

ORDINANCE NUMBER O- 17467 (NEW SERIES)

ADOPTED ON MAY 15 1990

AN EMERGENCY, TEMPORARY ORDINANCE AMENDING THE BARRIO LOGAN PLANNED DISTRICT TO BE IN EFFECT FOR ONE YEAR OR UNTIL IMPLEMENTING ORDINANCES FOR THE BARRIO LOGAN REDEVELOPMENT PLAN ARE ADOPTED AND EXECUTED.

WHEREAS, Section 101.0203.1 of the San Diego Municipal Code provides that the City Council may adopt an Emergency, Temporary Interim Ordinance prohibiting developments that may be in conflict with adopted plans or with legislation that the City Council, Planning Commission, or the Planning Department is considering, studying, or intends to study within a reasonable time; and

WHEREAS, the Planning Commission and the City Council have adopted the Mercado del Barrio (now Barrio Logan) Preliminary Redevelopment Plan for a portion of the Barrio Logan community; and

WHEREAS, a forthcoming final Redevelopment Plan for Barrio Logan will redefine the vision of the future for this area; and

WHEREAS, there is a need to preserve the opportunity to implement the Barrio Logan Redevelopment Project by inhibiting incompatible development; and

WHEREAS, certain uses, development patterns and standards contained in the existing Barrio Logan Planned District could impair implementation of redevelopment goals, environmental and urban design solutions which benefit the public health, safety, and general welfare of the citizens of San Diego; and

WHEREAS, development pressures are increasing in Barrio Logan due to the redevelopment of the nearby downtown area, the planned redevelopment of the adjacent Centre City East and Dells/Imperial areas, and the proximity of the Convention Center; and

WHEREAS, a Council approved Project Area Committee for the Barrio Logan Redevelopment Project will assist in the preparation of permanent development regulations to implement the Barrio Logan Redevelopment Plan objectives; and

WHEREAS, forthcoming adoption of a revised Centre City Plan and downtown redevelopment area expansion into areas presently within the Barrio Logan Planned District will require amendment to such Planned District; and

WHEREAS, it is anticipated that the 1978 Barrio Logan/Harbor 101 Community Plan will be updated in the near future; and

WHEREAS, the City Council held a public hearing as required by the San Diego Municipal Code; and

WHEREAS, the City Council public hearing was noticed to property owners within the new Subarea "E" and within 300 feet of its boundaries; NOW THEREFORE,

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

Section 1. In order to accommodate the Barrio Logan Redevelopment Project, the Barrio Logan Planned District is hereby amended by adding Subdistrict "E." Subdistrict "E" is to be placed on certain areas previously designated as Subdistricts "A," "B" and "D." The boundaries of Subdistrict "E" as added to the Barrio Logan Planned District are shown on Map No. C-806,

filed in the office of the City Clerk under Document No. 00-17467, attached hereto as Exhibit 1.

Section 2. SUBDISTRICT "E" PURPOSE AND INTENT

The purpose of Subdistrict "E" is to establish uses and development standards supportive of the objectives for the Barrio Logan Redevelopment Project. Subdistrict "E" is intended to be largely pedestrian oriented, to consist primarily of a mixed-use area, including commercial, cultural, educational, recreational and residential uses serving the Barrio Logan and Logan Heights communities, as well as visitors. Light industrial uses are permitted in Subdistrict "E" to enhance job opportunities for community residents, so long as such uses are restricted to certain areas within Subdistrict "E," as described herein. Mixed uses within the same structure are encouraged to bring day and night vitality to the area.

Section 3. PLANNING DIRECTOR APPROVAL REQUIRED BEFORE ISSUANCE OF PERMIT

A. The City shall not issue any permit for the construction, establishment, enlargement, conversion or alteration of any building, structure, or improvement in any portion of Subdistrict "E" of the Barrio Logan Planned District Ordinance until approval from the Planning Director or his designated representative has been obtained by the applicant. The Planning Director or his designated representative may impose conditions and requirements consistent with redevelopment goals and objectives for this portion of Barrio Logan.

B. Contents. The application shall include the following:

1. Adequate plans and specifications indicating proposed uses, lot area, lot coverage, building height, off-street parking, floor plans and elevations.

2. Adequate plans and specifications for any out buildings, walls, fences, landscaping, courtyards and signs.

3. Any other information deemed necessary by the Planning Director or his designated representative to judge compliance with the regulations contained herein, other applicable laws and regulations, and the objectives of the Barrio Logan Redevelopment Project.

C. Variances, Conditional Use Permits and Reconstruction Permits. Variances from the regulations hereinafter provided, conditional use permits, and reconstruction permits may be granted in all instances where such variances or permits would serve to carry out the purpose and intent of the Barrio Logan Redevelopment goals.

D. Review. All decisions shall be final unless an appeal is authorized by the Municipal Code.

Section 4. PERMITTED USES

No building or improvement shall be constructed, converted, altered or enlarged, nor shall any lot or premises be used, except for the following purposes:

A. Residential Units.

B. Commercial Facilities (including wholesale and retail sales and services, on-site craft making, eating, drinking and entertainment establishments, food sales, banking services, hotels and motels, private clubs, fraternal organizations and

lodges, building materials sales within a completely enclosed building, commercial warehousing, custom automotive, upholstery shops, auto storage associated with commercial uses, but prohibiting salvage yards, auto wash, auto paint and repair, metal recycling, tire processing, auto sales and rentals, and gas stations).

C. Educational Facilities.

D. Cultural Facilities.

E. Recreational/Health Facilities.

F. Community Services/Institutions/Government Agencies.

G. Business and Professional offices.

H. Parking Facilities which are an accessory to a permitted use.

I. Off-site waterfront dependent uses including manufacturing of equipment and parts supportive of marine oriented industries and provided such uses are within a completely enclosed building.

J. The following uses are permitted in that portion of Subdistrict "E" bounded by Main Street, the San Diego Coronado Bay bridge right-of-way, Harbor Drive, and Sigsbee Street; in that portion of Subdistrict "E" bounded by 16th Street, Logan Avenue, Sigsbee Street and Newton Avenue; and in that portion of Subdistrict "E" bounded by Evans Street, Newton Avenue, 26th Street and Main Street.

1. Uses permitted in Chapter X, Article 1, Division 4, Section 101.0435.1 (M-IP Zone) Paragraph B.3 (except aa., ee. and mm.) of the Municipal Code.

2. Wholesale distribution and storage.
3. Print shops.
4. Metal forming and welding.
5. Equipment and parts manufacturing.
6. Machine tooling.
7. Wood shops.
8. Off-site equipment repair and storage.
9. Auto storage.
10. Food preparation for wholesale distribution.
11. Pharmaceutical manufacturing and distribution.

K. Any other uses which the Planning Director or his designated representative may determine are similar in character, nonhazardous and nondetrimental to residential uses, and consistent with the purpose and intent of the Barrio Logan Redevelopment Project.

Section 5. SPECIAL REGULATIONS

A. Loud or unusual noises which violate the anti-noise provisions of the Municipal Code, as enforced by the Building Inspection Department; or effects which may be so injurious, obnoxious or offensive to a neighborhood as to constitute a nuisance shall not be permitted.

B. Artificial lighting used to illuminate the premises shall be directed away from adjacent properties, and in accordance with Municipal Code Chapter X, Article 1, Division 13, Light Pollution Law.

C. In Subdistrict "E," the following regulations shall apply to all commercial and industrial uses:

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

- a. Flowers and plants.
- b. Food products.
- c. Handcrafted products and goods.
- d. Artwork and pottery.

e. Any other merchandise which the Planning Director or his designated representative may find to be similar in character, type or nature to the other merchandise listed in this paragraph and which will not cause an adverse visual impact on the neighborhood. The decision of the Planning Director or his designated representative pursuant to this requirement may be appealed to the Board of Zoning Appeals in accordance with the procedures set forth in Chapter X, Article 1, Division 5 of the Municipal Code.

2. All other commercial and industrial uses, activities, and operations shall be conducted within an enclosed building or within an area that is completely enclosed by walls or fences a minimum of six feet in height, except for retail merchandise which may be sold if enclosed by at least three walls. No merchandise or equipment shall be stored to a height greater than any wall or fence which encloses it. No wall or fence need be built between two abutting uses which are required to be enclosed.

3. On industrial premises, all walls and fences required in Paragraph 2 of this section or any walls or fences visible from any publicly dedicated street or alley shall be of solid construction impervious to light; and consisting of brick, block, stone or wood derived from redwood, cedar or stained Douglas fir species, and located within two (2) feet of the property line. On commercial premises, all walls and fences required in Paragraph 2 of this section may be of open-style construction such as spaced wood or ornamental iron. In order to enhance the Hispanic theme envisioned for Subdistrict "E," landscaping treatment, consisting of creeping vines such as ivy, bougainvillea or any similar drought tolerant, evergreen species of an acceptable density to ensure foliage coverage on 50 percent of said wall or fence within one year of planting, shall be planted at a maximum of three-foot intervals the entire exterior length of walls or fences installed to satisfy this requirement, except those portions abutting an alley. Landscaping shall be installed in such a manner as to allow the vines to climb the fence, or a trellis placed adjacent to the wall or fence, during growth. Required walls, fences and landscaping shall be maintained in good condition.

4. The Planning Director or his designated representative may approve the use of other building materials for required walls and fences if he/she finds that such other building materials will be at least equal to the required materials in presenting a neat and attractive

appearance. Any decision of the Planning Director or his designated representative pursuant to this section may be appealed to the Board of Zoning Appeals in accordance with the procedures set forth in Chapter X, Article 1, Division 5 of the Municipal Code. The Planning Director or his designated representative may approve a change from the building material requirement, or approve a lesser height, if findings can be made pursuant to Chapter X, Article 1, Division 5, Section 101.0502.

D. New residential development adjacent to an existing industrial use, or new industrial development adjacent to an existing residential use shall provide a minimum six-foot uniform masonry, wall, or solid, impervious to light wood construction derived from redwood, cedar or stained Douglas fir species, at the property line between the residential and the industrial use. The wall side facing the residential development shall be landscaped in accordance with Section 3.2 of the City of San Diego Landscape Technical Manual. New industrial operations cannot occur within 25 feet from an existing residential use.

E. No mechanical equipment, utility appurtenances, or trash storage shall be erected or maintained anywhere on the roof or exterior walls or buildings on the premises unless all such equipment and appurtenances are contained within an enclosure which has construction and appearances similar to the main building.

F. No merchandise, material or equipment shall be stored on the roof of any building.

G. Any use, except for those uses permitted herein which existed on the effective date of this Emergency, Temporary Interim Ordinance shall be considered a non-conforming use. No enlargement, addition or alteration to such use or premises may be made. Any discontinuance of a non-conforming use for a continuous period longer than 12 months shall constitute an abandonment of any non-conforming use rights. For other regulations pertaining to non-conforming uses, please refer to Sections 101.0301, 101.0302 and 101.0303 of the Municipal Code.

Section 6. PROPERTY DEVELOPMENT REGULATIONS

The following regulations shall apply to all construction, expansion, conversion, or alteration of premises within Subdistrict "E."

A. In order to encourage a pedestrian orientation on Logan Avenue, National Avenue, Newton Avenue, Beardsley Street, Crosby Street, and Sampson Street, the following development standards shall apply to developments fronting such streets:

1. The building wall shall be extended at least 65 percent of the street frontage and shall be located within two (2) feet of the property line, except that if a plaza, courtyard, arcade, sidewalk cafe, seating area, or landscaped area to buffer residential uses from the street is included, then the new wall may be set back up to 15 feet along that portion of the wall where the plaza, courtyard, arcade, sidewalk cafe, seating area, or landscaped residential buffer area is located. On all corner parcels within Subdistrict "E," the building wall required by this paragraph shall occupy the corner facing the street intersection.

2. All surface parking adjoining Logan, Newton and National Avenues, Crosby, Beardsley and Sampson Streets shall be screened by a wall or fence having a minimum continuous height of three feet. In addition, the wall or fence must be separated from any adjacent public right-of-way by a minimum continuous width of two feet of landscaped area in compliance with the City-wide Landscaping Ordinance. (Temporary, at grade parking during construction is exempted.) All above grade parking spaces visible from the public right-of-way must be architecturally screened or enclosed.

At least 50 percent of the area of the first story street wall shall incorporate pedestrian entrances and windows, with blank wall segments limited to 15 feet in width. Windows and entrances must be located at a "pedestrian height level," defined as the wall area extending from the sidewalk up to 12 feet in height. (Residential uses are exempted from this regulation.)

B. The maximum density of residential structures shall not exceed one unit per 1500 square feet of lot area. A higher density shall be permitted upon compliance with Sections 101.0307.1 through 101.0307.6, Affordable Housing Density Bonus, of the Municipal Code.

C. The maximum building height within Subdistrict "E" shall be 50 feet with average height of every individual project (surface of flat roofs and midpoint of gabled roofs) not over 35 feet in height. Decorative towers not intended for occupancy are excepted from average height limit.

D. Curb cuts and entrances to off-street parking areas should be minimal in both size and number in order to reduce pedestrian/vehicular traffic conflicts and maximize the amount of on-street parking. The following standards shall apply to Subdistrict "E," except as required for driveway access where no alternative access is available.

1. Residential Projects

<u>Number of Parking Spaces Accessed by Driveway</u>	<u>Minimum Width</u>	<u>Maximum Width</u>
1-8	12'-0"	16'-0"
9-19	16'-0"	18'-0"
20+	18'-0"	20'-0"

2. Non Residential Projects

<u>Number of Parking Spaces Accessed by Driveway</u>	<u>Minimum Width</u>	<u>Maximum Width</u>
1-49	18'-0"	24'-0"
50+	24'-0"	30'-0"

E. All landscaping shall conform with the City-wide

Landscaping Ordinance, Municipal Code sections 101.0701 through 101.0714; and the City of San Diego Landscape Technical Manual on file at the City Clerk's office, Document No. RR-274506, except that where a street yard is less than 10 feet in depth, the landscape requirement may be met with enhanced paving consistent with a Hispanic theme such as colored concrete, clay tile, stone, or interlocking pavers.

F. All signs shall conform with the City-wide Sign Ordinance, Chapter X, Article I, Divisions 11 and 11.5 of the Municipal Code.

Section 7. OFF STREET PARKING REGULATIONS

Subdistrict "E" is conveniently served by the San Diego Trolley; therefore, the following parking requirements apply:

A. For one family or multi-family dwellings, refer to Section 101.0835 of the Municipal Code.

B. For non-residential uses, the minimum parking required shall be one (1) space for every 1000 square feet of gross floor area. In order to develop a compact pedestrian environment in Subdistrict "E," a maximum of one (1) space for every 400 square feet of gross floor area is hereby established.

C. For non-residential lots which are less than 2,500 square feet in area, no parking shall be required.

D. Off-premises parking may be provided for non-residential uses in conformance with the provisions of Section 101.0800, Paragraph 7, (Off-Premises Parking for Uses in the C-1 and C-1S Zones).

E. Where ambiguity exists in the application of these off-street parking requirements or where any use not specified in Section 4 of this Emergency, Temporary Interim Ordinance (Permitted Uses), is found to be a permitted use, the off-street parking requirement shall be consistent with that for similar uses in Subdistrict "E."

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

G. The off-street parking requirements set forth in this section will be imposed only upon the completion of "new construction." For the purposes of this paragraph, "new

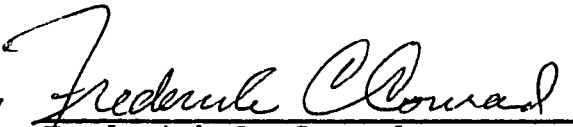
construction" shall mean any construction, alteration(s) or enlargement(s) of a structure which activities, in the aggregate, increase the fair market value of the lot or premises upon which such construction, alteration or enlargement is undertaken by more than 50 percent of the assessed fair market value of such lot or premises for the fiscal year during which such construction, alteration or enlargement is undertaken. In calculating the number of parking spaces required for any such new construction, only the gross floor area of the new construction will be taken into consideration, and the gross floor area of any structures which existed on such affected lot or premises as of the effective date of this Emergency, Temporary Interim Ordinance shall be excluded.

Section 8. Except as provided herein, development projects shall conform with all other provisions of the Zoning Ordinance. Where there is a conflict between the provisions of the Zoning Ordinance and this Emergency, Temporary Interim Ordinance, the provisions of the Emergency, Temporary Interim Ordinance shall apply.

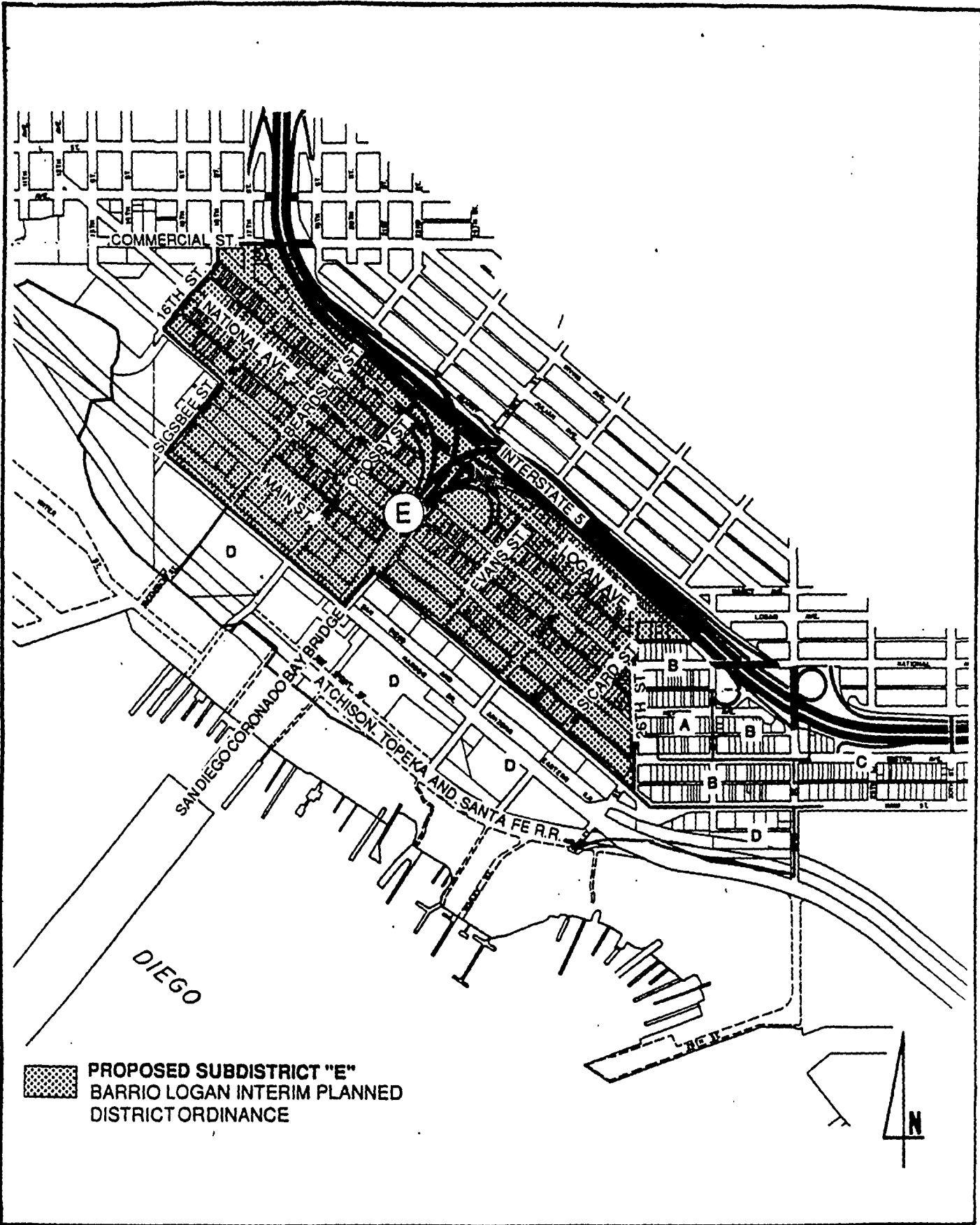
Section 9. The provisions of this Emergency, Temporary Interim Ordinance shall not apply to any project for which a building permit has been obtained from the City's Building Inspection Department prior to the effective date of this Emergency, Temporary Interim Ordinance. Requested amendments to approved permits shall be subject to the provisions of this Emergency, Temporary Interim Ordinance.

Section 10. This Emergency, Temporary Interim Ordinance shall take effect and be in force on the day of its adoption by the Council of The City of San Diego and shall remain in effect for a period of one year, or unless this Emergency, Temporary Interim Ordinance is extended by the City Council.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:lc
04/02/90
04/10/90 COR.COPY 1
04/13/90 COR.COPY 2
05/24/90 REV. 1
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DOCUMENT NO. 00-17467

FILED MAY 15 1990

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

EXHIBIT 1

CITY OF SAN DIEGO PLANNING DEPARTMENT

0-17467

3.501

MAY 15 1990

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"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

(Seal)

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

By *Ellen Board*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on
MAY 15 1990, said ordinance being of the kind and character
authorized for passage on its introduction by Section 16 of the Charter.

~~I FURTHER CERTIFY that the final reading of said ordinance was in full.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not
less than a majority of the members elected to the Council, and that there was available for the consideration
of each member of the Council and the public prior to the day of its passage a written or printed copy of said
ordinance.

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

(Seal)

By *Ellen Board*, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number 0-17467	Adopted MAY 15 1990

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90 MAY 24 PM 4: 52
SAN DIEGO, CALIF.



CERTIFICATE OF PUBLICATION

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SAN DIEGO, CALIF.

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CITY CLERK'S OFFICE
CITY ADM. BLDG., 2ND FLOOR
SAN DIEGO, CA. 92101

IN THE MATTER OF

NO.

AN EMERGENCY, TEMPORARY ORDINANCE AMENDING
THE BARRIO LOGAN PLANNED DISTRICT TO BE IN EFFECT FOR
ONE YEAR OR UNTIL IMPLEMENTING ORDINANCES FOR THE BARRIO LOGAN
REDEVELOPMENT PLAN ARE ADOPTED AND EXECUTED.

THOMAS D. KELLEHER

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

ORDINANCE NUMBER O-17467 (NEW SERIES)

AN EMERGENCY, TEMPORARY ORDINANCE AMENDING THE BARRIO LOGAN PLANNED DISTRICT TO BE IN EFFECT FOR ONE YEAR OR UNTIL IMPLEMENTING ORDINANCES FOR THE BARRIO LOGAN REDEVELOPMENT PLAN ARE ADOPTED AND EXECUTED.

The ordinance establishes, as an emergency measure, regulations applicable to development within a specified area of the Barrio Logan community which area is designated Subdistrict "E" and encompasses certain areas previously designated Subdistricts "A," "B" and "D." Land uses, development regulations and administrative procedures are established.

A complete copy of the ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

Introduced, reading dispensed with and adopted by the City Council of The City of San Diego May 15, 1990

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 ELLEN BOVARD, Deputy

Pub. June 4

185338

ORDINANCE NUMBER O-17467 (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:

JUNE 4

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

Dated at San Diego, California this 4 day of JUNE, 19 90

Thomas D. Kelleher

(Signature)

2 1/4 x 2 = 53.28