area.

C. No permitted commercial use shall commence operating prior to 6:00 a.m. nor continue later than 12:00 midnight of any day.

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

SEC. 103.1419 ENCLOSURE REGULATIONS

A. 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 appearance similar to the main building.

B. 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. Said area shall be screened by a solid fence or wall with a minimum height of six feet. In all cases where a lot or premises is served by an alley, all refuse collection areas shall be directly accessible to such alley.

C. Prior to the use or occupancy of any premises, a wall not less than six feet in height shall be constructed along all portions of the perimeter of said premises that abut residentially zoned property except on public alleys; provided, however, that within any required front or street side yard such wall shall not be required. In the case of rehabilitation of an existing structure, no wall shall be required unless parking is to be located adjacent to residentially zoned property.

SEC. 103.1420 OUTDOOR DISPLAY AND STORAGE REGULATIONS

A. The following listed merchandise sold or rented on the premises may be displayed outdoors without screening walls or fences, except along property lines that abut residentially zoned lots:

1. Artwork and pottery.
2. Flowers and plants.
3. Food products.
4. Handcrafted products and goods.
5. Recreational equipment such as roller skates, bicycles, and surfboards.

6. Any other merchandise which the Planning Director or the Planning Commission on appeal, as set forth in Section 103.1414, paragraph E, may find to be similar in character, type, or nature to the merchandise listed in this paragraph. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

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

C. All walls and fences required in Section paragraph B above shall be a minimum of six feet in height and shall be constructed and maintained with not less than 50% of the surface area impervious to light. Deviation from this requirement may be permitted subject to the approval of the Planning Director for areas which are to be used exclusively for display purposes. The location, materials and design of required walls and fences shall be subject to approval by the Planning Director. Whenever feasible, 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. Any decision of the Planning Director relating to walls or fences may be appealed to the Planning Commission in accordance with the procedures set forth in Chapter X, Article 1, Division 2, of this Code. Such walls or fences shall be maintained in accordance with the provisions set forth in Chapter X, Article 1, Division 6 of this Code.

SEC. 103.1421 OFF-STREET PARKING REGULATIONS

A. Every premises used for one or more of the permitted uses listed in Section 103.1414 shall be provided with a minimum of off-street parking spaces on the same lot or premises, except as otherwise provided in Division 8 of this Article, as follows:

1. For residential development - 1.5 spaces for each dwelling unit containing not more than one bedroom, and 2.0 spaces for each dwelling containing two or more bedrooms.

2. For hotel and motel uses - one parking space for each guest room or suite.

3. For areas of assembly and other similar establishments - one parking space for each 400 square feet of gross floor area.

4. For restaurants - one parking space for each 200 square feet of gross floor area.

5. For all commercial retail - one parking space for each 500 square feet of gross floor area.

6. For all office uses - one parking space for each 300 square feet of gross floor area.

7. For gymnasiums, where equipped for physical fitness activities and athletic training programs - one parking space per 150 square foot of gross floor area.

B. Access to parking shall be from the alley exclusively except when no alley access is available. No access to parking shall be permitted from Cass Street except where such access is the only access available, in which case the maximum driveway size shall be limited to 24 feet.

C. Parking areas shall be located behind the building and the street sideyard setbacks. No parking areas shall be permitted in front of any building on Cass Street or on any side street.

D. Adjacent parking areas, not divided by a street or an alley, shall be linked to allow for multiple use of parking, and a more efficient overall parking and circulation layout. A temporary gate may be constructed in these linkage areas, if needed to protect parking areas from overcrowding.

E. Rehabilitation and Small Addition Projects

Any rehabilitation of an existing building or small addition (1,500 square feet or less) shall be exempted from the required parking, provided that the proposed use of the building is consistent with Section 103.1414 and that no existing parking is reduced, and further provided, that one new parking space is provided off the alley for each ten feet of unbuilt alley frontage. In no event shall the number of additional parking spaces exceed the number required by the size of the addition.

F. Parking reductions may be permitted for lot consolidation and mixed use projects. The request for reduction in the amount of reduced parking will be subject to a Planning Director hearing in which the recommendations of the Engineering and Development Department will be considered. Decisions of the Planning Director may be appealed consistent with Section 103.1410. The amount of reduced parking will depend on the uses and hours of operation proposed for the project, as established through the processing of a development permit.

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

SEC. 103.1422 LANDSCAPING REGULATIONS

A. Prior to the use and occupancy of any premises, the required front yard setback within said premises abutting public street rights-of-way (except for approved ways of ingress and egress) shall be suitably landscaped with shrubs, trees, and ornamental ground cover. Prior to the issuance of any building permits, a complete landscaping plan shall be submitted to the Planning Director for approval. Said landscaping plan shall be in substantial conformance with standards and specifications adopted by the Planning Commission as set forth in the document entitled "Developmental Standards and Operational Standards - Landscaped Strips," on file in the office of the Planning Department. Substantial conformance shall be determined by the Planning Director. Said determination shall be subject to appeal in the manner set forth in Chapter X, Article 1, Division 5, of this Code. Landscaping and required watering systems shall be installed prior to the use of the premises. All landscaping material in required landscaped areas shall be permanently maintained in a growing and healthy condition, including trimming, as appropriate to the landscaping material in accordance with the "Developmental Standards and Operational Standards - Landscaped Strips."

B. When landscape screening is used to enclose areas used for outdoor display or storage, a minimum landscaping strip of five feet shall be included with trees of a minimum height of eight feet at the time of installation. Such a 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. Substantial conformance shall be determined by the Planning Director. Said determination shall be subject to appeal in the manner set forth in Chapter X, Article 1, Division 5, of this Code. Landscape screening shall be permanently maintained in accordance with the adopted standards referred to above.

C. All edges of parking areas (lots plus above ground structures) shall be landscaped with a five-foot landscaping buffer. Wheel stops shall be placed two feet away from the landscaped buffer.

Surface parking lots with more than two rows of parking shall include five-foot-wide landscaping islands between rows and wheel stops at two feet from this landscaped area. Canopied trees of low water consumption shall be planted within this landscaped strip. One tree of a minimum 24-inch box or 15-gallon size and a minimum eight feet in height at the time of installation shall be required per 2,000 square foot of parking lot area. Where a five-foot-wide landscaped island is not feasible, patterned

paving shall be required with one crated tree of minimum 24-inch box or 15-gallon size and a minimum eight feet in height at the time of installation for every 1,000 square feet of parking lot area.

SEC. 103.1423 SIGN REGULATIONS

A. The aggregate area of all signs permitted on the premises (excluding signs designating the premises for sale, rent or lease) shall not exceed one-half of a square foot for each lineal foot of the street frontage of the premises, provided that the aggregate area of all signs used by a single place of business need not be less than 15 square feet. Signs may be utilized to identify the uses of the premises, to offer the premises for sale, rent, or lease, to advertise products, services or events provided on the premises or to display public interest messages as defined in Section 101.1101.169.A.6.

B. Wall signs as defined in Chapter X, Article 1, Division 11, are permitted provided that no such sign shall project above the nearest parapet or eave of the building to which it is affixed. It is further provided that the area of wall signs shall not exceed two feet in height multiplied by the width of the premises, or 15 square feet per premise, whichever is less.

C. Wall graphics shall be permitted in addition to a wall sign provided that the wall graphic contains only a pictorial image of the product or service provided or the logo of the business establishment. No lettering shall be included in a wall graphic. Wall graphics shall be limited to a maximum of 15 square feet per establishment.

D. As an alternative to a wall sign, a projecting sign may be permitted, provided, however, that it meets the following standards:

1. The sign projects horizontally from the building and is oriented to the pedestrian;

2. The sign does not project more than three feet from the face of the building;

3. The bottom of the sign shall not be higher than seven feet above ground level and shall not exceed five square feet in size;

4. A projecting sign may be two sided;

5. A hanging projecting sign with a vertical clearance of less than seven feet may be placed in a vegetated area set back a minimum of five feet from the property line and not accessible by pedestrians, provided that the height of the sign does not exceed six feet; and

6. A projecting sign with a vertical clearance of less than seven feet may be placed over a vegetated area not accessible by pedestrians.

E. One ground monument sign may be permitted for premises containing more than four uses. The sign shall be permitted on one street yard setback only, and set back a minimum of five feet from the property line. The sign and monument shall not exceed 30 square feet and four feet in height.

F. One window graphic shall be permitted per premises. The window graphic shall be limited to individual letters and graphic symbols identifying the premises, the service provided, and the hours of operation. The lettering shall be placed on a transparent board or directly affixed to a window or door. The window graphic shall not exceed 25% of the glass area of the window or door.

G. Signs permitted herein may be lighted; however, none shall contain visibly moving parts or be illuminated by flashing lights. No sign shall be lighted prior to 6:00 a.m. or after 12:00 midnight of any day.

H. One temporary wall or ground sign for each street frontage, having a maximum area of eight square feet, designating the premises for sale, rent or lease.

I. All signs permitted by the provisions of this section shall also comply with the provisions of Chapter IX, Article 5, Division 1, of this Code.

SEC. 103.1424 STREETScape DEVELOPMENT

REGULATIONS/ENCROACHMENT PERMITS

Within the Cass Street Commercial District, no alteration, construction, development or use of the abutting public right-of-way shall be permitted unless the streetscape and encroachment permit standards are met.

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. No new driveways shall be permitted on Cass Street, except as provided in paragraphs 3 and 4 below.

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.

4. 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.

5. 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. Driveway entrances across the sidewalk shall be signed to provide for pedestrian safety at all times.

B. Underground Parking Encroachments

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

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

Any access from underground parking areas to the street shall be signed to provide for pedestrian safety at all times.

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 shall be linear, and shall 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 to improve the abutting sidewalk areas through an encroachment permit shall be 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.

Materials, surface textures, pavement patterns and colors for enhanced pavement shall be compatible with the materials of adjacent buildings and paved areas.

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 paced 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 that is perpendicular to the curb line, provided that the spaces created flow together and

avoid 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. Parkway Landscaping and Street Trees

Landscaping of areas between the sidewalk and the curb shall be encouraged on Cass Street and on side streets. Such planting within the street right-of-way shall be subject to the approval of the Park and Recreation Director as required by Section 62.0603. The provision of street trees and vegetated parkway areas shall be included in the calculation of the required vegetation in front yards and street side yards. Vegetated parkway areas with the specified street tree species shall be permitted to contribute up to two-thirds of the required front and street side yard vegetation. Each one square foot of vegetated parkway area with street trees provided shall satisfy one and one-half square feet of the front and street side yard vegetated area requirements.

Existing street trees shall be preserved to provide continuity and to enhance the character of the street. New street trees on Cass Street shall be of the species Agonis

flexuosa (Peppermint Willow), which is the most prevalent species located on Cass Street. New street trees on side streets shall be of the species which is most prevalent on that side street.

Trees shall be planted in the ground between the sidewalk and the curb. The minimum size tree shall be a standard 24-inch box or 15 gallon size and a minimum of eight feet high. At maturity, tree branches shall be maintained at least eight feet above the sidewalk.

1. Tree Spacing.

Trees shall be planted in a straight line spaced 20 feet apart except where such spacing conflicts with the location of pedestrian oriented light standards, in which case trees shall be spaced 30 feet apart. 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 Uniform 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. Tree grates shall not be required if trees are planted in a landscaped parkway, provided no safety hazards are caused by this exception.

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 Park 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 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 The 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. Utilities

1. For all areas finished with enhanced paving, 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 veneer to match the sidewalk paving material.

3. Public utility systems and service facilities shall be located underground within the property boundaries as provided for in Section 102.0404. Any waiver granted to this requirement shall be subject to the property owner's agreement not to oppose the formation of an undergrounding district in the future.

G. Street Furniture

1. Light Standards.

Light standards shall be equal to the product specified as "San Diegan Series Type C," manufactured by Western Lighting Standards, 18060 Mount Washington, Fountain Valley, California.

2. Benches.

a. Materials.

Benches located in the sidewalk right-of-way shall conform 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:

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

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

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

(4) 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 canvas or any other material permitted by Uniform 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 exhibit areas.

H. Sidewalk Cafes

Sidewalk cafes shall be permitted throughout the planned district as regulated by Section 101.0550.

I. Maintenance and Repairs

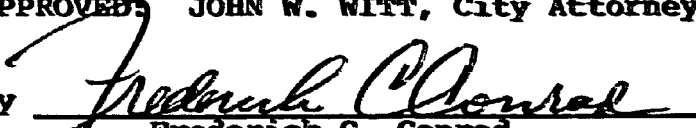
All encroachment permits shall require adequate maintenance consistent with City Engineer standards. Except for those improvements which are the responsibility of public utilities, private improvements to the public right-of-way shall be maintained privately until an alternative maintenance program is available.

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

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
Deputy City Attorney

FCC:cc:600
10/03/85
Or.Dept:Plan.
0-86-44
Form=o.code

51a

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 Struikama	<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"/>	
District 7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vacant
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 Barbara Baxter, 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

NOV 12 1985

NOV 25 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 Barbara Baxter, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16543 Adopted _____

NOV 25 1985

NOV 25 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 Struikama	<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"/>	
District 7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vacant
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 Barbara Baxter, 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

NOV 12 1985

NOV 25 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 Barbara Baxter, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16543 Adopted NOV 25 1985

CERTIFICATE OF PUBLICATION

THE CITY OF SAN DIEGO
OFFICE OF THE CITY CLERK
202 "C" STREET
12TH FLOOR
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, OF THE SAN
DIEGO MUNICIPAL CODE

ORDINANCE NUMBER O-16543 (NEW SERIES)
AMENDING CHAPTER X, ARTICLE 3, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 14 RELATIVE TO THE CASE STREET COMMERCIAL PLANNED DISTRICT.
The Ordinance adds Division 14 to Article 3 of the Municipal Code establishing the Case Street Commercial Planned District Ordinance for a portion of the Pacific Beach area of San Diego generally bounded to be on the east and west sides of Case Street from the corner of Garnet Avenue to the alley south of Turquoise Street. The Ordinance provides for administration of the planned district and sets forth permitted land uses, property development standards, signage development standards, parking requirements, landscaping elements and streetscape development standards to regulate the development of properties within the planned district's bounds. The purpose of the planned district is to retain the existing mix of residential and commercial uses on Case Street, and to provide for improvements catering to the lodging, dining, shopping and service needs of the adjacent single-family and multi-family residential neighborhoods with the inclusion of adequate parking facilities. A printed 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 NOV 12 1985 Passed and adopted by the Council of The City of San Diego NOV 28 1985
AUTHENTICATED BY:
ROSEN HEDGECOCK
Mayor of The City of San Diego, California
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California
(SEAL)
BY BARBARA BAKTER Deputy
Nov 28 1985

I, Gerald F. Blair, 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-16543 (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:

December 16, 1985

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

Dated at San Diego, California this 16th day of Dec., 1985.

Gerald F. Blair
(Signature)

3" x 2 x 9.76

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