

ORDINANCE NUMBER O- 17129 (NEW SERIES)

ADOPTED ON SEP 06 1989

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, DIVISION 12, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 103.1205, 103.1206 AND 103.1208 RELATING TO THE LA JOLLA PLANNED DISTRICT.

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

Section 1. That Chapter X, Article 3, Division 12, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 103.1205, 103.1206 and 103.1208, to read as follows:

**SEC. 103.1205 PERMITTED USES AND DENSITY REGULATION**

The following regulations are applicable to all the zones and are not subject to modification or variance 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. and 2. [No change.]

3. Zones 1, 2, 3 and 4 - Residential development which shall be limited to 29 dwelling units per net acre and subject to the development controls of this Division.

4. Only residential development or redevelopment which shall be limited to 29 dwelling units per acre.

5. through 9. [No change.]

10. Nonconforming Uses.

The lawful use of land which existed on the effective date of this Division and which does not conform with this Division 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 Division.

11. [No change.]

B. [No change.]

C. MAXIMUM BASE DENSITY

Except as provided in SEC. 103.1205, Paragraph

D. (Maximum Bonus Density), below, the maximum development density shall be as follows:

<u>Zone</u>	<u>Maximum Base Floor Area Ratio (FAR) Permitted Per Lot</u>	<u>Maximum Office FAR or Area Permitted Within Maximum Base FAR*</u>
1	1.3	0.5 or 5,000 gross sq. ft., whichever is less
2	1.3	1.0 or 5,000 gross sq. ft., whichever is less
3	1.3	0.7 or 5,000 gross sq. ft., whichever is less
4	1.0	0.5 or 5,000 gross sq. ft., whichever is less
5	1.5	Not applicable
6	No restriction	Not applicable

\*For lot splits containing office uses, the office development maximum area prior to the lot split will apply. See SEC. 103.1206, Paragraph A.3. of this Division.

D. MAXIMUM BONUS DENSITY

1. A residential/retail mixed use project (with no office uses), shall contain a minimum of 16 percent to a maximum of 50 percent of the total gross floor area in retail use, and the remainder of the total gross floor area in residential use, the maximum building floor area ratio shall be:

<u>Zone</u>	<u>Maximum Building Floor Area Ratio (including Bonus)</u>
1	1.7
2	1.7
3	1.7
4	1.3
5	Not permitted
6	Not permitted

The ground floor requirements for retail use, as set out in SEC. 103.1205, Paragraph B.1. shall apply.

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

<u>Zone</u>	<u>Maximum Building Floor Area Ratio (including Bonus)</u>
1	1.7
2	1.7
3	1.7
4	1.3
5	Not permitted
6	Not permitted

**SEC. 103.1206 PROPERTY DEVELOPMENT REGULATIONS**

A. and B. [No change.]

**C. MAXIMUM HEIGHT**

The height of any point on any structure shall not exceed 30 feet. The height of any point on any structure shall be defined as the vertical distance between such point and the preexisting grade or finished grade, whichever is lower, directly below it.

The preexisting grade is that grade level which existed prior to the start of any site preparation, grading or construction related to the project being proposed.

SEC. 103.1206. Paragraph C (see Appendix B).

In addition to the height limit criteria above, the following areas within the planned district, as graphically depicted on Drawing No. C-766, filed in the office of the City Clerk, shall be limited to structures containing a maximum of two stories:

1. All portions of Zone 2.
2. All portions of Zone 4.
3. Those portions of Zone 1 generally bounded by Herschel Avenue to the east, the alley parallel to and west of Girard Avenue to the west, Pearl Street to the south and Prospect Street to the north.
4. All portions of Zone 3 south of Silverado Street.

5. That small portion of Zone 5 surrounded by Coast Boulevard South and Coast Boulevard, generally west of the intersection of La Jolla Boulevard and Coast Boulevard South.

The definition of "story," as it pertains to this section, shall be identical to that contained in San Diego Municipal Code SEC. 101.0101.63.

D. through M. [No change.]

N. RESIDENTIAL DESIGN CRITERIA

Exclusively residential development shall comply with all of the following standards:

1. The proposed use will comply with all development regulations of SECS. 103.1205, 103.1206, 103.1207, 103.1208 and 103.1209 of this Division and the relevant regulations of the San Diego Municipal Code.

2. The proposed use will incorporate architectural features which are of visual interest such as awnings, canopies, collonades, porches, balconies, arcades, etc.

3. The proposed use will utilize pitched roofs and other roof designs to reduce the appearance of bulk and create an appearance compatible with surrounding development.

4. The proposed use will provide for private open space areas such as balconies, patios and courtyards. The total area for such spaces shall be not less than 150 square feet per unit.

5. The proposed use will utilize low water plant materials as determined by the Park and Recreation Department together with an automatic irrigation system.

**SEC. 103.1208 SPECIAL USE PERMIT DEVELOPMENT STANDARDS**

A. and B. [No change.]

C. EXISTING CULTURAL USE WITHIN ZONE 6 DEMOLITION  
[No change.]

D. HOTEL/MOTEL DEVELOPMENT (INCLUDING TIMESHARES)  
[No change.]

E. OUTDOOR SALES AND DISPLAYS AND STORAGE REGULATIONS  
IN ZONES 1, 2, 3 AND 4 ONLY

[No change.]

F. FAST FOOD RESTAURANTS IN ZONES 1, 2, 3 AND 4 ONLY  
[No change.]

G. DRIVE THROUGH FACILITIES  
[No change.]

H. JOINT USE PARKING FACILITIES  
[No change.]

I. ABOVE GROUND PARKING STRUCTURES  
[No change.]

J. IN LIEU FEE PARKING PROVISIONS  
[No change.]

K. TRANSIT FEES IN LIEU PROVISIONS  
[No change.]

L. IN LIEU STREETScape IMPROVEMENT FEES  
[No change.]

M. OTHER USES PERMITTED UNDER A SPECIAL USE PERMIT

[No change.]

N. CULTURAL ZONE - TRANSFER OF DEVELOPMENT RIGHTS PROGRAM

A Transfer of Development Rights Program to be applied to the cultural uses within the Cultural Zone shall be incorporated into this Planned District Ordinance by June 30, 1987. The program shall be designed to give the cultural institutional uses in equivalent value to their present maximum residential permitted use of 29 du/ac, in exchange for the perpetual restriction of residential redevelopment on these sites. The incorporation of a specific Transfer of Development Rights (TDR) implementation program shall be the subject of future approval by the City Council. Approval of such TDR program shall take place within the specified period, but no later than June 30, 1987.

Section 2. This ordinance shall take effect and be in force on the thirtieth (30th) day from and after its passage and no building permits for construction of projects inconsistent with the provisions of this ordinance shall be issued unless a complete application (including all plans and information as required by the Planned District Ordinance) was submitted to the Planning Department on or before March 22, 1988.



APPROVED: John W. Witt, City Attorney

By *Frederick C. Conrad*  
Frederick C. Conrad  
Chief Deputy City Attorney

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08/17/88 REV. 1  
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SAN DIEGO, CALIF.

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NEW LANGUAGE: UNDERLINED  
OLD LANGUAGE: STRUCK OUT

**SEC. 103.1205 PERMITTED USES AND DENSITY REGULATION**

The following regulations are applicable to all the zones and are not subject to modification or variance 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. and 2. [No change.]

3. Zones 1, 2, 3 and 4 - Residential  
development which shall be consistent with the  
R-1000 density (Chapter X, Article 17, Division 4  
SEC. 101-0410) of the San Diego Municipal Code,  
limited to 29 dwelling units per net acre and  
subject to the development controls of this  
Division.

4. Zone 5 - Except as provided in Paragraph  
A-5 of this Section, only residential development  
or redevelopment, which shall be limited to 29  
dwelling units per acre.

EXCEPTION: Residential development or redevelopment in Zone 5 may be allowed up to a maximum of 43 dwelling units per acre if all practicable Special Use Permit requirements of SEC. 103.1200 of this division are complied with:

5. through 9. [No change.]

10. Nonconforming Uses.

The lawful use of land which existed on the effective date of this Division and which does not conform with this Division 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 Division.

11. [No change.]

B. [No change.]

C. MAXIMUM BASE DENSITY

Except as provided in SEC. 103.1205, Paragraph D. (Maximum Bonus Density), below, the maximum development density shall be as follows:

<u>Zone</u>	<u>Maximum Base Floor Area Ratio (FAR) Permitted Per Lot</u>	<u>Maximum Office FAR or Area Permitted Within Maximum Base FAR*</u>
1	1.3	0.5 or $\pm 0.7000 \frac{5,000}{}$ gross sq. ft., whichever is less
2	1.3	1.0 or $\pm 0.7000 \frac{5,000}{}$ gross sq. ft., whichever is less
3	1.3	0.7 or $\pm 0.7000 \frac{5,000}{}$ gross sq. ft., whichever is less
4	1.0	0.5 or $\pm 0.7000 \frac{5,000}{}$ gross sq. ft., whichever is less
5	1.5	Not applicable
6	No restriction	Not applicable

\*For lot splits containing office uses, the office development maximum area prior to the lot split will apply. See SEC. 103.1206, Paragraph A.3. of this Division.

D. MAXIMUM BONUS DENSITY

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

<u>Zone</u>	<u>Maximum Building Floor Area Ratio (including bonus)</u>
1	Not applicable
2	1.8
3	Not applicable
4	Not applicable
5	1.8*
6	Not applicable

\*Provided all procedures, standards and findings set out in SEC. 103.1200 of this Division are fully complied with:

2. 1. A residential/retail mixed use project (with no office uses), shall contain a minimum of 16 percent to a maximum of 50 percent of the total gross floor area in retail use, and the remainder of the total gross floor area in residential use, the maximum building floor area ratio shall be:

<u>Zone</u>	<u>Maximum Building Floor Area Ratio (including Bonus)</u>
1	2:0 <u>1.7</u>
2	2:0 <u>1.7</u>
3	2:0 <u>1.7</u>
4	1:5 <u>1.3</u>
5	Not permitted
6	Not permitted

The ground floor requirements for retail use, as set out in SEC. 103.1205, Paragraph B.1. shall apply.

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

<u>Zone</u>	<u>Maximum Building Floor Area Ratio (including Bonus)</u>
1	2:0 <u>1.7</u>
2	2:0 <u>1.7</u>
3	2:0 <u>1.7</u>
4	1:5 <u>1.3</u>
5	Not permitted
6	Not permitted

**SEC. 103.1206 PROPERTY DEVELOPMENT REGULATIONS**

A. and B. [No change.]

C. MAXIMUM HEIGHT

The height of any point on any structure shall not exceed 30 feet. The height of any point on any structure shall be defined as the vertical distance between such point and the preexisting grade or finished grade, whichever is lower, directly below it.

The preexisting grade is that grade level which existed prior to the start of any site preparation, grading or construction related to the project being proposed. SEC. 103.1206.

Paragraph C (see Appendix B).

In addition to the height limit criteria above, the following areas within the planned district, as graphically depicted on Drawing No. C-766, filed in the office of the City Clerk, shall be limited to structures containing a maximum of two stories:

1. All portions of Zone 2.
2. All portions of Zone 4.
3. Those portions of Zone 1 generally bounded by Herschel Avenue to the east, the alley parallel to and

west of Girard Avenue to the west, Pearl Street to the south and Prospect Street to the north.

4. All portions of Zone 3 south of Silverado Street.

5. That small portion of Zone 5 surrounded by Coast Boulevard South and Coast Boulevard, generally west of the intersection of La Jolla Boulevard and Coast Boulevard South.

The definition of "story," as it pertains to this section, shall be identical to that contained in San Diego Municipal Code SEC. 101.0101.63.

D. through M. [No change.]

N. RESIDENTIAL DESIGN CRITERIA

Exclusively residential development shall comply with all of the following standards:

1. The proposed use will comply with all development regulations of SECS. 103.1205, 103.1206, 103.1207, 103.1208 and 103.1209 of this Division and the relevant regulations of the San Diego Municipal Code.

2. The proposed use will incorporate architectural features which are of visual interest such as awnings, canopies, collonades, porches, balconies, arcades, etc.

3. The proposed use will utilize pitched roofs and other roof designs to reduce the appearance of bulk and create an appearance compatible with surrounding development.



4. The proposed use will provide for private open space areas such as balconies, patios and courtyards. The total area for such spaces shall be not less than 150 square feet per unit.

5. The proposed use will utilize low water plant materials as determined by the Park and Recreation Department together with an automatic irrigation system.

**SEC. 103.1208 SPECIAL USE PERMIT DEVELOPMENT STANDARDS**

A. and B. [No change.]

**C. ZONE 5 - BONUS RESIDENTIAL DEVELOPMENT**

Residential development in Zone 5 greater than 29 and not exceeding 43 dwelling units per acre, with a maximum FAR of 1.8, shall comply with all of the following standards:

1. The proposed use will comply with all development regulations of SECS: 103-1205, 103-1206, 103-1207, 103-1208 and 103-1209 of this Division and the relevant regulations of the Municipal Code.

2. The proposed use will incorporate architectural features which are of visual interest such as awnings, canopies, colonnades, porches, balconies, arcades, etc.

3. The proposed use will utilize pitched roofs and other roof designs to reduce the appearance of bulk and create an appearance compatible with surrounding development.

4. The proposed use will provide for private open space areas such as balconies, patios and courtyards. The total area for such spaces shall be not less than 200 square feet per unit.

5- The proposed use will utilize low water plant materials as determined by the Park and Recreation Department together with an automatic irrigation system-

6- The proposed use will provide all required parking in enclosed garages-

D- C. EXISTING CULTURAL USE WITHIN ZONE 6 DEMOLITION  
[No change.]

E- D. HOTEL/MOTEL DEVELOPMENT (INCLUDING TIMESHARES)  
[No change.]

F- E. OUTDOOR SALES AND DISPLAYS AND STORAGE REGULATIONS IN ZONES 1, 2, 3 AND 4 ONLY  
[No change.]

G- F. FAST FOOD RESTAURANTS IN ZONES 1, 2, 3 AND 4 ONLY  
[No change.]

H- G. DRIVE THROUGH FACILITIES  
[No change.]

I- H. JOINT USE PARKING FACILITIES  
[No change.]

J- I. ABOVE GROUND PARKING STRUCTURES  
[No change.]

K- J. IN LIEU FEE PARKING PROVISIONS  
[No change.]

L- K. TRANSIT FEES IN LIEU PROVISIONS  
[No change.]

M- L. IN LIEU STREETScape IMPROVEMENT FEES  
[No change.]

N- M. OTHER USES PERMITTED UNDER A SPECIAL USE PERMIT

[No change.]

Ø- N. CULTURAL ZONE - TRANSFER OF DEVELOPMENT RIGHTS PROGRAM

A Transfer of Development Rights Program to be applied to the cultural uses within the Cultural Zone shall be incorporated into this Planned District Ordinance by June 30, 1987. The program shall be designed to give the cultural institutional uses in equivalent value to their present maximum residential permitted use of ~~43~~ 29 du/ac, in exchange for the perpetual restriction of residential redevelopment on these sites. The incorporation of a specific Transfer of Development Rights (TDR) implementation program shall be the subject of future approval by the City Council. Approval of such TDR program shall take place within the specified period, but no later than June 30, 1987.

FCC:ta  
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SEP 06 1988

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

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<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"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struikisma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

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

(Seal)

By *Jana M. Martin*, 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

AUG 02 1988

SEP 06 1988

....., 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 *Jana M. Martin*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17129 Adopted SEP 06 1988

CERTIFICATE OF PUBLICATION

RECEIVED  
CITY CLERK'S OFFICE  
1988 SEP 23 AM 11:24  
SAN DIEGO, CALIF.

CITY OF SAN DIEGO  
202 C STREET, 2ND FLOOR  
SAN DIEGO, CA 92101  
ATTN: TENA MARTIN

IN THE MATTER OF  
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, DIVISION  
12, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING  
SECTIONS 103.1205, 103.1206 AND 103.1208 RELATING  
TO THE LA JOLLA PLANNED DISTRICT

NO.

**ORDINANCE NUMBER 0-17129 (NEW SERIES)**  
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, DIVISION 12, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 103.1205, 103.1206 AND 103.1208 RELATING TO THE LA JOLLA PLANNED DISTRICT.  
This ordinance amends the La Jolla Planned District regulations relating to permitted density of residential development, floor area ratios and bonuses and height limits.  
Introduced on AUG 02 1988  
Passed and adopted by the Council of The City of San Diego on SEP 06 1988  
AUTHENTICATED BY: MAUREEN O'CONNOR  
Mayor of The City of San Diego, California  
CHARLES G. ABDELNOUR  
City Clerk of the City of San Diego, California  
By Tena Martin, Deputy  
Pub. September 20 11:53 AM

I, THOMAS D. KELLEHER, 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 0-17129 (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:

SEPT. 20

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

Dated at San Diego, California this 20 day of SEPT., 19 88

Thomas D Kelleher  
(Signature)

$\$18.41 \times 2 \times 1\frac{5}{8} = \$37.08$